

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 13-34B
Date Received: 7/8/2024
Receipt No: P001222
Claim Fee: \$300.00
Received By: MB

RECEIVED

AUG 26 2024

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CITY OF PRESTON
70 W ONEIDA
PRESTON ID 83263

Phone:

DAN KELLER
70 W ONEIDA
PRESTON ID 83263

Phone:

2. Date of Priority: 1/1/1880

3. Source:
BERGQUIST SPRING

Trib. to:
CUB RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	41E	10	NE NE		FRANKLIN	

5. Description of diverting works:

Approximately 12 mile long pipeline to City of Preston. Water is captured through a piping system from the spring. A headgate is used to control the flow that enters the system. Water is delivered to the municipalities 3 storage tanks totaling approximately 4 million gallons. From there it is delivered throughout the municipalities system and uses.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
MUNICIPAL	11/01	3/31	2.5		

7. Total Quantity Appropriated is:

2.5 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

Municipal use for the City of Preston.

9. Place of use:

SEE ATTACHMENT FOR CLAIMED LEGAL DESCRIPTIONS.

10. Do you own the property listed above as place of use? No

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

13- 26C, 13-27, 13-28 and shares in Cub River Irrigation Company.

12. Remarks:

Priority Date Explanation:

This is the date decreed and the use continues today.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Diversion of water from Berquist Spring is limited to those times water is available for diversion under this right and priority from Cub River.

Use of water under this right may be affected by an agreement between the protestant and the right holder.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the watermaster for measuring the flow in Cub River at the original point of diversion.

Place of use is located within the City of Preston and surrounding service area.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this water right will be regulated by the watermaster of State Water District No. 13-A, Cub River.

Approval of Transfer 68302 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

13. Basis of Claim: Decreed

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

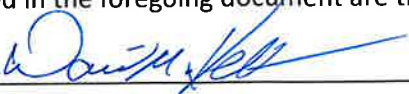
Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

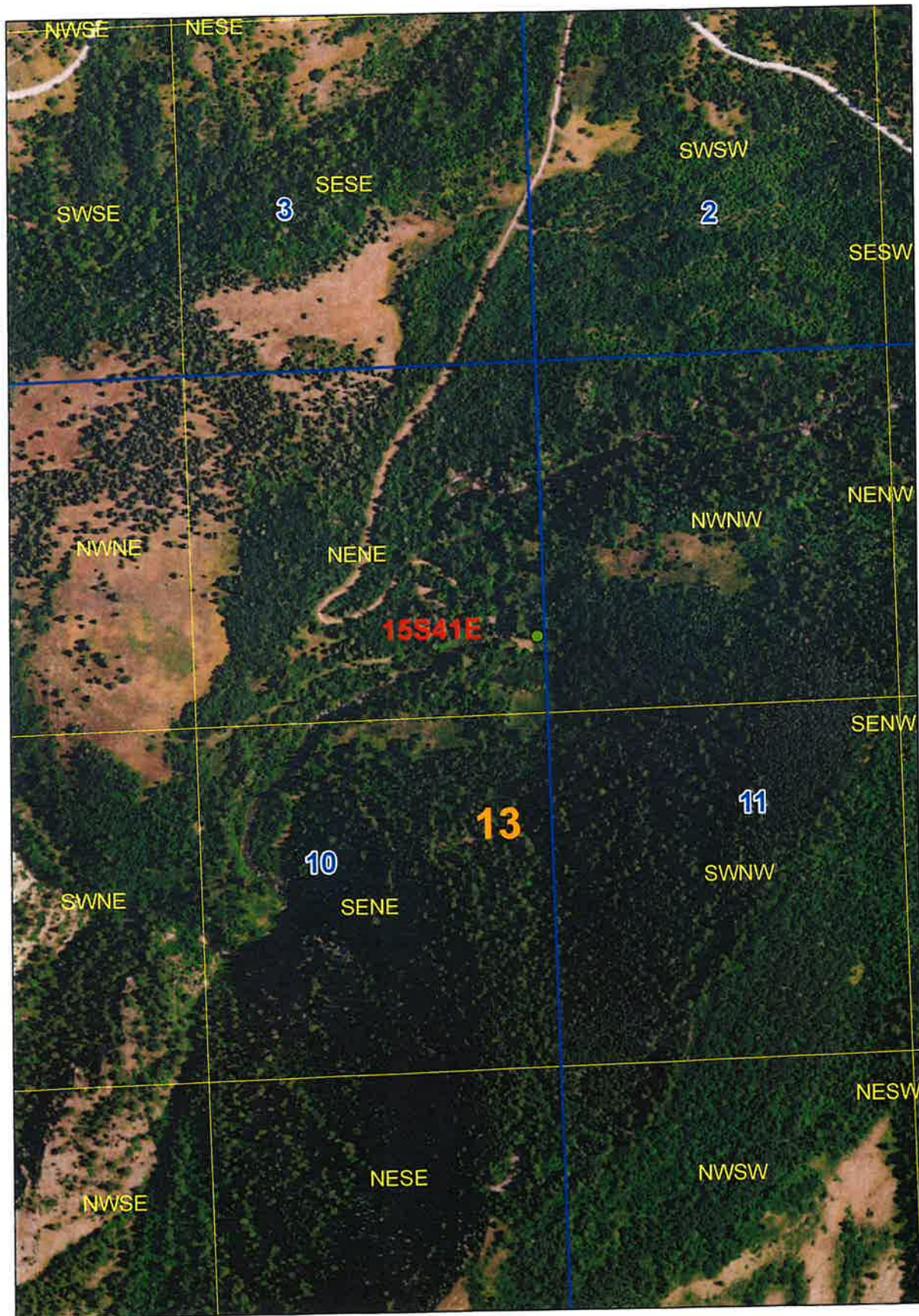
_____ Mayor _____ of _____ City of Preston _____,
Agents Title (please print) Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 7/08/2024

Printed Name of Authorized Agent ____Dan Keller_____

BRBA Claim Point of Diversion for City of Preston

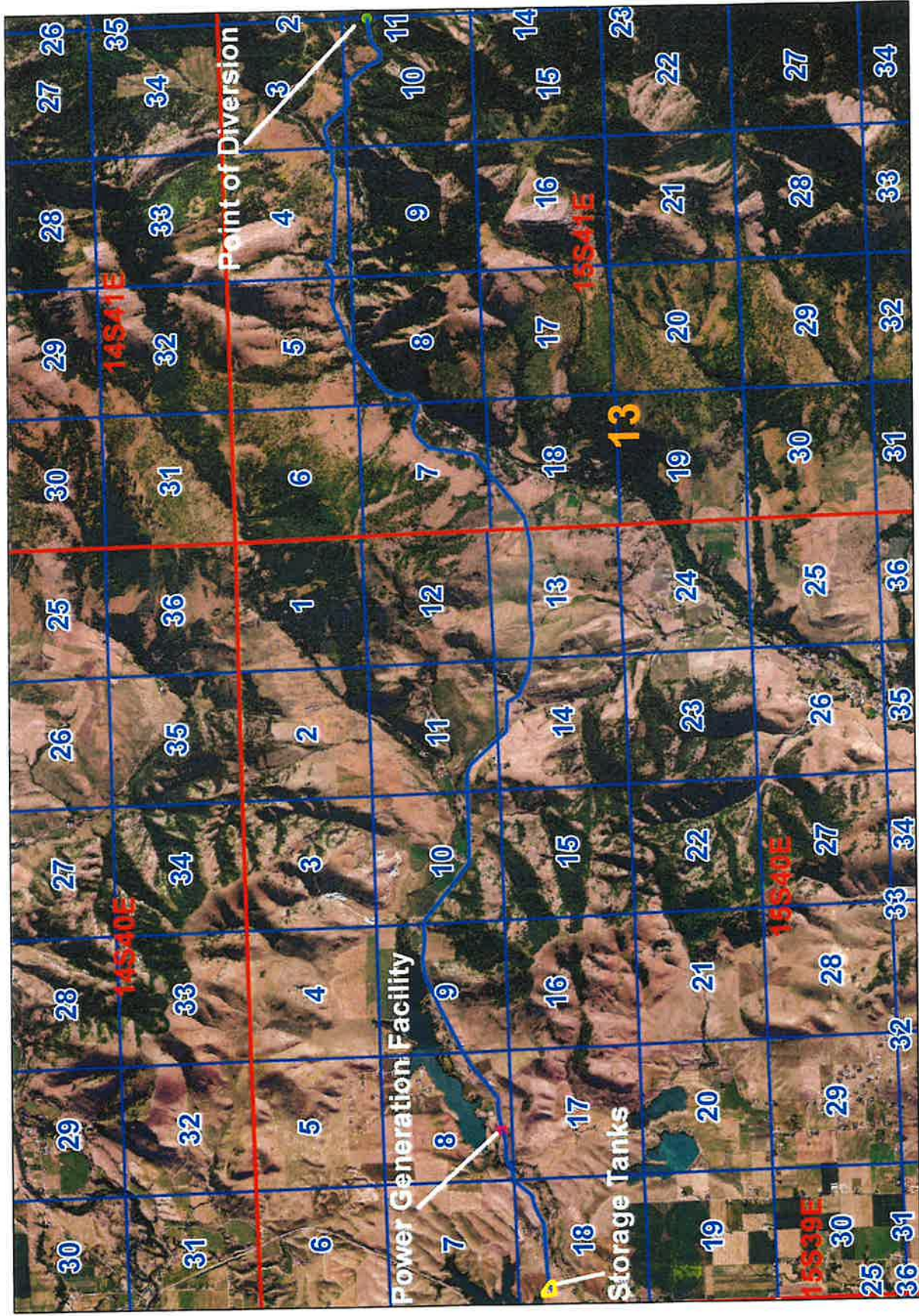


Point of Diversion: ●

0 230 460 920 Feet



BRBA Claim Diversion Works Map



Enclosed Pipe System: _____



