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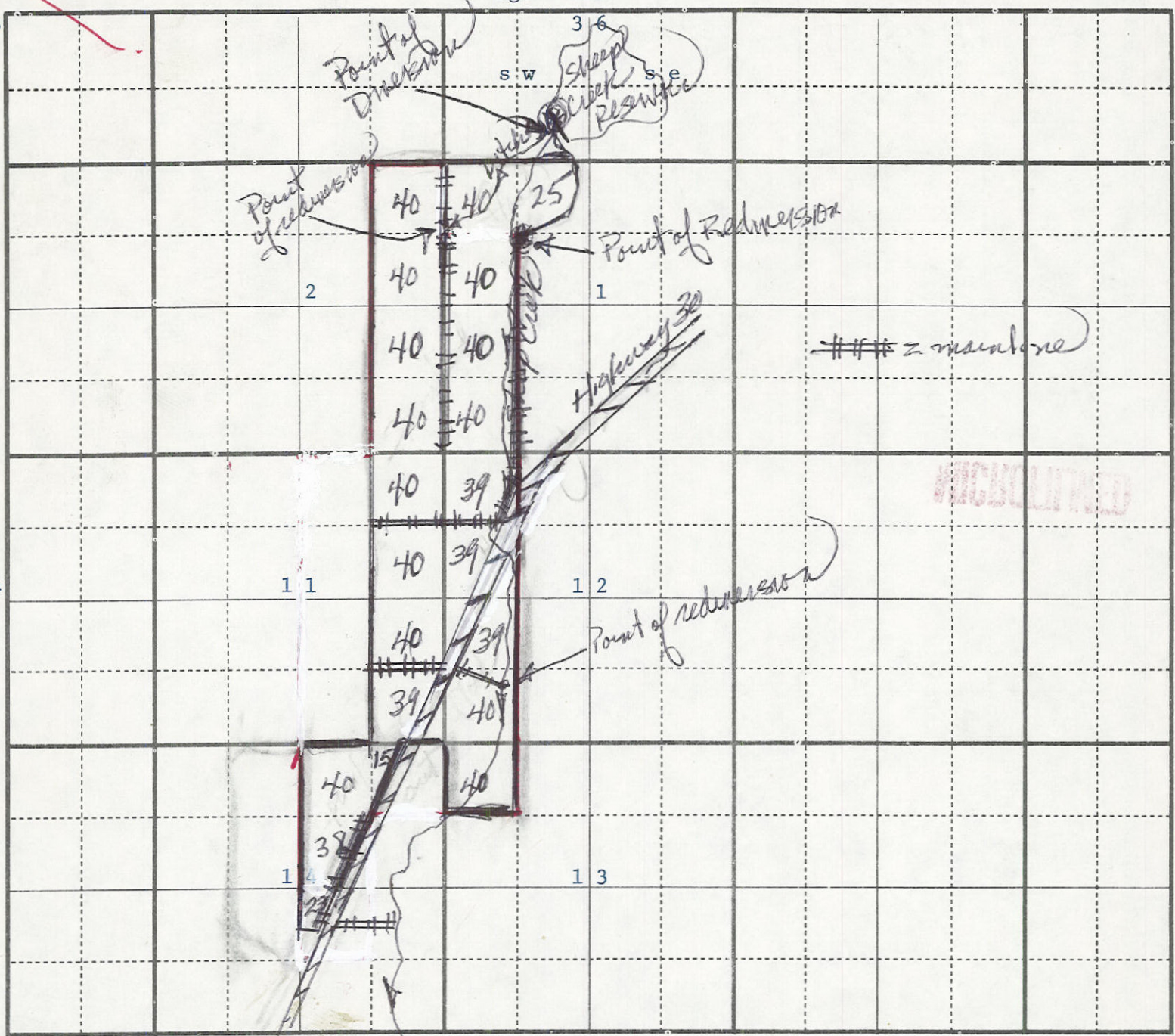


Diagram of System

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-808

REPORT ON PROOF OF Completion of works

Sheep Creek Irrigation Company, Montpelier. Idaho

Ivan W. Lloyd, President.

plus due - Mar. 21, 1951

BU " - " 21, 1953

R-808

T 135 - R 45 E

25

36

outlet

2

1

State Highway

ALTON

11

12

U.S. 30 N

Q - 121 A.C.F.T

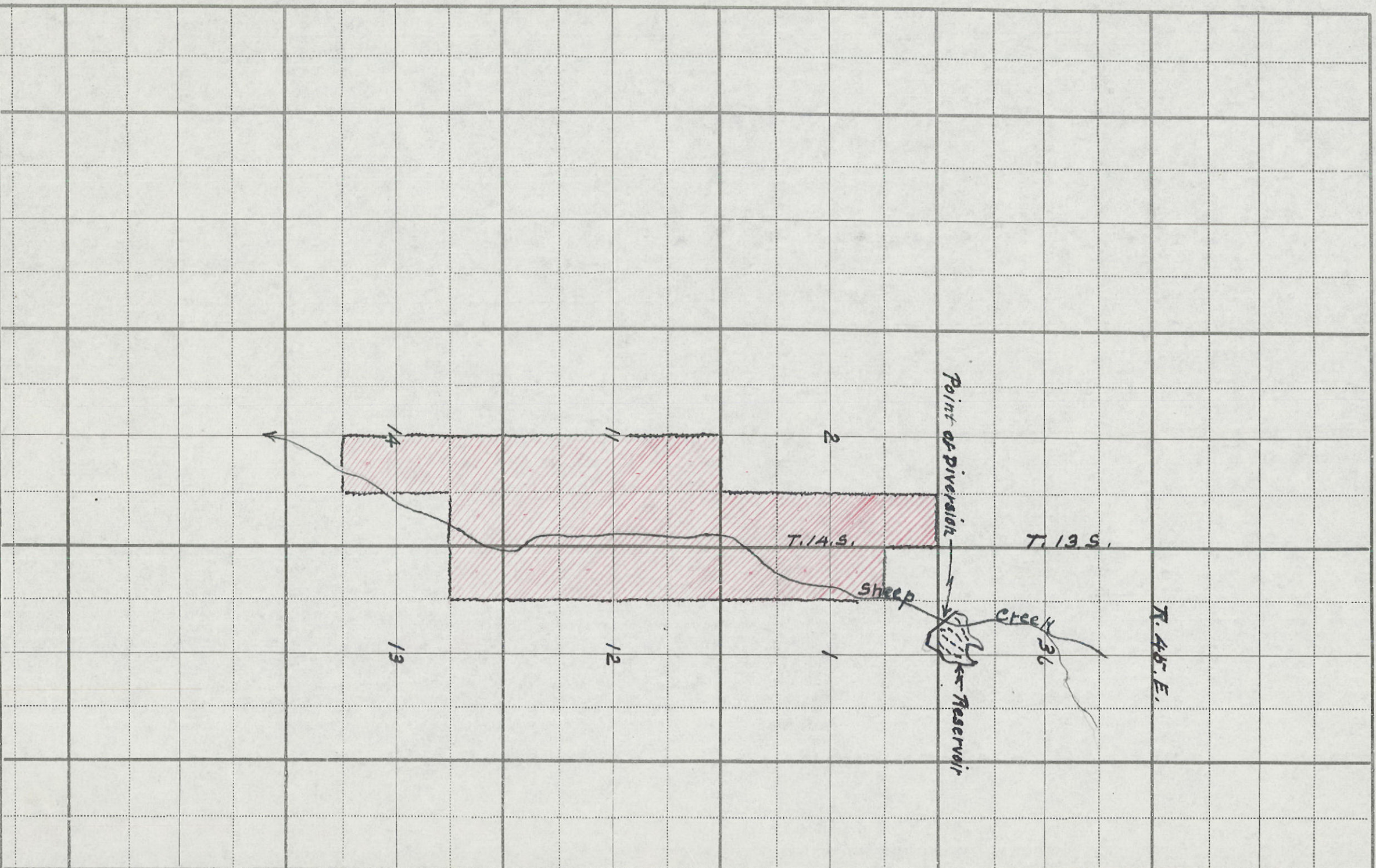
Hare

Bear River

NAME OF APPLICANT

Sheep Creek Irrigation Co. Inc.

FORM NO. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

R-808

Approval of Commissioner of Reclamation

The number of this permit is.....

Recorded in Book.....Page.....Approved.....

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$.....to be filed on or before.....

Work to begin on or before....., and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before.....

Beneficial use of water appropriated in accordance herewith, to be made on or before.....

Witness my hand this.....day of....., 193.....

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, ...Governor of the State of Idaho, and Secretary of State of the State of Idaho, have caused this instrument, to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....day of....., 19.....

Countersigned:

STATE OF IDAHO

By.....
Secretary of State

By.....
Governor

No.....

PERMIT

Date of first receipt at office of Commissioner of Reclamation

10 Jan 1917

Returned to applicant for correction

Corrected application received

Fees, \$

none

FILING FEES FOR USE PERMIT:

For the first Sec. Ft.\$5.00

For each additional Sec. Ft. or fraction

thereof 25

①	$\frac{3}{7}$	≈ 150 meter	320 aum
2	$\frac{1}{7}$	50	160
3	$\frac{1}{7}$	50	160
4	$\frac{1}{7}$	50	160
5	$\frac{1}{7}$	50	160

$$\begin{array}{r} 160 \\ 3 \\ \hline 480 \\ 2 \\ \hline 960 \end{array}$$

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12

13

39-35E (County to Sec)

Lot B (NE 1/4 NW 1/4) Sec. 1

T-14S — R 45E

Sec 36

SE 1/4 35 NW 1/4
Sec 36

School Section

CREEK

Frank Miles

Alma & Levi
Kury

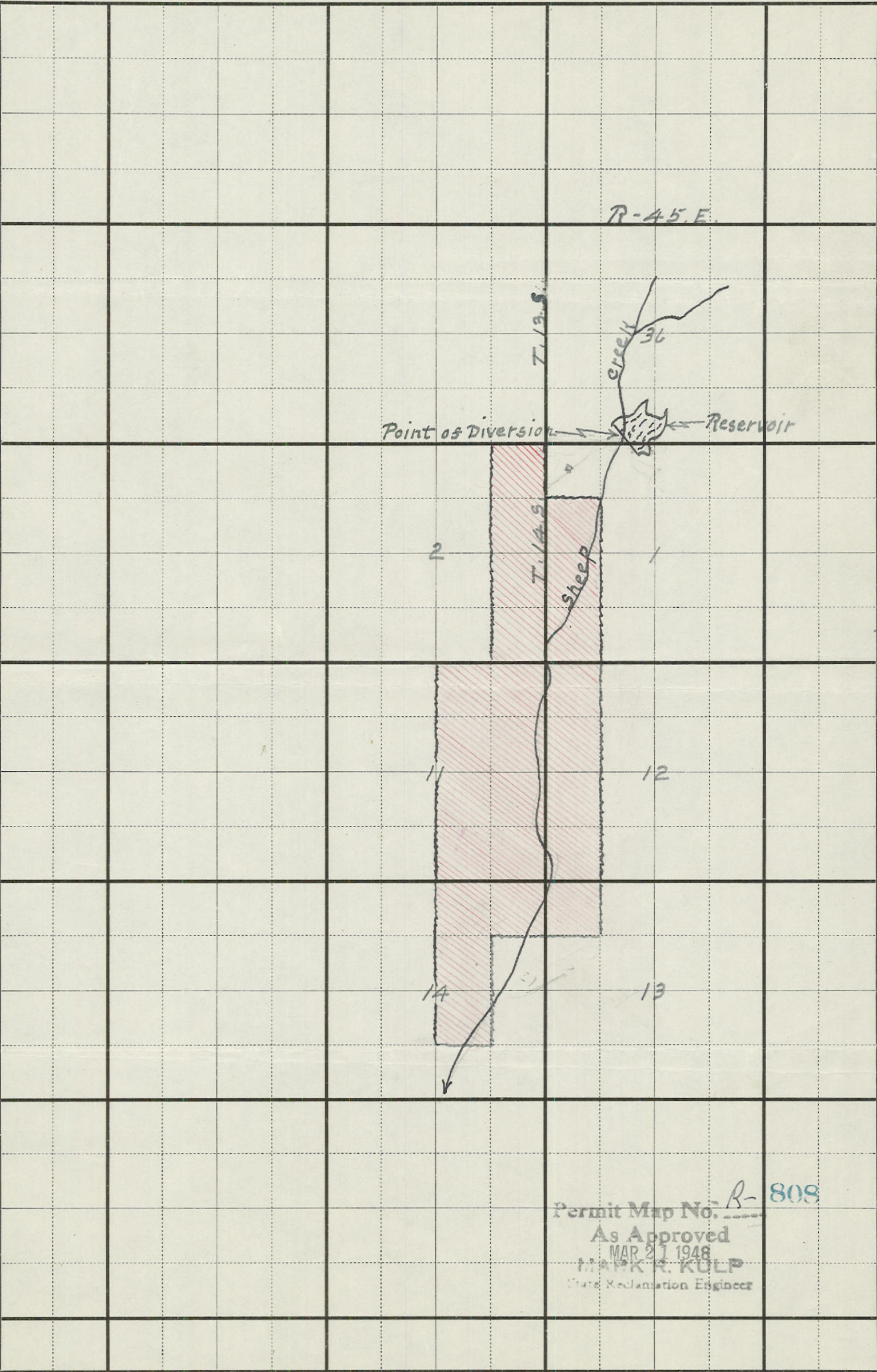
Sec 36

Don Kury

Don Kury

Sheep Creek Proposed Reservoir

Grand Pit
sacred



Permit Map No. R-808
As Approved
MAR 21 1948
MARK R. KULP
State Reclamation Engineer

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 11-2154 Priority May 24, 1969 Amount 120 acre feet

THIS IS TO CERTIFY, that Sheep Creek Irrigation Co., Inc.
of Montpelier, ID, has complied with the terms and conditions of Permit
No. 11-2154 issued pursuant to Application for Permit dated March 8, 1948,
and has submitted proof to the Department of Water Resources on June 6, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of N/A of water from Sheep Creek,
tributary to Bear River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Storage for Irrigation	from <u>January 1</u> to <u>December 31</u>	at _____ cfs and	<u>120 acre feet</u>
Irrigation	from <u>April 15</u> to <u>October 15</u>	at _____ cfs and	<u>120 acre feet</u>
from storage	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than N/A of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
120 acre feet per year, said waters to be diverted within the SESW Sec. 36
T13S R45E, B.M. in the County of Bear Lake

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40			40									40			39	159
		12						39	39			39	40						157
		13						40											40
		14	15	40	38										23				116
Total number of acres irrigated																			752

Use of water under this license is subject to control by the watermaster of
State Water District No. 11, Bear River.

Points of rediversion from Sheep Creek:
SE¼NW¼ Sec. 1, SW¼SW¼ Sec. 12, T14S R45E

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 82.

Director

MICROFILMED

U.S. DRT

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

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

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two

successive weeks, commencing with the issue
dated July 11, 19 74.

and ending with the issue

dated July 18, 19 74

W. Jerome Taylor
Publisher and Foreman

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Sheep Creek Irrigation Company, Inc., Route No. 1, Montpelier, Idaho 83254 has received an approved Permit No. R-808/11-2154 issued by the Idaho Department of Water Administration authorizing the storage of 121.23 acre feet per annum of water from Sheep Creek, tributary to Bear Lake. The priority to be established under this permit is May 24, 1969 and the permit was approved March 21, 1948.

Water is to be diverted by ditches from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 13S, Rge. 45E, B. M., Bear Lake County, to be used for irrigation purposes in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 11; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, Twp. 14S, Rge. 45E, B. M.

Proof of the application of the water to beneficial use was submitted to the Department on June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in The News-Examiner, Montpelier, Idaho on July 11 and July 18.

(j-11/18)

Subscribed and sworn to before me this 19th day of July, 19 74

Philip H. Smith
Notary Public.

11-2154

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-808/11-2154)
)
in the name of SHEEP CREEK IRRIGATION COMPANY, INC.) ORDER MODIFYING REQUIREMENTS
) FOR COMPLETION OF PERMIT TO
) APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

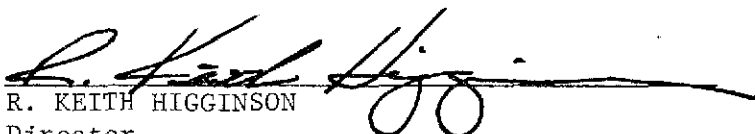
WHEREAS, on August 1, 1968, the Department of Water Administration (formerly the Department of Reclamation) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-808/11-2154 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.

Dated this 17 day of June, 1974.


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-808/11-2154

in the name of SHEEP CREEK IRRIGATION COMPANY, INC.

ORDER

WHEREAS, on March 8, 1948, the Sheep Creek Irrigation Company, Inc. applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 121.23 acre feet per annum of water from Sheep Creek, tributary to Bear Lake, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 13S, Rge. 45E, B.M., Bear Lake County, to be used for irrigation purposes; and,

WHEREAS, on March 21, 1948, the Department approved said application and issued Permit No. R-808/11-2154 with the condition that one-fifth (1/5) of the work be completed on or before September 21, 1949, that the whole of said work be completed on or before March 21, 1951, and that proof of beneficial use be made on or before March 21, 1953; and,

WHEREAS, on March 26, 1951, the Department received proof of completion of works; and,

WHEREAS, on May 15, 1974, the Department notified the permit holders that Permit No. R-808/11-2154 was subject to cancellation for failure to submit proof of beneficial use of water on or before March 21, 1953; and,

WHEREAS, on June 6, 1974, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. R-808/11-2154 be advanced to May 24, 1969.

Dated this 14 day of June, 1974.


R. KEITH HIGGINSON
Director

JG

11-2154

11-2154

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 27950

Permit No. R 808

1. Name of Applicant: SHEEP CREEK IRRIGATION COMPANY, INCORPORATED

Postoffice address: Montpelier

County Bear Lake

State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 30, 1919

(b) Amount of Capital Stock: \$7,000.00

(c) Amount paid in: \$ 7,000.00

(d) Names and addresses of directors: Ivan W. Lloyd, Pres.,
Montpelier, Idaho; Lee Lloyd, Sec., Montpelier, Idaho; Alma Kunz, Treas., Montpelier, Idaho; Griff K. Lloyd,
Montpelier, Idaho, and Delbert L. Kunz, Montpelier, Idaho. All directors.

II. The financial resources of the corporation are:

(a) Cash on hand: \$ None

(b) Treasury Stock: \$ None

(c) Bonds to be issued: \$ None

(d) Other resources: Resources come from annual assessments.

2. Quantity of water to be stored: 121.23 acre feet in reservoir
springs flowing in same. acre feet per annum.

3. Source of water supply is Sheep Creek and tributary (Creek) (River) (Spring), a tributary of Bear River River.

4. The outlet of the proposed reservoir is located 1500 feet, distant from the S W corner of Section 36, Township 13 S.,
(bearing)
Range 45 E., B. M. and is in the SE 1/4 of SW 1/4 of Section 36, Township 13 S., Range 45 E., B. M. County of Bear Lake

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Sheep Creek (Creek) (River).
direct from Sheep Creek which flows through reservoir,

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from

the corner of Section, Township, Range, B. M., and is in the 1/4 of 1/4 of

Section, Township, Range, B. M.; width at bottom feet, width at top

feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is acres.

(b) The reservoir capacity is 121.23 acre feet.

7. Height of reservoir dam 15 feet, length at top 1000 feet, length at bottom 80 feet, size of outlet 18 inches feet
by 15 feet. The dam is to be constructed of materials as follows: Dirt and clay

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

(Creek) (River)? Yes, will not use Sheep Creek bed.

(b) Water stored in reservoir will be carried in the channel of No (Creek) (River), a distance

of miles to point of diversion located (bearing) feet, distant from the corner of Section

Township, Range, B. M., and in the 1/4 of 1/4 of Section, Township, Range

B. M.

9. Amount of water claimed from None (Creek) (River) (Spring) in addition to that
stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water feet, distant from Corner of Section, Township, Range
(bearing)

B. M. and is in the 1/4 of 1/4 of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet
(bearing)

distant from the corner of Section, Township, Range, B. M., in

the 1/4 of 1/4 of Section, Township, Range, B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

, which is hereby referred to and made a part hereof.

13. Kind of diversion works: Dam, Canal

(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 15 feet, length at top 1000 feet, length at bottom 80 feet. The dam is to be constructed of materials as follows: Dirt and clay

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 18 inches feet, Height 15 feet.
each head of valley

16. Diversion Canals/Width at bottom 4 feet, width at water line 3 feet, depth of water 1 1/2 feet, Dimensions of Flume
Diameter of Pipe 18 inches; Length of Conduit 3 miles each miles. Average grade per mile About 10 feet.

17. Estimated cost of Works: Storage Works: \$ 7,000.00 Diversion Works: \$

18. Time required for completion of work Three (3) years .

19. Time required for complete application of water to proposed beneficial use is Two (2) years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14 S.	45 E.	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12					40	40			40	40							160
		13					40												40
		14	40	40	40											40			160

Total Number of Acres to be Irrigated

960

Remarks: The proposed reservoir and dam is to take the place of a former reservoir and dam, deteriorated from floods and failure to repair. The proposed new dam is to conserve high waters in spring of year from snows in Upper Sheep Creek valley, which otherwise would be lost. Amount of water to be stored will only irrigate a portion of the land owned by the stockholders of the company, but will help to raise more crops on the land that is irrigated from said reservoir. Each owner of land has a one-seventh interest in the creek and in the reservoir. Without the dam and reservoir there will be little or no water for irrigation during the growing season, Sheep Creek being practically dry in summer months. There are only seven owners of land in Sheep Creek valley that can use the waters so stored, and they each for only a portion of their respective holdings.

What springs are tributary to said creek cannot be used by any other person because of the location of said springs in

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

(Continued on next page)

SHEEP CREEK IRRIGATION CO.

Applicant.

State Reclamation Engineer:

By

Ivan W. Lloyd, Pres. of Co.

Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A. M. March 8, 1948

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER
~~APPROVAL OF COMMISSIONER OF RECLAMATION~~

The number of this permit is R 808

Recorded in book R 3, page 808 Approved March 21, 1948

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$, to be filed on or before

Work to begin on or before May 21, 1948 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before September 21, 1949

The whole of said work to be completed on or before March 21, 1951

Beneficial use of water stored in accordance herewith, to be made on or before March 21, 1953

Witness my hand this 21st day of March

1948

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st day of March, 1948.

(S E A L)

Countersigned:
By J. D. "CY" PRICE
Secretary of State

STATE OF IDAHO
By C. A. ROBINS
Governor

REMARKS (Continued) canyon. In the original filing on these waters many years ago these springs were included and have been used continuously since by the land owners, being more than fifty years since originally filed on. No other persons have claimed or used said springs, and especially the owners of the lands on which these springs are located.

VERIFIED KAW
1-17-86IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 WATER RIGHT NUMBER - 11-2154

02 OLD (D) NUMBER - R808 ✓

LAST NAME
03001 - SHEEP CREEK IRRIGATION CO. INC. ✓FIRST NAME
04001 -ORIG. OWNER
05001 - C

06 ADD LINE 1 - C/O JAMES CRANEY

07 ADD LINE 2 - STAR RT. 1

08 ADD LINE 3 -

09 CITY - MONTPELIER

10 STATE - ID

11 ZIP - 83254

12 STAGE - L LICENSE

13 STATUS -

SOURCE
14001 - SHEEP CREEKTRIBUTARY OF
15001 - BEAR RIVER

16 DIVERSION MEANS - RESERVOIR & GRAVITY FLOW.

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .000

20 TOTAL DIVERSION VOLUME - 120.00

21 WATER DISTRICT - 11

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 -	SESW	23001 - 36	24001 - 13S	25001 - 45E ✓	26001 -	27001 -		
				28001 - 0	0.0	0.0	0.0	0.0
22002 -	SENW ✓	23002 - 01 ✓	24002 - 14S ✓	25002 - 45E ✓	26002 -	27002 - R ✓		
				28002 - 0	0.0	0.0	0.0	0.0
22003 -	SWSW ✓	23003 - 12 ✓	24003 - 14S ✓	25003 - 45E ✓	26003 -	27003 - R ✓		
				28003 - 0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 03 IRRIGATION FROM STORAGE	31001 - 14S	32001 - 45E	33001 - 01	34001 - SWNW	35001 - 40	36001 -
30002 - 03 IRRIGATION FROM STORAGE	31002 - 14S	32002 - 45E	33002 - 01	34002 - NWSW	35002 - 40	36002 -
30003 - 03 IRRIGATION FROM STORAGE	31003 - 14S	32003 - 45E	33003 - 01	34003 - SWSW	35003 - 40	36003 -
30004 - 03 IRRIGATION FROM STORAGE	31004 - 14S	32004 - 45E	33004 - 02	34004 - NENE	35004 - 40	36004 -
30005 - 03 IRRIGATION FROM STORAGE	31005 - 14S	32005 - 45E	33005 - 02	34005 - SENE	35005 - 40	36005 -
30006 - 03 IRRIGATION FROM STORAGE	31006 - 14S	32006 - 45E	33006 - 02	34006 - NESE	35006 - 40	36006 -
30007 - 03 IRRIGATION FROM STORAGE	31007 - 14S	32007 - 45E	33007 - 02	34007 - SESE	35007 - 40	36007 -
30008 - 03 IRRIGATION FROM STORAGE	31008 - 14S	32008 - 45E	33008 - 11	34008 - NENE	35008 - 40	36008 -
30009 - 03 IRRIGATION FROM STORAGE	31009 - 14S	32009 - 45E	33009 - 11	34009 - SENE	35009 - 40	36009 -
30010 - 03 IRRIGATION FROM STORAGE	31010 - 14S	32010 - 45E	33010 - 11	34010 - NESE	35010 - 40	36010 -
30011 - 03 IRRIGATION FROM STORAGE	31011 - 14S	32011 - 45E	33011 - 11	34011 - SESE	35011 - 39	36011 -
30012 - 03 IRRIGATION FROM STORAGE	31012 - 14S	32012 - 45E	33012 - 12	34012 - NWNW	35012 - 39	36012 -
30013 - 03 IRRIGATION FROM STORAGE	31013 - 14S	32013 - 45E	33013 - 12	34013 - SWNW	35013 - 39	36013 -
30014 - 03 IRRIGATION FROM STORAGE	31014 - 14S	32014 - 45E	33014 - 12	34014 - NWSW	35014 - 39	36014 -
30015 - 03 IRRIGATION FROM STORAGE	31015 - 14S	32015 - 45E	33015 - 12	34015 - SWSW	35015 - 40	36015 -
30016 - 03 IRRIGATION FROM STORAGE	31016 - 14S	32016 - 45E	33016 - 13	34016 - NWNW	35016 - 40	36016 -
30017 - 03 IRRIGATION FROM STORAGE	31017 - 14S	32017 - 45E	33017 - 14	34017 - NENE	35017 - 15	36017 -
30018 - 03 IRRIGATION FROM STORAGE	31018 - 14S	32018 - 45E	33018 - 14	34018 - NWNE	35018 - 40	36018 -
30019 - 03 IRRIGATION FROM STORAGE	31019 - 14S	32019 - 45E	33019 - 14	34019 - SWNE	35019 - 38	36019 -
30020 - 03 IRRIGATION FROM STORAGE	31020 - 14S	32020 - 45E	33020 - 14	34020 - NWSE	35020 - 23	36020 -

TOTAL ACRES: 752 ✓

WRR100
11-2154

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
14-JAN-1986 00:04:41

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 02 IRRIGATION STORAGE	40001 -	0.000	41001 - 120.00
37002 - 0415	38002 - 1015	39002 - 03 IRRIGATION FROM STORAGE	40002 -	0.000	41002 - 120.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 RD4

46 OTHER RIGHTS FOR SAME USE -

D A T E S		D A T E S		F L A G S	
47 PRIORITY	- 24-MAY-1969	55 LICENSE	- 31-AUG-1982	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		
54 LAST UPDATE	- 13-JAN-1986	62 DATE_2	-		



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 6, 1984

Jim Craney
Rt. #1
Montpelier, ID 83254

RE: Permit No. 11-0173

Dear Mr. Craney:

In response to your telephone call on May 25, 1984, this office conducted a review of the measuring device requirement shown as a condition of approval for Transfer No. 2785 on the above-referenced water right. As shown in the enclosed order, a determination was made that a measuring device is not required at this time. Please be advised, however, that your water diversion is located within a water district, and at some time in the future there is a chance that a measuring device could be required.

During our conversation, you asked that I investigate which water rights are appurtenant to lands within the E $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 2, Twp. 14S, Rge. 45E, B.M. A water right investigation conducted by Mrs. Roberta Garrett of this office shows that three water rights are appurtenant to this land. License No. 11-2154, in the name of Sheep Creek Irrigation Co., Inc., which was issued on August 31, 1982, provides water from Sheep Creek for 752 acres. The lands described above are included in this acreage, and the water right provides 120 acre feet of storage water for irrigation of all 750 acres. Our file shows that when the license was issued it was mailed to you, so we have not enclosed a copy.

The second right on these lands is Claim No. 11-4224. This claim, also in the name of Sheep Creek Irrigation Co., shows a date of priority of May 21, 1948, for irrigation from Sheep Creek. The claim specifies 170 acre feet storage for irrigation, 960 acre feet irrigation from storage, and 3.0 cfs for stockwater. The place of use for this water right is shown to be 960 acres including the lands listed above. Again, it appears

MICROFILMED

Jim Craney
June 7, 1984
Page 2

that a copy of this claim was sent to you as the representative from the irrigation company.

The third water right that we found is Decreed Right No. 11-0175. This water right, shown on the enclosed copy of the judgement and decree in the case of Frank A. Clark v. Albert Kunz, et al, is appurtenant to precisely the lands that you are interested in. The water right, which was originally decreed to Arnold Zumbrunn amounts to 50 miners inches, or 1.0 cubic feet per second, with date of priority April 29, 1887.

I hope this information serves to clarify our earlier telephone conversation. If you have further comments please feel free to contact me.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

MICROFILMED

September 22, 1982

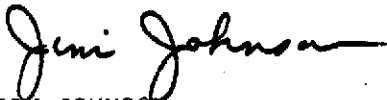
RE: Permit No. 11-2154

James Craney (for)=
Sheep Creek Irrigation Co., Inc.
Star Route #1
Montpelier, ID 83254

Dear Mr. Craney:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

JIM CRANEY 847-1152

MICROFILMED

Calculations for Licensing w/o Amendment

Acres found from Field exam 817

Less acres not covered by Permit - 65

Acres which can be licensed without 752
Amendment

No change in acre foot amount

RC 8/2/82

MICROFILMED

June 28, 1982

RE: Permit No. 11-2154

James Craney
Star Route #1
Montpelier, ID 83254

Dear Mr. Craney:

On March 22, 1982, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED

CONVERSATION MEMORANDUM

DATE May 24, 1982FILE 11-2154

NAME OF PARTY

EMPLOYEE

Mrs. James Craney
Rolph Carlson

RE:

30 Day Licensing letter

Mrs James Craney called today. She stated that she had just received our 30 day letter of 3-22-1982. She also stated that Mr. Rigby is no longer the Secretary & all correspondances should be sent to her husband who is now the secretary - James Craney
Star Rt. 1
Montpelier ID 83254.

I told her we would give her 30 more days from today to respond before we sent another 15 day letter. I also sent her a copy of the permit. Call up should be June 24, 1982

MICROFILMED

April 27, 1982

RE: Permit No. 11-2154

Sheep Creek Irrigation Company, Inc.
Attn: Lee Rigby, Secretary
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

On March 22, 1982, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 22, 1982

RE: Permit No. 11-2154

copy

Sheep Creek Irrigation Company, Inc.
Attn: Lee Rigby, Secretary
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

A representative of this Department made an examination of the works covered by your Permit No. 11-2154 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 120.0 acre feet Source: Sheep Creek

The maximum quantity diverted shall not exceed 120.0 acre feet per year.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 13S, Rge. 45E, Bear Lake County

Beneficial use: Irrigation of 817 acres (uses are storage for irrigation and storage from irrigation) within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14; Twp. 14S, Rge. 45E

Priority date established: May 24, 1969 (late proof)

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

RECEIVED

1. Name of permit holder Sheep Creek Irrigation Company, Inc. AUG 5 1974
 Post office address Attn: Lee Rigby, Sec., Rt. 1, Montpelier, ID Phone 847-0237
 Person to contact Lee Rigby, Sec. Phone 847-0237

2. Source of water supply: Groundwater ☐ Surface water ☒ Sheep Creek
 Tributary to Bear River (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 121.23 c.f.s. for irrigation
 AF/Annum (nature of use)

Period of Use: from Apr. 15 to Oct. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion _____ cubic feet per second and annual volume 121.23 AF/Annum.

5. Location of Point(s) of Diversion:

Township 13S N/S, Range 45E E/W, B.M., Section 36, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Bear Lake
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
 County

Other Points of Diversions: _____

Description of diverting works: Network of ditches

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12						40	40			40	40						160
		13						40											40
		14	40	40	40											40			160
No overlapping rights found JK																			

TOTAL ACREAGE

960

Rge - 45E

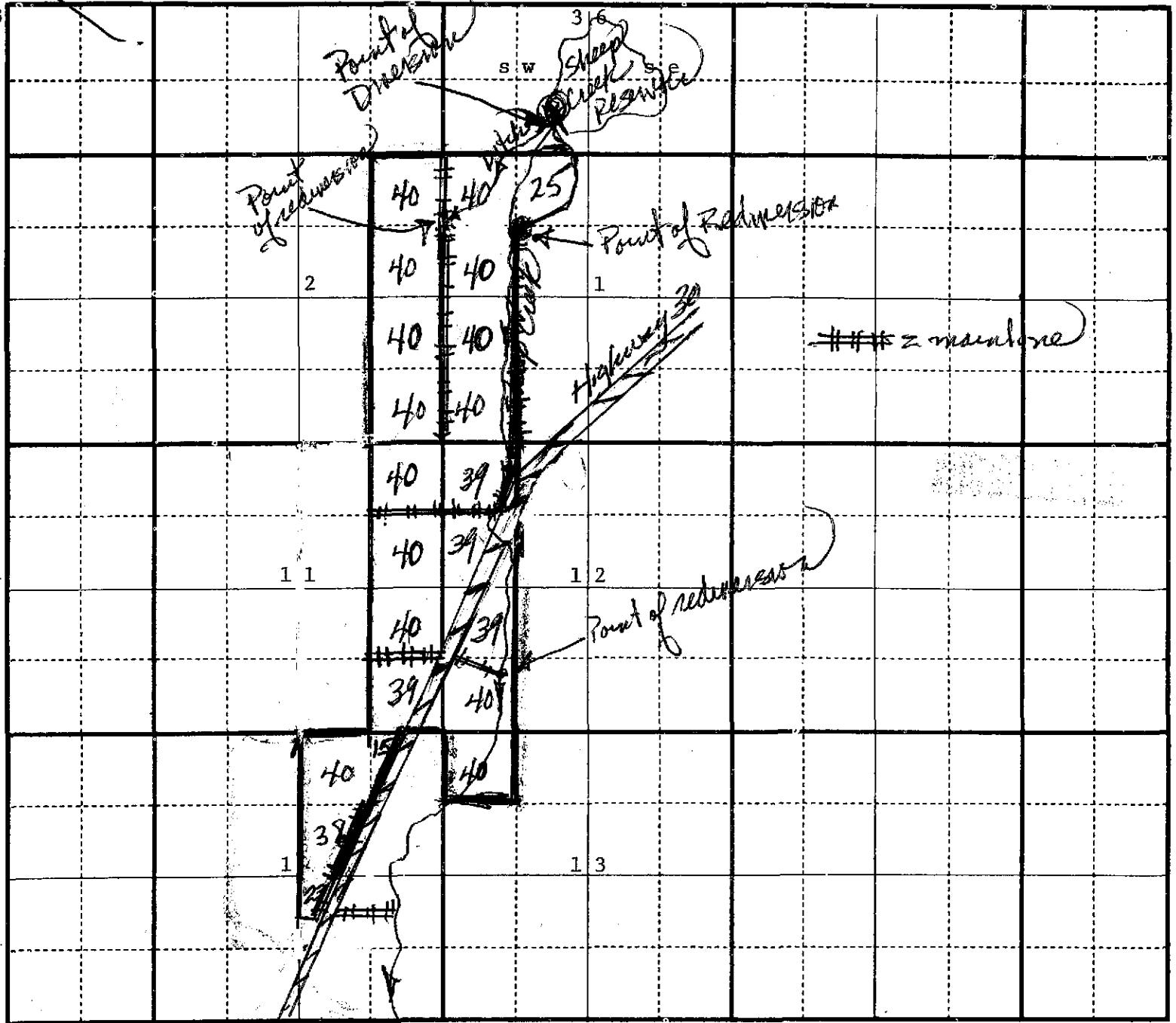


Diagram of System

DATE OF EXAM 6/21/78

ACREAGE
Found 817 ✓
Recommended 817

Irrigation Requirement 3.0 N/A Ac Ft/Ac

USE
Irrigation Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Storage for irrigation - 120 AF/yr from Oct 15 to April 15
Irrigation from storage - 120 AF/yr from April 15 to Oct 15

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended 120 AF/yr ✓ ok

Recommended Amendments:

P.D. _____
Place of Use See rough draft amendment ok
Other _____
None _____

MEASUREMENT CALCULATION:
Active capacity of Sheep Creek Reservoir - 120 AF
Information obtained from our regional landsafety
program

SYSTEM DESCRIPTION:
Stored Sheep Creek water is diverted from Sheep Creek Reservoir - active
Capacity - 120 AF, crest length - 100' crest width - 12' - dam height - 15'
upstream slope - 2.5:1 downstream slope 2:1 - 18" diam corrugated
metal pipe - spillway - rock channel on left embankment. Earthfill
dam - 817 ac are irrigated by both gravity flood irrigation and
sprinkler irrigation. mainlines are located as shown

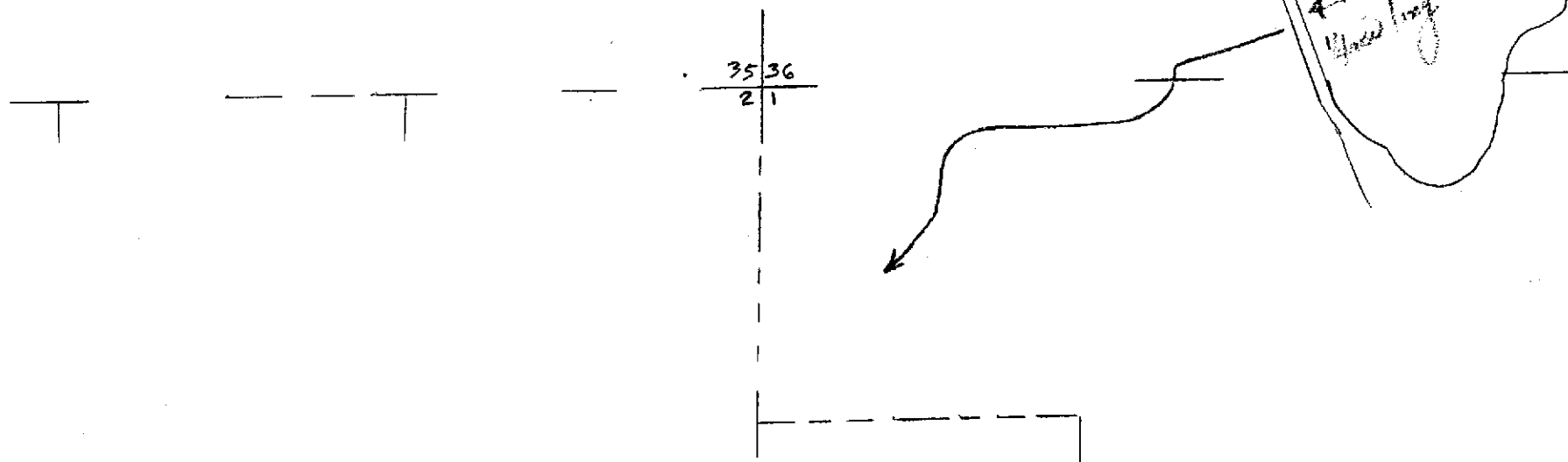
REMARKS: System shown & described by Lee Rigby

MICROFILMED

Examiner's Signature Anthony R. Kozlowski Date 4/13/79
Checked by Rodney A. Parker Date 4/16/79
Approved by J. K. Date 2-23-82

No overlap found
Jim 3/22/82

MICROFILMED





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 18, 1978

RE: Permit No. 11-2154

Lee Rigby, Secretary
Sheep Creek Irrigation Co, Inc.
Rt. #1
Montpelier, Idaho 83254

Dear Mr. Rigby:

Our records show that a field examination needs to be completed for your Permit No. 11-2154. As this examination has been in our files for many year, we are looking forward to its completions this coming irrigation season. Upon completion of the examination, a license will be issued to you for the amount of water you are actually putting to beneficial use.

The permit describes the irrigation of 960 acres of land in Sections 1, 2, 11, 12, 13, 14, Twp. 14S, Rge 45E, B.M., County of Bear Lake, using 121.23 AF/year of water from Sheep Creek.

It would be very helpful if you could call me at our regional office to discuss the system and to schedule the examination.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cd

MICROFILMED

ACTION

N OWNER LAST NAME - SHEEP CREEK IRRIGATION CO.

CITY - MONTPELIER

STATE - ID 83254

N SOURCE - SHEEP CREEK

N SOURCE - SPRINGS

N STAGE - PERMIT

PRIORITY - 05-24-1969 COUNTY - BEAR LAKE

TOTAL DIV. VOLUME - 121.23 AFA

N DIVERSION POINT - SESW 36 13S 45E

N USE - IRRIGATION STORAGE

USE DIV. VOLUME - 121.23 AFA

N USE - IRRIGATION FROM STORAGE

USE DIV. VOLUME - 121.23 AFA

N USE - IRRIGATION STORAGE PLACE OF USE - TWN 14S RNG 45E SEC 01 TRACT SWNW

AC 40 TRACT NWSW AC 40

TRACT SWSW

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 02 TRACT NENE

AC 40 TRACT SENE

AC 40

TRACT NESE

AC 40 TRACT SESE

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 11 TRACT NENE

AC 40 TRACT NWNE

AC 40

TRACT SWNE

AC 40 TRACT SENE

AC 40

TRACT NESE

AC 40 TRACT NWSE

AC 40

TRACT SWSE

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

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** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 11 TRACT SESE

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 12 TRACT NWNW

AC 40 TRACT SWNW

AC 40

TRACT NWSW

AC 40 TRACT SWSW

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 13 TRACT NWNW

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N USE - IRRIGATION STORAGE

PLACE OF USE - TWN 14S RNG 45E SEC 14 TRACT NENE

AC 40 TRACT NWNE

AC 40

TRACT SWNE

AC 40 TRACT NESE

AC 40

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

** W ** NUMBER OF ACRES NOT NEEDED FOR THIS WATER USE

N REMARKS - SOURCES FOR THIS RIGHT ARE SHEEP CREEK & SPRINGS.

PROOF DUE - 03-21-1953 PERMIT/DENIED - 03-21-1948
PROOF MADE - P FLD EXAM - R

OLD NO. - R808

** W ** PROOF DUE YEAR SHOULD NOT BE LESS THAN CURRENT YR.

N DIVERSION MEANS - RESERVOIR & GRAVITY FLOW.

IDENT. NO.

11-2154

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. R-808 X 11-2154
old no. new no.

Record

1, 2 & 3 Original Owner: Sheep Creek Irrigation Company
Address: Montpelier Id.
Present Owner:
Address:

4. A. Source of Water: Sheep Creek & Springs
B. Tributary of:

5. A. Stage (A, P, L, D, S, J):
B. Status (D, L, R, C, A, I, F - leave blank if valid):
C. Priority Date: ~~5-24-1969~~ 5-24-1969
D. County: Bear Lake
E. Total Diversion Rate: —
F. Total Diversion Volume: 121.23 AF
G. Transfer/Amendment (P, T of A or blank):
H. Water District:
I. DLE/Carey Act (D, C or blank):
J. Right Basis (for adjudication claims A.B.C only):

	tract	sec.	tpw.	rge.	Gov't lot	Rediv.
6. A. Point of Diversion	<u>SE</u>	<u>36</u>	<u>135</u>	<u>45E</u>		
	<u>SW</u>					

B. Rediversion Indicator (R or blank):

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for AS purposes. Amount 121.23
(cfs pr AC-FT/yr)
from _____ to _____ for AR purposes. Amount 121.23
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____

8. A. Use Code: AS

	<u>twp.</u>	<u>rge.</u>	<u>sec.</u>	<u>tract</u>	<u>Gov't lot</u>	<u>acres</u>
B. Place of Use:	_____	_____	_____	_____	_____	_____
SEE FILE FOR	_____	_____	_____	_____	_____	_____
CLEAR BUT LENGTHY LAND	_____	_____	_____	_____	_____	_____
LIST.	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

9. A. Decree Name: -

B. Decree Date: -

10. Remarks:

Sources for this right are Sheep Creek and Springs.

11. Other Uses (non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date: 3-21-1953

B. Date Permit Approved or Denied: 3-21-1948

C. Protested Date: -

D. Hearing Date: -

E. Old Number: R-808

F. Proof Made (P or blank): P

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

H. Conditions of Approval: -

14. Diversion Means (brief narrative): DITCH TO RESERVOIR
ON-STREAM RESERVOIR, GRAVITY FLOW SYSTEM

RECEIVED

DEC 4 1974

Department of Water Resources

MEMORANDUM

TO: File

FROM: Loren Holmes

RE: Sheep Creek - 11-2154

DATE: December 2, 1974

I inspected the work on Sheep Creek Dam on November 27 with Lee Rigby and Wendell H. Smith.

The cutoff trench excavation had just been started. The north end of the trench had been dug to a depth of about 15 feet. Seepage appears to have occurred along the plane of contact between the top soil and the under lying clay and gravel.

Lee Rigby called on the morning of December 2, to inform me that about 150 feet of trench had been dug and that the clay and gravel bed had been below the bottom of the trench for the last 50 feet. He also said test holes had been dug at the south end and at the middle of the uncompleted portion of the trench, and that neither hole had encountered any gravel. He wanted to know if it was all right to end the trench at that point, since it is no longer cutting into the gravel. I told him that he could end the trench, but that further work would be necessary if the leakage problem reappears when the reservoir is filled.

LH

Copy: Bill Gossett

MICROFILMED

August 1, 1974

Re: Permit No. R-808/11-2154

Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Eastern District Office at 1515 Lincoln Road, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

11-2154

RECEIVED

AUG 1 1974

Department of Water Resources

Dear Sir:

Enclosed is affidavit
of publication as required
to secure permit
R-808/11-2154.

Please notify us as
to when a field examination
will be scheduled.

Lee Rigby, Sec.
Sheep Creek Irrigation Co.
Rt 1
Montpelier Idaho

11-2154

June 25, 1974

Re: Permit No. R-808/11-2154.

Sheep Creek Irrigation Company, Inc.
Route #1
Montpelier, ID 83254

Attn: Lee Rigby, Sec.

Dear Mr. Rigby:

We have caused the legal notice for the above referenced permit to be published in the News Examiner on July 11, and July 18, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication, we will schedule a field examination of the system.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

11-2154

June 25, 1974

Re: Permit No. R-808/11-2154 - Sheep Creek Irrigation Co., Inc.

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

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by: Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

11-2154

NOTICE OF EXISTING WATER PERMIT

RECEIVED

Notice is hereby given that Sheep Creek Irrigation Company, Inc., Route #1, Montpelier, Idaho 83254 has received an approved Permit No. R-808/11-2154 issued by the Idaho Department of Water Administration authorizing the ~~diversion~~ storage of 121.23 cubic feet per second acre feet per annum of water from Sheep Creek, tributary to Bear Lake. The priority to be established under this permit is May 24, 1969 and the permit was approved March 21, 1948.

Water is to be diverted by ditches from a point within the SE¹/₄SW¹/₄, Sec. 36, Twp. 13S, Rge. 45E, B.M., Bear Lake County, to be used for irrigation purposes in the SW¹/₄NW¹/₄, W¹/₂SW¹/₄, Sec. 1; E¹/₂NE¹/₄, E¹/₂SE¹/₄, Sec. 2; NE¹/₄, SE¹/₄, Sec. 11; W¹/₂NW¹/₄, W¹/₂SW¹/₄, Sec. 12; NW¹/₄NW¹/₄, Sec. 13; and the NE¹/₄NE¹/₄, W¹/₂NE¹/₄, NW¹/₂SE¹/₄, Sec. 14, Twp. 14S, Rge. 45E, B.M.

Proof of the application of the water to beneficial use was ~~is to be~~ submitted to the Department on ~~xxx before~~ June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice ~~xxx prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.~~

R. KEITH HIGGINSON
Director

Published in the The News Examiner, Montpelier, Idaho on July 11 and July 18, 1974.

Permit No. R-808/11-2154

Director:

You are hereby authorized to have the above notice published at my expense in the The News Examiner of Montpelier, Idaho; published in the county in which the works are situated.

Lee Rigby
(Signature)

RT 1 Montpelier Idaho
(Address)

June 20 1974
(Date)

11-2154

June 17, 1974

Re: Permit No. R-808/11-2154

Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority under this permit to May 24, 1969.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. Enclosed is an Order which modifies your permit to comply with these rules and regulations.

Before a field examination can be scheduled and a water license issued, it will be required that notice of the permit be published for two consecutive weeks, at your expense, in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Enc: Order advancing priority
Modification Order
Advertisement authorization

11-2154

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder Sheep Creek Irrigation Co., Inc. (Lee Rigby, Secy)
b) Post Office Address Rt. #1, Montpelier, Idaho 83254

2. Permit Number R-808/11-2154

3. Date of Priority that you are prepared to establish May 15, 1951

4. a) Source from which water was appropriated Sheep Creek and tributary

b) Location of the point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1
Township 14S, Range 45E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

amount 121.23 a/f for irrigation purposes from May 15 to Sept 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) network of ditches

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

none was required at the time of priority

c) Give well drillers name and address and date the well was completed _____

Exam typed 8/1/74 by ja

11-21541

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12						40	40			40	40						160
		13						40											40
		14	40	40	40											40			160

Total number of acres irrigated 960

10. Remarks: In regard to the amount stored, we claim 121.23 acre feet, but there are approximately 50 more acre feet stored some years that we claim also.

The above information is a true statement of the extent to which the above numbered permit has been developed.

6/6/74
(Date)

Lee Rigby
(Signature)

State of Idaho)
County of Blaine Lake) ss.

On this 6 day of June, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ronald O. Peterson
Notary Public residing at Manila

My commission expires 8/23/77

Rt. #1
Montpelier, Idaho 83254
June 6, 1974

RECEIVED

JUN 8 1974
Department of Water Administration

R. Keith Higginson, Director
State of Idaho
Dept. of water Admin
Statehouse ---Annex 2
Boise, Idaho 83707

Dear Sir;

Inclosed is statement of proof of beneficial use
of water for Sheep Creek Irrigation Co. In a
previous letter you asked for the names of the
members and officers of the company. They are
as follows: Lee Rigby, Sec., James Craney and
Kay Rigby, directors; all of the same address.

Yours truly,

Lee Rigby

Lee Rigby, Sec.

11-2154

May 23, 1974

C
Re: Permit No. R-808/11-2154
Sheep Creek Irrigation Co., Inc.

Q
Mr. Lee Rigby
Route # 1
Montpeller, Idaho 83254

Dear Mr. Rigby:

P
We have received your letter of May 16th in connection with the above referenced permit.

We wish to advise you that we have also received a response to the pre-cancellation notice from Mr. James E. Craney. Enclosed is a copy of Mr. Craney's letter and our reply.

Y
Could you please advise this office of the names and addresses of the current directors of the Sheep Creek Irrigation Company?

Enclosed per your request is the Department's 'proof of application of water to beneficial use' form.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enclosures

11-2154

RECEIVED

MAY 20 1974

Department of Water Administration

Rt. 1
Montpelier, Idaho 83254
May 16, 1974

R. Keith Higginson
Idaho Dept. of Water Admin.
614 State Street
Statehouse--Annex 2
Boise, Idaho 83720

Dear Sir:

In regard to your letter of May 15, advising me of the impending cancellation of water permit #R-808/11-2154, this comes as a complete surprise to me. It states that you needed proof of beneficial use of water on March 21, 1953, and this was 10 years before I bought this place.

When I bought the place I assumed that this was a permanent permit with the land. Please send me the necessary application and instructions as to how to fill it out and I'll sure get it back to you.

Lee Lloyd, former secretary of the Sheep Creek Irrigation Company no longer owns property in the district either so mail sent to him might be misplaced. Please direct all correspondence to me in the future, so I can get this straightened out.

Yours truly,

Lee Rigby
Lee Rigby

11-2154

May 22, 1974

C Re: Permit No. R-808/11-2154

O Mr. James E. Craney
Sheep Creek Irrigation Co., Inc.
Star Route # 1
Montpelier, Idaho 83254

Dear Mr. Craney:

P Pursuant to your letter of May 19th, we are enclosing a copy of the above referenced permit for your review.

In the event you should desire to make the required proof under this permit, please submit the enclosed proof affidavit to this office on or before the date set forth in the pre-cancellation notice, June 24, 1974.

Y Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Copy of permit
Proof affidavit

11-2154

Star Route #1

Montpelier, Idaho 83254

May 19, 1974

Department of Water Administration

R. Keith Higginson, Director
State of Idaho
Department of Water Administration
Statehouse -- Anex 2
Boise, Idaho 83707

SUBJECT: Sheep Creek Irrigation Co., Inc.
Permit No. R-808 (New No. 11-2154)

Dear Mr. Higginson:

Mr. Lee Lloyd recently gave to me a letter sent to him from your office on May 15, 1974 regarding pending cancellation of the Sheep Creek Irrigation Company permit number shown above.

I purchased Mr. Lloyd's ranch a year ago and have assumed his interest in the Sheep Creek Irrigation Company, and wish to state at this time that the Sheep Creek and tributary springs are definitely being used.

I would appreciate your sending the necessary papers for properly identifying this usage so that this matter can be cleared up immediately.

Thank you.

Sincerely,

James E. Craney

James E. Craney
Sheep Creek Irrigation Co., Inc.

11-2154

from the desk of
DARLENE REICH

Mr. Higginson: c/w fee was paid but
certificate was not issued (see Dept's
letter of 9/29/65)

QUESTION: Can we go ahead and pre-can
for failure to make b/u proof?

Yes

11-2154

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)



Show address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

32021

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested and include ZIP Code)*

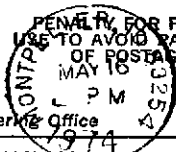
5-16-74

③

11-2154

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office



SENDER INSTRUCTIONS

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



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



RECEIVED

DEPARTMENT OF WATER ADMINISTRATION

**STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707.**

MAY 17 1974

PS Form 3811
June 1973

11-2154

Department of Water Administration

May 15, 1974

CERTIFIED MAIL #32021

Re: Permit No. R-808 (New No. 11-2154)

Sheep Creek Irrigation Company, Inc.
Montpelier, (Lee Lloyd, Sec.)
Idaho 83254 1001 Ethel, Montpelier

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit R-808/11-2154 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on March 21, 1953, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit R-808/11-2154 claims the use of 121.23 / ^{acre feet per annum} ~~cubic feet per second~~ of water from Sheep Creek and tributary springs flowing in same, the point of diversion was to be located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, Twp. 13 S, Rge. 45 E, B.M. and the permit was approved March 21, 1948.

/s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

cc: Mr. Lee Rigby
Montpelier, Idaho

11-2154

May 22, 1973

Re: Permit No. 11-2154

Jim Craney
c/o Lee Lloyd
Star Route
Montpelier, ID 83254

Dear Mr. Craney:

We are enclosing an application for permit and set of instructions, and a copy of Permit No. 11-2154 as you requested in our telephone conversation of May 22.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosures

11 2

11 2154

September 29, 1965

RE: Permit No. R-808
Sheep Creek Irrigation Company

Elbert E. Gass
Attorney at Law
Box 159
Montpelier, Idaho

Dear Mr. Gass:

Our field inspector approved the construction of the dam on Sheep Creek as being raised along the north end. There is a spring out of the fractured rock near the spillway. It may never be a danger spot, however it should be watched to see that the water remains clear. This spring was not mentioned by Mr. Humphrey who inspected the dam in 1951.

The water is not being used on all of the land shown in the permit, E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 2; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1; E $\frac{1}{2}$, Sec. 11; W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 12; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13; N $\frac{1}{2}$ NEX, SW $\frac{1}{4}$ NEX, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 all in T. 14 S., R. 45 E., B.M. The Certificate of Completion of Works should describe the land where the water will be used.

Your letter dated February 25, 1965 referred to Mr. Rigby as the only one who can use the water. Any assignment of the permit should be from Sheep Creek Irrigation Company as holder of the permit.

The fee of \$5.00 for the certificate was paid in 1951 and the certificate will be issued upon advise from you as to the holder of the permit and the land to be irrigated.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

R-808

Inspection August & September
Weymouth Harbor

121 AF Cap. - ($\frac{35.5}{26.5}$ Surface area)

15' high

11.5' above low water.

15' 3.0' (Freeboard to Top of Dam)

20' wide x $3\frac{1}{2}$ ' deep spillway.

18" Outlet pipe

Vertical Control - (18" Model #101 Gales)

Humphrey requested the W.L. to be held 2' below level of spillway because of low freeboard. To comply C/W fill has to be furnished on North End.

R-368

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-808

REPORT ON PROOF OF Completion of works

Sheep Creek Irrigation Company, Montpelier. Idaho

Ivan W. Lloyd, President.

due - Mar. 21, 1953

BU - 21, 1953

R-808

T 135 - R 45 E

25

36

OUTLET

2

ALTON

State Highway

11

U.S. 30 N

12

Q - 121 A.C.F.T.

Hickory

Black River

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. R-808This proof is for Completion of works

In Water District No. _____

1. Name of applicant Sheep Creek Irrigation Co., Ivan W. Lloyd, Pres., Box 274, Montpelier, Ida.2. Source of water supply: Sheep Creek and tributary springs flowing into same outlet3. Location of point of ~~diversion~~: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36T. 13 S. R. 45 E. County of Bear Lake

4. Describe works as they exist, giving dimensions and capacities of same: Inspection was made on May 24. Reservoir was full almost to overflowing. They had not obtained rt. of way thru neighbors place for ditch. Unable to use water where needed. Full on North end not completed. Dam raised to insure 3' free board from bottom of Spillway outlet. Same as previous inspection. Ditch from outlet 3' bottom ^{4' top width} 1 ft. deep.

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: Water can flow down regular channel and be used on some of the field.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$ E $\frac{1}{2}$ Section 2;SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 1;E $\frac{1}{2}$ Section 11;W $\frac{1}{2}$ W $\frac{1}{2}$ Section 12;NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13;N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14;Township 14 South, Range 45 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Bear River

Remarks: Dam full with gate closed & est. 0.3 C.F.S. discharging thru Spillway. Spring or seep 30 ft North of Spillway thru fractured rock est. flow 0.5 C.F.S. water clear. Outlet 15" metal pipe with 15" Arisco "101" gate set vertical in 30" x 17' metal pipe in face of Dam. Spillway 10' Bottom 15' Top around South end of Dam. Passes over rock ledge. Area of lake 35.5 Acres Q=121.23 A.F. Slope of Dam 1:3 upstream 2:1 downstream with exception of Top 3' on North end which is steeper. Should level down some but dam is low on this end. no trouble with dam.

This examination was made on the September 17 day of May 24, 1957

Unable to contact owners.

(Signed)

E. W. Humphrey
Robert Hamilton Examiner.

R-808

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 17 1965

Department of Reclamation

Inspect in Aug or Sept
Sheep Creek Irrigation Co.
Ivan W. Lloyd, Pres. Montpelier, Idaho

Permit No. R-808

Examination for Completion of works

County Bear Lake

S 36
T 13S. - R. 45E.

Q = 121.23 acre feet

S. = Sheep Cr & Springs

Outlet is in SE SW S 36

Flume = 15' h. x 15' 00'

2 1/2' and 2' 1/2'

408 yds long.

25' wide.

12' h.

12" freeboard.

Inspect in Aug or Sept
check with Lee Rigby

Atton 847-0239

March 1, 1965

C
O
P
Y

Re: Permit No. R-808
Sheep Creek Irrigation Co.

Elbert E. Gass
Attorney at Law
Box 159
Montpelier, Idaho

Dear Mr. Gass:

Mr. Rigby has shown an interest in the permit noted above. The permit will not be cancelled at this time.

Our field investigation will be made in August or September. If the dam is satisfactory, the Certificate of Completion of Works will be issued to the holder of the permit.

The spillway must never be plugged except with soft dirt fill, at least two feet below top of dam, which will wash out if topped.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-808

ELBERT E. GASS

ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO
83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY
MONTPELIER

February 25, 1965

P. O. BOX 159
TELEPHONE 847-0808

RECEIVED
FEB 27 1965

Department of Reclamation

Mr. Ralph W. Thomas
Deputy State Rec. Engineer
Department of Reclamation
107 State House
Boise, Idaho

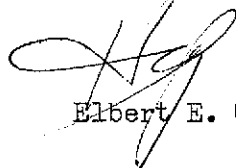
Re: Permit No. R-808
Sheep Creek Irrigation Co.

Dear Mr. Thomas:

In reply to your letter of February 23, 1965, I have written Mr. Rigby requesting that he obtain immediately the assignment of interest in and to the irrigation works as per Permit No. R-808, Sheep Creek Irrigation Company, from Ivan W. Lloyd and Lee Lloyd.

In the meantime, may I request notification from you that Mr. Rigby will have some time in order to determine whether or not he can obtain the assignment and comply with all your rules and regulations as well as the statutes of the State of Idaho. If necessary, I will have Mr. Rigby file a formal application for extension of time upon behalf of the Sheep Creek Irrigation Company, or if you have any suggestions as to how Mr. Rigby can protect himself immediately, please advise.

Very truly yours,



Elbert E. Gass

EEG:vm

due 3-21-51

R-808

February 23, 1965

RE: Permit No. R-808
Sheep Creek Irrigation Co.

Elbert E. Gass
Attorney at Law
Box 159
Montpelier, Idaho

Dear Mr. Gass:

The proof of completion of works was made by Ivan V. Lloyd, President, Sheep Creek Irrigation Company; however the field examination showed the fill on the north end had not been completed and the canal had not been built as right-of-way could not be obtained. The water was used on neighbor's property.

Notice was sent to Mr. Lloyd May 31, 1951 in regard to completion of the dam and maintaining the water level to not less than 2 foot freeboard.

Notice was sent October 22, 1962; however no answer has been received.

The dam should be completed with a spillway to carry excess water.

The permit can be assigned, and the place of use can be changed as on other permits.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

R-808

ELBERT E. GASS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO
83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY
MONTPELIER

February 19, 1965

P. O. BOX 158
TELEPHONE 847-0805

RECEIVED
FEB 23 1965

Department of Reclamation

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho

Re: Permit No. R-808
Sheep Creek Irrigation Co.
Montpelier, Idaho

Dear Mr. Thomas:

Mr. Lee Rigby brought in your Order to Show Cause dated January 21, 1965, stating therein that pursuant to Section 42-311, Idaho Code, the captioned permit was held for cancellation.

This letter is written upon behalf of Mr. Rigby requesting an extension of time by which to show proof of completion of works. The reasons for this request for an extension are as follows:

(1) Approximately one year ago Mr. Rigby and his wife purchased property from Alma Kunz and Delbert Kunz, which property utilized the waters from Sheep Creek and tributary springs. At the time of the transaction nothing was said to Mr. Rigby as to necessity of completing the reservoir or as to any application or completion of works.

(2) Mr. Rigby has never received any correspondence as to notice of pre-cancellation or any letter, and particularly did not receive letter of January 21, 1965 until on or about February 12, 1965 when talking with Mr. Ivan W. Lloyd to whom all of your correspondence has been directed. It is true that the only ones who would benefit from the reservoir are Ivan W. Lloyd, Lee Lloyd and Mr. Rigby. Apparently Ivan W. Lloyd is not interested and Lee Lloyd has a very passive interest. Nevertheless, Mr. Rigby has a very deep interest in complying with all the rules and regulations of your Department and completing the construction of the works because he utilizes the water from the reservoir to the extent that it has been constructed.

(3) Mr. Rigby would like to have the application and any other information in your files relating to the application as to construction of the reservoir, and any assistance that you can give him so that he can comply with your rules and regulations, particularly the statutes of the State of Idaho, will be appreciated.

R-808

Mr. Ralph W. Thomas

-2-

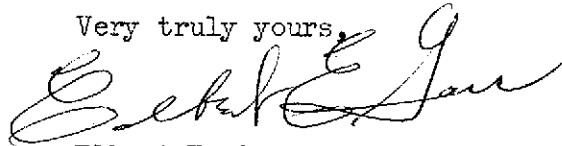
2-19-65

I am sure that if you will give Mr. Rigby an extension of time to complete the works, he will do same diligently

(4) Another reason for Mr. Rigby's not writing prior to this time is that I have been busy in Court and did not realize the seriousness of the contents of your letter of January 21, 1965, as well as the notice of Order to Show Cause until he came in the office this date.

Any information you can give me as to how Mr. Rigby can comply with the rules and regulations of your office as well as the statutes of the State of Idaho will be appreciated. Your immediate and favorable response to this letter will be appreciated.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Elbert E. Gass".

Elbert E. Gass

EEG:vm

R-808.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

January 21, 1965

1965

Re: Permit No. R-808To Sheep Creek Irrigation Co.,
Montpelier, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. R-808
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works Proof which was due March 21, 1951

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. R-808
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. R-808 claims the use of 121.23 Acre Feet ~~cubic feet~~ per second of the
waters of Sheep Creek & tributary springs flowing into same with point of diversion located
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36., Twp. 13 S., Rge. 45 E.B.M., and
was approved March 21, 1948

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

21st day of January, 1965

Ralph W. Thomas
Deputy
State Reclamation Engineer.

By _____
Assistant.

R-808

Fees for CW paid

Waiting for letter
advising who is
holder & land to be
irrigated.

This was in 1965

Ly

R-808

January 21, 1965

RE: Permit No. R-808

Sheep Creek Irrigation Co.,
Montpelier, Idaho

Gentlemen:

Enclosed is a pre-cancellation notice allowing 40 days within which to show cause why the above noted Permit should not be cancelled.

Our record shows that you were notified by letter dated May 31, 1951 to maintain water level in storage at least 2 feet below spillway elevation. Also that the Proof of Completion of Works could not be accepted until the north end of the fill was finished.

Our record shows that you were sent a copy of the above mentioned letter on October 22, 1962 with request that this office be advised of the condition of the dam and whether it is in use.

We never received an answer.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:er

Encl. - pre-cancellation

R-808

October 22, 1962

Re: Permit No. R-808

Sheep Creek Irrigation Co.
Montpelier, Idaho

Gentlemen:

The last record we have of your storage permit is a letter sent to you May 31, 1951, signed by E. N. Humphrey, Deputy State Reclamation Engineer. The letter explained that the certificate of completion of works could not be issued until you had completed the fill on the north end of the dam.

Kindly advise this office of the condition of the dam and whether it is in use.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-808

✓
R808

December 21, 1954

Mr. W. N. Jibson
P.O. Box 413
Logan, Utah

Dear Mr. Jibson:

Sheep Creek Reservoir Permit No. R-808 is for 121 acre
feet.

The Permit is in good standing.

Very truly yours,

MARK R. KELF
State Reclamation Engineer

K:lll

R-808

✓
May 31, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President
Sheep Creek Irrigation Co.
Montpelier, Idaho

Dear Mr. Lloyd:

Confirming our conversation of May 24, please keep the level of your reservoir regulated so that the level of the water is at least two feet below the level of the spillway, in order to reduce the hazards accompanying the very low freeboard which you had at the time of my visit.

Further, your Proof of Completion of Works cannot be accepted until the dam is completed by finishing the fill on the North end.

I am sure that you yourself realize the danger accompanying the high level of the water, as we found it on our visit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:dh

R-808

Lot 3

Bear Lake Cty Sec. 1 14 E R 45 E

$\frac{1}{2} \text{ \& } \frac{1}{2}$ with neighbor Cherry spring

Immigration Creek 3 14 S 45 E

$\frac{3}{4}$ Sheep Cr 36 T 13 S 45 E

Res. 1 14 S 45 E

$\frac{3}{4}$ of water from these Sheep Creek

Judgement 22 July 1913 Frank A Clark Pl.

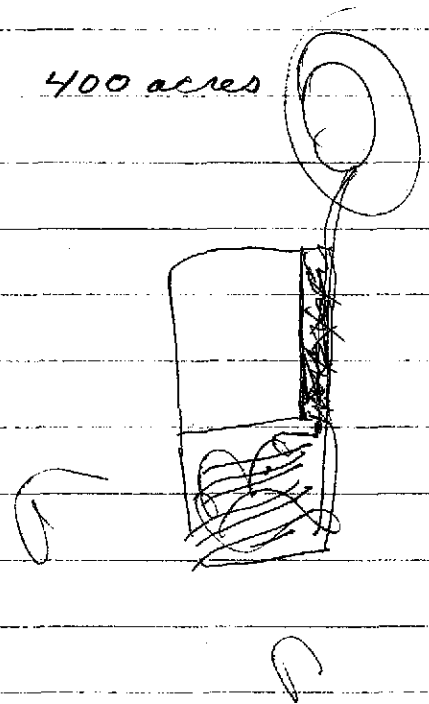
847-0291 - Craney

W/2 NE/4, W/2 SE/4 11 14 S 45 E 400 acres

SW/4 NW/4, W/2 SW/4 12 " "

NE/4 NW/4 13 " "

SE/4 NE/4 NE/4 SE/4 14 " "



RECEIVED

APR 26 1951

Department of Reclamation

R-808

Montpelier Idaho
April 24, 1951.

Department of Reclamation
Gentlemen

We are Writing in regards to a ditch we have to cross through an other mans field where the original ditch ran but he has plowed part of the old ditch in and he refuses to let us rebuild it he owned $\frac{1}{4}$ share of the water but refused to help build the dam so the rest of stock holders built the dam all he owns is $\frac{1}{4}$ of the water that runs in. This is Frank Miles.

Is there any thing we can do or would it be possible that you could help us out.

Could we hear from you on this matter

Thanking You

We are Respectfully Yours
Sheep Creek Irrigation Co.
Joan W. Lloyd

R-808

INTER-DEPARTMENT MEMO--1

DATE April 26, 1951

FROM Chief Clerk

TO Deputy State Reclamation Engineer

SUBJECT Permit No. R-808, Sheep Creek Irrigation Co.

This permit is not sufficiently large to require an inspection under ordinary conditions. But the proof is so unsatisfactory that an inspection seemed to be indicated.

In the proof he does not include the 160 acres in Section 2- We have not called this to his attention, as it may be answered in Mr. Lloyd's letter, attached, in regard to ditch.

We have told him that you would make an inspection next time you are in that vicinity, and would then confer with him in regard to the ditch $\frac{1}{2}$ problem.

For your information, this permit is for 121.23 acre feet- and the dam is to be 15 feet high.

Jeanne L. Anderson
SIGNATURE
R-808

INTER-DEPARTMENT MEMO--1

DATE April 26, 1951

FROM Chief Clerk

TO Deputy State Reclamation Engineer

SUBJECT Permit No. R-808, Sheep Creek Irrigation Co.

This permit is not sufficiently large to require an inspection under ordinary conditions. But the proof is so unsatisfactory that an inspection seemed to be indicated.

In the proof he does not include the 160 acres in Section 2- We have not called this to his attention, as it may be answered in Mr. Lloyd's letter, attached, in regard to ditch.

We have told him that you would make an inspection next time you are in that vicinity, and would then confer with him in regard to the ditch $\frac{1}{2}$ problem.

For your information, this permit is for 121.23 acre feet- and the dam is to be 15 feet high.

SIGNATURE

R-808

✓
April 26, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President,
Sheep Creek Irrigation Company,
Box 274, Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of your letter of April 24th, enclosing a list of the lands to be irrigated under Permit No. R-808.

As stated in a previous letter, we shall have our field engineer make an inspection of your project the next time he is in your vicinity, and at that time he will confer with you in regard to the ditch problem you mention in your letter.

Very truly yours,

MARK R. KULP

State Reclamation Engineer.

By

Chief Clerk

R-808

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

No 23307

Boise, Idaho, April 26, 1951

RECEIVED
FROM

Irvin W. Lloyd of Montpelier, Ida. \$ 5⁰⁰
Five & 00/100 DOLLARS

FOR

Carey Act Trust Fund	- - \$	
Application for Permit No.	- - \$	
Proofs C.I.W. R 848	- - \$	5 00
Certified Copy	- - - - - \$	
Recording Deed	- - - - - \$	
Certificate	- - - - - \$	
Total	- - \$	5 00

Mark R. Kulp

State Reclamation Engineer

R-808

By Jeanne L. Anderson

April 9, 1951

Re: Permit No. R-808

Mr. Iven W. Lloyd, President
Sheep Creek Irrigation Company
Box 274
Montpelier, Idaho

Dear Mr. Lloyd:

We have had no reply to letter addressed you on March 27, 1951, returning your deposition in order that you may complete same by answering Question 24, giving the legal description of the land to be irrigated.

It is important that you give this matter your early attention, and as stated in our previous letter, we can then have an inspection made by a Field Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

R-808

March 27, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President
Sheep Creek Irrigation Company
Box 274
Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of your deposition in Proof of Completion of Works under Permit No. R-808, accompanied by your check for the \$5.00 fee in connection therewith.

The proof seems to be incomplete in one or two particulars and before it can be approved, we shall ask our Field Engineer to make an inspection and report.

Meanwhile, however, we return the deposition in order that you may answer Question 24, giving the legal description of the land to be irrigated from this source.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-808

E¹/₄ N.E. ¹/₄ of ¹/₂ of S.E. ¹/₄ of sec. 11 Township 14 S. R. 45
160 acres.

S.W. ¹/₄ of N.W. ¹/₄ and W. ¹/₂ of S.W. ¹/₄ of sec. 1 and N.W. ¹/₄
of N.W. ¹/₄ of sec. 12 all in township 14. S. R. 45 E.B.M. 160 acres

S.W. ¹/₄ of N.W. ¹/₄ and W. ¹/₂ of S.W. ¹/₄ of sec. 12 N.W.
¹/₄ N.W. ¹/₄ of sec. 13 and W. ¹/₂ of N.E. ¹/₄ and W. ¹/₂ of S.E. ¹/₄
of sec. 11 all in T^p 14 S. R. 45 E.B.M. 320 acres.

N.E. ¹/₄ of N.E. ¹/₄ and S.W. ¹/₄ N.E. ¹/₄ and N.W. ¹/₄ of
S.E. ¹/₄ of sec. 14 T. P. 14 S. R. 45 E.B.M. 160 acres

Permit No. R-808

RECEIVED
MAR 26 1951
Department of Reclamation

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ivan W. Lloyd, President Sheep Creek Irrigation Co.
Box 274 Montpelier, Idaho, Farmer

Ques. 2. If acting on behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Sheep Creek Irrigation Co. Inc. President,
Montpelier, Idaho

Ques. 3. State number and date of permit, acre feet of water you claim for storage, and source of same.

Ans. No. R-808 Date 3/24/1948 120 Acre feet
Source of Supply Sheep Creek

Ques. 4. Under terms of permit construction was required to be completed by March 21, 1951.

Ques. 5. Construction was actually completed on the date of Nov. 17, 1948.

Ques. 6. Does the construction fully comply with the specifications? Rip-rop has not been placed - Not much washing has occurred

Ques. 7. Of what material was the dam built? Earth Fill

Ques. 8. State whether or not the water has been turned into your reservoir, and if so, when and to what extent.

Ans. ~~Dam~~ Reservoir has been full the last two years

Ques. 9. The capacity of the reservoir is 120 acre feet.

Ques. 10. The area of the high water line of the reservoir is 26.5 acres.

Ques. 11. The height of the dam above bottom of reservoir is 15 feet, above low water is 11.5 feet.

Ques. 12. The dimensions of the spillway are 20 wide and the bottom of the spillway is 3 1/2 feet below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are Outlet 18" diameter

Ques. 14. Describe the gate and control unit.

Ans. Vertical Control in center of Dam. Gate is 18 inch Calco Model 101

Ques. 15. The reservoir outlet is made of Corrugated Metal close riveted and concrete is built. With concrete colors.

Ques. 16. Is the reservoir filled through a feeder canal? No

Ques. 17. If so, where is the point of diversion for same?

Ans. 1/4 1/4 Section, Twp. Range

R-808

Ques. 18. Does the feeder canal comply with the specifications in the permit?

Ques. 19. If not, explain

Ques. 20. Cost of constructing feeder canal? \$..... Cost of reservoir? \$ ^{APPROX.} 2,000

Ques. 21. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not, explain.

Ans. NO

Ques. 22. Water has (~~has~~ not) been delivered to place of intended use? Not all

Ques. 23. Give description of dam, state dimensions, and give slope of face both upstream and downstream. Also method and material for protecting against wave action.

Ans. Approx. 1500 ft. long, slope 2 1/2 : 1 up stream 2 : 1 down stream, 14 ft. wide on top.

Ques. 24. State the purpose for which the water is to be used and give the place of use, and if for irrigation, state the number of acres, and give the legal description of same.

Ans. Water to be used for irrigation.
(Including description of land to be irrigated.)

(Sign here) Wm. W. Lloyd

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Montpelier, County of Bear Lake, State of Idaho, on this 24th day of March A.D. 1957.

Chas. E. Harris
Notary Public for Idaho

My commission expires March 7-1954

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Sheep Creek Irrigation Co., Inc.
C/o Ira W. Lloyd, President,
Montpelier, Idaho

Boise, Idaho

January 2, 1951

Dear Sir:-

Under the terms of your permit No. ~~E-808~~ you are required to complete your diversion works on or before ~~March 21, 1951~~. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

R-808

INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver *ONLY* to
addressee



Show address where
delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Shup Creek Inspection Co

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

R. E. Evans

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

1-23-65

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

R-808



INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER

Department of Reclamation

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

Room 107 Statehouse

INSURED NO.

CITY, ZONE AND STATE

Boise, Idaho 83701

POD Form 3811 Apr. 1962

March 24, 1948

Re: Permit No. R-808

Mr. Charles L. Harris
Attorney at Law
Montpelier, Idaho

Dear Mr. Harris:

We enclose herewith Permit No. R-808,
in the name of the Sheep Creek Irrigation Company,
Inc., and also Departmental Receipt No. 20427 for the
\$5.00 filing fee.

We also enclose duplicate prints of this
project, and plans and specifications, which have been
approved by the State Reclamation Engineer.

The attention of the applicant is directed
to the limitations and conditions of this permit, as
given on the fourth page, under approval of the State
Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

R-808

February 27, 1948

Sheep Creek Irrigation Co., Inc.
c/o Iven W. Lloyd, Pres.
Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of the application of the Sheep Creek Irrigation Company for the storage of 121.23 acre feet of water from Sheep Creek and tributary in a reservoir to be constructed by them.

However, applications for storage are made on a different form so we have partially filled out a form of application for reservoir permit and enclose same herewith. Please complete the application by answering questions 4 to 9 inclusive also questions 12 to 17 inclusive.

According to the decree of July 22, 1913, in the case of Frank A. Clerk vs. Albert Kunz et al. the rights in Sheep Creek are appurtenant to 960 acres of land in Sections 1, 2, 11, 12, 13 and 14, Township 14 South, Range 45 E. B.M. We suggest that the storage be made appurtenant to the same land and the enclosed sketch map indicates the location of the reservoir and the land covered by the decree.

In connection with this application we already had on file duplicate copies of specifications but only one tracing of the plans so we had a couple of prints of the plans made.

The filing fee on the application amounts to \$5.00 and the cost of the prints is \$1.00. Please make this in two separate checks as the filing fee is deposited with the State Treasurer, but the \$1.00 for the prints is a separate cash item.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

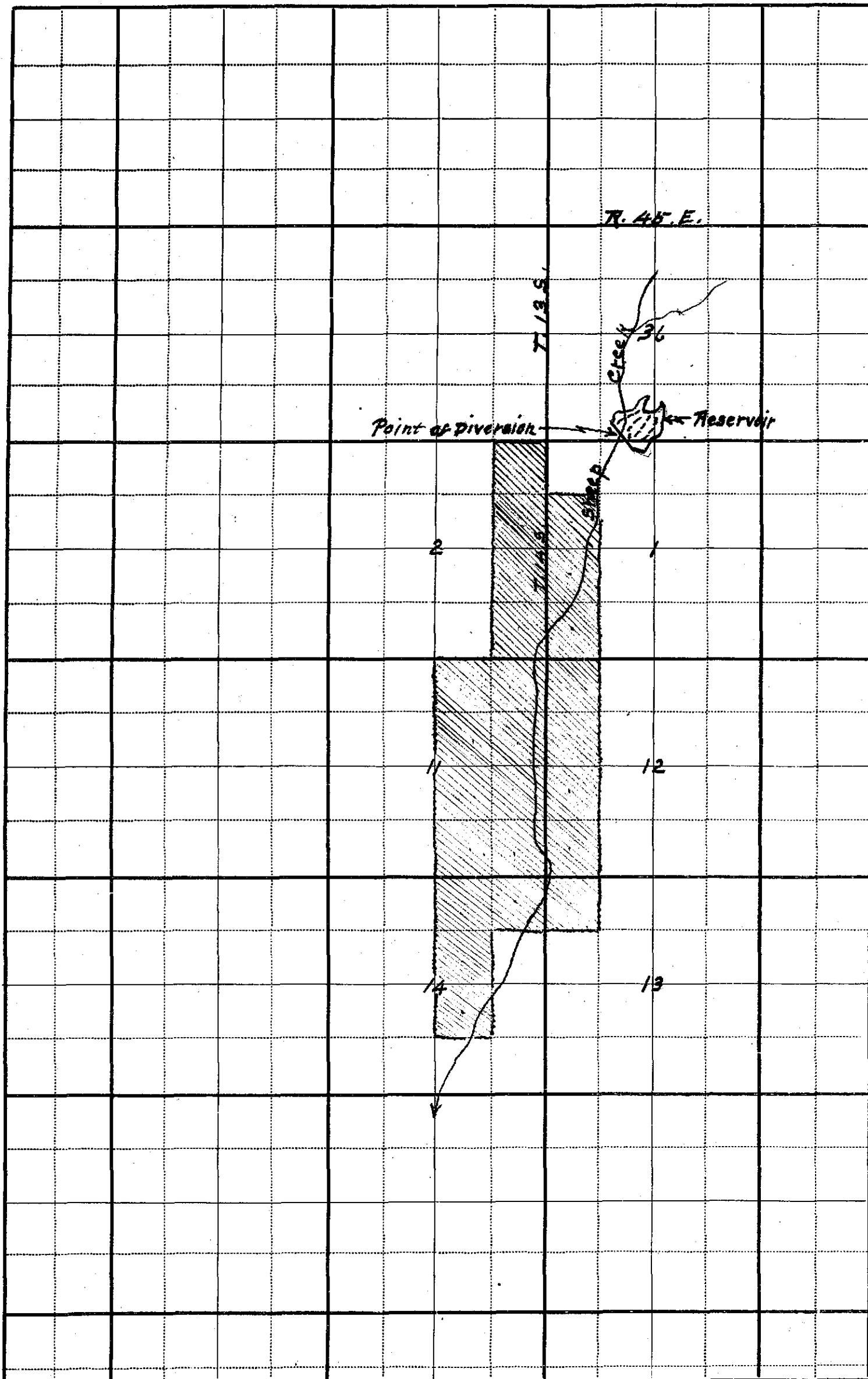
K/dm

R-208

NAME OF APPLICANT

Sheep Creek Irrigation Co. Inc.

FORM No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

R-808

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. _____

District No. _____

1. Name of applicant: Sheep Creek Irrigation Company, Incorporated.Post office address Montpelier, County Bear Lake, State Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 30, 1919.(b) Amount of capital stock: \$ 7,000.00 (c) Amount paid in: \$ 7,000.00(d) Names and addresses of directors: Ivan W. Lloyd, Pres., Montpelier, Idaho.Lee Lloyd, Sec. Montpelier, Idaho. Alma Kunz, Treas. Montpelier, Idaho, Griff K. Lloyd, Montpelier, Idaho, & Delbert L. Kunz, Montpelier, Idaho. all directors.II. The financial resources of the applicant are: (a) Cash on hand: \$ None.(b) Treasury stock: None (c) Bonds to be issued: None.(d) Other resources: Resources comes from annual assessments.2. Quantity of water claimed: 121.23 acre feet in reservoir. cubic feet per second.3. Source of water supply: Sheep Creek and tributary springs flowing in same.which is tributary of Bear River.4. Location of point of diversion: Reservoir in bed of creek feet distant from the _____ corner
See plans on file in Department.

of Section _____, T. _____, R. _____, B. M., and is in the _____

of Section _____, T. _____, R. _____, B. M., County of Bear Lake, Idaho.5. Water is to be used for: Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____

T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head

(c) Water is to be returned to _____ at a point _____ feet

distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the _____

of Section _____, T. _____, R. _____, B. M.

7. Estimated cost of works: \$ 8,000.008. Kinds of works: Reservoir, dam, ditches, pipe, etc.

(Reservoir, dam, ditch, flume, pipe, etc.)

approx.

9. Height of dam 15 ft feet; length of dam at top 1000 feet; length of dam at bottom 80

(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam dirt and clay,10. Size of headgate: Width 18 inches feet; Height 15 feet feet.11. Ditch/Width at bottom from reservoir. 4 feet; Width at water line 5 feet; Depth of water 2 feet;Dimensions of flume none Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

See plans.

R-808

15. (a) Is reservoir to be used? Yes. (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: Sheep Creek reservoir.

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Sheep Creek Irrigation Co., Inc.

Remarks: The proposed reservoir and dam is to take the place of a former reservoir and dam, deteriorated from floods and failure to repair.

The proposed new dam is to conserve high waters in spring sof year from snows in upper Sheep creek valley, which otherwise would be lost.

Amount of water to be stored will only irrigated a portion of the lands owned by the stockholders of the company, but will help to raise more crops of the land that is irrigated from said reservoir.

Each owner of land has a one-seventh interest in the creek and in the reservoir. Without the dam and reservoir there will be little or no water for irrigation during the growing season, Sheep creek being practically dry in summer months.

There are only seven owners of land in Sheep creek valley that can use the waters so stored, and they each for only a portion of their respective holdings.

What springs that are tributary to said creek cannot be used by any other person because of the location of said springs in canyons.

In the original filing on these waters many years ago these springs were included and have been used continuously since by the land owners,

being more than 50 years since originally filed on. No other persons have claimed or used said springs, and especailly the owners of the land^s on which these springs are located.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Sheepcreek Irrigation Co.
Applicant
By Ivan W. Lloyd President and Agent.

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____,

State of _____, do hereby certify that I am the owner or

lessee of the land on which the spring mentioned in the application of _____ is

located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring

as set forth in the foregoing application.

STATE OF IDAHO

County of _____ } ss.

On this _____ day of _____, 193____, before me a Notary Public for the State of Idaho, residing

at _____, personally appeared _____

known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to

me that _____ he _____ executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires _____

R-808

Approval of Commissioner of Reclamation

The number of this permit is.....

Recorded in Book.....Page.....Approved.....

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$.....to be filed on or before.....

Work to begin on or before....., and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before.....

The whole of said work to be completed on or before.....

Beneficial use of water appropriated in accordance herewith, to be made on or before.....

Witness my hand this.....day of....., 193.....

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We,.....Governor of the State of Idaho,

and.....Secretary of State of the State of Idaho, have caused

this instrument, to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....day of....., 193.....

Countersigned:

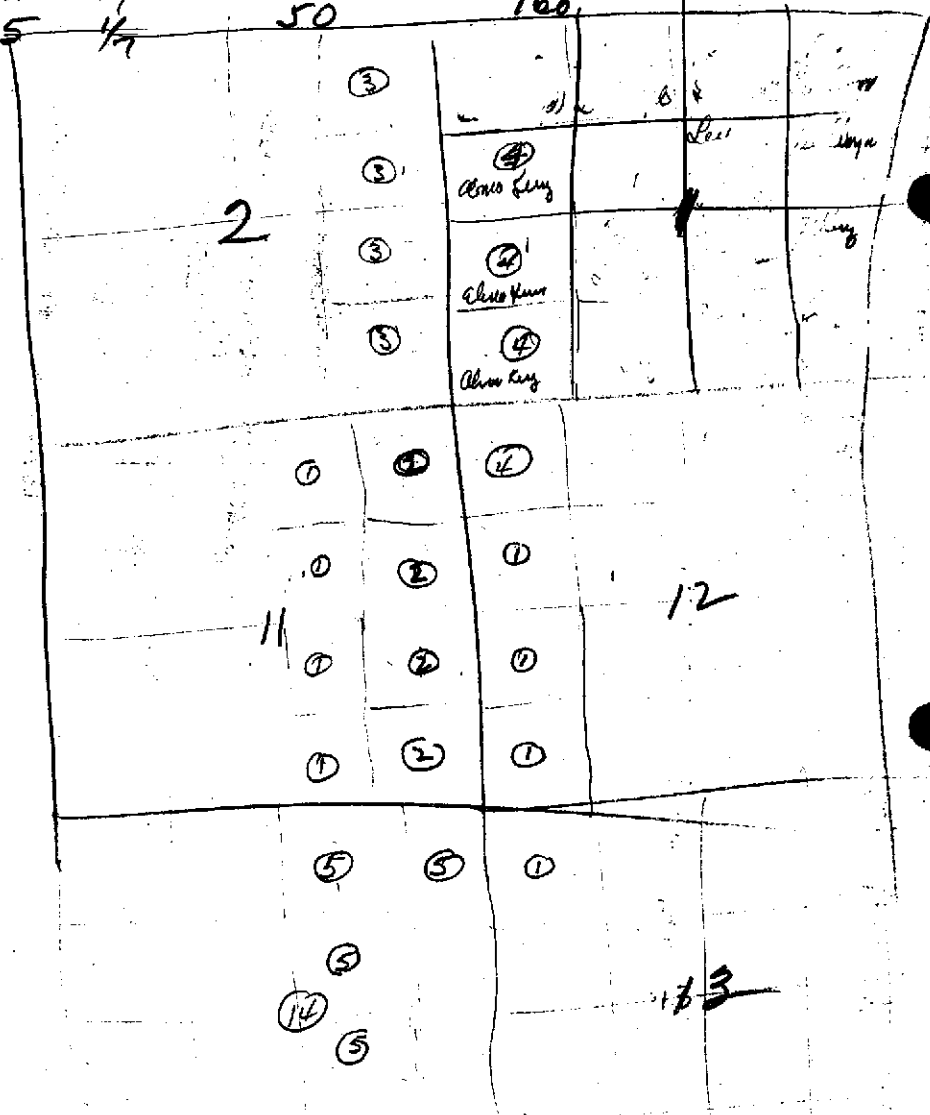
STATE OF IDAHO

By.....Secretary of State.....Governor

No.....	PERMIT	Date of first receipt at office of Commissioner of Reclamation 12 Jan 1937	Returned to applicant for correction	Corrected application received	Fees, \$ none	FILING FEES FOR USE PERMIT:	For the first Sec. Ft. \$5.00	For each additional Sec. Ft. or fraction thereof 25
---------	--------	---	--------------------------------------	--------------------------------	---------------	-----------------------------	-------------------------------	---

① $\frac{3}{7}$ 150 meter 370 aem
 2 $\frac{1}{7}$ 50 160
 3 $\frac{1}{7}$ 50 160
 4 $\frac{1}{7}$ 50 160
 5 $\frac{1}{7}$ 50 160

160
 3
 480
 2
 960



After administering this Oath and entering the name of the elector upon the Election Registers, file the Oath in the alphabetical envelopes according to the first letter of the surname. After the General Election oaths are to be returned to the Clerk of the Board of County Commissioners in Transmittal Envelope No. 8.

ELECTOR'S OATH

STATE OF IDAHO,

County of Bear Lake

} ss.

I do swear (or affirm) that I am a citizen of the United States, and an elector of.....

Precinct, of the age of 21 years, or will be on the.....day of....., A. D. 1946;
that I have (or will have) actually resided in this state for six months, and in this county for thirty days next preceding the

next ensuing.....election; that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchase or offer to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions of this oath; that I am not now registered and entitled to vote at any other place in this state; that I do regard the constitution of the United States and the laws thereof, and the constitution of this state and the laws thereof, as interpreted by the courts as the supreme law of the land; so help me God.

Signed.....

Address.....

Subscribed and sworn to before me this.....day of....., A. D. 1946.

Registrar of.....Precinct,

.....Precinct, in the County of Bear Lake,

Dec 35

Oliver & Co

100



Handwritten signature: *Wm. H. ...*



West Longport

Office 36 School

36

Thrup Creek Entrance Reservation

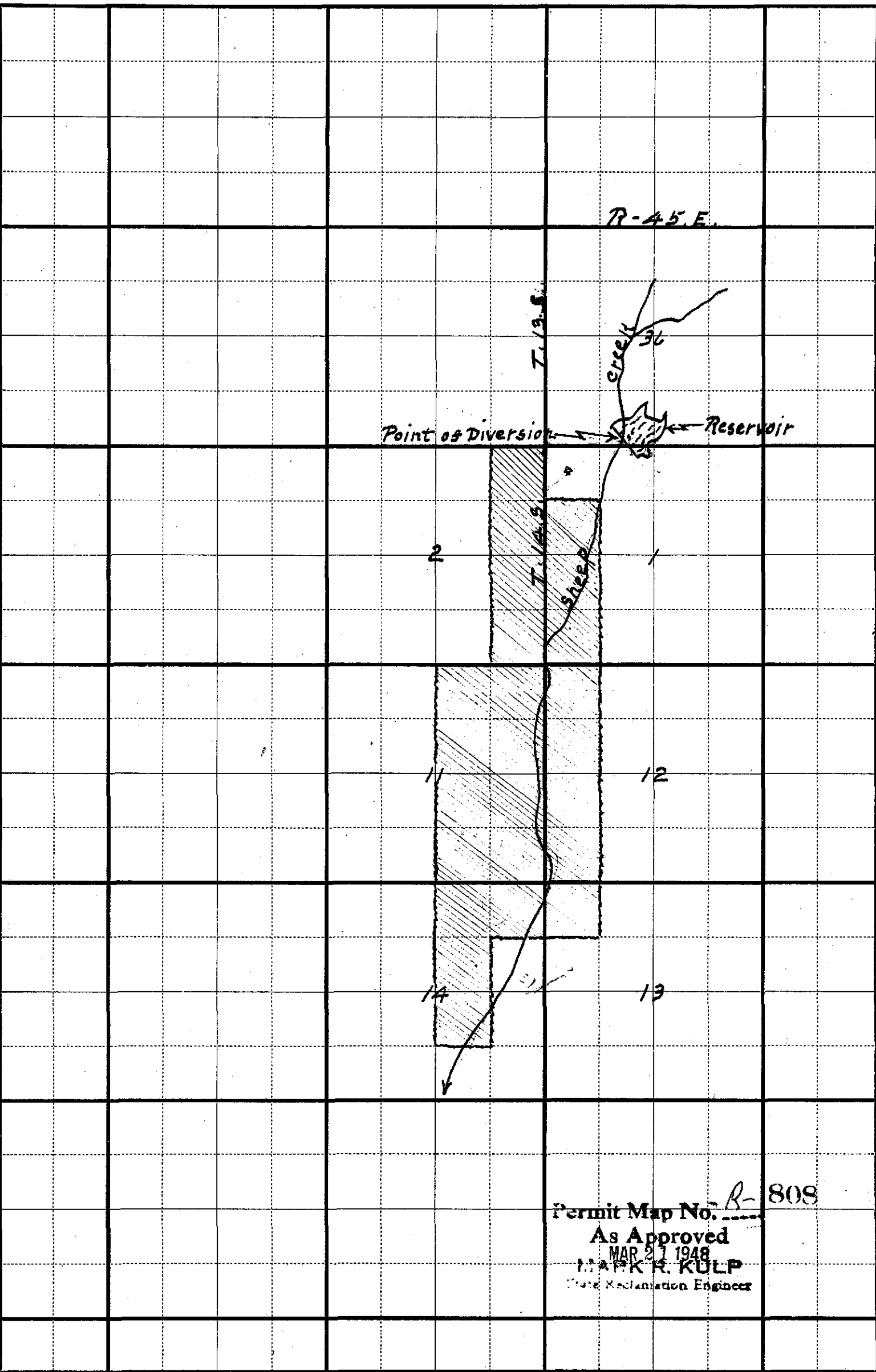
SE 1/4 36
SE 1/4 36

39-35 (County & Loc)

Let $E = (N, F, \mu)$

✓ - 545 - 1

45E



Permit Map No. R-808
As Approved
MAR 27 1948
MARK R. KULP
State Reclamation Engineer

February 9, 1948

Mr. Charles E. Harris
Attorney at Law
Montpelier, Idaho

Dear Mr. Harris:

In reply to your letter of February 7th,
we are sending you, under separate cover, the plans
made by Mr. Wendell Smith in connection with the
Sheep Creek dam.

These are being sent for your present use,
and may be returned to this department when they have
served that purpose.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A

R-808

CHAS. E. HARRIS
LAW OFFICE
MONTPELIER, IDAHO

February 7, 1948

State Reclamation Office,
Boise, Idaho.

Dear Mr. Kulp:

As attorney for the Sheep Creek Irrigation Co., I am writing you.

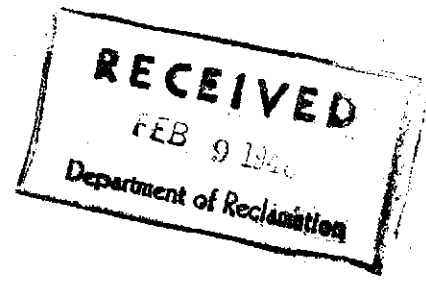
The officers of this company have received the blanks for application for storage reservoir on tSheep creek for waters for their farms below in Sheep creek valley.

However, neither they or myself can fill out these forms and answer the questions contained therein for the reason that Wendell Smith, the civil engineer who prepared the plans on file in your office, did not furnish a copy of these plans to the officers of the company, and Mr. Smith is not available to give us the information we need, to complete the application blank sent them.

Mr. Smith thought that you might let me have the plans in your office temporarily to get the information we need, and I am writing to ask if you will send me these plans. I will return them as soon as we can get the data you ask for. Mr. Smith writes us that all the information we need is set forth in these plans.

Awaiting your reply I am respectfully,

Chas E Harris



R-808

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1901

(24)

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

1907 OCT 6

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

, KHA83 PD=MONTPELIER IDA 6 900A

MR KULP COMMISSIONER OF RECLAMATION=

BOISE IDA=

PLEASE ACT ON SHEEP CREEK RESERVOIR COMPANY PROJECT. THIS
IS URGENT SEASON LIMITED:

=J R PUGMIRE CHAIRMAN BEAR LAKE COUNTY AGRICULTURAL
CONSERVATION ASSOCIATION.

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

NO.	CASH OR CHG.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

State House, Boise, Idaho.

Oct. 7-47

Mr. J.R. Pugmire, Chairman, Bear Lake County Agricultural Conservation Association.
Montpelier, Idaho.

No Storage rights on Sheep Creek of record in this office.

Plans and specifications can be approved as soon as application for permit is filed and approved.

MARK. R. KULP.
State Reclamation Engineer,

Chg. To State Department of Reclamation,

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeatable message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeatable message and paid for as such, in consideration whereof it is agreed between the sender of the message and this company as follows:

1. The company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeatable message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued*; nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.
2. In any event the company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one percent of the amount by which such valuation shall exceed five thousand dollars.
3. The company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.
4. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.
5. No responsibility attaches to this company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the company's messengers, he acts for that purpose as the agent of the sender.
6. The company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.
7. It is agreed that in any action by the company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.
8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.
9. No employee of the company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 2:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The stand-

ard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

No employee of the Company is authorized to vary the foregoing.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be in language of country of origin or of destination, or in French. This class of service is in effect with most European countries and with various other countries throughout the world. Full particulars supplied on application at any Western Union Office.

CABLE NIGHT LETTERS

An overnight, low-rate service for plain language communications. The language of the country of destination may be employed, if the Night Letter service is in operation to that country. Subject to delivery at the convenience of the Company within 24 hours if telegraphic delivery is selected. Delivery by mail beyond London will be made if a full mailing address is given and the words "Post London" are written after the destination. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

WEEK-END LETTERS

At still lower rates. Similar to Night Letters except that they are accepted up to midnight Saturday for delivery Monday morning, if telegraphic delivery is selected. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

Page 2
Mr. Wendell H. Smith
August 7, 1947

However, these are direct flow rights, and are only valid through the irrigating season, except for the part of domestic use; and it will be necessary to initiate a storage right by application for Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey

H:FS
Encl.

R-208

August 7, 1947

Mr. Wendell H. Smith
Route 2
Preston, Idaho

Dear Mr. Smith:

We are in receipt of a Court Decree from Charles E. Harris, Montpelier, Idaho, showing the diversion of the waters of Sheep Creek as follows:

To Frank A. Clark, three-sevenths or 150 miners inches of Sheep Creek, priority, April 29, 1887, to irrigate,

SW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13

E $\frac{1}{2}$ NE $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11

Township 14 South, Range 45 East, B. M.

320 acres.

To Albert Kunz, one-seventh or 50 miners inches of Sheep Creek with same priority to irrigate

E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11, Township 14

South, Range 45 East, B. M., 160 acres.

To Arnold Zamburn, one-seventh or 50 miners inches of Sheep Creek with same priority to irrigate,

E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, Township 14

South, Range 45 East, B. M., 160 acres.

To Gottfried Eschlar, one-seventh, or 50 miner's inches from Sheep Creek with same priority to irrigate,

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1 and NW $\frac{1}{4}$ NW $\frac{1}{4}$,

Section 12, Township 14 South, Range 45

East., 160 acres.

To Heber Phelps, one-seventh, or 50 miner's inches of Sheep Creek with same priority to irrigate,

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Town-

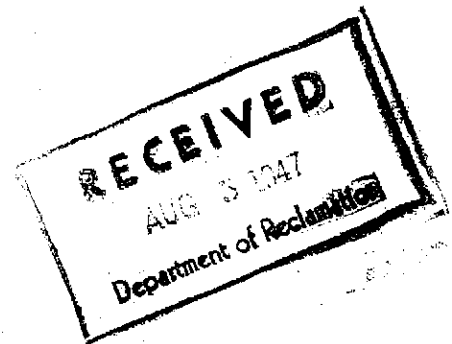
ship 14 South, Range 45 East, B. M.

We do not know which of these rights are owned by the Sheep Creek Irrigation Co.

R-808

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

August 1, 1947



Mr. A. L. Kunz
Montpelier, Idaho

Dear Mr. Kunz:

With reference to approval of plans on your dam, there is not much that we can do until the water right has been cleared up. Whenever Mr. Harris can get a copy of the Court Decree forwarded to the State Department of Reclamation and get it on file up there they will approve the plans.

If there is anything that I can do to help you in the mean time please let me know.

Very truly yours,

Wendell H. Smith
Wendell H. Smith

*I am also inclosing the
Public notice that I
took with me to
Boise.*

I am enclosing certified copy of the District Court Decree as to the waters of Sheep Creek and reservoir.

The Kunz's above named are successors in interest as to the water rights under the decree.

Chas E. H. Smith

June 21, 1947

Mr. A. L. Kunz
P. O. Box 235
Montpelier, Idaho

Dear Mr. Kunz:

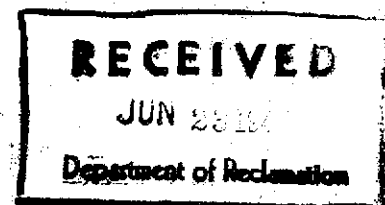
Inclosed is a letter from Mr. Mark R. Kulp, State Reclamation Engineer, explaining that he is not able to find on record a water right under the name of the Sheep Creek Irrigation Co.. Was the original filling made under a different name?

If it is possible for you to get the information asked for in the above referenced letter either send it directly to Mr. Kulp with a copy of your letter to me or send it to me and I will forward it to Mr. Kulp. If there is anything that I can do to help you get this information please let me know.

Very truly yours,

Wendell H. Smith

cc: Mark R. Kulp



R-208

June 19, 1947

Mr. Wendell H. Smith
Preston, Idaho

Dear Mr. Smith:

We acknowledge receipt of your letter of June 16th, in reply to office letter addressed you on June 13th, requesting information as to the source of the water right of the Sheep Creek Irrigation Company,

In that letter you say that the President of that company informed you that it was Permit No. 28; but this appears to be the number of the articles of incorporation, and does not refer to a permit of record in this department.

We shall appreciate further advice as to the source of the water right, for which plans and specifications were sent us by you under date of June 12th, since we can find neither a filing nor a decree of record in this department in the name of the Sheep Creek Irrigation.

If a right is claimed under the old location method, such right would have to be established through the District Court, who could fix the priority date at the earliest proven date of beneficial use.

Alternately, a filing for permit can be made through this Department, but such a filing would only carry as priority the date the application is filed in this department.

Very truly yours,

K:A

MARK A. KULP
State Reclamation Engineer

R-202



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

June 17, 1947

Mr. Sam V. Tonks
County Recorder Bear Lake County
Paris, Idaho

Dear Sir:

Will you please advise us if there is
a location notice of record in your county, for the
use of water from Sheep Creek?

In connection with reservoir plans by the
Sheep Creek Irrigation Company, they refer to their water
right as being Permit No. 25; but this evidently does
not refer to a Water Permit issued by this Department,
and we are trying to locate the original source of their
water right.

Any information that you can give us in regard
to this matter will be greatly appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeanne L. Anderson*
Chief Clerk

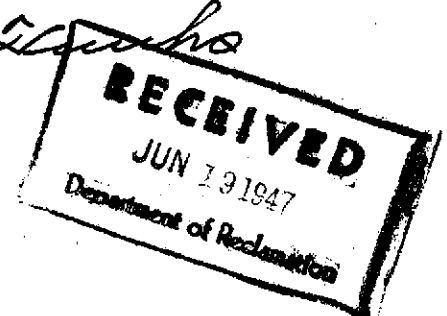
A

Dear Miss Anderson:

The Sheep Creek Irrigation Company
filed Articles of Incorporation in this office July 1, 1896.
There isn't any record of every having filed with the State.
The No 25 is county file No.

Yours truly,

Sam V. Tonks
Sam V. Tonks
Recorder



R-808

June 17, 1947

Mr. Sam V. Tonks
County Recorder Bear Lake County
Paris, Idaho

Dear Sir:

Will you please advise us if there is
a location notice of record in your county, for the
use of water from Sheep Creek?

In connection with reservoir plans by the
Sheep Creek Irrigation Company, they refer to their water
right as being Permit No. 25; but this evidently does
not refer to a Water Permit issued by this Department,
and we are trying to locate the original source of their
water right.

Any information that you can give us in regard
to this matter will be greatly appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

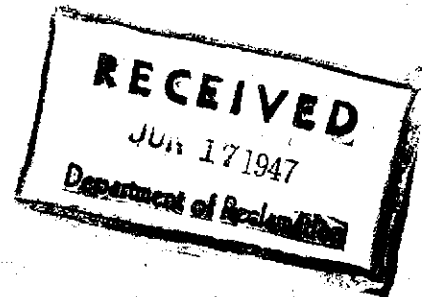
Chief Clerk

A

R-208

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

June 16, 1947



Mr. Mark R. Kuip
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kuip:

Attention: E. N. Humphrey

In accordance with the request in your letter of June 13, 1947 for information to identify the rights of the Sheep Creek Irrigation Company the President of the Company has informed me that the Permit No. is 25. If this is not sufficient information we will be glad to get any other information possible.

Very truly yours,

Wendell H. Smith
Wendell H. Smith

R-208

June 13, 1947

Mr. Wendell H. Smith
Preston, Idaho

Dear Mr. Smith:

Before approving your plans and specifications on a dam for the Sheep Creek Irrigation Company, it will be necessary to check up on the water rights of said company.

We do not find either a filing or a decree in the name of the Sheep Creek Irrigation Company, and we accordingly request that you please send such information so that we can identify their rights, either a license or permit number, or a court case.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:A

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

June 12, 1947

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

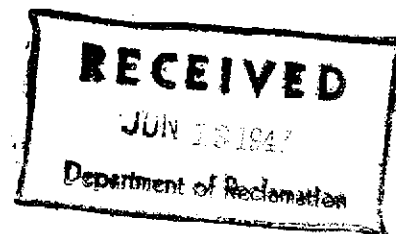
Dear Mr. Kulp:

Inclosed for your approval are Specifications for a small dam for the Sheep Creek Irrigation Co. of Bear Lake County. The tracings are being forwarded under seperate cover.

It will be noted that a gravel condition exists under the dam location. It is proposed to construct a clay cut-off trench to the bottom of the layer. It is the desire of the Company to use the reservoir as source of storage for short periods and then after accumulating some water they may have a larger stream for irrigation purposes.

Very truly yours,

Wendell H. Smith
Wendell H. Smith



R-808