

No Color
Documents
In File

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 Edward A. Shepherd (name of claimant)
of P.O. Box 160, Georgetown, Idaho 83239, claims a right to the diversion and beneficial use of
(mailing address)
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) Copenhagen Creek
, tributary to, Emmigration Creek

(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	<u>5.76</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>Apr. 15</u>	To	<u>Oct. 31</u>
Amount	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.04</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 5.76 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) May 24, 1887

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 SW ¼, Sec. 25 Twp. 12S Rge. 42E B.M. County of Bear Lake
Additional points of diversion: NE ¼ SW ¼, Sec. 30, T. 12S, R. 43E, B.M.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dams and 1½ miles of ditches 2 ft. wide by 1 ft. deep.

(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.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	43E	29									15								15
		30			33	20									35			40	128

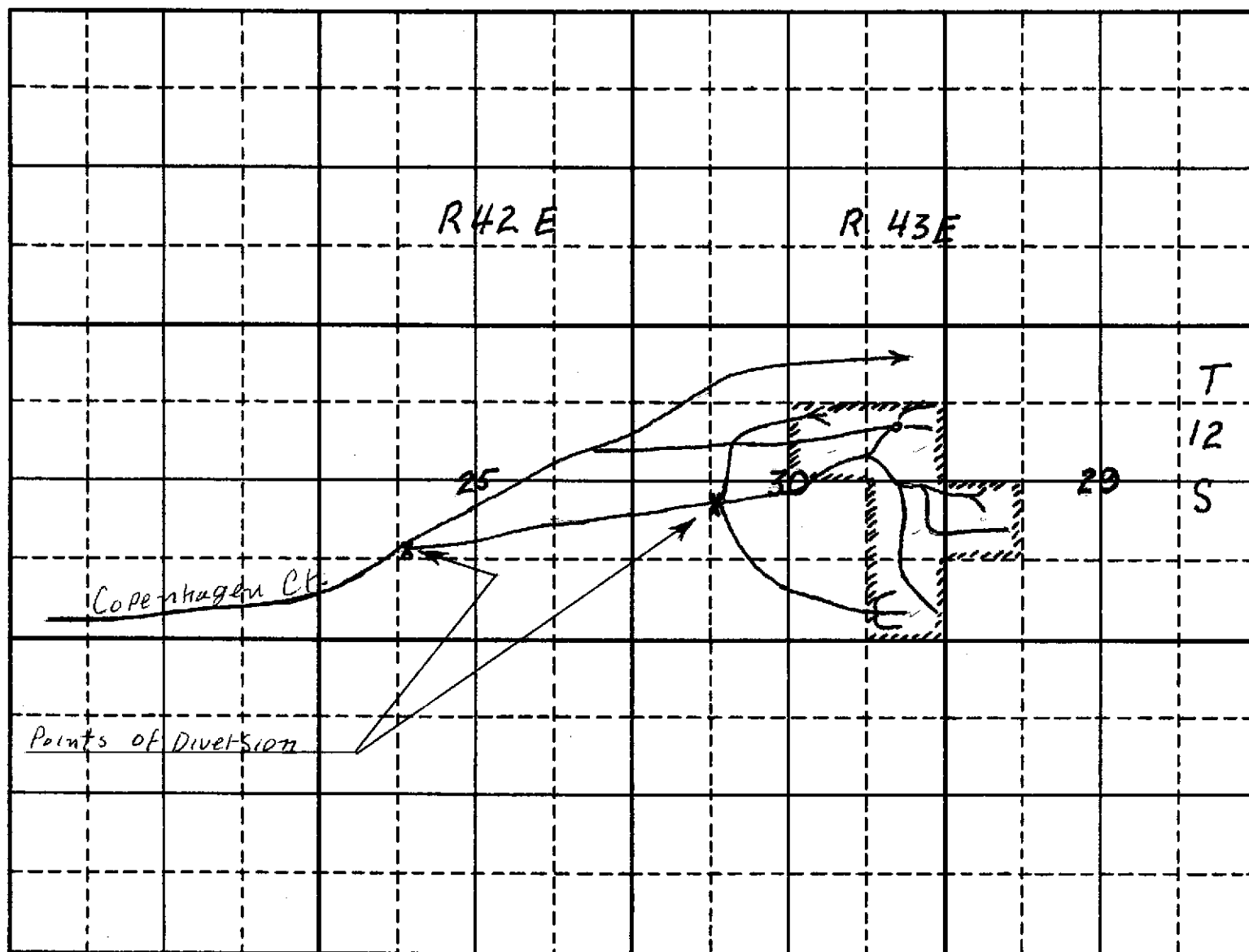
Total No. of acres 143

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

Stockwater and domestic purposes. One family & one hundred head beef cattle.

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

- (8) Remarks This claim is evidenced by a notice posted by Thomas C. Orr,
May 24, 1887. Recorded on Page 150, Misc. Book, in the Bear Lake County
Courthouse.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bear Lake) ss.

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

Sworn to before me this 6th day of March, 19 76.

Edward L. Shepherd
(Claimant)

Joan H. Crane
Notary Public
Residing at Shargetown

My commission expires 8/22/78

For Department Use Only

Received by Jo Date 3-18-76
Prelim. check by RDC Date 3/18/76
\$10.00 fee received by Jo Date 3-18-76
Approved for publication by me 3-10-76 #15165
Published in Times-Journal
Dates March 18 + 25, 1976
April 22 + 29, 1976

Exception filed by: _____ Date _____
Forwarded to claimant by: _____

Notice

Is hereby given that the undersigned, Thomas C. Orr, does hereby claim and appropriate Two hundred and eighty eight inches of water, measured under a four inch pressure of water as known as Copenhagen Creek situate about three miles North West of Liberty in Bear Lake County Idaho Territory, or so much of the waters of said Creek and streams and springs flowing into it above the ditch of the undersigned as will flow through a ditch two feet wide and one foot deep with a fall of three inches to the rod.

Said water to be taken out and diverted at or near a point three fourths of a mile west and one fourth of a mile north of the South West corner of Section No 30 in Township No 12 South of Range 43 East Boise Meridian, it being the point where this notice is posted. The purpose for which said water is claimed and appropriated is the irrigation of the S. E. 1/4 of N. E. 1/4, The E. 1/2 of S. E. 1/4 Sec. 30 and N. W. 1/4 of S. W. 1/4 Sec. 29 T. 12 S. of Range 43 East Boise Meridian, the same being the land embraced in the Homestead Entry of the undersigned Thomas C. Orr. The means by which the said Thomas C. Orr intends to divert and conduct the said water to the said land is a ditch two feet wide and one foot deep.

Dated this 24th day of May A.D. 1887.

Territory of Idaho }
County of Bear Lake }

Thomas C. Orr

Ephraim Crossley of Liberty, Bear Lake Co. Idaho, being duly sworn according to law deposes and says that he posted up a notice of which the foregoing is a full and correct copy at the point of diversion mentioned in said notice on the 24th day of May 1887.

Subscribed and sworn to before me this 24th day of May
A.D. 1887

Ephraim Crossley

S. H. Hays, Clerk of District Court

RECEIVED

APR 8 1976

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

March 18, 19*76*, and endingwith the issue of *March 25*, 19*76**Loren W. Thompson*Fees, *16.09*Subscribed and sworn to before me this *30th* dayof *March*, 19*76**Standa G. Thompson*

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*NOTICE OF CLAIM
TO A WATER RIGHT
No. *ri-4047*

Notice is hereby given that Edward L. Shepherd, Georgetown, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 5.76 cubic feet per second of water from Copenhagen Creek tributary to Emmigration Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 12S, R. 42E, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes for 100 head of beef cattle; and from Apr. 15 to Oct. 31 for the irrigation of 143 acres, with a priority of May 24, 1887; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 43E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho on March 18 and March 25, 1976

M18-25

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR BLAINE LAKE COUNTY.

L. T. SHEPHERD, as EXECUTOR of the
ESTATE OF EDWARD T. SHEPHERD, Deceased,

PLAINTIFF,

vs.

MILL CANYON NORTH CANAL COMPANY,
a corporation, R. D. ORR and DAVID KING,

DEFENDANTS,

and

C. H. MOREHOUSE,

Substituted Defendant.

DECREE

This cause came on regularly to be heard on this 19 day of February, 1929, Gerient Humphreys, Esq., of Montpelier, Idaho, appearing as attorney for plaintiff, and D. C. Kunz, Esq., appearing as attorney for the defendants and cross-complainants. It appearing to the Court that on the 16th day of February, 1929, a stipulation of facts was entered into, signed and filed herein, which it was agreed between the parties should be and the same is hereby adopted as the Findings of fact herein, and the Court, from said stipulation and findings of fact, being fully advised in the premises, and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto do, and each of them is hereby accorded and decreed the quantity of water hereinafter specified, with date of priority and for the irrigation of lands as hereinafter set forth:

L. T. SHEPHERD AS EXECUTOR OF THE ESTATE OF EDWARD T. SHEPHERD, DECEASED:

APRIL 15th, 1908 - One and one-half cubic foot per second to be taken from and through the natural channel of Copenhagen Creek, and by the construction thereof by such ditches and canals as have been used and built, and are now used, for the conveyance and use of water from said Copenhagen Creek for the irrigation of the following described lands, to-wit:

The South Half of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter and the of the Northeast Quarter of Section 30, and the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 43 East Boise Meridian, in Idaho.

DAVID C. KING:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and swales from said Copenhagen Creek, having their intake at or near a point about rods north from the southeast corner of the northeast quarter of the southwest quarter of Section 25, Township 12 South, Range 43 East Boise Meridian, and also at a point about rods east of the aforesaid point of diversion, for the irrigation of twenty-five acres of land in the Southeast Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 43 East Boise Meridian, in Idaho.

C. H. MOREHOUSE, Substituted defendant for R. D. ORR:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and swales from said Copenhagen Creek at a point near the Southeast Corner of the Southeast Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, for the irrigation of approximately twenty-four acres of land in the Southwest Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, and approximately four acres in the Southeast Quarter of the Northwest Quarter section and Township aforesaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all rights hereinbefore decreed shall have date of priority as of April 15th of the respective years hereinbefore specified, and that all such rights shall be for the irrigation season each and every year, to-wit, from May 1st to October 1st.

In accordance with said stipulation. IT IS HEREBY ADJUDGED that all pleadings have been deemed amended to conform to said stipulation and proof, and that pleadings have been filed as a basis for the awards made to C. H. Morehouse substituted defendant for the defendant and cross-complainant R. D. Orr.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the several persons to whom water is awarded under this decree shall at his own cost and expense install and maintain a measuring device at or near each point of diversion in order that it may be readily determined what quantity of water is being used and diverted. Such measuring devices shall be under the exclusive control of those who install or own the same and all others are hereby restrained and enjoined from molesting, tampering or interfering with (but may at any time inspect) any such device.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party pay its own costs herein.
Dated this 19 day of February, 1929.

Jay L. Downing
District Judge.

RECEIVED

MAY 10 1976

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Lozen W. Thompson
being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

April 22, 1976, and ending
with the issue of April 29, 1976

Lozen W. Thompson
Fees, 11.00

Subscribed and sworn to before me this 4th day

of May, 1976
Lozen W. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 11-4047 in the name of Edward L. Shepherd was advertised incorrectly on March 18 and March 25, 1976. The place of use was advertised as being within the NW¼SW¼, Sec. 29, S½NE¼, E½SW¼, Sec. 30, T. 12S, R. 43E, B.M.

WHEREAS, the actual place of use is within the NW¼SW¼, Sec. 29, S½NE¼, E½SE¼, Sec. 30, T. 12S, R. 43E, B.M.

Any exception to the granting of this claim as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho.

R. KEITH HIGGINSON
Director

Published in the News-Examiner, Montpelier, Idaho, on April 22 and April 29, 1976

29° A22

01 WATER RIGHT NUMBER - 11-4047 02 OLD (CD) NUMBER -

03001 - SHEPHERD LAST NAME FIRST NAME ORIG. OWNER 04001 - EDWARD L. 05001 - C

06 ADD LINE 1 - P.O. BOX 160 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - GEORGETOWN 10 STATE - ID 11 ZIP - 83239

12 STAGE - S STATUTORY CLAIM 13 STATUS -

14001 - COPENHAGEN CREEK SOURCE TRIBUTARY OF 15001 - EMMIGRATION CREEK

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 5.760 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	DIVERSION POINTS	RFLG	STREAM	INDEX	FIELDS
22001 -	NESW	23001 - 25	24001 - 12S	25001 - 42E	26001 -	27001 -			
				28001 -	0	100.0	171.0	10.0	4.0
								1.0	0.0
								0.0	0
								0	0
									1.1
22002 -	NESW	23002 - 30	24002 - 12S	25002 - 43E	26002 -	27002 -			
				28002 -	0	100.0	171.0	10.0	0.0
								0.0	0.0
								0.0	0.0
								0	0
								0	0
									4.7

29 NON-IRRIGATION USE - S/100 RANGE D/1 HOME.

USE CODE / USE	TWN	RNG	PLACE OF USE	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 12S	32001 - 43E	33001 - 30	34001 - SWNE	35001 - 33	36001 -	
30002 - 01 IRRIGATION	31002 - 12S	32002 - 43E	33002 - 30	34002 - SENE	35002 - 20	36002 -	
30003 - 01 IRRIGATION	31003 - 12S	32003 - 43E	33003 - 30	34003 - NESE	35003 - 35	36003 -	
30004 - 01 IRRIGATION	31004 - 12S	32004 - 43E	33004 - 30	34004 - SESE	35004 - 40	36004 -	
30005 - 01 IRRIGATION	31005 - 12S	32005 - 43E	33005 - 29	34005 - NWSW	35005 - 15	36005 -	
TOTAL ACRES: 143							

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0415	38001 - 1031	39001 - 01 IRRIGATION	40001 -	5.760	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER	40002 -	0.040	41002 - 0.00
37003 - 0101	38003 - 1231	39003 - 43 DOMESTIC	40003 -	0.040	41003 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

	PRIORITY	DATE	LICENSE	DATE	TRANSFER/AMENDED
47	PRIORITY	24-MAY-1987	55	LICENSE	63
48	PROOF DUE		56	APPL RECEIVED	64
49	PROOF MADE		57	FIELD EXAM MADE	65
50	APPROVE/DENIED		58	DECREE	66
51	PROTESTED		59	START WORK	67
52	HEARING		60	ORDER SHOW CAUSE	
53	VERIFIED		61	DATE_1	
54	LAST UPDATE	13-NOV-1981	62	DATE_2	

78/6/13
NOTED JKN

3/79

IDENT. NO. 11-4047

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- Present Owner: _____

- | | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't</u>
<u>Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-------------|-------------|----------------------------|---------------|
| 6. A. Point of Diversion | NESW | 25 | 12S | 42E | | |
| | NESW | 30 | 12S | 43E | | |
| | | | | | | |
| | | | | | | |

- from 4-15 to 10-31 for A purposes. Amount 5.76
(cfs or AG-FT/yr)
- from 1-1 to 12-31 for S purposes. Amount .04
- from 1-1 to 12-31 for D purposes. Amount .04
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____

10-30-79

B. Decree Date:

11. Other Uses (Non-irrigation explanatory information): S/100 range D/1 home.

12. Other Rights for Same Use:

G. Field Exam Made (P, R, F or blank):

14. Diversion Means (brief narrative):

April 15, 1976

RE: Claim to a Water Right No. 11-4047

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

Gentlemen:

We are resubmitting a legal notice for the above referenced claim to a water right to be published on April 22 and April 29, 1976. This notice was originally published in your newspaper on March 18 and 25, 1976, but unfortunately it was advertised incorrectly. Since we did not receive a galley proof we had no way of checking the correctness of this application advertisement before it went to print.

In reviewing the affidavit of publication we find that a portion of the place of use was advertised incorrectly. We, therefore, request that this be advertised again at your expense. Please submit a galley proof before the first date of publication for our review.

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

If you have any questions, please contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enc: Legal Notice (1)

cc: IDWR - State Office

ROUTING SLIP

DATE 7-14-76 TIME _____

TO: _____ REF. No. (if any) _____

FROM: (show title) Calleen

FOR YOUR:

- ☐ Information
- ☐ Approval
- ☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
- ☐ Comment & Return
- ☐ Take Proper Action
- ☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
- ☐ Your Request
- ☐ Boss's Request

*This claim has to be
re-advertised due to error.
File Originals
immediately - not desk or
do not file for filming!*

☐ Will Call Again ☐ Returned Your Call ☐ Telephoned ☐ Please Call

PHONE: _____ AREA CODE _____ NUMBER _____ EXT. _____

OF _____

M _____

DATE _____

WHILE YOU WERE OUT _____ TO _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Claim to a Water Right No. 11-4047 EDWARD L. SHEPHERD

Mr. Dennis M. Carlsen
138 North Main
Logan, Utah 84321

Dear Mr. Carlsen:

We have included a copy of the Decree to L. T. Shepherd -vs- Mill Canyon North Canal Company as part of the above referenced file as an exception to the claim submitted by Edward L. Shepherd. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Claim to a Water Right No. 11-4047

Edward L. Shepherd
P.O. Box 160
Georgetown, Idaho 83239

Dear Mr. Shepherd:

Enclosed please find a copy of the exception filed by Dennis M. Carlsen in connection with your Claim No. 11-4047. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provision of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw
Enclosure
cc: IDWR - State Office

Logan, Utah
5 April, 1976

RECEIVED

APR 7 1976

Department of Water Resources
Eastern District Office

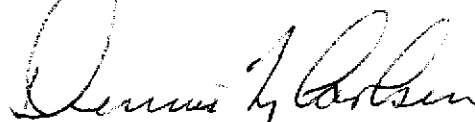
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention Ronald D. Carlsen, Supervisor

Dear Mr. Carlsen,

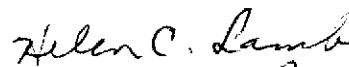
Enclosed please find an exception to the claim number 11-4047.

The exception to the claim is taken on the basis of usage according to the decree enclosed dated 16 February, 1929. I would appreciate your receiving this decree for record.


Dennis M. Carlsen

DMC/er

On this 6 April 1976 personally appeared Dennis M. Carlsen, known to me to be the person whose name is signed to the above instrument.


Commission Expires 22 May 1977

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

L. T. SHEPHERD, as EXECUTOR of the
ESTATE OF EDWARD TO. SHEPHERD, Deceased,

PLAINTIFF,

vs.

MILL CANYON NORTH CANAL COMPANY,
a corporation, R. D. ORR and DAVID KING,

DEFENDANTS,

and

C. H. MOREHOUSE,

Substituted Defendant.

DECREE

This cause came on regularly to be heard on this 19 day of February, 1929, Goriant Humpherys, Esq., of Montpelier, Idaho, appearing as attorney for plaintiff, and D. C. Kunz, Esq., appearing as attorney for the defendants and cross-complainants. It appearing to the Court that on the 16th day of February, 1929, a stipulation of facts was entered into, signed and filed herein, which it was agreed between the parties should be and the same is hereby adopted as the Findings of Fact herein, and the Court, from said stipulation and findings of fact, being fully advised in the premises, and conclusions of law being waived:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respective parties hereto be, and each of them is hereby accorded and decreed the quantity of water hereinafter specified, with date of priority and for the irrigation of lands as hereinafter set forth:

L. T. SHEPHERD AS EXECUTOR OF THE ESTATE OF EDWARD T. SHEPHERD, DECEASED:

APRIL 15th, 1898 - One and one-half cubic foot per second to be taken from and through the natural channel of Copenhagen Creek, and by the construction thereof by such ditches and canals as have been used and built, and are now used, for the conveyance and use of water from said Copenhagen Creek for the irrigation of the following described lands, to-wit:

The South Half of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter and the of the Northeast Quarter of Section 30, and the Northwest Quarter of the Southwest Quarter of Section 29, Township 12 South, Range 43 East Boise Meridian, in Idaho.

DAVID C. KING:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and swales from said Copenhagen Creek, having their intake at or near a point about rods north from the southeast corner of the northeast quarter of the southwest quarter of Section 25, Township 12 South, Range 43, East Boise Meridian, and also at a point about rods east of the aforesaid point of diversion, for the irrigation of twenty-five acres of land in the Southeast Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 43 East Boise Meridian, in Idaho.

C. H. MOREHOUSE, Substituted defendant for R. D. ORR:

APRIL 15th, 1908 - One-half cubic foot per second to be diverted through ditches and swales from said Copenhagen Creek at a point near the Southeast Corner of the Southeast Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, for the irrigation of approximately twenty-four acres of land in the Southwest Quarter of the Northeast Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, and approximately four acres in the Southeast Quarter of the Northwest Quarter of Section 25, Township 12 South, Range 42 East Boise Meridian, in Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all rights hereinbefore decreed shall have date of priority as of April 15th of the respective years hereinbefore specified, and that all such rights shall be for the irrigation season each and every year, to-wit, from May 1st to October 1st.

In accordance with said stipulation. IT IS HEREBY ADJUDGED that all pleadings have been deemed amended to conform to said stipulation and proof, and that pleadings have been filed as a basis for the awards made to C. H. Morehouse substituted defendant for the defendant and cross-complainant R. D. Orr.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the several persons to whom water is awarded under this decree shall at his own cost and expense install and maintain a measuring device at or near each point of diversion in order that it may be readily determined what quantity of water is being used and diverted. Such measuring devices shall be under the exclusive control of those who install or own the same and all others are hereby restrained and enjoined from molesting, tampering or interfering with (but may at any time inspect) any such device.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party pay its own costs herein.
Dated this 19 day of February, 1929.

Jay L. Downing
District Judge.

Filed March 8, 1929
AMY MUNK, Clerk District Court,
By W. W. Smith, Deputy

May 10, 1976

RE: Claim to a Water Right No. 11-4047

Mr. Edward G. Shepherd
P.O. Box 160
Georgetown, Idaho 83239

Dear Mr. Shepherd:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

May 4, 1976

RE: Claim to a Water Right No. 11-4047 EDWARD L. SHEPHERD

Mr. Thomas W. Forsgren
Attorney
Utah Power and Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

Please find enclosed the protest you submitted against the above referenced claim to a water right. We find it necessary to return your protest because there appears to be some misunderstanding on the part of Utah Power and Light since the claimant is not requesting to appropriate water from Copenhagen Creek, but rather wishes to record a record of a right which he feels has been established through the diversion and beneficial use of the water commencing May 24, 1887.

If you have evidence that this right as claimed is incorrect, then you may wish to submit an exception stating the errors that you believe to be present. An exception must be submitted in affidavit form.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

April 28, 1976.

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

RECEIVED

MAY 3 1976

Department of Water Resources
Eastern District Office

State Office
Idaho Department of Water Resources
373 W. Franklin
Boise, Idaho

Gentlemen:

Re: Application No. 11-4047

Transmitted herewith please find Protest of Utah Power & Light Company in the Matter of the Application of Edward L. Shepherd for a Permit to Appropriate 5.76 Cubic Feet Per Second of Water from Copenhagen Creek Tributary to Emmigration Creek to the Bear River.

Yours truly,


THOMAS W. FORSGREN

TWF:LK
ENC.

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 11-4047 in the name of Edward L. Shepherd was advertised incorrectly on March 18 and March 25, 1976. The place of use was advertised as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 43E, B.M.

WHEREAS, the actual place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 12S, R. 43E, B.M.

Any exception to the granting of this claim as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho, on April 22 and April 29, 1976

0-11-4047-11-4047

April 15, 1976

RE: Claim to a Water Right No. 11-4047

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

Gentlemen:

We are resubmitting a legal notice for the above referenced claim to a water right to be published on April 22 and April 29, 1976. This notice was originally published in your newspaper on March 18 and 25, 1976, but unfortunately it was advertised incorrectly. Since we did not receive a galley proof we had no way of checking the correctness of this application advertisement before it went to print.

In reviewing the affidavit of publication we find that a portion of the place of use was advertised incorrectly. We, therefore, request that this be advertised again at your expense. Please submit a galley proof before the first date of publication for our review.

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

If you have any questions, please contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enc: Legal Notice (1)

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 14, 1976

RE: Claim to a Water Right No. 11-4047 EDWARD L. SHEPHERD

Mr. Dennis M. Carlsen
138 North Main
Logan, Utah 84321

Dear Mr. Carlsen:

We have included a copy of the Decree to L. T. Shepherd -vs- Mill Canyon North Canal Company as part of the above referenced file as an exception to the claim submitted by Edward L. Shepherd. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7165

April 14, 1976

RE: Claim to a Water Right No. 11-4047

Edward L. Shepherd
P.O. Box 160
Georgetown, Idaho 83239

Dear Mr. Shepherd:

Enclosed please find a copy of the exception filed by Dennis M. Carlsen in connection with your Claim No. 11-4047. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provision of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw
Enclosure
cc: IDWR - State Office

Logan, Utah
5 April, 1976

RECEIVED

APR 7 1976

Department of Water Resources
Eastern District Office

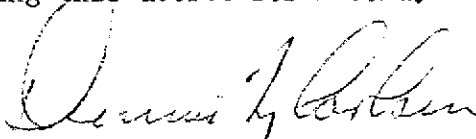
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention Ronald D. Carlsen, Supervisor

Dear Mr. Carlsen,

Enclosed please find an exception to the claim number 11-4047.

The exception to the claim is taken on the basis of usage according to the decree enclosed dated 16 February, 1929. I would appreciate your receiving this decree for record.



Dennis M. Carlsen

DMC/er

On this *5 April 1976* personally appeared Dennis M. Carlsen, known to me to be the person whose name is signed to the above instrument.

Helen C. Lamb
Commission Expires 22 May 1977

April 5, 1976

RE: Claim to a Water Right No. 11-4047

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on March 18 and March 25, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

March 12, 1976

RE: Claim to a Water Right No. 11-4047 SHEPHERD

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

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-28-76 by ad

RDC:CW

Enc: Legal Notice (1)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4047

Notice is hereby given that Edward L. Shepherd,

Georgetown, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 5.76 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Copenhagen Creek tributary to Emmigration Creek

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 12S, R. 42E, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 30, T. 12S, R. 43E, B.M., Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and stockwatering purposes for 100 head of beef cattle;
and from Apr. 15 to Oct. 31 for the irrigation of 143 acres,
with a priority of May 24, 1887;

the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30,
T. 12S, R. 43E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho

on March 18 and March 25, 1976

*me-h
me-C*

March 10, 1976

RE: Claim to A Water Right No. 11-4047

Mr. Edward L. Shepherd
P.O. Box 60
Georgetown, Idaho 83239

Dear Mr. Shepherd:

Attache herewith is departmental receipt No. 15665 in the amount of \$10.00
for the above referenced claim to a water right.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:GW

Attachment

RECEIVED

MAR 8 1976

Department of Water Resources
Eastern District Office

MARCH 6, 1976

Edward L. Shepherd

P.O. Box 160

Georgetown, Idaho
83239

Dear Mr. Holmes;

I am returning my water right claim,
and hope it's all in order.

I was wondering if maybe you had
this claim filed under my fathers
name (Edward L. Shepherd Deceased)
because on the claim form there was
a H. middle initial instead of an L.

yours Truly,
Edward L. Shepherd

March 4, 1976

RE: Claim to a Water Right

Mr. Edward G. Shepherd
P.O. Box 160
Georgetown, Idaho 83239

Dear Mr. Sheppard:

We must return your claim and check No. 92-112 in the amount of \$10.00, because the amount of water was incorrectly converted to cubic feet per second. The 288 inches of water is equal to 5.76 cubic feet per second.

We have taken the liberty of retyping your claim and making some revisions to bring it into accordance with Department procedures for processing claims. The amounts shown for domestic and stockwater purposes are those usually claimed for a single family dwelling and up to 200 head of beef cattle.

Please examine the revised claim and indicate in Item 6b, the number of families served with domestic water and the number and kind of livestock watered.

If the revised claim is satisfactory, please sign before a notary and return it to this office with the statutory \$10.00 filing fee.

If we may be of any further assistance, please do not hesitate to contact us.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Attachment

Enclosure

RECEIVED

MAR 1 1976

Department of Water Resources
Eastern District Office

Feb. 28, 1976

Edward L. Shepherd

P.O. Box 160

Georgetown, Idaho

83239

Department of Water Resources

Would you please check this over
to see that I converted the 288 inches
of water to the correct cubic feet
per second. Thank you.

Edward L. Shepherd