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APR 21 2008

DEPARTMENT OF
WATER RESOURCES

April 18, 2008

Shelly W. Keen Manager
Water Rights Permits Section
Idaho Department of Water Resources
Boise, Idaho

Re: Water Right Transfer 2103

Dear Ms Keen,

I appreciated conversing with you on the telephone concerning the Worm Creek water rights. I'll send a copy to you concerning your Departments activities "Proposed Memorandum Decision and Order Page three No. 1 IDWR file No. 11-1058/ etc. No. 2 Applicant exhibit No. 1 Edward Haddock vs. Joseph E. Thornock. Judicial Decree three Applicants exhibit No. 2. A general sketch showing ditches, roads, lands of the applicants and protestors.

After viewing evidence and testimony the hearing officer makes the following finding facts:

1. On October 10, 1904 Judge Stevens decreed waters of Worm Creek to 34 parties. The decreed rights totaled 373.48 miners' inches, 7,471.6 cubic feet/second, but were only defined by name, amount and priority date.

2. In June 1959 Dean Ward, Grant Haddock, Mayo Kroque and James Payne established the present rotation of Worm Creek Waters which lasted about 1.5 months during the irrigation season. The water volume almost always drops and can supplies only enough water for the 1890 decree. Therefore, we rotated on a 28 day rotation. Starting with Grant Haddock 5 ½ days, Mayo Kroque 9 days, Dean Ward 10 ½ days and James Payne 3 days. Grant Haddock and Dean Ward didn't realize we had to apply for a change in point of diversion when we experimented with diverting the water into the upper ditch in 1976. The successors in interest to water entitlement granted by Judge Stevens in 1904 is not clear because

of the vagueness of the decree in the dispute among the parties. Read conclusion of the rights Page 4, para. 1, 2, 3, and 4. The next article 5 refers to this top ditch we had used when the supply satisfied the lower ditches. One year about 1965, the volume of water folded over its banks so even, the late water rights were used by Ardell Peterson (Refer to document pg. 4 Conclusion of the Law). This indicates a water master could not be elected and charged with distribution of water from Worm Creek without adjudication to further define existing water rights. Also, section (3) the continuation of the established rotation is in public interest and may have become an element of the respective water rights and therefore cannot be abandoned or changed without unanimous agreement of the parties. (Refer to page 8 no. 3 and no. 4)

Enclosed with this letter is a copy of the document to help explain our decreed water rights. When sufficient water has come down we have made good use of it and haven't had any further trouble. Please let me know if this method is satisfactory to you.

Sincerely, 

Dean Ward and Sons