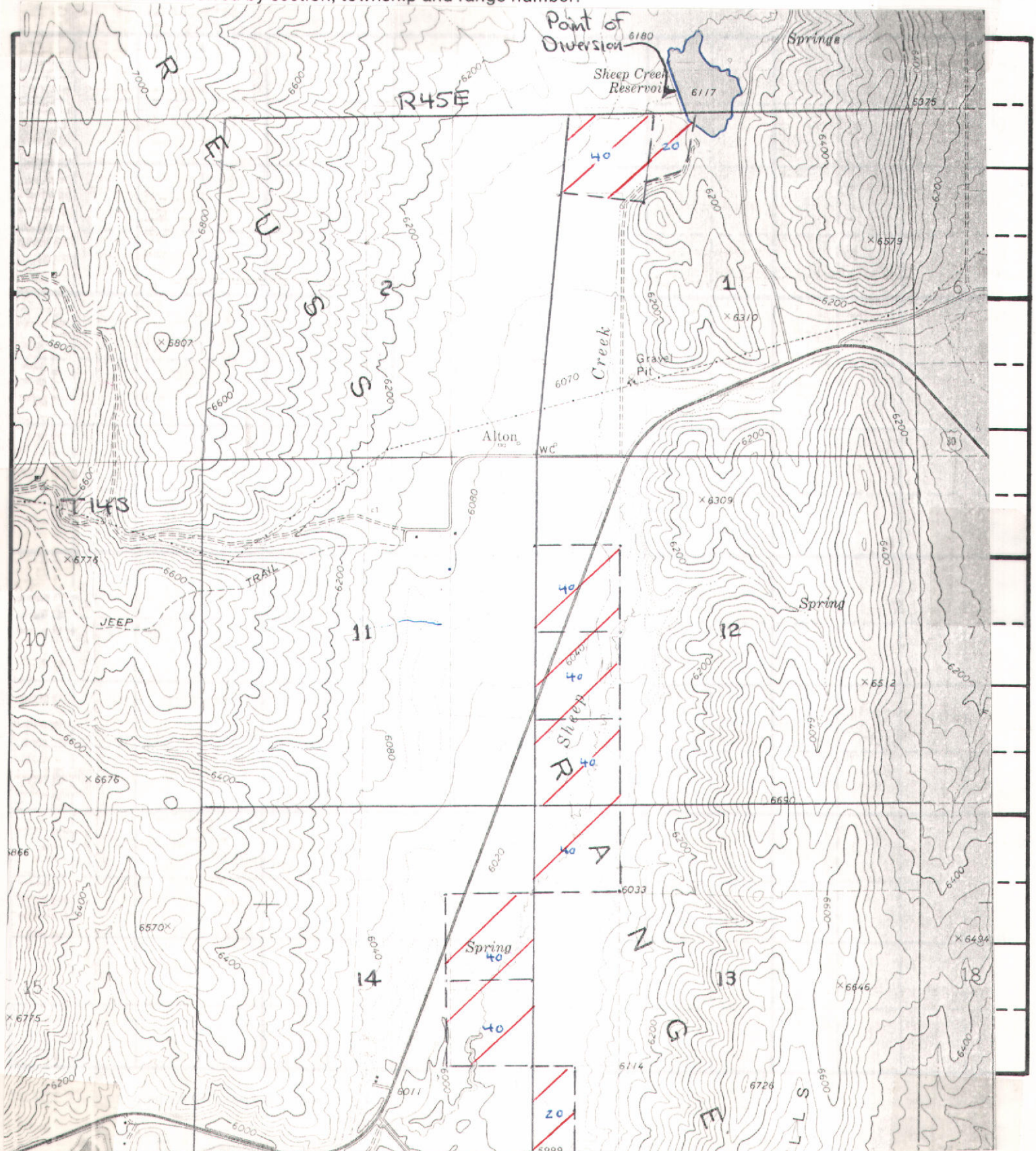


c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1					L-3 20	L-4 40											60
		12							40			40	40						120
		13						40					20						60
		14				40								40					80

Total number of acres to be irrigated 320

4. Describe any other water rights used for the same purpose as described above. License 11-2154
storage water from Sheep Creek Reservoir
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

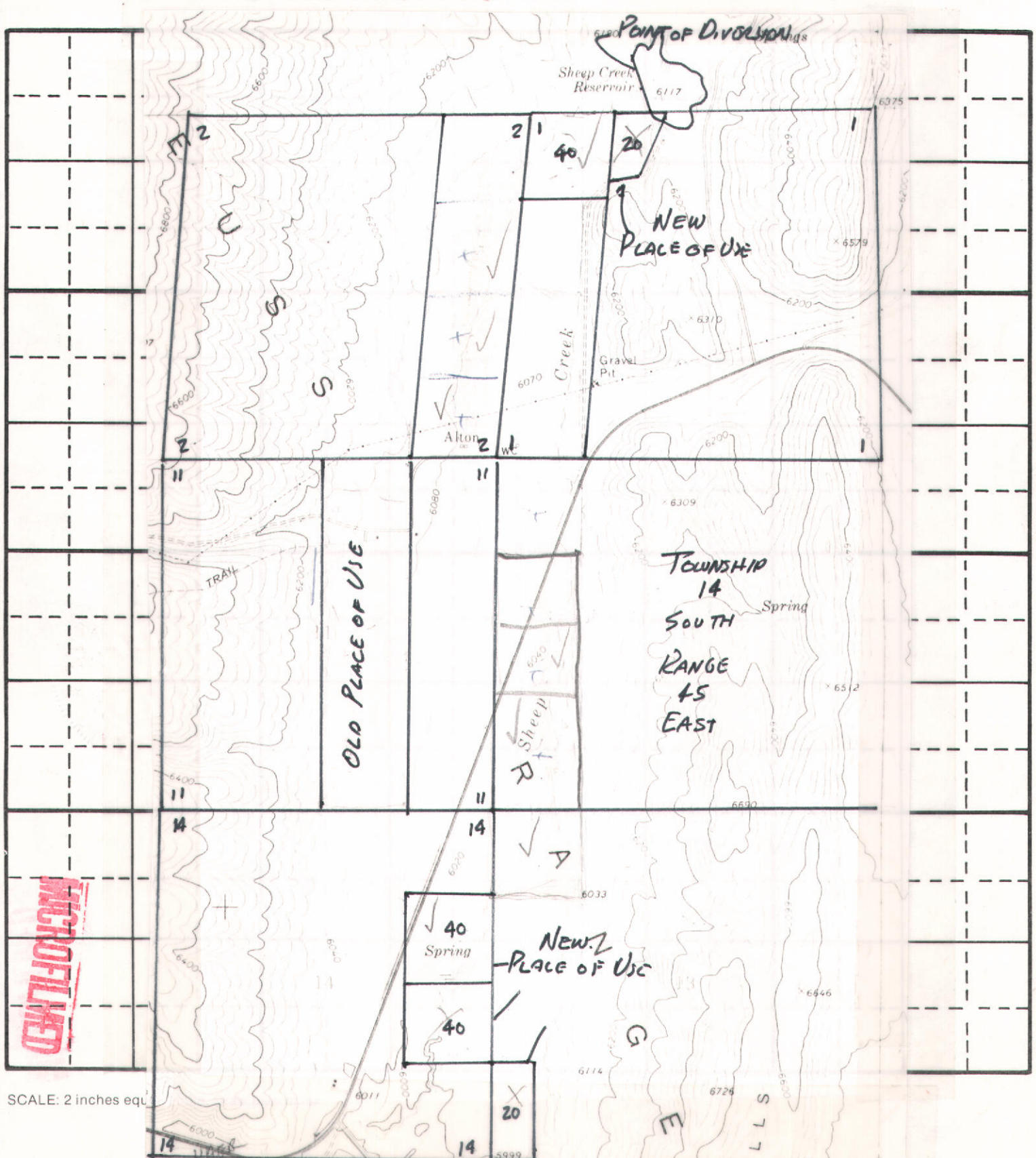


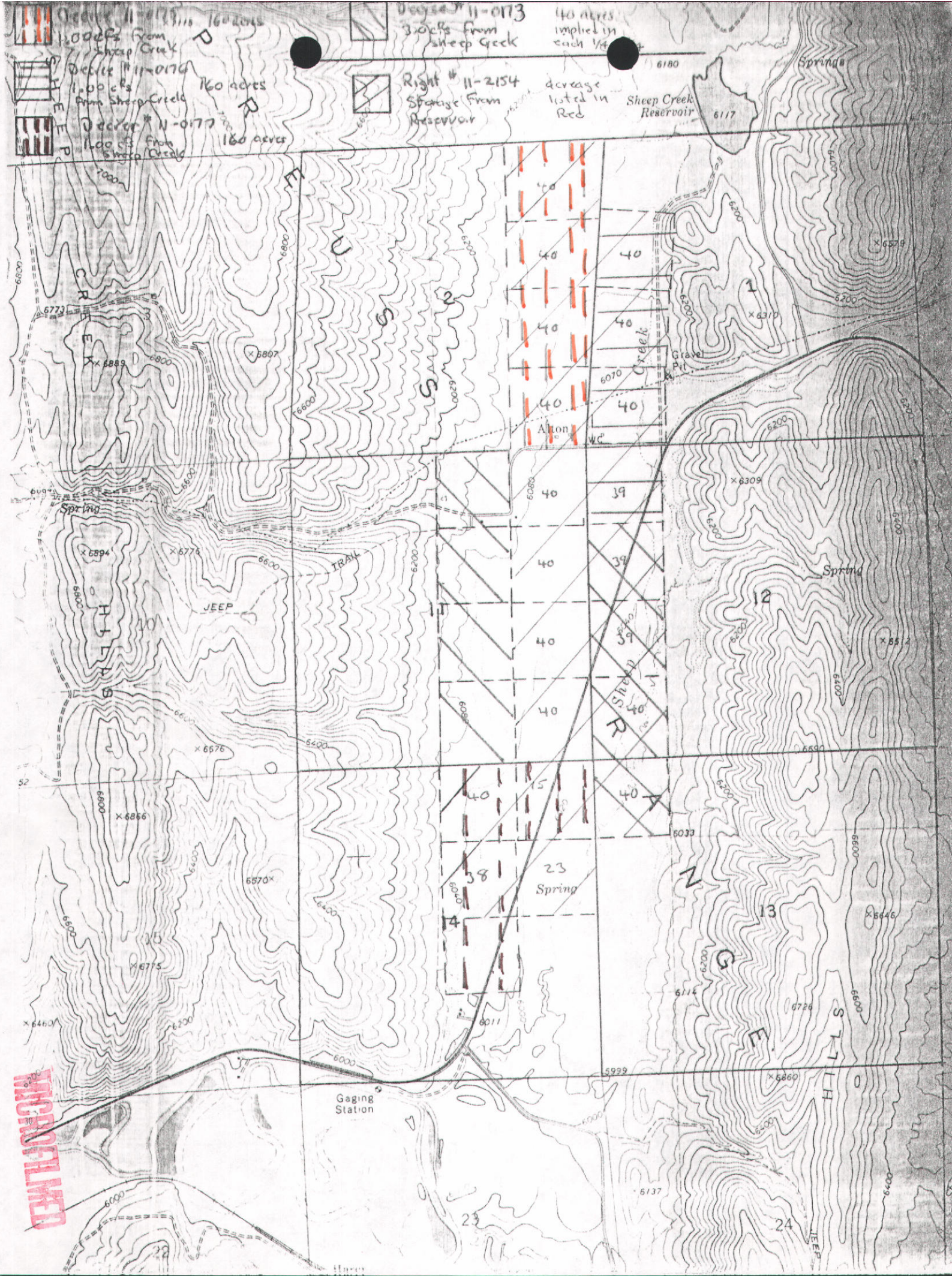
c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1					20	40											60
		14				40								40					80
		13											20						20

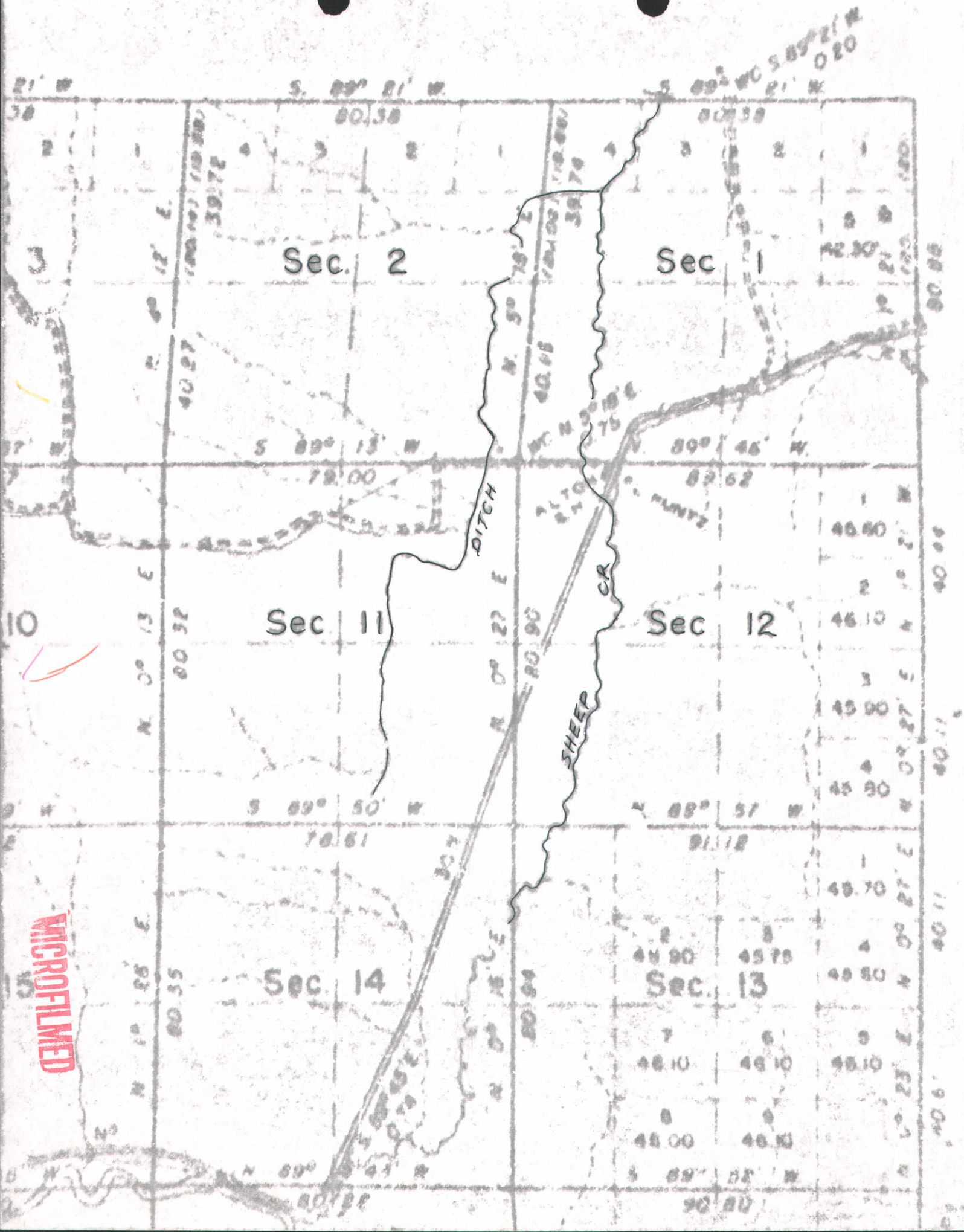
Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. License 11-2154 storage water from Sheep Creek Dam. For Sec 1
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.





TEEP



MICROFILMED



MICROFILMED

IN THE MATTER OF WATER RIGHT NO. 11-0173)
)
IN THE NAME OF JIM CRANEY) ORDER
)

"A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works,"

WHEREAS, on May 25, 1984, the applicant requested the Department to remove the condition; and,

IT IS, THEREFORE, HEREBY ORDERED that the above-referenced condition requiring a measuring device be REMOVED.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED
AMENDED

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Jim Craney

Phone 847-1152

Post Office address Rt. #1 Montpelier, ID 83254

- A. DESCRIPTION OF RIGHT AS RECORDED
1. Right evidenced by:

a. Decree No. 11-0173 Decreed to Frank A. Clark (Name)
in case of Frank A. Clark vs Albert Kunz, et al
dated in July 22, 1913 in 5th Judicial Dist. county of Bear Lake (Name of court)

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

c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant acquired right through purchase of land.
3. Source of water Sheep Creek tributary to Bear River
4. Date of priority April 29, 1887
5. Water is used for the following purposes:

amount 3.0cfs for Irrigation purposes from 4-1 to 11-1

amount for purposes from to

amount for purposes from to (month/day — both dates inclusive)
6. Total amount of water under right: a. 3.0 cubic feet per second &/or
b. acre feet per annum
7. Location NOT SPECIFIED IN DECREE of original point of diversion is ¼ of ¼ of Section
Township Range, B.M., in County
Additional points of diversion, if any
8. Lands irrigated or 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	12							X			X	X						
		13						X											
		11		X	X										X	X			

Total number of acres to be irrigated 320

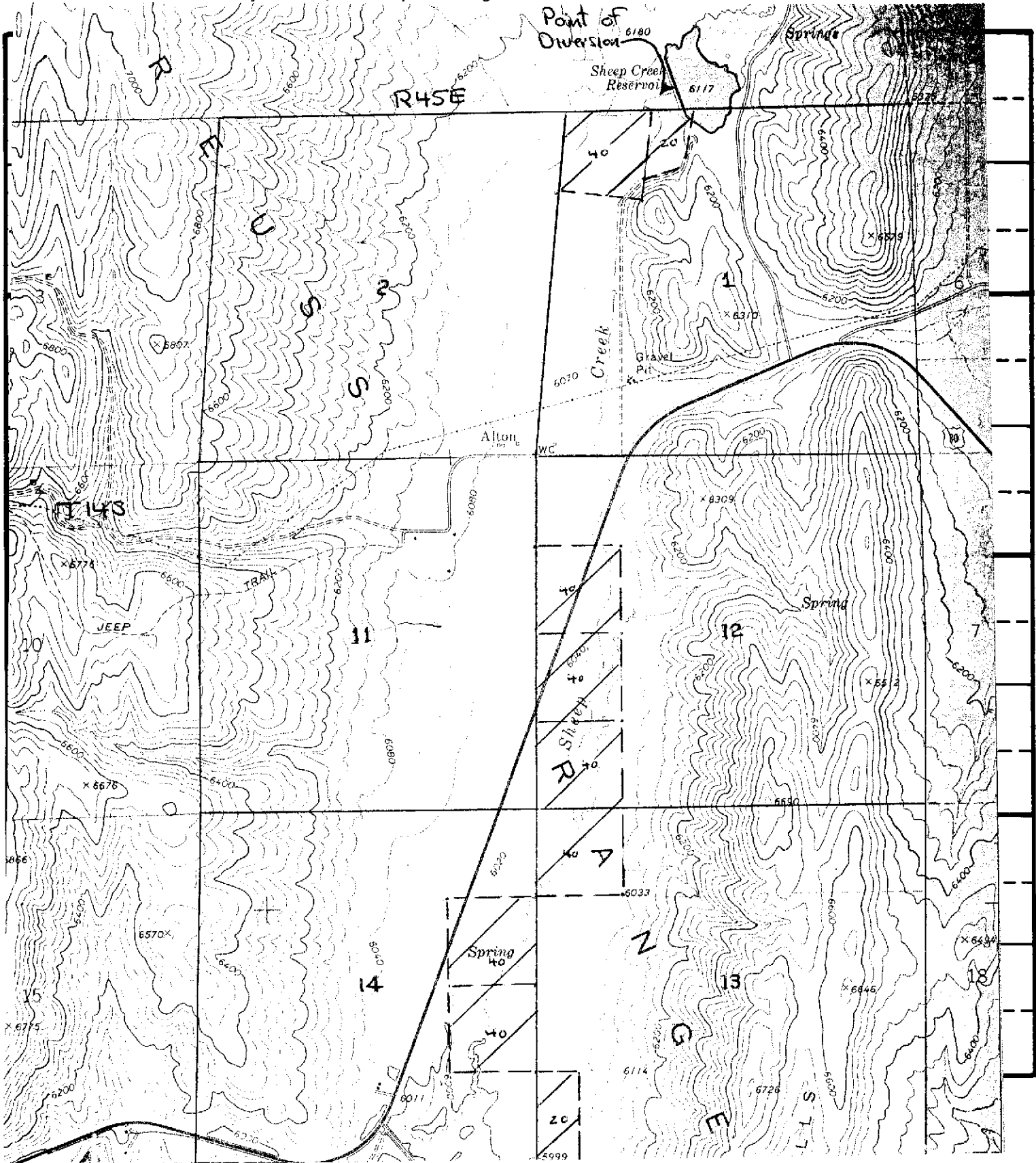
9. Describe any other water rights used for the same purpose as described above 11-2154 License for storage from Sheep Creek Reservoir
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1					L-3 20	L-4 40											60
		12							40			40	40						120
		13						40					20						60
		14				40								40					80

Total number of acres to be irrigated 320

4. Describe any other water rights used for the same purpose as described above. License 11-2154
storage water from Sheep Creek Reservoir
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



MICROFILMED

hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 9 day of May, 1984

(Signature of Applicant) James B. Brang

(Notary Public) [Signature]

My commission expires [Signature]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0173 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 11, Bear River.

Witness my hand this 18 day of May, 1984

[Signature] Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4-10-84 Fee \$20.00 Prelim. check by #405
Received by [Signature] Date 4-10-84 #33510
Published in [Signature] 4/19 + 4/26/84
Pub. dates 4-18-84
Watermaster recommendation requested on 4-27-84 rec'd.

Recommended for [Signature] by [Signature] Det
Approval
denial
Hearing held by [Signature] Date
Copies of protest forwarded by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Jim Craney Phone 847-1152
Post Office address Rt. 1, Montpelier, Idaho 83254

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 11-0173 Decreed to Frank A. Clark (Name)
in case of Frank A. Clark vs Albert Kunz, et al
dated in July 22, 1913 in _____ county of _____
(Name of court)

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

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant
acquired right through purchase of the land3. Source of water Sheep Creek tributary to Bear River4. Date of priority April 29, 1887

5. Water is used for the following purposes:

amount 3.0 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.0 cubic feet per second
&/or
b. _____ acre feet per annum

NOT SPECIFIED IN DECREE

7. Location of original point of diversion is _____ 1/4 of _____ 1/4 of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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	12							X			X	X						
		13						X											
		11		X	X										X	X			

Total number of acres to be irrigated 3209. Describe any other water rights used for the same purpose as described above 11-2154 License
for storage from Sheep Creek Reservoir10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

DECLASSIFIED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

omit part B).

1. Amount of water: a. _____ cubic feet per second
b. _____ acre feet per annum
&/or

2. Point of diversion —

Point of diversion	1/4	1/4	Range	_____ , B.M., _____	Additional points	_____
--------------------	-----	-----	-------	---------------------	-------------------	-------

Additional points

Place of use:

[illegible]

Total number of acres to be irrigated.

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

a.	Amount of water to be diverted	3.0	c.f.s. &/or	acre feet
b.	Description of diverting works	Pipeline from dam to sprinklers and ditches to flood irrigation		
c.	Describe the reasons for the proposed changes	Applicant wishes to make more efficient use of the water.		

ditches to flood irrigation

c. Describe the reasons for the proposed changes. Applicant wishes to make more

efficient use of the water.

2. Change in point of diversion

Point of diversion	SE	%	SW	%, Section	Township	County	Range	Additional points
45E					36	Bear Lake	45E, B.M.	
					13S			

3. **Change in place of use**

a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes No X . If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

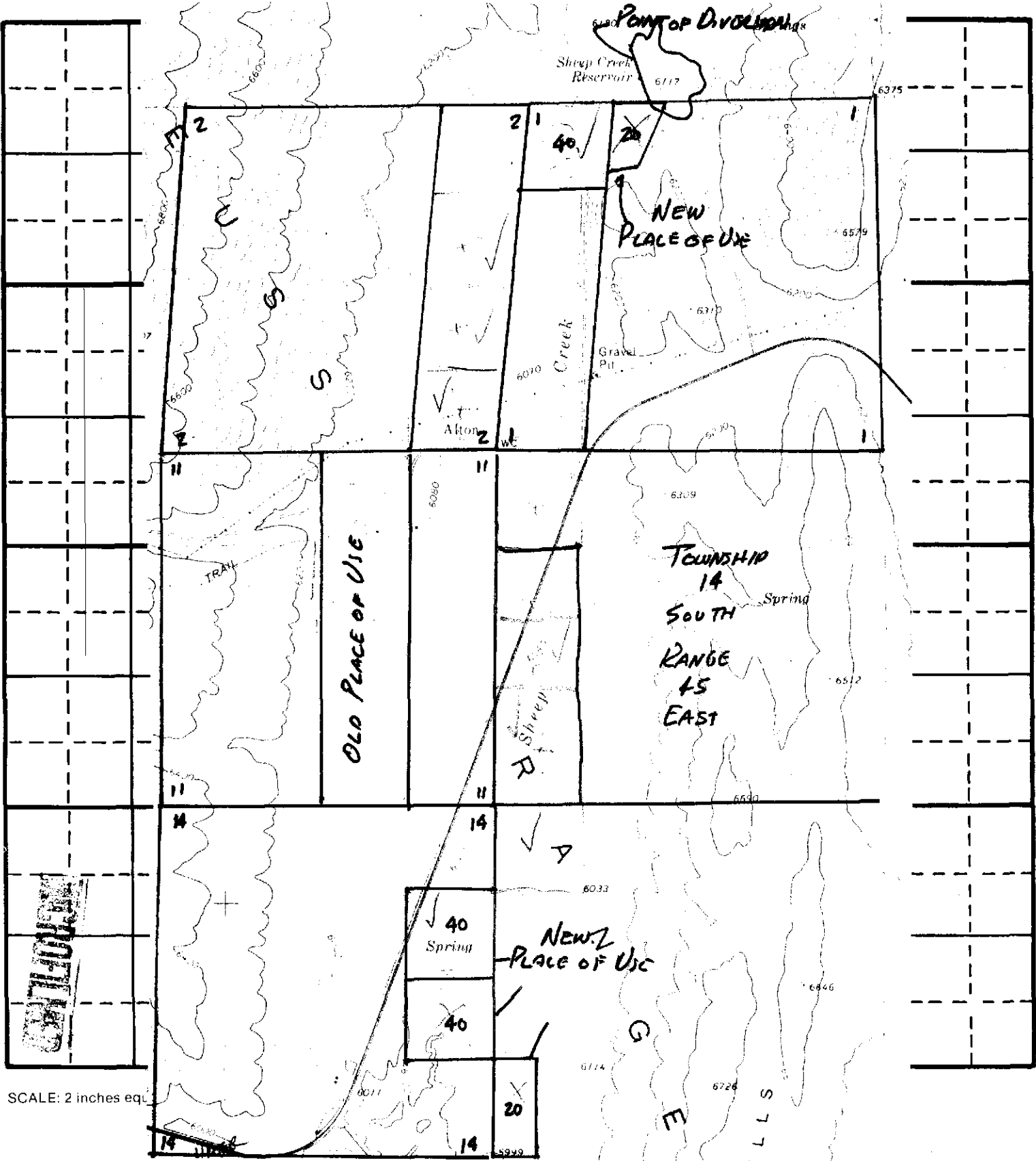
~~The land now irrigated will become arid.~~

c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1					20	40											60
		14				40								40					80
		13											20						20

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. License 11-2154 storage water from Sheep Creek Dam. For Sec 1
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



MICROFILMED

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 15th day of July, 19 83
James E. Brumby
(Signature of Applicant)

Carolee Wilkey
(Notary Public)
My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by SM Date 2-15-83 Protest filed by _____ Fee 80.00 Received by SM Prelim. check by Kaw Date 2/15/83 #25406 Received by SM Published in News Examiner Pub. dates 3/10 - 3/17/83 Watermaster recommendation requested on 5-9-83 rec'd. 5-16-83 W.D. # 11
Recommended for _____ approval _____ denial _____ by _____
Hearing held by _____ Date _____
Copies of protest forwarded by _____

CONTRACT OF SALE

THIS SALE AGREEMENT is made and entered in triplicate this 1 day of June, 1973, by and between JOSEPH LEE LLOYD a/k/a LEE LLOYD and VILDA LLOYD, husband and wife, hereinafter known as the SELLERS, and JAMES E. CRANEY and DARLENE L. CRANEY, husband and wife, of Star Route, Montpelier, Idaho, hereinafter known as the BUYERS:

WITNESSETH:

1. SALE OF PROPERTY. The Sellers covenant and agree to sell and convey to the Buyers and Buyers agree to buy the following described real property situated in Bear Lake County, State of Idaho, to-wit:

Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 1, Township 14 South, Range 45 East, B. M. ✓

The SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 in Township 14 South,
Range 45 East of the Boise Meridian.

The W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13; and
SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; all in Township
14 South, Range 45 East, Boise Meridian, containing
400 acres more or less, together with all water rights
connected therewith. ✓

Together with all water rights which is 50% (3 shares)
of the water and reservoir rights of Sheep Creek
Reservoir (the other 50% owned by Rigby).

Together with Sellers' interest in 640 acre lease of
State of Idaho land, 180 acres Taylor grazing rights
and, a 60 head grazing right on the Caribou National
Forest.

Together with all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or apper-
taining.

This contract does not include or consider in any way
any livestock or machinery.

2. PURCHASE PRICE. The Buyers agree to buy said premises and to pay therefore the sum of One Hundred Twenty-Five Thousand and no/100 (\$125,000.00) Dollars, payable as follows:

Five Thousand (\$5,000.00) Dollars upon execution hereof, receipt of which is acknowledged.

The balance of One Hundred Twenty Thousand (\$120,000.00) Dollars payable in equal annual installments of Six Thousand (\$6,000.00) Dollars each, together with interest at the rate of six (6%) per cent per annum on deferred balances, the first of such payments to be paid on or before March 1, 1974, and a like amount on or before the 1st day of March each year thereafter until paid in full with interest as specified. Each payment shall be applied first to interest and then to principal.

Buyers have the privilege of prepaying any sum without penalty, provided, however, that no more than twenty-nine (29%) per cent thereof can be paid within any one year.

3. POSSESSION. The Buyers shall have possession of the premises under this agreement immediately after the execution of the agreement.

The Buyers acknowledge that they have had full opportunity for inspection of and are familiar with the physical condition of the premises and accept the same in their present condition without relying upon any representations of the Sellers or their agents.

The Buyers covenant and agree to keep and maintain the said premises in as good condition as they are now in until the purchase price is paid in full, reasonable use, wear and tear excepted.

4. INSURANCE. Buyers agree to keep the improvements on said property insured against loss by fire, wind, theft, and accident for their insurable value with loss payable to the Sellers as their interest may appear.

5. TAXES. The taxes and assessments for the year 1972 shall be paid by the Sellers. All taxes and assessments against the property for the year 1973 and all taxes and assessments thereafter shall be paid by Buyers.

6. INSTRUMENTS OF CONVEYANCE. Simultaneously herewith, the Sellers shall execute, acknowledge and deliver to the Escrow Holder hereinafter named, a good and sufficient Warranty Deed to the real property hereinabove described with the Buyers named therein as Grantees conveying to the Grantees a fee simple title to the said parcel and said Escrow agent shall be instructed to hold said deed until the balance of the purchase price provided for herein shall be paid in full.

7. TITLE INSURANCE. The Sellers shall provide Buyers with a policy of title insurance insuring a fee simple title to the above-described premises in the Buyers. Such policy shall be in the sum of One Hundred Twenty-Five Thousand and no/100 (\$125,000.00) Dollars and shall be a standard form Purchaser's Title Insurance Policy. This policy shall be placed in escrow together with this Contract as hereinafter provided.

8. ESCROW HOLDER. The parties hereby name and appoint the FIRST SECURITY BANK, N. A., Montpelier, Idaho, Escrow Holder hereunder. The parties shall pay the escrow fees equally. It is understood and agreed by the parties to this agreement that the Escrow Holder does not represent either the Sellers or the Buyers and that the Escrow Holder shall not be liable to the parties or any of them except for a true and correct account of all moneys paid to it under this agreement.

All payments under this agreement shall be paid to the Escrow Holder and shall be by it credited to Sellers' order.

9. SPECIAL WARRANTY DEED. It is further agreed that Buyers shall execute and deliver a "Special Warranty Deed" to Escrow Holder to be delivered to Sellers by Escrow Holder in the event of Buyers' default hereunder provided.

10. DELIVERY OF PAPERS. The Warranty Deed, Title Insurance Policy, Special Warranty Deed and an original of this Sale Agreement shall be placed in escrow with the Escrow Holder forthwith.

Upon payment in full of the purchase price agreed to be paid by the Buyers under this agreement, the Escrow Holder is instructed to and shall deliver the Warranty Deed and Title Insurance Policy to the Buyers without further notice to the Sellers.

11. ASSIGNMENTS. This contract shall not be assigned by the Buyers without consent in writing to such assignment by Sellers. It is understood and agreed that this provision is intended to protect Sellers from an assignment to any person or persons whose credit is not satisfactory and such consent shall not be unreasonably withheld in the event of a proposed assignment to any person or persons with well-established credit.

12. ATTORNEY FEES. In the event legal action is instituted by any party hereto to enforce this agreement, or any part thereof, or to recover damages for any breach thereof, the prevailing party or parties in such action shall be entitled to recover their reasonable attorney fees to be fixed by the Court in addition to their costs and disbursements.

13. NOTICE OF DELINQUENCY. In the event it becomes necessary for the Sellers to serve one or more notices of delinquency upon the Buyers, the Buyers shall pay the cost of the preparation and service thereof.

IT IS FURTHER AGREED that the foregoing remedies are cumulative and that Sellers shall have any other remedy for the enforcement of this contract or for any damages arising thereunder as given them by the laws of the State of Idaho.

IT IS EXPRESSLY PROVIDED, HOWEVER, that before this agreement may be declared null and void as aforesaid, the Sellers shall first give thirty (30) days written notice to the Buyers, delivering such notice to the Buyers personally or by sending such notice to one of them by registered mail, postage paid, addressed to Star Route, Montpelier, Idaho, stating in such notice with reasonable detail the nature of the default complained of; and in the event of the default being corrected or rendered harmless to the Sellers within the thirty (30) days period, the Sellers shall not have the right to declare this agreement null and void.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.


JOSEPH LEE LLOYD a/k/a
LEE LLOYD


VILDA LLOYD
SELLERS


JAMES E. CRANEY


DARLENE L. CRANEY
BUYERS

STATE OF IDAHO)

COUNTY OF *Bear Lake*)

ss.

On this 1 day of June, 1973, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Joseph Lee Lloyd a/k/a Lee Lloyd and Vilda Lloyd, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing Contract of Sale and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dorothy L. Nelson
Notary Public

Residing at: *Arvid, Idaho*

Comm. Exp.: *12-22-76*

STATE OF IDAHO)

COUNTY OF *Bear Lake*)

ss.

On this 1 day of June, 1973, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared James E. Craney and Darlene L. Craney, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing Contract of Sale and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dorothy L. Nelson
Notary Public

Residing at: *Arvid, Idaho*

Comm. Exp.: *12-22-76*

APR 26 1984
Nº 2569

#815

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

SS.

Marie B. Nye

being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

April 19, 19*84*, and ending

with the issue of *April 26*, 19*84*.

Fees, *\$1875*

Subscribed and sworn to before me this *26-26* day

of *April*, 19*84*.

Deanne Green

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *Lifetime*, 19.....

RECEIVED

MAY 8 1984

Department of Water Resources
Eastern District Office

LEGAL NO. 2569

NOTICE OF PROPOSED AMENDING OF WATER RIGHT No. 11-0173

Notice is hereby given that Transfer No. 11-0173 in the name of Jim Craney, Montpelier, Idaho filed the above referenced transfer on 2-15-83 requesting the following changes on the original right:

3.00 cfs will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 45E, B.M., Bear Lake County; and used to irrigate 160 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 14S, R. 45E, B.M.

The right holder now proposes to amend said transfer amending the place of use to 320 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 14S, R. 45E.

Any protest to the proposed amending of this transfer must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho on or before May 7, 1984.

A. KENNETH DUNN
Director

4-19, 4-26
30 LINES

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Marie B. Nye

being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with

March 10, 19*83*, and ending

with the issue of *March 17*, 19*83*

Marie B. Nye

es, *21.88*

Subscribed and sworn to before me this *22* day

of *March*, 19*83*

Harold Jensen

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *November*, 19*85*

Legal No. 2239

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 11-0173

Notice is hereby given that Jim Craney, Montpelier, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of Shoup Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0173 to Frank A. Clark in case of Frank A. Clark vs. Albert Kunz, et al dated in July 22, 1913 and is recorded as follows:

AMOUNT: 3.0 cfs PRIORITY: 4-29-1887
POINT OF DIVERSION: Not Specified
in Decree

The water is used to irrigate 320 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, T. 14S, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 45E, B.M. Bear Lake County and used to irrigate 160 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 14S, R. 45E, B.M.

Any protests to the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before *March 28*, 1983.

A. KENNETH DUNN
Director

3-10, 3-17-83
35 LINES

RECEIVED

APR 1 1983

Department of Water Resources
Eastern District Office

MICROFILMED

11-G

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

Frank A. Clark

Plaintiff

vs

JUDGMENT AND DECREE

Albert Kunz, Arnold Zumbrunn,
Gottfried Eschler and Heber
Phelps,

Defendants

This cause coming on regularly to be heard on the 19th day of July, 1913, Chas. E. Harris, appearing as counsel for the Plaintiff, and the Defendants appearing personally, before the Court, without a jury, upon stipulation heretofore filed by the respective parties hereto, and the Court being fully advised of and concerning the matters herein mentioned, findings of fact and conclusions of law being waived, the said Court hereby orders that judgment and decree be entered as follows, to-wit:

11-1177 The Plaintiff, Frank A. Clark is hereby decreed three-sevenths or 150 miners inches of water, of the entire flow of Sheep creek, situated in Bear Lake County, and State of Idaho, as of the date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$, and $\text{W}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$ of section 12, and the $\text{NW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$ of section 13, and the $\text{W}\frac{1}{2}$ of the $\text{NE}\frac{1}{4}$ and $\text{W}\frac{1}{2}$ of $\text{SE}\frac{1}{4}$ of section 11, all in township 14, south of range 45, E.B.M., and containing 320 acres of land.

11-1178 The Defendant, Albert Kunz, is decreed one-seventh or 50 miners inches of water of the entire flow of the said Sheep creek, situated in Bear Lake county, and state of Idaho, as of the date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{E}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$, and the $\text{E}\frac{1}{2}$ of the $\text{SE}\frac{1}{4}$ of section 11, township 14 south of range 45 E.B.M., containing 160 acres of land.

11-1179 The Defendant, Arnold Zumbrunn is decreed one-seventh or 50 miners inches of water of the entire flow of the said Sheep creek in Bear Lake county, and state of Idaho, as of date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{E}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$ and $\text{E}\frac{1}{2}$ of $\text{SE}\frac{1}{4}$ of section 2, township 14 south of range 45 E.B.M., and containing 160 acres of land.

11-1180 The Defendant, Gottfried Eschler, is hereby decreed one-seventh, or 50 miners inches of water of the entire flow of the said Sheep creek, situated in Bear Lake County, Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, to-wit: The $\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$, and $\text{W}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$ of section 1, and the $\text{NW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$ of section 12, all in township 14 south of range 45 E.B.M., and containing 160 acres of land.

11-1181 The Defendant Heber Phelps is decreed one-seventh, or 50 miners inches of water, of the entire flow of said Sheep creek, situated in Bear Lake County, and State of Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, to-wit: The $\text{N}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$, and $\text{SW}\frac{1}{4}$ $\text{NE}\frac{1}{4}$, and $\text{NW}\frac{1}{4}$ of $\text{SE}\frac{1}{4}$ of section 14, township 14, south of range 45 E.B.M., and containing 160 acres of land.

And it is ordered, adjudged and decreed.

Dated this 22nd day of July, 1913.

Alfred Budge.
District Judge.

Filed July 25th, 1913.

H. H. Broomhead. Clerk.



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:
Storehouse
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

Jim Crane
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,

A handwritten signature in cursive script, reading "David R. Tuthill, Jr.", written in dark ink.

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

DRT:sc

Enclosures

CONVERSATION MEMORANDUM

DATE May 25, 1984FILE 11-0173NAME OF PARTY Jim CRANEYEMPLOYEE DAVE TUTTLERE: Measuring Device Requirement

Mr. Craney called to request that the M.D. requirement be removed from T2785 because:

1. The flows of Sheep Creek are not currently delivered by a watermaster.
2. The other waterusers who divert from Sheep Creek do not have measuring devices.
3. He does not feel the measuring device is needed at this time.

I called the Watermaster of Water Dist 11, Russ Stoker. He agreed that the M.D. condition is not needed at this time.

Recommend that an order be prepared, granting removal of the condition at this time, subject to being reinstated if needed.

DET

May 21, 1984

RE: Transfer of Water Right No. 11-0173

Jim Crane
Rt. 1
Montpelier, ID 83254

Dear Mr. Crane:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2785). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

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

DRT:sc

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: AWJ

1. Right number 11-0175 Applicant Craney
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:
- OK ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- OK ☒ Description of original point of diversion.
- OK ☒ Description of original place of use.

5. Amount of land &/or water transferred:

OK ☒ All of right.

N/A b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

- OK ☒ Check description of point(s) of diversion. --
- OK ☒ Check description of place of use.
- OK ☒ Check map (shows p.d. and p.u. after transfer).
- OK ☒ Check for correct signature, notarization, and fee.

OK ☒ Check proof of ownership of right &/or land from which water is transferred. See contract

OK ☒ Check for expansion in use of right. Comments See PFE Transfer exam
in file

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 11-2154 - storage water

- j. ☒ Is use within a Watermaster District? ☒ Yes ☒ No

If yes, what district? WD #11 - Bear River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4-18-84 Received on 4-24-84
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve ☒

2. ☐ Deny

3. Conditions* OIE, OS(11-Bear River)

4. By _____ Date MAY 13 1984

Juni 5-18-84 - USE ABOVE CONDITIONS

* All uses within Watermaster Districts require special conditions.

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 8, 1984

RE: Claim to a Water Right No. 11-4313 ROBERTS & HYMAS
Amended Application for Transfer No. 11-0173 CRANEY

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 19 and 26, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 11-0173 Braney



APR 24 1984

Department of Water Resources
Eastern District Office

WATER DISTRICT 11

WATERMASTER Russell D. Stoker

DATE: 4-23-84

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Russell D. Stoker

Watermaster

April 18, 1984

RE: Amended Transfer No. 11-0173 CRANEY

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before May 7, 1984.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

ENCLOSURE

NOTICE OF PROPOSED AMENDING OF WATER RIGHT

No. 11-0173

Notice is hereby given that Transfer No. 11-0173 in the name of Jim Craney, Montpelier, Idaho filed the above referenced transfer on 2-15-83 requesting the following changes on the original right:

3.00 cfs will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 45E, B.M., Bear Lake County; and used to irrigate 160 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 14S, R. 45E, B.M.

The right holder now proposes to amend said transfer amending the place of use to 320 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 14S, R. 45E.

Any protest to the proposed amending of this transfer must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho on or before May 7, 1984.

A. KENNETH DUNN

Director

Published in News Examiner, Montpelier, on April 19 and 26, 1984.

LEGAL NO. 2569
NOTICE OF PROPOSED
AMENDING OF WATER RIGHT
No. 11-0173

Notice is hereby given that Transfer No. 11-0173 in the name of Jim Craney, Montpelier, Idaho filed the above referenced transfer on 2-15-83 requesting the following changes on the original right:

3.00 cfs will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 45E, B.M., Bear Lake County; and used to irrigate 160 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 14S, R. 45E, B.M.

The right holder now proposes to amend said transfer amending the place of use to 320 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 14S, R. 45E.

Any protest to the proposed amending of this transfer must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho on or before May 7, 1984.

A. KENNETH DUNN
Director

4-19, 4-26
30 LINES

December 7, 1983

Jim Crenay
Rt. #1
Montpelier, ID 83254

Dear Jim:

Enclosed is the new application for transfer and maps of rights on your ground. Please review the transfer and if everything seems correct, sign and have the transfer notarized.

Sincerely, this application will have to be readvertised, there will be an additional fee of \$20.

If you have any questions, please give me a call.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosure

DATE: 11-4-83 ACCOMPANIED BY: Jim Crouce TOTAL MEASURED: _____
(of exam)

METHOD OF MEASUREMENT: _____ S/N _____

APPLICANT CONTACTED YES DATE _____

NO : DATE _____ REASON: _____

REASON FOR EXAM: To establish if W 1/2 of E 1/2 of Section 11 T14S
R45E had been irrigated historically.

ACCESS (location direction): County rd

LOCATION: Point of Diversion Confirmed ☒ Yes ☐ No (See sketch)
Place of Use Confirmed ☒ Yes ☐ No (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail i.e., flow, apparent confluence, etc)

Sheep creek

B: OTHER USES OF SOURCE: _____

C: WORK IN AREA RELATED TO APPLICATION: _____

SKETCH:

over

AL: J. Crouce
SIGNATURE

REMARKS & OPINIONS: evidence of an old ditch show up on an old air photo (ASCS) that was used to convey water from Sheep creek to W^{1/2} of E^{1/2} of Sect. 11. Mr. Quaney says plans of use were changed prior to his purchase of ground.

Potentially all 320 acres implied in original right 11-6173 may have been irrigated at one time. Prior owners used the water on the area in Sections 12 + 13 and the E^{1/2} of the E^{1/2} of Sect. 2. This transfer is to clarify present manner use of water involved.

Possible verification might be had from Dell Kuntz (847-0445) or Lee Lloyd (847-0281) who are former owners of ground.

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

Frank A. Clark)
Plaintiff)
vs) JUDGMENT AND DECREE
Albert Kunz, Arnold Zumbrunn,)
Gottfried Eschler and Heber)
Phelps,)
Defendants)

This cause coming on regularly to be heard on the 19th day of July, 1913, Chas. E. Harris, appearing as counsel for the Plaintiff, and the Defendants appearing personally, before the Court, without a jury, upon stipulation heretofore filed by the respective parties hereto, and the Court being fully advised of and concerning the matters herein mentioned, findings of fact and conclusions of law being waived, the said Court hereby orders that judgment and decree be entered as follows, to-wit:

11 0173 The Plaintiff, Frank A. Clark is hereby decreed three-sevenths or 150 miners inches of water, of the entire flow of Sheep creek, situated in Bear Lake County, and State of Idaho, as of the date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$, and $\text{W}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$ of section 12, and the $\text{NW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$ of section 13, and the $\text{W}\frac{1}{2}$ of the $\text{NE}\frac{1}{4}$ and $\text{W}\frac{1}{2}$ of $\text{SE}\frac{1}{4}$ of section 11, all in township 14, south of range 45, E.B.M., and containing 320 acres of land.

11 0174 The Defendant, Albert Kunz, is decreed one-seventh or 50 miners inches of water of the entire flow of the said Sheep creek, situated in Bear Lake county, and state of Idaho, as of the date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{E}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$, and the $\text{E}\frac{1}{2}$ of the $\text{SE}\frac{1}{4}$ of section 11, township 14 south of range 45 E.B.M., containing 160 acres of land.

11 0175 The Defendant, Arnold Zumbrunn is decreed one-seventh or 50 miners inches of water of the entire flow of the said Sheep creek in Bear Lake county, and state of Idaho, as of date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{E}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$ and $\text{E}\frac{1}{2}$ of $\text{SE}\frac{1}{4}$ of section 2, township 14 south of range 45 E.B.M., and containing 160 acres of land.

11 0176 The Defendant, Gottfried Eschler, is hereby decreed one-seventh, or 50 miners inches of water of the entire flow of the said Sheep creek, situated in Bear Lake County, Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, to-wit: The $\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$, and $\text{W}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$ of section 1, and the $\text{NW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$ of section 12, all in township 14 south of range 45 E.B.M., and containing 160 acres of land.

11 0177 The Defendant Heber Phelps is decreed one-seventh, or 50 miners inches of water, of the entire flow of said Sheep creek, situated in Bear Lake County, and State of Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, to-wit: The $\text{N}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$, and $\text{SW}\frac{1}{4}$ $\text{NE}\frac{1}{4}$, and $\text{NW}\frac{1}{4}$ of $\text{SE}\frac{1}{4}$ of section 14, township 14, south of range 45 E.B.M., and containing 160 acres of land.

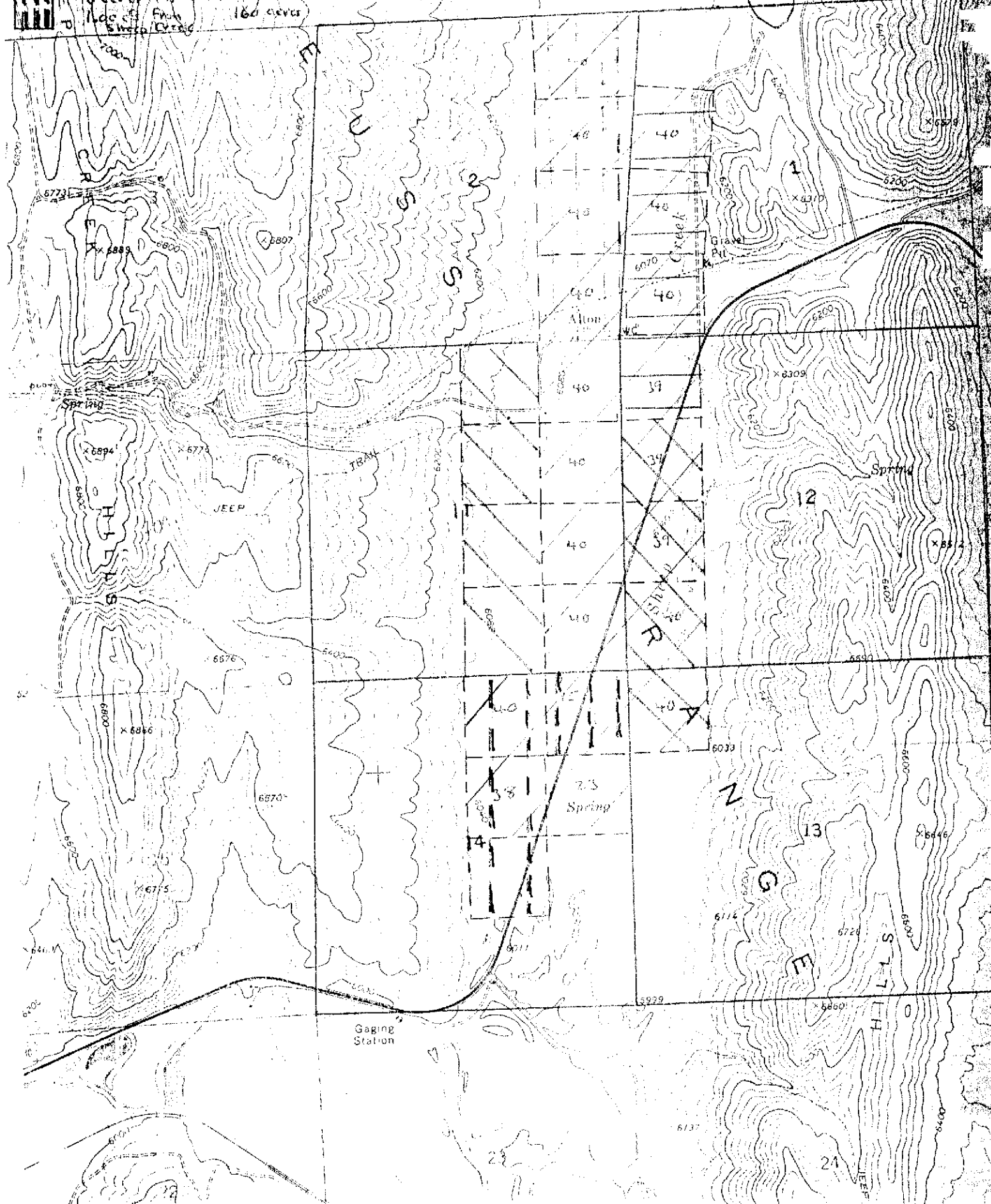
And it is ordered, adjudged and decreed.

Dated this 22nd day of July, 1913.

Alfred Budge.
District Judge.

Filed July 25th, 1913.

H. H. Broomhead. Clerk.





Right # 11-2154
Savage Farm
Reservoir

Shrimp Creek
Roadfront

6112

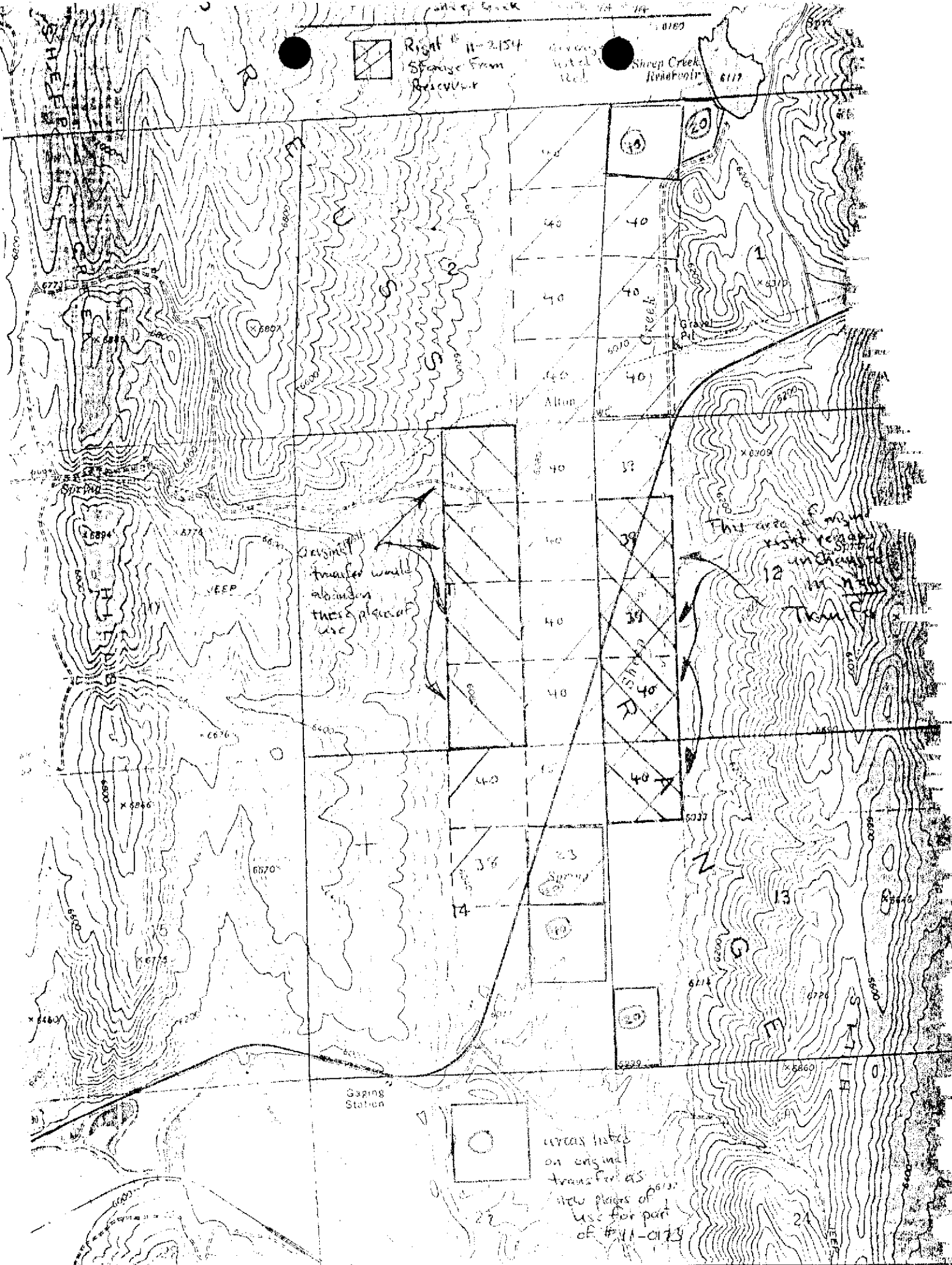
Permitted transfer would
abandon
these places of
use

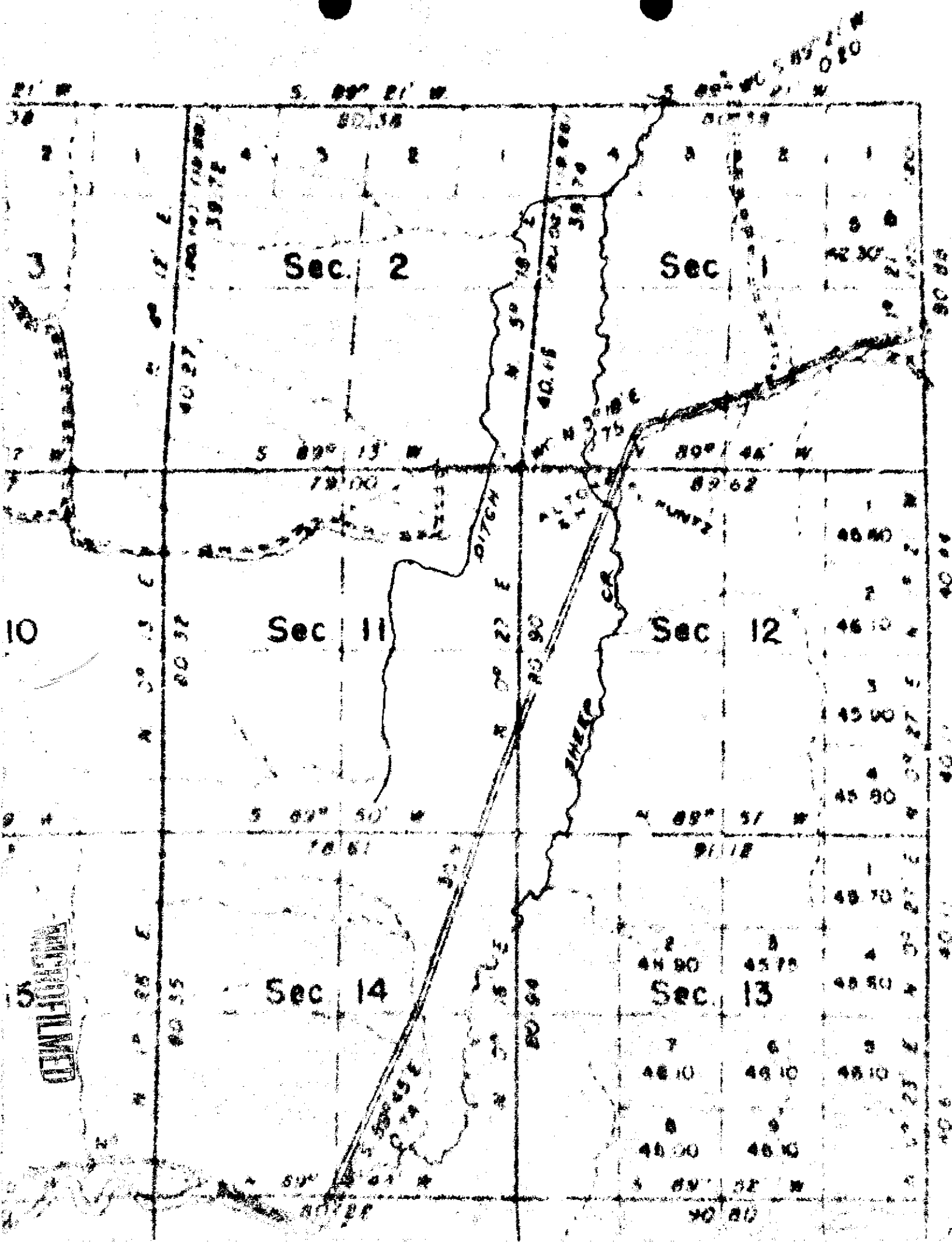
This area of right
remains
in Savage
Farm
Tran. P.

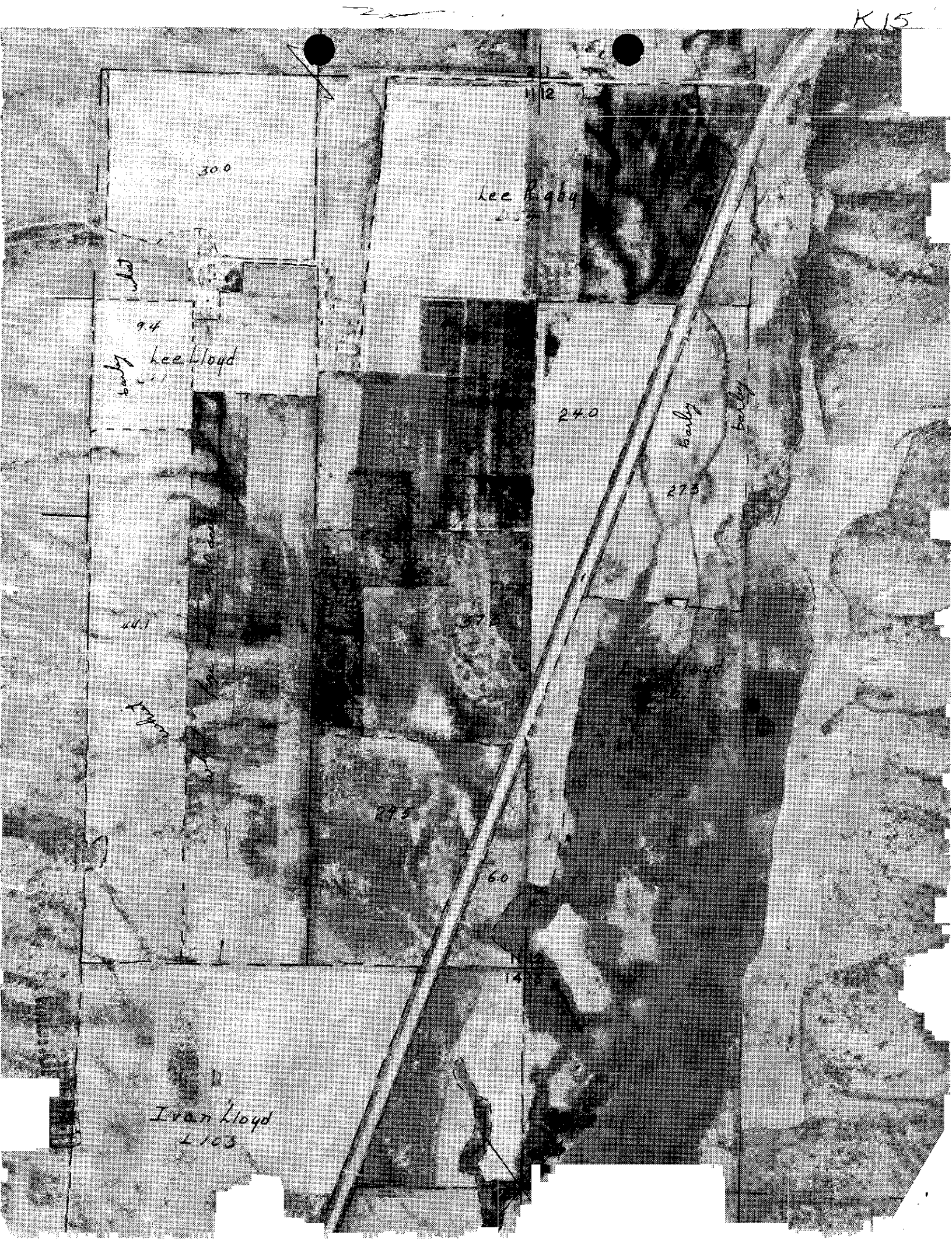
Gaging
Station



areas listed
on original
transfer as
new places of
use for part
of #11-0173







300

112

Lee Lloyd
L103

barley

94

Lee Lloyd
L103

240

273

441

372

273

60

14

Ivan Lloyd
L103

barley

barley

Former Owners

Dell Kuntz - SIGN 847-0445

Lee Lloyd - 847-0241

M E M O

FROM: Ernie *ENC.*

TO: Application for transfer #11-0173

DATE: 10-24-1983

RE: Pre-permit

Though it is questionable whether this right actually irrigated 320 acres, the application as completed proposes a reduction to 160 irrigated acres. The applicant should be counseled concerning this matter and given the opportunity to amend the application.

Department records reveal the W $\frac{1}{2}$ E $\frac{1}{2}$ of section 11 was not identified as irrigated lands during the licensing field exam for license #11-2154. I believe this is the land the applicant states will become arid subsequent to the transfer. Of primary importance to a final recommendation of this application is a determination of whether or not this land has been recently irrigated, and what lands are being irrigated under this right.

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

Frank A. Clark)
Plaintiff)
vs) JUDGMENT AND DECREE
Albert Kunz, Arnold Zumbrunn,)
Gottfried Eschler and Heber)
Phelps,)
Defendants)

This cause coming on regularly to be heard on the 19th day of July, 1913, Chas. E. Harris, appearing as counsel for the Plaintiff, and the Defendants appearing personally, before the Court, without a jury, upon stipulation heretofore filed by the respective parties hereto, and the Court being fully advised of and concerning the matters herein mentioned, findings of fact and conclusions of law being waived, the said Court hereby orders that judgment and decree be entered as follows, to-wit:

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11 0175 The Defendant, Arnold Zumbrunn is decreed one-seventh or 50 miners inches of water of the entire flow of the said Sheep creek in Bear Lake county, and state of Idaho, as of date April 29th, 1887, for the purpose of irrigating the following described lands, to-wit: $\text{E}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$ and $\text{E}\frac{1}{2}$ of $\text{SE}\frac{1}{4}$ of section 2, township 14 south of range 45 E.B.M., and containing 160 acres of land.

11 0176 The Defendant, Gottfried Eschler, is hereby decreed one-seventh, or 50 miners inches of water of the entire flow of the said Sheep creek, situated in Bear Lake County, Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, towit: The $\text{SW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$, and $\text{W}\frac{1}{2}$ of $\text{SW}\frac{1}{4}$ of section 1, and the $\text{NW}\frac{1}{4}$ of $\text{NW}\frac{1}{4}$ of section 12, all in township 14 south of range 45 E.B.M., and containing 160 acres of land.

11 0177 The Defendant Heber Phelps is decreed one-seventh, or 50 miners inches of water, of the entire flow of said Sheep creek, situated in Bear Lake County, and State of Idaho, as of the date April 29, 1887, for the purpose of irrigating the following described lands, towit: The $\text{N}\frac{1}{2}$ of $\text{NE}\frac{1}{4}$, and $\text{SW}\frac{1}{4}$ $\text{NE}\frac{1}{4}$, and $\text{NW}\frac{1}{4}$ of $\text{SE}\frac{1}{4}$ of section 14, township 14, south of range 45 E.B.M., and containing 160 acres of land.

And it is ordered, adjudged and decreed.

Dated this 22nd day of July, 1913.

Alfred Budge.
District Judge.

Filed July 25th, 1913.

H. H. Broomhead. Clerk.

State of Idaho
Department of Water Resources

SEP 27 1982

Department of Water Resources
Eastern District Office

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.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
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										25				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 redirection from Sheep Creek:

SE1/4NW1/4 Sec. 1, SW1/4SW1/4 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, at Boise, Idaho, this 31 day of
August, 19 82

Director

RECEIVED

MAY 16 1983

Identification No. 11-0173

Transfer No. _____

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Bear Lake, State of Idaho,
whose address is 279 E 3rd N, Soda Springs, Idaho 83276,
have read the attached copy of the application for transfer of water right for
Jim Craney, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Soda Springs, Idaho, this 14th day of May, 1983.

Russell D. Stoker
(Signature)

May 9, 1983

Russell Stoker, Watermaster
Water District No. 11
379 E. 3rd North
Soda Springs, ID 83276

RE: Application for Transfer No. 11-0173 CRANEY

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and watermaster recommendation form. Please review the application and complete the form. Since the last day to protest has already passed, we would appreciate it if you would return the form to our office as soon as possible.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

bp

Enclosures

INTER-DEPARTMENT MEMO — 1

FROM *Steve McCormick*

DATE *5-5-83*

TO *File*

SUBJECT *Telecon w/ Mrs. Crane - Trans # 11-007B*

*Mrs Crane indicated she would put the proof of ownership
in the mail today or very soon.*

RECORDED

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

Emile.

DATE

April 8, 1983

TO

Steve.

SUBJECT

Since you have already dealt with Mr. Coney, it probably would be best if you wrote to him requesting he provide proof of ownership either for the desired place of use or for the water right.

Thanks

letter
sent
4/15

Allow Mr. Coney 2 weeks to respond. Sent letter before the 15th.

SIGNATURE

April 15, 1983

Jim Craney
Rt. 1
Montpelier, ID 83254

Dear Mr. Craney:

The Department has began processing of your application for transfer.

However, before further processing can continue, proof of ownership must be submitted for the land outlined in red on the enclosed map. A copy of your warranty deed for this land will be sufficient.

If you have any questions, please feel free to call me.

Sincerely,

STEVE MCGORMICK
Sr. Resource Analyst

SM:Bp

Enclosure

March 30, 1983

RE: Application for Transfer No. 11-0173 CRANEY
Claim to a Water Right No. 11-4224 SHEEP CREEK IRRIGATION

News Examiner
P.O. Box 258
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 10 and 17, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
MAY 1 1983

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-0173

Notice is hereby given that Jim Craney, Montpelier, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of Sheep Creek tributary to Bear River. The right sought to be changed is evidenced by Decree No. 11-0173 to Frank A. Clark in case of Frank A. Clark vs. Albert Kunz, et al dated in July 22, 1913 and is recorded as follows:

AMOUNT: 3.0 cfs

PRIORITY: 4-29-1887

POINT OF DIVERSION: Not Specified in Decree

The water is used to irrigate 320 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, T. 14S, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 45E, B.M. Bear Lake County and used to irrigate 160 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 14S, R. 45E, B.M.

Any protests to the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before March 28, 1983.

A. KENNETH DUNN

Director

Published in the News Examiner on 3/10 & 3/17/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

1. Right number 11-0173 Applicant Tim Cleary

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. Steve requested proof on 18 Feb 83

h. ☒ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 11-2154 (sec. 1 only)

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on D.R. WD #11 Received on 5-16-83

2. ☒ Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Code 01E, 05 (WD #11)

4. By Ernest Carlson Date May 10, 1984