

No 1089

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walker 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 2 consecutive weeks in the regular and entire issue of said paper during the period of 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

April 10, 1980, and ending

with the issue of April 17, 1980

Fee \$ 11.52

Subscribed and sworn to before me this 28th day of April, 1980.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

MAY 2 1980

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

13-7279

CUB RIVER IRRIGATION CO.
C-O MERVIN J. BODILY, P.O. BOX 215, LEWISTON, UT 84320

Source: BEAR RIVER tributary to SALT LAKE

Date Filed: 03-31-1980

Amount: 25.00 CFS

Diversion Point: SESE Sec 20 T 16S R 39E, FRANKLIN Co.

Use: IRRIGATION (25.00 CFS) from 05-01 to 10-01

Place of Use: Lands of the Stockholders within Idaho and Utah.

Diversion Means: MOTOR, PUMPING AND CANAL.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before APRIL 28, 1980.

C. STEPHEN ALLRED
Director

Legal No. 1089 - 32L - Pub. April 10 and 17, 1980.

80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Cub River Irrigation Co. Phone (801) 258-2734
(801) 258-2371
Post office address P.O. Box 215, Lewiston, Utah 84320 (C/O Mervin J. Bodily)

2. Source of water supply Bear River which is a tributary of Salt Lake

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 Township 16S
Range 39E B.M. Franklin County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 25.0 for Irrigation purposes from May 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 25.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. will install an additional
350 Hp motor and pump at existing pumping plant. Water will be
pumped into canal

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower 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 _____.

(5) If water is to be used for other purposes describe: _____

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

LANDS OF THE STOCKHOLDERS

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
IDAHO																			
16S	39E	Sections	-	1, 2, 3,	10,	11,	12,	13,	14,	15,	21,	22,	23,	24,	25,	26,	27,	& 28	
UTAH																			
15N	1 W	Sections	-	35, 36															
14N	1 W	Sections	-	1, 2, 3,	11,	12,	13,	14,	15,	22,	23,	24,	25,	& 26					
14N	1 E	Sections	-	3, 4, 5,	6, 7,	8, 9,	10,	15,	16,	17,	18,	19,	20,	21,	28,	29,	30,	31, 32	

Total number of acres to be irrigated _____

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

See remarks

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

b. Who owns the land to be irrigated or place of use Stockholders of Cub River Irrigation Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant owns and operates delivery system

10. Remarks _____

DECREED RIGHT No. 13-0026 with a priority of 1880 for 42.50 cfs with 45%
of excess during spring flows not to exceed 158 cfs. Licensed right
No. 13-2066 with a priority of 12-11-1914 for 100 cfs.

Applicant wishes to appropriate water made available through Bear River
Compact of 1979, for use in both Idaho & Utah. It is estimated that 6.25 cfs
will be used in Idaho and the remainder of 18.34 cfs will be used in Utah

ACREAGE IS IN EXCESS OF 25,000 ACRES

ACREAGE IS IN EXCESS OF 25,000 ACRES

The image shows a full-page grid of graph paper. The grid consists of 15 columns and 25 rows. The first row and the first column are solid black lines, while the remaining lines are dashed. At the top of the page, centered, is the text "ACREAGE IS IN EXCESS OF 25,000 ACRES".

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.

R. Sid Karren
(Applicant)
R. SID KARRIN, President

Proposed Priority 3/31/80

Received by EMC Date 3/21/80 Time 1:45 P.M.

Preliminary check by QC Fee \$ 25.00 + 13.896

Receipted by EMC Date 3/31/80

Publication prepared by kw Date 4/03/80

Published in The Preston Citizen

Publication dates 4/10 & 4/17/80

Publication approved 712 Date 3/16/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7279, 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 January 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Use of water under this permit is subject to control by the watermaster of State Water District # 11, Bear River.

Witness my hand this 27th day of January, 19 81.

L. Glen Saxton

Director, Department of Water Resources

13-2279

CUB RIVER IRRIGATION CO.

C/O MERVIN J. BODILY, P.O. BOX 215, LEWISTON, UT 84320

Source: BEAR RIVER tributary to SALT LAKE

Date Filed: 03/31/1980

Amount: 25.00 CFS

Diversion Point: SESE Sec 20 T 16S R 39E, FRANKLIN Co.

Use: IRRIGATION (25.00 CFS) from 05/01 to 10/01

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If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before APRIL 28, 1980.

C. STEPHEN ALLRED

Director

Published 4/10 & 4/17/80.

April 9, 1980

RE: Application for Permit No. 13-7279 CUB RIVER IRRIGATION

Mr. Russell D. Stoker
Watermaster
Water District No. 11
279 E. 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is April 28, 1980, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure

INTER-DEPARTMENT MEMO — 1

FROM

Ernest

DATE

TO

Ron

SUBJECT —

The intent of this application was to appropriate water made available by the Bear River Compact. However the application is for natural flow from the River and it is ~~not~~ my understanding the Compact provides for additional storage. This being the case what ~~can~~ course of action can we take? If Cal R. Irrig. Co. does not have a storage reservoir how can they file on the water in question.

SIGNATURE

CONVERSATION MEMORANDUM

DATE 12-4-1980FILE 74-7076NAME OF PARTY Mr. Wheeler phone 801 258-2522EMPLOYEE Graet Carlson

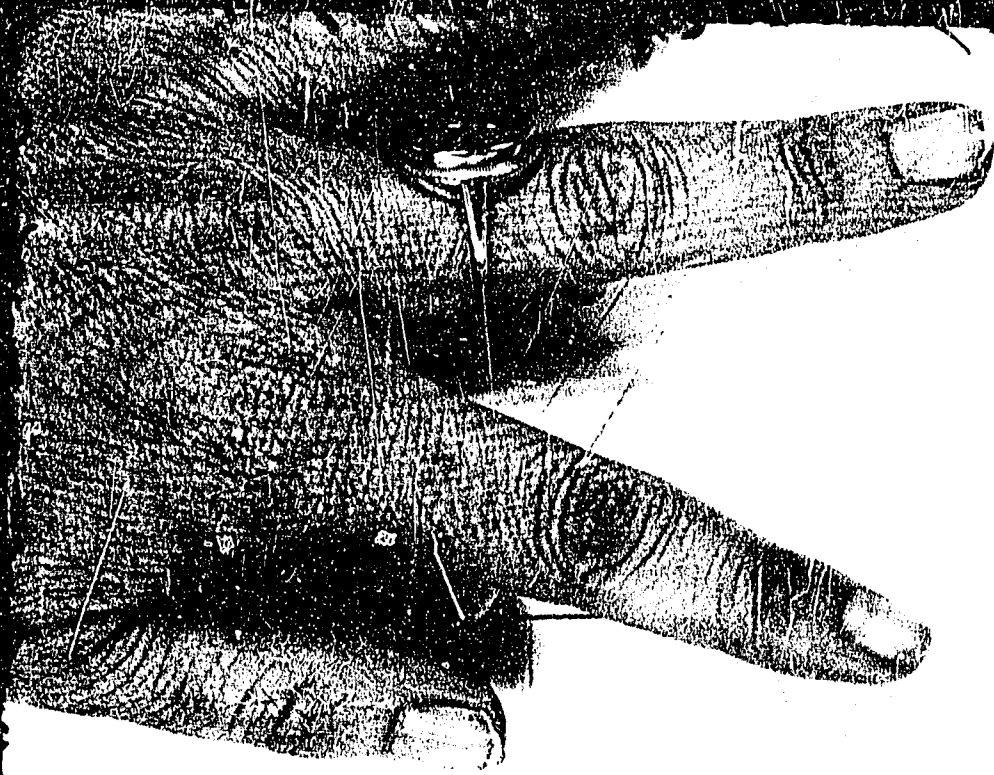
RE: How big Cat River div. has right to pump 100 cfs
not to exceed 20,000 AF/ANR. Need additional water
from last week in June to mid July. Present.
negotiating with UPI to divert 125 cfs during
crucial period and still not exceed 20,000 AF/ANR.
He has contacted Mike Turnipseed in Utah regarding
flows of Bear River into Utah during June & July.
Mr. Turnipseed stated he isn't allowing an additional
25 cfs to be diverted during this period would not adversely
affect water right in the River in Utah.
In past years diversion by Cat River Irrigation
has normally been 13-14,000 AF/ANR, 1977 highest diversion
of record & equalled 17,000 AF/ANR.

12/23/80

TO: Dave
FROM: Jim.
RE: Application 13-7279 CUB RIVER IRR. CO.

There ARE SEVERAL QUESTIONS RAISED BY THIS APP.

- 1) Applicant appears to be filing for water made available by 1979 BEAR River Compact. I don't believe the compact made natural flow available. This should be checked.
- 2) Conversation memo dated 12/4/80 shows that Cub River has not diverted total volume allowed under existing rights (13-2066 is a Bear River Source). IF more volume is needed they should be able to divert it under 13-2066 - no new appropriation needed - why file for another right?
- 3) A representative in Utah (Turnipseed) was contacted and stated that no existing water rights would be injured if ^{additional} 25 cfs was diverted. I know of at least ~~two~~ ^{three} situations that would be adversely affected.
 - 1) Contract between UP&L and U&I sugar company for 1000 cfs.
 - 2) U.S. Sports Fishery and Wildlife water rights.
 - 3) UP&L power right at Cutler.



- 4) Remarks made on application show that 6.25 cfs is intended for use in Idaho and the remainder in Utah.

Should the application, if allowed, be limited to 6.25 cfs.? I understand that Idaho cannot recognize uses in other states unless the other state has legislation that recognizes use in Idaho.

This should be checked.

- 5) Should the application be changed to more accurately reflect the provisions of the 1979 compact?

- 6) No response from water master was received ~~from~~^{on} letter sent 4/9/1980.

Based upon comments ~~made~~^{identified} in item 2) here in I doubt that water is available to fill new appropriations during June and July. The water master records should be reviewed to determine history of cub river diversion priority cuts.

INTER-DEPARTMENT MEMO — 1

DATE 12/23/80

FROM Dave Tutthill
TO Alan Robertson
SUBJECT 13-7279

Do you have any comments or responses to the questions that Sim raises regarding the Bear River Compact?

RECEIVED

DEC 29 1980

Department of Water Resources
Eastern District Office

Dave

SIGNATURE

MEMO

To: Dave Tuthill *VT*

December 29, 1980

From: Ernest Carlsen *mc*

RE: 13-7279

It appears this application was meant to go to Alan Robertson and some how ended up back on my desk. However, since there are numerous questions concerning the application, I probably should respond to them.

Cub River Irrigation Company, the last major irrigation diversion in Idaho on the Bear River, pumps all of its water. Their diversion works presently has the capability of diverting 100 cfs. Historically they have experienced water shortages during June and July and for this reason they filed Application No. 13-7279 initially with the hopes of appropriating water made available through the Bear River Compact.

However, the Compact only addresses storage water and since the Company did not wish to construct a reservoir they decided to approach Utah Power and Light with a request to divert an additional 25 cfs over the 100 cfs they already could divert. The contract with Utah Power and Light is necessary because they will supply the electricity.



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

January 7, 1981

MEMO

TO: Dave Tuthill *VRT*
FROM: Alan Robertson
SUBJECT: CUB RIVER IRRIGATION CO. APPLICATION, NO. 13-7279

Following are comments referring to Jim Johnson's numbered questions:

1. The Bear River Compact does not make any additional water available. In the Lower Division (below Bear Lake) it allocates between Idaho and Utah any future additional depletions which may occur. Until the states approach their allocated limits, the normal water rights processes apply.

2. The watermaster reports show Cub River pumps regularly divert 100 cfs for a few days to a few weeks each summer. They are, therefore, using all that 13-2066 allows at times of maximum need.

3. I agree with Jim's assessment except that the frequency with which they would affect the Bear River Migratory Bird Refuge (USF&WS) right and the Cutler power right would probably be low. This is because Cub River is apparently applying for supplemental water to meet their peak requirements. At that time, there is usually no flow below Cutler except leakage. I suggest you check the land description in 13-7279 against 13-2066 to confirm that it is supplemental. *checked. Same land desc.*

The UP&L/U&I contract that Jim mentioned would still be met. The real effect is that more stored water would be taken from Bear Lake to meet the contract commitment.

4. The compact (Art. VIII, par. B) grants the authority for users in one state to acquire rights in an adjacent state.

5. Applicant's remark shows a lack of understanding of the compact. It probably should be deleted.

6. It is not possible to determine the history of Cub River cuts because the Watermaster reports do not show that. Examinations of the gains available to Cub River Co. in a few cases indicates there probably would be times when the new right would be good. Most of the time, however, the additional diversion would be stored water from Bear Lake. It is also obvious that they are now frequently diverting Bear Lake water but are not charged for it.

This application raises the question of adequacy of our management of Bear River water deliveries. As mentioned above, it is not possible to determine the cuts of Cub River Co. natural flow rights because that is not determined by the Watermaster. Yet, the compact requires that during a water emergency (inadequate water to meet Utah rights) Idaho and Utah rights must be delivered by priorities without regard to state identity. This includes rights on the tributaries where we do not have administration with respect to the river.

AR:mb

Plan

6. It is not possible to determine the history of Cub River cuts because the Watermaster reports do not show that. Examinations of the gains available to Cub River Co. in a few cases indicates there probably would be times when the new right would be good. Most of the time, however, the additional diversion would be stored water from Bear Lake. It is also obvious that they are now frequently diverting Bear Lake water but are not charged for it.

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AR:mb

Alan

February 5, 1981

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

Dear Sirs,

RE: Permit No. 13-7279

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing the different types of measuring devices accepted by this office.

We note the remark under Item 10 of the application stating, "Applicant wishes to appropriate water made available through Bear River Compact of 1979, for use in both Idaho and Utah." Please be advised that the new Bear River Compact did not make available any additional water, but rather serves to allocate any remaining flows. During many summers there is an insufficient supply to satisfy existing water rights from Bear River. However, excess water during high water periods of some years can be appropriated pursuant to this permit. At sometime in the future your diversion may under this permit be closely regulated by a watermaster.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Supervisor, Water Allocation Section

DRT:mr
Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

13 7279

INITIAL REVIEW BY: jc

APPLICATION NUMBER: Bear River

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map. is not required
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other Water Master Bear River 13-11-cw Kew 4/14

PROCESSING:

- ☒ Yes ☐ No Platted by: jc Map No. DD-93 13-11-cw
☒ Yes ☐ No Other rights of same place of use. 13-0036, 13-2066
☒ Yes ☐ No* In form for advertising. April 28 ✓
☐ Yes ☒ No Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5/02/80 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 11
3/31/1980 Date of priority recommended.
✓ Special conditions of approval or cover letter. _____

By: Ernest Carlson Date: 12-5-1980

STATE OFFICE REVIEW:

SLW/LO2 01.04.05 (11 Bear River)

☐ See attached sheet for more information.

By: Robyn Date: 12/23/80

MICROFILMED

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7279 IN THE
NAME OF CUB RIVER IRRIGATION CO.

ORDER OF REINSTATEMENT

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1986; and,

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

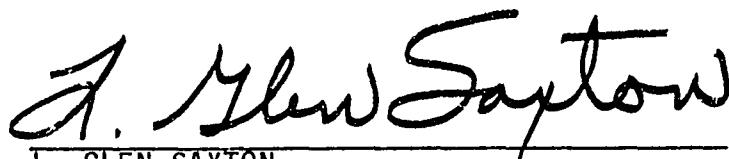
WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on February 3, 1986;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7279 be REINSTATED and the priority advanced to May 3, 1980.

Dated this 21st day of February, 1986.


L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
OCTOBER 31, 1985

138429

CUB RIVER IRRIGATION CO.
C/O MERVIN J. BODILY
P.O. BOX 215
LEWISTON, UT 84320

PROOF DUE NOTICE

RE: PERMIT NO. 13-7279

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
JANUARY 13, 1986

CUB RIVER IRRIGATION CO.
C/O MERVIN J. BODILY
P.O. BOX 215
LEWISTON, UT 84320

LAPSE NOTICE

RE: PERMIT NO. 13-7279

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SHOWING THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED OCTOBER 31, 1985.

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

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 1-27-1986
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
FEB 3 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 13-7279

Name(s) of Permit Holder: CUB RIVER IRRIGATION CO.

Post Office Address: Box 215

Telephone No. 258-2371

Source of Water: BEAR RIVER

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 15,000 ACRES (acres)

Other/Remarks CANAL COMPANY

Indicate the date water was first diverted and beneficially used under this permit: MAY 1988 1981

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Regan WHEELER (Name)

2530 West 2000 South (Address) 801-258-2522 (Telephone Number)

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

1/28/86
Date

Regan Wheeler president
Signature of Permit Holder (and Title, if appropriate)

2-2-86

^ALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 13-7279

DATE: Feb. 21, 1980

Date proof received

34

Feb 3

Proof due

- 1

Jan. 1

Number of day proof late

33

Priority date

+ 90

Mar. 31, 1980

New priority date

123

May 3, 1980

Remarks: