Form 202
6/85

Ident. No. 11 7368

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Stan R. or Betty G. Harding Phone (805) 245-1750
   Post office address ~~P.O. Box 2508 Arizona City, AZ 85223~~ ~~Star Route, Box 8012, Frazier Park, CA 93225~~

2. Source of water supply Spring which is a tributary of sinks

3. Location of point of diversion is SW ¼ of NE ¼ of NE ¼, Govt. Lot _____
   Sec. 7 Township 12S Range 43E B.M. Bear Lake County; additional
   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 0.02 cfs (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) 0.02 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. collection pipe to small tank pump with mainline to single domestic home

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (*minimum 1 year*).

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

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

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. One

e. Other; describe fully. _____

9. Description of place of use:

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	43E	7	D																

Total number of acres to be irrigated _____

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

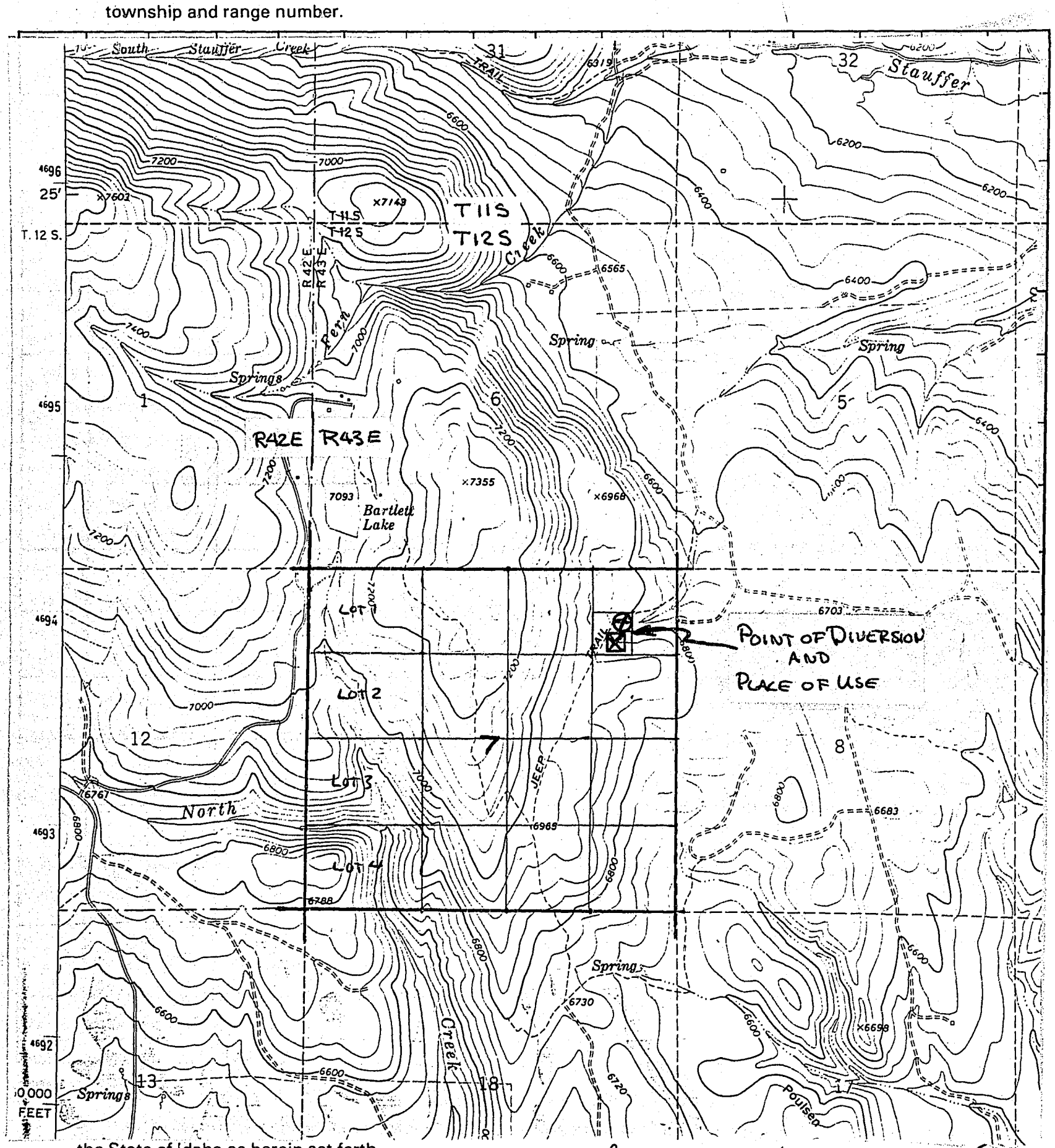
11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: _____

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



the State of Idaho as herein set forth.

(Applicant)

Assisted by KCW

Received by CW Date 7-28-87 Time 2:55p Preliminary check by SV

Fee $ 30 00 Receipted by CW # 41308 Date ~~8-6 + 8-13-87~~

Publication prepared by dg Date 7-29-87 Published in News Examiner 8-20+827-87

Publication approved dg Date 10-13-87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

NOTICE OF CORRECTION

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

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

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

R. Keith Higginson
Director

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

No. 3385

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 8 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake } ss.

Therese Stamm
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with September 17, 1987, and ending with the issue of September 24, 1987

Therese Stamm

Fees, -0-

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

Kim D. Allen

Notary Public, Residing at ~~Montpelier~~, Idaho

My Commission Expires January 7, 1992

No 3362

AUG 3 0 1987

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Bear Lake } ss.

Therese Stamm

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 20, 1987, and ending

with the issue of August 27, 1987

Therese Stamm

Fees, $35.19

Subscribed and sworn to before me this 30th day

of Aug, 1987

Kim D. Allen

Notary Public, Residing at ~~Montpelier~~, Idaho

My Commission Expires June 7, 1992

RECEIVED
SEP 4 1987
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

11-7367
COPENHAGEN HILLS ASSOCIATION
C/O JOHN P. NELSON, 24 WEST 200 NORTH, HYDE PARK, UT 84318
Source: SPRING trib. to SINKS
Diversion Pt: NWSWSW Sec 25 T 12S R 42E
Use: IRRIGATION (0.160 CFS)
DOMESTIC (0.120 CFS)
Date Filed: 06/15/1987
In: NESW NWSW SWSW Sec 25 T 12S R 42E NWSW SWSW SESW Sec 25 T 12S R 42E FOR 6 ACRES

11-7368
HARDING, STAN R. &/ or BETTY G.
STAR RT. BOX 8012, FRAZIER PARK, CA 93225
Source: SPRING trib. to SINKS
Diversion Pt: SWNENE Sec 07 T 12S R 43E
Use: DOMESTIC (0.020 CFS)
Date Filed: 07/28/1987
In: NENE Sec 07 T 12S R 43E

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

KEN DUNN, Dir.

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of July, 1988.

RONALD D. CARLSON

Eastern Regional Manager

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

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

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

3. Article Addressed to:
Mae M. Clark
1526 Calle Enrique
Pleasanton, Ca 94566

4. Article Number
0246

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Mae M Clark

6. Signature — Agent
X

7. Date of Delivery
2/21/89

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

PS Form 3811, Feb. 1986 11-7368 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:
Roger J. Carlson Pres.
Concho Energy Co.
P.O Box 115
Simi Valley, Ca 93062

4. Article Number
0247

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Patricia Carlson

7. Date of Delivery
2-21-89

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

PS Form 3811, Feb. 1986 11-7368 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

OAKLAND CA 945
PM
21 FEB
1989

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

RECEIVED
FEB 23 1989
Department of Water Resources
Eastern District Office

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

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

OAKLAND. CA 946
PM
21 FEB
1989

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

RECEIVED
FEB 23 1989
Department of Water Resources
Eastern District Office

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

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

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

Dated this 17th day of February, 1989.

Ronald D. Carlson

RONALD D. CARLSON

Eastern Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

Dated this 14th day of June, 1989.

RONALD D. CARLSON
Eastern Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

The Department has scheduled the matter of protest for hearing to be conducted at 9:30 a.m., Tuesday, August 6, 1991, in the Second Floor Conference Room, Idaho State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 10th day of July, 1991.

Ronald D. Carlson

RONALD D. CARLSON
Eastern Regional Manager

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

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

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

3. Article Addressed to:
Roger Carlsen P.E.
Calcecco Engineering Inc
PO Box 115
Simi Valley, CA 93062

4. Article Number
0739

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Katrina Carlsen

6. Signature — Agent
X

7. Date of Delivery

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

SIMI VALLEY, CA
JUL 13
USPO

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-015 **DOMESTIC RETURN RECEIPT**

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

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

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

3. Article Addressed to:
Mac McClark
1526 Calle Intrigue
Pleasanton, CA 94566

4. Article Number
0742

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Mac Clark

6. Signature — Agent
X

7. Date of Delivery 7/13

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

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

IDAHO FALLS, IDAHO 15 JUL 1991

RECEIVED
JUL 17 1991
Department of Water Resources
Eastern District Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

FINDINGS OF FACT

1. On July 28, 1987, Stan R. and Betty G. Harding filed with the Department, Application for Permit No. 11-07368 proposing to divert 0.02 cfs of water from an unnamed spring to be used for domestic use.

2. The Department advertised the application in the county newspaper and a protest was filed by Roger J. Carlsen.

3. A conference was head on July 5, 1989, and a hearing was held on August 6, 1991. The applicants represented themselves and the protestant was represented by Randy Carlsen, brother of the protestant.

4. The issues identified by the protestant are:

   a. Approval of the application will reduce the quantity of water claimed under Claim to a Water Right No. 11-04050.

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

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

a. Exhibit No. 1 - A letter from the protestant submitted at the hearing by Randy Carlsen.

b. Exhibit No. 2 - Photograph of the vicinity where the spring arises.

c. A copy of Claim to a Water Right No. 11-04050.

d. A map from the applicant that shows the spring located on lot 60, Bear Lake Ranchettes, the land owned by the applicant.

e. A map from the protestant that shows the spring located on land owned by the protestant.

f. The Final Judgement and Permanent Injunction in Case No. CV 93-00124 in the District Court of the Sixth Judicial District of the State of Idaho.

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

ORDER

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

1. Subject to all prior water rights.

2. Proof of construction of works and application of water to a beneficial use shall be submitted on or before **March 1, 1997**.

3. Project construction shall commence within one year from the date of the permit issuance and shall proceed diligently to completion unless it can be shown that delays were due to circumstances over which the permit holder had no control.

Signed this 14th day of February, 1995.

Bobby D Fleenor

BOBBY D. FLEENOR, Hearing Officer

CERTIFICATE OF MAILING

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

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

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

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07368

Proposed Priority: July 28, 1987 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **STAN R HARDING**
BETTY G HARDING
STAR RT BOX 8012
FRAZIER PARK CA 93225
has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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

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

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

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
12S	43E	7	NENE

CONDITIONS/REMARKS:

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

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this
7th day of April, 1995.

for R. Keith Higginson, Director

NOTICE OF APPLICATION FOR WATER RIGHT

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

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

KEN DUNN, Dir.

Published 8/6 & 8/13/87.

11-7368

HARDING, STAN R. &/or BETTY G.

STAR RT. BOX 8012, FRAZIER PARK, CA 93225

Source: SPRING trib. to SINKS

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

Use: DOMESTIC (0.020 CFS)

Date Filed: 07/28/1987

In: NENE Sec 07 T 12S R 43E

11-7368

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

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

KEN DUNN, Dir.

Legal No. 3362. —30L— Published August 20 and 27, 1987.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 29, 1987

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

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

Yours truly,

Michele Davis
Office Secretary

Encl.

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

July 30, 1987

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

RE: Application for Permit No. 11-7368

Dear Water Right Applicant:

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

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

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

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

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

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/dg

July 30, 1987

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

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

Gentlemen:

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

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

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/dg

Enclosure

THE NEWS-EXAMIN

The Montpelier Examiner, Vol. 102, No. 8 — Thursday, August 20, 1987 — The News Examiner, Vol. 57, No. 41

R. CARLSEN 07-88
(ROGER) 90000 00002
2384 CRAGMONT COURT
SIMI VALLEY, CA 93065

50¢

Briefs

Garden City P&Z to meet

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

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

Yellow Front Store opening soon

According to Mayor Ron Law, a new business will pack up soon in the vacant Cider-To-Coast building in the Fourth Street shopping center. The Yellow Front Store will begin stocking Sept. 15 and hope to open within seven to ten days after that. The retail store will carry general merchandise, clothing, household items and sporting goods.

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

Lee Nellis will speak to chamber

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

For reservations please call Therese Stamm at The News Examiner, 847-3552. All interested persons are welcome. You need not be a chamber member to attend.

Chamber holds annual dinner

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

Fair and rodeo big success

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

The Bear Lake County Rodeo went on in spite of pouring down rain Friday night. "It was a soup bowl in the arena, a big mud hole," Ipsen said.

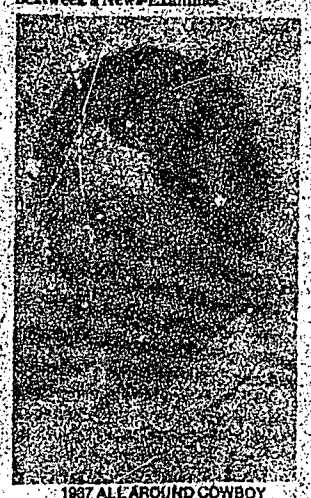
Brandon Rowe, son of Judy Rowe now living with Dan and Debbie Keetch of Wardboro and grandson of Elzo and Reva Henderson of St. Charles, was named All Around Cowboy in the Little Buckaroo Rodeo.

Winners in the popular Pig Wrestle were: first place men's division - a team made up of John Matthews, Corey Dimick and Kelly Renfro. First place in the ladies division was won by Judy Rowe, Marcia Gibb and Bridgett Hall.

First place winners in the Dairy Exhibit were: Melissa Bech, Hymas Dairy, Dexter Ranch, Wilmer Brown, Hampville Holsteins. First place winners in the sheep division were won by Kevin Matthews, Matthew Suffolk, David Matthews, Sharp Matthews, Joel Tuescher, David Rich. First place in the Goat Division was won by: Ernest Sylorie, Schillene Daniels, Brenda Daniels, Jolea Daniels, Elizabeth Mylrie, Corina Mylrie and Daniel Mylorie.

First place winners in the Horse Exhibits were: Scott Milton, Cheri Walton, Ashby Galloway, Dindy Sasket, LaRoice Nield, Todd Caldwell, Terry Lancaster, Errol Hoopes, Dean Barney, Tonja Grunig, Wynn and Marcia Wallentine, Wendy Floyd, Julie Hoggan, Clay Hennington, Nathan Anderson, Haidley Wright, Eric Cochran, Tasja Wallentine, Lisa Christensen, Marsha West, Danny Keetch and Bill Langley.

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



1987 ALL AROUND COWBOY
Brandon Rowe

Montpelier city council holds budget hearings

At their Aug. 11 meeting, the Montpelier City Council held a public hearing to amend their 1986-87 budget to in-

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

UP&L and Pacificorp sign merger agreement

Utah Power & Light Co. (NYSE-UPL) and PacifiCorp (NYSE-PPW) announced that they have signed a definite merger agreement approved today by the boards of directors of both companies.

Under the agreement, each share of UP & L common stock will be exchanged for PacifiCorp common stock with a value of at least $32.25 per share and a maximum of $38 per share. Shares of UP & L preferred stock will be exchanged on a share-for-share basis for PacifiCorp preferred stock. Both the common and preferred transactions will be tax free.

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

UP & L had 58.6 million shares of common stock outstanding as of June 30, 1987.

As a result of the merger, Utah Power & Light shareholders would own approximately 40 percent of the outstanding common equity of PacifiCorp at the time of transaction is closed.

Both company presidents said they are convinced that the merger offers substantial advantages that will be beneficial to all concerned — including customers, shareholders, and employees of both organizations, and the states and communities both companies serve.

"Key among these advantages are operating benefits that should yield greater efficiency and improve long-term competitiveness for the utility operations of both companies," the presidents said.

PacifiCorp's current electric operations conduct business as Pacific Power & Light Co., serving some 670,000 customers in Oregon, Washington, Wyoming, Idaho, Montana and California. Utah Power & Light Co. serves about 516,000 customers in Utah, Idaho and Wyoming.

Utah Power and Pacific Power complement each other in several ways. Utah Power generates about 95 percent of its electricity at coal-fired generating plants. UP & L's major generating plants will continue to burn coal produced at adjacent coal mines. Pacific Power obtains about 30 percent of its electricity from hydroelectric dams, with the balance from coal-fired plants. The two companies experience peak demands for electricity during different seasons and at different times of day. Pacific Power operates an extensive power transmission system that runs primarily east and west from the Pacific Coast to the center of Wyoming. Utah Power's strategically placed transmission system runs primarily north and south from Idaho to Arizona and the southwest.

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

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

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

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

RECEIVED

AUG 31 1987

Department of Water Resources
Eastern District Office

11-7348

HARDING, STAN R. &/or BETTY G.
STAR RT, BOX 8012, FRAZIER PARK, CA 93225
Source: SPRING trib. to SINKS
Diversion Pt: SWNENE Sec 07 T 12S R 43E
Use: DOMESTIC (0.020 CFS)
Date Filed: 07/23/1987
Loc: NENE Sec 07 T 12S R 43E

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

KEN DUNN, Dir.

Legal No. 3362 —30L— Published August 20 and 27, 1987.

ConCeCo
Engineering, Inc.

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

Semi Calif
805

RECEIVED
AUG 31 1987
Department of Water Resources
Eastern District Office

August 27, 1987
Wife at work - (805) 527-3266

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

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

Dear Director:

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

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

The basis of this protest is outlined below:

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

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

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

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

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

Very truly yours,

Roger J. Carlsen

Roger J. Carlsen, P.E.
President

Attachments:

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

cc: Mae Clark

RJC:pc

NOTICE OF CORRECTION

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

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

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

R. Keith Higginson

Director

Published September 17 & 24, 1987

September 9, 1987

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

Gentlemen:

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

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

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

Sincerely,

Deena Green
Office Secretary

Enclosure

September 16, 1987

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

Dear Applicants:

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

If you do not advise us within twenty (20) days that the protest have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (§42-203, Idaho Code):

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

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office

September 16, 1987

RE: Application for Permit No. 11-7368 HARDING

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

Dear Mr. Carlsen:

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

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (§42-203, Idaho Code):

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

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

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

CONVERSATION MEMORANDUM

DATE 21 Sept. 87

FILE 11-7368

NAME OF PARTY Ms. Betty Harding.

EMPLOYEE Ernest Carlsen.

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

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

ConCeCo
Engineering, Inc.

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

October 5, 1987

RECEIVED
OCT 6 1987
Department of Water Resources
Eastern District Office

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

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

Dear Director:

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

1. It has been learned and reported by several local residents of the area that Mr. Harding has had his property listed for sale during the past year and is still trying to sell. It appears that the filing on my water right is motivated by monetary gain.

2. I have spent considerable time, effort and money in attempting to improve this spring over the past few years. Approximately 6 years ago, a contractor was employed to excavate the spring and install an acceptable drain system complete with perforated pipe and drain gravel. Due to lack of proper materials and poor workmanship, this effort failed to improve conditions. This action was necessary as a result of damage from our cattle and other range cattle, wallowing through the spring during watering. Flow has decreased considerably during the past two to three years and it is now apparent that water will require the installation of piping to serve our property. As a result, I have filed an application with the (ASCS) Agricultural Stabilization and Conservation Serivce for a grant to improve the spring as per their standards during June or July of 1988.

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

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

Very truly yours,

Roger J. Carlsen

Roger J. Carlsen, P.E.
President

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

RJC:pc

October 23, 1987

RE: Application for Permit No. 11-7368 HARDING

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

Dear Mr. Carlsen:

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

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

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

October 23, 1987

RE: Application for Permit No. 11-7368

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

Dear Applicants:

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

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

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

HARDING'S ACORN ACRES

2 NOVEMBER 1987

RECEIVED
NOV 12 1987
Department of Water Resources
Eastern District Office

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

RE: PERMIT NO 11-7368

GENTLEMEN:

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

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

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

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

VERY TRULY

STAN R. HARDING

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

8012
1325 PINE TREE DRIVE - STAR RT. BOX 684 - FRAZIER PARK, CALIFORNIA 93225 - (805) 245-1750

CONVERSATION MEMORANDUM

DATE November 17, 1987

FILE 11-7368

NAME OF PARTY Ardee Helm

EMPLOYEE Colleen Wray

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

Mr. Helm called wanting to know if the hearing was being held as he had not received any notice nor had his client. He indicated is is representing Roger Carlsen, the protestant, in this matter. I told him we would put his name in the file to make sure future copies of correspondence were mailed to him.

Ardee Helm, Attorney at Law 847-0805

518 Washington

Montpelier, ID 83254

November 19, 1987

RE: Application for Permit No. 11-7368 HARDING

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

Dear Mr. Carlsen:

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Ardee Helm, Attorney

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

NAME AND ADDRESS OF SENDER

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

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

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

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

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0232	Roger J. Carlson Box 115, Simi Valley, CA 93062	.25	.85					90			Harding Protest Hearing
2	0233	Mae M. Clark, 1526 Calle d'Arigue, Pleasanton, CA 94566	1	1.					1			"
3	0234	Andee Helm, Attorney at Law 518 Washington, Montpelier ID 83254	1	1.					1			"
4												
5		3 @ $2.00 =	$6.00									
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												

IDAHO FALLS, ID EAGLE ROCK ANNEX JUL 15 1988 USPS

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
	three	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

PS Form 3877, May 1985

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

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

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

3. Article Addressed to:

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

4. Article Number
0232

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X

6. Signature – Agent
X Patricia Carlsen

7. Date of Delivery

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

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:

Ardee Helm
Attorney at Law
518 Washington
Montpelier, ID 83254

4. Article Number
0234

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X

6. Signature – Agent
X Marcia Durgliston

7. Date of Delivery
7-18-88 MRB

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

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:

Mae M. Clark
1526 Calle Inrique
Pleasanton, CA 94566

4. Article Number
0233

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X Mae M. Clark

6. Signature – Agent
X

7. Date of Delivery

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

PS Form 3811, Feb. 1986 Harding DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
JUL 25 1988
Department of Water Resources
Eastern District Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83401

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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U.S.MAIL

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RETURN TO

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83401

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83401

RECEIVED
JUL 28 1988
Department of Water Resources
Eastern District Office

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JULY 19, 1988

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

Dear Shiela:

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

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

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

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

Dated: July 19, 1988

Ardee Helm, Jr.

RECEIVED
JUL 20 1988
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

Dated this 19th day of July, 1988.

ARDEE HELM, JR.

ATTORNEY AT LAW

RECEIVED
JUL 20 1988
Department of Water Resources
Eastern District Office

11-7368 - HARDING

Conference Room, Pocatello Municipal Airport
Pocatello, Idaho

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

Hearing Officer: Bob Fleenor & Ernest Carlsen

Name	Representing	Address
Shaun Harding	Self	SR Box 8012 Fraziер Park CA 93225
Betty C. Harding	✓	✓
Darree Wood		1338 W 4925 S. Roy Utah 84067
~~Betty~~ Wood		✓ ✓ ✓

ConCeCo
Engineering, Inc.

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

March 1, 1989

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

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

Gentlemen:

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

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

Attached are the following documents:

1. "Show Cause Order" dated February 17, 1989

2. Communication from Ardee Helm, Jr. to Roger J. Carlsen regarding Notice of Hearing

3. "Notice of Hearing" dated July 15, 1988

4. Motion for continuance order from Ardee Helm, Jr. to Department of Water Resources, State of Idaho dated July 19, 1988.

5. Objection to hearing notice, Helm to Idaho Department of Water Resources, dated July 19, 1988

6. Letter of Protest against Application No. 11-7368, Harding from R. J. Carlsen, dated August 27, 1987

7. Letter regarding protest application No. 11-7368, Carlsen to State of Idaho, dated October 5, 1987

8. Photocopy of hospital internment period and billing for Roger J. Carlsen

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

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

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

Thank you for your cooperation in this matter.

Very truly yours,

Roger J. Carlsen

Roger J. Carlsen, P.E.

RJC:pc

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

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

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

Dated this 17th day of February, 1989.

RONALD D. CARLSON

Eastern Regional Manager

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

CERTIFIED MAIL

NO. 0247

RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

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

NV
2-8

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

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

Please Note:

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

RE: NOTICE OF HEARING

X_____ Enclosed is information/pleadings relating to the above matter.

X_____ For your information.

_____ Please review and file in your records.

_____ Please record in the county records and return.

_____ Please file in the court record of the above case.

_____ Please review and call us to discuss over the telephone.

_____ Please sign and return ___all but one copy
___all copies.

_____ Enclosed is the information you requested.

PHOTOCOPY

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of July, 1988.

RONALD D. CARLSON

Eastern Regional Manager

7/13/88

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

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

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

Dated: July 19, 1988

Ardee Helm, Jr.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

Dated this 19th day of July, 1988.

ARDEE HELM, JR.

ATTORNEY AT LAW

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

The Department has set the matter of protest for hearing for 1:00 p.m., July 25, 1988, in the conference room, Pocatello Municipal Airport. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of July, 1988.

RONALD D. CARLSON

Eastern Regional Manager

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

Certified
#0232

RETURN RECEIPT
REQUESTED

POCATELLO, ID 232
1 PM
15 JUL
1988

Claim Check
No.
626474
☐ Hold
Date
7-19
1ST Notice
2ND Notice
Return
Detached from
PS Form 3849-A,
Oct. 1985

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

Dated this 19th day of July, 1988.

ARDEE HELM, JR.

ATTORNEY AT LAW

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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

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

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

Dated: July 19, 1988

Ardee Helm, Jr.

ConCeCo
Engineering, Inc.

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

August 27, 1987

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

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

Dear Director:

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

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

The basis of this protest is outlined below:

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

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

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

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

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

Very truly yours,

Roger J. Carlsen, P.E.
President

Attachments:

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

cc: Mae Clark

RJC:pc

ConCeCo
Engineering, Inc.

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

October 5, 1987

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

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

Dear Director:

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

1. It has been learned and reported by several local residents of the area that Mr. Harding has had his property listed for sale during the past year and is still trying to sell. It appears that the filing on my water right is motivated by monetary gain.

2. I have spent considerable time, effort and money in attempting to improve this spring over the past few years. Approximately 6 years ago, a contractor was employed to excavate the spring and install an acceptable drain system complete with perforated pipe and drain gravel. Due to lack of proper materials and poor workmanship, this effort failed to improve conditions. This action was necessary as a result of damage from our cattle and other range cattle, wallowing through the spring during watering. Flow has decreased considerably during the past two to three years and it is now apparent that water will require the installation of piping to serve our property. As a result, I have filed an application with the (ASCS) Agricultural Stabilization and Conservation Serivce for a grant to improve the spring as per their standards during June or July of 1988.

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

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

Very truly yours,

Roger J. Carlsen

Roger J. Carlsen, P.E.
President

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

RJC:pc

CON /SUR/REGULAR 03-54 - APPROVED OMB NO. 0938-0279

SIMI VALLEY ADVENTIST HO
P. O. BOX 819
SIMI VALLEY CA 93062
805-527-2462

3 PATIENT CONTROL NUMBER: 10088122 | 4 TYPE OF BILL: 111

5 BC/BS PROV. NO. | 6 FEDERAL TAX NO.: 95-6064971 | 7 MEDICARE NO. | 8 MEDICAID NO. | 9

10 PATIENT'S LAST NAME: CARLSEN, ROGER J | FIRST NAME | INITIAL | 11 PATIENT'S ADDRESS: 2384 N.CRAGMONT CT. | CITY: SIMI VALLEY | STATE: CA | ZIP: 93065

12 BIRTH DATE	13 SEX	14 MS	ADMISSION 15 DATE	16 HR.	17 TYPE	18 SRC	19 A.H.	20 D.H.	21 STAT	22 STATEMENT COVERS PERIOD FROM	THROUGH	23 COV.D.	24 N-C.D.	25 C-I.D.	26 L-R.D.	27
10-08-37	M	M	7-17-88	16	3	1		14	01	7-17-88	7-24-88					4088

28 OCCURRENCE CD	DATE	29 OCCURRENCE CD	DATE	30 OCCURRENCE CD	DATE	31 OCCURRENCE CD	DATE	32 OCCURRENCE CD	DATE	33 OCCURRENCE SPAN CD	FROM	THROUGH

34
CARLSEN, PATRICIA
2384 N.CRAGMONT CT.
SIMI VALLEY CA 93065

CONDITION CODES 35 36 37 38 39 | BLOOD RECORD (PINTS) 40 FURN 41 REPL 42 NOT RP. 43 DED. | 44 SP. PROG. | 45: 724.02

46 VALUE CD	AMT	47 VALUE CD	AMT	48 VALUE CD	AMT	49 VALUE CD	AMT
01	345.00						

50 DESCRIPTION		51 R CODE	52 S. UNITS	53 TOTAL CHARGES	54	55	56
ROOM-FED/SEMI	345.00	120	7	2415.00			
INTENSIVE CARE	875.00	200	1	875.00			
PHARMACY		250	105	990.00			
IV-SOLUTIONS		258	6	201.00			
MED-SUR SUPPLIES		270	44	678.00			
LAB/CHEMISTRY		301	7	317.00			
LAB/HEMOTOLOGY		305	2	65.00			
LAB/OTHER		309	8	96.00			
PATHOL/LAB		310	2	22.00			
DX-X-RAY/CHEST		324	2	112.00			
OR SERVICES		360	1	1945.00			
ANESTHESIA		370	6	385.00			
BLOOD/STOR-PROC		390	4	237.00			
RESPIRATORY SVS		410	2	86.00			
PHYSICAL THERP		420	8	207.00			
OCCUPATION THER		430	10	207.00			
OCCUP THERP/EVAL		434	2	50.00			
RECOVERY ROOM			1	65.00			
EKG/ECG		730	1	55.00			
TOTALS		001		9027.00			

THIS STATEMENT IS for YOUR INFORMATION. Your Insurance Claim Has Been Billed.

57 PAYER	58 REL. INFO	59 ASG BEN	60 DEDUCTIBLE	61 CO-INSURANCE	62 EST. RESPONSIBILITY	63 PRIOR PAYMENTS	64 EST. AMOUNT DUE
A STATE FARM INSURANCE	Y				9027.00		9027.00
B							
C							

DUE FROM PATIENT ▶

65 INSURED'S NAME	66 SEX	67 P.REL.	68 CERT.-SSN-HIC.-ID. NO.	69 GROUP NAME	70 INSURANCE GROUP NO.
A CARLSEN, PATRICIA	F	02	528-46-9697		HG00093
B					
C					

71 EID	72 ESC	73 EMPLOYER NAME	74 EMPLOYEE ID.	75 EMPLOYER LOCATION
A		CONCECO ENG.		4615 INDUSTRIAL SIMI VALLEY CA

NOTICE TO THE PATIENT

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

UB-82 HCFA-1450

PATIENT COPY

25 July '88

- Send show cause for failure to appear. -

Discussion with applicant -

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 9, 1989

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

Dear Mr. Carlsen:

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

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

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

NAME AND ADDRESS OF SENDER

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

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

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

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

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0278	Steve or Betty Harding RT Rt Box 8012 Fraziple Pleasanton Ca	25	85					90			11-7368
2	0279	Mae McClark, 1526 Calle Intrigue Ca	25	85					90			
3	0280	Roger Carlson PoBox 115 Simi Ca.	25	85					90			
4	0281	Andrew Helm 5186 Washington Mountain	25	85					90			11-7368
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IDAHO FALLS ID EAGLE ROCK BRANCH JUN 14 1989 USPS

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
4	Four	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

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

PS Form 3877, May 1985

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

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

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

3. Article Addressed to:
Mae M. Clark
1526 Calle Iniguez
Pleasanton, Ca
94566

4. Article Number
0279

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
6/16/89

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

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:
Arlee Helm
Attorney at Law
518 Washington
Montpelier, Id. 83254

4. Article Number
0281

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Jim Shaw

6. Signature — Agent
X

7. Date of Delivery
6-15-89

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

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:
Roger D. Carlsen, Pres.
Cond Co Inc
P.O. Box 115
Simi Valley, CA 93062

4. Article Number
0280

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Patricia Carlsen

6. Signature — Agent
X

7. Date of Delivery

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

SIMI VALLEY CA JUN 15 1989 USPS

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

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

OAKLAND CA
PM
JUN 19 1989

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

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

RECEIVED
JUN 19 1989

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

Department of Water Resources
Eastern District Office

UNITED STATES POSTAL SERVICE
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MONTPELIER
PM
JUN 16
1989

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

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RECEIVED
JUN 19 1989

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

Department of Water Resources
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RECEIVED
JUN 22 1989

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Department of Water Resources
Eastern District Office

RETURN TO

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

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

July 3, 1989

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

Dear Elaine:

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

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

11-7368 - Harding

Courtroom, Bear Lake County Courthouse
Paris, Idaho

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

Hearing Officer: _____

Name	Representing	Address
Betty A. Harding		Star Rt Box 8012 Frazier Park, Ca.
Stan R Harding		Same
Pat Carlsen		2384 N Cragmont Ct Simi Valley, CA 93065
Roger N. Carlsen		2384 N. Cragmont Ct. Simi Valley, CA 93065

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

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

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

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

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

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

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

DATED this _____ day of _____, 1989.

APPLICANT(S)

_____

_____

PROTESTANT(S)

_____

_____

_____

_____

7-17-89

ACTION REQUIRED

FROM: H.W. JONES - IDWR

TO: Roger Carlson + Stan Harding

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

Please let me know how you will proceed.

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

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

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

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

Stan Harding

Roger Carlsen

Betty Harding

Pat Carlsen

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

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

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7) If the cost share program is not available from the SCS then other means will be pursued by both parties for cooperative development of the spring box.
8) Access to the spring box will be restricted to Carlsen and Harding or their successors in interest.

Stan Harding

Roger Carlsen

Betty Harding

Pat Carlsen

RECEIVED
AUG 24 1989
Department of Water Resources
Eastern District Office

December 31, 1990

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

RE: Application for Permit #11-7368

Mr. & Mrs. Harding:

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

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

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk
Enc.

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 31, 1990

RECEIVED
JAN 17 1991
Department of Water Resources
Eastern District Office

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

RE: Application for Permit #11-7368

Mr. & Mrs. Harding:

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

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk
Enc.

1-12-91

WE DO NOT WISH TO WITHDRAW OUR APPLICATION

Betty Harding

OUR NEW ADDRESS
P.O. Box 2508
Arizona City, AZ 85223
PHONE 602 466 6333

July 5 - Conf. - 11-7368

Held at Pans, ID County Courthouse

1/ Property purchased in 1974 & attempt made to file with Dept. - Letter written back From Dept. Saying not needed. (House on site & Spring there)

2/ Claim filed by Carlsons on Spring. & exception filed by Hawkers.

3/ New application filed (11-7368) by Hawkers

4/ Carlsons use Spring For Livestock (No Domestic use at this time) P.O.U. is approx. 500' From P.O.

5/ Time of use coincides between parties

NAME AND ADDRESS OF SENDER

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

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

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

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

POSTMARK AND DATE OF RECEIPT

FOR REGISTERED, INSURED, COD, CERTIFIED

No.	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0739	Roger Carlson PO Box 115 Simi Valley CA	.29	1.00					1.00			11-2368
2	0740	Steven Betty Harding PO Box 62 Dodd	"	"					"			"
3	0741	Arden Helen 518 Washington Monteleo	"	"					"			"
4	0742	Mae McClark 1526 Calle Junipero Pleasanton CA	"	"					"			"
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												

IDAHO FALLS, IDAHO USPS EAGLE ROCK ANNEX JUL 10 1991

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
4	4	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

PS Form 3877, May 1985

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

☆ U.S. G.P.O. 1985-478-804

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

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

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

3. Article Addressed to:
Honor Betty Harding
Box 63
Ovid, Id. 83260

4. Article Number
0240

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
7-11-91

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

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

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

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

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

3. Article Addressed to:
Ardee Helyn
Atty at Law
518 Washington St.
Montpelier, Id. 83254

4. Article Number
0241

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Karen Skinner

7. Date of Delivery
4-11-91 MRB

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

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

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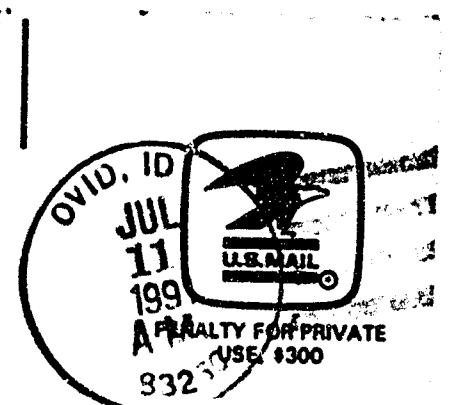
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, $300

RETURN TO

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

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

UNITED STATES POSTAL SERVICE

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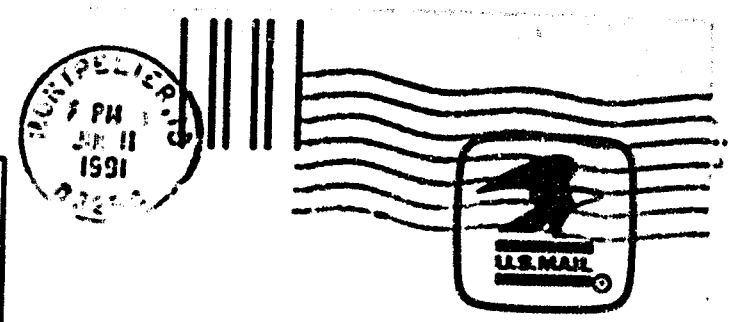


PENALTY FOR PRIVATE USE, $300

RETURN TO

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

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

Exhibit #1 - submitted by Randy Carlsen

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

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

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

Dear Mr. Carlson:

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

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

Several items of concern are presented below for the record:

1. The spring has been used in conjunction with my 160 acre parcel since April 1919. I think it important to note that the water has primarily been used for watering live stock and other animals over the years.

2. Considerable money and time have been spent by me on improving and maintaining this spring each year. Programs are available from the Soil Conservation Service and other government agencies for improving the spring for cattle watering purposes.

3. The spring is being used for cattle water since water is not readily available in the area. The lessor is dependent upon this water to enable cattle grazing upon the property.

4. These is a question concerning the legal location of the spring. The applicant should have a Record of Survey completed and filed with the county recorder to resolve this matter.

5. The applicant spends very little time in the area and utilizes the cabin as a vacation spot only, which does not require a continuous water supply. Other cabin owners in the area have installed horizontal wells or imported water.

6. First claim on this spring was filed on behalf of the owner Mae M. Clark on June 15th 1976. The property at present is owned by me.

Thank you for the opportunity to submit this letter.

Very truly yours,

Roger J. Carlsen

RJC:pc

END

Claim No. 11 4050

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Mae M. Clark (name of claimant)

of 1526 Calle Inrique, Pleasanton, Calif, 94566 (mailing address) claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring (unnamed)

_____, tributary to, _____

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

Amount 0.02 cfs (cfs, gpm or a/f) Use Domestic, ~~livestock~~, irrigation of garden (dom., irri., stock, etc.) Period of Use: From April 1 To Nov 1 (for more than 30 years) (both dates inclusive)

Amount _____ Use _____ Period of Use: From _____ To _____

Amount _____ Use _____ Period of Use: From _____ To _____

(3) Total quantity of water claimed: 0.02 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) April 1919

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

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NE ¼ NE ¼, Sec. 7 Twp. 12 S Rge. 43 E B. M. County of Bear Lake

Additional points of diversion: _____

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

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

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

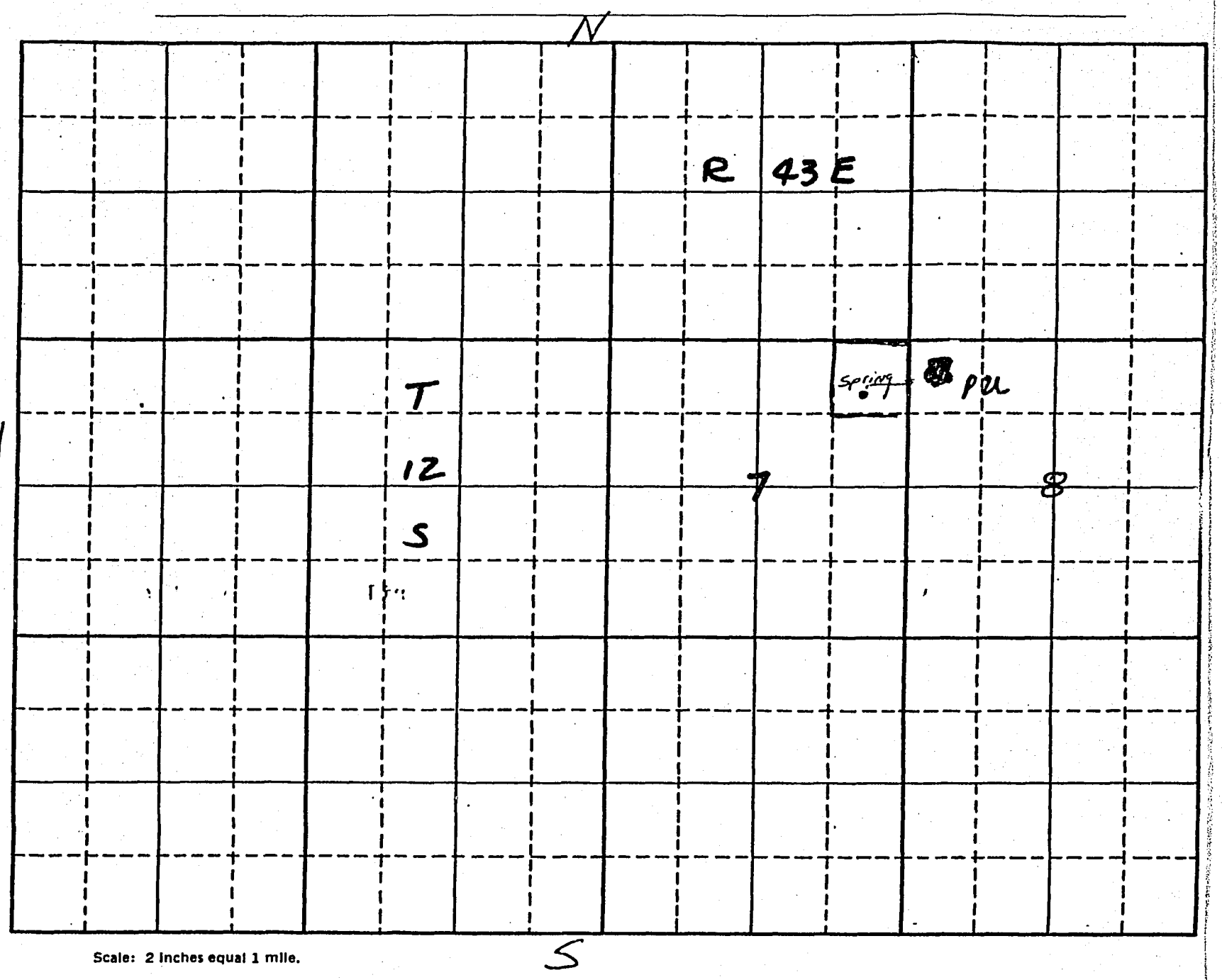
Total No. of acres _____

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

Domestic, watering stock, irrigation of garden, domestic use by 1 family; watering of range beef cattle.

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

(8) Remarks _____



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)
) ss.
County of BEAR LAKE)

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.

Mae M. Clark
By: Chris N. Carlsen
Chris N. Carlsen (Claimant)s Attorney in Fact

(See Special Power of Attorney attached hereto)

Sworn to before me this 15th day of June, 1976.

Sharon P. Hotchkiss
Notary Public for Idaho
Residing at Sharon, Idaho

My commission expires Lifetime

For Department Use Only

Received by Cec	Date 7-07-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by Jod	Date 7/9/76			
$10.00 fee received by Cec	Date 7-07-76			
Approved for publication by JK 8/9/76	#2950			
Published in Upper Snake				
Dates July 15 & 22, 1976				

11-7368 - HARDING

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

Hearing Officer: Bob Flemor

Name	Representing	Address
Randy L Carlsen	Roger J. Carlsen	Sharon, Idaho 83260
LaDene Parsons	Roger J. Carlsen	Idaho Falls, ID 83402
D. L. PARSONS	Roger J Carlsen	Idaho Falls ID. 83402
Betty G. HARDING	STAN & Betty HARDING	
Stan HARDING	Stan & Betty Harding	AZ City AZ 85223

11-7368 Aug 6, 1991

Stan & Betty Harding

Protestant
Roger Carlson

Surveyor Robert Colsen —

Betty G. Harding
- Property Surveyed —
- House Built 1975 —
- 1982 - Randy Carlsons filed on the spring
- 1982 - Spring was attempted to be developed →
- Spent the Summer at this place —
- The Spring is flowing 3 gpm —
- The Spring will be developed — Spring box - Tank has been purchased
- Not aware of other use since 1974
- Hauled water until 1989
- Permently arrange to get water from neighbors well.

Randy L Carlsen —
- Spring used since 1919
- Money has been spent for maintaining spring
- Maintenance — Shovel —
- Contends property where spring is is owned by David Dalton — 815 38th St Ogden, Utah
- How many cattle — 20¢ head —
—

LeDene Parsons for Robert ~~Parsons~~ ECalson -

Reg PE/LS

Roger Carlson's partner →

Bob Fleenor
Accomy Officer

Hardings vs Carlson
#11-7368

86-91

Tape start #43 — 439 (Hardings)

#439 — 1089 (Randy Carlson)

Cross examin by Hardings #1090 — 1078

Parsons
Ladene ~~Gibson~~ Testimony 1078 — 1347

Bob Fleenor #1348 — 1574

Exhibit #2

By Harding admitted

8-6-91

FOR CLARITY

OF ANY PHOTOGRAPHS MICROFILMED, SEE FILE.

ConCeCo
Engineering, Inc.

RECEIVED
SEP 9 1991
Department of Water Resources
Eastern District Office

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

September 5, 1991

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

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

Dear Mr. Jones;

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

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

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

Very truly yours,

Roger J. Carlsen

RJC:pc

MEMORANDUM

To: Bob Fleenor

From: L. Glen Saxton

RE: PHONE CALL - STATUS OF APPLICATION FOR PERMIT 11-7368 IN THE NAME OF STAN AND BETTY HARDING

Date: September 3, 1992

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

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

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 11, 1992

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

Re: Application for Permit No. 11-07368

Dear Mr. and Mrs. Harding:

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

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

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

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

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

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

Sincerely,

Bobby D. Fleenor

Bobby D. Fleenor
Hearing Officer

C: Roger Carlsen
IDWR - Regional Office

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 11, 1992

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

Re: Application for Permit No. 11-07368

Dear Mr. Carlsen:

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

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

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

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

Sincerely,

Bobby D. Fleenor

Bobby D. Fleenor
Hearing Officer

C: IDWR - Regional Office

Enclosure

STATEMENT

GREAT BASIN ENGINEERING & SURVEYING, INC.

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

IN ACCOUNT WITH

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

DATE August 8, 1974

✓ # 4708
Paid

FOR ENGINEERING SERVICES RENDERED

Stake balance of corners and additional stakes on property line of Lot 60, Bear Lake Ranch	
3 man survey crew - 5 hours @ $33.00 per hour	$165.00
Travel time 1½ hour @ $33.00 per hour	49.50
BALANCE DUE	$214.50

PS-74-199

MEMBER OF
AMERICAN SOCIETY OF CIVIL ENGINEERS
UTAH COUNCIL LAND SURVEYORS

RECEIVED
SEP 2 3 1992
Department of Water Resources

21 Sept 1992

State of Idaho
Department of Water Resources
1301 No Orchard St
State House Mail
Boise, Idaho 83720-900

Attn: Bobby Fleenor

Gentlemen:

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

1. A copy of our survey statement.

2. A sketch of our property - with approximate

location of our spring -

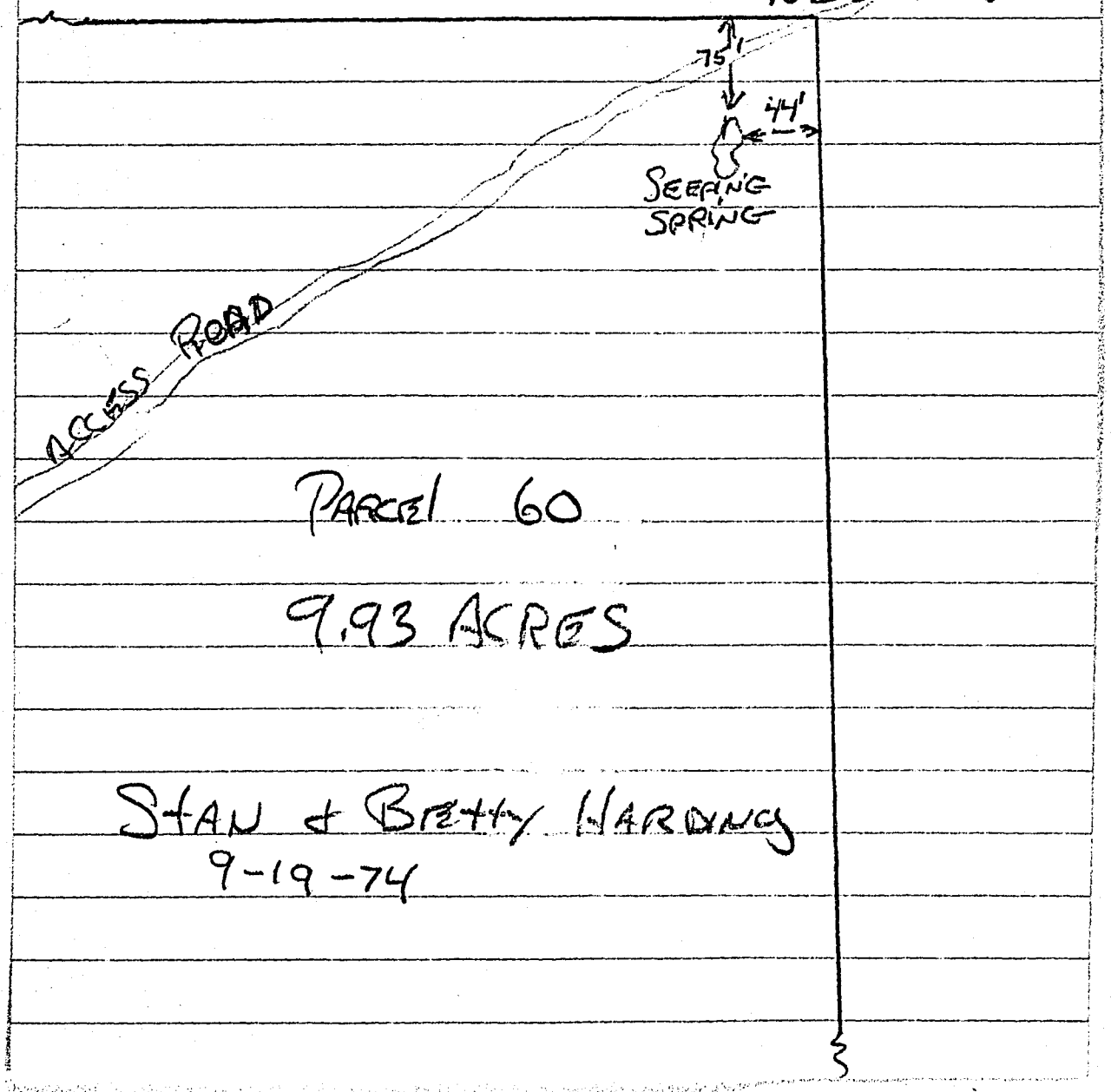
If any additional information is needed please advise

Sincerely

Stan R. Harding
864 Aspen Drive
P.O. Box 65
Montpelier Idaho
83254

PARCEL NO. 60
BEAR LAKE RANCHETTES

THE SW¼ of THE NE¼ of SEC 7
T12S, R43E BOISE BASE & MERIDIAN
CONTAINS 9.93 ACRES ±



STAN & BETTY HARDING
9-19-74

HARDING
Box 2508
AZ. City, AZ, 85223

CERTIFIED
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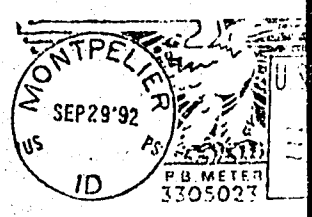
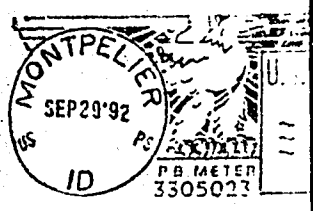
MAIL





RETURN RECEIPT
REQUESTED

Att:
BOBBY D. FLEENOR

State of IDAHO
Dep't of Water Resources
1301 No ORCHARD ST
STATEHOUSE MAIL
BOISE, IO 83720-9000

MAP(S) TOO LARGE TO FILM - SEE FILE...

9-29-92

RECEIVED
SEP 30 1992
Department of Water Resources

DEAR MR. BOBBY D. FLEGNOR

AS PER OUR CONVERSATION THIS DATE
I AM SENDING THE ENCLOSED TOPO
OF BEAR LAKE RACHETTES -
OUR LOT IS #60 - ACCORDING
THE COUNTY ENG IT DOES SHOW A
POINT OF AN ORGINATING SPRING --
THANKS FOR YOUR HELP

SINCERELY,
SEAN R. HARDING

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 24, 1993

Roger Carlsen
PO Box 115
Simi Valley, CA 93062

Re: Application for Permit No. 11-07368

Dear Mr. Carlsen:

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

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

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

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

Sincerely,

Bobby D. Fleenor, Chief
Resource Protection Bureau

C: IDWR - Regional Office

Enclosure

MEMORANDUM

To: File 11-07368

From: L. Glen Saxton

RE: PHONE CONVERSATION WITH ROGER CARLSON

Date: April 14, 1993

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

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

To BOB

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

WHILE YOU WERE OUT

Roger Carlson

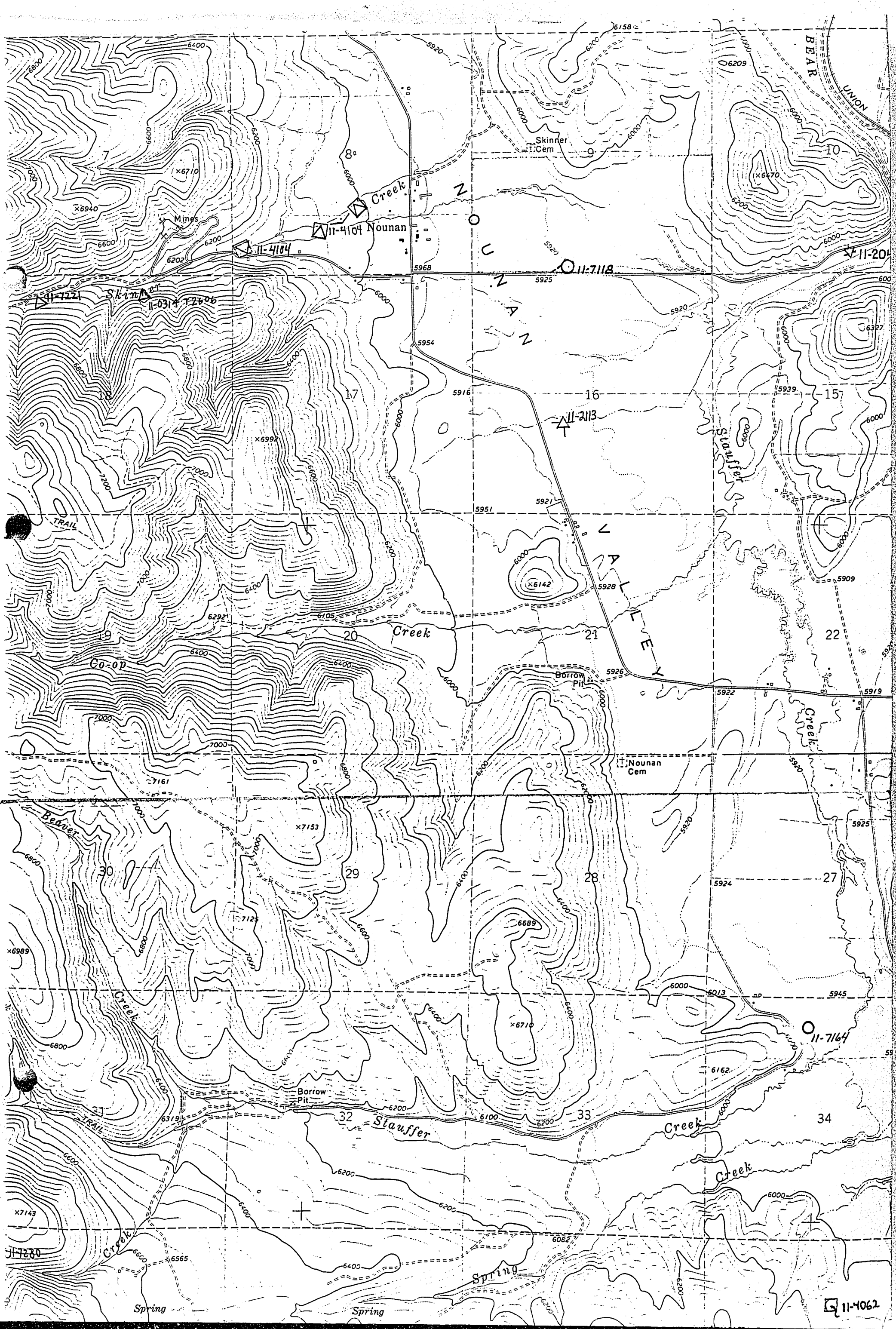
of

Phone 805-527-3266
AREA CODE NUMBER EXTENSION

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

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

Signed Karen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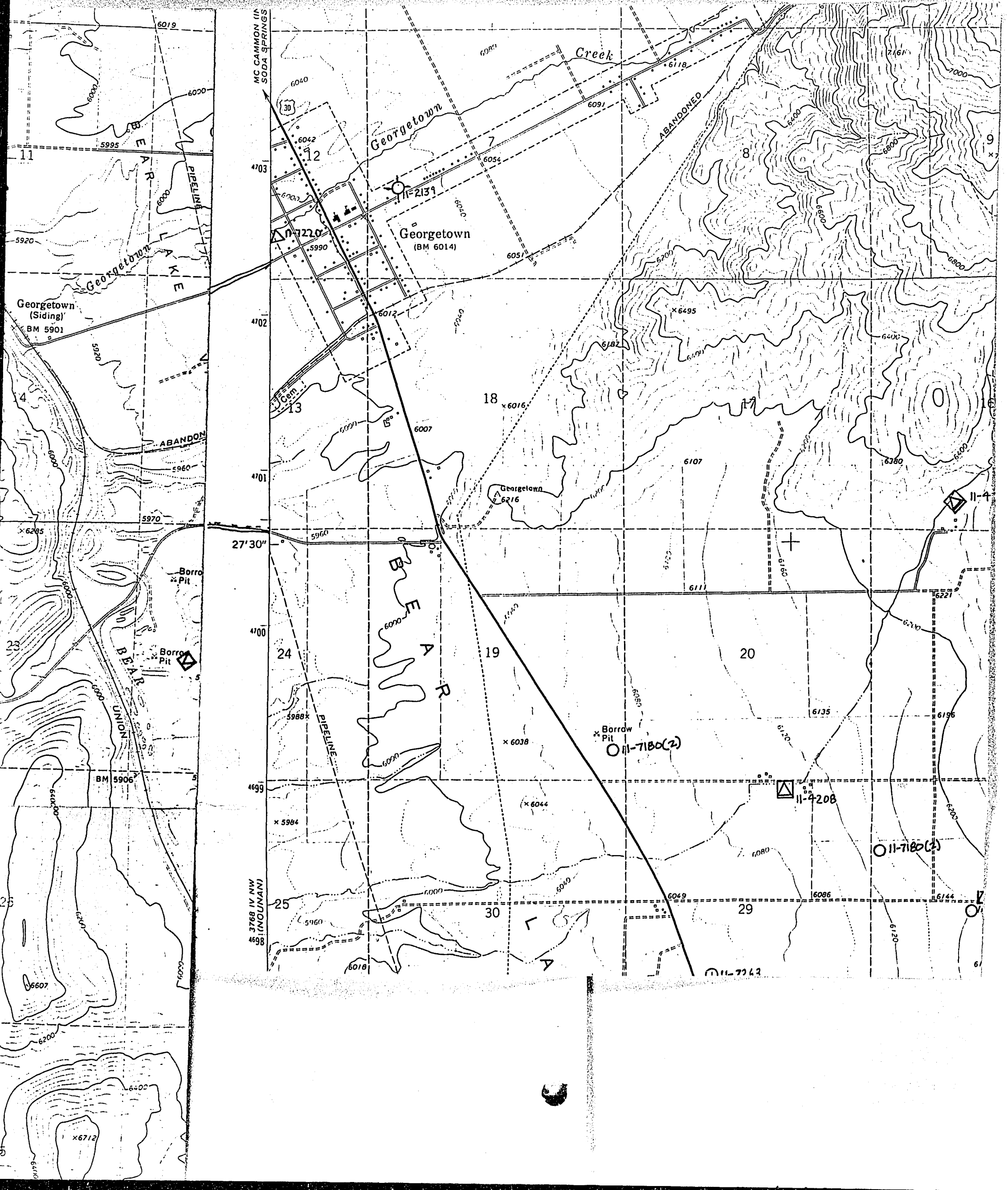
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ConCeCo Engineering, Inc.
2160 Winifred Street
SIMI VALLEY, CALIFORNIA 93063

(805) 527-3266
FAX (805) 527-7668

LETTER OF TRANSMITTAL

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

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

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

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

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

THESE ARE TRANSMITTED as checked below:

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

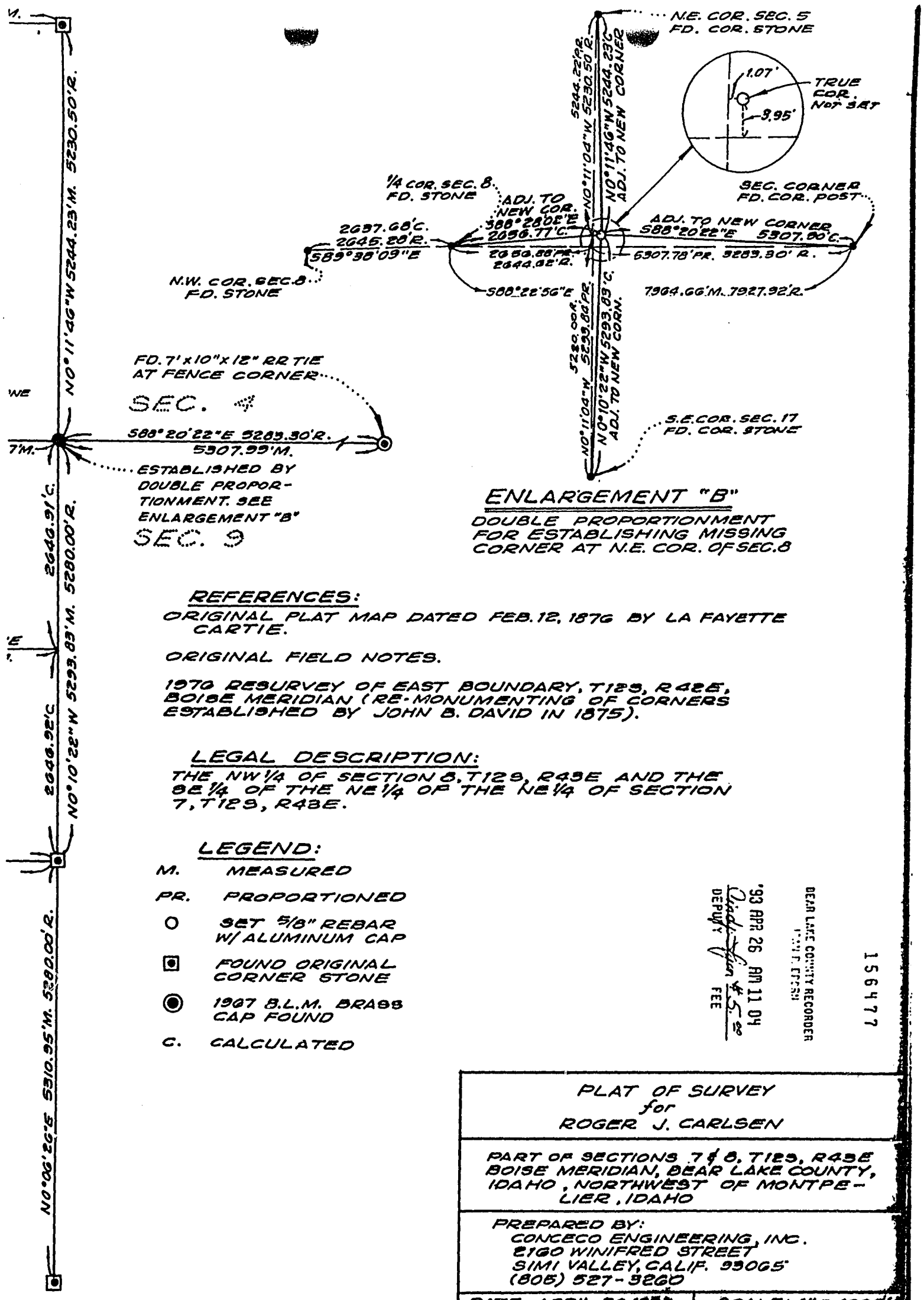
REMARKS Attached is a zerox copy of a portion of the record of survey showing the recordation date at Bear Lake County Recorders office.

COPY TO _____

SIGNED: Roger J. Carlson

If enclosures are not as noted, kindly notify us at once.

PRODUCT 240-2 NEBS Inc., Groton, Mass. 01471.



ENLARGEMENT "B"

DOUBLE PROPORTIONMENT FOR ESTABLISHING MISSING CORNER AT N.E. COR. OF SEC. 8

REFERENCES:

ORIGINAL PLAT MAP DATED FEB. 12, 1876 BY LA FAYETTE CARTIE.

ORIGINAL FIELD NOTES.

1970 RESURVEY OF EAST BOUNDARY, T12S, R42E, BOISE MERIDIAN (RE-MONUMENTING OF CORNERS ESTABLISHED BY JOHN B. DAVID IN 1875).

LEGAL DESCRIPTION:

THE NW 1/4 OF SECTION 8, T12S, R43E AND THE SE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 7, T12S, R43E.

LEGEND:

M.	MEASURED
PR.	PROPORTIONED
○	SET 5/8" REBAR W/ ALUMINUM CAP
▣	FOUND ORIGINAL CORNER STONE
◉	1967 B.L.M. BRASS CAP FOUND
C.	CALCULATED

'93 APR 26 AM 11 04
Linda Tew
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156477

BEAR LAKE COUNTY RECORDER

PLAT OF SURVEY
for
ROGER J. CARLSEN

PART OF SECTIONS 7 & 8, T12S, R43E BOISE MERIDIAN, BEAR LAKE COUNTY, IDAHO, NORTHWEST OF MONTPELIER, IDAHO

PREPARED BY:
CONCECO ENGINEERING, INC.
2160 WINIFRED STREET
SIMI VALLEY, CALIF. 93065
(805) 527-9260

DATE: APRIL 20, 1993. | SCALE: 1" = 1000'

ConCeCo Engineering Inc.
P.O. Box 115
Simi Valley, Ca. 93062

OAKLAND, CA
PM
23 APR
1993

ALWAYS
USE ZIP 29

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

ConCeCo
Engineering, Inc.

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

April 21, 1993

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

Subject: Application for Permit No. 11-07368

Reference: Your letter dated March 24, 1993

Dear Mr. Fleenor:

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

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

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

Thank you for your assistance.

Very truly yours,
ConCeCo Engineering, Inc.

Roger J. Carlsen, P.E.

RJC:ch

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

DAVID MICHAEL DALTON, a single man

the grantor , do es hereby grant, bargain, sell and convey unto

ROGER J. CARLSEN and PATRICIA CARLSEN, h/w; and ROBERT H. COLSON and JANICE COLSON, h/w. 2384 North Cragmont Ct., Simi Valley, Ca 93065

the grantee s, the following described premises, in Bear Lake County Idaho, to-wit.

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

The SE1/4NE1/4NE1/4 of Section 7, Township 12 South, Range 41, Boise Base and Meridian.

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

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

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

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

Dated: 13 August 1991

David M. Dalton

STATE OF Washington COUNTY OF Whatcom

On this 15th day of August, 1991, before me, a notary public in and for said State, personally appeared

DAVID MICHAEL DALTON

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at Bellingham

Comm. Expires 7-1-93

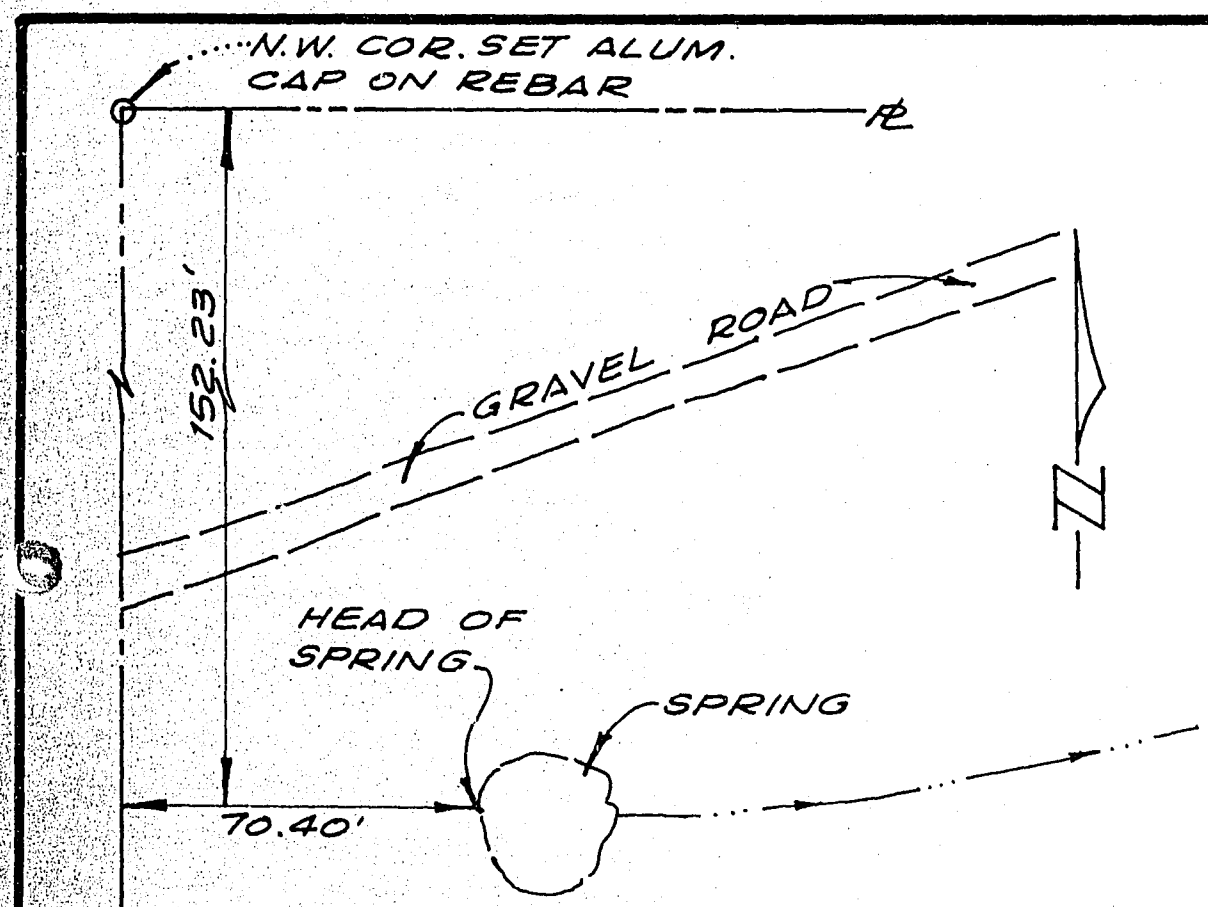
INSTRUMENT No. 153637

'91 FEB 29 AM 8 59

DEPUTY FEE

RECORDED

BEAR LAKE COUNTY RECORDER



ENLARGEMENT "A" - SPRING LOCATION

SCALE: 1" = 40'

N89° 17'21"W 5280.00'R. 5275.92'M.

BASIS OF BEARINGS

SEC. 5

ROAD

S89° 38'09"E

2645.28'R. 2637.68'M.

FD. 1/4 COR. STONE & TAG "L.S. 760"

S88° 28'02"E

2644.62'R. 2656.77'M.

SEE ENLARGEMENT "A"

160.733 ACS.

SEC.

2637.38'M.

5274.76'M.

5280.00'R.

2669.23'C.

5311.48'M.

ROAD

N0° 11'46"W 5244.23'M. 5230.50'R.

2646.91'C.

M. 5280.00'R.

1/4 COR. SEC. 8. FD. STONE

2637.68'C.

2645.28'R.

S89° 38'09"E

N.W. COR. SEC. 8 FD. STONE

FD. 7'x10"x12" RR TIE AT FENCE CORNER

SEC. 4

S88° 20'22"E 5283.30'R.

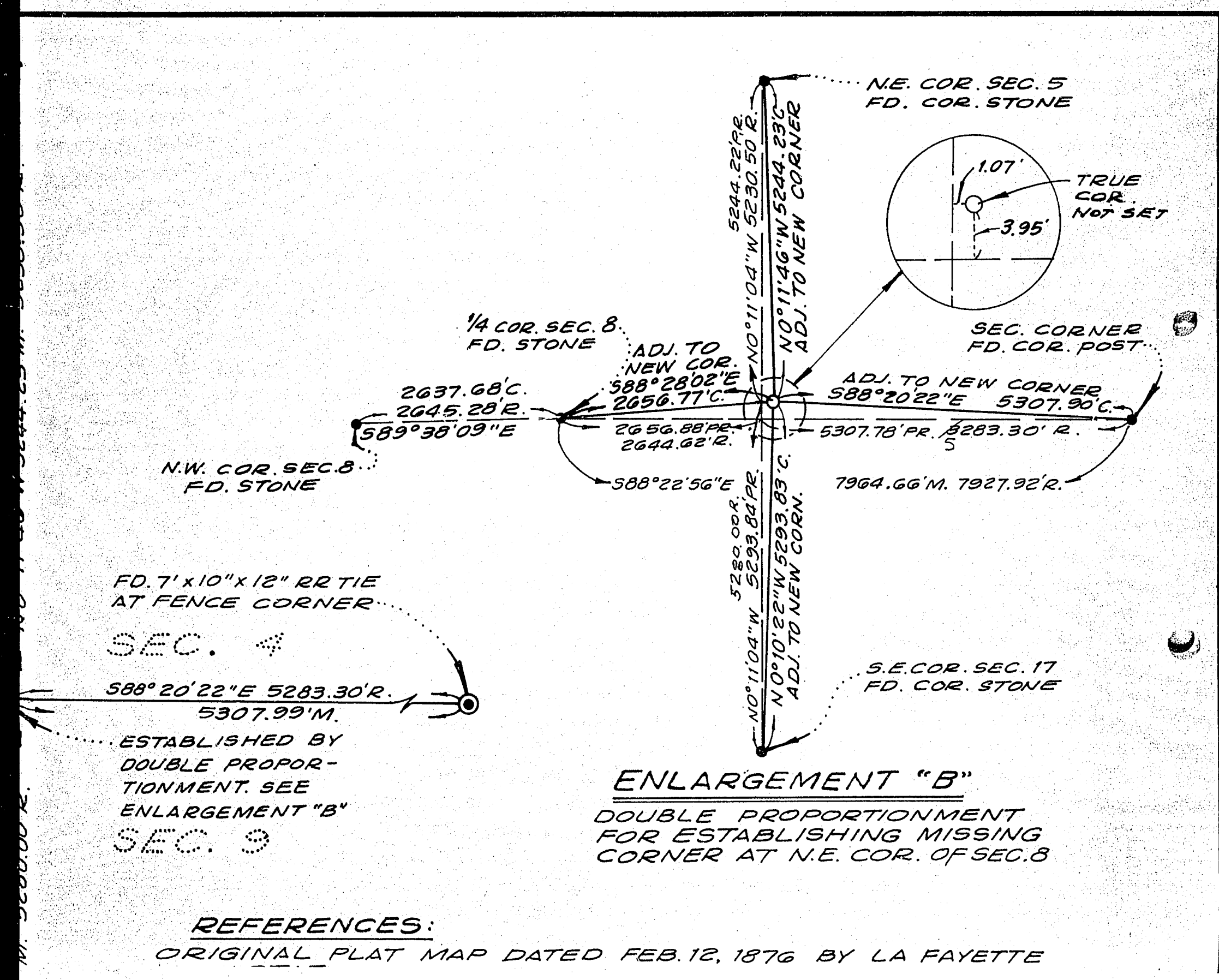
5307.99'M.

ESTABLISHED BY DOUBLE PROPORTIONMENT. SEE ENLARGEMENT "B"

SEC. 9

REFERENCES:

ORIGINAL PLAT MAP DATED FE



ENLARGEMENT "B"

DOUBLE PROPORTIONMENT
FOR ESTABLISHING MISSING
CORNER AT N.E. COR. OF SEC.8

REFERENCES:

ORIGINAL PLAT MAP DATED FEB. 12, 1876 BY LA FAYETTE

SEC. 6

N89°43'08"E 5867.40'R. 5746.04'M.

2640.00R. 2585.39PR.

S89°38'09"E

2645.28'R. 2637.68'M.

ROAD

NO

3227.40' R. 3160.65 PR.

2612.49'M.

5224.97'M.

5252.11'C.

2626.05'C.

646.34' 646.35' 646.35' 646.35

656.51' 657.22' 657.92' 658.63' 659.34'

647.22' 647.22' 647.22' 647.22'

N 656.51' 657.22' 89°46' 38"W 657.93' 89°50' 54"E 06°13"W 60 041"E 658.64' 659.35'

SPRING 9.798 ACS.

SEE ENLARGEMENT "A"

648.10' 648.10' 648.10' 648.10'

656.51' 657.22' NO°01' 657.92' NO° 658.63' 659.35'

648.98' 648.97' 648.98' 47"W 648.97'

656.52' 657.22' N89°54' 657.93' 27"E 658.64' NO°10' 659.34'

649.86' 649.85' 649.85' 649.85'

2637.38'M.

5274.76'M.

5280.00'R.

160.733 ACS.

2669.23'C.

5311.48'M.

SEC.

S88°56'44"E

2640.80'M.

3200.59'C.

S89°58'14"W

2599.41'C.

5800.00' C.

N0°02'56"E 2606.06'C.

2637.38'M.

N0°15'22"W

2642.25'C.

N0°18'41"W

N0°55'35"E 5280.00'R.

2640.00'R.

2612.48'M.

2640.00'R. 2613.42'PR.

2643.47'M.

S89°46'57"E 5913.60'R.

5854.07'M.

N88°50'28"W 5286.60'R

FD. 2 1/2" DIA. IRON POST WITH BRASS CAP MARKED: T12S R42E S1 | R43E S6 / S12 | S7 1967

RANGE 42E

RANGE 43E

SEC. 18

SEC. 17

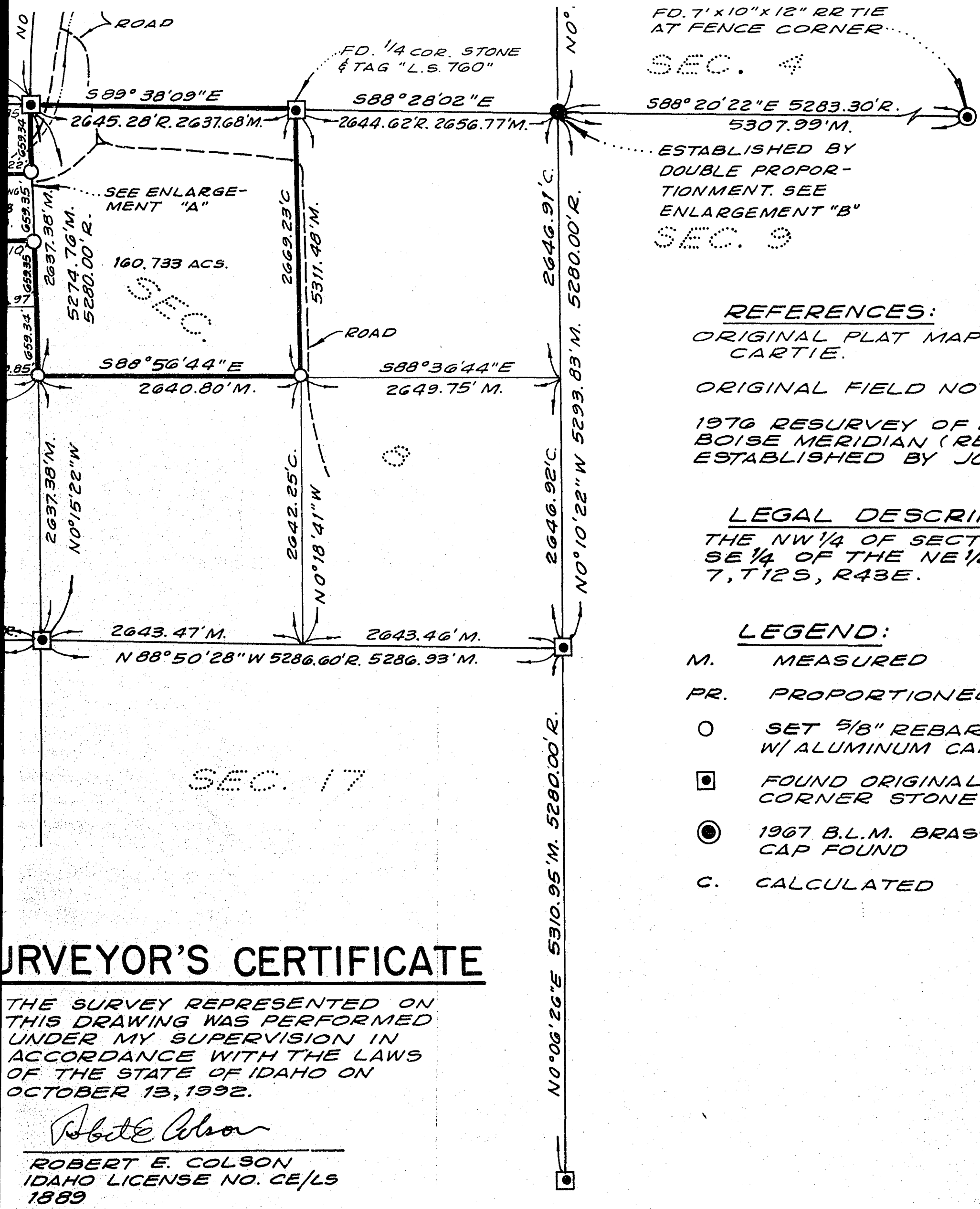
SCALE: 1"= 1000'

SURVEYOR'S CERTI

THE SURVEY REPRESENTE
THIS DRAWING WAS PERFO
UNDER MY SUPERVISION
ACCORDANCE WITH THE
OF THE STATE OF IDAHO
OCTOBER 13, 1992.

Robert E. Colson

ROBERT E. COLSON
IDAHO LICENSE NO. CE/LS
1889



REFERENCES:

ORIGINAL PLAT MAP DATED A
CARTIE.

ORIGINAL FIELD NOTES.

1976 RESURVEY OF EAST BOU
BOISE MERIDIAN (RE-MONUME
ESTABLISHED BY JOHN B. DA

LEGAL DESCRIPTION:

THE NW 1/4 OF SECTION 8, T12
SE 1/4 OF THE NE 1/4 OF THE
7, T12S, R43E.

LEGEND:

M. MEASURED

PR. PROPORTIONED

○ SET 5/8" REBAR W/ ALUMINUM CAP

▣ FOUND ORIGINAL CORNER STONE

◉ 1967 B.L.M. BRASS CAP FOUND

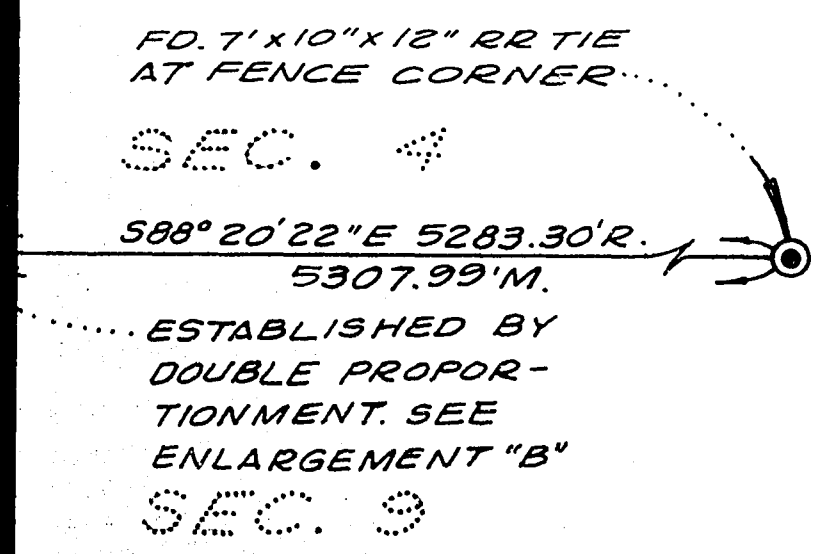
C. CALCULATED

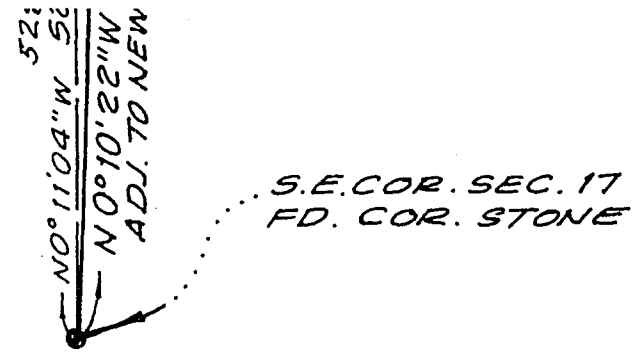
URVEYOR'S CERTIFICATE

THE SURVEY REPRESENTED ON THIS DRAWING WAS PERFORMED UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO ON OCTOBER 13, 1992.

Robert E. Colson

ROBERT E. COLSON
IDAHO LICENSE NO. CE/LS
1889





ENLARGEMENT "B"

DOUBLE PROPORTIONMENT FOR ESTABLISHING MISSING CORNER AT N.E. COR. OF SEC.8

REFERENCES:

ORIGINAL PLAT MAP DATED FEB. 12, 1876 BY LA FAYETTE CARTIE.

ORIGINAL FIELD NOTES.

1976 RESURVEY OF EAST BOUNDARY, T12S, R42E, BOISE MERIDIAN (RE-MONUMENTING OF CORNERS ESTABLISHED BY JOHN B. DAVID IN 1875).

LEGAL DESCRIPTION:

THE NW 1/4 OF SECTION 8, T12S, R43E AND THE SE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 7, T12S, R43E.

LEGEND:

M. MEASURED

PR. PROPORTIONED

○ SET 5/8" REBAR W/ ALUMINUM CAP

⊡ FOUND ORIGINAL CORNER STONE

◉ 1967 B.L.M. BRASS CAP FOUND

C. CALCULATED

PLAT OF SURVEY
for
ROGER J. CARLSEN

PART OF SECTIONS 7 & 8, T12S, R43E BOISE MERIDIAN, BEAR LAKE COUNTY, IDAHO, NORTHWEST OF MONTPELIER, IDAHO

PREPARED BY:
CONCECO ENGINEERING, INC.
2160 WINIFRED STREET
SIMI VALLEY, CALIF. 93065
(805) 527-3260

DATE: APRIL 20, 1993 | SCALE: 1" = 1000'

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 7, 1994

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

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

Dear Mr. Carlsen:

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

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

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

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

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

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR, Chief
Resource Protection Bureau

Enclosure

cc: Stan Harding
Ardee Heln
IDWR - Eastern Region

6-1-94

ACTION REQUIRED

RECEIVED
JUN 06 1994
Department of Water Resources

FROM: H.W. Jones - Eastern

TO: Bob Fletcher - Boise

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

HWJ

RECEIVED
MAY 25 1994
Department of Water Resources
Eastern District Office

16 MAY 1994

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

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

GENTLEMEN;

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

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

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

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

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

VERY TRULY

STAN & BETTY HARDING

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

RECEIVED
APR 29 1994
A. BRUCE LARSON, ATTORNEY
RECEIVED
MAY 25 1994
Department of Water Resources
Eastern District Office

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

STANLEY R. HARDING and BETTY G. HARDING, husband and wife, Plaintiffs, vs. ROGER CARLSON and PAT CARLSON, husband and wife, and JOHN DOE I, II, III, IV, V. Defendants.	Case No. CV 93-00124 **FINAL JUDGMENT AND PERMANENT INJUNCTION**

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

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

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

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

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

> The SW¼NE¼NE¼ of Section 7, Township 12 South, Range 43 East of the Boise Meridian, containing approximately 9.93 acres.

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

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

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

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

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

DATED this 25th day of April, 1994.

Peter D. McDermott
District Judge

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 15, 1995

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

Dear Interested Party:

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 10, 1995

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

RE: PERMIT NO. 11-07368

Dear Permit Holders:

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

Enclosure

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 50.00
Receipt No. C037547
Receipt By: KCF
Date Receipted: 1-14-97

RECEIVED
JAN 14 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 11-07368 Telephone No. 520 466 6333
2. Name(s) of Permit Holder(s): STAN & BETTY HARDING
3. Mailing Address: Box 2508 AZ City AZ 85223
4. Source of Water: SPRING If **GROUNDWATER** (well), Date Drilled: mo._____ / yr._____

   a. Well Driller: _____ Drilling Permit Number: ____-____-____-____
   b. *OPTIONAL:*
   Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

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

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

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
   (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

   Measuring Device: Is a measuring device required? Yes ____ **or** No X
   Has the measuring device been installed? Yes ____ **or** No X
   Flow Measurement Port: Is a flow measurement port required? Yes ____ **or** No X
   Has the measurement port been installed? Yes ____ **or** No X

8. Fee Enclosed: $ 50.00/100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

   Name: STAN & BETTY HARDING Telephone Number: 208 241 4359

   Address: 060 ASPEN DR OVID IDAHO 83254
   AVAILABLE FROM JUNE 20TH TO OCTOBER 5 1997

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

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

December 31, 1996

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

PROOF DUE NOTICE

RE: PERMIT NO. 11-07368

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

CERTIFIED MAIL
NO. 143091

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 30, 1997

STAN & BETTY HARDING
BOX 2508
ARIZONA CITY AZ 85223

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07368

Dear Permit Holder:

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

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

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

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region