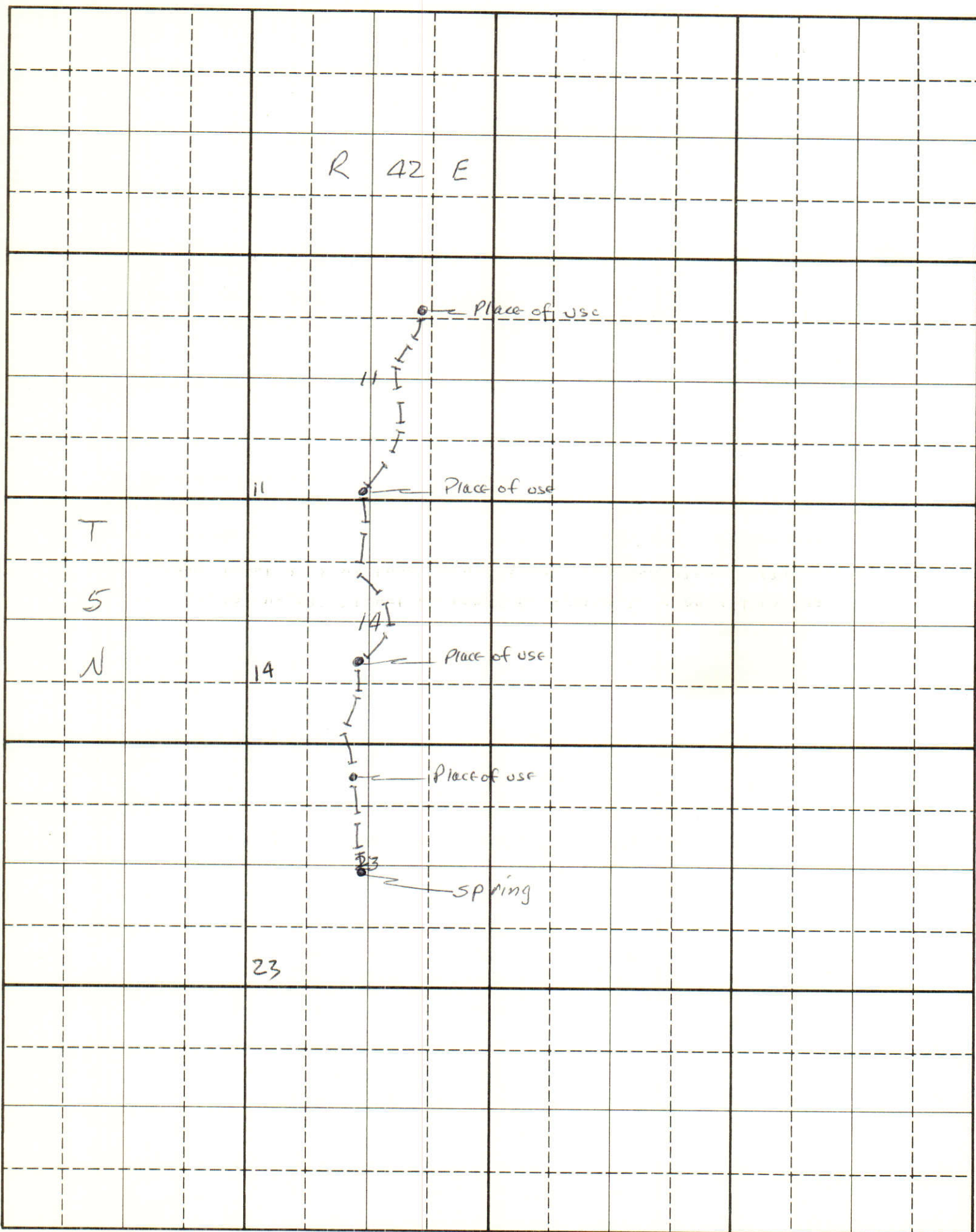


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Stacy J. Ward  
(Applicant)

22 7078

The REXBURG STANDARD and  
The REXBURG JOURNAL  
REXBURG, IDAHO

RECEIVED

OCT 5 1973

Department of Water Administration  
Eastern District Office

**Affidavit of Publication**

STATE OF IDAHO }  
County of Madison } ss.

I, John A. Porter,  
being first duly sworn, depose and say,  
that I am the printer of THE REXBURG

Journal, a newspaper printed and  
published weekly at Rexburg, Madison  
County, Idaho; and I do solemnly swear  
that the

notice of application

a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not in

any supplement issue thereof for two  
consecutive issues, the first publication hav-

ing been made on September 20, 1973  
and the last publication having been made

on September 27, 1973

Further, that said newspaper is one of  
general circulation in said county; that it  
is a legal newspaper, conforming to legal  
specifications under the Idaho Statutes; that  
it has at least two hundred bona fide sub-  
scribers living within the county of publica-  
tion; and that it has been continuously and  
uninterruptedly published in said county dur-  
a period of seventy-eight consecutive weeks  
prior to the first publication of the said not-  
ice.

John A. Porter

Subscribed to and sworn to before me

this September 28, 1973

Roger D. Porter  
Notary Public.

(SEAL)

My commission expires 8-5-77

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Deloy Z. Ward Rt. 1, Rexburg, Idaho has on September 14, 1973 submitted Application No. 22-7078 for a permit to appropriate 0.02 cubic feet per second of water from Spring Creek tributary to Canyon Creek by means of pipeline and headbox within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 23, T. 5N, R. 42E, B.M., Madison County; to be used from April 1 to December 31 for stockwatering purposes for 600 head beef cattle and 5 horses within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 23, T. 5N, R. 42E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Homes, Idaho Falls, Idaho, 83401 on or before October 9, 1973.

R. Keith Higginson  
Director

Publ. Sept. 20, 27, 1973

OK  
NCH

22 7078

A 42E

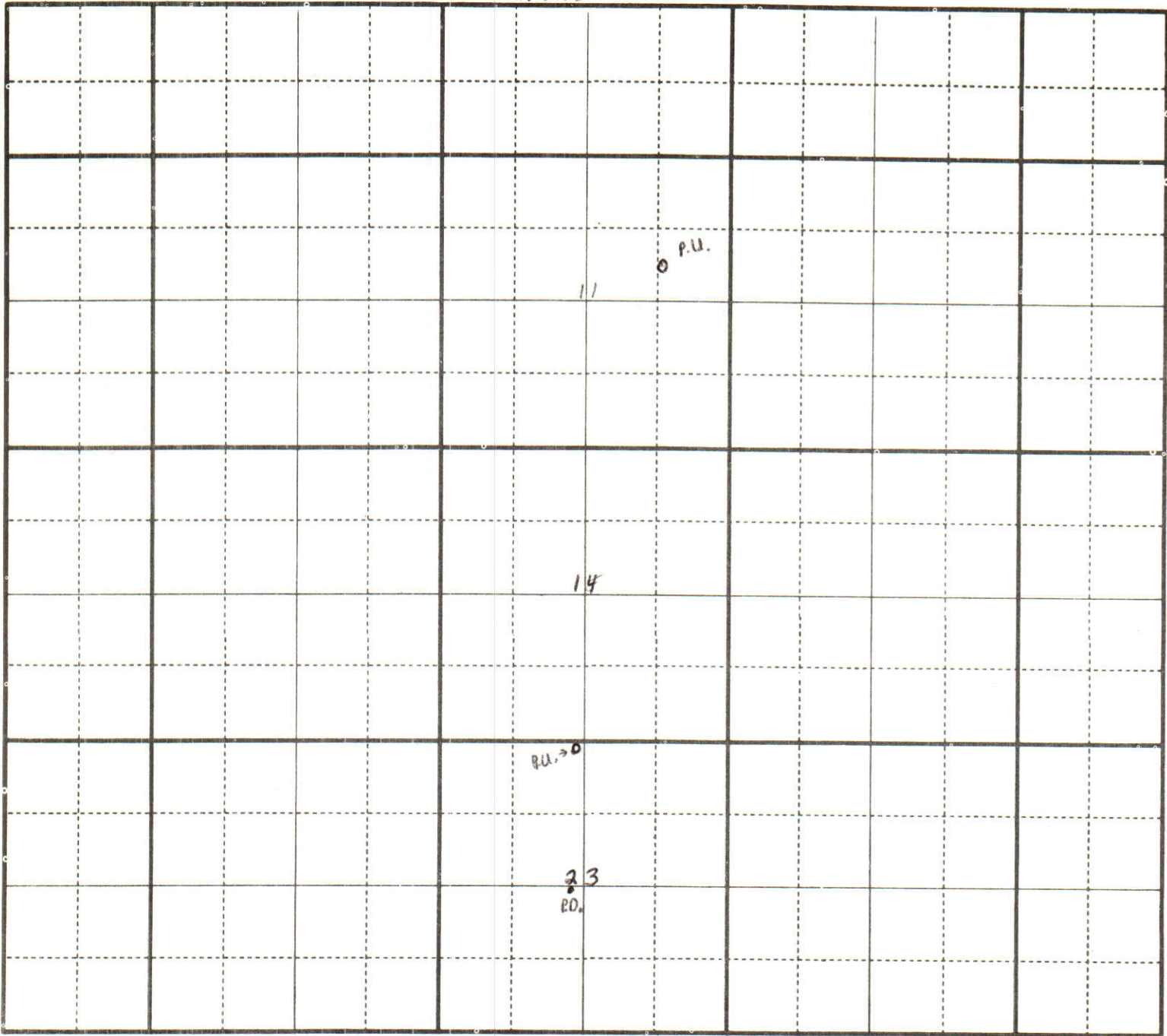
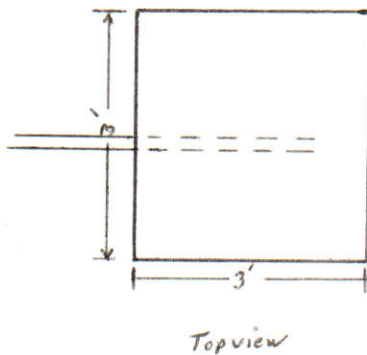
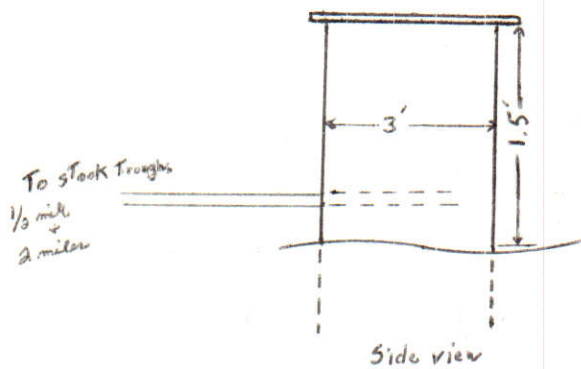


Diagram of System



RECEIVED

JDC.

22-7078 De Soy Ward

L-7



RECEIVED

P.U.

SOS MAP M7

A 100

A 120

A 100

A 100

A 120

22-7078 survey road

10 11  
5 14

Dick Egbert  
A1  
198

19 19  
15

PA.  
1982  
1983

PO

PA. 1982

13



State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7078 Priority September 14, 1973 Amount 0.02 cfs

THIS IS TO CERTIFY, that Deloy Z. Ward  
of Rexburg, Idaho, has complied with the terms and conditions of Permit  
No. 22-7078 issued pursuant to Application for Permit dated September 14, 1973,  
and has submitted proof to the Department of Water Resources on January 23, 1979,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.02 cfs of water from Spring Creek,  
tributary to Canyon Creek, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use                     | Rate of Diversion  | Annual Volume            |
|------------------------|-----------------------------------|--------------------|--------------------------|
| <u>Stockwater</u>      | <u>from April 1 to December 1</u> | <u>at 0.02 cfs</u> | <u>and 6.7 acre feet</u> |
|                        | <u>from</u>                       | <u>at</u>          | <u>cfs and</u>           |
|                        | <u>from</u>                       | <u>at</u>          | <u>cfs and</u>           |
| (both dates inclusive) |                                   |                    |                          |

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
6.7 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 23, Twp.  
5N, Rge. 42E in the County of Madison

Description and location of place of use:

| Twp. | Range | Section | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|---------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |         | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ |        |
| 5N   | 42E   | 11      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       | 23      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |         |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28<sup>TH</sup> day of  
September, 19 82.

Acting for the Director

DER

STATE OF IDAHO

AUG 26 1982

LICENSING

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Deloy Z. Ward Phone

of (address) Route #1, Rexburg, ID , and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-7078 , and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: ¼ ¼, Section , Township , Range , B.M.,  
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount for purposes from to (both dates inclusive)  
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)  
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)  
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

| TWP | RGE | SEC | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |     |     | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 5N  | 42E | 11  |     |     |     | X   |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     | 23  |     |     |     |     | X   |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion?

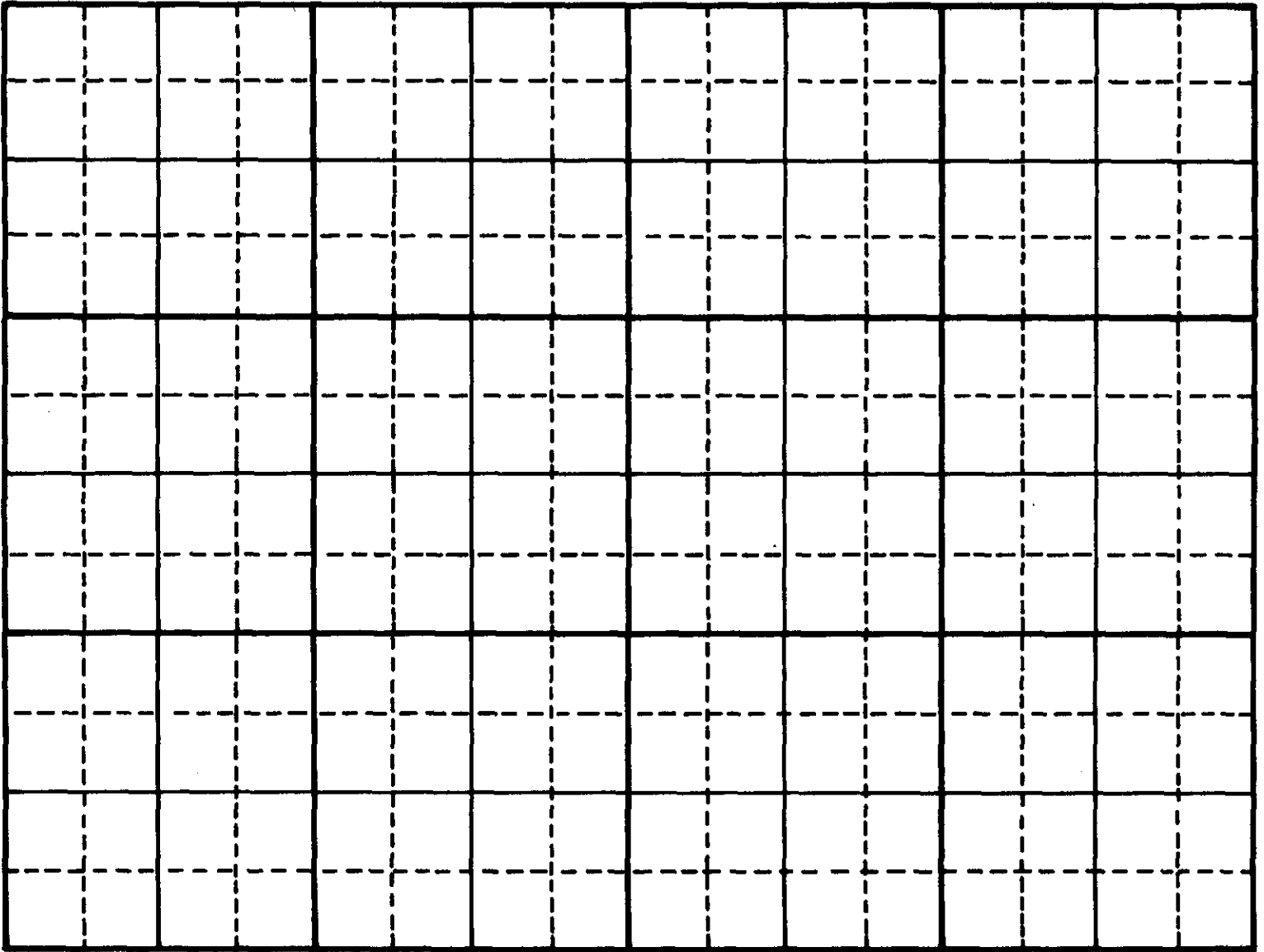
b. Who owns the land to be irrigated or the place of use?

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

NOT NECESSARY



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at ~~DeSoto, Mississippi~~, this 24 day of August, 19 82.  
DeSoto, Mississippi  
DeSoto J. Ward  
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by RC Fee = \$20.00  
Publication prepared by N/A Date \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Receipted by af Date 9-1-82 # 24649  
Published in \_\_\_\_\_

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby  
APPROVE the above Application for Amendment of Permit No. 22-7078.

Witness my hand this 28<sup>TH</sup> day of September, 19 82.

Norman C Young  
Acting for the Director

Identification No. 22 7078

Application No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**APPLICATION FOR PERMIT**  
**To Appropriate the Public Waters of the State of Idaho**  
 (TYPE OR PRINT IN INK)

**APPROVED**

1. Name of applicant Deloy Z. Ward  
 post office address Rt. #1, Rexburg, Idaho 83440

2. Source of water supply Spring Creek which is a tributary of Canyon Creek

3. a. Location of point of diversion is NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 23 Township 5N  
 Range 42E B.M. Madison County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into a natural channel at a point in NW  $\frac{1}{4}$   
 of NE  $\frac{1}{4}$  of Section 11 Township 5N Range 42E B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.02 for Stock Water purpose from Apr. 1 to Dec. 1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.02 cubic feet per second and/or

b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1½ inch plastic pipeline and  
headbox

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
 capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_

Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
 is 5 years.

b. Estimated construction cost is \$ 4,000.

8. Description of proposed uses: NW NE  
 SE SW - - - - - 11

a. If water is **not** for irrigation: NE SW 14

(1) Give the place of use of water: NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 23 Township 5N  
 Range 42E B.M. \_\_\_\_\_

(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered 600 head beef cattle and 5 horses

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
 supplied with domestic water \_\_\_\_\_

(5) If water is to be used for other purposes describe: \_\_\_\_\_

**22 7078**

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion R. Gene Peterson & Nyal S. Peterson  
 b. Who owns the land to be irrigated or place of use Applicant & State of Idaho  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing \_\_\_\_\_

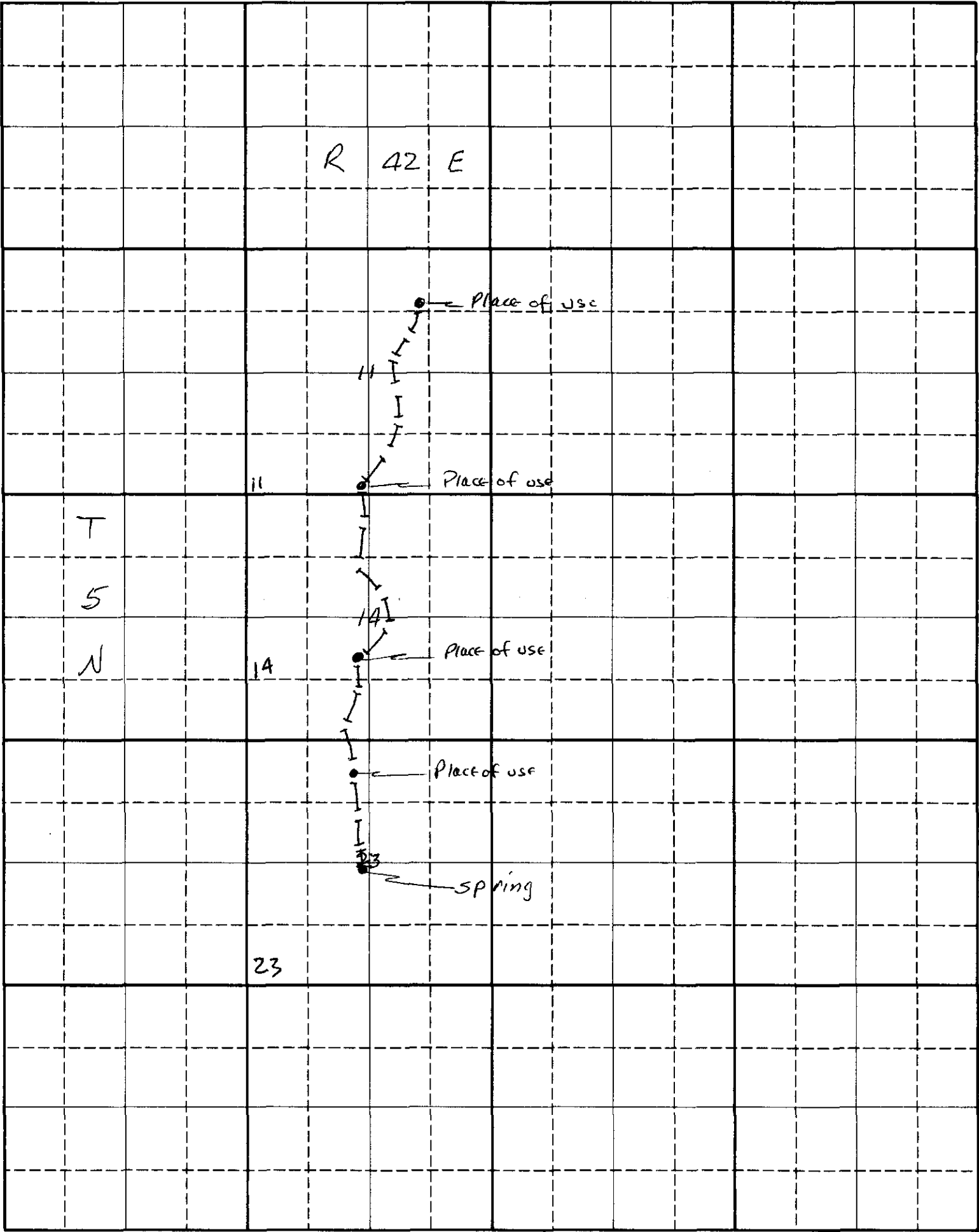
10. Remarks Plan to install livestock pipeline system to supply drinking water to troughs located at various points around the rangeland. All troughs except bottom have shutoff. Spring only reaches Canyon Creek during early spring and is tributary to sinks by June 1st.  
(See attached agreement.)

*We give Deloy Ward permission to put a pipe to carry stock water from the North east corner of the SW $\frac{1}{4}$  of sec. 23 Twp 5 Rge 42 E downstream*

*Sept. 12, 1973*

*R. Gene Peterson  
Nyal S. Peterson*

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Stanley J. Reed  
(Applicant)

22 7078

Proposed Priority 9-14-1973

Received by NCY Date 9/14/73 Time 4:45 pm  
Preliminary check by jay Fee \$ 10.00 # 10343  
Receipted by NCY Date 9/14/73  
Publication prepared by OW Date 9/14/73  
Published in Reynolds Journal  
Publication dates 9/25 + 9/27/73  
Publication approved OW Date 10/5/73  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: Richard A. Egbert

Copies of protests forwarded by \_\_\_\_\_  
PROTEST W. THDRAWN  
Hearing held by \_\_\_\_\_ Date 2/13/74

Recommended for approval denial by NCY in DF

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7078, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 79.
- c. Other: Use of water under this permit is subject to control by the  
watermaster of State Water District No. 01, Upper Snake River.

2. Denial of said application is for the following reasons: \_\_\_\_\_

Witness my hand this 20 day of February 19 74.

D. Keith Higgins  
Director

**Bonneville**  
MOTOR HOTEL

RECEIVED

OCT 10 1973

IDAHO FALLS, IDAHO

AREA CODE 208  
TELEPHONE 523-0511

Department of Water Administration  
Eastern District Office

Idaho Dept. of water administration  
Idaho Falls, Idaho

Please accept this as a protest  
to any proposed diversion of water from  
Spring creek in Madison county. This  
stream is a tributary to Canyon Creek  
any reduction in stream flow would  
reduce water available for irrigation and  
other purposes.

Presently livestock water<sup>all</sup> along  
the stream, with a minimum of pollution  
and damage to stream banks by trampling

Diversion of water would reduce  
accessability of spaw for livestock to  
drink, causing concentration of stock  
in smaller area thus causing pollution  
trampling of banks and damage by  
overgrazing of forage nearby.

NEW COFFEE SHOP — BANQUET ROOMS — NEW COCKTAIL LOUNGE  
BARBER SHOP — NEWS SERVICE — BEAUTY SHOP — MAGIC CARPET TRAVEL AGENCY

Richard H. Eberly



22 7078

ACKNOWLEDGMENT

Date: 9/14/73

Re: Application No. New Application

Transfer No. \_\_\_\_\_

Claim No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Water Administration in the preparation of the above referenced instrument, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed: *[Signature]*

22 7078

**The REXBURG STANDARD and  
The REXBURG JOURNAL  
REXBURG, IDAHO**

RECEIVED

OCT 5 1973

Department of Water Administration  
Eastern District Office

**Affidavit of Publication**

STATE OF IDAHO }  
County of Madison } ss.

I, John A. Porter,  
being first duly sworn, depose and say,  
that I am the printer of THE REXBURG

Journal, a newspaper printed and  
published weekly at Rexburg, Madison  
County, Idaho; and I do solemnly swear  
that the

notice of application  
a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not in

any supplement issue thereof for two  
consecutive issues, the first publication hav-

ing been made on September 20, 1973  
and the last publication having been made

on September 27, 1973

Further, that said newspaper is one of  
general circulation in said county; that it  
is a legal newspaper, conforming to legal  
specifications under the Idaho Statutes; that  
it has at least two hundred bona fide sub-  
scribers living within the county of publica-  
tion; and that it has been continuously and  
uninterruptedly published in said county dur-  
a period of seventy-eight consecutive weeks  
prior to the first publication of the said not-  
ice.

John A. Porter

Subscribed to and sworn to before me

this September 28, 1973

Roger A. Porter  
Notary Public.

(SEAL)

My commission expires 8-5-77



OK  
NCH

22 7078

DEPARTMENT OF WATER ADMINISTRATION  
- STAFF ANALYSIS -

| Item | Initial           | Date           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|-------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | <u>RDC</u>        | <u>9/17/73</u> | Application No. <u>22 7078</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (2)  |                   |                | <input checked="" type="checkbox"/> Source<br><input checked="" type="checkbox"/> Point of Diversion<br><input checked="" type="checkbox"/> County<br><input checked="" type="checkbox"/> Quantity of Water and Period of Use<br><input checked="" type="checkbox"/> Description of Diverting Works<br><input checked="" type="checkbox"/> Time required for B/U of water<br><input checked="" type="checkbox"/> Place of Use or Acres Irrigated<br><input checked="" type="checkbox"/> Map<br><input checked="" type="checkbox"/> Signature<br><input checked="" type="checkbox"/> Fee |
| (3)  | <u>"</u>          | <u>"</u>       | In form to receipt <u>YES</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|      | <u>"</u>          | <u>"</u>       | Send Copies to:<br><input type="checkbox"/> Idaho State Health Department<br><input type="checkbox"/> Idaho Fish and Game Department<br><u>NA</u> <input type="checkbox"/> Bureau of Land Management                                                                                                                                                                                                                                                                                                                                                                                    |
| (4)  | <u>"</u>          | <u>"</u>       | <input type="checkbox"/> Request Special Use Permit from U.S.F.S.<br><u>NA</u> <input type="checkbox"/> Request Easement from B.L.M.<br><input type="checkbox"/> Request Information from Applicant                                                                                                                                                                                                                                                                                                                                                                                     |
| (5)  | <u>"</u>          | <u>"</u>       | In form for advertising <u>YES</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (6)  | <u>"</u>          | <u>"</u>       | Located within Water District No. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (7)  | <u>"</u>          | <u>"</u>       | <u>NA</u> Critical groundwater area: yes _____ no _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (8)  | <u>"</u>          | <u>"</u>       | Groundwater levels:<br>____ Decline (comment) _____<br><u>NA</u> ____ Stable (comment) _____<br>____ Increasing (comment) _____                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (9)  | _____             | _____          | Comments: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (10) | <u>mb</u>         | <u>10/5/73</u> | Affidavit of Publication received (date) <u>October 5, 1973</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (11) | <u>cw</u>         | <u>10/9/73</u> | Final date for protests <u>October 9, 1973</u><br>Protests received: yes <u>X</u> no _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (12) | <u>NCY</u>        | <u>2/14/74</u> | Date and Place of hearing <u>N.A.</u><br>Decision reached at hearing <u>PROTEST WITHDRAWN</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (13) | <u>"</u>          | <u>"</u>       | All requested information received from agencies or applicant<br>yes <u>X</u> no _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (14) | <u>"</u>          | <u>"</u>       | Action recommended:<br><input checked="" type="checkbox"/> Approve<br><input type="checkbox"/> Deny Reason for Reduction _____<br><u>NA</u> <input type="checkbox"/> Measuring device required<br><u>CONTROL OF W.D. 01 WATERMASTER</u><br><input checked="" type="checkbox"/> See attached sheet for additional conditions of approval<br><input checked="" type="checkbox"/> No additional conditions for approval                                                                                                                                                                    |
| (15) | District <u>E</u> | By <u>NCY</u>  | Date <u>10/9/73</u><br><u>NCY</u> <u>2/14/74</u><br><u>22 7078</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

October 4, 1982

RE: Permit No. 22-7078

Deloy Z. Ward  
Route #4  
Rexburg, ID 83440

Dear Mr. Ward:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:kw  
Enclosures



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

### LICENSING AMENDMENT

**September 1, 1982**

**Timber Creek Ranch  
Deloy Z. or Viola J. Ward  
Registered Polled Herefords  
Rt. 4  
Rexburg, ID 83440**

Dear Permit Holder:

Re: Permit No. **22-7078**

Due to a change in our accounting system, the **\$15** fee for the Licensing Amendment of a water right permit has been receipted.

The document you submitted is still in staff review.

Enclosed is our receipt No. **24649.**

Sincerely,

Roberta Garrett  
Records Supervisor

Enclosure

RECEIVED  
SEP 1 1982  
DEPT. OF WATER RESOURCES  
BOISE, IDAHO

August 11, 1982

RE: Permit No. 22-7076

Deloy Z. Ward  
Route #1  
Rexburg, ID 83440

Dear Mr. Ward:

On June 30, 1982, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:kw



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

June 30, 1982

RE: Permit No. 22-7078

Deloy Z. Ward  
Route #1  
Rexburg, ID 83440

Dear Mr. Ward:

A representative of this Department made an examination of the works covered by your Permit No. 22-7078 and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 0.02 cfs Source: Spring Creek

The maximum quantity diverted shall not exceed 6.7 acre feet  
per year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 23, Twp. 5N, Rge. 42E, Madison County

Beneficial use: Stockwater use within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 11; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 23;  
Twp. 5N, Rge. 42E

Priority date established: September 14, 1973

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:kw  
Enclosure

## FIELD REPORT

3. Water will be used for the following purposes:

Period of Use: from 4-1 to 12-1  
(mo.-day) inclusive (mo.-day)

Period of Use: from \_\_\_\_\_ to FEB 20  
(mo.-day) inclusive (mo.-day)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

- Max Rate of Diversion 0.02 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

- Township 5N N/S, Range 42E E/W, B.M., Section 23, Subdivision NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Madison  
County
- Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_  
County
- Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , \_\_\_\_\_  
County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: headbox, 2" x 500', plastic pipe  
water tanks

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

**TOTAL ACREAGE**

A42E

T  
5  
N

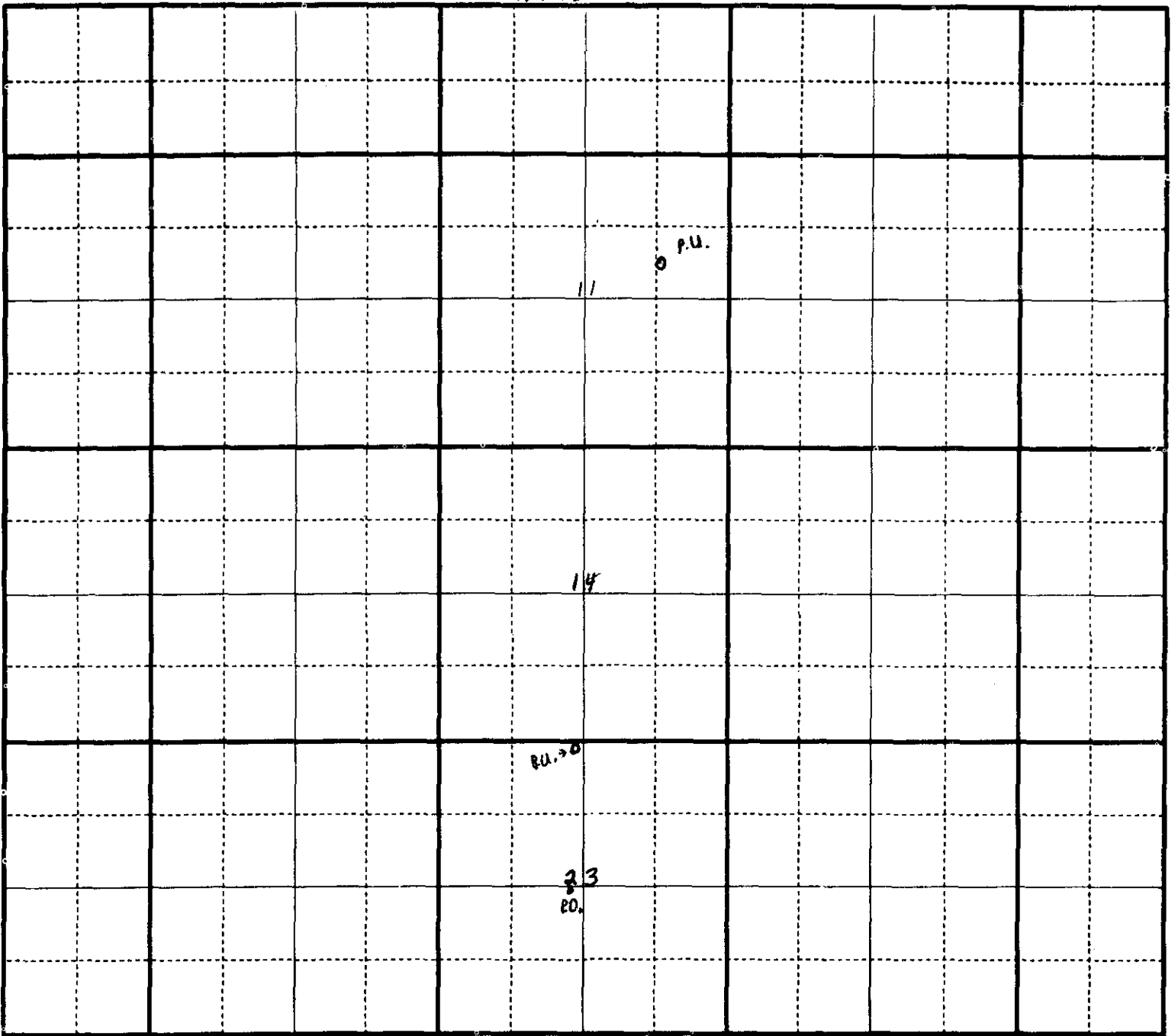
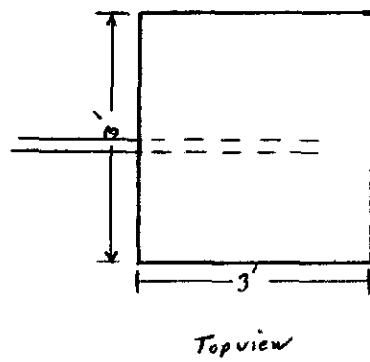
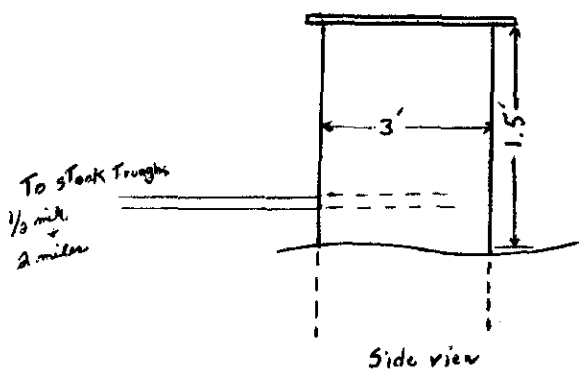


Diagram of System



JDC.

22-7078 De Joy, Wash





DATE OF EXAM 6/26/79

ACREAGE

Found n/a

Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE

Irrigation Q=        c.f.s. V=        AF/Ann. from        to       

Domestic Q=        c.f.s. V=        AF/Ann. from        to       

Livestock Q= .02 c.f.s. V= 6.7 AF/Ann. from 4-1 to 12-1

Is water co-mingled? yes        no X

Name source: n/a  
twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Exchange? yes        no X

Name source exchanged with: n/a  
twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Point of injection: n/a  
twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Point of exchange: n/a  
twp.        N/S, Rge        E/W, B.M., Sec.       , Sub.        1/4        1/4        County       

Total Q measured .02 cfs Method of measurement Bucket and stopwatch

Total Q recommended .02 cfs Meter No.        Type 2.5 gal Condition Std

Total V recommended 6.7 AF/Ann.

Recommended Amendments:

P.D.

Place of Use SENE well + NENW 8x23 T5N R42E B.M.

Other       

None       

MEASUREMENT CALCULATION:

2.5 gal. in 15 sec. = 10 gpm = .02 cfs capacity

V = .02 cfs x 1.9835 x 244 days = 9.7 AF/Ann.

Maximum volume allowed on administration memorandum for 500 hd. = 6.7 AF/Ann.

SYSTEM DESCRIPTION:

a 3' dia. culvert with perforations dug into creek bank with a 2" black plastic pipe  
laid down down for over 2 miles. Two places of use. gravity flow. up to 500 hd.  
of cattle.

REMARKS:

System described by De Loy J. Ward.

Examiner's Signature John D. Carlson Date 2/1/80

Checked by Anthony R. Kozlowski Date 2/21/80

Approved by Kozlowski Date 6/29/82



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

February 13, 1979

DeLoy Z. Ward  
Route 1  
Rexburg, ID 83440

Dear Mr. Ward:

Re: Permit No. 22-7078

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Idaho Falls.

Sincerely,

RITA FLECK  
Water Rights

**MICROFILMED**

RECEIVED  
 APR 23 1973  
 Department of Water Resources  
 Eastern District Office

STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES  
**PROOF OF APPLICATION  
 OF WATER TO BENEFICIAL USE**

1. a) Name of permit holder DeLoy Z. Ward
- b) Post office address Route #1, Rexburg, ID 83440
2. Permit number 22-7078
3. Date of priority that you are prepared to establish 9/14/73
4. a) Source from which water was appropriated Spring Creek
- b) Location of the point of diversion: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 23  
 Township 5N, Range 42E Boise Meridian. Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
 Amount 0.02 for Stockwater purposes from Apr 1 to Dec 1 incl.  
 (cfs &/or acre-feet per annum) (month-day) (month-day)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
 (cfs &/or acre-feet per annum) (month-day) (month-day)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
 (cfs &/or acre-feet per annum) (month-day) (month-day)
- b) Total amount appropriated 0.02 cfs and/or acre-feet per annum.
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:  
N/A
6. If the means of diversion and conveyance are owned by someone other than the permit holder:  
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:  
N/A
- b) Describe the agreement of understanding by which you take water from the works: N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):  
Head box with 2" x 500' reduced to 1½" x 15,000 plastic pipe to five water tanks.
- b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)  
 \_\_\_\_\_

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Total number of acres irrigated

The above information is a true statement of the extent to which the above numbered permit has been developed.

DeLoz J. 2nd  
(Signature)

Notary Public  
Residing at \_\_\_\_\_ Idaho Falls, Idaho

My commission expires 6/15/81



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

CERTIFIED MAIL

November 20, 1978

Re: Permit No. 22-7078

100481

Deloy Z. Ward  
Route 1  
Rexburg, ID 83440

Dear Mr. Ward:

One of the conditions of approval of your water Permit No. 22-7078 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.

RITA FLECK  
Water Rights

Encl: Proof affidavit

**MICROFILMED**

February 20, 1974

Re: Permit No. 22-7078

Deloy Z. Ward  
Route 1,  
Rexburg, Idaho 83440

Dear Mr. Ward;

Enclosed is a copy of your approved Application for Permit No. 22-7078 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF/bjg

Enclosure

22 7078

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

February 14, 1974

Re: Application for Permit No. 22-7078 - Deloy Z. Ward

Mr. Richard A. Egbert  
218 Egbert  
Tetonia, Idaho 83452

Dear Mr. Egbert:

This is to acknowledge receipt of the withdrawal of protest which was received in this office under the above date.

If you have any questions, please contact this office.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:MR

22 7078

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

February 14, 1974

C  
Re: Application for Permit No. 22-7078

Mr. Deloy Z. Ward  
Route #1  
Rexburg, Idaho 83440

Dear Mr. Ward:

P  
Enclosed please find a copy of a letter received this date from Mr. Egbert withdrawing his protest against the above referenced application. Since a hearing is no longer necessary, we can now continue processing your application.

If we may be of further assistance, please contact us.

Very truly yours,

Y  
NORMAN C. YOUNG  
District Engineer

NCY:MB

Enclosure

22 7078

RECEIVED

FEB 14 1974

Department of Water Administration  
Eastern District Office

RECEIVED

FEB 12 1974

Department of Water Administration

February 12, 1974

The Idaho Department of Water Administration

I hereby withdraw the protest filed by myself regarding  
the use of water by De. Loy Ward for stock watering  
purposes in Spring Creek in Madison County.

Sincerely,



Richard A. Egbert

RAE:aje

22 7078

## CONVERSATION MEMORANDUM

DATE Jan. 3, 1974FILE #22-7078NAME OF PARTY Mr. Richard EgbertEMPLOYEE Norman C. Young (NCY)

RE: PROTESTED APPLICATION ----- I called Mr. Egbert to determine if there was a time convenient for him to attend a hearing on this matter. He indicated that an agreement had been reached between the Ward's and himself, which when drafted and signed would allow him to remove his protest. I indicated that we would wait an additional week before setting the hearing to give the parties time to reach this agreement. I also indicated that I would call him at Boise in about a week to determine the time for the hearing, if they had not reached an agreement removing the protest.

22 7078

Route #1  
Rexburg, Idaho 83440  
December 26, 1973

R E C E I V E D

DEC 28 1973

IDAHO DEPARTMENT OF WATER ADMINISTRATION  
Eastern District Office  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Department of Water Administration  
Eastern District Office

Dear Sir:

This letter is to confirm a written request for a hearing  
on application permit number 22-7078.

*DeLoe J. Ward*  
Sincerely yours

22 7078

1515 Lincoln Road

December 20, 1973

Re: Application for Permit No. 22-7078

Mr. Deloy Z. Ward  
Route #1  
Rexburg, ID 83440

Dear Mr. Ward:

When you visited our office December 18, 1973, you indicated a desire to hold a hearing concerning Mr. Egbert's protest against your application. Before the hearing date can be set, we need a letter from you requesting said hearing. It is not necessary for you to be represented by an attorney at this hearing, however, it may be to your advantage to have legal counsel present.

Upon receipt of your letter, we will schedule a hearing. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RONALD CARLSON  
Assistant to the  
District Engineer

RC:mb

22-70783

DATE 12-11-73FILE 22-7078NAME OF PARTY DECOY WARD, his father & brotherEMPLOYEE NCR

RE: The WARDS VISITED this office to review what steps they needed to take to get final action on the application. I essentially ticked off 5 alternatives:

- 1) Relinquish app
  - 2) Get an agreement to remove protest
  - 3) Both WARD & Egbert & Madison-Fremont agree to waive the hearing
  - 4) Request a hearing
  - 5) Waive hrg & proceed to Dist Court.
- Told him to review his position & respond in writing as to his wishes.

I showed him claim # 22-8004 (Egbert) & when he expressed dismay, explained the claim-exception procedure.

Ward also indicated that his application was for water from two headboxes in addition to the stream.

22 7078

MEMORANDUM

RE: Conference on Application No. 22-7078, Deloy Z. Ward

A conference was held at Rexburg, Idaho, on October 26, 1973, to consider protests against issuance of permit on the above referenced application. The applicant, Deloy Z. Ward, was present and represented himself. Protestant, Richard A. Egbert, was not present but was informally represented by his son, Richard P. Egbert, Fremont-Madison Irrigation District had indicated verbally an intent to protest, did not follow-up with a written protest, but were represented at the conference by R. Willis Walker and Andy Anderson. Canyon Creek Canal Co. had also indicated verbally their intent to protest, did not follow-up with a written protest, but were represented at the conference by Wallace Little.

The applicant explained that his livestock had been watering directly out of Spring Creek in past years. Because Spring Creek goes dry during late June or early July each year in some reaches through his property, he wishes to construct a pipeline with stock tanks from the perennial reaches of the stream on his upper property to save the livestock a long daily trip to and from water. He indicated that the diversion would only need to be used when Spring Creek was not reaching Canyon Creek and therefore, could not injure the rights of Canyon Creek Canal Co. or Fremont-Madison Irrigation District. He expressed a willingness to work with the Egbert Sheep Co. to include them in the development or to otherwise insure that their water rights for watering sheep would not be injured.

Both Mr. Walker and Mr. Little agreed in principle to the idea that their rights would not be injured if Spring Creek water did not reach Canyon Creek during the time the system was being used, but indicated that the remote location of the project made administration by the Watermaster impractical.

Mr. Egbert indicated that the water available in the creek was only barely adequate and that it was all needed to water sheep during part of the year. Sheep are not adapted to drinking out of the tanks, he indicated, thus causing crowding with the associated overgrazing and trampling near the tanks.

The applicant and Mr. Egbert expressed a desire to discuss a solution to their problem without asking the Department to make a decision. It was agreed to postpone a formal hearing for a period of 45 days from the date of conference to allow them time to reach an agreement. If the agreement has not been received by the Department within 45 days, the matter should be then set for hearing.

NCY  
NORMAN C. YOUNG  
District Engineer

22 7078

22-7078 - Deloy Z. Ward

Courtroom, Madison County Courthouse, Rexburg, Idaho

October 26, 1973, - 11:00 a.m.

ROSTER OF ATTENDANCE

| Name              | Address                | Representing       |
|-------------------|------------------------|--------------------|
| Richard P. Egbert | Terreton               | Egbert Sheep Co    |
| Deloy Z. Ward     | Rexburg                | Deloy Ward         |
| Reveries Weaver   | Fremont - Madison Dist |                    |
| Wallace Little    | Murdah, Ida            | Canyon Creek Canal |

22 7078

**SENDER:** Be sure to follow instructions on other side

**FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)**

*(Additional charges required for these services)*

Show address  
where delivered

☐

Deliver ONLY  
to addressee

**RECEIPT**

Received the numbered article described below

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

22 7078

IDAHO 83401

22 1078

POST OFFICE

DEPARTMENT OF WATER ADMINISTRATION

RETURN  
TO



Instructions:  
1. Attach to back of article.  
2. Attach check block(s) on other side.  
3. Attach ZIP Code.

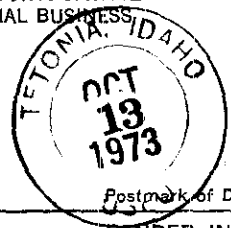
DELIVERING OFFICE



NOV 10 1973  
PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300  
OCT 10 1973  
FBI  
FBI  
FBI

PS Form 3811 Sep. 1972 c55-16-81277-2

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
  - Moisten gummed ends and attach to back of article.

RETURN  
TO

22 7078

**SENDER: Be sure to follow instructions on other side**

**PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)**

(Additional charges required for these services)

☐ Show address  
☐ where delivered  
☐ Deliver ONLY  
☐ to addressee

**RECEIPT**

Received the numbered article described below

REGISTERED NO. \_\_\_\_\_

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

*[Handwritten Signature]*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

CERTIFIED NO. \_\_\_\_\_

INSURED NO. \_\_\_\_\_

DATE DELIVERED \_\_\_\_\_

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

10-13-73

22 7078

*STATE OF IDAHO*  
*DEPARTMENT OF WATER ADMINISTRATION*  
Eastern District Office  
1515 Lincoln Road • Idaho Falls, Idaho  
83401

RETURNED RECEIPTS REQUESTED

No. 22-7078

**NAME AND ADDRESS OF SENDER**

NUMBER OF  
ARTICLE

NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS

**POSTAGE**

## THE

10

10



1

**ACT**

## YALI

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11

**100**

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Indicate type of mail:

☐ Registered ☐ Registered  
C.O.D.

☐ Certified

Also stamp here if issued as certificate of mailing or for additional copies of this bill.

# MEMBERSHIP

22-202

22

261  
34  
100

TOTAL NO. OF PIECES  
LISTED BY BINDER

21

TOTAL NO. OF  
STUDY MATERIALS

# 1

**PORTMAN**

1

[illegible][illegible]

10

**APPLICATION FOR REGISTRATION OR CERTIFICATION**

**Charges are not required on international instrument.**

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

|                                           |   |                      |
|-------------------------------------------|---|----------------------|
| In the matter of Protest Against Approval | ) |                      |
|                                           | ) |                      |
| of Application for Permit No. 22-7078     | ) | NOTICE OF CONFERENCE |
|                                           | ) |                      |
| in the name of DELOY Z. WARD              | ) | AND/OR HEARING       |
| _____                                     | ) |                      |

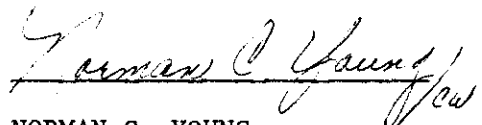
On September 14, 1973, Deloy Z. Ward filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On October 9, 1973, the Department received a protest against approval of said application from Richard A. Egbert.

The Department has set the matter of protest for conference and/or hearing for Friday, October 26, 1973, at 11:00 a.m., in the Courtroom of the Madison County Courthouse, Rexburg, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Date this 12 day of October, 1973.

  
NORMAN C. YOUNG  
District Engineer

22 70' 8

1515 Lincoln Road

October 11, 1973

Madison County Courthouse  
Clerk of the District Court  
Rexburg, Idaho 83440

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Friday, October 26, 1973, at 11:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

32 7078

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**EASTERN DISTRICT OFFICE**



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

October 11, 1973

Re: Application No. 22-7078

Richard A. Egbert  
Tetonia,  
Idaho 83452

Dear Mr. Egbert:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

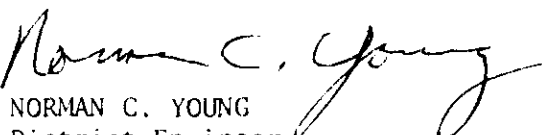
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

  
NORMAN C. YOUNG  
District Engineer

22 7078

NCY:mb

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
EASTERN DISTRICT OFFICE



Cecil D. Andrus  
Governor  
Keith Higginson  
Director  
Deloy Z. Ward  
Route #1  
Rexburg, ID 83440

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

October 11, 1973

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

Re: Application for Permit No. 22-7078

Dear Mr. Ward:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 22-7078. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

A handwritten signature in cursive script, reading "Norman C. Young".

NORMAN C. YOUNG  
District Engineer

NCY: mb

Enc: Copy of Protest(s)

22 7078

1515 Lincoln Road

October 11, 1973

Re: Application for Permit No. 22-7078

Mr. Willis Walker  
Rexburg,  
Idaho 83440

Dear Mr. Walker:

This letter is to confirm our telephone conversation of October 9, 1973 concerning your protest against issuance of permit on the above referenced application. As I indicated at that time, the Department will consider your telephone statement as an intent to protest but it will be necessary for you to follow up in writing with a protest to be officially received. This written protest must be received by October 16, 1973 or we will consider that you no longer wish to continue your protest.

As I previously indicated, the applicant may wish to make the matter of your timeliness one of the questions to be considered at the hearing. The Department would then make a decision concerning the matter. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

It is my tentative plan to hold this hearing, if necessary, on October 26, 1973 in conjunction with the Neeley Transfer, in Rexburg.

22 7078

Page 2  
Mr. Walker  
October 11, 1973

If we may be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

22 7078

## CONVERSATION MEMORANDUM

DATE 10-9-73FILE 22-7078NAME OF PARTY Dick EgbertEMPLOYEE Ron Carlson

RE: I told Mr. Egbert per telephone conversation this date  
that I would accept his telephone call as an intent to protest this  
application, and that he had 10 days to file his protest in writing  
if this is his intention. The applicant could then make one of the  
points of discussion at any subsequent hearing the question of time-  
liness of the protest. The department would then have to make a  
decision following the hearing on the protest.

22 7078

## CONVERSATION MEMORANDUM

DATE 10-9-73FILE 22-7078NAME OF PARTY Willis WalkerEMPLOYEE Norm

RE: I told Willis Walker per telephone conversation this date  
that I would accept his telephone call as an intent to protest this  
application, and that he had 10 days to file his protest in writing  
if this is his intention. The applicant could then make one of the  
points of discussion at any subsequent hearing the question of time-  
liness of the protest. The department would then have to make a  
decision following the hearing on the protest.

22 7078

CONVERSATION MEMORAN

DATE 10-9-73

FILE 22-7078

NAME OF PARTY Grant Klinger & Gerald Jayne

EMPLOYEE Norm

RE: Both of these individuals called wanting information  
with respect to this filing. They did not officially protest but  
they were informed of the final date of protest and the  
proper procedure for protest if they wished.

22 7078

XXXXXXXXXXXXXXXXXXXX

September 14, 1973

RE: Application for Permit No. 22-7078 - Ward

Rexburg Journal  
23 South 1st East  
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Very truly yours,

NORMAN C. YOUNG  
District Engineer

Bill submitted 10/5/73 by mb

NCY:cw

Enc: Legal Notice (1)

22 7078

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Deloy Z. Ward

Rt. #1, Rexburg, Idaho

has on 9-14-73 submitted Application No. 22-7078

for a permit to appropriate 0.02 cubic feet per second ~~2000 feet per annum~~

of water from Spring Creek tributary to Canyon Creek

by means of pipeline and headbox

within the NE~~1~~SW~~1~~, Sec. 23, T. 5N, R. 42E, B.M., Madison County;

to be used from Apr. 1 to Dec. 31

for stockwatering purposes for 600 head beef cattle and 5 horses

within the NW~~1~~NE~~1~~, SE~~1~~SW~~1~~, Sec. 11; NE~~1~~SW~~1~~, Sec. 14; NE~~1~~NW~~1~~, Sec. 23,

T. 5N, R. 42E, B.M.;

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before October 9, 1973.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho

on September 20, and September 27, 1973

22 7078

*Deloy Z. Ward  
9/17/73  
Dw-A.*