

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85694

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Ward Brothers Dairy c/o Philip Ward

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Ward Brothers Dairy c/o Philip WardPhone 208-847-5305Mailing address PO Box 163, Bloomington, ID 83223Email ptward@live.com

- ☒ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ward Brothers Dairy c/o Philip Ward _____ Jan 8 2022
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Update Ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Change the nature of use for our portion of water right 11-76 (179 acres) to stockwater and storage. The proposed point of diversion is a pump station on Paris Creek. The place of use will change to reflect a new stockwater delivery system where water is piped to troughs and a small pond. Water right has been used for stockwater for many years.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEC 22 2021

Name of Applicant(s) Ward Brothers Dairy

Department of Water Resources
Phone 208-847-5305 Eastern Region

Mailing address Po Box 163 Bloomington, ID 83223

Email ptward@live.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Philip Ward
Signature of Applicant or Authorized Representative

Philip Ward
Print Name and Title if applicable

12-18-2021
Date

Ward Bros Dairy
Signature of Applicant or Authorized Representative

Ward Bros Dairy
Print Name and Title if applicable

12-18-2021
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Update Ownership

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

We would like to change a portion of water right 11-76 from irrigation to stockwater. The point of diversion will change to a point along Paris Creek. This change accommodates a new stockwater delivery system where water will be collected and pumped through a pipeline into troughs. The water right has been used for stockwater for many years.

Philip Ward for Ward Bros Dairy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

	1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part						
☐ ☒		11-76	0.12 cfs/2.6 af	Stockwater	5/1 to 9/15	Paris Creek
☐ ☐			0.06 cfs	Diversion to Storage	5/1 to 9/15	Paris Creek
☐ ☐			13 acre-feet	Stockwater Storage	1/1 to 12/31	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total authorized under rights 0.18 cfs and/or 15.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.18 cubic feet per second and/or 15.6 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	NW	17	14S	43E	Bear Lake	Paris Creek	New solar pump station on south side of Paris Creek

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	17										S							
		18													S			STR	
		19		S															
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The diversion will be a collection device made from a poly culvert dug into the side of Paris Creek to collect water that can also house a solar powered pump. The monitoring of water use can be calculated by the time the device is turned on to pump and calculated by hours of pumping and volume of water diverted.
- b. Who owns the property at the point(s) of diversion? Kathleen Nelson (Philip Ward's sister)
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Kathleen Nelson is Philip Ward's sister. We have reached a personal arrangement to use her property for the point of diversion and pipeline system. History of land use within the family won't change.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water right will remain on Ward Brothers Dairy property.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Irrigated acres described in Part 2B will be dried up in exchange for stockwater and stockwater storage uses. This change reflects the historical use of the right for since we have owned the property. Cows have watered directly from the large PacifiCorp Ditch which is slated to be removed in the near future. See attached.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water right 11-79, which is the most junior irrigation right described in the Paris Creek Decree, is also appurtenant to the place of use. Dried up acres can be removed from water right 11-79 to prevent enlargement.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Water right has not been used for irrigation for many years. However, water right has been consistently used for stockwater in an open ditch since the right was first developed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by JC Date 1/10/22 Preliminary check by _____ Date _____

Fee paid \$450 Date 12/23/21 Received by JB Receipt # E047584

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/30/2021

Water Right 11-76

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OTTO ROHNER , ZZ
Current Owner	GUSTAV WIELENMAN , ZZ
Current Owner	J VIVIAN NYE , ZZ

Priority Date: 5/1/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PARIS CREEK	BEAR LAKE OUTLET

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	9/15	4.000 CFS	
	<u>Total Diversion</u>		4.000 CFS	

Source and Point(s) of Diversion

PARIS CREEK SENW Sec. 13, Twp 14S, Rge 42E, BEAR LAKE County

Place of Use

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	9													28.0		10.0	40.0	78.0
14S	43E	10										3.0	30.0	12.0					45.0
14S	43E	15						40.0											40.0
14S	43E	16	32.0	30.0	35.0													32.0	129.0

POU Total Acres: 292.0

Conditions of Approval:

1. 2/5 ths of right to Otto Rohner, 2/5 ths of right to J. Vivian Nye, 1/5 th of right to Gustav Weileman.

12/30/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUSTAV WEILENMANN , ZZ

Status: Active

Tributary
BEAR LAKE OUTLET

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
5/01	9/15	4.080 CFS
Total Diversion		4.080 CFS

Sec. 13, Twp 14S, Rge 42E, BEAR LAKE County

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	43E	9															10.0		10.0
14S	43E	10												12.0					12.0
14S	43E	15						40.0											40.0
14S	43E	16	32.0	30.0	35.0													32.0	129.0

POU Total Acres: 191.0

Ward Brothers Dairy

Application for Transfer

Comparison of Proposed Use to Existing Use

Water rights 11-76 and 11-79 were originally delivered to the existing irrigation place of use through the same ditch used to deliver water right 11-86 to the Paris power plant. Since we purchased the property in 1991, water right 11-76 has not been used for irrigation, but has instead been used for stockwater. PacifiCorp, who now owns the Paris power plant, has supplied us with stockwater every year since 1991. The cattle have water directly from the ditch. Historically, we have run a maximum of 500 range cattle on the upper pasture.

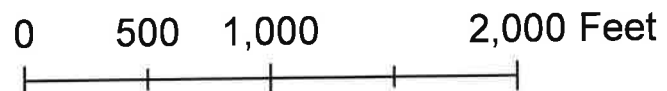
PacifiCorp has recently closed its Paris power plant and proposes to fill in the large ditch. Elimination of the delivery ditch would restrict our access to stockwater. We would now like to divert water directly from Paris Creek at a new solar pump station. Water would be piped up to our property for use in multiple stock troughs. Overflow from the pipeline will be directed to an existing small pond on our property.

The pond covers approximately 2 acres, when full, and is 5 feet deep in the middle. This equates to a capacity of approximately 4 acre-feet. The evaporation expected during the irrigation season will be 3 acre-feet and the seepage could be as high as 6 acre-feet. In total, the small pond will use up to 13 acre-feet of water per year. We plan on storing water in the pond after the irrigation season has ended, but we will stop diverting water into the pond at the end of the irrigation season (September 15th).

The consumptive uses associated with our proposed project are less than the existing consumptive uses associated with the existing stockwater delivery system. The same number of cattle will be served by the proposed system (500 cattle). The consumptive uses associated with the pond (13 acre-feet) are far less than the evaporative and seepage losses associated with the existing open ditch system. The existing ditch is over three miles long and eight feet wide. If we were to continue to use the large open ditch to supply stockwater, it would take the full diversion rate of our portion of water right 11-76 (0.75 cfs) to satisfy our stockwater requirements. The proposed use would also consume less water than the original irrigation right. The proposed project will lead to a large reduction in overall consumptive use.

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

 Township/Range
 Sections
 QQ



Ward's Dairy, new POD location



05094





University of Idaho

Kimberly Research
and Extension Center

Water Resources Program

ETIdaho 2017

Evapotranspiration and Consumptive
Irrigation Water Requirements
for Idaho

Please send suggestions for
improving this site to robison at
uidaho dot edu

2021-12-30 10:29

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Idaho.

Montpelier (NWS -- USC00106053)

Statistics based on thirty year normal spans 1959 to 1990 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - small stock ponds Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.67	-0.30	0.41	1.51	2.32	3.25	4.23	3.47	1.94	1.01	-0.32	-0.55	499	0	499
15-Day Moving Average ^d	-0.67	-0.40	0.38	1.55	2.21	3.24	4.20	3.25	1.84	0.99	-0.32	-0.55			
7-Day Moving Average ^e	-0.67	-0.35	0.39	1.49	2.25	3.25	4.19	3.39	1.87	1.00	-0.36	-0.55			
3-Day Moving Average ^f	-0.66	-0.31	0.41	1.49	2.31	3.27	4.22	3.46	1.91	1.00	-0.33	-0.55			
Standard	mm/day												mm		

taining 200 acres of land,
Also, lot numbered 2 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 18,
Twp. 14 S., R. 45 E., B. M., containing
184.55 acres;

-11.-

OTTO ROHNER, ET AL

Original Date of
Appropriation:

May 1, 1920

Point of Diversion:

The lands upon which
the water decreed to
Otto Rohner is to be
used, are described as
follows:

The lands upon which
the waters decreed to
J Vivian Nye are to be
used, are described as
follows:

The lands upon
which the waters
decreed to Gustav
Wielenmann are to
be used are describ-
ed as follows:

- This right is owned by Otto Rohner, J.
Vivian Nye, and Gustav Wielenmann, successor
in interest of Oak Burrus, having a common
point of diversion and a common ditch known as
the Wielenmann Ditch with the water therefrom
and Decreed herein divided between said parties
as follows, to wit: 2/5ths thereof to
Otto Rohner; 2/5ths thereof to J. Vivian Nye
and 1/5th thereof to Gustav Wielenmann.

Being in Paris Creek at a point N 70° 40' West
5480 feet from the West Quarter corner of Sec.
18, Twp. 14 S., R. 45 E., B. M.

Forty acres located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, Twp.
14 S., R. 45 E., B. M.; and 30 acres in the SW $\frac{1}{4}$
SW $\frac{1}{4}$ of Sec. 10, same township and range; and 5
acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 15, same township
and range.

28 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9; 30 acres in
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, and 5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Sec. 10, all in Township 14 S., R. 45 E., B. M.

50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16; 10 acres in
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9; 55 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16,
52 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16; 52 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
of Sec. 16; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15 and 12 acres
in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10, all in Twp. 14 S., R. 45
E., B. M.

30ac NWNE Sec 16
10ac SWSE Sec 9
35ac SWNE Sec 16
32ac SESE Sec 16 [Should be SENE Sec 16]
32ac NENE Sec 16
(40ac) NWNW Sec 15
12ac SESW Sec 10
191ac

-55.-

MAY 13 1920

85694

-12.-

EMIL GRADY

Original Date of
Appropriation:

May 1, 1897

For Use Upon The Follow-
ing Described Land:

Point of Diversion:

Being in Paris Creek in Lot 2, Sec. 18
Twp. 14 S., R. 43 E., S.M.

35 acres in the
S $\frac{1}{2}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8, Twp. 14
S., R. 43 E., S. M.

-13.-

LESTER ALLRED

Original Date of
Appropriation:

May 1, 1894

For Use Upon the Follow-
ing Described Lands:

Point of Diversion:

Being in Paris Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.
9, Twp. 14 S., R. 43 E., S.M.

18.1 acres in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Sec. 9, Twp. 14 S., R. 43 E., S. M., except
therefrom the following: Commencing at the
SW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9, Twp. 14
S., R. 43 E., S. M.; running thence N 80 rods;
thence E 20 rods; thence S 80 rods; thence
W 20 rods to the place of beginning; con-
taining 10 acres, which said land was sold
to the Bear Lake Power Company

-14.-

GUSTAV WELLMANN, successor-in-interest of OAK BURGUS

Original Date of
Appropriation:

June 8, 1911

For Use Upon The Follow-
ing Described Land:

Point of Diversion:

Being in Paris Creek at a point N 78° 40'
West 3490 feet from the West Quarter Cor-
ner of Section 18, Twp. 14 S., R. 43 E., S.
M.;

80 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 18, 10 acres
in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9; 55 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Sec. 16; 32 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16; 32
acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec. 15 and 12 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.
10; also 50 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 16;
10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 9, all in Twp.
14 S., R. E. S. M.

-14.-

MICROFILMED

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11-79

30ac NWNE Sec 16
10ac SWSE Sec 9
35ac SWNE Sec 16
32ac SESE Sec 16 [Should be SENE Sec 16]
32ac NENE Sec 16
(40ac) NWNW Sec 15
12ac SE SW Sec 10
191ac

85694

pose of correcting any typographical or clerical errors, or inadvertencies
EXHIBIT "A" follows page fourteen hereof.

As affecting the rights between the defendants and
cross-complainants, Utah Power & Light Company and Gustav
Wielenmann, successor-in-interest of Oak B. Burrus, there was
also signed by said parties and tendered to the Court and filed
herein a Supplemental Stipulation in words and figures as fol-
lows, to wit:

"WHEREAS, a stipulation has been presented to the
parties in the above entitled matter providing for the entry of
a decree in the above entitled case; and

"Whereas, it is desired that the agreement, herein-
after specifically recited, shall not be affected by said Stip-
ulation, nor the Decree subsequently to be entered in the above
entitled cause, and the signing of said stipulation by Gustav
A. Wielenmann, is conditioned upon the signing by the Utah Power
& Light Company of this stipulation:

"NOW, THEREFORE, IT IS STIPULATED AND AGREED BETWEEN
Gustav A. Wielenmann, Successor-in-interest of Oak B. Burrus, one
of the defendants and cross-complainants in the above entitled
action, and the Utah Power & Light Company, a corporation, another
of said defendants and cross-complainants in said action, that
that certain agreement dated January 23, 1909, and signed by R.
F. Crawford, Otto Rohner and Gustav A. Wielenmann, as parties
of the first part and the Bear Lake Power Company, a corporation
(predecessor in interest of the undersigned, Utah Power & Light
Company, a corporation), which agreement was filed for record on
January 23, 1911, at eleven o'clock A. M. of said day and record-
ed in Book 4 of Miscellaneous Records, page 27, of the records
of Bear Lake County, Idaho, shall not be affected by the stipula-
tions entered into herein, nor the decree hereafter to be signed
and entered by the Court, but that said decree may contain an

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appropriate reference to said agreement and a statement that the rights of the parties thereto and their successors in interest shall not be abridged, altered or changed by said decree."

AND WHEREAS, in open Court, certain additional agreements and stipulations were entered into supplementing and enlarging the foregoing written stipulations all of which were, by agreement of the parties, submitted to the Court and by it adopted as the basis upon which this Decree is to be predicated. The Court being now fully advised thereof and of the law and the premises and written Findings of Fact and Conclusions of Law being expressly waived in open Court.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS, TO WIT:

I.

That Paris Creek, the right to the use of the waters of which is involved in this cause, is a variable, natural stream of water arising in the mountains west of Paris City, Bear Lake County, Idaho and flows easterly down a natural channel until its waters eventually empty into Bear River and is wholly located in Bear Lake County, State of Idaho.

II.

In administering the rights herein decreed and mentioned, the following definitions shall be observed and recognized:

(a) The term "cubic foot per second" (abbreviated c.f.s.) is and shall be a flow of one cubic foot of water passing a definite fixed cross-section per second of time;

(b) That the word "inch" as applied to water shall be understood to mean such an amount of water which will pass through an orifice one inch square under four inch pressure and

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IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 19, 2022

WARD BROTHERS DAIRY
PO BOX 163
BLOOMINGTON, ID 83223-0163

RE: Transfer No. 85694
Water Right No(s). 11-76

Dear Applicants:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER on 1/26/2022 and 2/2/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 19, 2022 12:03 PM
To: ne_legals@news-examiner.net
Subject: Legal Notice for News Examiner
Attachments: 85694 News Examiner.docx

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Transfer No. 85694
Water Right No(s). 11-76

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/14/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85694

WARD BROTHERS DAIRY, PO BOX 163, BLOOMINGTON, ID 83223-0163 has filed Application No. 85694 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-76; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use, point of diversion and place of use for a 179-acre portion of right 11-76. New point of diversion is NWNW Sec 17 T14S R43E for 0.18 cfs from Paris Creek. New place of use is NWSW Sec 17, NESE Sec 18, and NWNE Sec 19 T14S R43E for stockwater use, and SESE Sec 18 T14S R43E for stockwater storage. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 2/14/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/26/2022 and 2/2/2022

Henman, Christina

From: Henman, Christina
Sent: Friday, January 14, 2022 4:51 PM
To: IdwrPayable
Subject: Refund Request

Hello,

Please issue a refund for the following:

Amount: \$250.00
Receipt: E047584
Reason: Overpaid application fees
Recipient:
WARD BROTHERS DAIRY
PO BOX 163
BLOOMINGTON, ID 83223

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161