

**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
RECEIVED**

JUL 29 2025

CIVIL CASE NUMBER: 79576

Claim ID: 13-222

Date Received: 7/29/25

Receipt No: P003060

Claim Fee: 5610.00 By: MB

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

Please type or print clearly

1. Name of claimant(s) Cub River Irrigation Company Phone (435) 760-8325
Mailing address PO Box 215, Lewiston, Utah Zip 84320
Street or Box City State
Email address (optional) cubriverirrigation@gmail.com
2. Date of priority: (Only one per claim) April 1, 1872 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Worm Creek
which is tributary to (b) Cub River
4. a. Location of point of diversion is: Township 16S, Range 39E, Section 1,
SE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. RP02607.01
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Worm Creek combines with Cub River Canal and water is collected at a cement structure
with separate headgates that divert into Worm Creek or continue down the Cub River Canal.
(See attached picture of headgate.)

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/01 to 11/01 amount 15.0 or 6398

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 15.0 (cfs) and/or (b) 6398 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

PLACE OF USE LOCATED WITHIN THE PERMISSIBLE SERVICE AREA OF CUB RIVER IRRIGATION COMPANY (SEE ATTACHED MAP)

Parcel no(s). Unknown Total number of acres irrigated 5,560 acres

10. In which county(ies) are lands listed above as place of use located? Franklin

11. Do you own the property listed above as place of use? Yes () No (✓)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
13-26B, 13-2066, 13-7279, beneficial uses claims, and Bear Lake storage water or None ()

13. Remarks (Include an explanation of the priority date selected):

This claim is based on decreed water right no. 13-222. Irrigated lands within the place of use is owned by shareholders of the Company. Cub River Irrigation Company's irrigation water rights collectively authorize the irrigation of 24,656 acres within its service area.

Attachments:

- IDWR Water Right Report 13-222
- Current POU & POD
- Map of current POD
- Maps of Idaho and Utah POU (served acres)
- Idaho and Utah Service Area Map

Name of claimant(s) Cub River Irrigation Company Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court _____ Decree Date May 21, 1981 Plaintiff v. Defendant State of Idaho v. Margurett D. Ainscough, et. al.
If applicable provide IDWR Water Right Number 13-222 Aka "The Worm Creek Decree."

15. Signature(s)

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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: 5

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 that I have signed the foregoing document in the space below as the

President _____ of Cub River Irrigation Company
Agent's 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 Christopher Karren Date 7-25-23
Printed Name of Authorized Agent Christopher Karren

16. Notice of Appearance:

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 7-28-23

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Cub River Irrigation Company Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Worm Creek/Cub River Canal Headgate



Cub River Irrigation Company

Close

Water Right Report : 13-222(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	CUB RIVER IRRIGATION CO	PO BOX 215	LEWISTON	UT	84320

Water Right Status

Priority Date : 4/1/1872
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WORM CREEK		CUB RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQ	Q	Q	County	Diversion Type
WORM CREEK	15S	39E	36	0				NE SW FRANKLIN	
WORM CREEK	16S	39E	1	0				SE SW FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	15.00 CFS	6398.00 AFA
TOTAL			15.00 CFS	6398.00 AFA

Places of Use

Printable View

Paged View

Irrigation Totals

Total Acres Acre Limit

Conditions

Code Conditions

P/U WITHIN THE LANDS OF CUB RIVER IRRIGATION CO. AC. IRR.= 5560. THIS RT. SHALL BE FILLED BY THE WATERS IN WORM CR. AFTER THE EXISTING UPSTREAM WATER RTS. HAVE BEEN FILLED, EVEN THOUGH THE EXISTING UPSTREAM WATER RTS. MAY HAVE A LATER PRIORITY OF USE.

Dates

Licensed Date :
Decreed Date : 5/21/1981
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

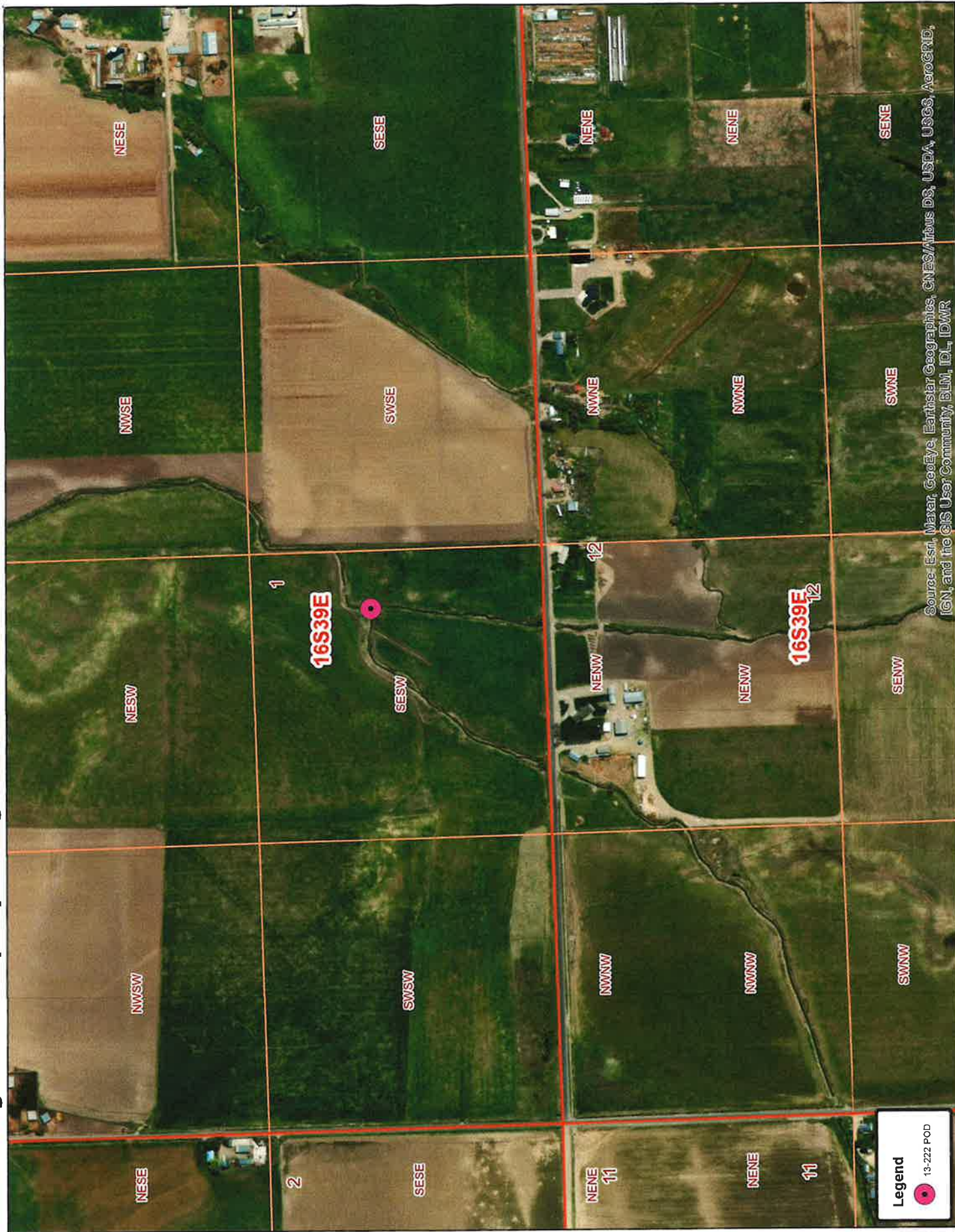
Other Information

State or Federal :
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/23/2025

Cub River Irrigation Company - Irrigation POD - Worm Creek



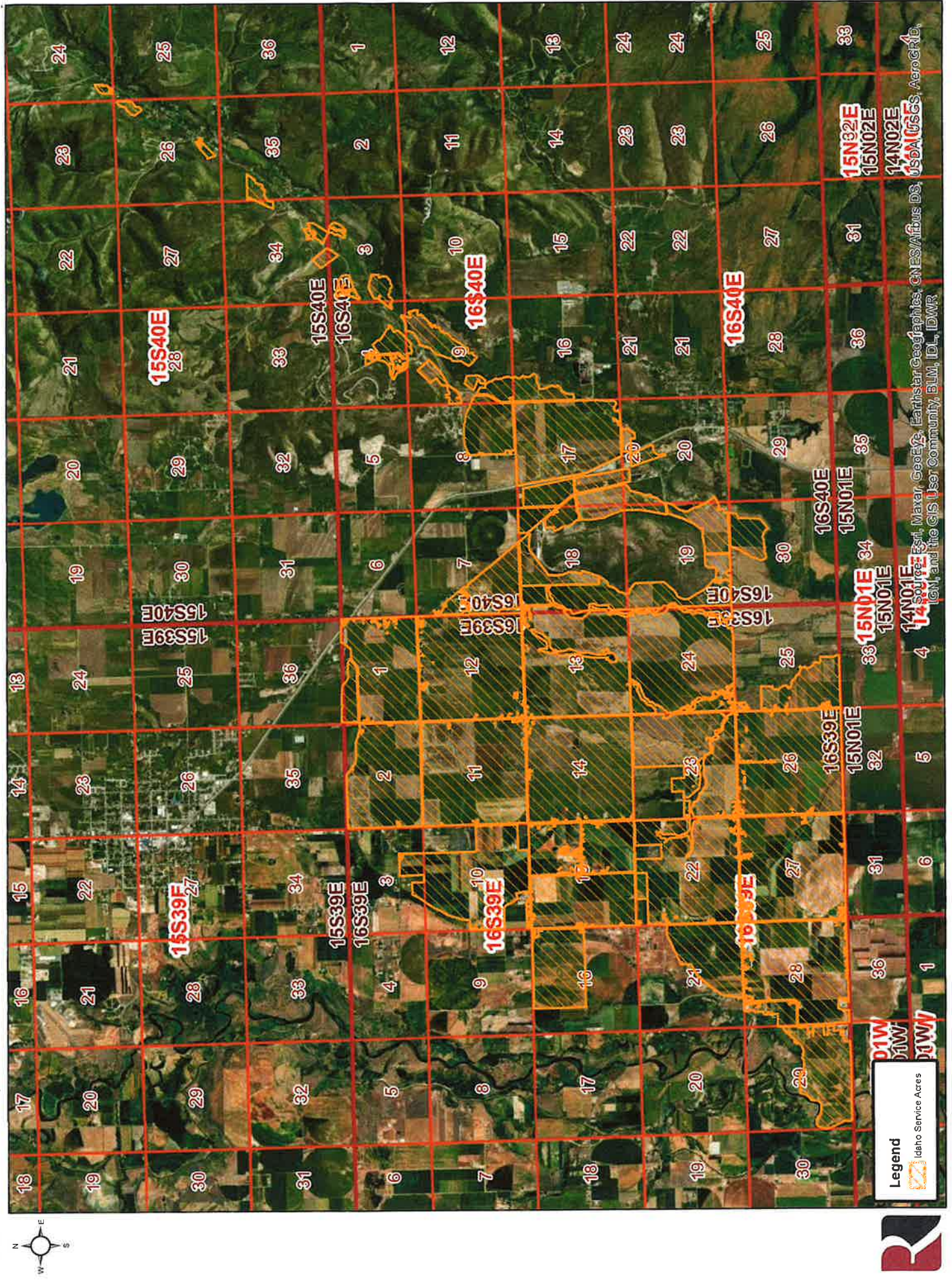
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, BLM, IDL, IDWR

Legend

13-222 POD



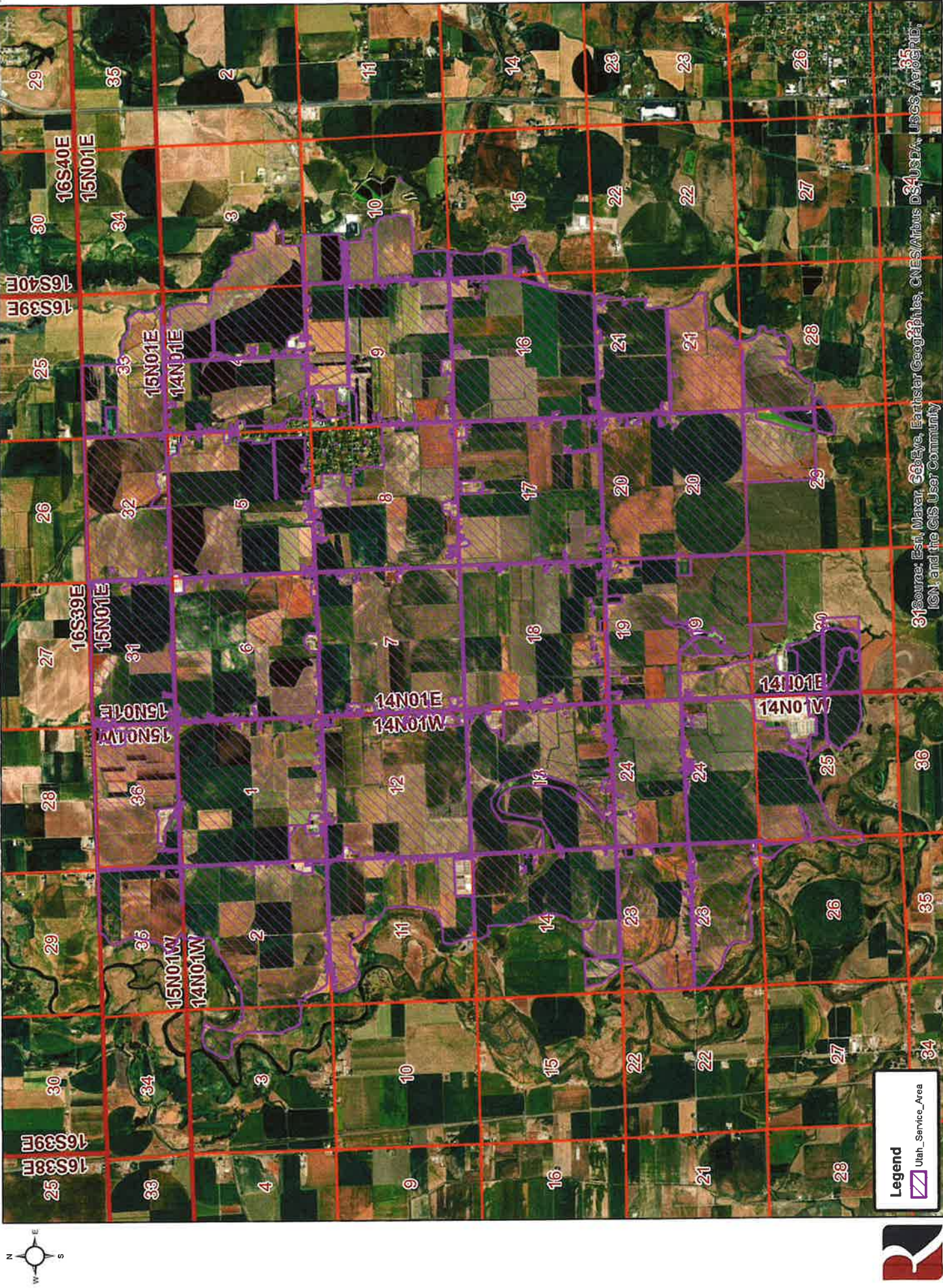
Cub River Irrigation Company - Idaho Serviced Acres



Legend
Idaho Service Acres

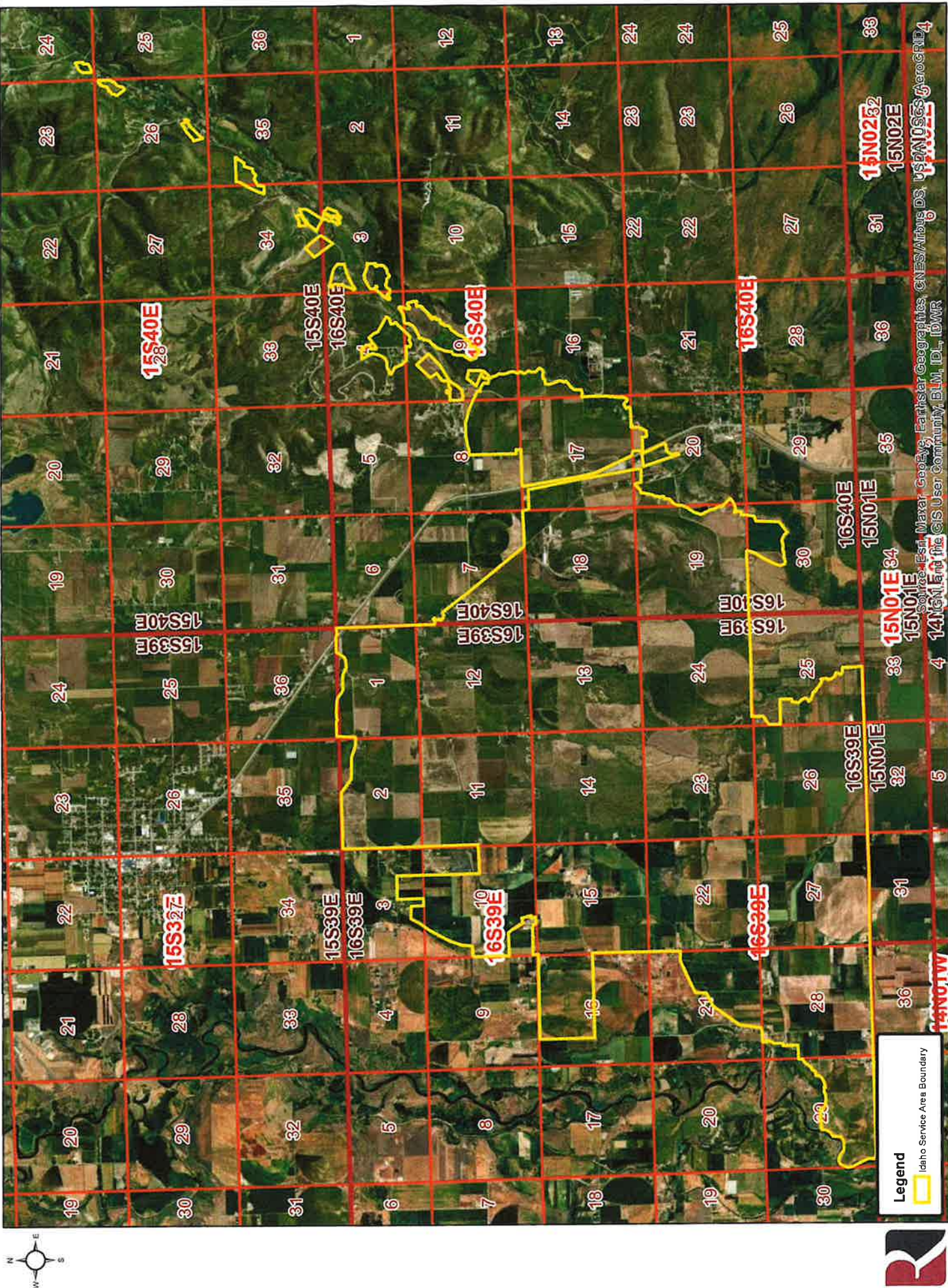


Cub River Irrigation Company - Utah Serviced Acres



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Cub River Irrigation Company - Idaho Service Area Boundary

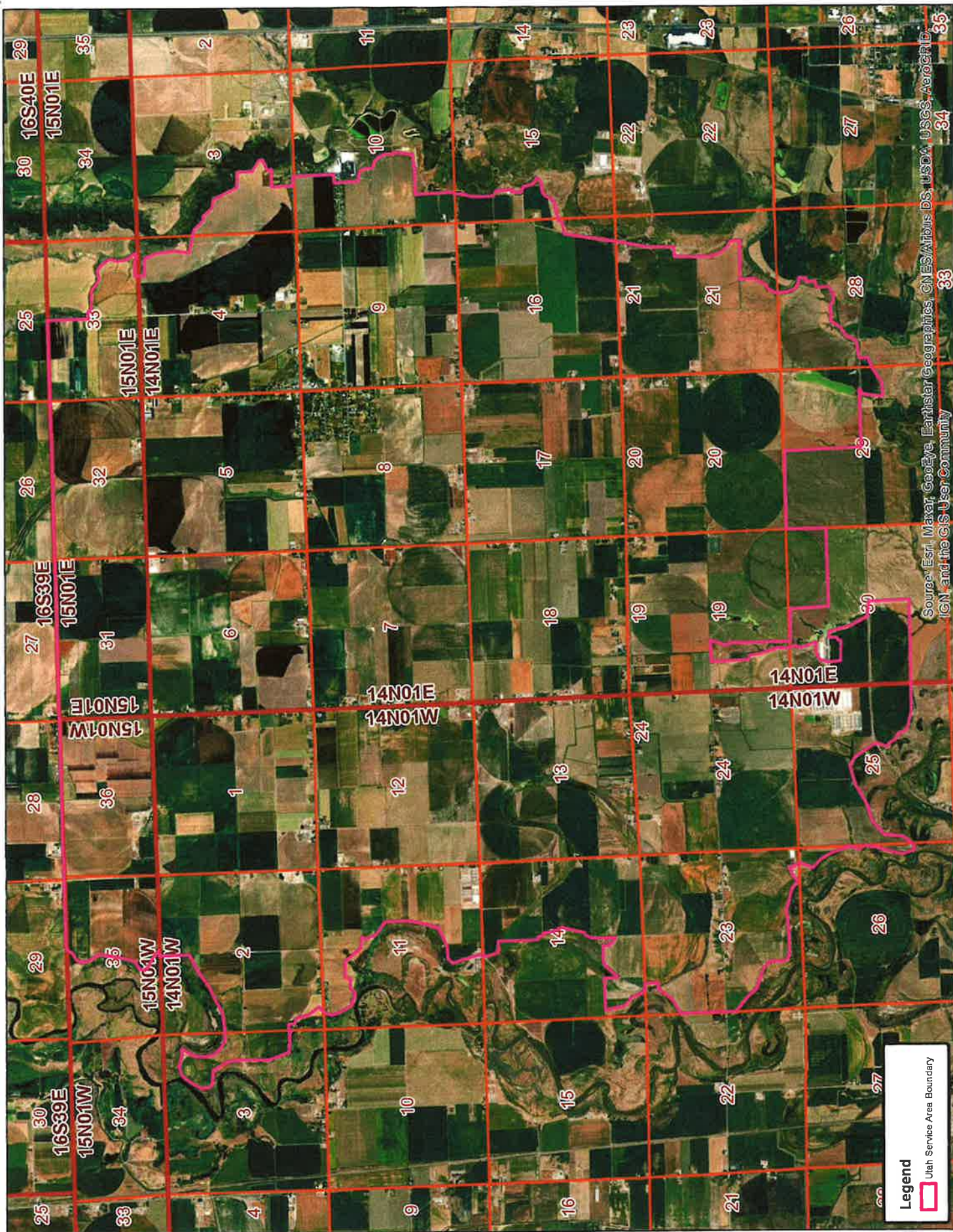


Legend
Idaho Service Area Boundary



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community BLM, IDL, IDWR

Cub River Irrigation Company - Utah Service Area Boundary



Legend
 Utah Service Area Boundary



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



RECEIVED
JUL 29 2025
IDWR/Preston

July 28, 2025

Idaho Dept. of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Sent via Email & U.S. Mail

**Re: Cub River Irrigation Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed please find for filing the originals of twelve (12) Notices of Claims to Water Rights filed on behalf of Cub River Irrigation Company. A check in the amount of \$26,706.00 for the filing fees will be hand delivered to the IDWR office. The fees are broken down as follows:

Claim 1 (13-26D): \$50 flat fee + \$420 (\$100.00 per cfs x 4.14 cfs) = \$470

Claim 2 (13-34A): \$50 flat fee + \$30 (\$100.00 per cfs x 0.3 cfs) = \$80

Claim 3 (13-26B): \$50 flat fee + \$1,530 (\$1.00 per acre x 1,530) + \$1,000 (\$100 per cfs x 10 cfs) for stockwater = \$2,580

Claim 4 (13-222): \$50 flat fee + \$5,560 (\$1.00 per acre x 5,560 acres) = \$5,610

Claim 5 (13-2066): \$50 flat fee + \$6,280 (\$1.00 per acre x 6,280 acres) = \$6,330

Claim 6 (13-7279): \$50 flat fee + (no variable fee for acreage as already claimed) = \$50

Claim 7 (Enlargement): \$50 flat fee + \$11,286 (\$1.00 per acre x 11,286 acres) = \$11,336

Claim 8: \$50 flat fee + (no variable fee for acreage as already claimed) = \$50.00

Claim 9 (Storage Water): \$50 flat fee + (no variable fee for acreage as already claimed) = \$50.00

Claim 10 (Storage Water): \$50 flat fee + (no variable fee for acreage as already claimed) = \$50.00

Claim 11 (Storage Water): \$50 flat fee + (no variable fee for acreage as already claimed) = \$50.00

Claim 12 (Storage Water): \$50 flat fee + (no variable fee for acreage as already claimed) = \$50.00

Total: \$26,706

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

TESSA SPARROW
Paralegal

Enclosure

c: Cub River Irrigation Company