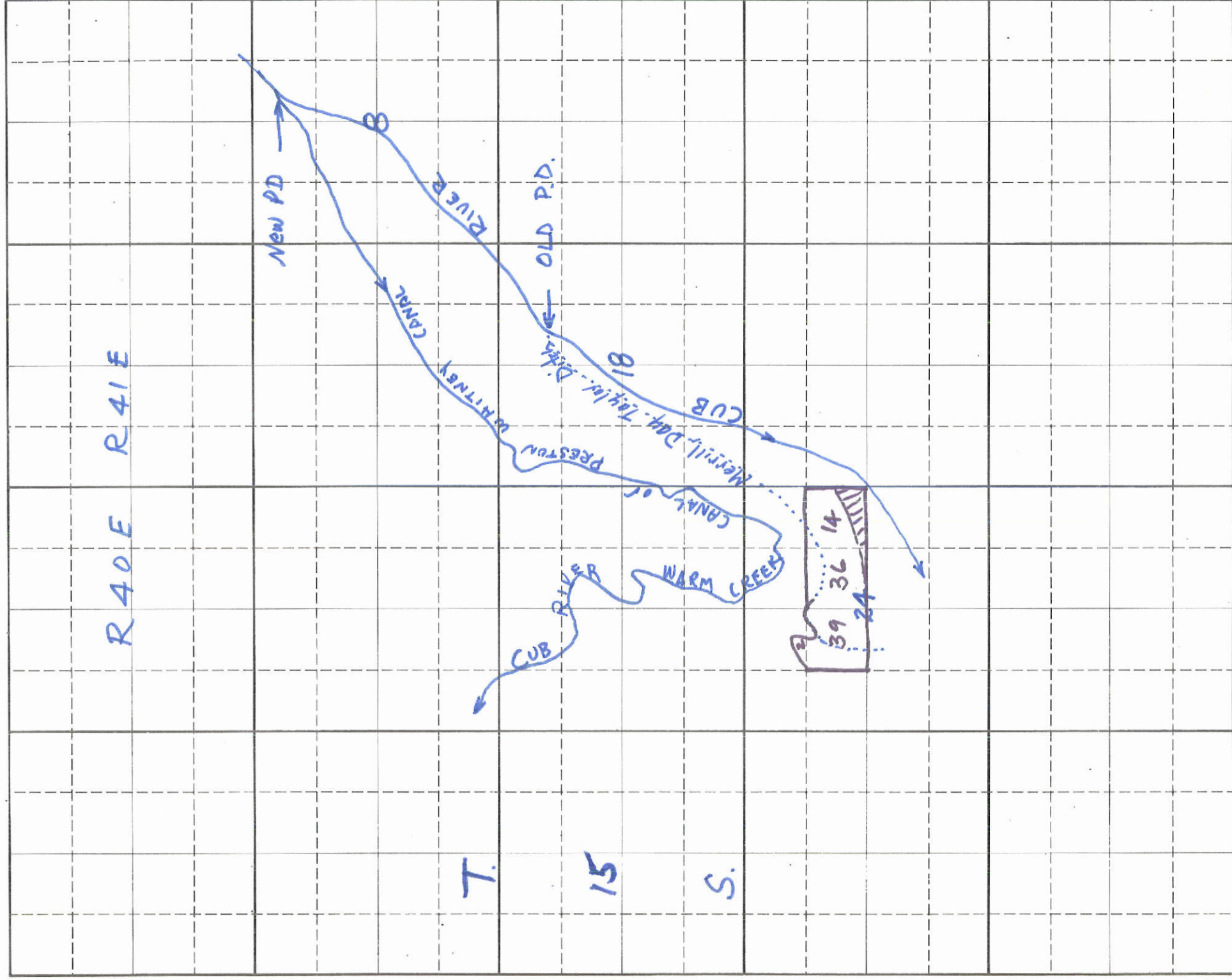


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

ss.

Hayne D. Bell

being duly sworn,

deposes and says:

That he is the Co. publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 18, 19 75, and ending

with the issue of September 25, 19 75

Hayne D. Bell

Fees, \$ 20.35

Subscribed and sworn to before me this 7 day

of October, 19 75.

Robert D. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

RECEIVED

OCT 9 1975

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 13-0019/13-0020

Notice is hereby given that Mrs. Vaudis A. Sharp, Preston, Idaho, has applied to the Department of Water Resources for a change in the

point of diversion and the place of use of the waters of Cub River tributary to Bear River. The right sought to be

changed is evidenced by decree to Alvin Sharp in Case of Henry T. McEwan -vs- Franklin County Sugar Co., et al, dated July 9, 1924 in the Fifth Judicial District

Court, Franklin County, and is recorded as follows:

AMOUNT	PRIORITY
13-0019 0.20 cfs	1882
13-0020 0.70 cfs	1892

DECREE POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M., Franklin County;

The water is used to irrigate lands within Sections 15 and 24, T. 15S, R. 40E, B.M., Franklin County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 15S, R. 41E, B.M.,

Franklin County, and used to irrigate 91 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 15S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 6, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on September 18 and September 25, 1975.

Legal No. 2929 — Pub.
Sept. 18, 25, 1975.

Microfilm

Note:

The P.D. was plotted in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ rather than NW $\frac{1}{4}$ NE $\frac{1}{4}$ in order to comply with the geographic location on the quadrangle map.

As this area is unsurveyed ~~the~~ the location on the map is only approximate.

Click Link

12/22/96

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Alvin Sharp	0.20 cfs		13-0019
1863	Mrs. Vaudis A. Sharp	0.20 cfs	N/A	13-0019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of Use

Name of applicant Mrs. Vaudis A. Sharp Phone _____
Post office address RFD #3, Box 609, Preston, Idaho 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Alvin Sharp (Name)
in case of Henry T. McEwan VS Franklin County Sugar Co., et al
dated 7/09/24 in Fifth Judicial Dist. county of Franklin
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Cub River tributary to Bear River
4. Date of priority 13-0019--1882--0.20 cfs; 13-0020--1892--0.70 cfs
5. Water is used for the following purposes:
amount 0.20 for Irrigation purposes from April 1 to Oct. 31
amount 0.70 for Irrigation purposes from April 1 to Oct. 31
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 13-0019 0.20 cubic feet per second
~~XXXX~~ TOTAL: 0.90 c.f.s
~~XXXX~~ 13-0020 0.70 ~~XXXX~~
7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18
Township 15S Range 41E, B.M., in Franklin County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: Lands irrigated by claimant lying within Sec. 15 and 24, T. 15S, R. 40E, B.M.

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 _____

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 0.90 c.f.s. &/or _____ acre feet

b. Point(s) of diversion NE ¼ NW ¼, Section 8 Township 15S
Range 41E, B.M., Franklin County
Additional points _____

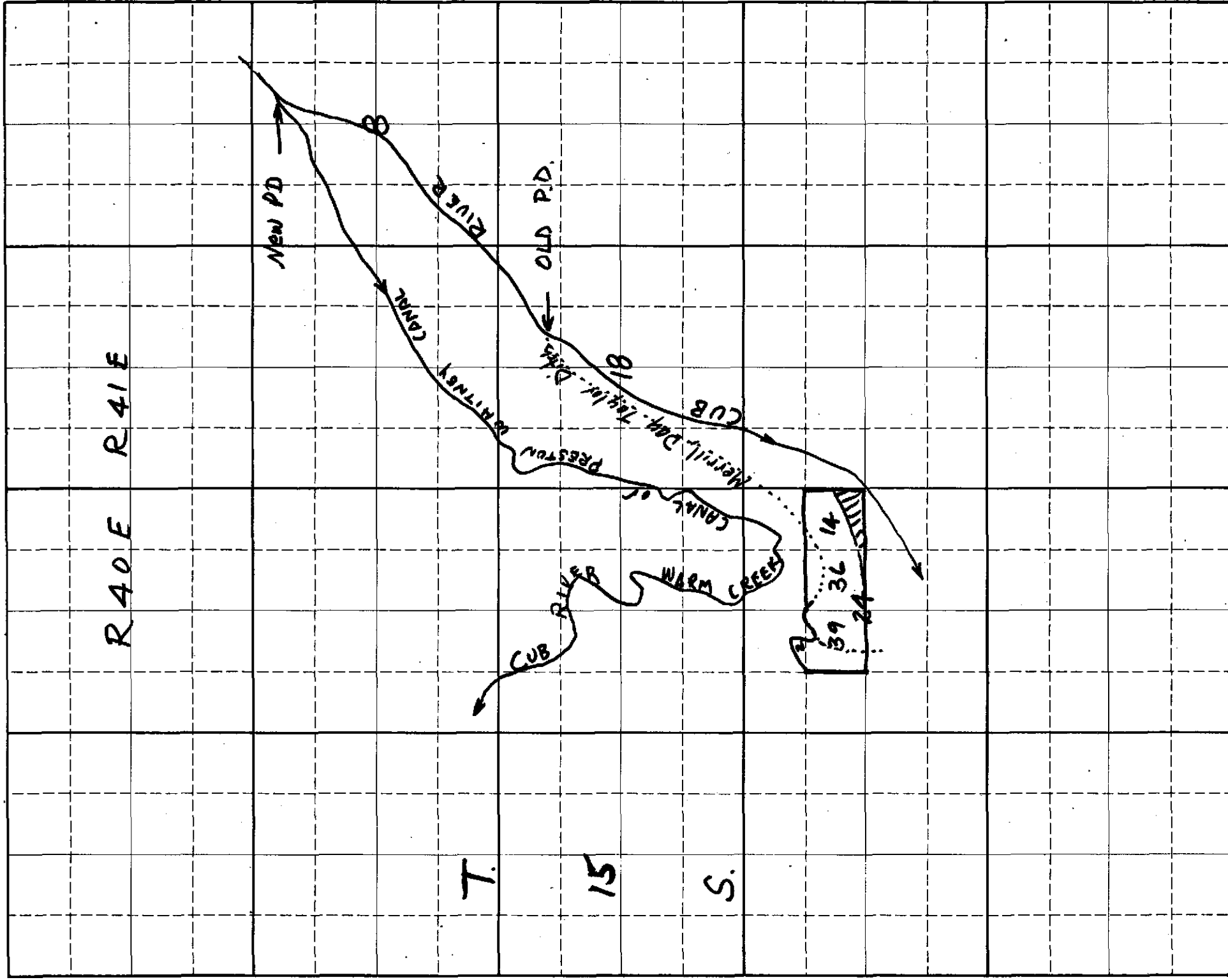
c. Description of diverting works _____

d. Describe the reasons for applying for a change in the point(s) of diversion Have changed my method of irrigation from flood to gravity sprinkler irrigation. The Preston Whitney Ditch is at a much higher elevation and gives the required pressure for gravity sprinkler irrigation.
2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	40E	24			36	14	2			39									91

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

David A. Sharp
(Signature of applicant)

Subscribed and sworn to before me this 4th day of September, 19 75

La Rae E. Johnson
(Notary public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-0019/13-0020 (1863) and said application is hereby APPROVED

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

Pursuant to Memorandum Decision and Order of this date.

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

Witness my hand this 7th day of September, 19 76

A. Kenneth Dunn
For the Director: A. KENNETH DUNN, Administrator

FOR DEPARTMENT USE ONLY

Received by ME Date 9-5-75

Protest filed by Glen T. Barman 10-06-75

Prelim. check by LHJ Fee #30.00 #15405

Receipted by MB Date 9-05-75

Published in Preston Citizen

Copies of protest forwarded by me 10-06-75

Pub. dates Sept. 18 & 25, 1975

Hearing held by _____ Date _____

Watermaster recommendation requested on 9-5-75

Recommended for approval denial

_____ rec'd. _____

by DDF

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 13-0019/13-0020 IN THE
NAME OF VAUDIS A. SHARP

MEMORANDUM DECISION
AND ORDER

On September 9, 1975, Mrs. Vaudis A. Sharp filed with the Department of Water Resources Application for Transfer No. 13-0019/13-0020. The application requested a change in the point of diversion of two rights decreed to Alvin Sharp in the case of Henry T. McEwan v.s. Franklin County Sugar Company, et. al., dated July 9, 1924, in the Fifth Judicial Court of Franklin County. Notice of this proposed change in the point of diversion was advertised on the 18th of September and the 25th of September, 1975, in the Preston Citizen, Preston, Idaho, and subsequently was protested by Glenn T. Bowman.

On February 18, 1976, a hearing concerning the matter of protest was held at Preston, Idaho. The applicant was present and represented by J. D. Williams, Attorney at Law. The protestant, Glenn T. Bowman, was present also and represented by J. W. Crowther, Attorney at Law. The primary issue raised was whether the removal of the applicant's water from a ditch also used by the protestant and thus causing a rotation arrangement to cease, would cause injury to the protestant's water right.

Testimony on behalf of both the applicant and the protestant was received and the Department after having reviewed all testimonies and evidence offered and all pertinent information in the Department's official records, the Director of the Idaho Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicant is the successor in interest to decreed water rights 13-0019 (1882) and 13-0020 (1892) in the amount of 0.20 cubic feet per second and 0.70 cubic feet per second respectively.
2. The protestant is the successor in interest to rights decreed to B.M. Burbank, 1.00 cubic feet per second (1882) and 0.30 cubic feet per second (1883).
3. The applicant and protestant have for a number of years used water in rotation through what is known as the Merrill, Day and Taylor Ditch.
4. The Court did not require in the above decree that the rights of the applicant and protestant should be pooled and used on a rotation basis.

CONCLUSIONS OF LAW

1. The applicant is the owner of decreed rights 13-0019 and 13-0020.
2. The rotation of the use of the waters of Cub River by the applicant and protestant was mutually beneficial but was not legally required.
3. The approval of this application for transfer will not cause injury to the water rights of Glenn T. Bowman.
4. Mrs. Vaudis A. Sharp is entitled to the approval of application for transfer 13-0019/13-0020.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer No. 13-0019/13-0020 is APPROVED subject to the following conditions;

1. That the transfer is subject to the control of the watermaster of State Water District No. 13-A, Cub River.
2. That a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works:

Dated this 7 day of September, 1976.

R. Keith Higginson
R. KEITH HIGGINSON
Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the Co. Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 18, 19 75, and ending

with the issue of September 25, 19 75

Wayne D. Bell

Fees, \$ 20.35

Subscribed and sworn to before me this 7 day

of October, 19 75

Delana D. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

RECEIVED

OCT 9 1975

Department of Water Resources
Eastern District Office

me

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. 13-0019/13000

Notice is hereby given that Mrs. Vaudis A. Shattuck, of Preston, Idaho, has applied to the Department of Water Resources for a change of water right No. 13-0019/13000, which was originally granted to her by the Department of Water Resources on July 9, 1924, in the Fifth Judicial District Court, Franklin County, and used to irrigate 91 acres within the S $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 15S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 6, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on September 18 and September 25, 1975.

Legal No. 2029 - Pub. Sept. 18, 25, 1975

cu

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF

IDAHO, IN AND FOR FRANKLIN COUNTY

HENRY T. MCEWAN,

PLAINTIFF

VS

DEBTEE

FRANKLIN COUNTY SUGAR COMPANY, A corporation; CITY OF PRESTON, A municipal corporation; THE CUB RIVER IRRIGATION CO., a corporation; THE CUB RIVER MIDDLE DITCH CO., A corporation; THE FRANKLIN CUB RIVER CANAL CO., a corporation; THE CUB RIVER AND WORM CREEK CANAL CO., a corporation; B. M. BURRANK, CAROLINEJ. ALLRED, GRACE H. WOOLLEY, VIRGIL L. NELSON, HENRY F. BENNETT, MERLIN PERKINS, JAMES PERKINS, JANUS KELLER, JR., JOS. SHARP, C. M. EPECH, MARY ANN BUCKLEY MCGEE, HENRY DAY, J. A. DUNKLEY JOSEPH T. SHARP, ALVIN C. HULL, LEROY HULL, PRISCILLA FOWMAN, TRACY LONAN & TRUST COMPANY, a corporation, and S. W. Parkinson, as administrators of the Estate of Samuel C. Parkinso, deceased; Alvin Sharp CECIL WOODWARD, GARNET WOODWARD, FRANKLIN MAPLE CREEK PIONEER IRRIGATION COMPANY, a corporation, ELIZQ D. LOVE, ELIZABETH K. LOWELEVI OLIVERSH: JOHN W. GIVSON, WILFOLLETT AND HOWARD GIBSON AS administrators of the Estates of W. M Gibson, deceased; WALLACE CHATTERTON, S. B. WRIGHT, S. J. HANDY, WCHATTER* TON AARON CHATTERTON, JOANNA WHITEHEAD, IVAN WOOD WARD, EDWARD MORGAN, THOMA HENRORTH, W. L WCH/WICHHAM, PETER G. WHITEHEAD WILLIAMSTOCKDALE, P. A. ROBINSON: AND ALVIN C. HULL, AS administrator of the Estate of Rober M. Hull, deceased;

Defendants.

This cause came on regularly for trial on the 10th day of March, 1924, before Honorable O. R. Baum, one of the Judges of the said Court at Preston, Idaho, Charles H. Hart, Esq, of Salt Lake City, Utah, and P. J. Evans, Esq, of Preston, Idaho, appearing as attorneys for the plaintiff, Henry T. McEwan; Dey, Hoppaugh & Mark, Esq., and Arthur W. Hart, Esq., appearing as attorneys for the defendant Franklin County Sugar Company, a corporation; P. M. Candie, Esq., appearing for as attorney for the defendant and cross-complainant of The City Of Preston, a municipal corporation; Clark, Richard & Bowen, Esq., and C. E. Crowley, Esq., appearing as attorneys for the defendant and cross-complainant, The Cub River Irrigation Company, a corporation; A. W. Hart, Esq., appearing as attorney for the defendant and crps -complainant, The Cub River Middle

sured at the headgate thereof, which is how the headgate of the Cub River and Worm Creek Canal Company.

13 0017 FIFTEENTH: That the defendant Henry Day is the owner of a primary right to the use, at all times during the irrigation season of $\frac{1}{4}$ of one cubic foot per second of time of the waters of said Cub River, his said right to date from the year A. D. 1882; and is also the owner of a

13 0018 primary right to the use of an additional $\frac{7}{10}$ ths of a cubic per second of time said water, to date from the year A. D. 1879, all of said water to be used upon and to become an appurtenant to lands owned by said claimant, lying within Sections 24 and 15 in Township 15 South of Range 40 East of the Boise Meridian, and to be measured at the headgate of said Merrill, Day and Taylor Ditch; that except for such rights as the defendant, J. A. Dunkley may have, in and to the use of the waters herein allotted to the said Henry Day, the said J. A. Dunkley has no right, title or interest, in or to the use of the waters of said Cub River or any of its tributaries.

13 0019 SIXTEENTH: That the defendant Alvin Sharp is the owner of a primary right to the use at all times during the irrigation season of $\frac{1}{5}$ th of a cubic foot per second of time of the waters of said Cub River, said right to date from the year 1882, and is also the owner of an additional primary right to the use of $\frac{7}{10}$ ths of one cubic foot per second of time of the waters of said stream, to date from the year A. D. 1892, all of said waters to be used upon and to become appurtenant to the lands owned by said claimant, lying with Sections 24 and 15 in Township 15 South of Range 40 East of the Boise Meridian, and to be conveyed through the said Merrill, Day and Taylor Ditch and measured at the headgate thereof.

SEVENTEENTH: That the defendants Henry F. Bennett, Merlin Perkins and James Perkins and James Keller, Jr., are the owners of a primary right to use, at all times during the irrigation season, of the flow of the waters of said Cub River in the amounts and in the quantities and with the priorities following, that is to say, the said Merlin Perkins and James Perkins to one cubic foot per second of time and the said Henry F. Bennett to $1\frac{1}{2}$ cubic feet per second of time and the said James Keller, Jr., to $3\frac{1}{2}$ cubic feet per second of time, each of said rights to date from the year A. D. 1884, and the waters hereby allotted to be conveyed through what is known as the Sugar Creek Ditch, and to be measured at the headgate.

Flaming
Plaster

Do Not Film

HEARING 13-0019/13-0020

PRESTON
2/18/76

VAUDIS SHARP

VAUDIS SHARP — J.D. WILLIAMS

GEN T. BOWMAN — J.W. CRAWTHER

NO AGREEMENT HAS BEEN REACHED

Protest — you can irrigate less w/a small stream over a long period of time than you can w/a larger stream for a shorter period.

QUESTION — WILL TRANSFER INJURE EXISTING WATER RIGHTS?

Crawther

1.) Parties are sharing ditch. Can one w/draw from ditch w/out damaging other users

2.) Williams — applicant wants to put in sprinkler system thus using water more beneficially

RECORD OF COURT STIPULATED

ROTATION NOT AVAILABLE.

[CHECK RECORDS SEE IF DEPT HAS
IT.]

GRAIN IRRIGATED TWICE (w/ HIGH WATER
1 1/2 IRRIGATIONS ON MAY

10th of JUNE 1ST CROP HARVESTED

1 CFS IS ADEQUATE FOR BOWMAN'S
LAND

(SECOND CUT 15th - 20th JULY
GENERALLY OCCURS) CUT HYPOTHESIS
50" - 29 1/2" AS A RESULT OF SHARP TURN
1600 FT TO DELIVER WATER TO
EXISTING DITCH

(WATER MASTER HAS NO MEASURING DEVICE
TO GO BY)

JD. WILLIAMS — VAUD'S SHARP

WANTS TO PUT IN GRAVITY SYSTEM

IS IRRIGATING 30 AC — COULD

IRRIGATE 160 AC.

MAEREC, TAYLOR & DAY DITCH

CRAWTHOR - BOWMAN

3.) Protests - B.M. BURGANE

RIGHT 1.0 CFS 0.3 CFS

PROTESTANTS EXHIBIT #1 ABSTRACT

OF HEURT, MCLWAN VS FRANKLIN CY

SUGAR CO.

COURT SET UP TURNS?

FULL STREAM HAS IRRIGATED 255 AC

IF TRANSFER GRANTED 5 1/2 DAY

FOR BOWMAN TURN

1 CFS CAN IRRIGATE 10 ACRES IN

3 DAYS (HAY & GRAIN)

1 1/2 T/AC IRRIGATED HAY (FULL STREAM)

HIGH WATER ESTABLISHES GRAIN

\$9000 + \$1000 @ / YEAR 0 \$ M.

J.D. WILLIAMS - BOWMAN

4) When water meter makes
second cut Bowman - 7 days

DITCH CAPACITY ~ 3.0 CFS

ASC SHOWS BOWMAN 45 ACRES

Dec 3, 1975

APPLICATION FOR TRANSFER 13-0019/13-0020

PROTEST - 3 USERS IN ROTATION - Q
REDUCED IF ONE PERSON'S WATER WAS
RETURNED

WATER RIGHTS

SHARP RIGHT .20 - 1882

.70 1892

~~1.0~~ BOWMAN ~~30~~ 1882

1.00 1882

ROBINSON .25 1882

.70 1892

SHARP ALREADY HAS SOME WATER IN
WORN CREEK CANAL

SHARP - PROPOSE TO IRRIGATE ~50 ACRES

BOWMAN - IS IRRIGATING 50-55 ACRES

CONTINUE FOR 60 DAYS

33
19
69
71

160
120
320
160

Add. 1/2 cent number in Worm Creek Canal.

Sharp

Day

1882	1.25
1892	0.70
1892	0.70
1892	0.70
1882	3.15
1882	1.00
1883	3

~~Bowman - (Day)~~
~~(Burbank)~~
~~1882~~
~~125~~
~~1882~~

Crowther -
3 years rotate

Watermaster - Roland Carter

Protestant - Glenn Bowman
Attorney - J.W. Crowther

Applicant - ~~Wm. Sharp~~ Vaudis Sharp

13-0019 / 13-0020
1 transfer

[Handwritten signature]

[Handwritten mark]

13-0019, 13-0020

Protestant - Glenn Bowman

Counsel - J.W. Crowther

Applicant - Alvin Sharp
Counsel - J.D. Williams.

Protest - Reduce Q of water under existing rights
Rotation - For several years on a 7 day cycle
River regulation lake June to mid July.

Abstract of rights - July 9, 1924

Bowen (B.M. Quibark) - 1883

Bowman

~~3/4~~ Bowman } 55 AC

~~2/4~~ Sharp

~~2/4~~ Robinson

all of water
used

Check record for distribution
rotation

Count established rotation system

W Transfer

5 1/2 days Bowman

1 1/2 Robinson

What is priority of Preston Whitney

Approx time from 1st to 2nd cut by watermaster

September 20, 1976

Re: Transfer No. 1863

Mrs. Vaudis A. Sharp
RFD #3, Box 609
Preston, Idaho 83263

Dear Mrs. Sharp:

Enclosed is a copy of your approved Application for Transfer No. 13-0019/13-0020 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

You should be aware that any person who does not agree with the decision may request a re-hearing before the Director of the Department of Water Resources within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Enc: Copy of transfer w/
Memorandum Decision & Order

cc: Mr. J.D. Williams
Mr. Glenn T. Bowman
Mr. J. W. Crowther

~~11-0701/11-0708 - Clark A. & Melvin T. Mickelsen~~

13-0019/13-0020 - Vaudis A. Sharp

Courtroom, Franklin County Courthouse, Preston, Idaho

February 18, 1976 - 1:00 p.m.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Roland R. Carter	R1 Preston, Ida	Watermaster on Cub River 13-A
Blaine Gamble	Rt 1 Preston Ida	Preston Whitney Lrr. Co
Max Sharp	Rt 3 Preston, Ida	
Vaudis A. Sharp	R. 3. Preston, Ida.	
J. R. Williams	Preston, Idaho	
Glen T Bowman	Preston Idaho.	
Gay E. Bowman	Preston Idaho	
J. H. Howden	Preston Ida.	Consolidated

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. W. A. Crowther

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

6

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

FEB 6 1975

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



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



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



RECEIVED
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
FEB 9 1976
Department of Water Resources
Eastern District Office

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
- ☒ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery..... 35¢
- ☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. **!!!**
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mrs. Vaudis A. Sharp

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

7

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

Vaudis A. Sharp

Emmanuel L. Moorman

4.

DATE OF DELIVERY

10 7 1976

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

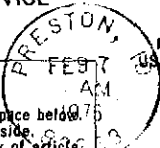
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.



PENALTY FOR PRIVATE
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OF POSTAGE, \$300



RETURN
TO



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

FEB 9 1976

RECEIVED

- **SENDER:** Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Clark & Melvin Mickelson

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

3 *8*

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE... ☐ Addressee ☐ Authorized agent

Clark & Melvin Mickelson

4. DATE OF DELIVERY

2/6/76

POSTMARK

FEB 6 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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INITIALS

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- Complete items 1, 2, and 3 on reverse side.
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PENALTY FOR PRIVATE
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OF POSTAGE, \$300



RETURN
TO

Department of Water Resources
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

FEB 9 1976

RECEIVED

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Harry + Val Steele

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

4

(Always obtain signature of addressee or agent)

I have received the article described above.

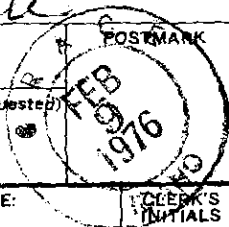
SIGNATURE ☐ Addressee ☐ Authorized agent

Myrtle Steele

4. DATE OF DELIVERY

2-9-76

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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• Complete items 1, 2, and 3 on reverse side.
• Moisten gummed ends and attach to back of article.

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OF POSTAGE, \$300



RETURN
TO

RECEIVED
FEB 10 1976

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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

RETURNED

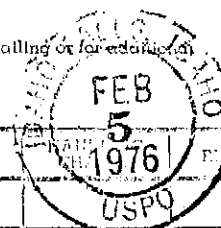
RECEIPTS

Name and
Address
of Sender

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
C.O.D. ☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT



NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	REMARKS
1	6 J.W. Croustner, 233 N. State, Preston	13	30	15			
2	7 Mrs. Vaudin Sharp, Rt. #3, Box 609, Preston	13	30	15			
3	8 Mark A. + Melvin J. Mickelson, Grace	13	30	15			
4	9 Harry + Val Steel, Box 358, Lago, Grace	13	30	15			
5	10 Kent C. Ginter, Rt. #3, Box 375, Preston	13	30	15			
6	11 Karl Ballig, Rt. #3, Preston	13	30	15			
7	12 Andre Balliet, Box 266, Union City	13	30	15			
8	13 Lelwa + Denise Cherry, Box 472, Ashton	13	30	15			
9	14 James + Lowell, Rt. #1, Ashton	13	30	15			
10	15 Alan Power + Lige, P.O. Box 899, S.D.C. 84110	13	30	15			
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20							

Sent Certified
mail
2-05-76
\$5.80

TOTAL NO. OF PIECES
LISTED BY SENDER

10 TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER (or receiving employee)

Show under "Remarks" class postage paid if other than first or if international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

★ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-519-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATIONS FOR TRANSFER NOS. 11-0701/11-0708
in the name of CLARK A. & MELVIN T. MICKELSON
and 13-0019/13-0020 in the name of VAUDIS A. SHARP

NOTICE OF COMBINED HEARING

Notice is hereby given that the Department of Water Resources has rescheduled the combined hearing concerning the above applications for transfer for Wednesday, February 18, 1976, at 1:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, 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 Resources as previously indicated in the conference and/or hearing notice dated November 21, 1975, (Sharp) and June 19, 1975, (Mickelson).

Dated this 5th day of February, 1976.


RONALD D. CARLSON

Supervisor,
Eastern Region



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7106

February 5, 1976

Franklin County Courthouse
Clerk of the District Court
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Courtroom for hearings to be held by this office on Wednesday, February 18, 1976, from 10:00 a.m. to 4:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

January 22, 1976

RE: Application for Transfer No. 13-0019/13-0020

Mr.s Vaudis A. Sharp
Rt. #3, Box 609
Preston, Idaho 83263

Dear Mrs. Sharp:

The Department is now in the process of scheduling a round of hearings for the second week in February, 1976.

As you recall, it was agreed at the conference held on December 3, 1975, that the Department would continue the hearing in the matter of protests filed against the above referenced application for transfer for sixty days. Therefore, if we have not been informed of an agreement in this matter by the 27th of January, the Department will proceed with the scheduling of a hearing, tentatively for the second week in February.

If you have any questions in this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

January 22, 1976

RE: Application for Transfer No. 13-0019/13-0020

J.W. Crowther
Attorney at Law
233 North State
Preston, Idaho 83253

Dear Mr. Crowther:

The Department is now in the process of scheduling a round of hearings for the second week in February, 1976.

As you recall, it was agreed at the conference held on December 3, 1975, that the Department would continue the hearing in the matter of protests filed against the above referenced application for transfer for sixty days. Therefore, if we have not been informed of an agreement in this matter by the 27th of January, the Department will proceed with the scheduling of a hearing, tentatively for the second week in February.

If you have any questions in this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

RECORDED

December 11, 1975

RE: Application for Transfer No. 13-0019/13-0020

Mr. J. W. Crowther
233 North State
Preston, Idaho 83263

Dear Mr. Crowther:

Pursuant to the agreement reached at the conference held December 3, 1975, the Department has continued the hearing of this matter until February 3, 1976. If at that time, we have not received evidence that an agreement has been reached which will resolve the protest in this matter, the Department will reschedule the matter for hearing.

If no agreement can be reached but all parties agree that no information other than that presented at the conference could be presented at a hearing, and you wish to waive your right to a formal hearing, the Department would be willing to make a decision in the matter based upon the information presented at the conference and the information available in the Department's files.

If questions in this matter arise during this 60-day period, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

December 11, 1975

RE: Application for Transfer No. 13-0019/13-0020

Mrs. Vaudis A. Sharp
Route 3
Preston, Idaho 83263

Dear Mrs. Sharp:

Pursuant to the agreement reached at the conference held December 3, 1975, the Department has continued the hearing of this matter until February 3, 1976. If at that time, we have not received evidence that an agreement has been reached which will resolve the protest in this matter, the Department will reschedule the matter for hearing.

If no agreement can be reached but all parties agree that no information other than that presented at the conference could be presented at a hearing, and you wish to waive your right to a formal hearing, the Department would be willing to make a decision in the matter based upon the information presented at the conference and the information available in the Department's files.

If questions in this matter arise during this 60-day period, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

13-0019/13-0020 - Vaudis A. Sharp

Courtroom, Franklin County Courthouse, Preston, Idaho

December 3, 1975 - 3:00 p.m.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Roland Carter	Rt 2 Preston, Idaho	Watermaster of Cub. River
Vaudis A. Sharp	R. 3. Preston Idaho	Self
Map C. Sharp	R. 3. Preston, Idaho	Self
Amy Bowman	R. 3. Preston Idaho	Self
Glen T Bowman	R. 3 Preston Idaho	Self
J M Bowman	23370th Preston	Bowman
Blaine Humble	Rte 2 Preston	President Preston Whitney

13-0019/13-0020

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Vaudrie A. Sharp

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

820

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. *Vaudrie A. Sharp*

DATE OF DELIVERY

11-25-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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OF POSTAGE, \$300



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TO

RECEIVED

NOV 28 1975

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery..... 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

J. W. Crouther

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

821

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Lori Talbot

4. DATE OF DELIVERY

NOV 26 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

One

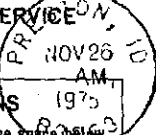
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.



PENALTY FOR PRIVATE
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OF POSTAGE, \$300



RETURN

TO

RECEIVED

NOV 28 1975

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD

Department of Water Resources
Eastern District Office

IDAHO FALLS, IDAHO 83401

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Eastern District Office

1515 Lincoln Road • Idaho Falls, Idaho
83401

Returned Receipts

NAME AND ADDRESS OF SENDER

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED C.O.D. ☐ CERTIFIED

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

POSTMARK AND DATE OF RECEIPT

NOV 25 1968

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REG. DEL. FEE	ACTUAL VALUE	REMARKS*
1 819	Harry M. & Val M. Steele, Stone	10	30	15			17-1071
2 820	Mrs. Wendis Thompson, 3509 Preston	10	30	15			17-1071
3 821	J.W. Chandler, 3331 State, Preston	10	30	15			17-1071
4 822	Darwin A. Bowen, 620 N. 600 W., Malad	10	30	15			17-1071
5 823	D.B. Ogden, 1000 W. 1000 S., Draper, UT.	10	30	15			17-1071
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TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

RD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharge on registered mail)

Required on international registered mail

48-10-8702-15 U.S. GOVERNMENT PRINTING OFFICE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)	
)	
of Application for Transfer of Water Right)	NOTICE OF CONFERENCE
)	
No. 13-0019/13-0020 in the name of)	AND/OR HEARING
)	
VAUDIS A. SHARP)	
)	
)	
)	

On September 5, 1975, Mrs. Vaudis A. Sharp filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On October 6, 1975, the Department received a protest against approval of said application from J.W. Crowther on behalf of Glenn T. Bowman.

The Department has set the matter of protests for conference and/or hearing for Wednesday, December 3, 1975, at 3:00 p.m., in the Courtroom of the Franklin County Courthouse, Preston, 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 Resources. 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 protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 21st day of November, 1975.


RONALD D. CARLSON

Supervisor
Eastern Region



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

IDAHO FALLS, IDAHO 83401

November 25, 1975

Franklin County Courthouse
Clerk of the District Court
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Courtroom for conferences and/or hearings to be held by this office on December 3, 1975, beginning at 9:00 a.m., and on through to 5:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:ME

RECEIVED
NOV 27 1975
FBI - IDAHO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

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

R. Keith Higginson
Director

October 6, 1975

RE: Application for Transfer No. 13-0019/13-0020

Mrs Vaudis A. Sharp
RFD #3, Box 609
Preston, Idaho 83263

Dear Mrs. Sharp:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No 13-0019/13-0020. 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 41-202, 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,

RONALD D. CARLSON
District Engineer

RDC: ME

Enc: Copy of Protest(s)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

October 6, 1975

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

RE: Permit No. 13-0019/13-0020 - SHARP

J.W. Crowther
Attorney at Law
233 North State
Preston, Idaho 83263

Dear Mr. Crowther:

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,

RONALD D. CARLSON
District Engineer

ME
RDC:
cc: IDWR - State Office, Glenn T. Bowman

J. W. CROWTHER
Attorney At Law
233 North State
Preston, Idaho 83263
Telephone: 852-2610

RECEIVED

OCT 6 1975

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES

* * * * *

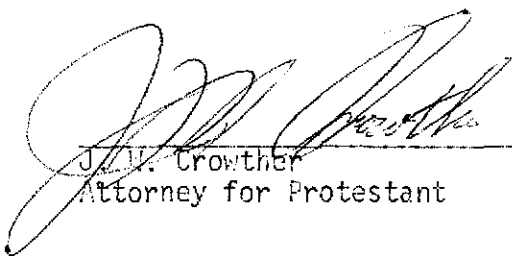
IN THE MATTER OF THE APPLICATION
OF VAUDIS A. SHARP.

Case No. 13-0019/13-0020

P R O T E S T

COMES NOW, GLENN T. BOWMAN by and through his attorney J. W. Crowther and herewith enters his protest to the above-referenced application for a change in the point of diversion and place of use of the waters of Cub River, tributary to Bear River. This protest is based on the fact that Protestant is one of the joint users of the diversion facility and that if this change is allowed, this Protestant will be greatly damaged by reason of the necessary reduced flow of the stream, greater maintenance costs, and less convenient and more detrimental use arrangements.

DATED THIS 3rd day of October, 1975, at Preston, Idaho.


J. W. Crowther
Attorney for Protestant

October 6, 1975

RE: Application for Transfer No. 13-0019/13-0020 - SHARP

The Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on September 18 and September 25, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:ME

RECEIVED

SEP 15 1975

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 13-0019/13-0020

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Roland R. Carter, watermaster of Cub River,
of Water District No. 13-A, County of Franklin, State of Idaho,
whose address is Rt 2 Box 323 Preston, Idaho
have read the attached copy of the application for transfer of water right for _____
Vaudie A. Sharp, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: That this water right be under
Control of the Cub River watermaster & the water-
master of the Preston Whitney Ditch.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Preston, Idaho, this 10 day of Sept. 19 75

Roland R. Carter
(signature)

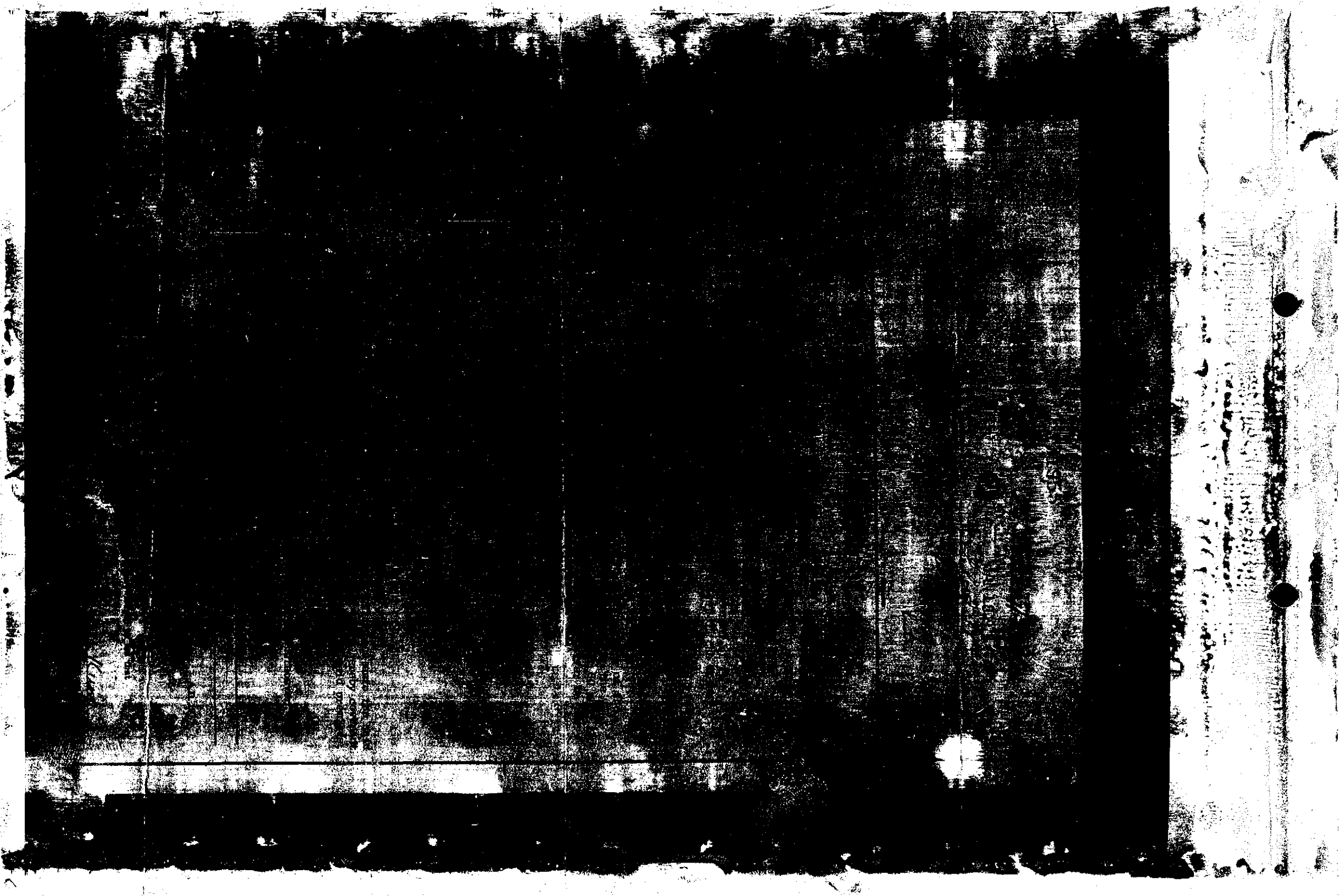
Department of Water Resources
Attention: Bill

Re: Vaudis a. Sharp

RECEIVED

SEP 9 1975

Department of Water Resources
Eastern District Office



September 5, 1975

RE: Application for Transfer No. 13-0019/13-0020 SHARP

Preston Citizen
Box 472
Preston, ID 83263

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 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 10-09-1975 by me

RDC:MB

Enc: Legal Notice (1)

MICROFILMED

ENG:

RECEIVED ENG: POST
NOV 11 1975

**NOTICE OF PROPOSED
CHANGE OF
WATER RIGHT
No. 13-0019/13-0020**

Notice is hereby given that Mrs. Vaudis A. Sharp, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and the place of use of the waters of Cub River tributary to Bear River. The right sought to be changed is evidenced by decree to Alvin Sharp in Case of Henry T. McEwan -vs- Franklin County Sugar Co., et al, dated July 9, 1924 in the Fifth Judicial District Court, Franklin County, and is recorded as follows:

AMOUNT	PRIORITY
13-0019 0.20 cfs	1882
13-0020 0.70 cfs	1892

DECREED POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 15S, R. 41E, B.M., Franklin County;

The water is used to irrigate lands within Sections 15 and 24, T. 15S, R. 40E, B.M., Franklin County.

**TO BE CHANGED
AS FOLLOWS**

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 15S, R. 41E, B.M., Franklin County, and used to irrigate 91 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 15S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 6, 1975.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on September 18 and September 25, 1975.

Legal No. 2929 — Pub.
Sept. 18, 25, 1975.

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 13-0019/13-0020

Notice is hereby given that Mrs. Vaudis A. Sharp, Preston, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and the place of use of the waters of Cub River tributary to Bear River. The right sought to be changed is evidenced by decree to Alvin Sharp in Case of Henry T. McDwan -vs- Franklin Country Sugar Co., et al, dated July 9, 1924 in the Fifth Judicial District Court, Franklin County, and is recorded as follows:

<u>AMOUNT</u>	<u>PRIORITY</u>
13-0019 0.20 cfs	1882
13-0020 0.70 cfs	1892

DECREED POINT OF DIVERSION: NW¹/₄NE¹/₄, Sec. 18, T. 15S, R. 41E, B.M., Franklin County;

The water is used to irrigate lands within Sections 15 and 24, T. 15S, R. 40E, B.M., Franklin County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¹/₄NW¹/₄, Sec. 8, T. 15S, R. 41E, B.M., Franklin County, and used to irrigate 91 acres within the S¹/₂NE¹/₄, E¹/₂NW¹/₄, Sec. 24, T. 15S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 6, 1975.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho, on September 18 and September 25, 1975.

*CW-R.
CW-A
CW-A*

September 5, 1975

RE: Application for Transfer No. 13-0019/13-0020

Mr. Roland Carter, Watermaster
Water District No. 13-A
Route #2, Box 323
Preston, ID 83263

Dear Mr. Carter:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 29, 1975.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enclosures

September 5, 1975

RE: Application for Transfer No. 13-0019/13-0020

COPY
Mrs. Vaudis A. Sharp
RFD #3, Box 609
Preston, ID 83263

Dear Mrs. Sharp:

Attached herewith is departmental receipt No. 15405 in the amount of \$30.00 for the above referenced application.

Very truly yours,

P
Y
RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

1

September 2, 1975

Mrs. Vaudis A. Sharp
Rt. #3, Box 609
Preston, Idaho 83263

Dear Mrs. Sharp:

Please find enclosed a typed application for transfer for a change in the point of diversion for your water right. Please review this application and if it reflects the change you desire, please sign before a notary public on the back page and return to this office with the statutory filing fee of \$30.00.

We can then begin processing of your application for transfer. If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

LOY A. JOHNSON
Water Resource Supervisor

LHJ:cw

Enclosure

RECEIVED

AUG 29 1975

Director's Office
Human Resources

Dear Mrs. Johnson
I hope this is the information
you need. If I can be of any
further assistance please let me
know.

I thank you

Truedia,

RECEIVED

RECEIVED

AUG 25 1975

Joy
I have talked with
Department of Water
Eastern District Office

May Sharp + more things

About a water transfer.

They want to transfer

their water from Delta

re. 13-019 + 13020 amount

0.2 + 0.1 to Delta

No 13003. Cut River + water

Creek Canal Co. of the reason

for the transfer is because

they are putting in a

irrigating system from
Delta re 13003

they already own stock
in Little no 13003 and

This would put all their

water together for their

sprinkler. If you transfer

we not granted this water
right of 0.2 + 0.7 will be

of we are to them because

their land will be under

the sprinkler from the ditch

above. I have talked with

the Pres. Blaine Hinkle

of Little no. 13003 and we
both recommend the

transfer to me & me
sharp for better use of
their water.

Alfred R. Carter
watermaster on
sub power

R.F.N. 143 Box 607

Preston Idaho 83263

Aug. 22, 1975 RECEIVED

State Dept of Water Resources

Eastern Dist. Office

AUG 25 1975

Supervisor Roy H. Johnson

Department of Water Resources
Eastern District Office

Dear Mr. Johnson,

We are writing to request a water transfer from our water right in ditch No 13 019 of 0.2 and No 13 020 of 0.7 to the ditch No 13 003 Cub River and Warm Creek Canal.

We are putting in a sprinkler system and we can use gravity flow from this higher ditch. We will be sprinkling the same fields that we now flood irrigate from the lower ditch, but we will be able to cover more land with the same amount of water because of the hills.

If this request is granted how many years can this water be out of ditch No 13 019 and 13 020 before I lose my water right in

this dated.

I think you for considering
this matter. We hope to hear
from you soon.

Yours truly

→ Mrs. Vaudin A. Sharp

John May C. Sharp.

P.S. I think water right #3 019
and 13 020 was filed under
the name of Alvin Sharp. My
late husband owned our farm &
water right.
His name was Clifford E. Sharp
so it is probably filed in his
name. I now own the farm.

Vaudin.

Try, 1-852-0872

She will send the photo
right away

NB

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Cub River

Name Sharp

2. Right Being Transferred

Right No. 13-0019 & 13-0020

a. ☒ Decree

Transfer No. _____

☐ License

☐ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. NO " - Original P. U.

e. ☒ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☒ All

☐ Part

3. ☒ Proof of Ownership of Right

Comment Franklin Co Assessor is sending
Copy of ownership deed.

4. Possible Expansion of Right

Comment Original decree fails to
delimit actual acreage involved

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by WR

Date 9-8-75

11. Recommended Action

☐ Approve

☐ Deny

☐ Conditions _____

By _____

Date _____

copy
aw