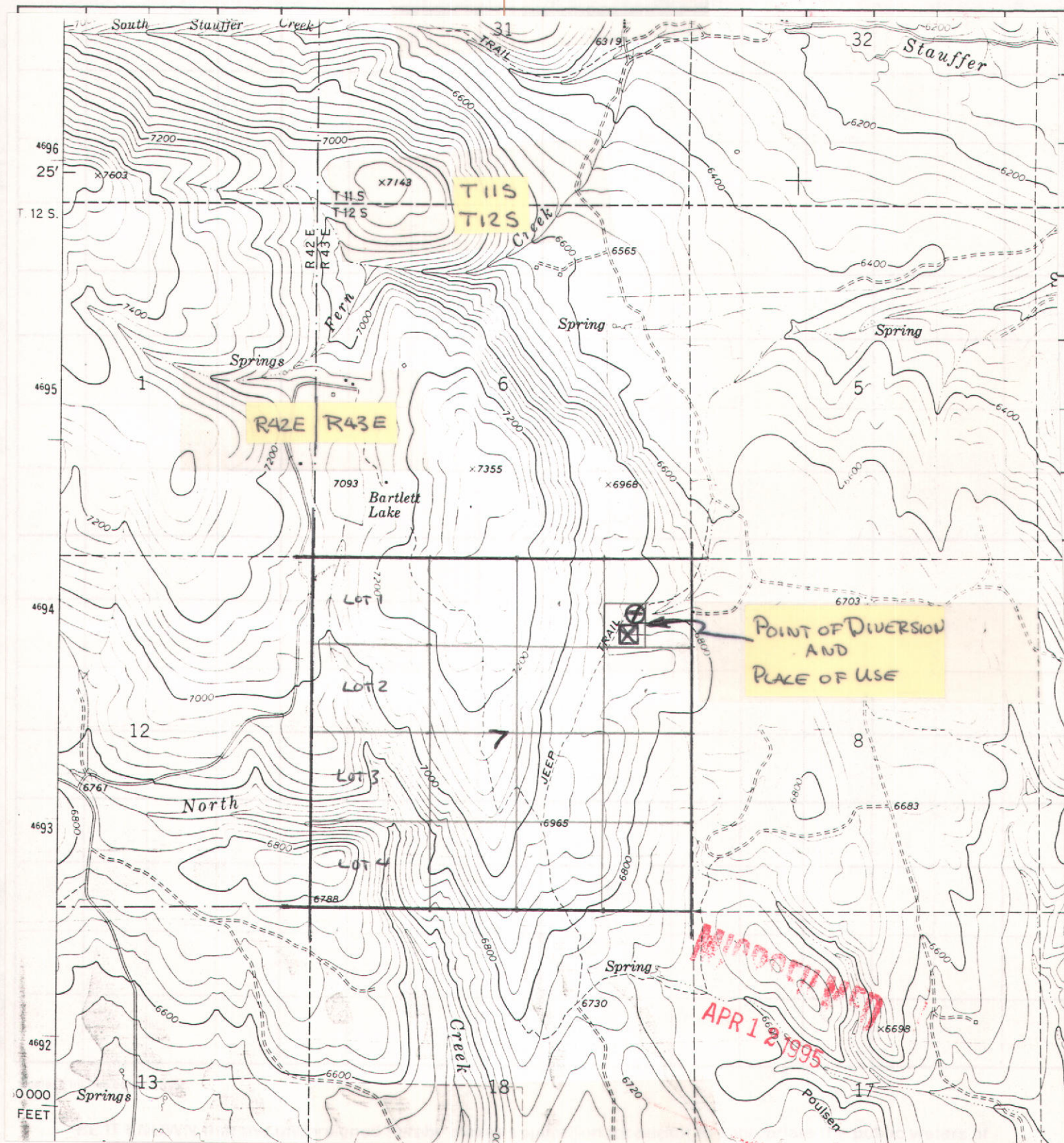


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



the State of Idaho as herein set forth.

Ali R. Kander
(Applicant)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Therese Stamm

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 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 17, 1987, and ending
with the issue of September 24, 1987

Therese StammFees, -0-

Subscribed and sworn to before me this 25th day
of Sept, 1987

Kindell AllenNotary Public, Residing at Montpelier, IdahoMy Commission Expires June 7, 1992

RECEIVED

OCT 8 1987

Department of Water Resources

NOTICE OF CORRECTION

Notice is hereby given that Application No. 11-7367 in the name of Copenhagen Hills Assoc., Hyde Park, Utah, and 11-7368 in the name of Stan and Betty Harding, Frazier Park, California, was advertised incorrectly on August 20 and August 27, 1987. The protest date was advertised as being August 24, 1987.

Whereas, the actual protest date should have been September 8, 1987.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before October 5, 1987.

R. Keith Higginson
Director

Legal No: 3385 -21L- Published
September 17 and 24, 1987.

APR 12 1995



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AUG 31 1987

Department of Water Resources
Eastern District Office

11-7368

HARDING, STAN R. &/ or BETTY G.
STAR RT. BOX 8012, FRAZIER PARK,
CA 93225

Source: SPRING trib. to SINKS
Diversion Pt: SWNENE Sec 07 T 12S
R 43E

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup,
Suite 15, Idaho Falls, Idaho 83402 on or
before AUGUST 24, 1987.

KEN DUNN, Dir.

Legal No: 3362 -39L- Published
August 20 and 27, 1987.

MICROFILMED

APR 12 1995

THE NEWS-EXAMINER

R. CARLSEN
(ROGER)
2384 CRAGMONT COURT
SANTA VALLEY, CA 93065

07-88
90000 00002

50¢

The Montpelier Examiner, Vol. 102, No. 8

Thursday, August 20, 1987

The News Examiner, Vol. 57, No. 41

Briefs

Garden City P&Z to meet

The Garden City Planning and Zoning Commission will meet Aug. 21 at 7:30 p.m. in the Garden City Office.

On the agenda are: Margaret Hunter - right of way, sea wall; Dennis Bullock - final plat approval of Raspberry Patch Estates No. 2 and other business.

Yellow Front Store opening soon

According to Mayor Ron Law, a new business will open up soon in the vibrant Casper-Corral Center. The Yellow Front Store will begin stocking Sept. 15 and hope to open within seven to ten days after that. The retail store will carry general merchandise, clothing, household items and sporting goods.

The Yellow Front Store is part of a chain with headquarters in Phoenix, Az.

Lee Nellis will speak to chamber

The Greater Bear Lake Valley Chamber of Commerce will meet at noon, Aug. 20 at D.J.'s Steak House to hear Lee Nellis of the Southeast Idaho Council of Governmental Agencies speak on Economic Development Priorities for Southeast Idaho and Bear Lake County, to provide ideas for development of new business and expansion of local businesses.

For reservations please call Therese Starn at The News Examiner, 847-0632. All interested persons are welcome. You need not be a chamber member to attend.

Chamber holds annual dinner

The Montpelier Chamber of Commerce will hold their annual dinner at Allinger Park at 6:30 p.m., Aug. 20.

Fair and rodeo big success

The 1987 Bear Lake County Fair and Rodeo was a big success to spite of bad weather. Fair Chairman Mark Ipsen said he felt overall about as many people attended this year as last, even though bad weather marred some of the activities.

The Bear Lake County Rodeo went on in spite of pouring rain Friday night. "It was a soup bowl in the arena, a big mud hole," Ipsen said. Brandon Rogers, son of Judy Rogers of Warrenton and grandchild of Elmo and Beva Anderson of St. Charles, was named All-Around Cowboy in the Little Buckaroo Rodeo.

Winners in the popular Pig Wrestle were first place men's division - a team made up of John Matthews, Corey Dimeck and Kelly Kettro. First place in the ladies division was won by Judy Rowe, Marcia Gibb and Bridget Hoff.

First place winners in the Dairy Exhibit were: Melissa Beck, Rymas Dairy, Huelter Ranch, Winder Brown, Hanpville Hosiery. First place winners in the sheep division were won by Kevin Matthews, Matthew Saffola, David Matthews, Sharp Matthews, Joel Thuescher, David Rich. First place in the Goat Division was won by Ernest Mylone, Schillene Daniels, Brenda Daniels, John Daniels, Elizabeth Mylone, Corina Mylone and Daniel Mylone.

First place winners in the Horse Exhibits were: Scott Milton, Chert Walton, Aubrey Galloway.

Sasket, LaRocce Nield, Todd Caldwell, Terry Lancaster, Errol Hoopes, Dean Barney, Tonya Grunig, Wynn and Marcia Wallentine, Wendy Floyd, Julie Horgan, Clay Hemmington, Nathan Anderson, Haldley Wright, Eric Cochran, Tanya Wallentine, Lisa Christensen, Marsha West, Danny Ketch and Bill Langley.

More fair results will be published in next week's News Examiner.



1987 ALL AROUND COWBOY
Brandon Rogers

Montpelier city council holds budget hearings

At their Aug. 11 meeting, the Montpelier City Council held a public hearing to amend their 1986-87 budget to include all the grant monies the city has

UP&L and Pacificorp sign merger agreement

Utah Power & Light Co. (NYSE:UTP) and PacificCorp (NYSE:PPW) announced that they have signed a definitive merger agreement approved today by the boards of directors of both companies.

Under the agreement, each share of UP & L common stock will be exchanged for PacificCorp common stock with a value of at least \$22.25 per share, not a maximum of \$28 per share. Shares of UP & L preferred stock will be exchanged on a share-for-share basis for PacificCorp preferred stock. Both the common and preferred transactions will be tax free.

The merger is subject to approval by the shareholders of both companies, regulatory approvals and other conditions. The companies have agreed to seek approvals at the earliest practical time.

UP & L held 34.6 million shares of common stock outstanding as of June 30, 1987.

As a result of the merger, Utah Power & Light shareholders would own approximately 40 percent of the outstanding common equity of PacificCorp at the time of transaction is closed. Company presidents said they are convinced that the merger offers a mutual advantage that will be beneficial to all concerned - including customers, shareholders, and managers of both organizations, and the people of both organizations, and the south.

By combining these diverse resources, the companies will be able to increase the efficiency of power generation throughout the region. UP & L will be able to delay construction of a new power plant in the late 1990s - a step that could result in significant savings. The combined transmission system would give UP & L customers improved access to lower cost power, while increasing Pacific's ability to sell surplus power to markets in the Southwest.

UP & L has not filed for a general rate increase in Utah since January of 1984. Pacific Power & Light has a commitment to its customers, who already enjoy the benefits of lower cost power, of stable rates through the remainder of this decade.

Under the merger, Utah Power & Light would retain its name and local operating structure, and will maintain its headquarters in Salt Lake City.

PacificCorp and UP & L have agreed to maintain the UP & L organization largely its present form. However, will continue a program of cost-cutting that was instituted earlier this year. That program, which involves scrutinizing the efficiency of every area of the company, could result in more layoffs. The larger PacificCorp organization, however, could hold employment opportunities for UP & L employees.



11-7368

HARDING, STAN R. &/or BETTY G.

STAR RT. BOX 8012, FRAZIER PARK, CA 93225

Source: SPRING trib. to SINKS

Diversion Pt: SWNENE Sec 07 T 12S R 43E

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

11-7368

HARDING, STAN R. &/or BETTY G.
STAR RT. BOX 8012, FRAZIER PARK,
CA 93225

Source: SPRING trib. to SINKS

Diversion Pt: SWNENE Sec 07 T 12S
R 43E

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup,
Suite 15, Idaho Falls, Idaho 83402 on or
before AUGUST 24, 1987.

KEN DUNN, Dir.

Legal No: 3362 —39L— Published
August 20 and 27, 1987.

APR 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 14 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 11-07368 Telephone No. 520 466 6333

2. Name(s) of Permit Holder(s): Stan & Betty Harding

3. Mailing Address: Box 2608 AZ City AZ 85223

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): X Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50⁰⁰/₁₀₀ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Stan & Betty Harding Telephone Number: 208 241 4359

Address: 060 Aspen Dr Ovid Idaho 83254

AVAILABLE FROM JUNE 20th to OCTOBER 5th 1997

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 1-9-97
(include your title, if on behalf of company or organization)

MICROFILMED

FEB 07 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 11-07368

Proposed Priority: July 28, 1987

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **STAN R HARDING**
BETTY G HARDING
STAR RT BOX 8012
FRAZIER PARK CA 93225

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNESE , Sec. 7, Township 12S, Range 43E
BEAR LAKE County

PLACE OF USE: DOMESTIC
TWN RGE SEC
12S 43E 7 NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1997**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

7th day of April, 1995.

R. Keith Higginson
for R. Keith Higginson, Director

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-07368 IN THE	)	
NAME OF STAN R. OR BETTY G.	)	PRELIMINARY ORDER
HARDING	)	
_____	)	

This matter is before the Idaho Department of Water Resources (Department) in the form of a protested application for permit. The Department held a conference and a hearing in the matter and the Director of the Department makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

1. On July 28, 1987, Stan R. and Betty G. Harding filed with the Department, Application for Permit No. 11-07368 proposing to divert 0.02 cfs of water from an unnamed spring to be used for domestic use.
2. The Department advertised the application in the county newspaper and a protest was filed by Roger J. Carlsen.
3. A conference was held on July 5, 1989, and a hearing was held on August 6, 1991. The applicants represented themselves and the protestant was represented by Randy Carlsen, brother of the protestant.
4. The issues identified by the protestant are:
 - a. Approval of the application will reduce the quantity of water claimed under Claim to a Water Right No. 11-04050.

APR 12 1995

- b. The applicant does not own the property where the spring is located.

5. Exhibits that have been submitted and accepted as part of the record are:

- a. Exhibit No. 1 - A letter from the protestant submitted at the hearing by Randy Carlsen.
- b. Exhibit No. 2 - Photograph of the vicinity where the spring arises.
- c. A copy of Claim to a Water Right No. 11-04050.
- d. A map from the applicant that shows the spring located on lot 60, Bear Lake Ranchettes, the land owned by the applicant.
- e. A map from the protestant that shows the spring located on land owned by the protestant.
- f. The Final Judgement and Permanent Injunction in Case No. CV 93-00124 in the District Court of the Sixth Judicial District of the State of Idaho.

6. The flow of the spring was estimated at three gallons per minute of water.

7. The applicant purchased the property in 1974, built their house in 1975, and was not aware of any use of the spring until 1982 when the protestant attempted to develop the spring.

8. The spring is located within Lot 60, Bear Lake Ranchettes, which is owned by the applicants.

9. The protestants did not submit sufficient evidence to establish an easement to the spring for use of the spring.

CONCLUSIONS OF LAW

1. The land where the spring is located is owned by the applicants and therefore they are not prevented from establishing a water right from a spring located on the land of another.

APR 12 1995

2. There is sufficient water in the spring for the domestic use of one house.

3. The use of water proposed by the applicants will not injure the water right of the protestant since the protestants do not have an easement across the applicants land for use of the spring.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 11-07368 is **APPROVED** subject to the following conditions:

1. Subject to all prior water rights.
2. Proof of construction of works and application of water to a beneficial use shall be submitted on or before **March 1, 1997**.
3. Project construction shall commence within one year from the date of the permit issuance and shall proceed diligently to completion unless it can be shown that delays were due to circumstances over which the permit holder had no control.

Signed this 14th day of February, 1995.


BOBBY D. FLEENOR, Hearing Officer

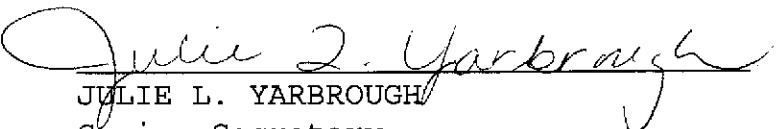
APR 12 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER to the following:

Stan & Betty Harding
P.O. Box 2508
Arizona City, AZ 85223

Roger Carlsen
P.O. Box 115
Simi Valley, CA 93062


JULIE L. YARBROUGH
Senior Secretary

APR 18 1995

NUMBER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Please address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent the item being returned to you. The return receipt fee will provide you the name of the person delivered and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to: <i>Robert Ogilvie P.E.</i>	4. Article Number <i>0739</i>
--	----------------------------------

Indiceo Engineering, Inc

Type of Service: ☐ Registered ☐ Insured

PO Box 115-0
 1/12/10
 1A 23062-

De mi Vany, (11)

5. Signature - Addressee	8. Addressee's Address (ONLY if requested and fee paid)
<i>[Signature]</i>	

6. Signature - Agent

✕

7. Data for Delivery

U.S. Form 3811, Apr. 1989

7

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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 - Endorse article "Return Receipt Requested" adjacent to number.

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TO**



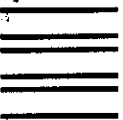
Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402



APR 12 1995
MAIL ROOM



PENALTY FOR PRIVATE
USE, \$300

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent the item from being returned to you. The return receipt fee will provide you the name of the person delivered and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mar McClark
1526 Calle Inguine
Pleasanton, CA 94566

4. Article Number

0742

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature Addressed to

X Mac Clark

Always obtain signature of addressee or agent and DATE DELIVERED.

6. Signature - Agent

X

7. Date of Delivery

7/13

APR 12 1995

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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RETURN

TO



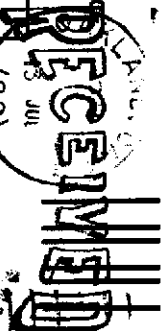
Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402



JUL 17 1991

Department of Water Resources
Eastern District Office

PENALTY FOR PRIVATE
USE, \$300



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT 11-7368 IN THE NAME)
OF STAN R. OR BETTY G. HARDING) NOTICE OF HEARING
_____)

On July 28, 1987, Stan R. or Betty G. Harding filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 31, 1987, the Department received a protest against approval of said application from Roger Carlsen.

A prehearing conference in this matter was held on July 5, 1989, at which time no agreement was reached.

The Department has scheduled the matter of protest for hearing to be conducted at 9:30 a.m., Tuesday, August 6, 1991, in the Second Floor Conference Room, Idaho State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, 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.

Dated this 10th day of July, 1991.



RONALD D. CARLSON
Eastern Regional Manager

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-7368 IN THE	)	NOTICE OF HEARING
NAME OF STAN OR BETTY HARDING	)	AND/OR CONFERENCE

On July 28, 1987, Stan R. or Betty G. Harding filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 31, 1988, the Department received a protest against approval of said application from Roger J. Carlsen, President, ConCeCo Inc. in behalf of himself and Mae M. Clark.

The Department has rescheduled the matter of protest for hearing and/or conference to be conducted at 10:30 a.m., Wednesday, July 5, 1989, in the Courtroom, Bear Lake County Courthouse, Paris, Idaho.

Dated this 14th day of June, 1989.


RONALD D. CARLSON
Eastern Regional Manager

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 11-7368 IN THE) SHOW CAUSE ORDER
STAN R. OR BETTY G. HARDING)
_____)

On July 28, 1987, Stan R. or Betty G. Harding filed application for Permit No. 11-7368 to appropriate 0.02 cubic feet per second of water from a spring tributary to sinks located within the SW1/4NE1/4NE1/4, Section 7, Township 12 South, Range 43 East, B.M., Bear Lake County, to be used for domestic purposes for one family. Notice of this proposed appropriation was published in the News Examiner on August 20 and 27, and a notice of correction was published on September 17 and 24, 1987.

WHEREAS on August 31, 1987, the Department received a protest against approval of said application from Roger J. Carlsen, President, ConCeCo Engineering, Inc. and in the behalf of Mae M. Clark.

A hearing concerning this matter was held on Monday, July 25, 1988, at 1:00 p.m. in the Conference Room, Pocatello Municipal Airport, Pocatello, Idaho, at which time the protestants failed to appear.

APR 12 1995

IT IS, THEREFORE, HEREBY ORDERED that the protestants Show Cause on or before March 6, 1989, why the protest should not be canceled for failure of the protestants to appear at the hearing.

Dated this 17th day of February, 1989.

A handwritten signature in cursive script, reading "Ronald D. Carlson", written over a horizontal line.

RONALD D. CARLSON

Eastern Regional Manager

RECEIVED
APR 12 1995

ER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number

0246

Type of Service:

☐ Registered
☒ Certified
☐ Insured
☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

8. Addressee's Address (**ONLY** if requested and fee paid)

APR 12 1985

5. Signature - Addressee

X *Maureen Clark*

6. Signature - Agent

X

7. Date of Delivery

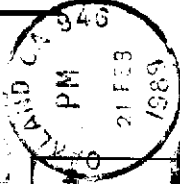
2/21/85

11-7368

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE \$300

RETURN

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE 12 1995
150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402

Department of Water Resources
Eastern District Office

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Roger J. Garland Phel.
Conoco Inc.
P.O. Box 115
Linn Valley, MO 63063

4. Article Number

0247

Type of Service:

☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature Agent

X

7. Date of Delivery

2-21-89

8. Addressee's Address (ONLY if requested and fee paid)

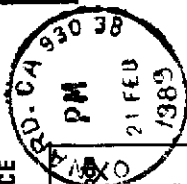
11-7368

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVENUE
IDAHO FALLS, IDAHO 83402

RECEIVED

FEB 23 1989

Department of Water Resources
Eastern District Office

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 11-7368 IN THE)
NAME OF STAN R. OR BETTY G.)
HARDING)
)

HEARING NOTICE

Stan R. or Betty B. Harding filed the above referenced application for permit to appropriate the public waters of the State of Idaho. On August 31, 1988, the Department received a protest against approval of said application from Roger J. Carlsen, P.E., in behalf of himself and Mae M. Clark.

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 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.

Dated this 15th day of July, 1988.


RONALD D. CARLSON

Eastern Regional Manager

APR 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Stan R. or Betty G. Harding Phone (805) 245-1750
Post office address P.O. Box 2508, Arizona, AZ 85223
Star Route, Box 8012, Frazier Park, CA 93225
2. Source of water supply Spring which is a tributary of sinks
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE Govt. Lot _____
Sec. 7 Township 12S Range 43E B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for Domestic purposes from 1/1 to 12/31 (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)
5. Total quantity to be appropriated is (a) 0.02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. collection pipe to small tank
pump with mainline to single domestic home

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

APR 12 1995

[illegible]

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

Applicant

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

Applicant

10. Describe any other water rights used for the same purposes as described above. None

Total number of acres to be irrigated

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

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

9. Description of place of use:

e. Other; describe fully.

d. Domestic; show number of households.

One

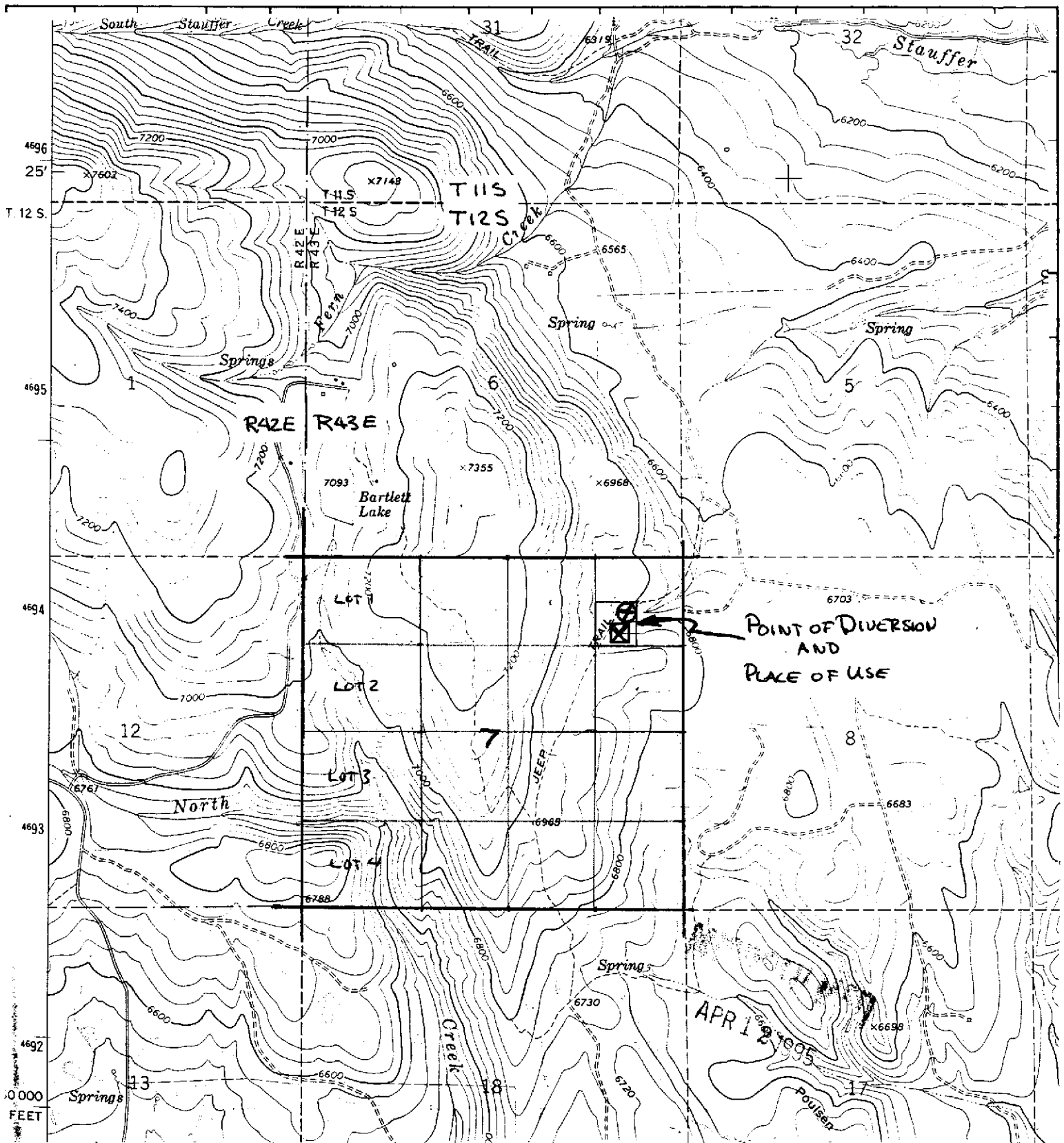
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

8. Description of proposed uses (if irrigation only, go to item 9):

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



the State of Idaho as herein set forth.

Albi R. Kuehn
(Applicant)

Assisted by KOW

Received by CW Date 7-28-87 Time 2:55P Preliminary check by EW
Fee \$ 30⁰⁰ Receipted by CW # 41308 Date 8-6-87
Publication prepared by dg Date 7-29-87 Published in New Examiner
Publication approved dg Date 10-13-87 8-20-87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

APR 12 1995

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Therese Stamm

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 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 17, 1987, and ending

with the issue of September 24, 1987.

Therese Stamm

Fees, -0-

Subscribed and sworn to before me this 25th day
of Sept, 1987.

Kim D. Allen

Notary Public, Residing at Montpelier, Idaho

My Commission Expires June 7, 1992

RECEIVED

OCT 8 1987

Department of Water Resources

Notice is hereby given that Application No. 11-7387 in the name of Copenhagen Hills Assoc., Hyde Park, Utah, and 11-7388 in the name of Tina and Betty Harding, Frazier Park, California, was advertised incorrectly on August 20 and August 27, 1987. The protest date was advertised as being August 20 and August 27, 1987. The actual protest date should have been September 1, 1987. Any protests against the granting of the application must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before October 5, 1987.

R. Keith Higginson

APR 12 1995

No 3362

AUG 30 1987

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Therese Staman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 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

August 20, 1987, and ending with the issue of August 27, 1987.

Therese Staman

AP
Fees, \$35.49

Subscribed and sworn to before me this 30th day

Aug, 1987

Kim D. Allen

Notary Public, Residing at Montpelier, Idaho

My Commission Expires January, 1992

RECEIVED
SEP 4 1987

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7367

COPENHAGEN HILLS
ASSOCIATION

C/O JOHN P. NELSON, 24 WEST 200
NORTH, HYDE PARK, UT 84318

Source: SPRING trib. to SINKS

Diversion Pt: NWSWSW Sec 25 T 12S
R 42E

Use: IRRIGATION (0.160 CFS)
DOMESTIC (0.120 CFS)

Date Filed: 06/15/1987

In: NESW NWSW SWSW Sec 25 T
12S R 42E NWSW SWSW Sec 25
T 12S R 42E FOR 6 ACRES

11-7368

HARDING, STAN R. &/ or BETTY G.
STAR RT. BOX 8012, FRAZIER PARK,
CA 93225

Source: SPRING trib. to SINKS

Diversion Pt: SWNENE Sec 07 T 12S
R 43E

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 24, 1987.

KEN DUNN, Dir.
Legal No: 3362 -39L- Published
August 20 and 27, 1987.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 11-07368 Reviewed by [Signature] Date 1-30-97

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

_____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

☒ Installed?

☒ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	 - = * 	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address Box 7508 Proof Made 1-14-97
Arizona City, AZ 85223



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

January 30, 1997

STAN & BETTY HARDING
BOX 2508
ARIZONA CITY AZ 85223

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07368

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **EASTERN** Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

FEB 9 7 1997

December 31, 1996

STAN R HARDING
BETTY G HARDING
STAR RT BOX 8012
FRAZIER PARK CA 932250000

PROOF DUE NOTICE

RE: PERMIT NO. 11-07368

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1997.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

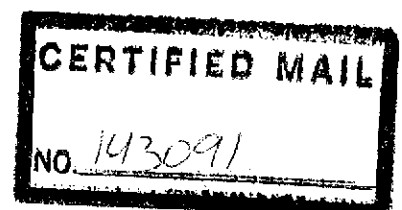
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 07 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 10, 1995

STAN R HARDING
BETTY G HARDING
STAR RT BOX 8012
FRAZIER PARK CA 93225

RE: PERMIT NO. 11-07368

Dear Permit Holders:

Enclosed is a copy of your Permit To Appropriate Water. Please thoroughly review the Conditions/Remarks section of the permit. If you have any questions, please contact me within 10 days of receipt of this permit.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

Enclosure

RECEIVED

APR 12 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 15, 1995

RE: In the matter of Application for Permit No. 11-07368 in the name of Stan R. or Betty G. Harding

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions

ORDER - Pg 1

APR 12 1995

to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

APR 18 1991

6-1-94

ACTION REQUIRED

FROM: H.W. Jones - Eastern

TO: Bob Flinner - Boise

RECEIVED
JUN 06 1994
Department of Water Resources

Attached is the Harding vs Carlson document we
discussed for use in your memorandum decision on application
11-07368.

HWJ

APR 1 2 1994

16 MAY 1994

RECEIVED
MAY 25 1994

Department of Water Resources
Eastern District Office

DEPT. OF WATER
STATE OF IDAHO
150 SHOUP #15
IDAHO FALLS, ID. 83402

ATTN: MR. RONALD D. CARLSON
REF: APPLICATION 11-7368

GENTLEMEN;

ENCLOSED PLEASE FIND A COPY OF THE FINAL JUDGMENT AND
PERMANENT INJUNCTION IN THE CASE OF HARDING VS CARLSON.
DATED 28 APRIL 1994 AND SIGNED BY PETER D. MC DERMOTT,
DISTRICT JUDGE, STATE OF IDAHO.

WHEN WE LAST MET WITH YOU, IT WAS OUR UNDERSTANDING
THAT THE STATE OF IDAHO WAS OF THE OPINION THAT THE WATER
IN QUESTION BELONGED TO WHO EVER PROPERTY THE WATER WAS
ON.

WE WOULD BE GREATFUL FOR A RULING IN THIS MATTER AFTER
YOU HAVE REVIEWED JUDGE MC DERMOTT'S FINDINGS.

A TRANSCRIPT OF THE ENTIRE TRIAL IS AVAILABLE SHOULD YOU
WISH A COPY. WE BEGAN AT 10 A.M. AND ENDED AT 6:45 P.M.
IT WAS A LONG DAY.

WE CAN BE REACHED BY TELEPHONE UNTIL JUNE 24, WHEN WE
WILL BE TRAVELING TO IDAHO. SORRY WE HAVE NO TELEPHONE
THERE. 602 466-6333 OR 602 466-5350. THE SECOND PHONE NUMBER
CAN BE USED AFTER THE JUNE DATE. WE CHECK IN WITH THE OFFICE
SEVERAL TIMES PER WEEK.

VERY TRULY

STAN & DANNY HARDING

RECEIVED
MAY 25 1994

RECEIVED

APR 29 1994

A. BRUCE LARSON, ATTORNEY

A. BRUCE LARSON- Attorney at Law
241 South Main-P.O. Box 608
Soda Springs, ID 83276
Telephone No. (208) 547-2186
Fax No. (208) 547-2241

RECEIVED
MAY 25 1994
Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE

STANLEY R. HARDING and
BETTY G. HARDING,
husband and wife,

Plaintiffs,

vs.

ROGER CARLSON and PAT CARLSON,
husband and wife,
and JOHN DOE I, II, III,
IV, V.

Defendants.

Case No. CV 93-00124

FINAL JUDGMENT AND
PERMANENT INJUNCTION

THIS MATTER having come on for hearing before the above-entitled Court on the 19th day of April, 1994, on this Court's Order for further proceedings. The Plaintiffs appeared through counsel, A. Bruce Larson, and the Defendants and counterclaimant appeared through counsel, Ardee Helm.

APR 27 1995

THE PARTIES submitted a written stipulation involving the dismissal of the Defendants' counterclaims which was accepted and entered into the record by the Court. Neither party called further witnesses and the Defendants' attorney proceeded with argument regarding a prescriptive easement.

BASED UPON the record , after argument of counsels, The Court denied the request of Defendants, that the evidence established a prescriptive easement. The Court hereby adopts the Memorandum Decision and Order, and the Findings of Fact and Conclusions of Law contained therein as the Findings of Fact and Conclusions of Law and Judgment. Based upon the foregoing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREE, AS FOLLOWS:

1. That Plaintiffs be granted quiet, peaceful enjoyment of Lot 60, Bear Lake Ranchette, more particularly described as follows, to-wit:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 12 South, Range 43 East of the Boise Meridian, containing approximately 9.93 acres.

The Boundaries of said lot are those designated and monumented by Bear Lake West, Plaintiffs' grantor, and the same are confirmed by this Court as the true boundaries of said lot.

2. That the disputed spring is located within the confines of the boundaries of Lot 60, Bear Lake Ranchettes, owned by the Plaintiffs hereinabove.

APR 12 1995

3. That the Plaintiffs are granted a permanent injunction against defendant, restraining and enjoining the Defendants, their agents and those acting in concert with them, from trespassing upon the property of Plaintiffs, from interfering with Plaintiffs use and enjoyment of their property, and further Plaintiffs may remove any structures, fences, or other improvements on the property of Plaintiffs, which were placed there by Defendants. This injunction applies to the property of Plaintiffs described in Paragraph No. 1, hereinabove.

4. That Defendants have not presented evidence which would establish a prescriptive easement for the maintenance of claimed water rights from the spring located upon the Plaintiffs property.

5. That in accordance with the stipulation of the parties, Defendants' counterclaim, as it relates to Defendants' claimed water rights, be dismissed without prejudice.

DATED this 28th day of April, 1994.



Peter D. McDermott
District Judge

APR 12 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 7, 1994

Roger Carlsen
P.O. Box 115
Simi Valley, CA 93062

RE: App. for Permit No. 11-07368 in the Name of Harding

Dear Mr. Carlsen:

Some time ago you protested Application for Permit No. 11-07368 filed by Stan R. or Betty G. Harding. During subsequent hearings, the location of the spring was disputed and conflicting evidence was submitted to the department.

We recently received a copy of the Final Judgement and Permanent Injunction issued by the District Court which found that the disputed spring is located within Lot 60 which is owned by the Hardings. The Court also found that there was not sufficient evidence to establish the water right you claim for the use of the spring on the Harding's land.

Since the question of the location of the spring has been resolved, we are prepared to take final action on the application for permit.

Do you wish to continue your protest of this application? The department will assume that you wish to continue your protest and a decision on the application will be prepared unless we receive the enclosed Withdrawal of Protest from you within 30 days.

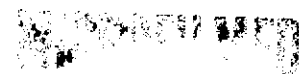
If you have any questions, please feel free to contact the department.

Sincerely,

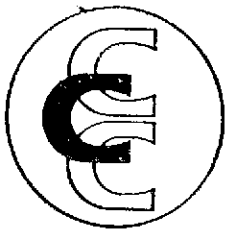
BOBBY D. FLEENOR, Chief
Resource Protection Bureau

Enclosure

cc: Stan Harding
Ardee Heln
IDWR - Eastern Region



APR 12 1995



ConCeCo
Engineering, Inc.

April 21, 1993

2160 Winifred Street
Mail: P.O. Box 115
Simi Valley, CA 93062

Mr. Bobby D. Fleenor, Chief
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Subject: Application for Permit No. 11-07368

Reference: Your letter dated March 24, 1993

Dear Mr. Fleenor:

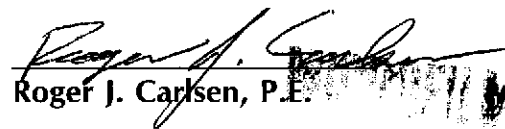
Enclosed please find a copy of the Record of Survey Map showing the location and description of the property on which the subject spring is located. Also enclosed is a copy of my deed to the property. This map has been submitted to the Bear Lake County Recorder's Office for recordation.

I hope this information will suffice to resolve this problem permanently.

Would you please advise me regarding the necessary procedures for obtaining a permanent water right on this spring.

Thank you for your assistance.

Very truly yours,
ConCeCo Engineering, Inc.


Roger J. Carlsen, P.E.

RJC:ch

APR 12 1995

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

DAVID MICHAEL DALTON, a single man

do hereby grant, bargain, sell and convey unto

ROGER J. CARLSEN and PATRICIA CARLSEN, h/w; and ROBERT D. COLSON
and JANICE COLSON, h/w. 2384 North Cragmont Ct., Simi Valley, Ca 93065
the grantees, the following described premises, in Bear Lake County Idaho, to wit:

Parcel No. 61, BEAR LAKE RANCHETTES, more particularly described
as follows to-wit:

The SE1/4NE1/4NE1/4 of Section 7, Township 12 South, Range 43,
Boise Base and Meridian.

RESERVING FOR later transfer to the Bear Lake Ranches Lot Owners
Association all rights of control, egress and ingress, all rights
to cut, fill, and maintain the roads to a width of 50 feet on the
private roadways now constructed across the above described
property and as shown on the plat of the Bear Lake Ranches,
reserving to the lot owner full right of ingress and egress over
said private roadways to the existing County roads.

EXCEPT THEREFROM, All Oil, Gas and other Mineral Rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
their heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that he is the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 13 August 1991

David M. Dalton

STATE OF ~~Washington~~ *Idaho*
COUNTY OF *Idaho*
On this *15th* day of August, 1991,
before me, a notary public in and for said State, personally
appeared

DAVID MICHAEL DALTON

Known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he

John A. Dalton
Notary Public
Commission Expires 7-1-93

INDEXED

91 AUG 29 AM 8 59
Clerk of Court
FEE

BEAR LAKE COUNTY RECORDS

153037

INSTRUMENT NO.

APR 12 1995

ConCeCo Engineering, Inc.2160 Winifred Street
SIMI VALLEY, CALIFORNIA 93063(805) 527-3266
FAX (805) 527-7668

TO State of Idaho- Dept. of Water Resources

1301 N. Orchard Street,

Statehouse Mail

Boise, Idaho 83720-9000

LETTER OF TRANSMITTAL

DATE	April 29, 1993	JOB NO.
ATTENTION		
RE: Record of Survey		

> WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- | | | | | |
|---|--|--------------------------------|----------------------------------|---|
| ☐ Shop drawings | ☒ Prints | ☐ Plans | ☐ Samples | ☐ Specifications |
| ☐ Copy of letter | ☐ Change order | ☐ _____ | | |

COPIES	DATE	NO.	DESCRIPTION
1			8-1/2" x 11" Zerox Copy

THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| ☐ For approval | ☐ Approved as submitted | ☐ Resubmit _____ copies for approval |
| ☒ For your use | ☐ Approved as noted | ☐ Submit _____ copies for distribution |
| ☐ As requested | ☐ Returned for corrections | ☐ Return _____ corrected prints |
| ☐ For review and comment | ☐ _____ | |
| ☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US | | |

REMARKS _____

Attached is a zerox copy of a portion of the record of survey
showing the recordation date at Bear Lake County Recorders office.

APR 12 1993

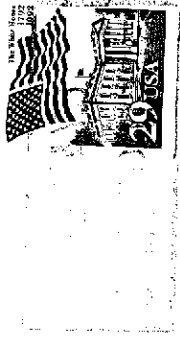
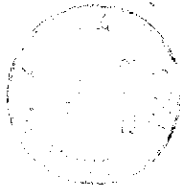
COPY TO _____

SIGNED: Roger J. Carlson

ConCeCo Engineering Inc.

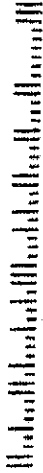
P.O. Box 115

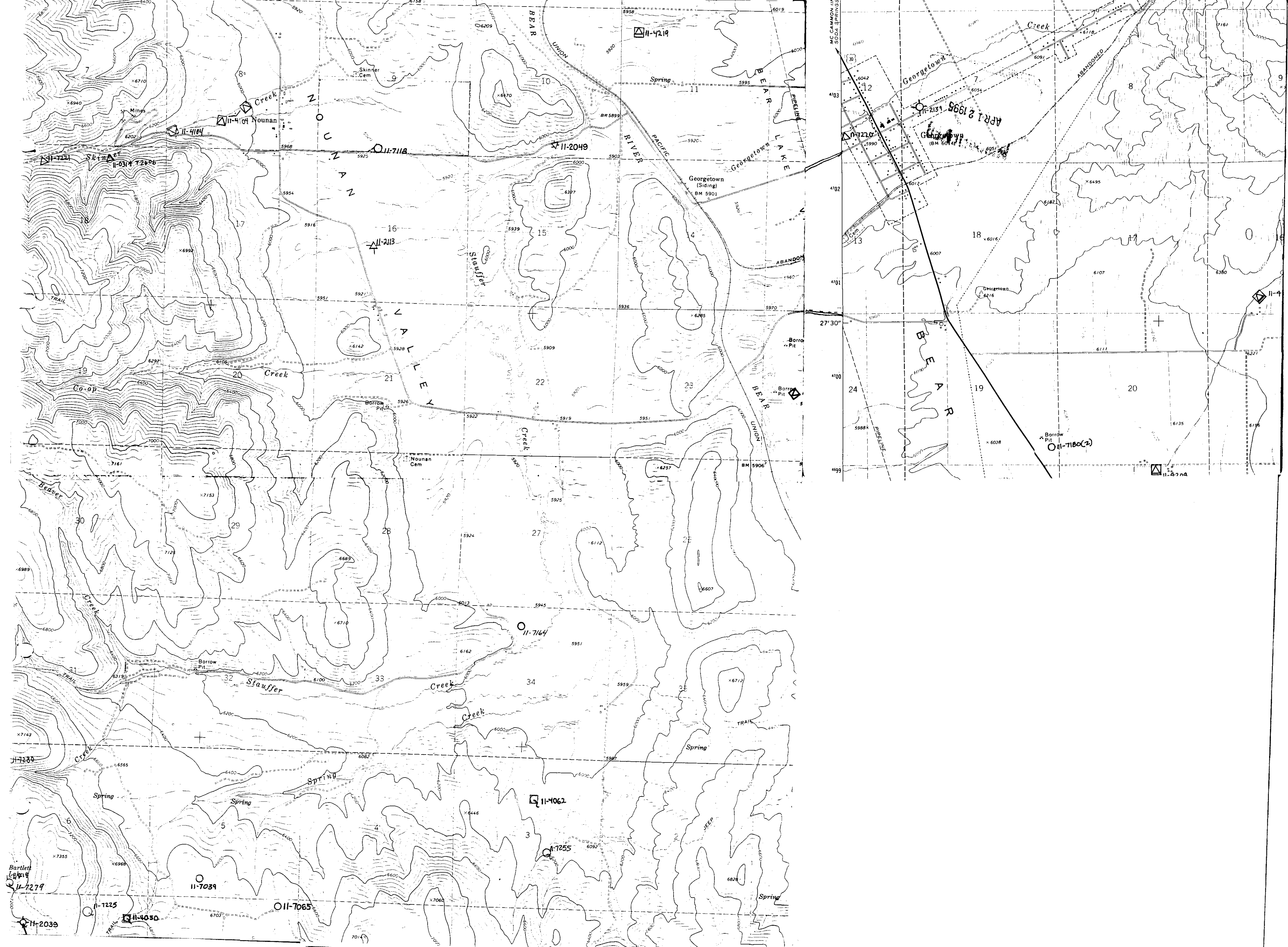
Simi Valley, Ca. 93062



**State of Idaho - Dept. of Water Resources
1301 N. Orchard Street.
Statehouse Mail
Boise, Idaho 83720-9000**

APR 12 1995





To Bob
Date 4/14 Time 3:20 A.M.
P.M.

WHILE YOU WERE OUT

Roger Carlson

of _____
Phone 805-527-3266
AREA CODE NUMBER EXTENSION

Telephoned	☒	Please call	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message RE: date to have
Record of Survey 3/
extended to May 24,
1993

Signed Karen

MEMORANDUM

To: File 11-07368
From: L. Glen Saxton *LS*
RE: PHONE CONVERSATION WITH ROGER CARLSON
Date: April 14, 1993

On this date, I discussed by telephone Fleenor's March 24, 1993 letter with Roger Carlson. He was concerned that he could not provide the requested information within 30 days.

I suggested that if he wants more time, he needs to submit a written request to the department which clearly describes all the reasons why he needs more time in which to submit the record of survey. He said he would submit such a letter.

RECEIVED

APR 12 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 24, 1993

Roger Carlsen
PO Box 115
Simi Valley, CA 93062

Re: Application for Permit No. 11-07368

Dear Mr. Carlsen:

On September 11, 1992, the Department requested a copy of the Record of Survey and deed to the property on which you feel the spring is located in connection with the above referenced application to a water right. As of this date, the Department has not received a copy of either document.

Attached is a copy of the topographic map of the area, which also shows the lot lines of the Bear Lake Ranchettes subdivision. This map was sent to us by Mr. Harding.

The Department will allow an additional 30 days for you to submit the maps. If we have not received them within 30 days, the Department will reach a decision on the application for permit, based upon the information obtained at the hearing held on August 6, 1991 and the information in the records of the Department.

Please let us know if you have any questions about this matter.

Sincerely,

Bobby D. Fleenor, Chief
Resource Protection Bureau

C: IDWR - Regional Office

Enclosure

APR 12 1993

9-29-92

RECEIVED

SEP 30 1992

Department of Water Resources

DEAR MR. BOBBY D. FLEWOR

AS PER OUR CONVERSATION THIS DATE
I AM SENDING THE ENCLOSED TOPO
OF BEAR LAKE RANCHETTES -

OUR LOT IS #60 - ACCORDING
THE COUNTY ENG IT DOES SHOW A
POINT OF AN ORIGINATING SPRING -

THANKS FOR YOUR HELP

Sincerely,

Stan R. Harding

RECEIVED

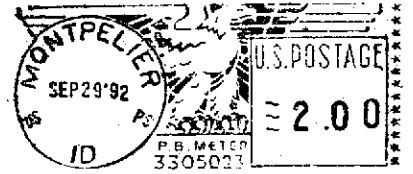
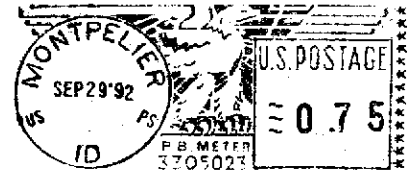
APR 12 1995

Harding
Box 2508
AZ. City, AZ, 85223

CERTIFIED

P 867 598 660

MAIL

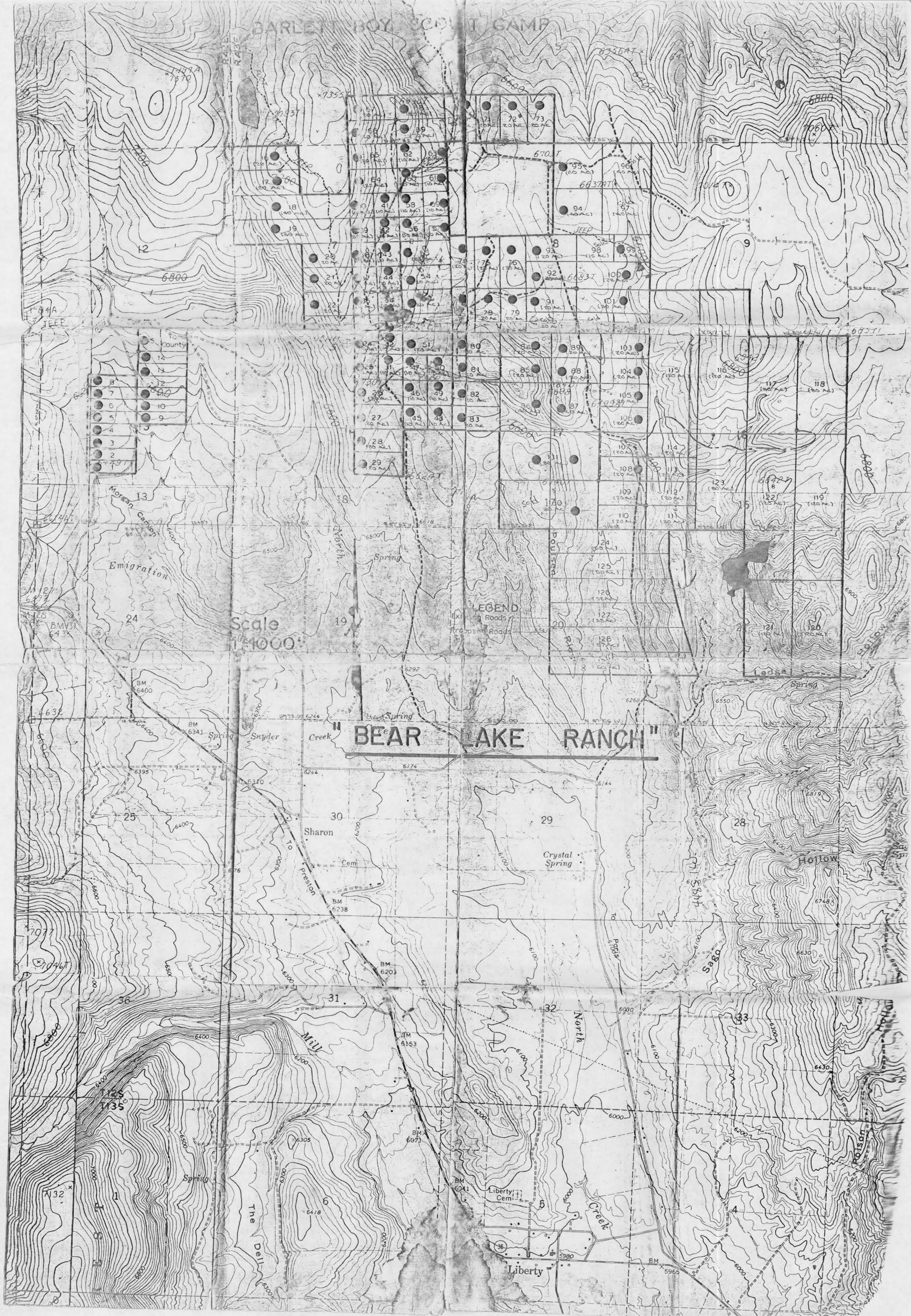


RETURN RECEIPT
REQUESTED

State of IDAHO
DEPT of WATER RESOURCES
1301 NO ORCHARD ST
STATEHOUSE MAIL
BOISE, ID 83720-9000

Att: BOBBY D. FLEENOR
Map made for our mining equipment
Return!
Cullerpe only
APR 12 1995

BARLETT BOY SCOUT CAMP



RECEIVED

SEP 23 1992

Department of Water Resources

21

Sept. 1992

State of Idaho
Department of Water Resources
1301 W. Orchard St
State House Mail
Boise, Idaho 83720-900

Attn: Bobby Fleener

Gentlemen:

The following information
is enclosed as directed
by Mr. Ronald Carlson - your
Eastern Regional Manager.

1. A copy of our survey
statement.

2. A sketch of our
property - with approximate

APR 12 1995

location of our spring -

If any additional information
is needed please advise

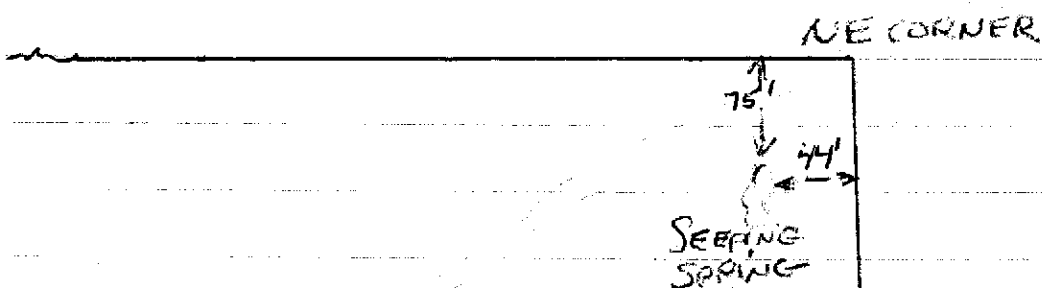
Sincerely

Stan B. Harding
869 Aspen Drive
P.O. Box 65
Montpelier Idaho
83254

APR 12 1995

PARCEL NO. 60
BEAR LAKE RANCHETTES

THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SEC 7
T12S, R43E BOISE BASE & MERIDIAN
CONTAINS 9.93 ACRES ±



PARCEL 60

9.93 ACRES

STAN & BETTY HARGENCY
9-19-74

8-19-85



STATEMENT

GREAT BASIN ENGINEERING & SURVEYING, INC.

PHONE (801) 394-4515
3505 GRANT AVE. OGDEN, UTAH 84403

IN
ACCOUNT
WITH

Mr. Stan R. Harding
11402 Eby Canyon
Sunland, California 91040

DATE

August 8, 1974

✓ # 4708
Paid

FOR ENGINEERING SERVICES RENDERED

Stake balance of corners and additional stakes
on property line of Lot 60, Bear Lake Ranch

3 man survey crew - 5 hours @ \$33.00 per hour \$165.00

Travel time 1½ hour @ \$33.00 per hour 49.50

BALANCE DUE \$214.50

PS-74-199

MEMBER OF
AMERICAN SOCIETY OF CIVIL ENGINEERS
UTAH COUNCIL LAND SURVEYORS

APR 12 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 11, 1992

Roger Carlsen
P.O. Box 115
Simi Valley, CA 93062

Re: Application for Permit No. 11-07368

Dear Mr. Carlsen:

Last year, the Department received correspondence informing us that you had purchased the property on which the spring in question is located. Mr. and Mrs. Harding are still trying to obtain water rights to this spring.

The Department was under the impression that your purchase of this property had resolved the matter, but apparently, it has not. Enclosed is a copy of our response to Mr. and Mrs. Harding and a request for information showing ownership of the spring.

Your correspondence also claimed that you have had the land surveyed and have ownership of the land. Therefore, we ask that you also send us a copy of the Record of Survey and the deed to the property on which the land is located. When the requested information is received, a decision will be reached in this matter.

If you have any questions or if I can be of any further assistance, please feel free to contact the Department.

Sincerely,

Bobby D. Fleenor
Hearing Officer

C: IDWR - Regional Office

Enclosure

APR 12 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 11, 1992

Stan and Betty Harding
P.O. Box 2508
Arizona City, AZ 85223

Re: Application for Permit No. 11-07368

Dear Mr. and Mrs. Harding:

You recently visited with Ron Carlson in our Idaho Falls regional office concerning your application for a permit to use water from a spring. You claim the spring is on your property.

As you will recall, one of the major questions raised at the hearing was who owned the property. On September 1, 1991, the Department received correspondence from Roger Carlsen, the protestant, stating that he had purchased the property on which the spring is located. The Department was under the impression that this matter had been resolved by this purchase, especially since we heard nothing from you. Apparently the matter has not been resolved and we now understand there is still disagreement over ownership of the land on which the spring is located.

Ownership of the land is crucial in the decision of approval or denial of this application. Therefore, ownership must be determined before a decision will be made. Both you and the protestant claim to have had the land surveyed. However, the Department has not received a copy of the Record of Survey and copies of the deeds that establish ownership from either party.

Please send us the Record of Survey and other documentation that establishes your ownership of the property where the spring is located.

APR 12 1993

We have also enclosed a copy of the protestant's September 1, 1991 correspondence, since you may not have received a copy.

If you have any questions or if I may be of any further assistance, please feel free to contact the Department.

Sincerely,


Bobby D. Fleenor
Hearing Officer

C: Roger Carlsen
IDWR - Regional Office

Enclosure

APR 12 1995

MEMORANDUM

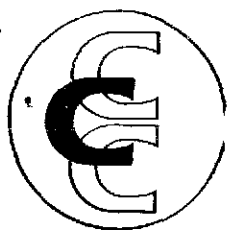
To: Bob Fleenor
From: L. Glen Saxton *LS*
RE: PHONE CALL - STATUS OF APPLICATION FOR PERMIT 11-7368 IN
THE NAME OF STAN AND BETTY HARDING
Date: September 3, 1992

Ron Carlson called today and wanted to know the status of the above referenced file since applicants were in his office and were inquiring about the matter.

I located the file on your desk and advised Ron that it does not appear a decision has been drafted.

Ron asked that you write the decision since the parties want a decision in this matter.

APR 12 1995



ConCeCo
Engineering, Inc.

RECEIVED

SEP 9 1991

Department of Water Resources
Eastern District Office

2160 Winifred Street
Mail: P.O. Box 115
Simi Valley, CA 93062

September 5, 1991

State of Idaho, Department of Water Resources
Eastern District Office
Attention Harold Jones
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

Subject: Bear Lake Property Spring Application No. 11-7368
Stan Harding v. Roger Carlsen

Dear Mr. Jones:

This is to inform you that I have now purchased the property on which the spring exists. We will be filing a record of survey in the near future which clearly shows the location of the spring.

I assume this will have a bearing on the final outcome of the recent hearing. Please be informed that I will not grant any easements to other parties on this property. If the Harding want to pursue this matter, I am certain an arrangement can be worked out for purchase of the water.

Thank you for your very able assistance. Please contact me if you need further information.

Very truly yours,

Roger J. Carlsen

RJC:pc

APR 12 1995



Exhibit #2

By Handing admitted

86-91

11-7368

Aug 6, 1991

Stan & Betty Harding

Protestant

Roger Carlsson

~~Other~~

Surveyor Robert Colson -

Betty G. Harding

- Property Surveyed -

- House Built 1975 -

- 1982 - Randy ^{Carlson} filed on the spring

- 1982 - Spring was attempted to be developed -

- Spent the Summer ~~at~~ at this place -

- The Spring is flowing 3 gpm -

- The Spring will be developed - Spring box - Tank has been purchased

- Not aware of other use since 1974

- Hauled water until 1989

- Permenently arrange to get water from neighbors well.

Randy L. Carlson -

- Spring used since 1919

- ~~Cons.~~ Money has been ~~and~~ spent for maintaining spring

- Maintenance - Shovel -

- Contends property where spring is is owned by ^{David} Dalton -

- How many cattle - ²⁰ ~~150~~ head - ^{815 38th St} ^{Garden, Utah}

APR 12 1995

(2)

LeDene Parsons for Robert ^{E Carlson} ~~Parsons~~ -
Req PE/LS
Roger Carlson's partner →

APR 12 1995

Bob Frenoy
Account Officer

Harding vs Carlson
11-7368

86-91

Tape start #43 — 439 (Harding)

#439 — 1089 (Randy Carlson)

#1090 — 1478

Cross examine
by Harding

Parsons
~~Carlson~~
Testimony

1478 — 1547

Bob Frenoy #1348 — 1574

APR 12 1995

11-7368 - HARDING

Tuesday, August 6, 1991 - 9:30 a.m.
Second Floor Conference Room, State Office Building
150 Shoup, Idaho Falls, ID

Hearing Officer: Bob Fleenor

Name _____ Representing _____ Address _____

Randy L. Carlson	Roger J. Carlson	Sharon, Idaho 83260
LaDene Parsons	Roger J. Carlson	Idaho Falls, ID 83402
D.L. PARSONS	Roger J. Carlson	Idaho Falls ID. 83402
Betty G. HARDING	Stan & Betty HARDING	
Shirley HARDING	Stan & Betty HARDING	42 C. by 42 85223

APR 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Mae M. Clark (name of claimant)
of 1526 Calle Inrique, Pleasanton, Calif, 94566 (mailing address)
claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring (unnamed)
, tributary to ,
(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 0.02 cfs/Use Domestic, livestock, Period of Use: From April 1 To Nov 1 (for
Amount Use irrigation, Period of Use: From more than 30 years)
Amount Use of garden Period of Use: From To
(cfs, gpm (dom., irri., stock, etc.) (both dates inclusive)
or a/f)

- (3) Total quantity of water claimed: 0.02 cubic feet per second, or acre feet
per annum, and/or gallons per minute.
(4) Priority claimed: (the date water was first applied to beneficial use) April 1919

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NE ¼, Sec. 7 Twp. 12 S Rge. 43 E B. M. County of Bear Lake
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Small ditch and 1½ in. pipe.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12	43	8					X												40 ac.

Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic, watering stock, irrigation of garden, domestic use by 1 family; watering of range beef cattle.

- (7) If you are claiming water as a member of an organization, list name of organization:

APR 12 1995

Remarks

R 43 E

Spring

12

5

7

8

5

State of Idaho)
) ss.
County of BEAR LAKE)

Mae M. Clark

By: Chris M. Carlson

Chris N. Carlsen (Claimant)s Attorney in Fact

_____, 1926

James P. Hethcote's

Notary Public for Idaho

Residing at Idaho

My commission expires lifetime

For Department Use Only

Received by <u>Qu</u>	Date <u>7-17-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Long</u>	Date <u>7/19/76</u>		claimant by:	
\$10.00 fee received by <u>Qu</u>	Date <u>7-20-76</u>			
Approved for publication by <u>me</u>	<u>8/19/76</u>	<u>#2550</u>		
Published in <u>Times Herald</u>				
Dates <u>July 15 & 22, 1976</u>				<u>APR 1 2 1976</u>

Exhibit #1 - submitted by
Randy Carlson

Roger J. Carlsen
2384 N. Cragmont Ct.
Simi Valley, CA 93065
August 5, 1991

Mr. Ronald D. Carlson
Eastern Regional Manager
Idaho Department of Water Resources
Idaho State Office
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Subject: Application for Permit: No. 11-7368
Name: Stan R. or Betty G. Harding
Date: Tuesday, August 6, 1991, 9:30 a.m.

Dear Mr. Carlson:

This letter is to advise the Department of Water Resources that I am not able to attend the above referenced hearing in person due to an urgent business matter which has arisen suddenly in San Diego.

I have requested my brother, Mr. Randy Carlsen from the Bear Lake area to attend the hearing and represent my position in this matter.

Several items of concern are presented below for the record:

1. The spring has been used in conjunction with my 160 acre parcel since April 1919. I think it important to note that the water has primarily been used for watering live stock and other animals over the years.
2. Considerable money and time have been spent by me on improving and maintaining this spring each year. Programs are available from the Soil Conservation Service and other government agencies for improving the spring for cattle watering purposes.
3. The spring is being used for cattle water since water is not readily available in the area. The lessor is dependent upon this water to enable cattle grazing upon the property.

RECEIVED
APR 12 1995

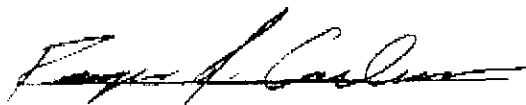
Idaho Department of Water Resources
Application for Permit: No. 11-7368

August 5, 1991
Page 2

4. These is a question concerning the legal location of the spring. The applicant should have a Record of Survey completed and filed with the county recorder to resolve this matter.
5. The applicant spends very little time in the area and utilizes the cabin as a vacation spot only, which does not require a continuous water supply. Other cabin owners in the area have installed horizontal wells or imported water.
6. First claim on this spring was filed on behalf of the owner Mae M. Clark on June 15th 1976. The property at present is owned by me.

Thank you for the opportunity to submit this letter.

Very truly yours,



Roger J. Carlsen

RJC:pc

RECEIVED
APR 12 1995

END

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

3. Article Addressed to: *Stanton Betty Handlung*
Box 63
Ornd, Md. 83260

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

4. Article Number *0740*

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

5. Signature of Addressee *[Signature]*
6. Signature - Agent *[Signature]*
7. Date of Delivery *11-91*

8. Addressee's Address (ONLY if requested and fee paid)
APR 1

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

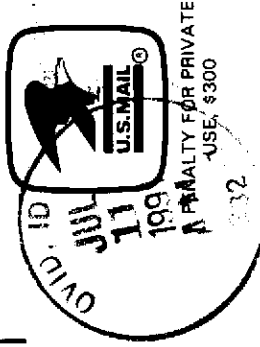
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Order (Shelton)
 Atty at Law
 5181 Washington St.
 Minneapolis, Md. 83254

4. Article Number

0741

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **POSTAL DELIVERED.**

8. Addressee's Address (ONLY if requested and fee paid)

5. Signature — Addressee

X

6. Signature — Agent

X *Shelton*

7. Date of Delivery

4-11-91 MMB

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPT. OF WATER RESOURCES

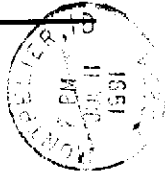
LAND DISTRICT OFFICE

100 E. 1ST AVE. #15

IDAHO FALLS, IDAHO 83402



PENALTY FOR PRIVATE
USE, \$300



APR 12 1981

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

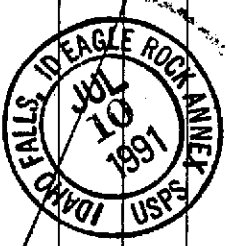
Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ Certified
☐ Express Mail

Check appropriate block for
☐ Registered Mail
☐ With Postal Insurance
☐ Without Postal Insurance

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	Handling Charge	Act. Value (if Regs.)	Insured Value	Due Sender (if C.O.D.)	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0739 Roger (Bellevue) P.O. Box 115 Simi Valley	.29	1.00									11-7368
2	0740 ✓ Sharon Betty Handing P.O. Box 6280	"	"									"
3	0741 ✓ Under 518 (H. King) P.O. Box 115	"	"									"
4	0742 ✓ Mrs. McFarlane 1566 Oak St. Boise	"	"									"
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						



APR 12 1985

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804

July 5 - Conf. - 11-7368

Held at Pans, ID County Courthouse

- 1/ Property purchased in 1974 + attempt made to file with Dept. - Letter written back from Dept. saying not needed. (Have on site + spring there)
- 2/ Claim filed by Carlsons on spring + exception filed by Harders.
- 3/ New application filed (11-7368) by Harders
- 4/ Carlsons use spring for livestock (No Domestic use at this time) P.O. is approx 500' from P.D.
- 5/ Time of use coincides between parties

RECEIVED

APR 12 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

December 31, 1990

RECEIVED

JAN 17 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Department of Water Resources
Eastern District Office

Stan and Betty Harding
Star Rt Box 8012
Frazier Park CA 93225

RE: Application for Permit #11-7368

Mr. & Mrs. Harding:

I have been corresponding with Mr. & Mrs. Roger Carlsen about the status of their protest of your application for water right #11-7368 from a spring for domestic use. Mr. Carlsen refused to sign the agreement we had drawn up in 1989 and said he had new evidence which he wanted to submit.

At this time I would ask if you still want to pursue this application. If so, I will have to schedule a formal hearing with a hearing officer who will take taped testimony. If you do not wish to continue with this application, please sign the withdrawal form enclosed and send it back to me. Please let me know within thirty (30) days what your intent will be.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk
Enc.

1-12-91

WE DO NOT WISH TO WITHDRAW
OUR APPLICATION

Betty Harding

OUR NEW ADDRESS

P.O. Box 2508

ARIZONA City, AZ 85223

Phone 602 466 6333

APR 12 1995

December 31, 1990

Stan and Betty Harding
Star Rt Box 8012
Frazier Park CA 93225

RE: Application for Permit #11-7368

Mr. & Mrs. Harding:

I have been corresponding with Mr. & Mrs. Roger Carlsen about the status of their protest of your application for water right #11-7368 from a spring for domestic use. Mr. Carlsen refused to sign the agreement we had drawn up in 1989 and said he had new evidence which he wanted to submit.

At this time I would ask if you still want to pursue this application. If so, I will have to schedule a formal hearing with a hearing officer who will take taped testimony. If you do not wish to continue with this application, please sign the withdrawal form enclosed and send it back to me. Please let me know within thirty (30) days what your intent will be.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk
Enc.

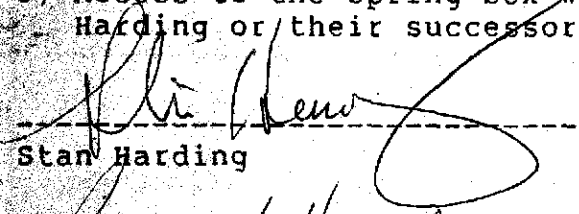
5/1/91

APR 2 1991

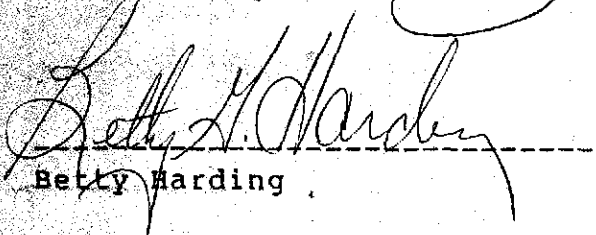
In the matter of Application for Permit No. 11-7368, in the name of Stan or Betty Harding:

Protestant Roger J. Carlsen has agreed to withdraw his protest of Application No. 11-7368 and has entered into a use agreement of the spring source in question. Said agreement conditions are listed below:

- 1) There will be a dual access to the diversion box at the spring site for use by both Carlsen and Harding.
- 2) Domestic use of the spring and collection box will have first priority with livestock use second.
- 3) The spring box area will be fenced or protected from livestock incursion.
- 4) Carlsen and Harding will share the cost of maintenance of the collection system.
- 5) The SCS 80/20 cost sharing program will be pursued and evaluated by both parties for use in the 1990 crop year.
- 6) An Application for Permit will be submitted by Carlsen for any future domestic use.
- 7) If the cost share program is not available from the SCS then other means will be pursued by both parties for cooperative development of the spring box.
- 8) Access to the spring box will be restricted to Carlsen and Harding or their successors in interest.


Stan Harding

Roger Carlsen


Betty Harding

Pat Carlsen

APR 2 1989

RECEIVED

AUG 24 1989

Department of Water Resources
Eastern District Office

ACTION REQUIRED

7-17-89

FROM: H.W. JONES - IDWR

TO: Roger Carlsen + Stan Harding

Attached is a copy of a tentative agreement + withdrawal of protest. Please review it + if both parties agree then sign one of the copies + return it to me. It is understood that you may want to modify the agreement.

Please let me know how you will proceed.

WJ

I do need you to respond within 30 days if possible.

APR 12 1995

In the matter of Application for Permit No. 11-7368, in the name of Stan or Betty Harding:

Protestant Roger J. Carlsen has agreed to withdraw his protest of Application No. 11-7368 and has entered into a use agreement of the spring source in question. Said agreement conditions are listed below:

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- 3) The spring box area will be fenced or protected from livestock incursion.
- 4) Carlsen and Harding will share the cost of maintenance of the collection system.
- 5) The SCS 80/20 cost sharing program will be pursued and evaluated by both parties for use in the 1990 crop year.
- 6) An Application for Permit will be submitted by Carlsen for any future domestic use.
- 7) If the cost share program is not available from the SCS then other means will be pursued by both parties for cooperative development of the spring box.
- 8) Access to the spring box will be restricted to Carlsen and Harding or their successors in interest.

Stan Harding

Roger Carlsen

Betty Harding

Pat Carlsen

APR 18 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-7368	)	STIPULATION FOR ENTRY
IN THE NAME OF STAN OR BETTY	)	OF PROPOSED DECISION
<u>HARDING</u>	)	WITHOUT A HEARING

The parties to this proceeding, having met at a prehearing conference for the purpose of defining the issues, informally presenting the facts, and discussing their respective positions before a hearing officer of the Idaho Department of Water Resources (department), hereby stipulate and agree as follows:

1. The hearing officer may consider information presented at the prehearing conference, information obtained through a field investigation by department personnel, and other facts available in the files and records of the department in preparing a proposed decision and order.

2. Each party shall have the opportunity, pursuant to Idaho Code, Sections 42-1701A and 67-5211, to file exceptions to the proposed decision and order by filing written exceptions thereto within 15 days after service of the proposed decision and order by the department. If a timely exception is not received, the department Director will enter an order adopting a final decision.

3. Each party shall have the opportunity, pursuant to Rule 11 of the Practice and Procedure Rules and Regulations of the department, to file a petition for rehearing within 20 days after service of the final decision. If the department determines that a formal hearing is required, notice will be sent to all parties.

APR 12 1995

4. Pursuant to Idaho Code, Sections 42-1701A and 67-5215, any party may initiate a proceeding for judicial review by filing a petition in the district court within 30 days after the service of the final decision or, if a timely rehearing is requested, within 30 days after the decision thereon.

5. If an action for judicial review is filed in the district court without an administrative hearing having been held before the department, the parties agree not to oppose a motion for remand of the proceeding to the department for the purpose of conducting a hearing for the presentation of additional evidence.

DATED this _____ day of _____, 1989.

APPLICANT(S)

PROTESTANT(S)

MAILED
APR 12 1989

11-7368 - Harding

Courtroom, Bear Lake County Courthouse
Paris, Idaho

Wednesday, July 5, 1989 - 10:30 a.m.

Hearing Officer: _____

<u>Name</u>	<u>Representing</u>	<u>Address</u>
-------------	---------------------	----------------

Betty A. Harding

Star Rt Box 8012
Frazier Park, Ca.

Stan R Harding

SAME

Pat Carlsen

2384 N Cragmont Ct
Simi Valley, CA 93065

ROGER N. CARLSEN

2384 N. CRAGMONT CT.
SIMI VALLEY, CA 93065

APR 18 1989

July 3, 1989

Bear Lake County Courthouse
Bear Lake County Court
ATTN: Elaine
Paris, ID 83261

Dear Elaine:

This is to confirm the use of the Courtroom in the Bear Lake County Courthouse, Paris, Idaho for a water right conference to be held by this Department beginning at 10:30 a.m., Wednesday, July 5, 1989.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

100-100000-100000
100-100000-100000
100-100000-100000

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number

Roger J. Carlson Pres.
Conoco Inc.
P.O. Box 115
Lima, Pa 15801

0280

Type of Service:

☒ Registered
☒ Certified
☐ Express Mail

☐ Insured
COD

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

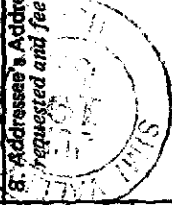
X

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature - Agent

X

7. Date of Delivery



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.



JUN 22 1989

PENALTY FOR PRIVATE
Use. \$300
Department of Water Resources
Eastern District Office

APR 12 1995
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE, #15
IDAHO FALLS, IDAHO 83402

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

4. Article Number

Type of Service:

- ☐ Registered
☒ Certified
☒ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED.**

8. Addressee's Address (ONLY if requested and fee paid)

5. Signature of Addressee
X

6. Signature - Agent
X

7. Date of Delivery

10-15-89

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

Article Delivered
 Attorney at Law
 518 W. Shington
 Montpelier, VT. 05602
 APR 12 1989
 8325

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

FM
JUN 16
1989



PENALTY FOR PRIVATE
USE, \$300

RETURN

TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

JUN 19 1989

IDAHO FALLS, IDAHO 83402

Department of Water Resources

Eastern District Office

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number

Mae M. Clark
1526 Calle Inguene
Pleasanton, Ca 94566

0279

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature -- Addressee

X

6. Signature -- Agent

X

7. Date of Delivery

6/16/89

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEPARTMENT OF WATER RESOURCES

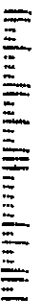
EASTERN DISTRICT OFFICE

JUN 19 1989

150 SHOUR AVE, #15

IDAHO FALLS, IDAHO 83402

Department of Water Resources
Eastern District Office



DEPARTMENT OF WATER RESOURCE
EASTERN DISTRICT OFFICE
150 SHCUP AVE. #15

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

Check appropriate block for
☐ Registered Mail
☐ With Postal Insurance
☐ Without Postal Insurance

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

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	IDAHO FALLS IDAHO 83402 Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regs.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Regt. Del. Fee	Remarks
1	10278	Steven Betty Shading Agency, Inc. 25	25	85					90				11-7368
2	10279	Mormon Lake, 1526 W. 11th St. 25	25	85					90				
3	10280	Roy's Car Wash 1500 1st St. 25	25	85					90				
4	10281	Queen & Elm 518 W. Washington, Nampa 25	25	85					90				11-7368
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.								



APR 12 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 9, 1989

Roger Carlsen
ConCeCo Engineering Co.
P.O. Box 115
Simi Valley, CA 93062

Dear Mr. Carlsen:

I have received your letter and data reference the show cause order sent to you earlier this year. I feel you have justified another hearing/conference date to review your protest over Water Right application 11-7368. I have it marked on my calendar to schedule said meeting for the first week of July, 1989. If you have any questions please give me a call.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:1k

APR 12 1995

25 July '88

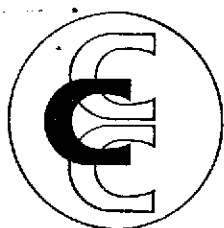
~~Send show cause for failure to appear.~~

Discussion with applicant-

- Purchased property in 1974
- Letter by Dept. in 1975 instructed Hardings they did not need to file on "their water"
- Area was previously utilized for sheep grazing by Carlson's grandfather. I
- Spring measured 24 July, 1988 by Hardings flowing 1 gal/minute.
- Water has not been used by Carlson since Hardings purchased property.

FILMED

APR 12 1988



ConCeCo Engineering, Inc.

4615 Industrial Street, Unit 1-Z
Mail: P.O. Box 115
Simi Valley, CA 93062

March 1, 1989

Attention Mr. Harold Jones
State of Idaho
Department of Water Resources
Eastern District Office
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Subject: Show Cause Order
Permit No. 11-7368
Stan R. or Betty G. Harding

Gentlemen:

Enclosed are several documents relative to showing just cause for not appearing at the above subject hearing. In fact, my attorney, Mr. Ardee Helm, Jr. of Montpelier advised your office in advance that neither he nor I could attend this hearing. I was actually in the hospital in intensive care recuperating from a lower back operation when we first received a call from Mr. Helm (7-18-89) concerning this hearing. Incidentally, we did not receive 10 days notice regarding this hearing which is commonly considered minimal for scheduling purposes. The hearing notice (enclosed) is also in error regarding the date on which I filed the protest which was actually August 27, 1987 not "1988" as shown in the notice.

I also object to the hearing location at Pocatello. The time and location was obviously selected to accommodate Mr. and Mrs. Harding. I am requesting that the next hearing, if required, be located in Bear Lake at Paris since this is normal procedure for water hearings concerning Bear Lake applicants. I plan to be in Bear Lake July 2 thru July 8, 1989.

Attached are the following documents:

1. "Show Cause Order" dated February 17, 1989
2. Communication from Ardee Helm, Jr. to Roger J. Carlsen regarding Notice of Hearing
3. "Notice of Hearing" dated July 15, 1988
4. Motion for continuance order from Ardee Helm, Jr. to Department of Water Resources, State of Idaho dated July 19, 1988.

APR 12 1995

5. Objection to hearing notice. Helm to Idaho Department of Water Resources, dated July 19, 1988
6. Letter of Protest against Application No. 11-7368, Harding from R. J. Carlsen, dated August 27, 1987
7. Letter regarding protest application No. 11-7368, Carlsen to State of Idaho, dated October 5, 1987
8. Photocopy of hospital internment period and billing for Roger J. Carlsen

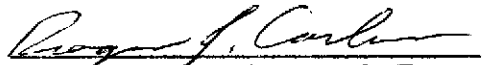
I am distressed by the time and financial demands being imposed upon me as the buyer of this property regarding this water right which has been utilized on this property since it was homesteaded 40 to 50 years ago. As mentioned in previous communication, flow from this spring has diminished below 0.02 CFS which has forced me to apply for assistance from ASCS to pipe water to my property for domestic and irrigational purposed.

Please be advised that I am prepared to take any action necessary to preserve this water right. Without this water, my property consisting of 160 acres which is presently under lease and being cultivated and grazed will become useless.

This is a large price to pay to accommodate Mr. Harding who has one summer home which he is trying to sell.

Thank you for your cooperation in this matter.

Very truly yours.


Roger J. Carlsen, P.E.

RJC:pc

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 11-7368 IN THE) SHOW CAUSE ORDER
STAN R. OR BETTY G. HARDING)
_____)

On July 28, 1987, Stan R. or Betty G. Harding filed application for Permit No. 11-7368 to appropriate 0.02 cubic feet per second of water from a spring tributary to sinks located within the SW1/4NE1/4NE1/4, Section 7, Township 12 South, Range 43 East, B.M., Bear Lake County, to be used for domestic purposes for one family. Notice of this proposed appropriation was published in the News Examiner on August 20 and 27, and a notice of correction was published on September 17 and 24, 1987.

WHEREAS on August 31, 1987, the Department received a protest against approval of said application from Roger J. Carlsen, President, ConCeCo Engineering, Inc. and in the behalf of Mae M. Clark.

A hearing concerning this matter was held on Monday, July 25, 1988, at 1:00 p.m. in the Conference Room, Pocatello Municipal Airport, Pocatello, Idaho, at which time the protestants failed to appear.

APR 12 1995

IT IS, THEREFORE, HEREBY ORDERED that the protestants Show Cause on or before March 6, 1989, why the protest should not be canceled for failure of the protestants to appear at the hearing.

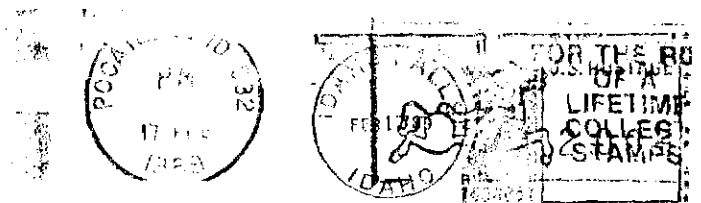
Dated this 17th day of February, 1989.



RONALD D. CARLSON

Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402



Mr. Roger J. Carlsen, P.E.
President
ConCeCo Engineering, Co.
P.O. Box 115
Simi Valley, CA 93062

APR 12 1995

NV
2-2

NO 0247

RETURN RECEIPT REQUESTED

RETURN RECEIPT
NOTED

ARDEE HELM, JR.
ATTORNEY AT LAW
518 WASHINGTON
MONTPELIER, ID 83254
(208) 847-0805

TO: Mr. Roger J. Carlsen, P.E.
President
ConCeCo Engineering, Inc.
P.O. Box 115
Simi Valley, CA 93062

Please Note:

This form letter is used to expedite communications. You need direct your attention only to the items marked.

RE: NOTICE OF HEARING

- ☒ Enclosed is information/pleadings relating to the above matter.
- ☒ For your information.
- ☐ Please review and file in your records.
- ☐ Please record in the county records and return.
- ☐ Please file in the court record of the above case.
- ☐ Please review and call us to discuss over the telephone.
- ☐ Please sign and return ☐ all but one copy
☐ all copies.
- ☐ Enclosed is the information you requested.

RECEIVED
APR 12 1995

PROTOCOL

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 11-7368 IN THE)
NAME OF STAN R. OR BETTY G.)
HARDING)

HEARING NOTICE

Stan R. or Betty B. Harding filed the above referenced application for permit to appropriate the public waters of the State of Idaho. On August 31, 1988, the Department received a protest against approval of said application from Roger J. Carlsen, P.E., in behalf of himself and Mae M. Clark.

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 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.

Dated this 15th day of July, 1988.


RONALD D. CARLSON

Eastern Regional Manager

7/15/88

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION) OBJECTION TO
FOR PERMIT NO. 11-7368 IN THE) HEARING NOTICE
NAME OF STAN R. OR BETTY G.)
HARDING

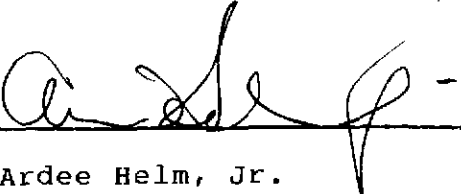
COMES NOW Ardee Helm, Jr., attorney for Roger J. Carlsen and Mae M. Clark, and files this written objection to the time and place of the hearing.

1) That this office informed Ronald D. Carlson that counsel would be out of state and unavailable prior to the formal setting of this hearing.

2) Objection is also made at having the hearing at the Pocatello Airport and not Bear Lake County, the site of the application.

3) That the notice was not received timely in as much as Roger Carlsen must schedule time and travel from California.

Dated: July 19, 1988


Ardee Helm, Jr.

APR 12 1995

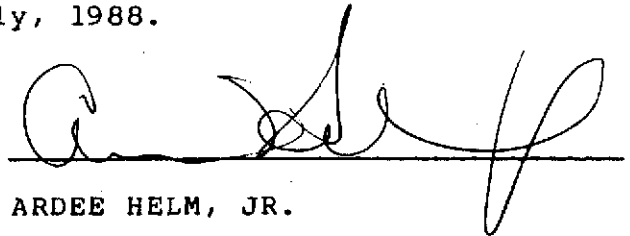
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-7368 IN THE	)	MOTION FOR
NAME OF STAN R. OR BETTY G.	)	CONTINUANCE
HARDING	)	AND ORDER

COMES NOW Ardee Helm, Jr., attorney for Roger J. Carlsen and Mae M. Clark, and moves for a continuance of the above entitled matter on the grounds and for reason that counsel will be out of state on July 25, 1988.

Counsel's calendar will accommodate this matter being set for hearing after August 3 through September 1.

Dated this 19th day of July, 1988.

A handwritten signature in dark ink, appearing to read 'Ardee Helm, Jr.', is written over a horizontal line.

ARDEE HELM, JR.

ATTORNEY AT LAW

RECORDED
APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 11-7368 IN THE)
NAME OF STAN R. OR BETTY G.)
HARDING)
)

HEARING NOTICE

Stan R. or Betty B. Harding filed the above referenced application for permit to appropriate the public waters of the State of Idaho. On August 31, 1988, the Department received a protest against approval of said application from Roger J. Carlsen, P.E., in behalf of himself and Mae M. Clark.

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 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.

Dated this 15th day of July, 1988.


RONALD D. CARLSON

Eastern Regional Manager

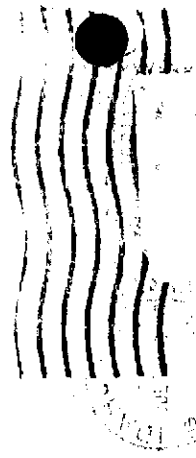
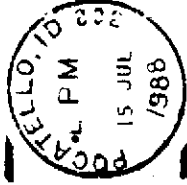
APR 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402

Certified

#0232

RETURN RECEIPT
REQUESTED



Claim Check
No.

826474

☐ Held

Date

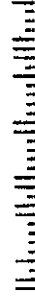
7-19
1ST Notice

2ND Notice

Return

Registration
SF Form 348-A,
Oct. 1988

Mr. Roger J. Carlsen, P.E.
President, ConCeCo Engineering, Co.
P.O. Box 115
Simi Valley, CA 93062



APR 12 1995

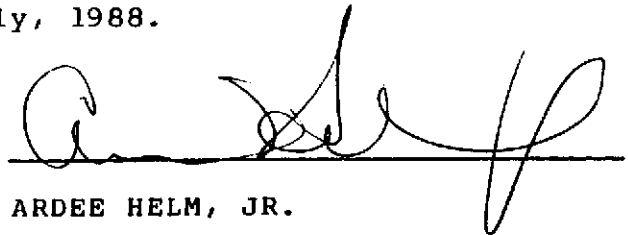
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-7368 IN THE	)	MOTION FOR
NAME OF STAN R. OR BETTY G.	)	CONTINUANCE
HARDING	)	AND ORDER

COMES NOW Ardee Helm, Jr., attorney for Roger J. Carlsen and Mae M. Clark, and moves for a continuance of the above entitled matter on the grounds and for reason that counsel will be out of state on July 25, 1988.

Counsel's calendar will accommodate this matter being set for hearing after August 3 through September 1.

Dated this 19th day of July, 1988.



ARDEE HELM, JR.

ATTORNEY AT LAW

RECORDED

APR 12 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION) OBJECTION TO
FOR PERMIT NO. 11-7368 IN THE) HEARING NOTICE
NAME OF STAN R. OR BETTY G.)
HARDING

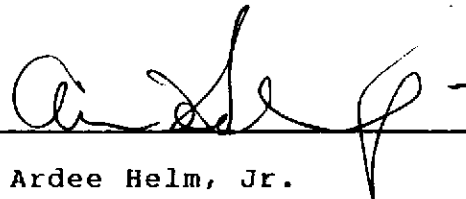
COMES NOW Ardee Helm, Jr., attorney for Roger J. Carlsen and Mae M. Clark, and files this written objection to the time and place of the hearing.

1) That this office informed Ronald D. Carlson that counsel would be out of state and unavailable prior to the formal setting of this hearing.

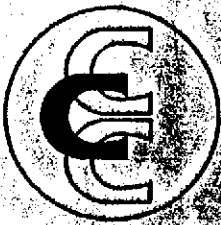
2) Objection is also made at having the hearing at the Pocatello Airport and not Bear Lake County, the site of the application.

3) That the notice was not received timely in as much as Roger Carlsen must schedule time and travel from California.

Dated: July 19, 1988


Ardee Helm, Jr.

RECORDED
APR 12 1995



ConCeCo Engineering, Inc.

4615 Industrial Street, Unit 1-Z
Mail: P.O. Box 115
Simi Valley, CA 93062

August 27, 1987

Idaho Department of Water Resources
Director, Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Subject: Letter of Protest Regarding Application No. 11-7368
Published August 20 & 27, 1987,
News Examiner,
Montpelier, Idaho

Dear Director:

Please be hereby informed that I am filing a letter of protest on behalf of Mae M. Clark (owner) and myself (buyer) on the above Application of Water Right (No. 11-7368, Harding, Stan R. &/or Betty G.) located in Section 07 T 12S R 43E, Bear Lake County, Idaho.

The published notice is obviously erroneous in stating that protests should be filed on or before August 24, 1987. Since we just received the August 20 publication on August 26, 1987, in pursuit of this problem, I contacted your office this day by telephone and was assured that protests would be accepted for 10 days after the last date of publication.

The basis of this protest is outlined below:

- (1) Water from this spring has been used on Mae Clark's property for over 40 years as the attached copy of water right Claim No. 11-4050 clearly states. Use includes domestic, watering stock, irrigation of garden, domestic use by one family and watering of beef cattle. Water is presently diverted by a 3" and 4" pvc pipe which was installed subsequent to the date of this water claim. The spring is presently maintained by periodic cleaning of existing ditches and debris and repairing damaged banks and sod resulting from watering of beef cattle. Water from this spring was also used on our property for over 50 years prior to ownership by Mae M. Clark.

APR 12 1995

August 27, 1987

- (2) The existing water right specifies a volume of water of 0.02 cfs. This flow is not being achieved in recent years due to a gradual reduction of natural flow. Therefore, the flow is too small, and getting smaller, to fulfill our present water demands. Sufficient quantity does not exist to permit any additional use.

Copies of our existing water claim is attached for your information. Also attached is a copy of the erroneous publication from the News Examiner.

Please be advised that I do not believe that sufficient water presently exists to permit additional usage by other parties in adjacent areas. In recent years, several summer cabins have been constructed in adjacent areas on subdivided property. I believe any use permitted by a single owner would eventually result in a "domino" effect whereby several summer homes would demand use. The demand for water would simply be too great resulting in loss of the permitted use under present rights.

Would you please review this matter and advise me at your earliest possible convenience.

Very truly yours,

Roger J. Carlsen, P.E.
President

Attachments:

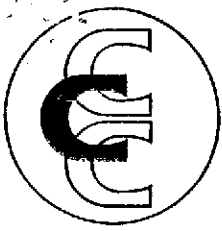
Copy of Claim No. 11-4050
Copy of DWR Letter to Mae M. Clark
Copy of Notice Publication

cc: Mae Clark

RJC:pc

RECEIVED

APR 12 1995



ConCeCo Engineering, Inc.

4615 Industrial Street, Unit 1-Z
Mail: P.O. Box 115
Simi Valley, CA 93062

October 5, 1987

Idaho Department of Water Resources
Director, Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Subject: Protest Against Application for No. 11-7368 - Harding

Dear Director:

The following information is being forwarded in response to your letter of September 16, 1987. As of this date, my protest still stands as submitted and no resolution of this matter has been consummated. Certain additional facts pertaining to this matter are hereby submitted for your information and consideration.

1. It has been learned and reported by several local residents of the area that Mr. Harding has had his property listed for sale during the past year and is still trying to sell. It appears that the filing on my water right is motivated by monetary gain.
2. I have spent considerable time, effort and money in attempting to improve this spring over the past few years. Approximately 6 years ago, a contractor was employed to excavate the spring and install an acceptable drain system complete with perforated pipe and drain gravel. Due to lack of proper materials and poor workmanship, this effort failed to improve conditions. This action was necessary as a result of damage from our cattle and other range cattle, wallowing through the spring during watering. Flow has decreased considerably during the past two to three years and it is now apparent that water will require the installation of piping to serve our property. As a result, I have filed an application with the (ASCS) Agricultural Stabilization and Conservation Service for a grant to improve the spring as per their standards during June or July of 1988.

APR 2 1995

October 5, 1987

3. Flow has decreased well below the original filing of 0.02 cfs. Estimated flow as of present is 2 to 3 gpm which is well below our present demand during summer weather. Future planned improvements should preserve the present rate of flow since damage from wild life and stock use will be controlled.

Your consideration and assistance with this matter is sincerely appreciated. Water from this spring has been used on my property since 1919. It is my feeling that any attempt to reduce this water right is not in accordance with the intended use.

Very truly yours,



Roger J. Carlsen, P.E.
President

cc: Mae Clark - Seller
Randy Carlsen - Lessee
Ardee Helm, Jr. - Attorney

RJC:pc

RECEIVED

APR 12 1995

SIMI VALLEY ADVENTIST HOSPITAL P.O. BOX 819 SIMI VALLEY CA 93062 805-587-2462		3 PATIENT CONTROL NUMBER 1000011		4 TYPE OF BILL 11	
5 BC/BS PROV. NO.		6 FEDERAL TAX NO. 95-6064971		7 MEDICARE NO.	
8 MEDICAID NO.		9			

10 PATIENT'S LAST NAME CARLSEN, ROGER J		FIRST NAME J		INITIAL		11 PATIENT'S ADDRESS 2384 N. Cragmont Ct.		CITY SIMI VALLEY CA		STATE 93062		ZIP	
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12 BIRTH DATE 10-08-37		13 SEX M		14 M		15 DATE 7-17-88		16 HR 14		17 TIME 8		18 SRC 1		19 A.H. 14		20 D.H. 01		21 STAT 7-17-88		22 FROM 7-24-88		23 COV.D.		24 N.C.D.		25 C.D.		26 L.A.D.		27	
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THIS STATEMENT IS
for
YOUR INFORMATION.
Your Insurance Claim
Has Been Billed.

57 PAYER STATE FARM INSURANCE		58 REL INFO		59 AGO BEN		60 DEDUCTIBLE		61 CO-INSURANCE		62 EST. RESPONSIBILITY		63 PRIOR PAYMENTS		64 EST. AMOUNT DUE	
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65 INSURED'S NAME CARLSEN, PATRICIA		66 SEX F		67 P.NEL		68 CERT. SSN - HIC - ID NO. 322-46-5637		69 GROUP NAME		70 INSURANCE GROUP NO. H600003	
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71 EID		72 ESC		73 EMPLOYER NAME CONCECO ENG.		74 EMPLOYEE ID		75 EMPLOYER LOCATION 4615 INDUSTRIAL SIMI VALLEY CA	
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NOTICE TO THE PATIENT

The hospital is acting solely as an agent for the patient in filing for insurance benefits assigned to it, however, the hospital can assume no responsibility for guaranteeing payment of covered charges as shown on the face of the bill. Credit is shown only when the hospital has actually received payment. Should an overpayment be made, a refund check will be sent to the authorized party that is due the overpayment.

11-7368 - HARDING

Conference Room, Pocatello Municipal Airport
Pocatello, Idaho

Monday, July 25, 1988 - 1:00 p.m.

Hearing Officer: Bob Fleenor & Ernest Carlson

<u>Name</u>	<u>Representing</u>	<u>Address</u>
Stan R. Harding	Self	SR Box 8012 FRAZIER PARK (A 93225)
Betty G. Harding	✓	✓
Darrell Wood		2 338 W 4925 S. Rex Utah
Betty Wood		84067 ✓ ✓ ✓ ✓

APR 1 8 1988

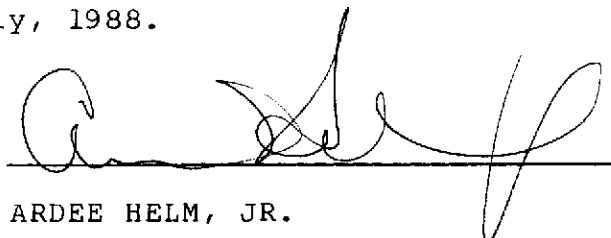
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IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 11-7368 IN THE	)	MOTION FOR
NAME OF STAN R. OR BETTY G.	)	CONTINUANCE
HARDING	)	AND ORDER

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Counsel's calendar will accommodate this matter being set for hearing after August 3 through September 1.

Dated this 19th day of July, 1988.



ARDEE HELM, JR.

ATTORNEY AT LAW

RECEIVED

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Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
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IN THE MATTER OF APPLICATION) OBJECTION TO
FOR PERMIT NO. 11-7368 IN THE) HEARING NOTICE
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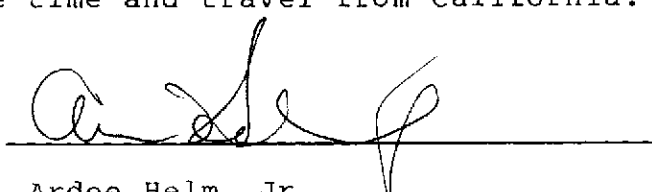
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1) That this office informed Ronald D. Carlson that counsel would be out of state and unavailable prior to the formal setting of this hearing.

2) Objection is also made at having the hearing at the Pocatello Airport and not Bear Lake County, the site of the application.

3) That the notice was not received timely in as much as Roger Carlsen must schedule time and travel from California.

Dated: July 19, 1988


Ardee Helm, Jr.

APR 1 1988

RECEIVED
JUL 20 1988
Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JULY 19, 1988

Pocatello Municipal Airport
ATTN: Shiela
P.O. Box 4169
Pocatello, ID 83205-4169

Dear Shiela:

This is to confirm the use of the Conference Room in the Pocatello Airport, Pocatello, Idaho, for a water right hearing and/or conference to be held by this Department on Monday, July 25, 1988, beginning at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mae M. Clark
1526 Calle Inrique
Pleasanton, CA 94566

4. Article Number

0233

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *Mae M. Clark*

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Ardee Helm
Attorney at Law
518 Washington
Montpelier, ID 83254

4. Article Number

0234

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

X

8. Addressee's Address (*ONLY if requested and fee paid*)

6. Signature — Agent

X

Marcia Angleton

7. Date of Delivery

7-18-88 MAB

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Roger J. Carlsen, P.E.
President, ConCeCo Engineerin, Co.
P.O. Box 115
Simi Valley, CA 93062

4. Article Number

0232

Type of Service:

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature -- Addressee

X

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature -- Agent

Roger J. Carlsen

7. Date of Delivery

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHoup AVE.
IDAHO FALLS, IDAHO 83401

Name of Addressee, Street, and Post-Office Address

Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ Certified
☐ Express Mail

Postage

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Due Sender
If C.O.D.R. R. Fee
S. D. Fee
S. H. Fee
Best Del. FeeLine
Number of
Article

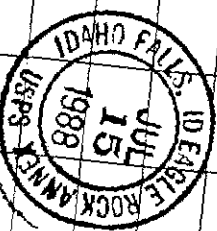
0232

0233

0234

Rogers, J. Conner
Box 115, Shimi Valley, ID 83062
15260000 04 93062 .25 .85
Andee Helm, Attorney at Law 94566
518 Washington, Montpelier ID 83254

36 \$2.00 = \$6.00

Total Number of Pieces
Listed by SenderTotal Number of Pieces
Received at Post Office

POSTMASTER, PER (Name of receiving employee)

three

P. J. [Signature]

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail does not occur. The maximum indemnity payable is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and parcels. Special delivery service also includes special handling service.

Handling
Postmaster

November 19, 1987

RE: Application for Permit No. 11-7368 HARDING

Mr. Roger J. Carlsen, P.E.
President
ConCeCo Engineering, Inc.
P.O. Box 115
Simi Valley, CA 93062

Dear Mr. Carlsen:

It appears a hearing on your protest of the above application will have to be delayed until late summer, 1988. Correspondence from the applicant, Stan Harding, states they will not be available to attend an administrative conference and/or hearing until late July or early August, 1988. We will notify you once the administrative hearing has been scheduled.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Ardee Helm, Attorney

APR 12 1995

CONVERSATION MEMORANDUM

DATE November 17, 1987

FILE 11-7368

NAME OF PARTY Ardee Helm

EMPLOYEE Colleen Wray

Conference &/or hearing tentative scheduled for 11-18-87.

RE:

Mr. Helm called wanting to know if the hearing was being held as he had not received any notice nor had his client.

He indicated is is representing Roger Carlsen, the protestant, in this matter. I told him we would put his name in the file to make sure future copies of correspondence were mailed to him.

Ardee Helm, Attorney at Law

847-0805

518 Washington

Montpelier, ID 83254

MICROFILMED
APR 12 1995

HARDING'S ACORN ACRES

2 NOVEMBER 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
150 SHOUP SUITE 15
IDAHO FALLS, IDAHO 83402

RECEIVED

NOV 12 1987

Department of Water Resources
Eastern District Office

RE: PERMIT NO 11-7368

GENTLEMEN:

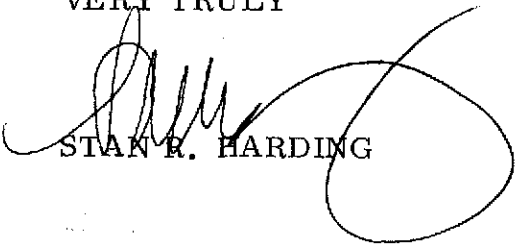
DUE TO UNFORESEEN BUSINESS, WE WILL BE UNABLE
TO BE IN PARIS, IDAHO ON NOVEMBER 18, 1987.

WE RESPECTIVELY REQUEST THAT THIS HEARING BE
RESCHEDULED UNTIL LATE JULY OR EARLY AUGUST
OF 1988 IF AT ALL POSSIBLE.

WE ARE NOT STALLING, IT IS JUST IMPOSSIBLE TO
BE IN TWO PLACES AT ONCE.

IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE
TO CALL.

VERY TRULY


STAN R. HARDING

Harding Acorn Acres
Star Route Box 8012
Frazier Park, CA 93225

RECEIVED

APR 12 1995

8012

1325 PINE TREE DRIVE - STAR RT. BOX 684 - FRAZIER PARK, CALIFORNIA 93225 - (805) 245-1750

October 23, 1987

RE: Application for Permit No. 11-7368

Stan R. or Betty G. Harding
Star Route, Box 8012
Frazier Park, CA 93062

Dear Applicants:

To recommend final action on the above captioned application a hearing must be held to examine the issues of protest against granting the permit. November 18, 1987, has initially been selected as the date for conducting this meeting which will be held in Paris, Idaho.

To provide adequate time for implementing a change to this schedule, please advise this office of your availability to be present on the above date.

Certified notices confirming the date, place, and time must be mailed ten (10) days prior to the rehearing. Once the certified notices have been mailed, the Department will be reluctant to postpone the rehearing.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

APR 12 1995

October 23, 1987

RE: Application for Permit No. 11-7368 HARDING

Mr. Roger E. Carlsen, P.E.
President
ConCeCo Engineering, Inc.
P.O. Box 115
Simi Valley, CA 93062

Dear Mr. Carlsen:

To recommend final action on the above captioned application a hearing must be held to examine the issues of protest against granting the permit. November 18, 1987, has initially been selected as the date for conducting this meeting which will be held in Paris, Idaho.

To provide adequate time for implementing a change to this schedule, please advise this office of your availability to be present on the above date.

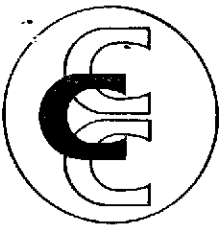
Certified notices confirming the date, place, and time must be mailed ten (10) days prior to the rehearing. Once the certified notices have been mailed, the Department will be reluctant to postpone the rehearing.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

APR 1 1995



ConCeCo Engineering, Inc.

4615 Industrial Street, Unit 1-Z
Mail: P.O. Box 115
Simi Valley, CA 93062

October 5, 1987

RECEIVED

OCT 6 1987

Idaho Department of Water Resources
Director, Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Subject: Protest Against Application for No. 11-7368 - Harding

Dear Director:

The following information is being forwarded in response to your letter of September 16, 1987. As of this date, my protest still stands as submitted and no resolution of this matter has been consummated. Certain additional facts pertaining to this matter are hereby submitted for your information and consideration.

1. It has been learned and reported by several local residents of the area that Mr. Harding has had his property listed for sale during the past year and is still trying to sell. It appears that the filing on my water right is motivated by monetary gain.
2. I have spent considerable time, effort and money in attempting to improve this spring over the past few years. Approximately 6 years ago, a contractor was employed to excavate the spring and install an acceptable drain system complete with perforated pipe and drain gravel. Due to lack of proper materials and poor workmanship, this effort failed to improve conditions. This action was necessary as a result of damage from our cattle and other range cattle, wallowing through the spring during watering. Flow has decreased considerably during the past two to three years and it is now apparent that water will require the installation of piping to serve our property. As a result, I have filed an application with the (ASCS) Agricultural Stabilization and Conservation Service for a grant to improve the spring as per their standards during June or July of 1988.

APR 12 1995

October 5, 1987

3. Flow has decreased well below the original filing of 0.02 cfs. Estimated flow as of present is 2 to 3 gpm which is well below our present demand during summer weather. Future planned improvements should preserve the present rate of flow since damage from wild life and stock use will be controlled.

Your consideration and assistance with this matter is sincerely appreciated. Water from this spring has been used on my property since 1919. It is my feeling that any attempt to reduce this water right is not in accordance with the intended use.

Very truly yours,



Roger J. Carlsen, P.E.
President

cc: Mae Clark - Seller
Randy Carlsen - Lessee
Ardee Helm, Jr. - Attorney

RJC:pc

APR 12 1995

CONVERSATION MEMORANDUM

DATE 21 Sept. 87FILE 11-7368NAME OF PARTY E. Betty Harding.EMPLOYEE Ernest Carlson.

RE: Mrs. Harding telephoned to find out what action she take in response to Mr. Carlson's protest. Following our discussion she asked that administrative action be deferred until 1988. During the interim she will be preparing to present a case for approving the application.

Based on statements made by Mrs. Harding it is obvious that past actions ~~involving the spring~~ by Mr. Carlson to divert water from the spring were not well accepted. The Hardings need to legal council on whether or not Mr. Carlson has a right of way ~~for movement to transport on the for ingress to~~ the spring.

MICROFILMED

APR 12 1985

September 16, 1987

RE: Application for Permit No. 11-7368 HARDING

Mr. Roger J. Carlsen, P.E.
President
ConCeCo Engineering, Inc.
P.O. Box 115
Simi Valley, CA 93062

Dear Mr. Carlsen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (§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 purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resource with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: IDWR - State Office
Edward L. & Leila Shepherd

September 16, 1987

Stan R. or Betty G. Harding
Star Route, Box 8012
Frazier Park, CA 93225

Dear Applicants:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your application No. 11-7368. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (§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 purpose 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?
5. Will the proposed use under this permit conflict with the local public interest.

If this office can be of further assistance, please contact us.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: EA

APPLICATION NUMBER: 11-7368

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other Water Master Dist 11 day 7-30-87

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 8-24-87 9-7-87 10-5-87
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Re-ad 10-8-87
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.
By: _____ Date: _____

September 9, 1987

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

We are re-submitting a legal notice to be published on September 17 and 24, 1987. This notice was originally published in your paper on August 20 and 27, 1987. Unfortunately, it was advertised incorrectly.

The notice was originally submitted on July 29 to be published August 6 and 13, 1987. However, it was somehow overlooked by your paper and not published until August 20 and 27. The protest date within the notice was not changed accordingly to account for the changed publication date. Therefore, we request this be re-advertised again at your expense.

An affidavit of publication must be submitted to this office by October 5, 1987. Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

Enclosure

RECEIVED

APR 12 1995

NOTICE OF CORRECTION

Notice is hereby given that Application No. 11-7367 in the name of Copenhagen Hills Assoc., Hyde Park, Utah, and 11-7368 in the name of Stan and Betty Harding, Frazier Park, California, was advertised incorrectly on August 20 and August 27, 1987. The protest date was advertised as being August 24, 1987.

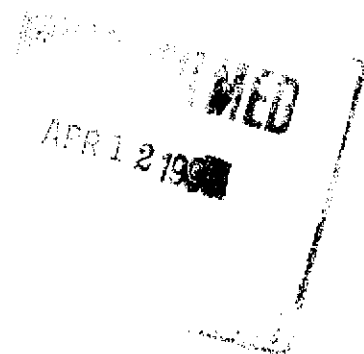
Whereas, the actual protest date should have been September 8, 1987.

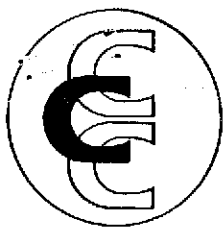
Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before October 5, 1987

R. Keith Higginson

Director

Published September 17 & 24, 1987





ConceCo Engineering, Inc.

Semi Calif
805

August 27, 1987

Wife at work - (805) 527-3266

Idaho Department of Water Resources
Director, Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

4615 Industrial Street, Unit 1-Z

Mail: P.O. Box 115
Simi Valley, CA 93062

RECEIVED

AUG 31 1987

Department of Water Resources
Eastern District Office

Subject: Letter of Protest Regarding Application No. 11-7368
Published August 20 & 27, 1987.
News Examiner.
Montpelier, Idaho

Dear Director:

Please be hereby informed that I am filing a letter of protest on behalf of Mae M. Clark (owner) and myself (buyer) on the above Application of Water Right (No. 11-7368, Harding, Stan R. &/or Betty G.) located in Section 07 T 12S R 43E, Bear Lake County, Idaho.

The published notice is obviously erroneous in stating that protests should be filed on or before August 24, 1987. Since we just received the August 20 publication on August 26, 1987. In pursuit of this problem, I contacted your office this day by telephone and was assured that protests would be accepted for 10 days after the last date of publication.

The basis of this protest is outlined below:

- (1) Water from this spring has been used on Mae Clark's property for over 40 years as the attached copy of water right Claim No. 11-4050 clearly states. Use includes domestic, watering stock, irrigation of garden, domestic use by one family and watering of beef cattle. Water is presently diverted by a small ditch and 4" pvc pipe which was installed subsequent to the date of this water claim. The spring is presently maintained by periodic cleaning of existing ditches and debris and repairing damaged banks and sod resulting from watering of beef cattle. Water from this spring was also used on our property for over 50 years prior to ownership by Mae M. Clark.

APR 12 1995

August 27, 1987

- (2) The existing water right specifies a volume of water of 0.02 cfs. This flow is not being achieved in recent years due to a gradual reduction of natural flow. Therefore, the flow is too small, and getting smaller, to fulfill our present water demands. Sufficient quantity does not exist to permit any additional use.

Copies of our existing water claim is attached for your information. Also attached is a copy of the erroneous publication from the News Examiner.

Please be advised that I do not believe that sufficient water presently exists to permit additional usage by other parties in adjacent areas. In recent years, several summer cabins have been constructed in adjacent areas on subdivided property. I believe any use permitted by a single owner would eventually result in a "domino" effect whereby several summer homes would demand use. The demand for water would simply be too great resulting in loss of the permitted use under present rights.

Would you please review this matter and advise me at your earliest possible convenience.

Very truly yours,



Roger J. Carlsen, P.E.
President

Attachments:

Copy of Claim No. 11-4050
Copy of DWR Letter to Mae M. Clark
Copy of Notice Publication

cc: Mae Clark

RJC:pc

RECEIVED
APR 12 1985

AUG 31 1987

Department of Water Resources
Eastern District Office

11-2388
HARDING, STAN R. & or BETTY G.
STAR RT. BOX 2011 FRAZIER PARK
CA 93225
Source: SPRING 118 1/2 SINKS
Diversion Pt: SWNENE Sec 07 T 12S
R 43E
Use: DOMESTIC (0.020 CFS)
Date Filed: 07/28/1987
In: NENE Sec 07 T 12S R 43E

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 350 Shoup,
Suite 15, Idaho Falls, Idaho, 83401 on or
before AUGUST 24, 1987.

KEN DUNN, Dir.
Legal No: 5362 - 391 - Published
August 20 and 27, 1987

APR 1 2 1988

THE NEWS-EXAMINER

R. CARLSEN
(ROGER)
2384 Cragmont Court
Stimi Valley, CA 93065

07-83

90000 00002

STIMI VALLEY, CA 93065

50°

The News-Examiner, Inc.

Fair and rodeo

big success

Montpelier rodeo was a big success in spite of rain. The rodeo was held at the Montpelier Fairgrounds and was attended by a large crowd. The rodeo was held on the 11th of August and was a big success. The rodeo was held at the Montpelier Fairgrounds and was attended by a large crowd. The rodeo was held on the 11th of August and was a big success.

UP&L and Pacificorp sign

merger agreement

UP&L and Pacificorp have signed a merger agreement. The agreement was signed on the 11th of August. The agreement was signed at the Montpelier Fairgrounds. The agreement was signed by the representatives of both companies. The agreement was signed on the 11th of August. The agreement was signed at the Montpelier Fairgrounds. The agreement was signed by the representatives of both companies.

Montpelier city council

holds budget hearings

At their Aug. 11 meeting, the Montpelier City Council held a public hearing to amend their 1986-87 budget to include all the grant money the city has.

The council discussed the high bill area on Jefferson Street where a couple of young people have been hurt because they lost control of their bikes as they

Bites

board city 12

James

Montpelier City Council held a public hearing to amend their 1986-87 budget to include all the grant money the city has. The hearing was held on the 11th of August. The hearing was held at the Montpelier Fairgrounds. The hearing was held by the representatives of both companies.

Montpelier holds

annual dinner

The Montpelier Chamber of Commerce will hold their annual dinner at Allinger Park at 6:30 p.m., Aug. 20.

July 30, 1987

Pete Peterson, Watermaster
Water District #11
2483 Riverdale Road
Preston, Idaho 83263

Re: Application for Permit No. 11-7367, Copenhagen Hills Assoc.,
& 11-7368, Harding

Gentlemen:

We are enclosing a copy of an application that may be of interest to you. Please review the application and submit any comments you may have to our Department as soon as possible. The last date for protest is August 24, 1987, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/dq

Enclosure

APR 12 1995

July 30, 1987

Stan or Betty Harding
Star Route, Box 8012
Frazier Park, California 93225

RE: Application for Permit No. 11-7368

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 11-7368. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in The News-Examiner. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/dg

RECEIVED

APR 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 29, 1987

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before AUGUST 24, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

8-14 : TF Inema at News-Examiner;
says she just received the legal notice
so it will be advertised 8-20 + 8-27.

RECEIVED

PR 12 1987

11-7368

HARDING, STAN R. &/or BETTY G.

STAR RT. BOX 8012, FRAZIER PARK, CA 93225

Source: SPRING trib. to SINKS

Diversion Pt: SWNENE Sec 07 T 12S R 43E

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

STAR RT. BOX 8012, FRAZIER PARK,
CA 93225
Source: SPRING trib. to SINKS
Diversion Pt: SWNENE Sec 07 T 12S
R 43E
Use: DOMESTIC (0.020 CFS)
Date Filed: 07/28/1987
In: NENE Sec 07 T 12S R 43E

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 130 Shoup,
Suite 18, Idaho Falls, Idaho 83402 on or
before AUGUST 24, 1987.

KEN DUNN, Dir.
Legal No: 3208 -38L- Published
August 20 and 27, 1987

APR 12 1995

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402 on or before ~~AUGUST 24, 1987~~.

KEN DUNN, Dir.

Published 8/6 & 8/13/87.

APR 12 1995