

**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

Claim ID: # 13-2287

Date Received: 2/7/25

Receipt No: POC/837

Claim Fee: \$50.00 By: MB

RECEIVED

FEB 07 2025

IDWR/Preston

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

Please type or print clearly

1. Name of claimant(s) Consolidated Irrigation Company Phone (208) 223-4045
Mailing address P.O. Box 54 Preston Idaho Zip 83263
Street or Box City State
Email address (optional) consolidatedirrigationco@gmail.com
2. Date of priority: (Only one per claim) September 18, 1923 (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 SEE, Range ATTACHED, Section SHEET,
1/4 of 1/4, Govt. Lot , BM, County of Franklin
Parcel no.
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.
Headgate into open canal

6. Water is claimed for the following purposes:

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

For Diversion to Storage purposes from 10/1 to 6/15 amount 10 or _____

For Irrigation from Storage purposes from 4/1 to 10/31 amount _____ or 4265

For Irrigation Storage purposes from 1/1 to 12/31 amount _____ or 730

For Stockwater purposes from 4/1 to 10/31 amount _____ or 4265

7. Total quantity claimed (a) 10 (cfs) and/or (b) 4265 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater use by Consolidated stockholders of various animals and numbers

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
			DIG	IT	AL	BO	UN	DA	RY										

Parcel no(s). _____ Total number of acres irrigated 15444

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.
See attached spreadsheet list. or None ()

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

~~Place of use is owned by Consolidated shareholders. Storage facility is Johnson Reservoir, and under an approved exchange, also Glendale Reservoir.~~

This right is subject to the following conditions:

~~"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Diversion of water for storage in Glendale Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 af."~~

"The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."

Name of claimant(s) Consolidated Irrigation Company

Claim ID _____

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

Court District Court Decree Date May 21, 1981 Plaintiff v. Defendant Worm Creek Decree

If applicable provide IDWR Water Right Number 13-2287

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.

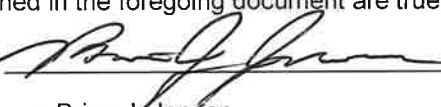
Signature of Claimant (s) _____ Date: _____

_____ 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

Brian J. Jensen of Consolidated Irrigation Company
Agent's title (Please print) Name of organization (Please print)

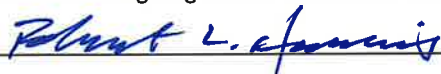
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 2/5/2025

Printed Name of Authorized Agent Brian J. Jensen

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Robert L. Harris, 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.

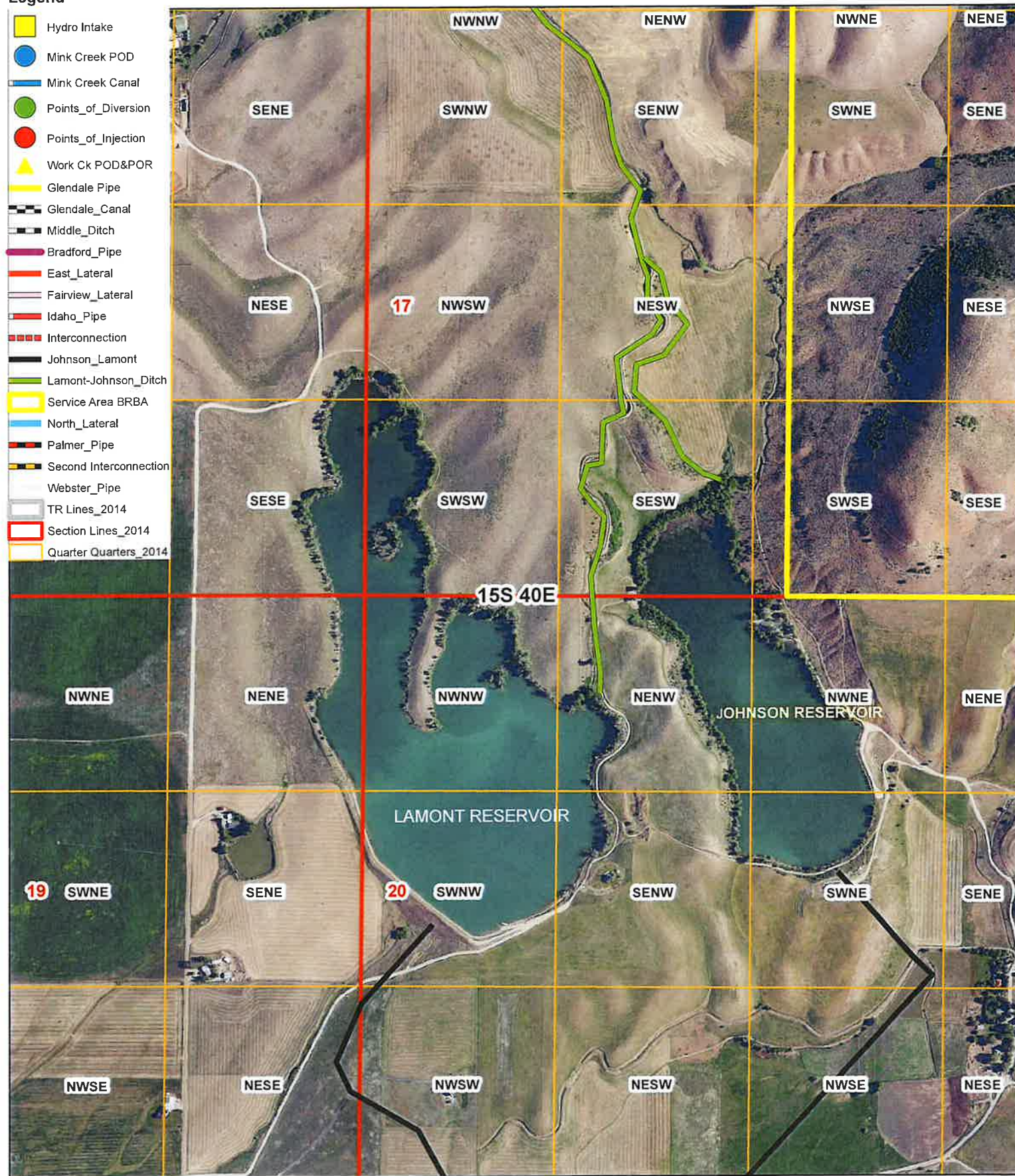
Signature  Date 2/5/2025

Address HKHC, P.O. Box 50130, Idaho Falls, ID 83402

Name of claimant(s) Consolidated Irrigation Company Claim ID _____

CONSOLIDATED IRRIGATION COMPANY WORM CREEK POINTS OF DIVERSION FOR STORAGE RIGHTS	
Worm Creek PODs	NWSE, Sec. 10, 15S, 40E (Johnson-Lamont Fill Ditch) SESW, Sec. 8, 15S, 40E (Glendale Dam) Under an approved exchange, a portion of this right can be diverted from Cub River at this POD: NENW, Sec. 8, T15S, R41E (Glendale Canal)
Worm Creek Points of Rediversion	SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E

- Hydro Intake
- Mink Creek POD
- Mink Creek Canal
- Points_of_Diversion
- Points_of_Injection
- Work Ck POD&POR
- Glendale Pipe
- Glendale_Canal
- Middle_Ditch
- Bradford_Pipe
- East_Lateral
- Fairview_Lateral
- Idaho_Pipe
- Interconnection
- Johnson_Lamont
- Lamont-Johnson_Ditch
- Service Area BRBA
- North_Lateral
- Palmer_Pipe
- Second Interconnection
- Webster_Pipe
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014



2021 Aerial Photo

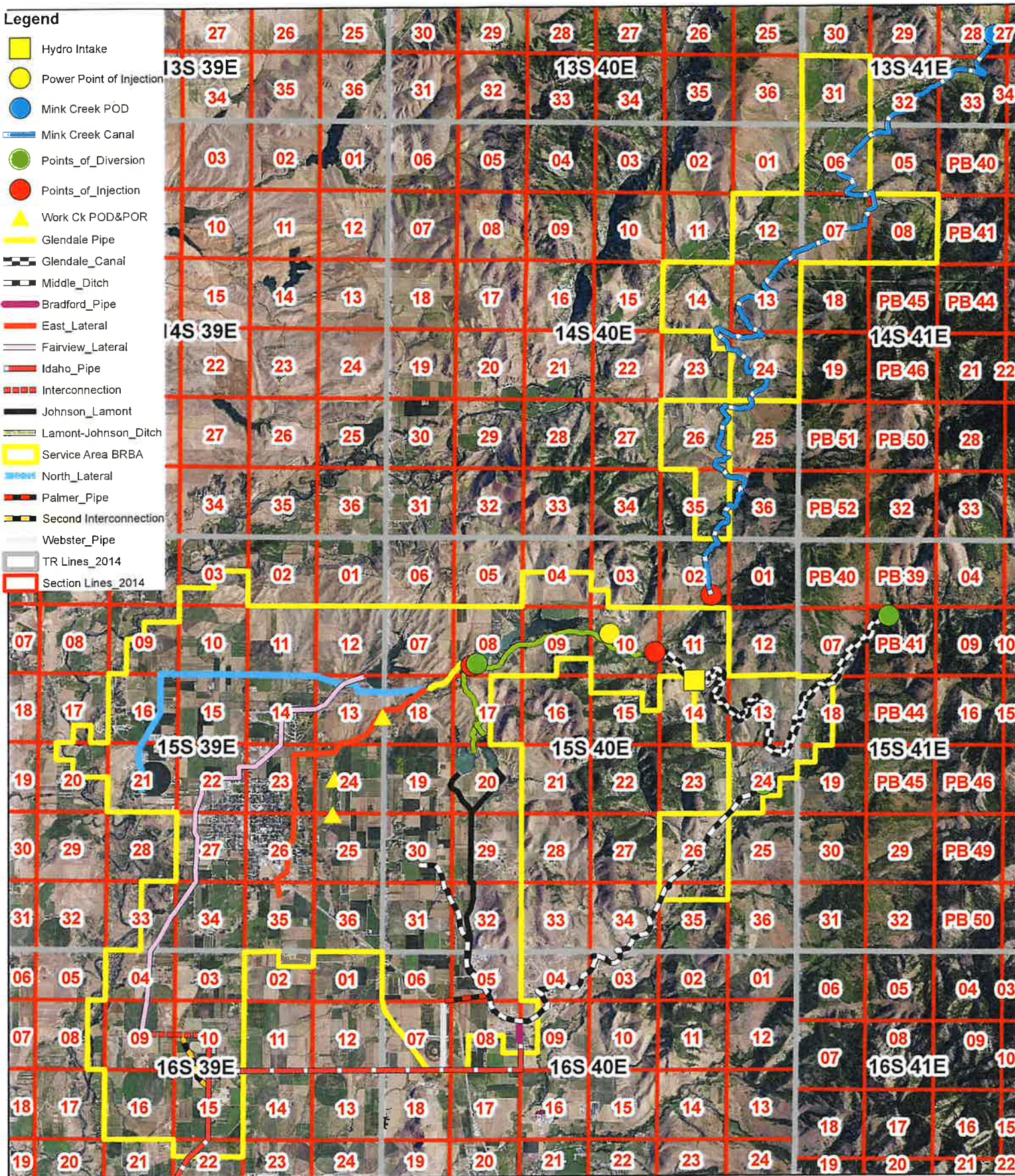


CONSOLIDATED BRBA CLAIMS



Legend

- Hydro Intake
- Power Point of Injection
- Mink Creek POD
- Mink Creek Canal
- Points_of_Diversion
- Points_of_Injection
- Work Ck POD&POR
- Glendale Pipe
- Glendale_Canal
- Middle_Ditch
- Bradford_Pipe
- East_Lateral
- Fairview_Lateral
- Idaho_Pipe
- Interconnection
- Johnson_Lamont
- Lamont-Johnson_Ditch
- Service Area BRBA
- North_Lateral
- Palmer_Pipe
- Second Interconnection
- Webster_Pipe
- TR Lines_2014
- Section Lines_2014



2021 Aerial Photo



CONSOLIDATED IRRIGATION CO. WATER RIGHTS

Water Right No.	Priority Date	Source	Tributary To	Beneficial Use	Season of Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Volume Limitation (AF)	Point of Diversion	Acres Limitation	Applicable Court Decree or License	Conditions	Notes
13-2 (embed w/ 13-3)	4/1/1882	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	55			NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		McEwan v. Franklin Cty. Sugar Co. (McEwan Decree (1924))	This right also enjoys the provisions of a "high flow" provision contained in the McEwan Decree. In addition to the base diversion rate of 55 cfs, this high flow provision authorizes Consolidated to divert 55% of the flows in Cub River when the overall flows in Cub River exceed 100 cfs, up to a total diversion under this right of 154.9 cfs. See McEwan Decree paragraphs 4 and 5.	Originally a Preston-Whitney Irrigation Co. right. Before then, it was a Cub River and Worm Creek Canal Company and Cub River Middle Ditch Company rights.
13-2104	3/14/1924	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	25			NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		License (7/22/1930)		Originally a Preston-Whitney Irrigation Co. right.
13-2302 (portion)	1/9/1962	Cub River	Bear River	Irrigation Stockwater	4/1 to 10/31	6.8		2282	NENW, Sec. 8, T15S, R41E (Glendale Canal) NWSE, Sec. 24, T15S, R40E (Middle Ditch)		Worm Creek Decree (1981)		Originally a Preston-Whitney Reservoir Company right. Originally combined with a storage water component. Irrigation component is claimed separately.
13-35 (embed w/ 13-36, 13-37, 13-38)	1/1/1882	Cub River	Bear River	Municipal	1/1 to 12/31	12			NENW, Sec. 8, T15S, 41E (Glendale Canal) NWSE, Sec. 24, T15S, 40E (Middle Ditch)		McEwan v. Franklin Cty. Sugar Co. (McEwan Decree (1924))	The rights associated with this claim are described in paragraph 24 of the McEwan Decree.	Originally Cub River Middle Ditch Company and Cub River and Worm Creek Canal Company rights.
13-2022	12/5/1908 (9/17/1910)	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	30			NWSE, Sec. 10, T5S, 40E (Johnson Lamont Fill Ditch) SESW, Sec. 8, T5S, 40E SESW, Sec. 8, T5S, 40E NESE, Sec. 13, T5S, 39E NESW, Sec. 24, T5S, 39E NENW, Sec. 25, T5S, 39E			"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Diversion of water for storage in Glendale Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 at." "The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."	Originally a Preston-Whitney Reservoir Company Right. Priority date incorrectly decreed as 9/17/1910; 12/5/1908 is date application for this water right was originally received by DWR. This right can also be used to fill Johnson Reservoir pursuant to an approved exchange application. Originally combined with a storage water component. Irrigation component is claimed separately.
13-2102	9/18/1923	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	10	40	4265	Under an approved exchange, a portion of this right can be diverted from Cub River at this point: POD: NENW, Sec. 8, T15S, R41E (Glendale Canal)			"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Diversion of water for storage in Glendale Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 at." "The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."	Originally a Preston-Whitney Reservoir Company Right. This right can also be used to fill Johnson Reservoir pursuant to an approved exchange application. Originally combined with a storage water component. Irrigation component is claimed separately.
13-271	5/7/1880	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	50				15444			Originally a Preston-Whitney Irrigation Company right.
13-2103	3/14/1924	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	25					Worm Creek Decree (1981)		Originally a Preston-Whitney Irrigation Company right.
13-299	7/1/1909	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.36							Originally owned by Websters. Conveyed in exchange for Consolidated shares; Irrigation of 68 acres.
13-305A	4/1/1893	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.6							Originally owned by Owen; Conveyed in exchange for Consolidated shares; Irrigation of 73 acres. Original Stockwater/Domestic portion of this right retained by Owens.

NATURAL FLOW

13-3058	4/1/1885	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.32			SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E	Originally owned by Owen; Conveyed in exchange for Consolidated shares; Irrigation of 16 acres. Change in source from Spring Quarry Creek to Worm Creek.
13-7757	4/1/1886	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.12				Originally owned by Nelson; Conveyed in exchange for Consolidated shares; Irrigation of 6 acres.
13-7758	4/1/1886	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.22				Originally owned by Smith; Conveyed in exchange for Consolidated shares; Irrigation of 11 acres.
13-7765	4/1/1886	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.06				Originally owned by Nichols Quarters; Conveyed in exchange for Consolidated shares; Irrigation of 3 acres.
13-7766	4/1/1886	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	0.02				Originally owned by Murphy; Conveyed in exchange for Consolidated shares; Irrigation of 1 acre.
13-8161	6/14/1879	Worm Creek	Cub River	Irrigation Stockwater	4/1 to 10/31	1.5				Originally owned by Websters; Conveyed in exchange for Consolidated shares; Irrigation of 75 acres.
13-7747	5/1/1848	Mink Creek	Dear River	Irrigation Stockwater	4/20 to 9/30	30.13			NESE, Sec. 28, 13S, 41E	"Consolidated Irrigation Company's water right 13-7747 authorizes the diversion of 30.13 cfs through the Mink Creek Canal. Riverdale Canal Company's water right 13-7748 authorizes the diversion of 5.87 cfs through the Preston-Riverdale Canal. When the flow of Mink Creek does not exceed 60.0 cfs at Consolidated Irrigation Company's Riverdale Canal Company's, and Twin Lakes Canal Company's headgates then water shall be divided as follows: -2/5 to Twin Lakes Canal Co. -3/5 to Riverdale Canal Co. and Consolidated Irrigation Co."
UP&L v. Last Chance (District Decree (1920))										
Originally a Preston-Riverdale and Mink Creek Canal Company right. Original decree was for 36 cfs. 2/5 and 3/5 condition is reworded (as set forth to the left) based on approved transfer.										
FOSTER RESERVOIR										
13-2298	2/11/1957	Cub River	Bear River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	90			NW/NNW, Sec. 8, T15S, R41E (Glendale Canal)	Originally a Preston-Whitney Irrigation Company right.
								3355	15444	License (7/1/1972)
LAMONT RESERVOIR										
13-2291	6/30/1947	Cub River	Bear River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	40			NW/NNW, Sec. 8, T15S, R41E (Glendale Canal)	Originally a Preston-Whitney Irrigation Company right.
								2407.5	15444	License (12/30/1953)
JOHNSON RESERVOIR										
13-2022 (Exchange)	12/5/1908 (9/17/1910)	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	20			NWSE, Sec. 10, 15S, 40E (Johnson-Lamont Fill Ditch) SESW, Sec. 8, 15S, 40E (Glendale Dam)	Originally a Preston-Whitney Reservoir Company Right. Priority date incorrectly decreed as 9/17/1910; 12/5/1908 is date application for this water right was originally received by IDWR.
								4265 620 4265		"A portion of this right may be used to fill Glendale Reservoir under an approved exchange application (as described in Transfer No. 78386). Diversion of water for storage in Glendale Reservoir authorized under Transfer 78386 under rights 13-2022, 13-2102, and 13-2287 shall not exceed a maximum diversion rate of 20.0 cfs or a maximum annual diversion volume of 800 a/c."
13-2102 (Exchange)	9/18/1923	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage Irrigation Storage Stockwater	10/1 to 6/15 4/1 to 10/31 1/1 to 12/31 4/1 to 10/31	10			SESW, Sec. 8, 15S, 40E SESW, Sec. 8, 15S, 40E NESE, Sec. 13, 15S, 39E NESW, Sec. 24, 15S, 39E NENW, Sec. 25, 15S, 39E	Originally a Preston-Whitney Reservoir Company Right.
								4265 730 4265	15444	"The amount of water diverted under rights 13-2022, 13-2102, and 13-2287 shall not exceed 40 cfs or 5457 af per year."
13-2287 (portion)	9/18/1923	Worm Creek	Cub River	Diversion to Storage Irrigation from Storage	10/1 to 6/15 4/1 to 10/31	10			Under an approved exchange, this right can be diverted from Cub River at this POD: NENW, Sec. 8, T15S, R41E	Originally a Preston-Whitney Reservoir Company Right.

RIGHTS															
											(Glendale Canal)				
13-2302 (portion)	1/9/1962	Cub River	Bear River	Irrigation Storage	1/1 to 12/31						730	NEIW, Sec. 8, T15S, R41E (Glendale Canal)	License (7/1/1975)	*Rights 13-2187 and 13-2302 combined shall not exceed 730 af for irrigation storage and 730 af for irrigation storage."	Originally a Preston-Whitney Irrigation Company right
				Stockwater	4/1 to 10/31					4265					
				Diversion to Storage	10/1 to 6/15	20									
				Irrigation from Storage	4/1 to 10/31					730					
				Irrigation Storage	1/1 to 12/31					730					
				Stockwater	4/1 to 10/31						730				
GLENDALE RESERVOIR															
13-2188	12/15/1924	Warm Creek	Cub River	Diversion to Storage	10/1 to 6/15	215						SESW, Sec. 8, T15S, 40E (Glendale Dam)	Worm Creek Decree (1981)	*Rights 13-2018, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215 cfs, and an annual storage volume of 6500.0 acre feet."	Originally a Preston-Whitney Irrigation Company right. Error in licensing of 6000 af corrected to 6500 af.
				Irrigation from Storage	4/1 to 10/31					6500					
				Irrigation Storage	1/1 to 12/31					6500					
				Stockwater	1/1 to 12/31					6500					
				Diversion to Storage	10/1 to 6/15	215									
13-2108	12/15/1924	Warm Creek	Cub River	Irrigation from Storage	4/1 to 10/31						6500	15444		*Rights 13-2018, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215 cfs, and an annual storage volume of 6500.0 acre feet."	Originally a Preston-Whitney Irrigation Company right. Error in licensing of 6000 af corrected to 6500 af.
				Irrigation Storage	1/1 to 12/31					6500					
				Stockwater	1/1 to 12/31					6500					
				Diversion to Storage	10/1 to 6/15	215									
				Irrigation from Storage	4/1 to 10/31						6500				
13-2288A	12/15/1924	Cub River	Bear River	Irrigation Storage	1/1 to 12/31						6500	NEIW, Sec. 8, T15S, R41E (Glendale Canal)	License (5/5/1995)	*Rights 13-2018, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215 cfs, and an annual storage volume of 6500.0 acre feet."	Originally a Preston-Whitney Irrigation Company right. Error in licensing of 6000 af corrected to 6500 af.
				Stockwater	1/1 to 12/31					6500					
				Diversion to Storage	10/1 to 6/15	215									
				Irrigation from Storage	4/1 to 10/31					6500					
				Irrigation Storage	1/1 to 12/31					6500					
				Stockwater	1/1 to 12/31						6500				