

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that Dean Ward, Bloomington, Idaho, and Grant Haddock, Paris, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Worm Creek tributary to Bear River. The rights sought to be changed are evidenced by decree to:

E. J. Haddock, 11-1058 - 10 inches, May 1, 1868
N. C. Nelson, 11-1076 - 3 1/2 inches, May 1, 1869
E. J. Haddock, 11-1060 - 1 1/2 inches, May 1, 1870
Peter Greenhalgh, 11-1077 - 20 inches, May 1, 1870
D. A. Nelson, 11-1061 - 4 1/2 inches, May 1870
E. J. Haddock, 11-1078 - 2 1/2 inches, May 1, 1877
Peter Greenhalgh, 11-1062 - 6 inches, May 1, 1877
D. A. Nelson, 11-1079 - 6 3/8 inches, May 1, 1880
Levi H. Long, 11-1064 - 13 inches, May 1, 1883
E. J. Haddock, 11-1065 - 1 inch, May 1, 1888
Peter Greenhalgh, 11-1082 - 4 inches, May 1, 1890
D. A. Nelson, 11-1066 - 8 3/8 inches, May 1, 1891
John Q. Welker, 11-1089 - 3 1/2 inches, May 1, 1891
D. A. Nelson, 11-1084 - 6 7/10 inches, May 1, 1892
D. A. Nelson, 11-1068 - 19 1/4 inches, May 1, 1893
D. A. Nelson, 11-1069 - 6 1/2 inches, May 1, 1894
D. A. Nelson, 11-1087 - 8 3/4 inches, May 1, 1895
E. J. Haddock, 11-1082 - 1 inch, May 1, 1895
D. A. Nelson, 11-1073 - 2 1/2 inches, May 1, 1896

in case of Edward Haddock -vs Joseph E. Thornick et al dated Oct. 10, 1904 in Fifth District Court, County of Bear Lake. The total amount of water listed under this right is 2.67 c.f.s for irrigation purposes from Apr. 1 to Nov. 1 for 133.5 acres which includes the E 1/2, Sec. 34, T. 14S, R. 43E, B.M. The decreed point of diversion is NW 1/4 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43E, NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, B.M. Bear Lake County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, NW 1/4 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43E, B.M., and used to irrigate lands within NE 1/4 SW 1/4, SE 1/4, Sec. 34, NW 1/4 SW 1/4, Sec 35, T. 14S, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 13, 1977.

C. STEPHEN ALLRED
Director

Published in the News Examiner, Montpelier, Idaho, on May 26 and June 2, 1977.

M26-Jn2

NOW, THEREFORE, this cause coming regularly on this tenth day of October, 1904, for the entry of judgment, Alfred Budge, Esq., appearing for the Plaintiff, and John A. Bagley, Esq., appearing for the Defendants,

IT IS ORDERED, ADJUDGED AND DECREED, that the several parties to this action are entitled to and are hereby decreed, the waters of Worm Creek, and its tributaries, a stream in Bear Lake County, State of Idaho, as of the following amounts and dates, to-wit:-

Name	Amount	Of date
<i>Sanwin</i> E. J. Haddock	10 inches	May 1, 1868.
<i>Mayo</i> N. C. Nelson	3 1/2 "	" 1, 1868.
<i>Mayo</i> O. C. Dunford	4 "	" 1, 1869.
<i>Mayo</i> D. A. Krogue	3 "	" 1, 1869.
<i>Sanwin</i> E. J. Haddock	1 1/2 "	" 1, 1870.
<i>Dean</i> Peter Greenhalgh	20 "	" 1, 1870.
<i>Dean</i> D. A. Nelson	4 1/2 "	" 1, 1870.
<i>Sanwin</i> E. J. Haddock	2 1/2 "	" 1, 1877.
<i>Dean</i> Peter Greenhalgh	6 "	" 1, 1877.
<i>Dean</i> D. A. Nelson	6 3/8 "	" 1, 1880.
<i>Mayo</i> D. A. Krogue	16 "	" 1, 1883.
<i>James</i> James A. Nelson	9 "	" 1, 1883.
<i>Dean</i> Levi H. Long	13 "	" 1, 1883.
<i>Mayo</i> O. C. Dunford	2 "	" 1, 1883.
<i>Sanwin</i> E. J. Haddock	1 "	" 1, 1888.
<i>Dean</i> Peter Greenhalgh	4 "	" 1, 1890.
<i>Dean</i> D. A. Nelson	8 3/8 "	" 1, 1891.
John Q. Welker	3 1/2 "	" 1, 1891.
James A. Nelson	15 1/2 "	" 1, 1892.
D. A. Nelson	6 7/10 "	" 1, 1892.
D. A. Nelson	19 1/4 "	" 1, 1893.
Jacob Welker	7 3/4 "	" 1, 1893.
D. A. Nelson	6 1/2 "	" 1, 1894.
Jacob Welker	8 1/4 "	" 1, 1894.
Levi H. Long	60 "	" 1, 1894.
D. A. Nelson	8 3/4 "	" 1, 1895.
Jacob Welker	5 "	" 1, 1895.
E. J. Haddock	1 "	" 1, 1895.
Peter Rasmussen	3 "	" 1, 1895.
John Q. Welker	3 1/2 "	" 1, 1895.
D. A. Nelson	3 1/2 "	" 1, 1896.
Levi H. Long	7 "	" 1, 1896.
Fred Jacobsen	2 "	" 1, 1898.
Fred Jacobsen	6 "	" 1, 1901.

That an inch of ^{4 1/3 10} water as mentioned in this decree means a miner's inch of water measured under a four inch pressure, or one-fiftieth (1/50) of one (1) cubic foot of water per second of time.

Dated this tenth day of October, 1904.

Bagley

Stecher
District Judge.

RECEIVED

JUL 7 1977

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* 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 *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 23, 19*77*, and ending
with the issue of *June 30*, 19*77*.

Fees, *14.11*

Subscribed and sworn to before me this *30* day

of *June*, 19*77*

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

PUBLIC NOTICES

NOTICE OF CORRECTION

Notice is hereby given that Application for Transfer No. 11-1058/etc. in the names of Dean Ward and Grant Haddock was advertised incorrectly on May 26 and June 2, 1977. The right listed to E.J. Haddock under No. 11-1082 should have been right No. 11-1088 for one inch. The place of use was advertised as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 35, T. 14S, R. 43E, B.M.

WHEREAS, the actual place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.34,NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 11, 1977.

C. STEPHEN ALLRED

Director

Published in the News Examiner, Montpelier, Idaho, on June 23 and June 30, 1977.

Jn23-30

MICROFILME

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the publisher 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 two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with May 26, 1977, and ending with the issue of June 2, 1977.

Fees, 37.73
Loren W. Thompson

Subscribed and sworn to before me this 13 day of June, 1977.

Nanda Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979.

PUBLIC NOTICES

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that Dean Ward, Bloomington, Idaho, and Grant Haddock, Paris, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Worm Creek tributary to Bear River. The rights sought to be changed are evidenced by decree to:

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in case of Edward Haddock -vs Joseph E. Thornick et al dated Oct. 10, 1904 in Fifth District Court, County of Bear Lake. The total amount of water listed under this right is 2.67 c.f.s for irrigation purposes from Apr. 1 to Nov. 1 for 133.5 acres which includes the E 1/2, Sec. 34, T. 14S, R. 43E, B.M. The decreed point of diversion is NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43 E, NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, B.M. Bear Lake County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, NW 1/4 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43E, B.M., and used to irrigate lands within NE 1/4 SW 1/4, SE 1/4, Sec. 34, NW 1/4 SW 1/4, Sec 35, T. 14S, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 13, 1977.

C. STEPHEN ALLRED
Director
Published in the News Examiner, Montpelier, Idaho, on May 26 and June 2, 1977.

RECEIVED

JUN 15 1977

Department of Water Resources
Eastern District Office

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Left out pt. of p. 11.

D

Preston Thomas Land

N

Dean
Ward

Mayo Kroque

Paul Haddock

South
ditch

Dean Ward

NEW SPRINKLER
Heading

Road

2

3

4

X

Allin Wilkes

road

Long
ditch

S

Russell Payne

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Archie Peterson

1 E.S. Haddock Ditch

2 Kroque-Payne Ditch

Grave Pit

Corn Creek
Road

Over Springs

50

6

EXHIBIT "A"

N

RECORDED

Dean
Ward

May Kroque

Applicant's
Exhibit 2

Preston Thomas Land

E.J. Haddock Ditch

Kroque-Payne Ditch

Gravel Pit

Arm Creek
Road

Four Springs

Road

New Sprinkler

Allen Wilkes

road

EXHIBIT A

S



EXHIBIT "A"

N

Applicant Exhibit 2 (Copy)

Prection Thomas Land

E.J. Hodcock Ditch

Kroque-Payne Ditch

Gravel Pit

ann Creek Road

our Springs

Road

Paul Hodcock

Whom Creek

Dean Hole
50 acres

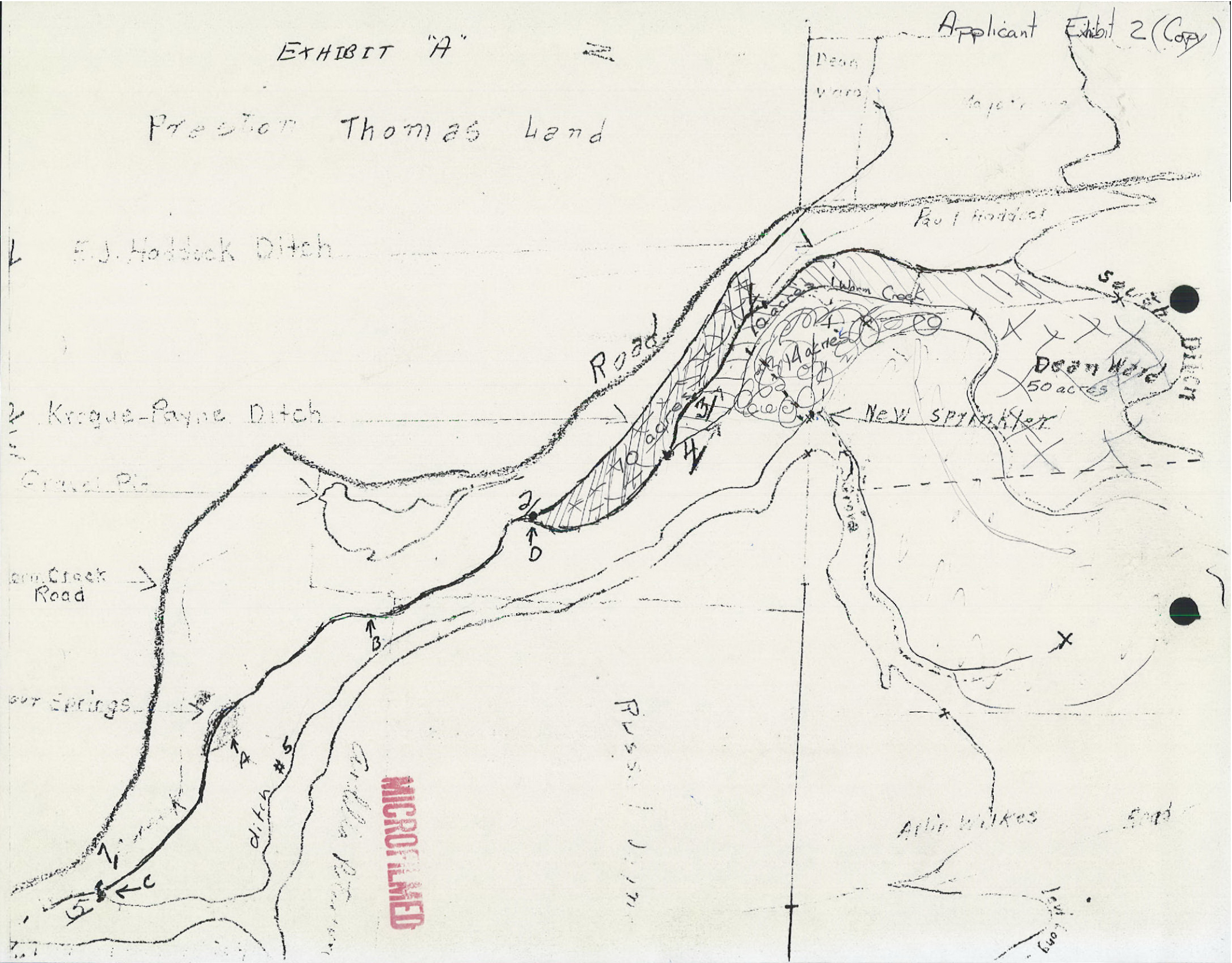
NEW SPRINKLER

Pressel Drain

Allen Wilkes

Good

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N

Preston Thomas Land

1 E.J. Haddock Ditch

2 Krogue-Payne Ditch

Gravel Pit

Farm Creek Road

Four Springs

MICROFILMED

Road

Dean Ward

Mayo Krogue

Paul Haddock

Dean Ward

South Ditch

NEW SPRINKLER

Russell Payne

Arlin Wilkes

Road

Levi Long Ditch

S



MAILING BOOK

*Post Office Box
1515 Lincoln Rd
97401*

MICROFILMED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Name and Address of Sender

Indicate type of mail:

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REG. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1 1003	Logan & Nels, 1400 St. W., Idaho Falls, Id.	13	60					25-7103
2 1004	Waxwood, Bloomington, Id.							11-1058
3 1005	Grant, Idaho Falls, Idaho							"
4 1006	Ray & Keller, 852 Washington, Montpelier							"
5 1007	Blythe & Nelson, Box 747, Soda, Ida.						11-7097	"
6 1008	James Brown, Bloomington, Id.							"
7 1009	Walter A. Miller, P.O. Whites, Id.							"
8 1010	Leonard, 1100 E. 1st, Soda Spg.							"
9 1011	Ways, 1400, Bloomington, Id.							"
10 1012	Arnell, 484 Washington, Montpelier, Id.						11-7097	"
11 1013	Wiggins, Mrs. Charles & Ward, 526 W. 1st, Pocatello, Idaho							11-7097
12 1014	Adella Peterson, 1772-2nd, Richfield, Utah						11-1058	"
13	Sent by Certified Mail 504.78 CW							
14	Not Certified: Russell Stokes, 249 E. 3rd N, Soda						11-0549	13-1227 11-1053
15	Mr. Everett Smith, Box 62, Thermo, Id.						11-0548, 0549, 0554	13-7227
16	Albert M. Johnson, Health Dept. City of Pocatello, Idaho							29-7437
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER

11

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

12

POSTAGE PER (Name of receiving employee)

Engel

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

79.9 A whole field

Haddock

Yarrow Creek

6.0
Hard

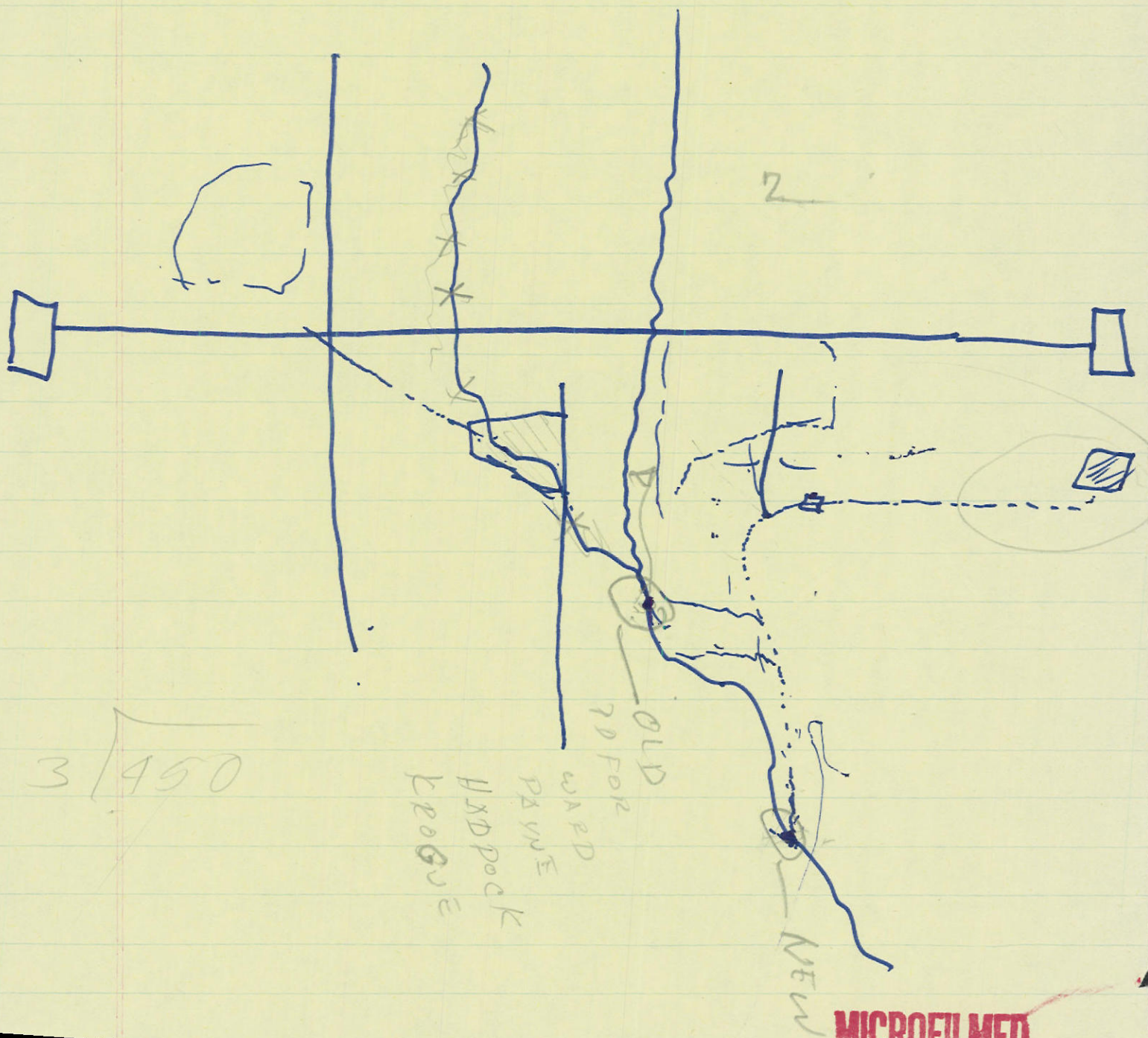
30.2
See Map E-12

347A

79.9 A whole field

TC - WESLEY CROWTHER →

— DEAN WARD —
→ BLOOMINGTON →



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

IN THE MATTER OF APPLICATION FOR TRANSFER NO.)
2103 OF WATER RIGHT NOS. 11-1058, ETC.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)

DENIAL OF PETITION
FOR REHEARING

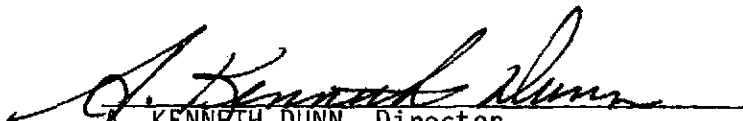
On September 11, 1984, the Department issued and mailed a Proposed Memorandum Decision and Order approving Application for Transfer No. 2103 with conditions that: 1) restrict the applicants to the irrigation of the same land they were irrigating before the transfer, 2) protect the rights that are a part of an existing rotation schedule from injury, 3) limits the Department's action to the approval of the transfer rather than a confirmation of the water rights requested to be transferred, and 4) requires a right-of-way or easement to be obtained by some other means than the approval of the transfer.

On October 22, 1984, the order adopting the Proposed Memorandum Decision and Order as the Final Decision and Order was mailed to all parties.

On Tuesday, November 13, 1984, with Monday, November 12 being a state holiday, a timely request for a rehearing was received. The request must be rejected since no new evidence was presented that was not available at the time of the hearing. A claim of ownership of the lands of the parties in the Haddock vs Thornock decree would provide additional elements to define the existing water rights but certainly there has been sufficient time during the past five years for the parties to gather that information. There also appears to be a misunderstanding of the decision in that the limitations apply only to the transferred rights and does not limit or confirm the rights of the other parties.

THEREFORE, the Petition for Rehearing is DENIED.

Dated this 27th day of November, 1984.


A. KENNETH DUNN, Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 2103 OF WATER RIGHT NOS. 11-1058, ETC.
IN THE NAME OF DEAN WARD AND GRANT HADDOCK

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 29th day of November, 1984, a true and correct copy of the DENIAL OF PETITION FOR REHEARING was mailed, postage prepaid to:

Dean Ward
Bloomington, ID 83223

Grant Haddock
Bloomington, ID 83223

Arlen C. Wilkes
St. Charles, ID 83272

James E. Payne
Bloomington, ID 83223

Clyde G. Nelson
Attorney at Law
P. O. Box 797
Soda Springs, ID 83276

Leonard Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, ID 83276

Ardee Helm, Jr.
Attorney at Law
518 Washington
Montpelier, ID 83254



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATION FOR TRANSFER NO. 2103 OF WATER RIGHT
NOS. 11-1058, ETC. IN THE NAME OF DEAN WARD AND
GRANT HADDOCK

)
) ORDER ADOPTING
) PROPOSED MEMORANDUM
) DECISION AND ORDER
)

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on September 11, 1984, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, on October 15, 1984, which is 34 days after the date of service of the proposed decision, an objection to the proposed decision was received from protestant Ardella Peterson; and,

WHEREAS, exceptions to be considered must be received on or before the 15th day following the service of the proposed decision; and,

WHEREAS, no timely exceptions were received to the Proposed Memorandum Decision and Order;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 18th day of October, 1984.



A. KENNETH DUNN

Director

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR TRANSFER NO.)	PROPOSED
2103 OF WATER RIGHT NOS. 11-1058/1076/1060/)	
1077/1061/1078/1062/1079/1064/1065/1082/)	MEMORANDUM DECISION
1066/1089/1084/1068/1069/1087/1088/1073)	
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)	AND ORDER

This matter was first brought to the attention of the Idaho Department of Water Resources on January 3, 1976 when a letter from Mayo Krogue was received objecting to the change in point of diversion on Worm Creek initiated by Dean Ward and Grant Haddock. This change was made without benefit of the requisite transfer approval. Dean Ward was subsequently advised by the Department that it appeared a transfer would be necessary to legally accomplish the changes he and Grant Haddock were making. In response, personnel from the Department were invited to come and review the changes in the field. Based upon the information provided at that time, it was concluded that no changes which would require a transfer were being made. The conversion from surface to sprinkler irrigation does not necessarily represent a change in the associated water rights. However, the irrigation of previously unirrigated land would require a water right permit. Mayo Krogue and Nolan Krogue responded by filing an affidavit stating that for over forty (40) years all of the water users on Worm Creek have diverted their water at the same diversion located within the NW1/4SW1/4, Sec. 34, Twp. 14S, Rge. 43E, B.M. Mr. Krogue further explained that the ditch that would be used to supply the new gravity sprinkler system was a high water ditch that was located on the property of Ardella Peterson and had not been used for years. Based upon the sworn statement of Mayo and Nolan Krogue, Dean Ward was advised that an application for transfer appeared to be appropriate.

Dean Ward and Grant Haddock responded on April 26, 1977 and application for transfer No. 11-1058/etc. was filed with the Department of Water Resources. This application included nineteen rights totaling 2.67 cubic feet per second. Notice of the proposed change was published in the News Examiner in Montpelier, Idaho on May 26 and June 2, 1977. Because of a publication error, a corrected

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notice was advertised on June 23 and 30, 1977. Protests subsequently were received during the protest period from Ardella Peterson, Mayo Krogue, James E. Payne, and Arlen C. Wilkes.

A conference in the matter was held in the Bear Lake County Courthouse on September 1, 1977. The applicants were present and represented by Jay Kohler, Attorney at Law. Protestant Ardella Peterson was represented by Clyde Nelson, Attorney at Law. ^{see 11-8-24 letter} Protestant Mayo Krogue was represented by Leonard Kingsford, Attorney at Law. All others were without legal counsel. During the informal discussion of the matter several objections emerged.

1) The flow of water in Worm Creek is normally inadequate and has consequently been used in rotation. The protestants held that they would be injured if the applicants are permitted to separate water from the normal rotation.

2) The moving of water to the new point of diversion will cause unreasonable loss to other water users because of the increased time required to resoak the ditch.

3) Applicants plan to use a ditch which crosses Ardella Peterson's (Beck) property without first securing an easement from her.

4) The applicants do not have the necessary possessory interest in the water rights they are attempting to transfer.

5) The transfer will result in an expansion of the use of the original right.

When no agreement to resolve the objections could be reached Attorney Leonard Kingsford requested that a formal hearing be held at a later date. A hearing was scheduled for June 8, 1978. The applicants and protestants had the same legal representation they had at the previous conference. After review of the issues the parties requested an additonal continuance to allow time to request a readjudication to determine the water rights on Worm Creek.

Over the next forty-eight (48) months numerous contacts were made by the Department to determine if the parties still intended to initiate a readjudication of Worm Creek. When no adjudication request was received and no apparent interest in pursuing readjudication was evident, the Department scheduled the matter for hearing on September 28, 1982. The applicant Mayo Krogue was represented by Leonard Kingsford, Attorney at Law. The remaining protestants represented themselves except Arlen Wilkes who was not present.

Review of Evidence

The following materials were submitted as evidence in this matter:

- 1) IDWR file No. 11-1058/etc. application for transfer.
- 2) Applicant's Exhibit No. 1 - Edward Haddock vs Joseph E. Thornock Judicial Decree.
- 3) Applicant's Exhibit No. 2 - a general sketch showing ditches, roads, lands of applicants and protestants.
- 4) Hearing tapes No. 1 through 5.

After reviewing the evidence and testimony presented at this hearing and based upon his understanding of the law, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1) On October 10, 1904, District Judge James M. Stevens decreed the waters of Worm Creek, Bear Lake County, Idaho to thirty-four (34) parties. The rights decreed totalled 373.58 miner's inches, 7.4716 cubic feet per second but were only defined by name, amount, and priority date.

2) In June, 1959, Dean Ward, Grant Haddock, Mayo Kroque and James Payne established the present rotation of Worm Creek water. The rotation usually lasts about one and one-half months during the irrigation season.

3) The ditch which crosses protestant Ardella Peterson's property, labeled No. 5 on applicant's exhibit No. 2, washed out when she was a child but was reconstructed by Utah Power and Light when they constructed a power line through that area. Mrs. Peterson has refused to grant permission to use the ditch through her property.

4) The earliest priority date established by the case of Haddock vs Thornock is May 1, 1868. During the summer months of August and September there is normally only enough water to supply the rights with a priority earlier than 1890. During these periods, a 28-day rotation between the parties perviously named is started with Grant Haddock getting water for five and one-half (5 1/2) days, Mayo Kroque for nine (9) days, Dean Ward for ten and onehalf (10 1/2) days and James Payne three (3) days.

5) The intake structure for a gravity irrigation system was constructed by the applicants in 1976. This structure can be used only when water is conveyed into ditch No. 5 illustrated in applicant's exhibit No. 2.

6) The distance from the diversion into ditch 5 is about one mile above the next downstream diversion.

7) The successors in interest to the water entitlement granted by Judge Stevens in 1904 is not clear because of the vagueness of the decree and

the dispute that exists among the parties.

8) Protestant Arlen Wilkes did not appear at the hearing.

CONCLUSIONS OF LAW

1) The decree handed down by the court in the case of Haddock vs Thornock does not contain the elements necessary to define the water rights for the water users on Worm Creek. A watermaster could not be elected and charged with the distribution of waters of Worm Creek without an adjudication to further define the existing water rights.

2) The ownership of the particular rights claimed by the applicants cannot be confirmed without a court adjudication.

3) The continuation of the established rotation is in the local public interest and may have become an element of the respective water rights and therefore, cannot be abandoned or changed without unanimous agreement of the parties.

4) The applicant's have water rights on Worm Creek, and although not clearly defined, are entitled to change the point of diversion and/or place of use of these rights with certain limitations to protect the rights of others.

5) Although the applicant does not have a written easement across another's land, that may be obtained through condemnation or a right-of-way may already exist due to the past use of the ditch.

6) Failure to appear at the hearing is cause for setting aside a protest.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protest of Arden Wilkes be set aside for failure to appear and that Application for Transfer No. 2103 of Water Right Nos. 11-1058/1076/1060/1077/1061/1078/1062/1079/1064/1065/1082/1066/1089/1084/1068/1069/1087/1088/1073 is APPROVED subject to the following conditions:

1) Only those lands which were regularly irrigated prior to 1976 may be irrigated. If other lands are to be irrigated, a water right permit could allow irrigation of these prior to June 5 of each year or the start of the rotation.

2) The established schedule of rotation shall be continued except the applicants shall release the water a sufficient amount of time before the end of the rotation period so the water will reach the point of diversion of the person next in line to use the water at the beginning of their period of use.

3) Approval of this application does not represent a finding of possessory interest in the waters of Worm Creek. The available evidence and testimony indicates that the applicants have beneficially used the waters of Worm Creek. The point of diversion of any rights the applicants possess, as may in the future be confirmed by court action, is hereby changed pursuant to this application for transfer of water right and the limitations herein stated.

4) Approval does not grant access or easement to use the lands of another person.

Dated this 11 day of September, 1984.


BOBBY D. FLEENOR
Hearing Officer

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO.
2103 OF WATER RIGHT NOS. 11-1058/1076/1060/
1077/1061/1078/1062/1079/1064/1065/1082/
1066/1089/1084/1068/1069/1087/1088/1073 IN
THE NAME OF DEAN WARD AND GRANT HADDOCK

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 22nd day of October, 1984, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Dean Ward
Bloomington, ID 83223

Grant Haddock
Paris, ID 83261

Ardee Helm, Jr.
Attorney for Ardella Peterson
484 Washington St.
Montpelier, ID 83254

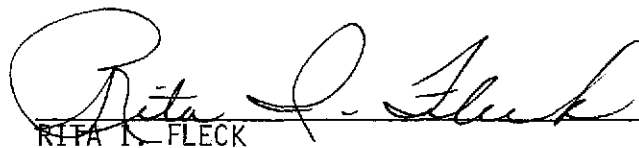
Mayo Krogue
Bloomington, ID 83223

Arlen C. Wilkes
St. Charles, ID 83272

James E. Payne
Bloomington, ID 83223

Glyde G. Nelson — No longer represents
Attorney at Law protestant Peterson; see
P. O. Box 797 11/8/84 letter
Soda Springs, ID 83276

Leonard Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, ID 83276



RITA L. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2103 OF WATER RIGHT NOS. 11-1058, etc.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on June 8, 1978, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

MICROFILMED

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

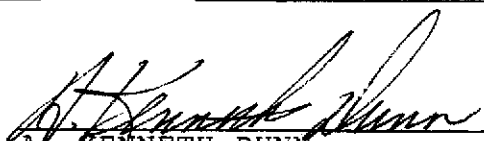
IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 11th day of September, 1984.


A. KENNETH DUNN
Director
Department of Water Resources

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO.)
2103 OF WATER RIGHT NOS. 11-1058/1076/1060/)
1077/1061/1078/1062/1079/1064/1065/1082/)
1066/1089/1084/1068/1069/1087/1088/1073 IN)
THE NAME OF DEAN WARD AND GRANT HADDOCK)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 17th day of September, 1984, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Dean Ward
Bloomington, ID 83223

Grant Haddock
Paris, ID 83261

Ardee Helm, Jr.
Attorney for Ardella Peterson
484 Washington St.
Montpelier, ID 83254

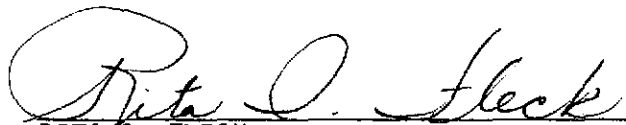
Mayo Krogue
Bloomington, ID 83223

Arlen C. Wilkes
St. Charles, ID 83272

James E. Payne
Bloomington, ID 83223

Glyde G. Nelson
Attorney at Law
P. O. Box 797
Soda Springs, ID 83276

Leonard Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, ID 83276



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

Transfer No. 2103Application No. 11-1058/etc.
(See attachment)STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES*Approved* **APPLICATION FOR TRANSFER OF WATER RIGHT**
To Change the Point of Diversion and/or the Place of UseName of applicant Dean Ward & Grant Haddock. Phone 945-2361Post office address Bloomington (Ward); Paris (Haddock), Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to see attachment
in case of Edward Haddock (Name) vs Joseph E. Thornick et al
dated Oct. 10, 1904 in Fifth Dist. county of Bear Lake
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

_____3. Source of water Worm Creek tributary to Bear River4. Date of priority see attachment

5. Water is used for the following purposes:

amount 2.67 for Irrigation purposes from Apr. 1 to Nov. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)6. Total amount of water under right: a. 2.67 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34
Township 14S Range 43E, B.M., in Bear Lake CountyAdditional points of diversion, if any SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 14S, R. 43E;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 15S, R. 43E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	43E	34	X	X	X	X									X	X	X	X	133.5

Total number of acres to be irrigated 133.5

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

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

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

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

1. Change in point of diversion
 - a. Amount of water to be diverted 2.67 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE ¼ NW ¼, Section 4 Township 15S
Range 43E, B.M., Bear Lake County
Additional points NW¼SW¼, Sec. 34, SE¼NW¼, Sec. 34, SW¼NE¼, Sec. 34, T. 14S,
R. 43E
 - c. Description of diverting works ditches and headgates
 - d. Describe the reasons for applying for a change in the point(s) of diversion a gravity sprinkler system is supplied from the ditch located in NE¼NW¼, Sec. 4, T. 15S, R. 43E; and will be the main point of diversion for a more efficient use of the existing water supply

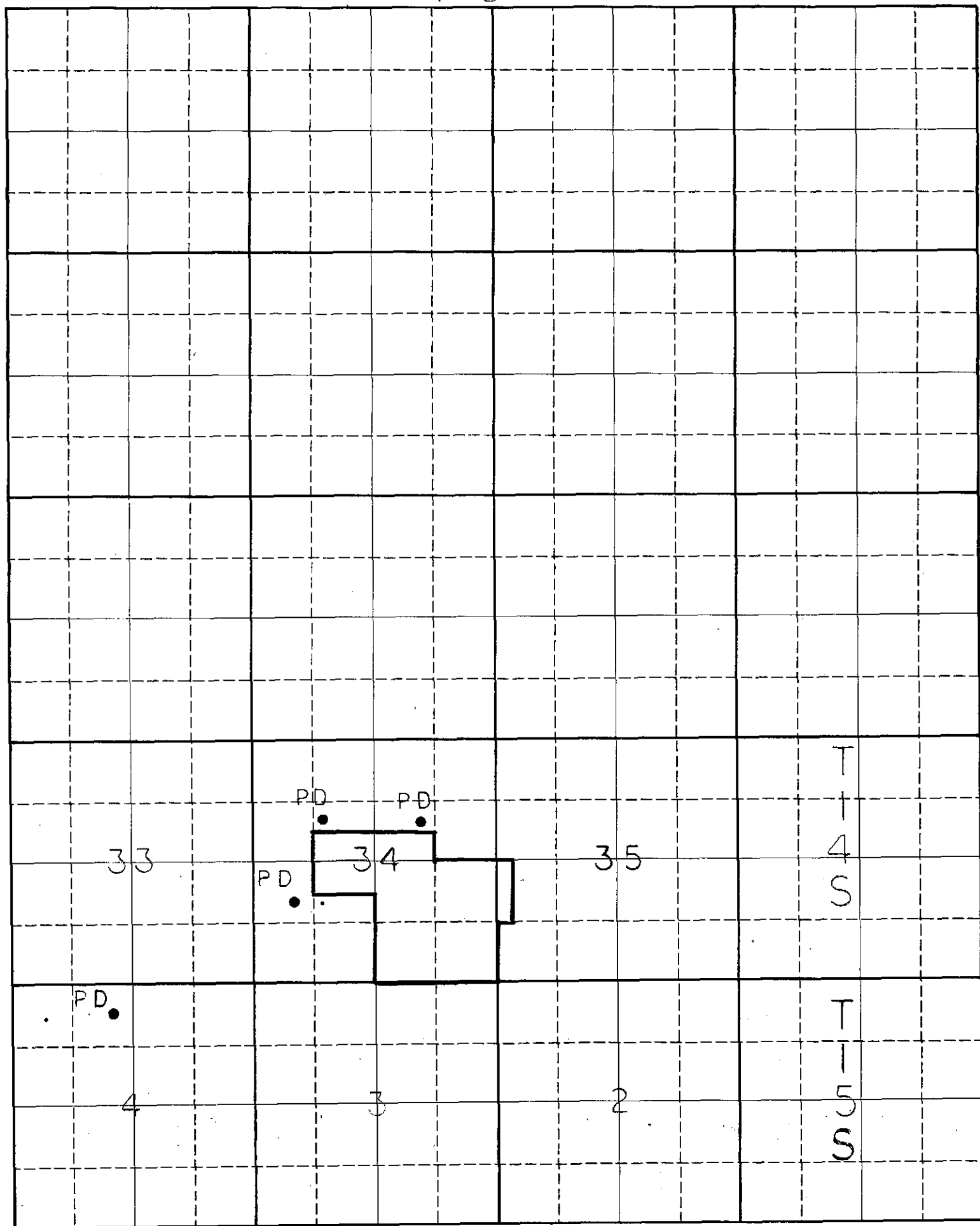
2. Change in place of use
 - a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	43E	34			10					10	15				30	25	20	20	130
		35									3.5								3.5

Total number of acres to be irrigated 133.5

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

R43E



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

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3. Remarks _____

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

Ernest R. 90 addock
Dean Ward
(Signature of applicant)

Subscribed and sworn to before me this 26th day of April, 19 77

Ronald W. [Signature]
(Notary public)

My commission expires 2/14/78

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

No. 2103

This is to certify that I have examined Application for Transfer of Water Rights No. 11-1058 etc., and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
as set forth in the Proposed Memorandum Decision and Order

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

Witness my hand this 22nd day of October, 19 84

A. Kenneth Dunn
A. KENNETH DUNN, Director

FOR DEPARTMENT USE ONLY

Received by CW Date 4-26-77
Prelim. check by RDC Fee \$30.00
Receipted by CW Date 4-26-77
Published in June 23 & June 30-1977
Pub. dates May 26 & June 2-1977
Watermaster recommendation requested on 6-01-77
WD #11 rec'd. 6-07-77
Russell Staker

Correction protested
Protest filed by Mayo Kroger,
Andee Helms, Jr., Arden
C. Wilkes, James C. Payne
Copies of protest forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial
by EMC

ARDEE HELM, JR.
ATTORNEY AT LAW
484 WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208-847-0805

RECEIVED

JUL 1 1977

Department of Water Resources
Eastern District Office

June 30, 1977

TO: Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

ATTN: C. Stephen Allred, Director

RE: PROTEST AGAINST GRANTING PERMIT, UNDER NO. 11-1088
formerly application No. 1058, in the names of
Dean Ward and Grant Haddock, within Sec. 34, 35, Twp.
14 S., R. 43 EBM

Whereas, Ardella Peterson, is the owner of the lands
described hereinbelow, and

Whereas, the said point of diversion would be located
upon said lands, and

Whereas, said proposed diversion would be detrimental
to the use and enjoyment of said lands, to-wit:

Section 3 and 4, Twp. 15 South, Range 43 EBM, and
fractions of Sections 33 and 34, Twp. 14 S.,
Range 43 EBM, Bear Lake County, Idaho.

THEREFORE, BE IT KNOWN that ARDELLA PETERSON does
hereby protest the change of water rights and application
of Dean Ward and Grant Haddock, as proposed to the Idaho
Department of Water Resources.

DATED: June 30, 1977.

Ardee Helm, Jr.
ARDEE HELM, JR.
Attorney for Ardella Peterson

MICROFILMED

Bloomington, Idaho
July 1, 1977

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Gentlemen:

It appears that the advertized notice of correction concerning an application for diversion that has previously been advertized on May 26th and June 2, 1977 is for using the water in a new canal. Therefore, I strongly object as there is no water rights in this canal nor is there sufficient water to warrant the use of the canal. Also there is no land that this canal would service that has a water right. There is no easement existing that will permit the construction of such a canal and the ground structure is of such a nature that the water will wash and sub making the loss of water to be too extensive.

Yours truly,

Mayo Kroegue
Mayo Kroegue

RECEIVED

JUL 5 1977

Department of Water Resources
Eastern District Office

MICROFILMED

Bloomington, Idaho
June 6, 1977

Mr. C. Stephen Allred,

Dear Sir:

I wish to protest the change of in the
division of the waters of Warm Creek filed
by Dean Ward and Grant Maddock. I have
property this will affect.

Sincerely,

James E. Payne
Bloomington, Idaho

RECEIVED

JUN 8 1977

Department of Water Resources
Eastern District Office

MICROFILMED

Bloomington, Idaho
July 5, 1977

Mr. C. Stephen Allred
1515 Lincoln Road
Idaho Falls, Idaho

Dear Mr. Allred:

I wish to protest the second application
for transfer of waters for Dean Ward +
Dart Haddock. The reason it will
affect my water rights for my land.

Sincerely,

James E. Payne

RECEIVED

JUL 7 1977

Department of Water Resources
Eastern District Office

MICROFILMED

St. Charles, Idaho
June 6, 1977

RECEIVED

JUN 7 1977

Department of Water Resources
Eastern District Office

Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Dear Mr. Allred,

I very strongly and vehemently protest the action as per the enclosed clipping. This is in essence a high-handed means of stealing water rights to which Ward and Haddock have absolutely no claim. In the case of Levi H. Long 11-1064 -13 inches May 1, 1883. I hold the deeds and all water rights for this property. I am surprised and shocked that your office would be a party to such action! Don't you do any investigation of ownership before such action? I would suggest your office check to see if such water has not already been illegally diverted.

If you wish to check my claims may I suggest you consult Book 2 of Road Book Miscellaneous pg. 286 and deeds to above property in the Bear Lake County Court House. Please acknowledge this correspondence.

Sincerely,

Robert E. Wilkes

MICROFILMED

RECEIVED

MAY 31 1977

May 31, 1977

Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson
Regional Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I wish to protest application for transfer No. 11-1058/etc. filed by Dean Ward of Bloomington and Grant Haddock of Paris, Idaho.

I object to this change in point of diversion for several reasons. First, some of the land described in the application has not been irrigated for the last fifty years, if they ever have been irrigated. Approval of this application would, therefore, result in an expansion of this right.

Second, the change proposed would remove all of the water from the existing channel since the water is used in rotation, I would never get the 26½ inches of water I am entitled to under the decree, thus causing substantial damage to my right.

My third reason for protest is based on the fact that the change in point of diversion has already been accomplished through trespass on the land of another person, I feel that the applicants should have the responsibility of obtaining the necessary easement prior to the construction of their new diversion ditch.

Very truly yours,

Mayo Krogue

MAYO KROGUE
Bloomington, Idaho

MICROFILMED

ARDEE HELM, JR.
ATTORNEY AT LAW
484 ~~1229~~ WASHINGTON STREET
MONTPELIER, IDAHO 83254
TELEPHONE 208 - 847-0805

May 27, 1977

RECEIVED

MAY 31 1977

Department of Water Resources
Eastern District Office

TO: Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

ATTN: C. Stephen Allred, Director

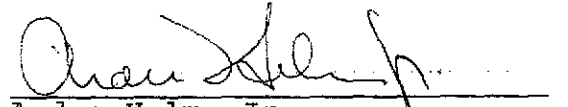
WHEREAS, ARDELLA PETERSON, is the owner of the lands described hereinbelow, and

WHEREAS, the said point of diversion would be located upon said lands, and

WHEREAS, said proposed diversion would be detrimental to the use and enjoyment of said lands, to-wit:

Section 3 and 4, Twp. 15 South, Range 43, EBM, and fractions of Sections 33 and 34, Twp. 14 S, Range 43 EBM, Bear Lake County, Idaho.

THEREFORE, BE IT KNOWN that ARDELLA PETERSON does hereby protest the change of water rights as proposed by Dean Ward of Bloomington, Idaho and Grant Haddock of Paris, Idaho, before the Idaho Department of Water Resources.


Ardee Helm, Jr.
Attorney for Ardella Peterson


Ardella Peterson

MICROFILMED

CHANGES OF WATER RIGHTS

Notice is hereby given that Dean Ward, Bloomington, Idaho, and Grant Haddock, Paris, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Worm Creek tributary to Bear River. The rights sought to be changed are evidenced by decree to:

E. J. Haddock, 11-1058 - 10 inches, May 1, 1868
N. C. Nelson, 11-1076 - 3 1/2 inches, May 1, 1869
E. J. Haddock, 11-1060 - 1 1/2 inches, May 1, 1870
Peter Greenhalgh, 11-1077 - 20 inches, May 1, 1870
D. A. Nelson, 11-1061 - 4 1/2 inches, May 1870
E. J. Haddock, 11-1078 - 2 1/2 inches, May 1, 1877
Peter Greenhalgh, 11-1062 - 6 inches, May 1, 1877
D. A. Nelson, 11-1079 - 6 3/8 inches, May 1, 1880
Levi H. Long, 11-1064 - 13 inches, May 1, 1883
E. J. Haddock, 11-1065 - 1 inch, May 1, 1888
Peter Greenhalgh, 11-1082 - 4 inches, May 1, 1890
D. A. Nelson, 11-1066 - 8 3/8 inches, May 1, 1891
John Q. Welker, 11-1089 - 3 1/2 inches, May 1, 1891
D. A. Nelson, 11-1084 - 6 7/10 inches, May 1, 1892
D. A. Nelson, 11-1088 - 19 1/4 inches, May 1, 1893
D. A. Nelson, 11-1069 - 6 1/2 inches, May 1, 1894
D. A. Nelson, 11-1087 - 8 3/4 inches, May 1, 1895
E. J. Haddock, 11-1082 - 1 inch, May 1, 1895
D. A. Nelson, 11-1075 - 5 1/4 inches, May 1, 1896

in case of Edward Haddock vs Joseph E. Thornick et al dated Oct. 10, 1904 in Fifth District Court, County of Bear Lake. The total amount of water listed under this right is 2.67 c.f.s. for irrigation purposes from Apr. 1 to Nov. 1 for 133.5 acres which includes the E 1/2, Sec. 34, T. 14S, R. 43E, B.M. The decreed point of diversion is NW 1/4 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43 E, NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, B.M. Bear Lake County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE 1/4 NW 1/4, Sec. 4, T. 15S, R. 43E, NW 1/4 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, Sec. 34, T. 14S, R. 43E, B.M., and used to irrigate lands within NE 1/4 SW 1/4, SE 1/4, Sec. 34, NW 1/4 SW 1/4, Sec. 35, T. 14S, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 13, 1977.

C. STEPHEN ALLRED
Director

Published in the News Examiner, Montpelier, Idaho, on May 26 and June 2, 1977.

M26-Jn2

Copy Spring Creek Water
Decision right date from

total 10 a { E. J. Haddock 1868 10 A

total 10 1/2 a { M. C. Nelson
O. C. Dufford
D. A. Kroger 1869 3 1/2 a
4 a
3 a

total 26 a { E. J. Haddock
Peter Greenhalgh 1870 1 1/2 a
D. A. Nelson 20 a
4 1/2 a

total 8 1/2 a { E. J. Haddock
Peter Greenhalgh 1877 2 1/2 a
6 a

total 16 3/8 a { D. A. Nelson 1880 16 3/8 a

total 40 a { D. A. Kroger
Jas. A. Nelson
Lem. H. Long
O. C. Dufford 1883 16 a
9 a
13 a
2 a

total 1 a { E. J. Haddock 1888 1 a

total 4 a { Peter Greenhalgh 1890 4 a

total 11 3/8 a { D. A. Nelson
John L. Miller 1891 8 3/8 a
3 1/2 a

total 22 1/5 a { Jas. A. Nelson
D. A. Nelson 1892 15 1/2 a
6 1/5 a

total 27 9	D. A. Nelson Jacob Welker	1893	19 1/4 7 3/4
total 74 3/4	D. A. Nelson Jacob Welker Lena H. Long	1894	6 1/2 8 1/4 60
21 1/4	D. A. Nelson Jacob Welker E. J. Haddock Peter Rasmussen Jno L. Welker	1895	8 3/4 5 1 3 3 1/2
total 10 1/2	D. A. Nelson Lena H. Long	1896	3 1/2 7 1/4
total 2 9	Fred Jacobson	1898	2 9
total 6 9	Fred Jacobson	1901	6
(Grand Total 281 19/20 9)			
281 19/20			

RIGHTS BEING TRANSFERRED

<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>PRIORITY</u>
11-1058	E. J. Haddock	10 INCHES	May 1, 1868
✓ 11-1076 ²	N. C. Nelson	3½ "	May 1, 1868
11-1060	E. J. Haddock	1½ "	May 1, 1870
11-1077	Peter Greenhalgh	20 "	May 1, 1870
11-1061	D. A. Nelson	4½ "	May 1, 1870
11-1078	E. J. Haddock	2½ "	May 1, 1877
11-1062	Peter Greenhalgh	6 "	May 1, 1877
11-1079	D. A. Nelson	6 3/8 "	May 1, 1880
✓ 11-1064 ²	Levi H. Long	13 "	May 1, 1883
11-1065	E. J. Haddock	1 "	May 1, 1888
11-1082✓	Peter Greenhalgh	4 "	May 1, 1890
11-1066	D. A. Nelson	8 3/8 "	May 1, 1891
11-1089	John Q. Welker	3½ "	May 1, 1891
11-1084	D. A. Nelson	6 7/10 "	May 1, 1892
11-1068	D. A. Nelson	19¼ "	May 1, 1893
11-1069	D. A. Nelson	6½ "	May 1, 1894
11-1087	D. A. Nelson	8 3/4 "	May 1, 1895
11-1086	E. J. Haddock	1 "	May 1, 1895
11-1073	D. A. Nelson	3½ "	May 1, 1896

MICROFILMED

NOW, THEREFORE, this cause coming regularly on this tenth day of October, 1904, for the entry of judgment, Alfred Budge, Esq., appearing for the Plaintiff, and John A. Bagley, Esq., appearing for the Defendants,

IT IS ORDERED, ADJUDGED AND DECREED, that the several parties to this action are entitled to and are hereby decreed, the waters of Worm Creek, and its tributaries, a stream in Bear Lake County, State of Idaho, as of the following amounts and dates, to-wit:-

Name	Amount	Of date
<i>Larwin</i> E. J. Haddock	10 inches	May 1, 1868.
N. C. Nelson	3 1/2 "	" 1, 1868.
<i>Mayo</i> O. C. Dunford	4 "	" 1, 1869.
<i>Mayo</i> D. A. Krogue	3 "	" 1, 1869.
<i>Larwin</i> E. J. Haddock	1 1/2 "	" 1, 1870.
<i>Dean</i> Peter Greenhalgh	20 "	" 1, 1870.
<i>Dean</i> D. A. Nelson	4 1/2 "	" 1, 1870.
<i>Larwin</i> E. J. Haddock	2 1/2 "	" 1, 1877.
<i>Dean</i> Peter Greenhalgh	6 "	" 1, 1877.
<i>Dean</i> D. A. Nelson	6 3/8 "	" 1, 1880.
<i>Mayo</i> D. A. Krogue	16 "	" 1, 1883.
<i>James</i> James A. Nelson	9 "	" 1, 1883.
<i>Dean</i> Levi H. Long	15 "	" 1, 1883.
<i>Mayo</i> O. C. Dunford	2 "	" 1, 1883.
<i>Larwin</i> E. J. Haddock	1 "	" 1, 1888.
<i>Dean</i> Peter Greenhalgh	4 "	" 1, 1890.
<i>Dean</i> D. A. Nelson	8 3/8 "	" 1, 1891.
John O. Welker	3 1/2 "	" 1, 1891.
James A. Nelson	15 1/2 "	" 1, 1892.
D. A. Nelson	6 7/10 "	" 1, 1892.
D. A. Nelson	19 1/4 "	" 1, 1893.
Jacob Welker	7 3/4 "	" 1, 1893.
D. A. Nelson	6 1/2 "	" 1, 1894.
Jacob Welker	8 1/4 "	" 1, 1894.
Levi H. Long	60 "	" 1, 1894.
D. A. Nelson	8 3/4 "	" 1, 1895.
Jacob Welker	5 "	" 1, 1895.
E. J. Haddock	1 "	" 1, 1895.
Peter Rasmussen	3 "	" 1, 1895.
John O. Welker	3 1/2 "	" 1, 1895.
D. A. Nelson	3 1/2 "	" 1, 1896.
Levi H. Long	7 "	" 1, 1896.
Fred Jacobsen	2 "	" 1, 1898.
Fred Jacobsen	6 "	" 1, 1901.

That an inch of ^{4 1/3 10} water as mentioned in this decree means a miner's inch of water measured under a four inch pressure, or one-fiftieth (1/50) of one (1) cubic foot of water per second of time.

Dated this tenth day of October, 1904.

Alfred Budge

John A. Bagley
District Judge.

AFFIDAVIT OF PUBLICATION

JUL 8 1977

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* 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 *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 23, 19*77*, and ending
with the issue of *June 30*, 19*77*

Fees, *14.11*

Subscribed and sworn to before me this *30* day

of *June 30*, 19*77*
Loren W. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

PUBLIC NOTICES

NOTICE OF CORRECTION

Notice is hereby given that Application for Transfer No. 11-1058/etc. in the names of Dean Ward and Grant Haddock was advertised incorrectly on May 26 and June 2, 1977. The right listed to E.J. Haddock under No. 11-1082 should have been right No. 11-1088 for one inch. The place of use was advertised as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

WHEREAS, the actual place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 11, 1977.

C. STEPHEN ALLRED

Director

Published in the News Examiner, Montpelier, Idaho, on June 23 and June 30, 1977.

Jn23-30

MICROFILME

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* 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 *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *May 26*, 19*77*, and ending with the issue of *June 2*, 19*77*.

Fees, *37.73*

Subscribed and sworn to before me this *13* day of *June*, 19*77*.

Loren W. Thompson
Notary Public, Residing at Montpelier, Idaho
My Commission Expires *March 13*, 19*79*.

PUBLIC NOTICES

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that Dean Ward, Bloomington, Idaho, and Grant Haddock, Paris, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Worm Creek tributary to Bear River. The rights sought to be changed are evidenced by decree to:

- E. J. Haddock, 11-1058 - 10 inches, May 1, 1868
- N. C. Nelson, 11-1076 - 3½ inches, May 1 1869
- E. J. Haddock, 11-1060 - 1½ inches, May 1, 1870
- Peter Greenhalgh, 11-1077 - 20 inches, May 1, 1870
- D. A. Nelson, 11-1061 - 4½ inches, May 1870
- E. J. Haddock, 11-1078 - 2½ inches, May 1, 1877
- Peter Greenhalgh, 11-1062 - 6 inches, May 1, 1877
- D. A. Nelson, 11-1079 - 6 3/8 inches, May 1, 1880
- Levi H. Long, 11-1064 - 13 inches, May 1, 1883
- E. J. Haddock, 11-1065 - 1 inch, May 1, 1888
- Peter Greenhalgh, 11-1082 - 4 inches, May 1, 1890
- D. A. Nelson, 11-1066 - 8 3/8 inches, May 1, 1891
- John Q. Welker, 11-1089 - 3½ inches, May 1, 1891
- D. A. Nelson, 11-1084 - 6 7/10 inches, May 1, 1892
- D. A. Nelson, 11-1068 - 19¼ inches, May 1, 1893
- D. A. Nelson, 11-1069 - 6½ inches, May 1, 1894
- D. A. Nelson, 11-1087 - 8 3/4 inches, May 1, 1895
- E. J. Haddock, 11-1082 - 1 inch, May 1, 1895
- D. A. Nelson, 11-1073 - 3½ inches, May 1, 1896;

in case of Edward Haddock vs Joseph E. Thornick et al dated Oct. 10, 1904 in Fifth District Court, County of Bear Lake. The total amount of water listed under this right is 2.67 c.f.s for irrigation purposes from Apr. 1 to Nov. 1 for 133.5 acres which includes the E½, Sec. 34, T. 14S, R. 43E, B.M. The decreed point of diversion is NW¼SW¼, SE¼NW¼ SW¼NE¼, Sec. 34, T. 14S, R. 43 E, NE¼NW¼, Sec. 4, T. 15S, R. 43E, B.M. Bear Lake County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¼NW¼, Sec. 4, T. 15S, R. 43E, NW¼SW¼, SE¼NW¼, SW¼NE¼, Sec. 34, T. 14S, R. 43E, B.M., and used to irrigate lands within NE¼SW¼, SE¼, Sec. 34, NW¼SW¼, Sec 35, T. 14S, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 13, 1977.

C. STEPHEN ALLRED
Director
Published in the News Examiner, Montpelier, Idaho, on May 26 and June 2, 1977.

REGISTERED
JUN 16 1977
Department of Water Resources
Eastern District Office

MICROFILMED

affidavit p. 4

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Worm Creek Name Ward & Haddock.
2. Right Being Transferred Right No. _____
- a. ☒ Decree Transfer No. _____
- ☐ License
- ☒ Use
- b. ☒ Priority
- c. ☒ Location - Original P. D. - STATED BY APPLICANTS.
- d. ☒ " - Original P. U. - ONLY NUMBER OF AC. GIVEN.
- e. ☒ " - New P.D.
- f. ☒ " - New P.U.
- g. ☒ Amount 2.67 cfs. (133.5 in.)
- ☒ All
- ☐ Part
3. ☒ Proof of Ownership of Right
- Comment Since place of use is not given in decree, it is not possible to determine ownership of right.
4. ☒ Expansion of Right
- Comment Transferred @ & acreage same as original right.
5. ☒ Map
6. ☒ Signature
7. ☒ Fee
8. Watermaster's Comments _____

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9. Comments Decree states gives the priority, amount, total acreage & original owner with no mention of points of diversion & legal description of lands.

10. Initial Review by EMCDate 4/27/77

11. Recommended Action

☒ Approve☐ Deny☐ Conditions See memo. decision.By Ernest CarlsonDate June 1, 1984RECEIVED
JUN 05 1984

Department of Water Resources

Copy
SENT

November 29, 1984

Ardee Helm, Jr.
Attorney at Law
518 Washington
Montpelier, ID 83254

Dear Mr. Helm:

Re: Application for Transfer No. 2103 of Water Right Nos. 11-7058, etc.
Dean Ward and Grant Haddock

Enclosed is a copy of the Order denying your petition for rehearing before the Director.

If you do not agree with this decision, you may appeal directly to the district court within thirty (30) days of the date of this mailing.

Sincerely,

L. GLEN WAXTON
Chief, Operations Bureau

Enclosure

cc: Dean Ward
Grant Haddock
Mayo Krogue
Arlen C. Wilkes
James E. Payne
Clyde G. Nelson
Leonard Kingsford

MICROFILMED

CLYDE G. NELSON
DON L. HARDING
GARY L. SPACKMAN

NELSON & HARDING
ATTORNEYS AND COUNSELORS AT LAW
172 SOUTH MAIN STREET
SODA SPRINGS, IDAHO 83276

TELEPHONE (208) 547-2135
POST OFFICE BOX 797

November 8, 1984

RECEIVED
NOV 13 1984

Department of Water Resources

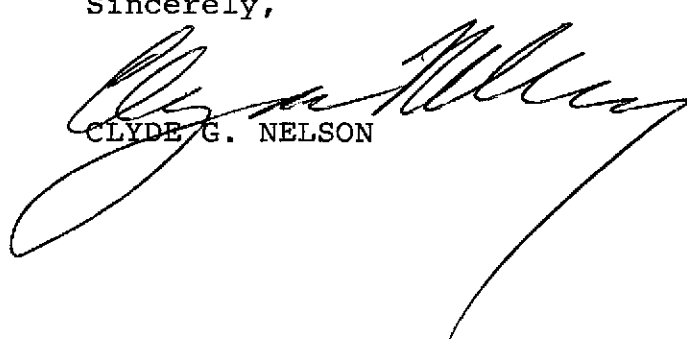
Mr. A. Kenneth Dunn
Director
Department of Water Resources
450 West State
Boise, ID. 83704

Re: In the matter of application for transfer
No. 2103 of water right numbers 11-1058, etc.
in the name of Dean Morgan & Grant Haddock

Dear Mr. Dunn:

Reference is made to the above application. I note that I am on the mailing list for pleadings and orders issued in the above entitled matter. I have not represented Mrs. Ardella Peterson Beck in that matter for some time, as is evidenced by her appearing on her own behalf at a hearing preceding the final disposition of this matter. In fact, I am not aware of receiving any notices of any hearings prior to the recent order issued through your office and the pleadings filed by Mr. Helm. In any case, Mr. Helm represents Ardella Peterson Beck, and it will not be necessary for you to forward any further correspondence, communications, or pleadings in this matter.

Sincerely,


CLYDE G. NELSON

CGN:js

c: Ardee Helm, Jr.

MICROFILMED

Ardee Helm, Jr.
Attorney at Law
518 Washington
Montpelier, ID 83254
(208) 847-0805
Attorney for Petitioner

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

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2103 OF WATER RIGHT NOS. 11-1058, ETC.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)

PETITION FOR REHEARING

COMES NOW, the protestant, ARDELLA PETERSON (BECK) and
files her petition for rehearing in the above entitled matter for
the reasons alleged hereinafter:

1) The Findings of Fact set forth in paragraph 2:

In June, 1959, Dean Ward, Grant Haddock, Mayor Krogue and
James Payne established the present rotation of Worm Creek
water. The rotation usually lasts about one and one-half
months during the irrigation season.

is unsupported by the evidence offered at said hearing.

2) That the Findings of Fact set forth in paragraph 3:

The ditch which crosses protestant Ardella Peterson's
property, labeled No. 5 on applicant's exhibit No. 2,
washed out when she was a child but was reconstructed by
Utah Power and Light when they constructed a power line
through that area. Mrs. Peterson has refused to grant
permission to use the ditch through her property.

is deficient in that the hearing officer failed to establish when
the ditch was reconstructed by Utah Power and Light and at whose
request and cost the ditch was reconstructed.

3) That the Findings of Fact set forth in paragraph 4:

The earliest priority date established by the case of Haddock vs. Thornock is May 1, 1868. During the summer months of August and September there is normally only enough water to supply the rights with a priority earlier than 1890. During these periods, a 28-day rotation between the parties previously named is started with Grant Haddock getting water for five and one-half (5 1/2) days, Mayo Krogue for nine (9) days, Dean Ward for ten and onehalf (10 1/2) days and James Payne three (3) days.

are unsubstantiated by the evidence at the hearing.

4) That the Findings of Fact set forth in paragraph 7:

The successors in interest to the water entitlement granted by Judge Stevens in 1904 is not clear because of the vagueness of the decree and the dispute that exists among the parties.

are unsupported for the reason that the successors in interest may be established by additional evidence or by a title search of the respective water rights associated therewith and running with the land.

5) That the protestant takes exception to the Conclusions of Law, paragraph 1:

The decree handed down by the court in the case of Haddock vs. Thornock does not contain the elements necessary to define the water rights for the water users on Worm Creek. A watermaster could not be elected and charged with the distribution of waters of Worm Creek without an adjudication to further define the existing water rights.

in that the decree does contain elements necessary to define the water rights for water users on Worm Creek. It does not, however, identify the successors in interest from the time the decree was handed down, but said matters of successor in interest would be a matter of proof upon searching of titles and such other evidentiary matters as may be considered by the hearing officer.

6) That the protestant takes exception to Conclusions of Law, paragraph 3:

The continuation of the established rotation is in the local public interest and may have become an element of

the respective water rights and therefore, cannot be abandoned or changed without unanimous agreement of the parties.

is erroneous and not supported by law or the facts in that the hearing officer concluded under paragraph 2 that the ownership of the particular rights claimed by the applicant cannot be confirmed and yet, under paragraph 3, the hearing officer established the water rights based upon an established rotation and not based upon the successors in interest to said decreed water rights. If the particular water rights cannot be confirmed, then the hearing officer cannot conclude as a matter of law or fact that the present rotation cannot be abandoned or changed without the unanimous agreement of the parties. Confirmation of the present rotation is in derogation of the decreed water rights in Worm Creek. As a matter of law, the hearing officer has concluded that the ownership of a particular right claimed by the applicant cannot be confirmed and that the successors in interest to the decreed water rights is not set forth with particularity. The hearing officer cannot conclude that the applicants have water rights in Worm Creek, the same being in consistent with the previous Findings of Facts and Conclusions of Law.

7) That the issue of water rights was not before the hearing officer, but only the matter of transfer was under consideration. The protestant did not have sufficient opportunity to formulate objections to the actual existence of any water rights other than those water rights that may have been decreed or established by a court of competent jurisdiction or upon the appropriate application to the Department of Water Resources.

8) The Order and Conclusions of Law are contrary to the

Findings of Fact. In particular, Conclusion of Law, paragraph 3, says that this application does not represent a finding of possessory interest. Yet, the hearing officer concluded that nobody could use the water rights without unanimous agreement of the parties involved in the rotation then only those lands which were regularly irrigated prior to 1976 may be irrigated. If other lands are to be irrigated, a water permit could allow irrigation of other lands prior to June 5th of each year.

9) The hearing officer failed to consider the information supplied by Ardella Peterson (Beck); that is, that she had applied for water rights and that said water rights were duly granted without protest from any of the parties. The application for water rights of Ardella Peterson (Beck) were summarily dismissed by the hearing officer (se Exhibit "A" attached hereto) and were not considered in any of the Findings of Fact or Conclusions of Law. The Findings of Fact, Order and Conclusions of Law ignore the existing water applications and grant of that application by the Water Resources Board.

10) The only matter before the hearing officer was the matter of transfer. Therefore, the correct Conclusion of Law would be that the transfer may take place if it does not derogate from, interfere with or injure other water rights. No conclusions should have been drawn as to the priority of the present rotation or that the present rotation is to the total exclusion of other users and holders of the water rights in Worm Creek. The hearing officer did not have an application for water rights but simply an application for transfer. Therefore, no conclusions or evidence should have been received as to whether or not any water rights

exist, but only as to whether or not a transfer could take place.

RESPECTFULLY SUBMITTED this 7th day of November, 1984.


ARDEE HELM, JR.
Attorney for Protestant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 7th day of November, 1984,
I mailed a true and correct copy of the foregoing PETITION FOR
REHEARING, postage prepaid thereon, to the following:

Dean Ward
Bloomington, ID 83223

Grant Haddock
Paris, ID 83261

Mayo Krogue
Bloomington ID 83223

Arlen C. Wilkes
St. Charles, ID 83272

James E. Payne
Bloomington, ID 83223

Clyde G. Nelson
Attorney at Law
P. O. Box 797
Soda Springs, ID 83276

Leonard Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, ID 83276

A. Kenneth Dunn, Director
Department of Water Resources
450 West State
Boise, ID 83704


KATHI H. IZATT
Secretary

Lth "A"

RECEIVED
NOV 9 1984

Department of Water Resources

Notice is hereby given that Ardeella Peterson
(name of claimant)

The extent and nature of said claim is as follows:

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(3) Total quantity of water claimed: 6.87 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.

- 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.

- 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. Diversion Dams & Ditches

- (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.

[illegible]

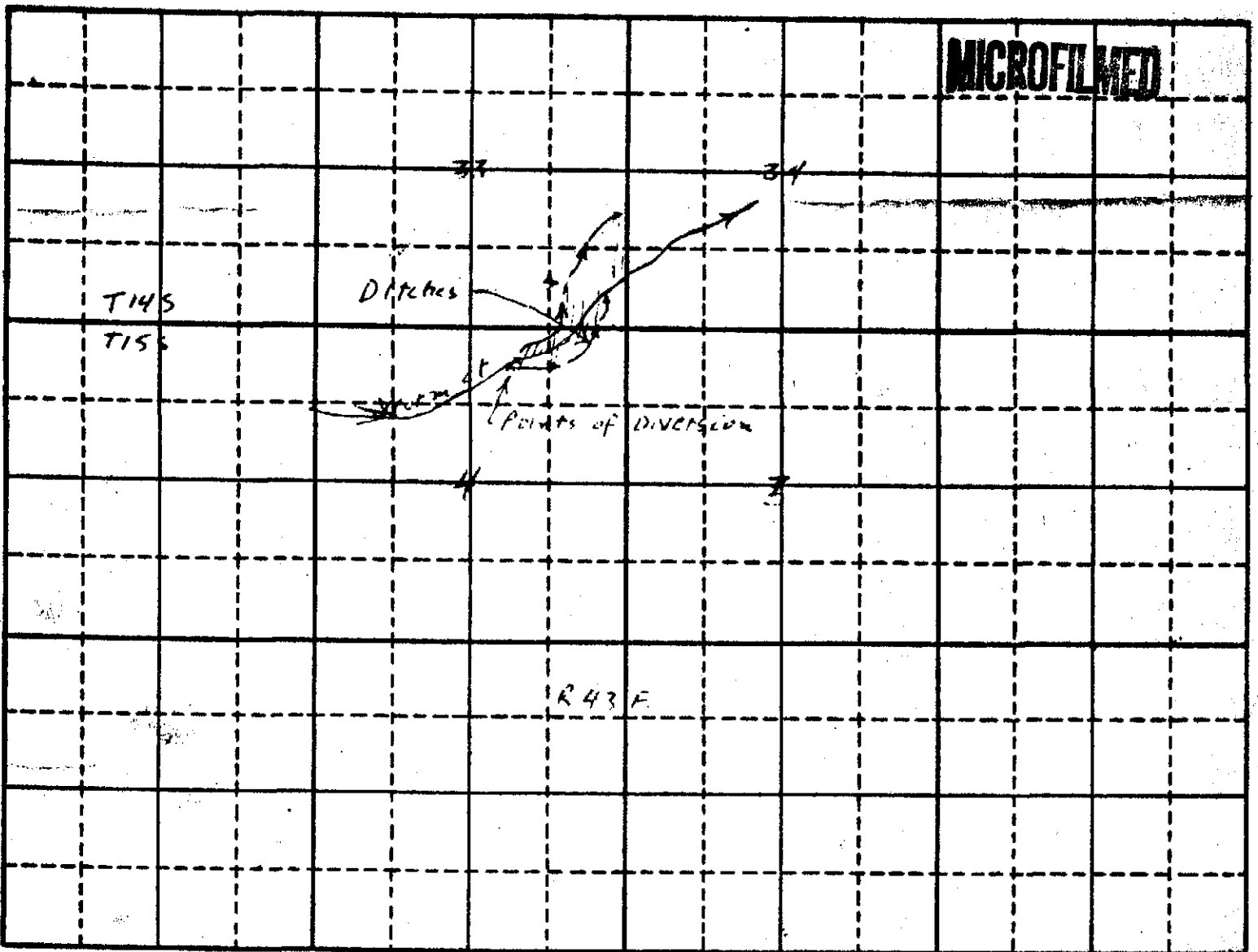
Total No. of acres 41

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

MICROFILMED

(8) Remarks This land was originally owned by D. C. Davenport
who was declared owner of the water right in the
case of Haddock vs. Haddock, 5th District Court
Oct 10, 1904.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 18 day of Apr. 1

Centella D. Davenport
(Claimant)
Robert F. Davenport
Notary Public
Residing at Boothville

My commission expires 12-15-90

For Department Use Only

Received by _____	Date _____	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$10.00 fee received by _____	Date _____			
Approved for publication by _____				
Published in _____				
Dates _____				

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT

NO.11-4081

Notice is hereby given that
Ardella Peterson, Richfield,
Utah has filed a claim to a
water right established by
diversion and application to
beneficial use of 0.82 cubic
feet per second of water
from Worm Creek tributary
to sinks with point of diver-
sion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
4, T. 15S, R. 43E, B.M., Bear
Lake County.

The water is claimed to be
used from Apr. 1 to Nov. 1 for
the irrigation of 41 acres with
a priority of May 1, 1869; the
place of use is within the
E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 14S, R.
43E; N $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 15S,
R. 43E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department
of Water Resources, 1515
Lincoln Road, Idaho Falls,
Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in The News-Ex-
aminer, Montpelier, Idaho
on May 5 and May 12, 1977.

M5-12

MICROFILMED

October 22, 1984

Dean Ward
Bloomington, ID 83223

Grant Haddock
Partis, ID 83261

Gentlemen:

Re: Application for Transfer No. 2103 of Water Right Nos. 11-1058/1076/
1060/1077/1061/1078/1062/1079/1064/1065/1082/1066/1089/1084/1068/1087/
1088/1073

Enclosed is a copy of your approved Application for Transfer No. 2103 for the above-referenced water rights. Also enclosed is a copy of the Proposed Memorandum Decision and Order and Order Adopting Proposed Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Ardee Helm, Jr.
Mayo Krogue
Arlen C. Wilkes
James E. Payne
Glyde G. Nelson
Leonard Kingsford

MICROFILMED

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

RECEIVED
OCT 15 1984

Department of Water Resources

INT HE MATTER OF APPLICATION FOR TRANSFER)
NO. 2103 OF WATER RIGHT NOS. 11-1058, ETC.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 1984,
true and correct copies of the foregoing AFFIDAVIT and OBJECTIONS
were mailed, postage prepaid to:

Dean Ward
Bloomington, ID 83223

Grant Haddock
Paris, ID 83261

Mayo Krogue
Bloomington, ID 83223

Arlen C. Wilkes
St. Charles, ID 83272

James E. Payne
Bloomington, ID 83223

Clyde G. Nelson
Attorney at Law
P. O. Box 797
Soda Springs, ID 83276

Leonard Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, ID 83276

Department of Water Resources
450 West State
Boise, ID 83701


KATHI H. IZATT

RECEIVED

OCT 15 1984

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

Department of Water Resources

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2103 OF WATER RIGHT NOS. 11-1058, ETC.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)

OBJECTIONS

COMES NOW, ARDELLA PETERSON, by and through her attorney
of record, ARDEE HELM, JR., and as objection to the ORDER ISSUING
PROPOSED DECISION, states as follows:

1) With regard to the Findings of Fact, protestant
objects to #2, page 3, which states as follows:

In June, 1959, Dean Ward, Grant Haddock, Mayo Krogue and
James Payne established the present rotation of Worm Creek
water. The rotation usually lasts about one and one-half
months during the irrigation season.

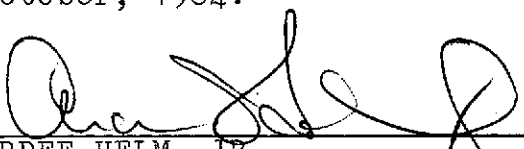
2) Protestant objects to Findings of Fact #3 EXCEPT for
that portion thereof stating that Mrs. Peterson has refused to
grant permission to use the ditch through her property and Mrs.
Peterson continues to refuse to grant such permission.

3) Protestant objects to Findings of Fact #4 and #7.

4) Protestant objects to the Conclusions of Law #1, #2,
#3, #4 and #5.

5) Protestant objects to the proposed Order #1, #2 and
#3.

DATED this 17th day of October, 1984.


ARDEE HELM, JR.
Attorney for Ardella Peterson

MICROFILMED

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

RECEIVED
OCT 15 1984

Department of Water Resources

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2103 OF WATER RIGHT NOS. 11-1058, ETC.)
IN THE NAME OF DEAN WARD AND GRANT HADDOCK)

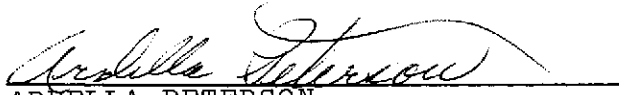
AFFIDAVIT

STATE OF IDAHO)
County of Bear Lake) ss.

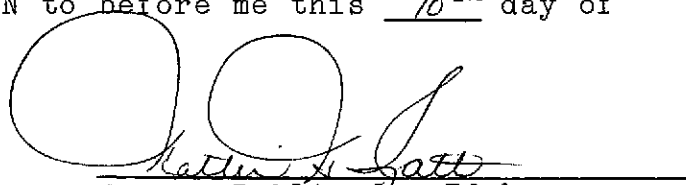
ARDELLA PETERSON, being first duly sworn upon her oath,
deposes and states:

- 1) That she received the ORDER ISSUING PROPOSED DECISION
in the above entitled matter on the 5th day of October, 1984.
- 2) That she objects to the proposed order.
- 3) That she has employed ARDEE HELM, JR., to file her
objections and briefs to the proposed order.

DATED this 10th day of October, 1984.


ARDELLA PETERSON

SUBSCRIBED AND SWORN to before me this 10th day of
October, 1984.


Notary Public for Idaho
Residing at Fish Haven

MICROFILMED

HEARING 11-1058/ETC

Sept 28, 1982

WARD & Haddock

- Issues - 1. Applicant must show ownership of rights.
2. Do applicants have right-of-way to use new PD?
 3. Will other water rights be injured?
 4. Will transfer result in an expansion in use under original right?

HEARING

1:00 PM

APPLICANTS - Represented by Jay Kohler
Protestant (Kroque) - Leonard O. Kingsford
Ardella Peterson, James Payne represent Self
Guth - Grant Haddock, Dean Ward, Robert Ward
Grant Haddock

E. J. Haddock and Welker rights
Total 23" irrigates 33 ac

No CK Between:

Ditch #2 & Worm Creek - 10 ac

Ditch #1 & Worm Creek - 10 ac

South of CK.

Ditch 4 - 13 ac

Water has traditionally been pooled
when flow gets down to 1 stream (?)
If water is put in ditch #5 creek
would be dry above A. Point A is
a spring area

Ditch 5 used in 1976 to irrigate
second crop hay

MICROFILMED

Has witnessed ditch 5 being used & cleaned in past.

Rotation has been used in all of Haddock's experience (31 years)

Haddock's period 5 ¹/₂ days out of 28.
would be willing to take time water takes in getting from C to sprinkler.

X-Kingsford -

June 1959 rotation established.

Koegel, Payne, Haddock & Ward

Parties involved in rotation

DEAN WARD WITNESS #2

~~Peter Haddock~~

Question about ownership of 1064 &
1076

#5 was main diversion for many years
changed to lower ditch in dry years
#5 was last used in 1976.

10 ¹/₂ to 11 days rotation

X-Kingsford -

rotation normally ~ 1 ¹/₂ mo.

June 5 rotation starts

21 days to 28 days in rotation

? Maximum irrigation in Past 75 acres

Average ~ 35 acres

max in last 10 years 50 acres

MICROFILMED

Jay Ward

1972 & 1976 Ditch 5 was used

Robert Ward

1968 or 1969 helped clean ditch

PROTESTANTS

Ardella Peterson -

Has been associated since 1945 w/
ditch #5

water didn't go beyond Russel
Payne's property

Ditch washed out & was repaired
by UP&L when line constructed.
Does not want ditch reconstructed
through her property

X - Comes & goes two or three
times a year.

Lives in Bloomington when she is
in area. Home is in Richfield
Utah

MICROFILMED

Protestant's witnesses

James Payne - Familiar w/ ditch #5
for past 40 years

Wash out 250 years ago

Rotation - has $3\frac{1}{2}$ days
does not think a cooperative
system would work for him

Can't take all of water into
ditch 5

Ward & Haddock help maintain
existing ditch. Would not have
their assistance after transfer.

MAYO KROGUE -

Does not remember ward &
Haddock ever using water through
ditch #5

KROGUE has 9 days

16 DAYS - 70 AC

12 DAYS - 80 AC

9 DAYS

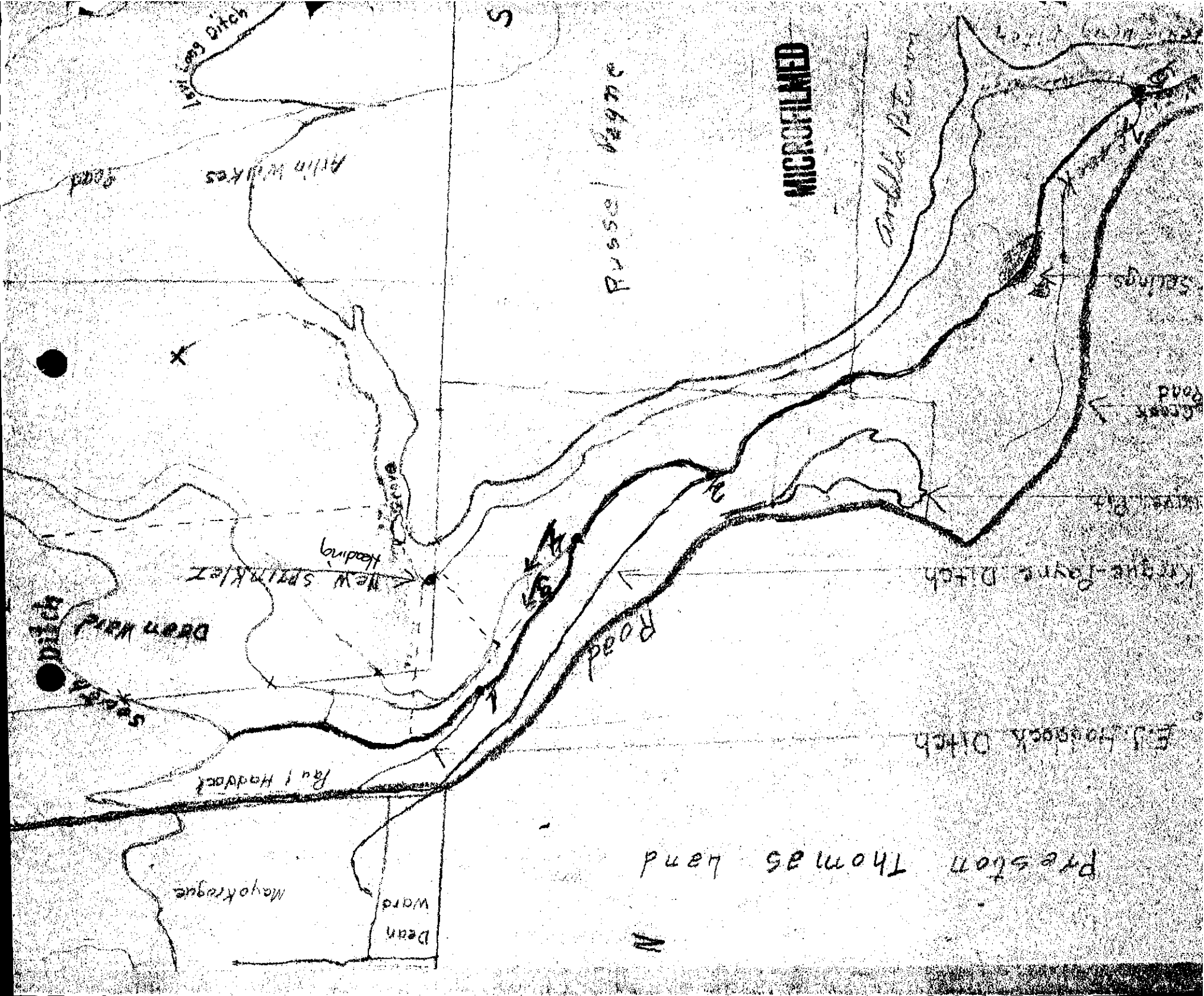
X -

MICROFILMED

Kroque has always rented his
land has only farmed it himself
one year

Has not been up to the wash out
in since 1975

water users have gotten along
quite well through the years.



T 11-1058 - Dean Ward and Grant Haddock

Tuesday, September 28, 1982 (11:00)

Commissioner's Room, Bear Lake County Courthouse

ROSTER OF ATTENDANCE

Hearing Officer Bob F. Kerner & Ron Carlson

Name	Representing	Address
Jay Ward		Bloomington, ID
Dwight Ward		" "
Robert Ward		" "
Adelle Peterson		
Leon Bayne		
James Bayne		
Margo Flogue		
Leonard O. Kingford		
Grant T. Haddock		
Jay A. Koller		
Dean Ward		

MICROFILMED

EXHIBIT "A"

N

DEPT. OF AGRICULTURE

Dean
Ward

Mayo Kroque

Applicant's
Exhibit 2

Preston Thomas Land

E.J. Haddock Ditch

Kroque-Payne Ditch

Gravel Pit

Corn Creek
Road

Hot Springs

Road

Paul Haddock

Dean Ward
Ditch

New Sprinkler

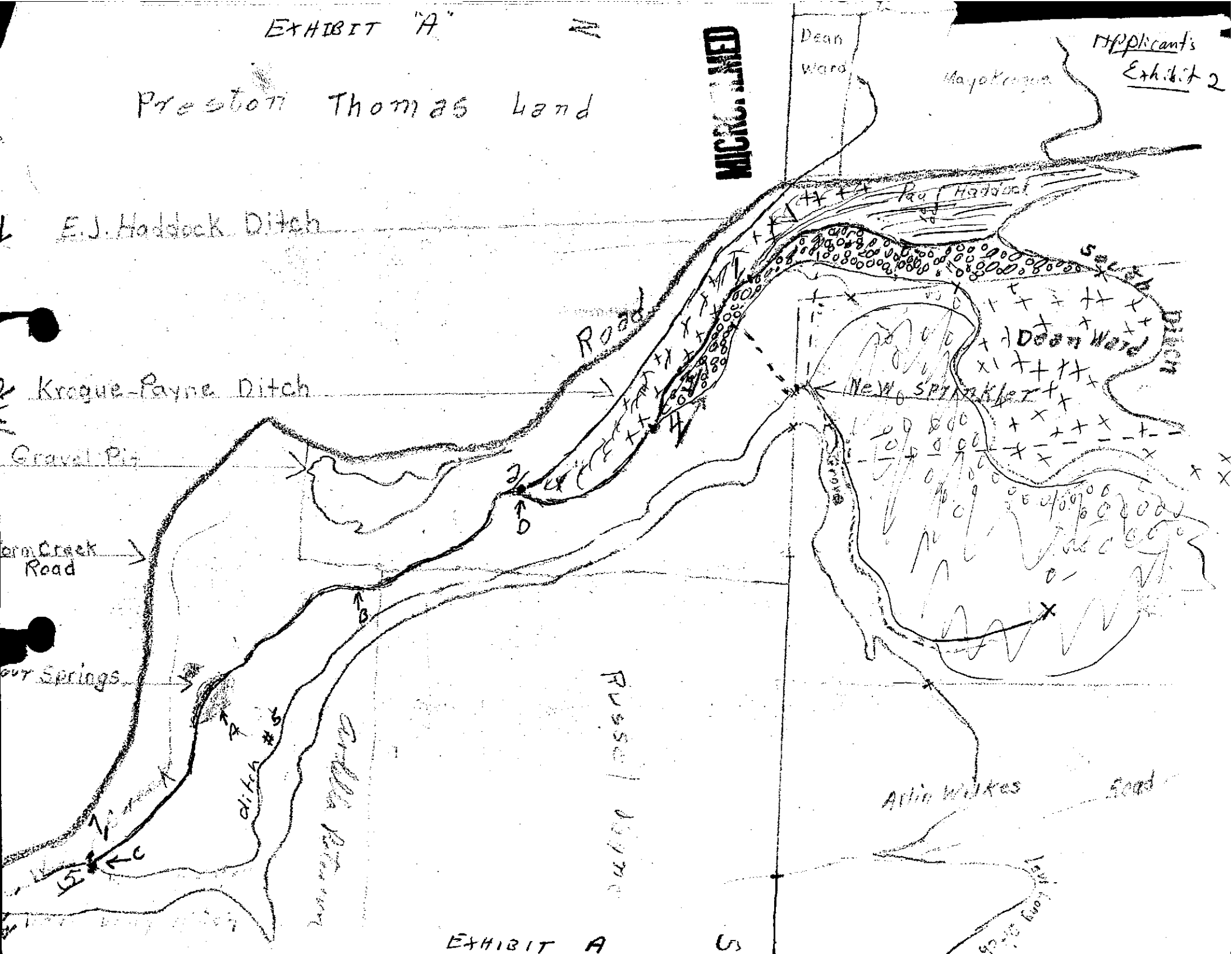
Allen Wilkes

Seed

Prussel Ditch

EXHIBIT A

S



Application for Permit No

11-7097

Dennis Moser & Charles & Gerald Ransom

Protestant

Ardella Peterson

11-7058

Dean Ward & Grant Haddock - Attorney Jay Kohler

Protestants

Ardella Peterson

Attorney Clyde Nelson

Mayo Kroque

Attorney ^{Leonard} Kingsford

Galen Wilkes -

James Payne -

Mr Ward -

Proposal to Mayo ^{Kroque} & James Payne

Allow use of pipeline and rotation ~~with~~ ^{among} four users

MICROFILMED

Proposal to Ardella Peterson & Wilkes

~~Parties~~ Work to improve irrigation system

Main takeout or DIP. was ~~the~~ though Ward #4

Haddock - 1, 2, 4 -

26 1/2

Issue — Is Applicant entitled to a rotation —

54 ³/₈

26

4

84 inches

Kroque — 35 acres irrigated

— Issues

— Not allow the extension ~~3~~ or irrigation of more

— ① Extension by irrigation of more land the originally decreed —

Original decree 1" per acre

— ② Injury caused by ceasing of rotation —

Mr Haddock 23 acres →

— ③ Mr Wilkes issue ownership of 13 inch Levi Long right

— ④ Water diversion

— ⑤ Right-of-way across the land

— Formal Hearing Kroque

MICROFILMED

11-1052

9-28-82

Dean Ward ^{Grant Haddock} - applicant
Jay Kohler - attorney

Protestant

Mayo Kroque - Leonard Kingsford attorney
Ardella ~~Felton~~ - ~~Chas. Nelson~~
(Arleen) Helen Wilkes - Not present
James Payne

Issue

1. Ownership of the right
2. Injury to existing rights
3. Right-of-way
4. Expansion of the existing rights -

Record Begins

Applicant -

Grant Haddock

Decree

23" claimed

Applicant's ^{Admitted} ^{Judicial} → Exhibit #1

Acres irrigated 32 acres

Map showing Worm Ck $8\frac{1}{2} \times 11$ ^{illustrative purposes} Applicant's

^{Admitted} Exhibit #2

Has irrigated land personally 31 years -

MICROFILMED

Would rotation
continue? ^{Yes}

Same ground would be irrigated -

When water is low water is pooled and rotated -

Springs at A on Exhibit 2 would keep channel wet downstream from A
There would be some seepage in the ditch possibly a greater
loss than in Worm Creek channel -

Water was run thru 5 for 1 week in 1976

Historical use of ditch 5. has ~~it~~ been cleaned -

Can't recall last use of ditch before 1976.

No disputes known caused by rotation of water

Haddock had water $5\frac{1}{2}$ days =

Rotation 21 or 28 days

Rotation time reduced by ^{travel} time to New Sprinkler and time to
travel in the stream -

X-team - Mr Kingsford

Rotation set up in 1959

14 inches $4\frac{2}{3}$ days →

McKroque $27\frac{1}{2}$ 7 days ?

Payne Q time ?

Ward time Q ?

~~Re-direct~~

Dean Ward

Water rights claimed — 1077, 61, 62, 79, 82, 66, 84, 69, 68,
73,

1076 and 1064 not claimed

Transferring $85\frac{1}{10}$ "

Land 50 acres irrigated in 60's ? →

About 25 acres irrigated to west of 50 acres

MICROFILMED

Ditch 5 last used in 1976

Prior to 1976 used in 1971 not used much, 1975 used

Water too short between 1971 to 1975 to use ditch 5

Prior to 1971 did

Use of ditch outlined (important statement about use)

In 1962 water used from ditch 5 on Peterson's place -

When

Rotation

10½ days -

Would save expense of pumping water onto the land -

Benefit of gravity system for sprinklers

would use less rate of diversion -

Would like to use all the water available -

Rotation

Ditch 5 maintained some years when water was not available

Maintenance by shovel

request for
additional time

X-exam

Rotation usually from June 5 to

Rotation usually 21 or 28 days

No meetings held last 4 or 5 years -

June 1969 meeting minutes - notice Q and time -

Have used water on a maximum of 75 acres -

Not intention of

X-exam

- This year -

- During last ten years 50 acres -

MICROFILMED

~~The~~ direct

No intention to abandon

Jay Ward —

Son 33 years old

Used ditch 5 to irrigate last time 1976

then in 1972 not recollection prior —

Cleaned ditch in 1968 or 69 helped clean the ditch

Cleaned from P.D. to New Sprinkler —

No recollection of irrigation from ditch prior to 1972

Robert Ward —

Son - age 32

Worked on ditch in 1968 or 69

Irrigated land th

X-exam by Mrs P

Offer - Exhibit #3 Affidavit - rejected -

Mr. Kingsford —

Mrs Peterson - has lived there since 1945

Ditch 5 only used to irrigate her place.

Ditch washed out when she was a child

Not repaired until large power line was put in

Permission was refused to use the ditch

Doesn't want ditch running through her property —

MICROFILMED

X-examine

Lives in Richfield Utah

~~the~~ Visit during May thru June -

Has Visited property every year -

Washout occurred prior to 1945 -

Direct

Mr. Payne - Acquainted with ditch 40 years -

~~the~~

Washout occurred 50 years ago

~~Water~~

Many years ditch was not used to irrigate below Peterson property

3 1/2 days allowed on the rotation -

A cooperative system not possible

Injury caused by abandoning

X-exam

Where

No injury if full amount of water is ~~at~~ received -

Maintenance problem would cause injury

P.D thru ditch 2

MICROFILMED

Mr. Payne
Mrs. Peterso
Mr. Kohler

⑥

Direct

Mr. Kroge

Owned place in 1954

Not aware of repair

Not aware that water was taken in 1975 and 1976

Soil is ^{base} rocky and washes easily

Ditch has been washed out for 50 years -

May not have seen repair -

Interesting injury argument -

Never gets a second crop irrigation -

Sprinkler system not feasible -

P.D. Ditch #2 20 acre -

Rotation -

16 days	75
12 days	80
9 days	

Kroge ←

X-exam -

Check ASCE Photos -

Other water rights may benefit if Ward & Haddock's land is not expanded -

Re-direct -

MICROFILMED

~~Summary~~ Statement

Mr Kohler —

No injury - R/W not within Dept. jurisdiction —

Mr Kingsford —

Damage - injury

Expansion

Application is speculative if there is no easement —

11-1058

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2. **ARTICLE ADDRESSED TO:**

Grant Haddock
Yucca
Box 83261

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12992	

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Grant Haddock
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EASTERN DISTRICT OFFICE
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IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

SEP 20 1982

Department of Water Resources
Eastern District Office

- 11-1058
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2. ARTICLE ADDRESSED TO:

Arlen Wilkes
St Charles
Id. 83272

3. ARTICLE DESCRIPTION:

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CERTIFIED NO.

INSURED NO.

12998

(Always obtain signature of addressee or agent)

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4. *Arlen C. Wilkes*
 DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

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2. **ARTICLE ADDRESSED TO:**

Leonard Kempford
PO Box 915
Arlee Springs, Id 83276

3. **ARTICLE DESCRIPTION:**

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Leonard O. Kempford
 4. **DATE OF DELIVERY**

5. **ADDRESS** (Complete only if requested)6. **UNABLE TO DELIVER BECAUSE:**CLERK'S
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2. **ARTICLE ADDRESSED TO:**

Jay A Kohler
852 Washington
Montpelier, Vt 83254

3. **ARTICLE DESCRIPTION:**

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CERTIFIED NO.

INSURED NO.

13000

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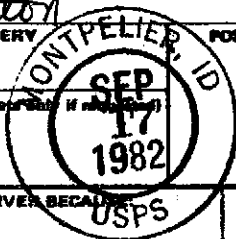
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2. **ARTICLE ADDRESSED TO:**

Alan Ward
Bloomington
Id. 83223

3. **ARTICLE DESCRIPTION:**

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12993

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☐ Addressee☐ Authorized agent4. **DATE OF DELIVERY**

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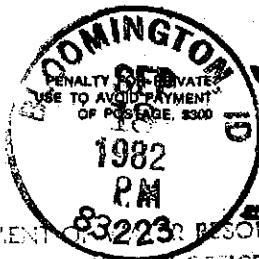
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2. **ARTICLE ADDRESSED TO:**

Ardella Peterson
177 E 2ND NORTH
Richfield Utah 84701

3. **ARTICLE DESCRIPTION:**

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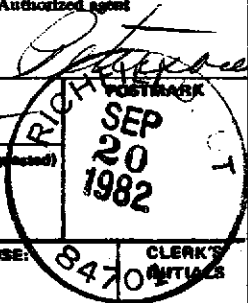
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2. **ARTICLE ADDRESSED TO:**

Clyde Nelson
PO Box 797
Soda Springs Id 83276

3. **ARTICLE DESCRIPTION:**

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	13001	

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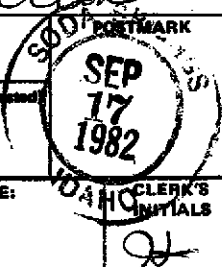
Lisa Bitten

4. **DATE OF DELIVERY**

9-17-82

5. **ADDRESS** (Complete only if requested)

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IDAHO FALLS, IDAHO 83401

(Name of Sender)

SEP 20 1982

(Street or P.O. Box)

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

11-1058

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Show to whom and date delivered.....¢
- ☐ **RESTRICTED DELIVERY.**
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(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Ardee Nelson Jr
484 Washington
Montpelier Id 83254

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12994	

(Always obtain signature of addressee or agent)

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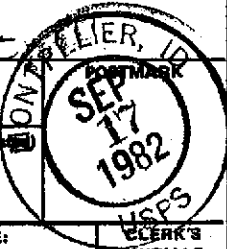
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Sept 17, 1982

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

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Department of Water Resources

Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

11-1058

PS Form 3811, Jan. 1979
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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2. **ARTICLE ADDRESSED TO:**

James Payne
Bloomington
Ind. 83223

3. **ARTICLE DESCRIPTION:**

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	<i>12997</i>	

(Always obtain signature of addressee or agent)

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SIGNATURE ☐ Addressee ☐ Authorized agent

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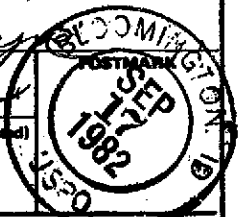
9-17-82

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**

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[Signature]

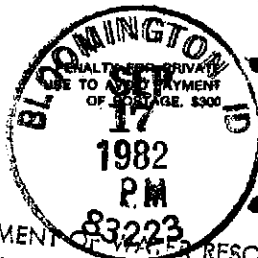


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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401
(Name of Sender)

SEP 20 1982

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

T 11-1058

Returned Receipts

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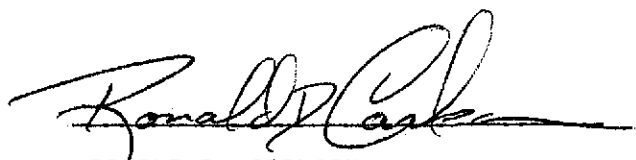
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	}	NOTICE OF HEARING AND/OR CONFERENCE
OF APPLICATION FOR TRANSFER NO. 11-1058 IN		
THE NAME OF DEAN WARD AND GRANT HADDOCK		

On April 26, 1977, Dean Ward and Grant Haddock filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On May 31, 1977, the Department received protests against approval of said application from Ardee Helm, Jr., Attorney at Law, on behalf of Ardella Peterson and from Mayo Krogue. Additional protests were received by the Department on June 7, 1977, from Galen C. Wilkes and on June 8, 1977 from James E. Payne.

The Department has set the matter of protest for hearing for Tuesday, September 28, 1982, at 11:00 a.m. in the Commissioner's Room, Bear Lake County Courthouse, Paris, 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 15th day of September, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

MICROFILMED

DEPARTMENT OF WATER RESOURCES

NAME AND
ADDRESS
OF SENDEREASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail

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☐ Insured
☐ COD
☒ Certified

I certify that we have

- ☐ Commercial Insurance
☐ A deductible clause of
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POSTMARK AND DATE OF RECEIPT

1	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	REST. DEL. FEE	REMARKS
1	12990	Jeffrey L. Williams 1407 W North Temple SAC	20	75							11-7284
2	12991	Luth Ann Jensen, St Rt #2 Preston									"
3	12992	Grant Shaddock, Paris									11-1058
4	12993	Alvan Ward, Bloomington									"
5	12994	Arden Helm 484 Washington, Montpelier									"
6	12995	Ardele Peterson, 177 East 2nd N, Richfield									"
7	12996	Mayo Kroger, Bloomington									"
8	12997	James Payne, Bloomington									"
9	12998	Arden Wicker, St. Charles Id.									"
10	12999	Ronald Kingford, P.O. Box 915 Soda Springs									"
11	13000	Jay A Koller, 852 Washington, Montpelier									"
12	13001	Clyde Nelson, P.O. Box 797, Soda Springs									"
13	13002	Warren B Day, St Rt Box 64, Preston									11-0597
14	13003	Juniper White, War. St. Preston, Id									"
15	13004	BPK Corp. P.O. Box 167, Preston, Id									Am. 13-7127
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15		15		R. Oles							

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PS Form 3877, Sept. 1977
ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

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INTER-DEPARTMENT MEMO — 1

FROM Ernest

DATE February 29, 1980

TO File

SUBJECT T 11-1058

On February 27, 1980, I contacted Mr. Leonard Kingsford concerning the request for ready indication of Worm Creek which was to be submitted by those people signing the "request for continuation" of the conference held on June 8, 1978. He indicated no request had been submitted to his knowledge, but he would contact Mr. Clyde Nelson in an effort to initiate the drafting of a request.

MICROFILMED

SIGNATURE

M E M O

FROM: Ronald D. Carlson *RDC*
TO: File No. 11-1058/etc.
RE: Dean Ward and Grant Haddock

On June 8, 1978 Ernie Carlsen and I prepared to hold a hearing in the matter of protest filed against Application for Transfer No. 11-1058/etc.

Prior to taking formal testimony and evidence I attempted to determine what the issues were that would be heard. Leonard Kingsford, Attorney for Mayo Krogue, indicated that his client was concerned primarily about injury this transfer would cause to other water rights and that it was an expansion of the water right. Clyde Nelson, Attorney for Ardella Beck, indicated he felt there would be injury to other water rights, that it was an expansion of the water right and that the applicant could not show ownership of the rights they wished to transfer. (Mrs. Beck's main objection stems from the fact that the new diversion involves the reopening of a ditch across her property for which she feels the applicants have no easement.)

After further discussion with all parties involved it became apparent that the ownership of these rights was an insurmountable problem due to the vagueness of the decree. All parties agreed to request readjudication of the rights and asked the Department to take no further action on this application until a decision from the court had been made.

MICROFILMED

IN THE MATTER OF)
APPLICATION FOR)
TRANSFER 11-1058 ETC.) REQUEST FOR
IN THE NAME OF) CONTINUATION
DEAN WARD & GRANT HADDOCK)

Based upon the difficulties experienced in determining ownership of the water rights evidenced by the decree handed down by the district court in the case of Edward Haddock vs. Joseph E. Thornick et al., we request the Dept of Water Resources continue the hearing of protests against granting transfer 11-1058 Etc. until we have had the rights on worm creek readjudicated by the district court

signed at Paris Idaho this
8th day of June 1978.

Jay A. Foster
Atty for Dean Ward &
Grant Haddock
Robert C. Hillier
James Payne

MICROFILMED

Application for transfer 11 1058 ETC
Dean ward & Grant Haddock

June 8

Kingsford - Mayo Krogue

Clyde Nelson - Ardella Beck

1. Ownership of right.
2. injury of other water rights
3. Expansion of right
4. Water supply

Petition for readjudication.

MICROFILMED

Application for Transfer # 11-1058.

6/08/78

Mary Kroger - represented by L. O. Kingsford.

- ② More H₂O desired than actually exists - insufficient H₂O available.
- ① Ownership of rights in question.
- ③ Injury to ~~rights~~ existing rights.
- ④ Easement across Mrs. Beck's property.

Ownership of rights in question

11-1016

11-1064

Mrs. Beck claims adverse possession
of a portion of each right
third usage.

MICROFILMED

T 11-1058/etc. -Dean Ward and Grant Haddock

Commissioner's Room, Bear Lake County Courthouse, Paris, Idaho

June 8, 1978 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Jay A. Kohler	852 Washington Montpelier, Idaho	Dean Ward Grant Haddock
Dean Ward	Bloomington, Idaho	
Grant T. Haddock	Paris, Idaho	
Leonard O. Kingsford	Soda Springs, Idaho	Wayo Kroque
Wayo Kroque	Bloomington, Idaho	
Clyde R. Nelson	Box 797 Soda Springs, Idaho 83276	Ardella P. Best James Payne
Ardella P. Best (Peterson)	Richfield, Utah	
James E. Payne	Bloomington, Idaho	
Arden C. Fisher	St. Charles, Idaho	John C. Fisher

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MICRO

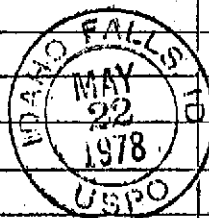
DEPARTMENT OF WATER RESOURCES

Name and
Address
of SenderEASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
☐ C.O.D. ☒ CERTIFIEDAffix stamp here if issued as certificate of mailing or for additional
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1 1020 ✓	Shant Naddock (P.O.), Id.	13	60				T.	11-1058 etc.
2 1031 ✓	Budweiser, 484 Washington, Montpelier						11-7097	"
3 1022 ✓	Jay R. Kohler, 852 Washington, Montpelier, Id.							"
4 1023 ✓	Birds, Nelson, P.O. Box 707, Soda Spr., Id.						11-7097	"
5 1024 ✓	James C. Brown, Bloomington, Id.							"
6 1025 ✓	Wells, Peterson, 1275 2nd N., Richfield						11-7097	"
7 1026 ✓	Allen P. Wilkes, 111 Charles, Id.							"
8 1027 ✓	Thomas J. Ford, P.O. Box 90, Soda Spr., Id.							"
9 1028 ✓	Wm. H. Hogue, Bloomington, Id.							"
10 1029 ✓	Wm. H. Hogue, Bloomington, Id.							"
11 1030	Moses & Hanson, 526 NW 31st, Portland, Or.							11-7097
13								
14								
15								
16								
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Sent by certified
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TOTAL NO. OF
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POSTMASTER (Name of receiving employee)

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if international)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Application for)
Transfer No. 11-1058/etc. in the)
Name of DEAN WARD and GRANT HADDOCK)
_____)

NOTICE OF HEARING

DATE CHANGE

Notice is hereby given that the Department of Water Resources has continued the hearing concerning the above transfer scheduled for June 1, 1978, at 11:00 a.m., in the Commissioner's Room of the Bear Lake County Courthouse at the request of the parties involved.

The Department has rescheduled the continuation of the hearing for Thursday, June 8, 1978, at 9:00 a.m., in the Commissioner's Room of the Bear Lake County Courthouse, Paris, Idaho.

Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the conference and/or hearing notice dated August 18, 1977.

Dated this 22nd day of May, 1978.



RONALD D. CARLSON

Supervisor, Eastern Region

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

May 22, 1978

Ms. Joan Eborn
Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Dear Ms. Eborn:

This is to confirm the changes made during our telephone conversation this date, concerning the rescheduling of the Commissioner's Room. The Department now wishes to reserve the Commissioner's Room for conference and/or hearing on Thursday, June 8, 1978, beginning at 9:00 a.m.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Senior Secretary

MICROFILMED

LEONARD O. KINGSFORD

ATTORNEY AT LAW

Box 915

Soda Springs, Idaho 83276

May 18, 1978

RECEIVED

MAY 19 1978

Department of Water Resources
Eastern District Office

State of Idaho
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

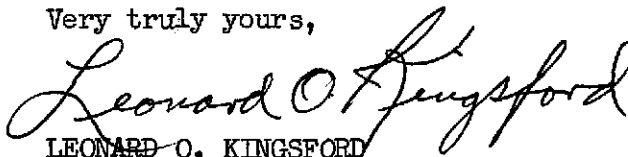
Re: Water Hearing
Soda Springs, Idaho

Gentlemen:

In accordance with our conversation here in Soda Springs on May 10, and in connection with our telephone conversation this morning, we respectfully request that the Water Hearing in the Matter of Protests Against Approval of Application for Transfer No. 11-1058/etc. in the Name Dean Ward and Grant Haddock, scheduled for June 1, be postponed for one week, to June 8, 1978.

Clyde Nelson, one of the other attorneys, agreed to the weeks' delay at the time Mr. Carlson was here on May 10. Jay Kohler, the other attorney, has also agreed to the postponement and has indicated that he would so advise the Water Board by telephone.

Very truly yours,


LEONARD O. KINGSFORD

LOK:nh

cc: State of Idaho
Idaho Department of Water Resources
Statehouse - Annex 2
Boise, Idaho 83707

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RECEIVED

MAY 18 1978

**Department of Water Resources
Eastern District Office**

May 18, 1978

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Due to the short planting season this year, I hereby request a continuation in the conference and/or hearing scheduled for June 1, 1978, at 11:00 a.m.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Mayo Krogue

MAYO KROGUE

MICROFILMED

LEONARD O. KINGSFORD
ATTORNEY AT LAW
Box 915
Soda Springs, Idaho 83276

SDS
File
RECEIVED

MAY 19 1978

May 18, 1978

Department of Water Resources

State of Idaho
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Water Hearing
Soda Springs, Idaho

Gentlemen:

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Clyde Nelson, one of the other attorneys, agreed to the weeks' delay at the time Mr. Carlson was here on May 10. Jay Kohler, the other attorney, has also agreed to the postponement and has indicated that he would so advise the Water Board by telephone.

Very truly yours,

Leonard O. Kingsford
LEONARD O. KINGSFORD

LOK:nh

cc: ✓ State of Idaho
Idaho Department of Water Resources
Statehouse - Annex 2
Boise, Idaho 83707

MICROFILMED

Leonard O. Kingsford

Attorney at Law

Box 915

Soda Springs, Idaho 83276



State of Idaho
Idaho Department of Water Resources
Statehouse - Annex 2
Boise, Idaho 83707

REVIEW & SUMMARY OF THE HISTORY OF
APPLICATION FOR TRANSFER 11-1058/ETC.

JAN 3, 1976 - Mayo Krogue wrote state office
re: a gravity system on worm creek installed
by Dean Ward, Grant Haddock

JAN 5, 1976 - Bob Fleenor advises Mayo Krogue that
transfer is needed to change pd; new application
for permit to irrigate new lands

- Mayo Krogue discussed situation
on Worm Creek w/ R. Carlson

July 21, 1976 - R. Carlson wrote Dean Ward -
advises of apparent need for transfer application

AUG. 10, 1976 - R. Carlson reviews gravity sprinkler
system w/ Dean Ward & Grant Haddock

AUG. 11, 1976 - R. Carlson wrote Dean Ward indicates
that transfer to change pd may not be
necessary but new lands would require
app. for permit

AUG. 24, 1976 - Mayo Krogue wrote R. Carlson request
results of field inspection

AUG. 30, 1976 - R. Carlson wrote Mayo Krogue -
indicated that it appeared that no change in
pd took place but more water may be taken
at an existing pd therefore proper regulation
may require the formation of a water district.

OCT. 6, 1976 - Mayo Krogue & Nolan Krogue file
affidavit w/ Dept. indicating that all water
users on worm creek have taken their water
at a common pd in the NW¹ SW¹ sec 34
T.45 R.43E

OCT. 7, 1976 - R. Carlson supplies copy of
affidavit to Dean Ward

DEC. 4, 1976 Mayo Krogue wrote R. Carlson
requesting status report

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Jan 20, 1977 - R. Carlson wrote Mayo Kroque indicates part of problem stems from decree & readjudication may be necessary

April 26, 1977 Dean Ward & Grant Haddock ~~file~~ apply to transfer Pd and Pu for 19 rights

May 26 & June 2, 1977 Notice of change published in News Examiner

June 1, 1977 - Copy of Tr. Application sent to Russell Stoke

MAY 27
June 2, 1977 - Protest filed by Ardeila Peterson

May 31, 1977 - Protest filed by Mayo Kroque

June 7, 1977 - " " " Arlen Wilkes

July 7, 1977 } " " " James C. Payne

June 8, 1977 } " " " " " "

June 23 & June 30, 1977 - Published notice of correction to correct place of use

~~Can~~

Sept. 1, 1977 Conference held in Paris Idaho Applicant represented by Jay Kohler

Ardeila Beck " " Clyde Nelson

Mayo Kroque " " Leonard Kingsford

matter could not be resolved at conference

Leonard Kingsford requests formal hearing

Continued to later date.

APRIL 12, 1978

May 4, 1978 - Hearing Scheduled

April 28, 1978 - Hearing Cancelled at request of Attys.

May 3, 1978 - Hearing rescheduled
June 1, 1978

May 22, 1978 - Hearing rescheduled to June 8, 1978 at request of Attys for protestants

MICROFILMED

June 8, 1978 - Pre-hearing conference resulted in parties requesting transfer hearing be continued until rights on Worm Creek can be readjudicated.

Feb 27, 1980 E. Carlsen contacted Leonard Kingsford to determine what had happened in their efforts to readjudicate Kingsford said he knew of nothing but would check w/ Clyde Nelson

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 8, 1978

Ms. Joan Eborn
Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Dear Ms. Eborn:

This is to confirm the use of the Commissioner's Room for conference and/or hearing to be held by this Department on June 1, 1978, beginning at 11:00 a.m., and again at 1:00 p.m.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Secretary

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*Post. Office Recd.
15.15. Lincoln Rd.
37401*

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DEPARTMENT OF WATER RESOURCES

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1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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1 1003	Logan, Nels, Sergeant, Rt #6, Idaho Falls, Id.	13	60					25-7103
2 1004	Waxwood, Bloomington, Id.							11-1058
3 1005	Grant, Charles, Paris, Id.							"
4 1006	Ray, H. Keller, 852 Washington, Montpelier							"
5 1007	Blythe, Nelson, Box 742, Soda, Ida.						11-7097	"
6 1008	Paul, Byron, Bloomington, Id.							"
7 1009	Aples, C. Pickles, P. Charles, Id.							"
8 1010	Leonard, King, P. O. Box 915, Soda Spg.							"
9 1011	Ways, Eugene, Bloomington, Id.							"
10 1012	Urdall, Helen, 484 Washington, Montpelier, Id.						11-7097	"
11 1013	Wynne, Mrs. Charles & Mildred, 526 W. 2nd, Pothard, Oregon							11-7097
12 1014	Widella, Pethers, 177-24, Richfield, Utah						11-1058	"
13	Sent by Certified Mail 5-04-78 CW							
14	Not Certified: Russell, Stokes, 249 E 3rd N, Soda						11-0549	13-1227 11-1058
15	Mr. Everett Smith, Box 62, Grace, Id.						11-0548, 0549, 0554	13-1227
16	Albert M. Johnson, Health Dept. City of, Pocatello, Idaho							29-7137
17								
18								
19								
20								

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[Signature]

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

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NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	1003 Roger & Nela Sargent, Rt #6, Odessa, Id.	13	60					25-7103
2	1004 Max Ward, Bloomington, Id.							11-1058
3	1005 Grant Vothick, Paris, Id.							"
4	1006 Jay & Koller, 852 Washington, Montpelier							"
5	1007 Blythe Nelson, Box 222, Soda, Ida.						11-7097	"
6	1008 James Brown, Bloomington, Id.							"
7	1009 Ogden C. Walker, P. Charles, Id.							"
8	1010 Leonard Ziegler, P. O. Box 915, Soda Spg.							"
9	1011 Mary LaRue, Bloomington, Id.							"
10	1012 Ardel Helm, 484 Washington, Montpelier, Id.						11-7097	"
11	1013 Maxine Moss, Charles & Chas. Kannon, 526 W. 1st, Pocatello, Idaho							11-7097
12	1014 Adella Pittman, 177-22, Richfield, Utah						11-1058	"
13	Sent by Certified Mail 504.78 RW							
14	Not Certified: Russell Stoker, 249 E. 3rd St., Soda						11-0549	13-1227 11-1058
15	Mr. Everett Smith, Box 23 Grace, Id.						11-0548, 0549, 0554	13-1227
16	Albert M. Johnson, Health Dept. City, Pocatello, Idaho							29-7437
17								
18								
19								
20								

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Application for)
Transfer No. 11-1058/etc. in the)
Name of DEAN WARD and GRANT HADDOCK)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

Notice is hereby given that the Department of Water Resources has rescheduled the conference and/or hearing concerning the above referenced application for transfer for Thursday, June 1, 1978, at 11:00 a.m., in the Commissioner's Room of the Bear Lake County Courthouse, Paris, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the conference and/or hearing notice dated August 18, 1977.

Dated this 3rd day of May, 1978.



RONALD D. CARLSON
Supervisor, Eastern Region

MICROFILMED

RECEIVED

MAY 2 1978

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

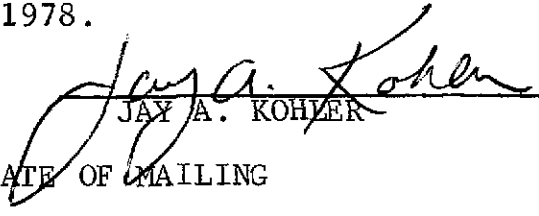
OF THE

STATE OF IDAHO

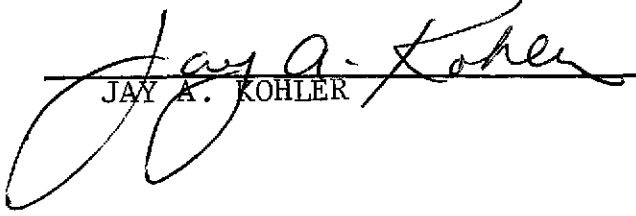
In The Matter of Protests Against)
Approval of Application for Trans-) RESPONSE TO MOTION
fer No. 11-1058/etc. in the Name) FOR CONTINUANCE
DEAN WARD and GRANT HADDOCK)

WARD
COMES NOW JAY A. KOHLER, Attorney for DEAN/and GRANT HADDOCK
and requests that the Conference and/or Hearing concerning the
above referenced application for transfer presently scheduled for
Thursday, May 4, 1978, at 1:00P.M., at the Bear Lake County Court-
house, Paris, Idaho, not be continued beyond the second week in
May, 1978, for the reason that a delayed determination in this
matter may result in crop damage to said DEAN WARD and GRANT
HADDOCK due to inability to utilize the questioned irrigation
system until a determination has been made herein.

Dated this 1st day of May, 1978.


JAY A. KOHLER
CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing
document was mailed in the United States Mail, postage prepaid
addressed to: CLYDE NELSON 59 South Main, Soda Springs, Idaho and
to LEONARD KINGSFORD, P.O. Box 915, Soda Springs, Idaho, this 1st
day of May, 1978.


JAY A. KOHLER

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against)
Approval of Application for Transfer)
No. 11-1058/etc. in the Name of DEAN)
WARD and GRANT HADDOCK)
_____)

NOTICE OF CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the conference and/or hearing concerning the above referenced transfer, scheduled for May 4, 1978, in the Commissioner's Room of the Bear Lake County Courthouse. The conference and/or hearing has been cancelled at the request of the attorneys involved.

The Department will reschedule the conference and/or hearing in the near future, at which time all interested parties will again be notified.

Dated this th 28 day of April, 1978.


RONALD D. CARLSON
Eastern Region Supervisor

MICROFILMED

CLYDE G. NELSON

ATTORNEY AND COUNSELOR AT LAW

159 SOUTH MAIN STREET
SODA SPRINGS, IDAHO 83276

P. O. BOX 797

April 27, 1978

RECEIVED

APR 28 1978

Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Department of Water Resources
State of Idaho
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: In the Matter of Protest Against Approval of Application
for Permit No. 11-7097 in the name of Dennis W. Moser
and/or Charles L. and/or Gerald Ransom

In the Matter of Protests Against Approval of Application
for Transfer No. 11-1058 etc in the name Dean Ward
and Grant Haddock

Dear Mr. Carlson:

Pursuant to my recent telephone conversation with Mr. Ernest Carlson, I am forwarding my Motion for Continuance in the above entitled applications. Mrs. Beck will not be able to appear on that date due to her illness. I have discussed this with Jay Kohler, the attorney for Ward and Haddock, and he is agreeable to a continuance.

I would suggest that the same be continued until sometime after June 1, 1978.

Sincerely,

Clyde G. Nelson
CLYDE G. NELSON

CGN:js
Enc.

MICROFILMED

RECEIVED

APR 28 1978

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources,
Eastern District Office

OF THE

STATE OF IDAHO

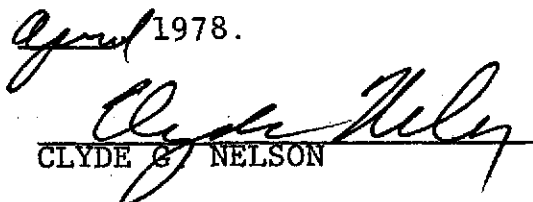
In the Matter of Protests Against)
Approval of Application for Trans-)
fer No. 11-1058/etc. in the Name)
DEAN WARD and GRANT HADDOCK)

MOTION FOR CONTINUANCE

COMES NOW Clyde G. Nelson, attorney for Ardella Peterson Beck and moves that the Conference and/or Hearing concerning the above referenced application for transfer presently scheduled for Thursday, May 4, 1978, at 9:00 A.M., in the Commissioners' Room, Bear Lake County Courthouse, Paris, Idaho, be continued until some later date to be determined by the Department of Water Resources of the State of Idaho, in and for the reason that the Protestant, Ardella Peterson Beck, has undergone surgery, and has recently been hospitalized, and is in no condition to attend said Conference and/or Hearing on said date.

Said Motion is based upon the affidavit attached hereto.

DATED: This 27 day of April 1978.


CLYDE G. NELSON

O R D E R

A Motion for Continuance of Conference and/or Hearing, in the above entitled matter presently scheduled for Thursday, May 4, 1978, having been presented, and good cause appearing therefor,

IT IS HEREBY ORDERED that said Conference and/or Hearing is hereby continued until some later date to be set by the Department of Water Resources of the State of Idaho.

DATED: This 27 day of April, 1978.

MICROFILMED

A F F I D A V I T

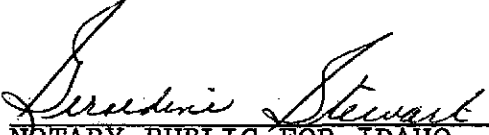
STATE OF IDAHO)
 : ss
County of Caribou)

CLYDE G. NELSON, being first duly sworn, upon oath,
deposes and says:

1. That he is the attorney for Ardella Peterson Beck,
a protestant in the foregoing entitled matter.
2. That the Department of Water Resources of the State
of Idaho has set hearing on the above entitled matter for
Thursday, May 4, 1978 at 9:00 A.M., in the Commissioners'
Room, Bear Lake County Courthouse, Paris, Idaho.
3. That the protestant, Ardella Peterson Beck, will be
unable to appear at said hearing for the reason that the
said Ardella Peterson Beck has recently undergone surgery,
has been hospitalized and is presently too ill to attend
said hearing.
4. That it is essential that Ardella Peterson Beck
appear at said hearing to adequately protect her interests
at said hearing and to furnish testimony or evidence as to
the matters before the Department of Water Resources of the
State of Idaho.
5. That your affiant respectfully requests that the
hearing be continued in said matter until some date to be
determined by the Department of Water Resources of the State
of Idaho.


CLYDE G. NELSON

SUBSCRIBED AND SWORN to before me this 27th day of
April, 1978.


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs

MICROFILMED

CERTIFICATE OF SERVICE BY RESIDENT ATTORNEY

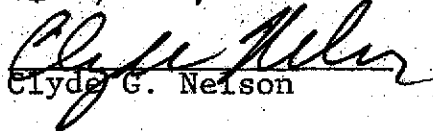
I hereby certify that I am a duly licensed attorney for the State of Idaho, resident of and with my office in Soda Springs, Idaho; that I served a copy of the foregoing upon the attorney named below by mailing a true and current copy hereof to said attorney at his address shown below, postage prepaid:

Attorney LEONARD O. Kingsford

Address P.O. Box 915

Soda Springs, Id. 83276

Dated this 27 day of April, 1978


Clyde G. Nelson

CERTIFICATE OF SERVICE BY RESIDENT ATTORNEY

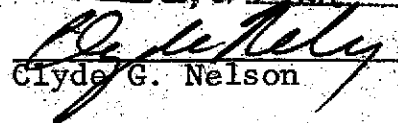
I hereby certify that I am a duly licensed attorney for the State of Idaho, resident of and with my office in Soda Springs, Idaho; that I served a copy of the foregoing upon the attorney named below by mailing a true and current copy thereof to said attorney at his address shown below, postage prepaid:

Attorney Jay Kohler

Address 852 Washington

Montpelier, Id. 83254

Dated this 27 day of April, 1978


Clyde G. Nelson

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 17, 1978

Ms. Joan Eborn
Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Gentlemen:

This is to confirm the use of the Commissioners Room for conference and/or hearing to be held by this office on Thursday, May 4, 1978, beginning at 9:00 a.m., and on Wednesday, May 10, 1978, beginning at 3:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

MICROFILMED

MICROFILMED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Name and Address of Sender

Indicate type of mail:

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REG. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
914	Dean Logan Grace, Id.	13	60					13-7221
915	Thomas W. Ferguson, P.O. Box 1894, Salt Lake					13-7221	11-714	"
916	Whisper Ch. White House, Maas, Id.						T	11-0624, etc.
917	Kyle Bennett, Maas, Idaho							"
918	Wayne Mendenhall Box 20, Thatcher, Id.							"
919	Robert Haddock, Casia, Idaho							T 11-1058, etc.
920	Clarence Wood, Bloomington, Id.							"
921	Vernon J. Nelson, Box 747, Soda Springs						11-7097	"
922	Robert Nelson, 484 Washington, Montpelier, Vt.						11-7097	"
923	Wynne K. Brown, Bloomington, Id.							"
924	James R. Kaine, Bloomington, Idaho							"
925	Robert C. Walker, St. Charles, Id.							"
926	Walter A. Keller, 8521 Washington, Montpelier							"
927	Donald A. Kempford, P.O. Box 915, Soda Springs						11-0253	"
928	Dennis Moser, Charles + 1st, Must Kanone Subdiv, 1st, Fortland, Ore.							11-7097
929	Wynne K. Brown, Rt. 6 Box 101, Idaho Falls							25-7103
930	Wynne K. Brown, P.O. Box 96, Idaho Falls, Id.							"
931	George C. P. Jensen, 485 E. St., Idaho Falls						T 32-0067	"
932	Wynne K. Brown, Rt. 6, Id.							"
933	John W. Marland, Quinn, Rt. 6, Id.							"

TOTAL NO. OF PIECES SENT BY SENDER

20

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

POSTMASTER PER (Name of receiving employee)

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

PS Form 3477, Dec. 1973

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

(Declaration of value is required on international registered mail)

★ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-328-728

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

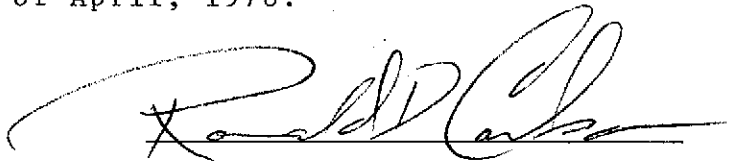
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against)
Approval of Application for Transfer)
No. 11-1058/etc. in the Name of)
DEAN WARD and GRANT HADDOCK)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

Notice is hereby given that the Department of Water Resources has rescheduled the conference and/or hearing concerning the above referenced application for transfer for Thursday, May 4, 1978, at 9:00 a.m., in the Commissioner's Room, Bear Lake County Courthouse, Paris, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the conference and/or hearing notice dated August 18, 1977.

Dated this 12th day of April, 1978.



RONALD D. CARLSON
Supervisor, Eastern Region

MICROFILMED

REC

JAN 5 1977

Department of Water Resources
Bloomington, Idaho Eastern District Office
December 4, 1977

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Ronald D. Carlson, Supervisor.

Dear Mr. Carlson:

Last October 6th. I was in your office and spent some time with you regarding the water diversion that has been made in the water at Worm Creek. If you will recall we formulated an affidavit that was sent to Mr. Dean Ward stating that he had not complied with Sec. 42-222, Idaho Code requiring that an application be made to the water resources department before a diversion of water can be made.

The purpose of this letter is to bring myself up to date on the matter and to learn if there is anything that needs to be done to resolve the problem before the busy spring season starts. Perhaps it would be well to have, if possible, some solution that would be satisfactory to all concerned before the irrigation season starts. With the weather such as it has been for the past few months it appears that we will be real short of water in 1977.

During our conversation you mentioned that you would send the affidavit and a letter to Mr. Ward. I haven't heard anything and I was wondering if the information that you sent to Mr. Ward at that time would be such as to enable me to conclude as to the status of the water of Worm Creek, thereby, I would be able to determine if anything needs to be done at this time or if it would be best to wait until Mr. Ward and Mr. Haddock have made an application for transfer.

I would appreciate very much hearing from you soon and should there be any copies of material or suggestions that you may have I will be most happy to receive them.

I do appreciate very much your time and your past services. I trust you have more snow than we have here and also that you have a happy, successful 1977.

Yours truly,

Mayo Krogue
Mayo Krogue

MICROFILMED

Application 11-7097

SEPT 1, 1977

Moser, Ranson

Application for Transfer 11-1058/ETC
Ward & Haddock

Applicant - Jay Kohler ATTY

Ardella (Beck Peterson) - Clyde Nelson ATTY

Mayo Krogue - Leonard Kingstord ATTY

Dean Ward -

Diversion 1 - 1635 W of Blooming to -
irrigation - ditch

Proposals - 1 Continue to share
water & will allow Protestants
Payne & Krogue to hook on to
existing sprinkler system

Proposal 2 - Assist Wilks &
Peterson (Beck) in putting in
ditch.

Ditch #5 Ditch in contention
one crossing Peterson's Property
Ditches # 5, #6, #7 on Peterson
Property.

Ditch #5 Has not been used prior
to construction of gravity system

MICROFILMED

Ditch # 1, 2, 3, 4 - Were used by Ward & Haddock prior to installation of Gravity system
#4 Ward's main Point of diversion

Ditches # 5, 7 have been used by Mrs. Peterson

Ward Claims he has used water from ditch #5. 1968 last date he can remember doing any work in ditch.

- Krogue - Change will dry up creek
Kroque uses ditch # 2 -

Ward - Ownership of rights determined by mutual agreement. 11-1076
11-1064 in question

Ward, Haddock, Kroque & Payne have used all of the water for many years

ISSUES -

Kroque - Change will dry up ditch and will require too much water to re-soak it. entitled to $26\frac{1}{2}$ " $3\frac{1}{2}$ " in question

Ward Has 40 $\frac{3}{8}$ prior to 1883
Haddock 11 14 " "

Can Ward separate water from Rotation.

3

Mrs Beck has points of diversions
between #5 & #2.

Kroque — irrigator 35 acres under
ditch #2

Payma Uses #2

ISSUES —

- Expansion of Right —
Proposing to irrigate more
land than has traditionally been
irrigated

- Injury

Diverting water from ditch
will increase seepage loss

- Conflict over 11-1064 Leveling
13 inches (WILK'S OBJECTION)

- Ceasing of rotation will
also cause injury

- Have ward & Haddock diverted
from #5 in Past

- Easement across Beck's
Property

- Conclusion —

Protestants can not agree
to proposal —

Kingsford — requested a formal
hearing.

Continue to later date

COMBINED

(11-7097 - Moser and Ransoms

(11-1058 - Ward and Haddock

Courtroom, Bear Lake County Courthouse, Paris, Idaho

September 1, 1977 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name

Address

Representing

Clyde C. Nelson

Dean Ward

Box 797 - Soda Springs

Ardeella Peterson

Bloomington, Ida.

Jay A. Kohlen

852 Washington
MontpelierDean Ward
Grant Haddock

Grant H. Haddock

135 WEST 2ND NORTH

PARIS, IDAHO

Mayo Froque

Bloomington, Idaho

Leonard O. Kingsford

P.O. Box 915, Soda Springs, Idaho

Mayo Froque

Leroy H. Ward

118 So. E. Brigham City, UT

Allen E. Hilker

St. Charles, Idaho

self

Darwin E. Haddock

Paris, Idaho

Edith P. Haddock

Paris, Idaho

Grant W. Bateman

Bloomington, Idaho

Karen R. Ward

Bloomington, Idaho

Edyth S. Ward

Bloomington, Idaho

Philip Ward

Bloomington, Idaho

Robert Ward

Bloomington, Idaho

Hulme Dunsford

Bloomington, Idaho

Jay Ward

Bloomington, Idaho

Caul Haddock

Bloomington, Idaho

Cyril E. Jacobson

Bloomington, Idaho

J. Bryan Haddock

Bloomington, Idaho

Ardeella Deck

1776 2nd N. Techfield St.

James Payne

MICROFILMED

T11-1058

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

- ☒ Show to whom and date delivered..... 1. 11
☐ Show to whom, date and address of delivery.....
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered.....
☐ **RESTRICTED DELIVERY**
 Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Major Kroger
 Bloomington
 Idaho 83223

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

12996

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

4.

DATE OF DELIVERY

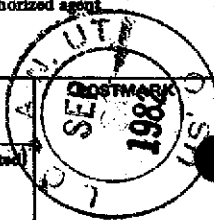
5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

MICROFILMED

1979-288-848



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on 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 TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

2861 4 OCT 4 1982

RETURN
TO
Department of Water Resources
Eastern District Office

Name and
Address
of Sender

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

Indicate type of mail:

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

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

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	683 Arden Nelson Jr., 494 Washington, Montpelier, Id	12	60					11-7897 11-1058
2	684 Ryan Ward, Bloomington, Id.							11-1058
3	685 Brent D. Dink, Pahr, Id.							"
4	686 Mary Kuegel, Bloomington, Id.					\$4.38		"
5	687 James C. Payne, Bloomington, Id.					14.60		"
6	688 M. Arthur C. Wilkie, St. Charles, Idaho					18.98		"
7								
8								
9								
10								Sent by Certified mail 8-19-87 Cal
11								
12								Sent Uncertified to:
13								Russell Staker, 2796 3N, Soda Spgs
14								12-2204 11-0548 11-1058 13-7202
15								Roland Carter, Box 232, Preston, Ida
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

6

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

6

POSTAGE PAID, PER (Name of receiving employee)

87

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

August 23, 1977

Bear Lake County Clerk
Bear Lake County Courthouse
Paris, Idaho 83261

Gentlemen:

This is to confirm the use of the Courtroom in the Bear Lake County Courthouse for conference and/or hearing to be held by this office on Wednesday, August 31, 1977, beginning at 3:00 p.m. and on Thursday, September 1, 1977, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of
Application for Transfer No. 11-1058/etc. in
the Names of DEAN WARD and GRANT HADDOCK; and
Application for Permit No. 11-7097 in the Names
of DENNIS W. MOSER and/or CHARLES L. and/or
GERALD H. RANSOM

NOTICE OF COMBINED CONFERENCE
AND/OR HEARING

On April 26, 1977, Dean Ward and Grant Haddock filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On May 31, 1977, the Department recieved protests against approval of said application from Ardee Helm, Jr., Attorney at Law, in behalf of Ardella Peterson and from Mayo Krogue. Additional protests were received by the Department on June 7, 1977 from Galen C. Wilkes, and on June 8, 1977, from James E. Payne. Subsequently, this application was readvertised and the notice of correction was also protested by the above parties.

On August 24, 1976, Dennis W. Moser and/or Charles L. and/or Gerald H. Ransom filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On September 27, 1976, the Department received a protest against approval of said application from Ardee Helm, Jr., Attorney at Law, in behalf of Ardella Peterson

The Department has set the matter of protests for conference and/or hearing for Thursday, September 1, 1977, at 9:00 a.m., in the Courtroom of the Bear Lake County Courthouse, Paris, Idaho. Because of the similarity of the issues involved, these hearings have been combined. Any hearing will be held in accordance with the Rules and Regulationsof the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

MICROFILMED

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

Dated this 18th day of August, 1977.

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

RONALD D. CARLSON

Supervisor, Eastern Region



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

July 14, 1977

RE: Application for Transfer No. 11-1058/etc. (Notice of Correction)

Mr. Dean Ward
Bloomington, Idaho 83223

Mr. Grant Haddock
Paris, Idaho 83261

Gentlemen:

Please find enclosed protests submitted by Mayo Krogue, James E. Payne and Ardee Helm, Jr., against the above referenced application for transfer that was readvertised due to a newspaper error.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures (3)

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 14, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. Ardee Helm, Jr.
Attorney at Law
484 Washington Street
Montpelier, Idaho 83254

Dear Mr. Helm:

This letter is to acknowledge receipt of the protest you submitted against the correction of the above referenced application for transfer. Your letter will be placed in the file and considered with your original protest.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

July 14, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. Mayo Krogue
Bloomington,
Idaho 83223

Dear Mr. Krogue:

This letter is to acknowledge receipt of the protest you submitted against the correction of the above referenced application for transfer. Your letter will be placed in the file and considered with your original protest.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 14, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. James E. Payne
Bloomington,
Idaho 83223

Dear Mr. Payne:

This letter is to acknowledge receipt of the protest you submitted against the correction of the above referenced application for transfer. Your letter will be placed in the file and considered with your original protest.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 17, 1977

RE: Application for Transfer No. 11-1058 WARD & HADDOCK
Application for Permit No. 11-7117 DAINES

CORRECTIONS

News Examiner
P.O. BOX 258
Montpelier, Idaho 83254

Gentlemen:

We are resubmitting two legal notices to be published on June 23 and June 30, 1977. Since we did not receive a galley proof we had no way of checking the correctness of the advertisements before they went to print.

We, therefore, request that this be advertised again at your expense. If you cannot publish the notice on the proposed dates, please contact us immediately.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: 2

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Application for Transfer No. 11-1058/etc. in the names of Dean Ward and Grant Haddock was advertised incorrectly on May 26 and June 2, 1977. The right listed to E. J. Haddock under No. 11-1082 should have been right No. 11-1088 for one inch. The place of use was advertised as being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

WHEREAS, the actual place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 11, 1977.

C. STEPHEN ALLRED

Director

Published in the News Examiner, Montpelier, Idaho, on June 23 and June 30, 1977.

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AW-A. 2-26



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 14, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. James E. Payne
Bloomington,
Idaho 83223

Dear Mr. Payne:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

June 14, 1977

REL Application for Transfer No. 11-1058/etc.

Mr. Dean Ward
Bloomington, Idaho 83223

Mr. Grant Haddock
Paris, Idaho 83261

Gentlemen:

Please find enclosed an additional protest submitted by James E. Payne against the above referenced application for transfer.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 8, 1977

RE: Application for Transfer No. 11-1058/etc.

Mr. Dean Ward
Bloomington, Idaho 83223

Mr. Grant Haddock
Paris, Idaho 83261

Gentlemen:

Please find enclosed an additional protest submitted by Arlen C. Wilkes against the above referenced application for transfer.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 8, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. Arlen C. Wilkes
St. Charles,
Idaho 83272

Dear Mr. Wilkes:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

CC: IDWR - State Office

MICROFILMED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUN 7 1977

NO. 11-1058/etc.

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Caribou, State of Idaho,
whose address is 279 East Third North, Soda Springs, Idaho 83276
have read the attached copy of the application for transfer of water right for _____
Dean Ward and Grant Haddock, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: ---- NONE --

OR

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

Dated at Soda Springs, Idaho, this 6th day of June 19 77.

Russell D. Stoker
(signature)

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 2, 1977

RE: Application for Transfer No. 11-1058/etc.

Mr. Dean Ward
Bloomington, Idaho 83223

Mr. Grant Haddock
Paris, Idaho 83261

Gentlemen:

Please find enclosed a copy of two protests filed against the above referenced application. You should be aware that the items we can consider at a conference and/or hearing in either approving or denying an application for transfer are as follow:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

Enclosures (2)

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 2, 1977

RE: Application for Transfer No. 11-1058/etc WARD & HADDOCK

Mr. Ardee Helm, Jr.
Attorney at Law
484 Washington Street
Montpelier, Idaho 83254

Dear Mr. Helm:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted in behalf of Ardella Peterson. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 2, 1977

RE: Application for Transfer No. 11-1058/etc. WARD AND HADDOCK

Mr. Mayo Krogue
Bloomington,
Idaho 83223

Dear Mr. Krogue:

This is to acknowledge receipt of the protest to issuance of the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

MICROFILMED

June 1, 1977

RE: Application for Transfer No. 11-1058/etc. WARD & HADDOCK

Mr. Russell Stoker, Watermaster
Water District 11
279 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before June 13, 1977.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

MICROFILMED

May 20, 1977

RE: Application for Transfer WARD & HADDOCK

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

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-15-77 by Cal

RDC:ME

Enc: 1 legal

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NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that Dean Ward, Bloomington, Idaho, and Grant Haddock, Paris, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Worm Creek tributary to Bear River. The rights sought to be changed are evidenced by decree to:

E. J. Haddock, 11-1058 - 10 inches, May 1, 1868
N. C. Nelson, 11-1076 - $3\frac{1}{2}$ inches, May 1, 1869
E. J. Haddock, 11-1060 - $1\frac{1}{2}$ inches, May 1, 1870
Peter Greenhalgh, 11-1077 - 20 inches, May 1, 1870
D. A. Nelson, 11-1061 - $4\frac{1}{2}$ inches, May 1, 1870
E. J. Haddock, 11-1078 - $2\frac{1}{2}$ inches, May 1, 1877
Peter Greenhalgh, 11-1062 - 6 inches, May 1, 1877
D. A. Nelson, 11-1079 - $6\frac{3}{8}$ inches, May 1, 1880
Levi H. Long, 11-1064 - 13 inches, May 1, 1883
E. J. Haddock, 11-1065 - 1 inch, May 1, 1888
Peter Greenhalgh, 11-1082 - 4 inches, May 1, 1890
D. A. Nelson, 11-1066 - $8\frac{3}{8}$ inches, May 1, 1891
John Q. Welker, 11-1089 - $3\frac{1}{2}$ inches, May 1, 1891
D. A. Nelson, 11-1084 - $6\frac{7}{10}$ inches, May 1, 1892
D. A. Nelson, 11-1068 - $19\frac{1}{4}$ inches, May 1, 1893
D. A. Nelson, 11-1069 - $6\frac{1}{2}$ inches, May 1, 1894
D. A. Nelson, 11-1087 - $8\frac{3}{4}$ inches, May 1, 1895
E. J. Haddock, 11-1082 - 1 inch, May 1, 1895 *Should be 1088 cu*
D. A. Nelson, 11-1073 - $3\frac{1}{2}$ inches, May 1, 1896;

in case of Edward Haddock -vs Joseph E. Thornick et al dated Oct. 10, 1904 in Fifth District Court, County of Bear Lake. The total amount of water listed under this right is 2.67 c.f.s. for irrigation purposes from Apr. 1 to Nov. 1 for 133.5 acres which includes the E $\frac{1}{2}$, Sec. 34, T. 14S, R. 43E, B.M. The decreed point of diversion is NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 14S, R. 43E, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 15S, R. 43E, B.M. Bear Lake County.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 15S, R. 43E, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 14S, R. 43E, B.M., and used to irrigate lands within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 14S, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 13, 1977.

C. STEPHEN ALLRED

Director

Published in the News Examiner, Montpelier, Idaho, on May 26 and June 2, 1977.

MICROFILMED

*me. f.
me. c.*

January 20, 1977

Mr. Mayo Krogue
Bloomington,
Idaho 83223

Dear Mr. Krogue:

In October of 1976, after your visit to this office, we sent a letter and a copy of your affidavit to Mr. Dean Ward of Bloomington, Idaho. We indicated to Mr. Ward that based upon your affidavit it appeared that it would be appropriate for him to make an application for transfer. We have not received any reply from Mr. Ward at this time.

Because of the ambiguousness of the decree, it may be necessary for the water users from Worm Creek to request the district court and the Department of Water Resources to make a general readjudication of the Worm Creek water rights.

If Mr. Ward chooses to make application for transfer we will certainly advise you.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

MICROFILMED

October 7, 1976

Mr. Dean Ward
Bloomington,
Idaho 83223

Dear Mr. Ward:

As you recall, in early August I met with you and Mr. Haddock to review the change represented by the installation of your gravity sprinkler system. At that time you told me that no change in the point of diversion had taken place, but rather you had installed the intake for your gravity system at the end of an existing ditch.

Since that time we have been contacted on two different occasions by Mayo and Nolan Krogue and they inform us that the upper ditch through which you will divert water for your gravity system was abandoned many years ago. I am enclosing a copy of an affidavit they submitted for your review.

In view of their sworn statement, it appears that you must make application for transfer to comply with Sec. 42-222 of the Idaho Code. For your convenience, I have included an application for transfer but would be happy to assist you in completing this application at our Idaho Falls Office, or possibly if you wished we could schedule to meet with you if someone from this office is in the area in the near future.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

MICROFILMED

IN THE MATTER OF:)

DEAN WARD AND GRANT HADDOCK)
CHANGE IN POINT OF DIVERSION)
ON WORM CREEK)

AFFIDAVIT

State of Idaho)

County of Bonneville)

NOLAN KROGUE AND MAYO KROGUE

being first duly sworn,

deposes and says: In May of 1976, Dean Ward and Grant Haddock changed their
point of diversion on Worm Creek from NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 14S, R. 43E to a diversion
upstream located within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 15S, R. 43E, B.M., Bear Lake County.

All of the water users on Worm Creek have diverted their water at the same diversion
point (NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34) for over 40 years. The change Ward and Haddock have made
has caused the remaining users to not have adequate water for two irrigations.

We feel that Dean Ward and Grant Haddock have not complied with Sec. 42-222,
Idaho Code, since no application for transfer has been made to the Idaho Department
of Water Resources.

We believe that by not complying with the Idaho Statutes we have been denied
our administrative process and will be forced into legal recourse.

MICROFILMED

Mayo Krogue
(signature)

Nolan Krogue

Subscribed and sworn to before me this 6th day of October 19 76.

Ronald D. Carson
(notary public)

Residing at IDAHO FALLS, IDAHO

My commission expires 2/14/78

$$\frac{d}{dx} \left(\frac{1}{x} \right) = -\frac{1}{x^2}$$

Point of Livingston
upstream 3/4 mi

all water from ^{Canyon} for
all users has been
taken from here for
50 yrs

Haddock

Russell Payne

Erasmus
Payne Dutch

Creek Bed

Cement Head

Paul Haddock
5/39

Mayo Kroque
E138

Dean Ward
E361

Russell Payne
EBL

Dunford

Perse

Robert Talbot
#336

Preston Th

James Payne
E 347

O. H. Bättern
1924

August 30, 1976

Mr. Mayo Krogue
Bloomington
Idaho 83223

Dear Mr. Krogue:

This letter is to keep you advised on what has transpired since you contacted this office concerning a change in point of diversion on Worm Creek. After your visit I contacted Mr. Dean Ward, and subsequently inspected the change he had made in his irrigation system by installing gravity sprinklers.

It does not appear from this field inspection that by making this change he did, in fact, change his point of diversion. Since the diversion from Worm Creek has not been changed, it is not necessary for Mr. Ward to make application for transfer. It may, however, result in a change in the amount of water that is diverted from each existing point of diversion from Worm Creek, and thereby could result in additional inconvenience to, or actual interference with the water rights of other water users on Worm Creek. If this occurs, it may be necessary for the water users to form a water district, and elect a watermaster to see that all water rights are delivered according to the decree.

I apologize for not contacting you sooner concerning my correspondence with Dean Ward. I again thank you for your letter of August 24, 1976, reminding me that I had not written to you as I had previously agreed to do. If you have additional questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

MICROFILMED

RECEIVED

AUG 25 1976

Department of Water Resources
Eastern District Office

Bloomington, Idaho
August 24, 1976

Ron Carlson,
Dept. of Water Resources,
Eastern District
Idaho Falls, Idaho

Dear Mr. Carlson:

About six weeks ago I called at your office and had some discussion with you concerning the water that comes from the Worm Creek canyon just south of Bloomington.

It appears that there has been a diversion of the water and I have some concern as to the position of the water department in the legality of such a diversion. At the close of our discussion you informed me that you would write to Mr. Dean Ward about the matter and that you would let me know or likely send me a copy of the letter. To date I have'nt contacted nor discussed this with any one and inasmuch as I have'nt heard from you I have been wondering if you have made any progress or conculsion about the situation.

Should you be in the Bloomington area in the near future I would appreciate you contacting me. I am at my farm most of the time and will be harvesting soon so it would be well if you could let me know a short time in advance. Just a short letter would be sufficeint and also satisfy my thinking for the present. Should there be more information you need please let me know.

I do appreciate your time and interest in this matter and thank you for the same.

Yours truly,

Mayo Krogue
Mayo Krogue

MICROFILMED

M E M O

TO: File
FROM: Ron Carlson
RE: Field Review of Dean Ward's Gravity Sprinkler System
DATE: August 11, 1976

Several weeks ago, Mayo Krogue contacted us at this office and indicated that Dean Ward, Bloomington, Idaho, had changed his point of diversion from Worm Creek, and had installed a gravity sprinkler system. It appeared from the conversation that Mr. Ward needed to make application for transfer to comply with the statutes and properly record the change.

I wrote a letter to Mr. Ward, indicating that an application for transfer might be necessary, and that he should contact this office, which he did on July 21, 1976. I made an appointment to meet with Mr. Ward and review his change for August 10, 1976.

We inspected the entire system on the ground, and I was shown each of the ditches from Worm Creek that supply the several water users. Worm Creek is decreed August 10, 1904, decreed in the case of Edward Haddock -vs- Joseph E. Thornock, et al. The decree was not specific, giving only the number of inches and the priority date of each right. The change Mr. Ward had accomplished did not result in a change in the point of diversion from Worm Creek, but rather transported the water through an existing ditch into the intake for his gravity system. He and two other water users had pooled their water rights and gone together on the system. The flow from Worm Creek apparently diminishes rapidly during the summer months, and the water users have agreed upon a 28-day rotation system, giving the later priority rights water during a longer period than they had otherwise. The rights in the

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decree go from 1870 to about 1898.

I advised Mr. Ward that, based upon the field inspection, he did not need to make application for transfer, but if he planned on sprinkling portions of his property that had not been previously irrigated, he would need to make application for permit. I left him application forms, and he agreed to submit them when he determined what additional areas he would attempt to irrigate.

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August 11, 1976

Mr. Dean Ward
Bloomington
Idaho 83223

Dear Mr. Ward:

I appreciated the opportunity to review your Worm Creek system, and the time you spent showing it to me.

As I indicated to you during my visit, it does not appear that there has been a change in the point of diversion involved in your installation of a gravity sprinkler system, since the existing ditches are still being used and no changes have been made in the diversions from Worm Creek.

It was difficult for me to determine exactly what lands had been irrigated in the past, but if you do attempt to irrigate lands that have not previously been irrigated from Worm Creek, it will be necessary to make application for permit to legally effect this expansion in acreage. Your gravity sprinkler system should greatly increase your application efficiency and use of water, and should be a real asset to your Worm Creek system.

If you have any questions in the future, don't hesitate to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

MICROFILMED

July 21, 1976

Mr. Dean Ward
Bloomington,
Idaho 83223

Dear Mr. Ward:

It has been brought to our attention that you recently changed the point of diversion and place of use of water diverted from Worm Creek. If you have made such a change, I recommend that you contact this office at your earliest convenience to prevent jeopardizing your water rights and possibly suffering legal penalties.

We would be happy to assist you at our Idaho Falls Office or if you wish we could meet with you some time when we are in that area.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

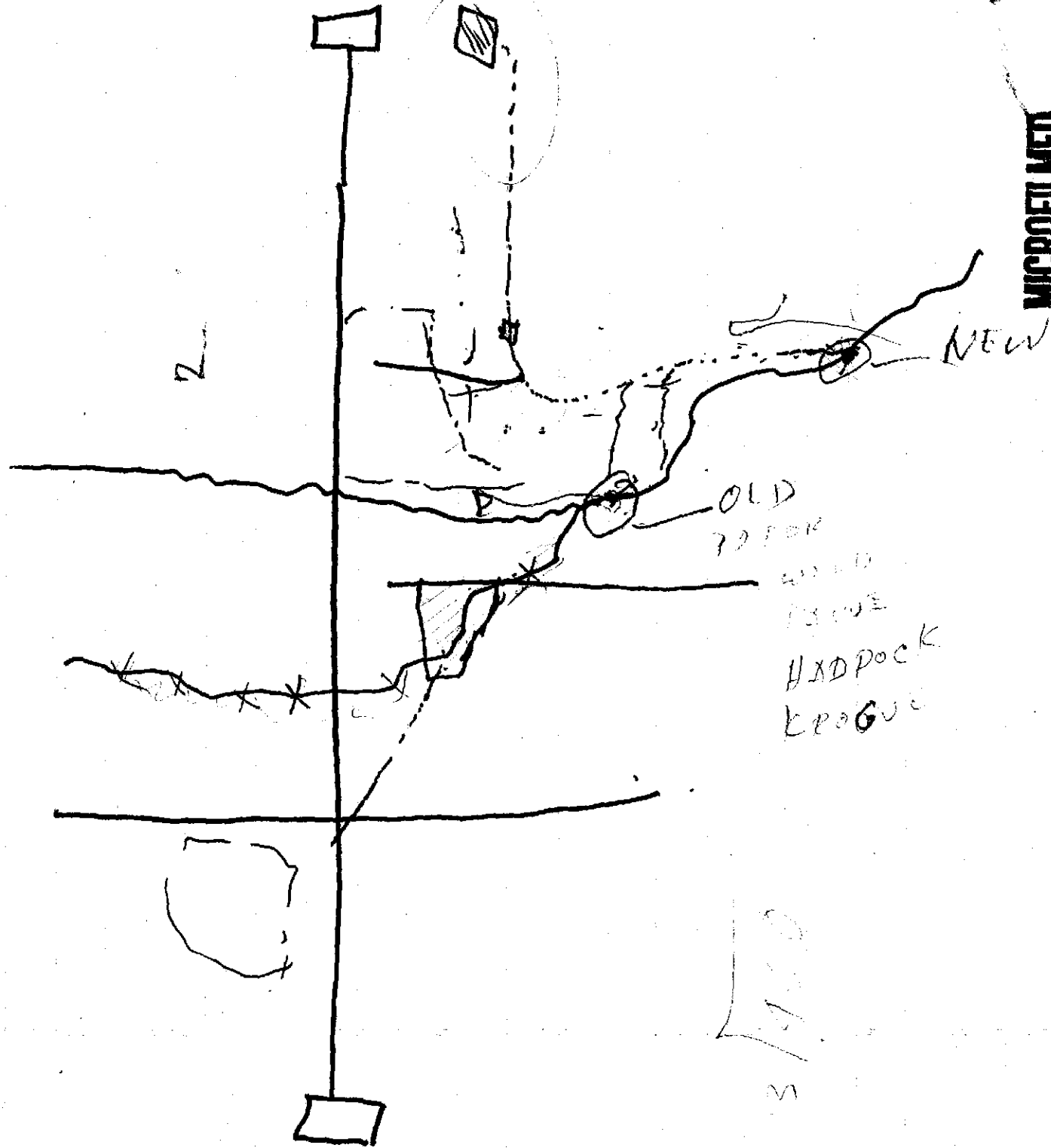
RDC:cw

MICROFILMED

TC- Wesley Crowther →

DEAN WARD -

BLOOMINGTON



MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 5, 1976

Mayo Krogue
Bloomington,
Idaho 83223

Dear Mr. Krogue:

Your January 3rd letter raises several important questions regarding water rights.

A new water right for the use of surface water can only be established by the filing of an application and the issuance of a water right permit. This permit may be granted only if there is sufficient water in the source and if it does not interfere with other existing prior water rights.

A change in an existing water right may be made only after an application for transfer is filed and approved. Again the approval will be granted only if it does not injure another existing water right.

We are forwarding your letter to our regional office in Idaho Falls and perhaps, they will be in your area in the near future to discuss this problem with you.

We hope this information will assist you.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Idaho Falls Office

Meeting of water owners June 30/59. Leon Hard.
D.C. Haddock, James Payne, Mayo Krogue, Jay Nelson.
1 day for each 3" of water.
Haddock 1st 14" = 4 1/3 days. (over)
Krogue 2nd 27 1/2" = 9 "
Hard 3 36 7/8" = 12 1/3 "
Payne 4 9" = 3 days
86 3/8" 29 days total
Totals

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
IDAHO IN AND FOR BEAR LAKE COUNTY, IDAHO.

EDWARD HADDOCK)
Plaintiff)
VS.)
JOSEPH E. THORNOCK)
Defendant)

Be it remembered that this cause was commenced by filing the complaint on the thirteenth day of August, 1901, by Edward Haddock, plaintiff, against Joseph E. Thornock; that afterward upon showing duly made to the Court that Peter Greenhalgh, James A. Nelson, E. J. Haddock, D. A. Krogue, Levi H. Long, David A. Nelson, N. P. Rasmussen, Fred Jacobsen, O. C. Dunford, Jacob Welker, Nelson C. Nelson, and James G. Welker, were necessary and proper parties to this action, it was ordered that they be made parties defendant; that afterward to wit; on the 23rd day of June, 1902, all of said parties to this action agreed in writing to and did appoint Alma Findlay, J. A. Hulme, and H. H. Broomhead as Referees, to take the testimony in this case, and submit their findings of fact to the parties in this case and to the Court, and that the decree of this Court be based upon said findings of fact, should be entered as the decree of this Court, in this action with the same force and effect as if the case had been regularly tried before the Court.

That said Referees have filed their report and findings of fact in the Court, which are agreed to by all of said parties, and accepted and approved by this Court, from which said findings of fact, the Court made its conclusions of law, - that each of said parties are entitled to the water as of the amounts and dates specified in said findings of fact.

Now therefore this cause coming regularly on this 10th day of October, 1904, for the entry of Judgment, Alfred Budge Esq., appearing for the plaintiff and John A. Bagley Esq., appearing for the Defendants,

It is ordered adjudged and decreed, that the several parties to this action are entitled to and are hereby decreed, the waters of Worm Creek, and its tributaries, a stream in Bear Lake Co., State of Idaho, as of the following amounts and dates to-wit:

Name	Amount	Of Date
E. J. Haddock ^{OK}	10 inches	May 1st, 1868
N. C. Nelson ?	8 1/2 inches	May 1st, 1868
O. C. Dunford ?	4 "	" 1st, 1869
D. A. Krogue ^{OK}	3 "	" 1 " 1869
E. J. Haddock ^{OK}	1 1/2 "	" 1 " 1870
Peter Greenhalgh ^{OK}	20 "	" 1 " 1870
D. A. Nelson ^{OK}	4 1/2 "	" 1 " 1870
E. J. Haddock ^{OK}	6 1/2 "	" 1 " 1877
Peter Greenhalgh ^{OK}	6 "	" 1 " 1877
D. A. Nelson ^{OK} ? (16 3/8)	6-3/8 "	" 1 " 1880
D. A. Krogue ^{OK}	16 "	" 1 " 1883
James A. Nelson	9 "	" 1 " 1883
Levi H. Long ?	13 "	" 1 " 1883
O. C. Dunford	2 "	" 1 " 1883
E. J. Haddock	1 "	" 1 " 1888
Peter Greenhalgh	4 "	" 1 " 1890
D. A. Nelson	8 3/8 "	" 1 " 1891
John Q. Welker	3 1/2 "	" 1 " 1891
James A. Nelson	15 1/2 "	" 1 " 1892
D. A. Nelson	6-7/10 "	" 1 " 1892
D. A. Nelson	19 1/2 "	" 1 " 1893
Jacob Welker	7-3/4 "	" 1 " 1893
D. A. Nelson	6 1/2 "	" 1 " 1894

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Name	Amount	Or Date
BL Jacob Welker	2 7 1/4 8 1/2 Inches	May 1st, 1894
WKS Levi H. Long	60 "	" 1 " 1894
W D. A. Nelson	8-3/4 "	" 1 " 1895
EX Jacob Welker	5 "	" 1 " 1895
DE E. J. Haddock	1 "	" 1 " 1895
WKS Peter Rasmussen ?	3 "	" 1 " 1895
DE John Q. Welker	3 1/2 "	" 1 " 1895
W D. A. Nelson	3 1/2 "	" 1 " 1896
WKS Levi H. Long	7 "	" 1 " 1896
BL Fred Jacobsen	2 "	" 1 " 1898
Fred Jadobsen	6 "	" 1 " 1901

That an inch of water as mentioned in this decree means a ~~miners inch of water measured under a four inch pressure~~, or one fiftieth (1/50) of one (1) cubic foot of water per second of time.

Dated this 10th day of October, 1904.

James M. Stevens
Dist. Judge