

## MEMORANDUM

TO: TIM LUKE

FROM: DANIEL A. NELSON

DATE: 4/10/2001

SUBJECT: OVERFLOW OF CITY OF PRESTON'S DELIVERY SYSTEM

You asked that I research the reasoning for why the City of Preston is required to measure the water that is diverted through the power plant under water right 13-7283 into the Glendale Reservoir, and the overflow water from the culinary storage tanks under water rights 13-27 and 13-28 into the Foster Reservoir.

Both of these overflow systems are required to be measured and diverted into the specific reservoirs per an agreement between the City of Preston, The Cub River Irrigation Company, and The Preston-Whitney Irrigation Company to resolve water right transfers 3223, 4596, and 2753. These transfers were filed on water rights 13-26 and 13-34. Apparently, this agreement was given the Department's acceptance, even though it was not a party. Whereas, these water rights are to be regulated by the watermaster, the watermaster would also need to monitor the flows back into the reservoirs.

The Cub River Irrigation Company has water rights 13-26 and 13-34 out of Bergquist Springs which is the City of Preston's main source of water. From what I understand, the only way that Cub River Irrigation Company can divert water from the springs is through the City's diversions. I may have this wrong, but it appears as though that is the way it is set up.

From what I understand, the City of Preston has 96 ¼ shares of Cub River Irrigation Company water. They can run those shares through their culinary system or through the reservoirs. The measurement devices are required to determine how much of the 96 ¼ shares of water are being used by the City of Preston. What goes back into the reservoir doesn't count against their shares.

I am not able to determine whether the water master or the Cub River Irrigation district should be responsible for reading these meters. It could be a shared responsibility. Either way the meters are not operational as they are, so the City of Preston needs to make them operational to insure the agreement remains valid.

*Note: Upon my further review of agreement, there are questions as to the necessity & importance to the Water District as to for measuring the return/excess water to the P-W Reservoirs. P-W does not have any waste water rts. In winter, water would be stored under P-W rights anyway. Since some of rts owned by City are still pending, is City merely providing water to P-W? Per Tracy Foster, City Engineer will likely call me. Questions should be asked about need for City to measure before further expense is made. Tim Luke*

AGREEMENT AMONG THE CITY OF PRESTON,  
THE CUB RIVER IRRIGATION COMPANY, AND THE PRESTON-WHITNEY  
IRRIGATION COMPANY REGARDING THE MUNICIPAL  
WATER RIGHTS FOR THE CITY OF PRESTON

This agreement reports the results of negotiations and sets forth the settlement agreement among the City of Preston, the Cub River Irrigation Company and the Preston-Whitney Irrigation Company arising from municipal water use by the City of Preston, Idaho.

In 1983 and 1984, the City of Preston (the "City") applied to the Idaho Department of Water Resources, ("IDWR") to confirm changes in points of diversion and nature of use for three municipal water rights. A transfer application initiates an administrative process for the approval of a change in point of diversion, place of use, or nature of use of an existing water right.

The City has also sought to increase its municipal water supply by purchasing stock from the Cub River Irrigation Company and the Preston-Whitney Irrigation Company ("Preston-Whitney"), and in 1982, Cub River Irrigation Company applied to IDWR to confirm changes in points of diversion and nature of use for 65.5 shares of Cub River Irrigation Company stock purchased by the City to be diverted at Bergquist Springs. In 1995, Cub River Irrigation Company refiled its transfer applications to reflect that the City has purchased a total of 96 1/4 shares. Preston-Whitney has protested the City's and Cub River Irrigation Company's transfer applications.

CITY OF PRESTON MUNICIPAL WATER RIGHTS

The City of Preston, the Cub River Irrigation Company, and the Preston-Whitney Irrigation Company hereby agree as follows respecting the proposed transfers as they relate to the municipal needs of the City of Preston during the irrigation and non-irrigation seasons.

Municipal Rights During the Irrigation Season (April 1 - October 31):

The City of Preston's municipal water rights during the irrigation season include:

1. 1 cfs from Ranger Springs with priority date of 1879, all of which is legally diverted from Bergquist Spring. Since the 1 cfs with priority date 1879 comes from 1 cfs of the Cub River decreed to Elmer S. Merrill (.67 cfs) and Caroline Allred (.33 cfs), the flow at Ranger Springs does not limit the right. The Merrill and Allred rights from the Cub

River were transferred to the City in 1920 at which time the City of Preston was diverting from Ranger Springs. The source of the Merrill and Allred decreed water rights is the Cub River. This 1 cfs water right has a senior priority date to any rights held by others on the Cub River, including the Cub River Irrigation Company and the Preston-Whitney Irrigation Company.

2. All of the flows of Birch Spring with a priority date of 1882, all of which is also legally diverted from Bergquist Springs. Birch Spring flows directly into the Preston-Whitney canal. The Cub River watermaster measures the flow at Birch Springs on a year round basis and accounts for that flow at the City's Bergquist Spring diversion.
3. One-eighteenth of the primary right of the Cub River Irrigation Company (water right No. 13-00026 for 45 cfs with a priority date of 1880) up to 2.5 cfs is owned by the City in accordance with the February 1920 Agreement between the City of Preston and the Cub River Irrigation Company. For many years, water under this right has been diverted by the City through its pipeline at Bergquist Spring which is a tributary of the Cub River. The approval of the City's pending transfer (No. 3223) would formally confirm the practice of diverting this portion of the Cub River Irrigation Company's water right No. 13-00026 through the City's pipeline at Bergquist Spring.
4. The City's proportionate share of the irrigation season rights of the Cub River Irrigation Company's rights as represented by the shares of the Cub River Irrigation Company held by the City of Preston. At present, the City owns 96 and 1/4 shares of the Cub River Irrigation Company stock which would entitle it to a maximum diversion of 4.14 cfs. In times of shortage, the City's rate of diversion would be prorated based on its shares and the flow of the Cub River. The City's point of diversion is Bergquist Springs and the water is delivered in accordance with the 1880 priority date of the Cub River Irrigation Company's primary irrigation right (13-00026) from the Cub River.
5. The City's proportionate share of the Cub River Irrigation Company's "excess of high waters right" described in the 1924 Henry R. McEwan v. Franklin County Sugar Company decree as represented by the shares of the Cub River Irrigation Company held by the City of Preston. At present, the City owns 96 and 1/4 shares which is 3.2% of the shares of the Cub River Irrigation Company.

# Municipal Rights During the Non-Irrigation Season (November 1 - March 31)

The City of Preston's municipal rights during the non-irrigation season include:

1. 1.0 cfs from Ranger Springs, year round, with priority date of 1879. This right is actually a Cub River right, as explained above.
2. All of the flows of Birch Spring with priority date of 1882.
- TV. 4596 — 3. 2.5 cfs of right No. 13-00034 with priority date April 1, 1880.
- TV. 2753 — 4. The right to divert .3 cfs of right No. 13-00034 with priority date of April 1, 1880 based upon the City's ownership of 96 1/4 shares of stock in Cub River Irrigation Company. This right is diverted from Bergquist Springs.

## Overflow Into Glendale Reservoir and Foster Reservoir

Water diverted at Bergquist Spring, but not used by the City for municipal purposes, is redirected to the Preston-Whitney reservoir system through the overflow structures below the City's hydropower plant into Glendale Reservoir and Foster Reservoir. Preston-Whitney Irrigation Company agrees that the City's diversion of water from Bergquist Springs and use of said water for hydropower purposes as a sole use or as use in addition to municipal use does not adversely impact the water rights of the Preston-Whitney Irrigation Company, so long as the water diverted in excess of the City's municipal use is delivered into the reservoirs of the Preston-Whitney Irrigation Company via the above described overflow structures. The Cub River Irrigation Company agrees that the City's diversion of water from Bergquist Springs and use of said water for hydropower purposes as a sole use or as use in addition to municipal use does not adversely impact the water rights of the Cub River Irrigation Company during the non-irrigation season.

The City of Preston shall maintain, repair and replace the existing pipeline and slide from the City's hydropower facility into Glendale Reservoir and shall fix and maintain the existing overflow from the City's storage tanks into Foster Reservoir and will haul in riprap to repair the channel from the overflow. If the City of Preston or the Preston-Whitney Irrigation Company wants to relocate either pipeline, each ought to first give notice to, consult with, and obtain the consent of the other and do the relocation or modification at its own expense. Beyond the point of discharge from the City's pipelines, the Preston-Whitney Irrigation Company shall be

responsible for maintenance, replacement and repair of any facilities of the Preston-Whitney Irrigation Company.

### MEASURING DEVICES FOR THE OVERFLOW INTO GLENDALE RESERVOIR AND FOSTER RESERVOIR

The cost of the installation, repair or replacement of appropriate meters or measuring devices at the two overflow structures (into Glendale and Foster reservoirs) below the City power plant shall be borne equally by the Cub River Irrigation Company, the Preston-Whitney Irrigation Company and the City of Preston. The City of Preston did install and will continue to bear all expenses related to the meter at the Albert Moser campground and the meters in the new and old chlorine houses.

### FORMATION OF ICE CAP

The City has installed a valve upon its water pipeline from Bergquist Springs which serves the City's municipal system. During winter months, Preston-Whitney Irrigation Company runs water through its canal to form an ice cap or to maintain an open tunnel within the ice which provides a channel for water to be delivered to Preston-Whitney Irrigation Company's reservoirs for partial filling of those reservoirs prior to the time the entire canal is cleared of snow in the spring months. The City agrees that Preston-Whitney Irrigation Company canal shall be entitled to have open said valve to allow water to flow into the Preston-Whitney Irrigation Company canal for 25 days during the winter months, consecutively or intermittently, or for such additional times as necessary depending on weather conditions or emergencies, for the purpose of forming an ice cap within the canal, subject to the following conditions:

1. The opening, closing, and operation of said valve shall be made only by the Mayor and/or Public Works Director or other designee of the City of Preston upon written request of the Preston-Whitney Irrigation Company. The watermaster may accompany the representative of the City of Preston. The opening and closing of said valve shall be accomplished in such a manner so as not to damage any portion of the City of Preston's pipeline or hydroelectric generating facilities.
2. The flow from the valve shall be regulated by the City and the watermaster in such a manner as to most effectively accomplish the purposes stated above and shall be

restricted to an amount which will cause a minimum reduction in electrical generating production at the City's hydroelectric plant located upon the culinary pipeline which in turn will protect the structure and mechanics of the hydroelectric plant.

3. The use of the valve shall be regulated by the City and the watermaster in such a manner as to most effectively accomplish the purposes stated above and shall be restricted to the minimal number of days which will cause a minimum reduction in electrical generating production at the City's hydroelectric plant.

#### STATUS OF WATER RIGHTS FOLLOWING APPROVAL OF CITY OF PRESTON AND CUB RIVER IRRIGATION COMPANY TRANSFERS

Water Right No. 13-00026 in the amount of 45 cfs with priority date of April 1, 1880 is reduced by the 2.5 cfs under the City of Preston's transfer.

Tr. 4596

Water Right No. 13-00034 in the amount of 12 cfs with a priority date of April 1, 1880 is reduced by the 2.5 cfs in the City of Preston's transfer and the 0.3 cfs in the Cub River Irrigation Company's transfer. The remainder of Water Right No. 13-00034 (9.2 cfs) is forfeited for nonuse following the closure of the sugar company in 1968. 0.3 cfs of Water Right No. 13-00034 with a priority date of April 1, 1880 is based upon the City's ownership of 98-1/4 shares of stock in Cub River Irrigation Company. This right is diverted from Bergquist Springs.

Tr. 2753

#### WITHDRAWAL OF OBJECTIONS

Preston-Whitney Irrigation Company agrees to withdraw its objections to the transfers of the water rights for the City of Preston and the Cub River Irrigation Company. The following table lists the water right and transfer numbers. All parties agree to support the approval of these transfers before the Idaho Department of Water Resources and in any subsequent court review of the transfers.

	Water Right Number and Original Source	Transfer Number
City of Preston	13-00026 / Cub River	3223
City of Preston	13-00034 / Cub River	4596
Cub River Irrig. Co.	13-00026 / Cub River	2753
Cub River Irrig. Co.	13-00034 / Cub River	2753

201003  
THIS AGREEMENT SHALL BE BINDING UPON THE HEIRS, SUCCESSORS  
AND ASSIGNS OF THE PARTIES HERETO.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this  
12<sup>th</sup> day of January, 1998.

CITY OF PRESTON, IDAHO

ATTEST:

Gerry C. Larsen  
CITY CLERK

By Jay E. Hansen  
MAYOR

CUB RIVER IRRIGATION COMPANY

ATTEST:

Max M. Gilbert  
SECRETARY

By Ed C. Moser  
PRESIDENT

PRESTON-WHITNEY IRRIGATION COMPANY

ATTEST:

Marlene Haddoups  
SECRETARY

By R. Carl Swenson  
PRESIDENT

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-26B

WATER RIGHT NUMBER: 13-26B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER IRRIGATION CO C/O MERVIN J BODILY PO BOX 215 LEWISTON, UT 84320

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CUB RIVER	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	38.360 CFS	
	<u>Total Diversion:</u>	38.360 CFS	

Location of Point(s) of Diversion

CUB RIVER	NW1/4SE1/4	Sec. 24, Twp 15S, Rge 40E, B.M.
FRANKLIN County		
CUB RIVER	NW1/4NE1/4	Sec. 3, Twp 16S, Rge 40E, B.M.
FRANKLIN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals

Conditions of Approval:

1. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. A portion of the place of use is located within Sections 35 and 36, T15N, RR01W; Sections 1, 2, 3, 11, 12, 13, 14, 15, 22, 23, 24, 25 and 26, T14N, R01W; Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31 and 32, T14N, R01E, of the Salt Lake Meridian in Cache County, Utah.  
Right 13-00026B is limited to the irrigation of 1530.0 acres in the place of use described above in a single irrigation season. Prior to diversion of water under this approval, the right holder shall provide a



means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

The total instantaneous diversion of water from all points of diversion under Transfer 5010 shall not exceed 38.36 cfs or a total of 134.36 cfs when diversion includes 38% of available high water.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Approval of Transfer 5010 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 13-26B

Comments:

1. PSKAGGS 10/28/1997 TRANSFER NO. 5010

Comment: Transfer 5010 adds a point of diversion under a portion of Right 13-00026, splitting the right into parts A & B.

Dates and Other Information:

Licensed Date:

Decreed Date: 7/9/1924

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Franklin County Sugar Co, et al

Decree Plaintiff: Henry T McEwan

Civil Case Number:

Judicial District: Fifth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-26C

WATER RIGHT NUMBER: 13-26C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER IRRIGATION CO C/O MERVIN J BODILY PO BOX 215 LEWISTON, UT 84320

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BERGQUIST SPRINGS	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	04/01 to 10/31	2.500 CFS	356.00 AF
	<u>Total Diversion:</u>	2.500 CFS	356.00 AF

Location of Point(s) of Diversion

BERGQUIST SPRINGS	SE1/4NE1/4NE1/4	Sec. 10, Twp 15S, Rge 41E, B.M.
FRANKLIN County		

Place of UseConditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. X49 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.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13-A, Cub River.
4. X57 Approval of Transfer 65886 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. X60 Place of use is located within the City of Preston and surrounding service area.
7. R43 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.
8. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. X53 Diversion of water from Berquist Springs is limited to those times water is available for diversion under this right and priority from Cub River;

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-26C

Comments:

1. pskaggs 11/9/2001 2:13:28 PM Transferred Right  
Comment: This is now an approved transfer, transfer number = 65886

Dates and Other Information:

Licensed Date:  
Decreed Date: 7/9/1924  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 13A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre: 3.5  
Decree Defendant: Franklin County Sugar Co, et al  
Decree Plaintiff: Henry T McEwan  
Civil Case Number:  
Judicial District: Fifth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-26D

WATER RIGHT NUMBER: 13-26D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER IRRIGATION CO C/O MERVIN J BODILY PO BOX 215 LEWISTON, UT 84320

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BERGQUIST SPRINGS	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	04/01 to 10/31	4.140 CFS	589.00 AF
	<u>Total Diversion:</u>	4.140 CFS	589.00 AF

Location of Point(s) of Diversion

BERGQUIST SPRINGS	SE1/4NE1/4NE1/4	Sec. 10, Twp 15S, Rge 41E, B.M.
FRANKLIN County		

Place of UseConditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13-A, Cub River.
2. X49 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. X60 Place of use is located within the City of Preston and surrounding service area.
7. X53 Diversion of water from Berquist Springs is limited to those times water is available for diversion under this right and priority from Cub River.
8. X57 Approval of Transfer 65416 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. X35 Rights 13-26D and 13-34A when combined shall not exceed a total annual maximum diversion volume of 678.8 af.
10. R43 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.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-26D

Comments:

1. pskaggs 11/9/2001 2:11:15 PM Transferred Right  
Comment: This is now an approved transfer, transfer number = 65416

Dates and Other Information:

Licensed Date:  
Decreed Date: 7/9/1924  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 13A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre: 3.5  
Decree Defendant: Franklin County Sugar Co, et al  
Decree Plaintiff: Henry T McEwan  
Civil Case Number:  
Judicial District: Fifth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	678.8	

Combined Water Rights: 13-34A , 13-26D

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	678.8	

Combined Water Rights: 13-34A , 13-26D

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-28

WATER RIGHT NUMBER: 13-28

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF PRESTON 70 W ONEIDA PRESTON, ID 83263

Priority Date: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BERGQUIST SPRING	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	2.500 CFS	
	<u>Total Diversion:</u>	2.500 CFS	

Location of Point(s) of Diversion

BERGQUIST SPRING	NW1/4NW1/4	Sec. 11, Twp 15S, Rge 41E, B.M.
FRANKLIN County		
BERGQUIST SPRING	NE1/4NE1/4	Sec. 10, Twp 15S, Rge 41E, B.M.
FRANKLIN County		

Place of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	22																	
15S	39E	23																	
15S	39E	26																	
15S	39E	27																	

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-28

Remarks:Comments:

1. LUKE 9/11/1991 TRANSFER NO. 2975

Comment: TRANSFER NO. 2975 CHANGED SOURCE AND POINT OF DIVERSION FROM BIRCH SPRINGS TO BERGQUIST SPRING.

2. dfavreau 9/24/2008 POU

Comment: Set LPOU flag to yes, linked to 13-27

Dates and Other Information:

Licensed Date:

Decreed Date: 7/9/1924

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 13A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Franklin County Sugar Co, et al

Decree Plaintiff: Henry T McEwan

Civil Case Number:

Judicial District: Fifth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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10

Combined Water Rights: 13-27 , 13-28 , 13-7283

Water Supply Bank:



## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-27

WATER RIGHT NUMBER: 13-27

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF PRESTON 70 W ONEIDA PRESTON, ID 83263

Priority Date: 04/01/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BERGQUIST SPRING	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BERGQUIST SPRING	NE1/4NE1/4	Sec. 10, Twp 15S, Rge 41E, B.M.
FRANKLIN County		
BERGQUIST SPRING	NW1/4NW1/4	Sec. 11, Twp 15S, Rge 41E, B.M.
FRANKLIN County		

Place of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	22																	
15S	39E	23																	
15S	39E	26																	
15S	39E	27																	

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 13-27

Remarks:Comments:

1. LUKE 9/11/1991 TRANSFER NO. 2974  
Comment: TRANSFER NO. 2974 CHANGED DECREED SOURCE AND POINT OF DIVERSION FROM RANGER SPRING TO BERGQUIST SPRING.
2. dfavreau 9/24/2008 POU  
Comment: Set LPOU flag to yes, linked to 13-28

Dates and Other Information:

Licensed Date:  
Decreed Date: 7/9/1924  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 13A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Franklin County Sugar Co, et al  
Decree Plaintiff: Henry T McEwan  
Civil Case Number:  
Judicial District: Fifth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10		
Combined Water Rights: 13-27 , 13-28 , 13-7283		

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 13-7283

WATER RIGHT NUMBER: 13-7283

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF PRESTON 70 W ONEIDA PRESTON, ID 83263

Priority Date: 05/13/1980

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BERGQUIST SPRING	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	1/01 to 12/31	10.000 CFS	7,227.00 AF
	<u>Total Diversion:</u>	10.000 CFS	7,227.00 AF

Location of Point(s) of Diversion

BERGQUIST SPRING FRANKLIN County	NE1/4NE1/4	Sec. 10, Twp 15S, Rge 41E, B.M.
BERGQUIST SPRING FRANKLIN County	NW1/4NW1/4	Sec. 11, Twp 15S, Rge 41E, B.M.

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	8												X					

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.  
The diversion and use of water under this license is subject to review by the Director on or after December 1, 2017. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.  
Rights 13-00027, 13-00028, and 13-07283 when combined shall not exceed a total diversion rate of 10.0 cfs.
3. 027 Use of water under this right shall be non-consumptive.

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4. R22 The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

Remarks:Comments:Dates and Other Information:

Licensed Date: 3/7/1997  
 Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number: 13A  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10		
Combined Water Rights: 13-27 , 13-28 , 13-7283		

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