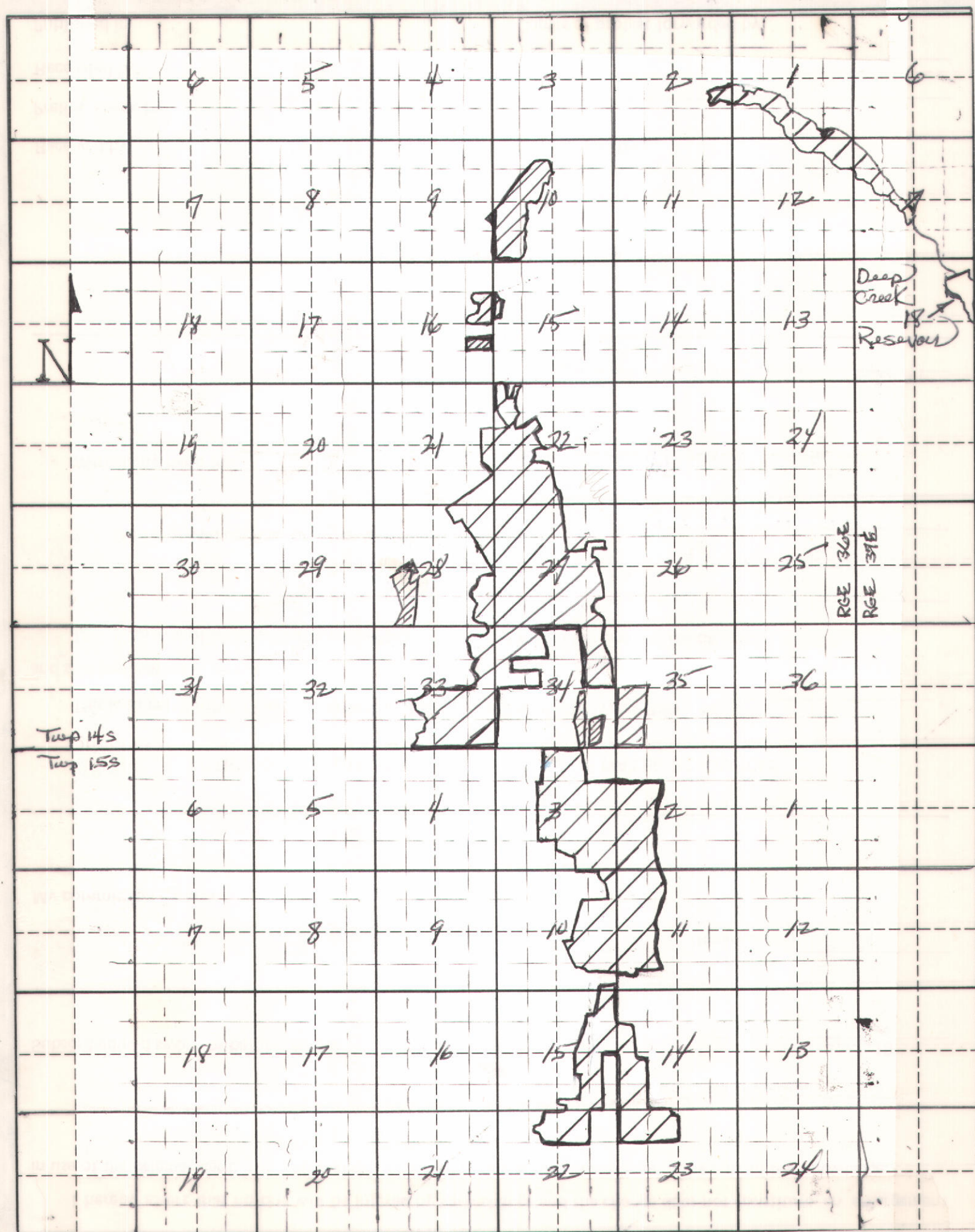


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: $\frac{1}{2}$ inches equals 1 mile. Draw plan in ink.

MICROFILMED

JAN 28 1961

Transfer No. _____
Application No. 15 0008
thru

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

15 0040
APPROVED
15 0051
thru
15 0057

Name of applicant Deep Creek Irrigation Co. Phone 766-2573
Post office address c/o Lynn Alder (Pres.), Malad City, ID 83252

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree to See Exhibit A
(Name)
in case of Peter Fredrickson et al vs Deep Creek Irrigation Co., et al
dated 5-9-11 in 5th Judicial Dist. county of Oneida
(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 Deep Creek Irr. Co. has purchased and consolidated the decreed water rights listed on exhibit A and has reallocated the natural flows of Deep Creek and its tributaries on the basis of numbers of shares of stock owned by each water user in the district.
3. Source of water Deep Cr. & trib. tributary to Malad River
4. Date of priority See exhibit A
5. Water is used for the following purposes:
amount 23.75** for irrigation purposes from * to *
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 23.75** cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4
Township 15S Range 36E, B.M., in Oneida County
Additional points of diversion, if any SE $\frac{1}{4}$, Sec. 28, SW $\frac{1}{4}$, Sec. 22, T. 14S, R. 36E, B.M.
Oneida County
8. Lands irrigated or place of use: See Exhibit B and Remarks under Item C₃

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 $\frac{1}{4}$	

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JAN 28 1987

*Not stated in decree
**Plus all water from springs listed on exhibit A

Total number of acres to be irrigated _____

requested changed, omit part B)

- b. _____ acre feet per annum

- Range _____, B.M., _____

County

[illegible]

1. Change in point of diversion

- | | | | |
|--------------------------|--------|--------------------|--------------|
| b. Point(s) of diversion | NE 1/4 | NE 1/4, Section 18 | Township 14S |
|--------------------------|--------|--------------------|--------------|

Additional points

- d. Describe the reasons for applying for a change in the point(s) of diversion. A pipeline will divert

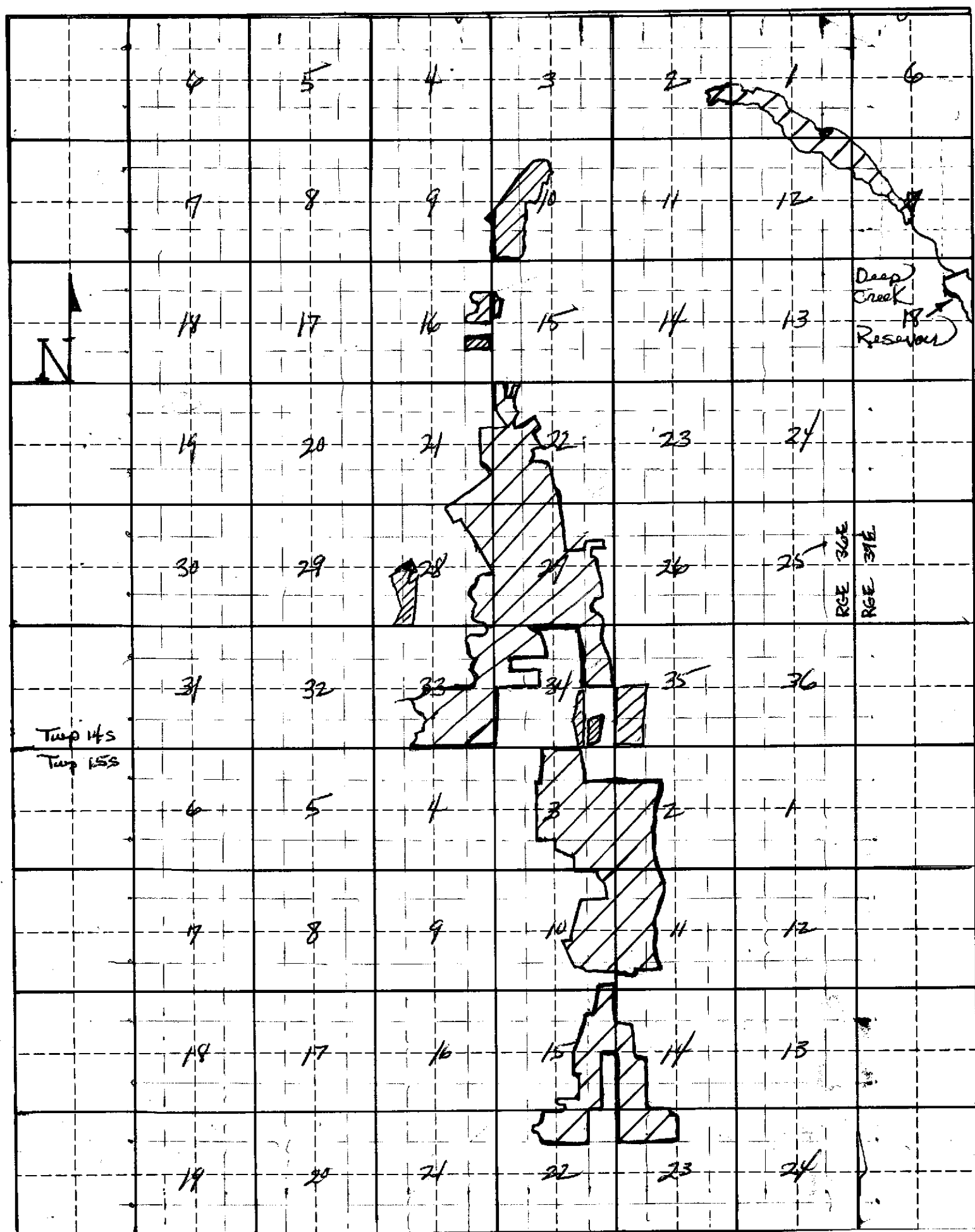
- to a large gravity flow sprinkler irrigation project that will be used for the

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

[illegible]

**Plus all water from springs described on Exhibit A Total number of acres to be irrigated

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



SCALE: $\frac{1}{2}$ inches equals 1 mile. Draw plan in ink.

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JAN 23 1961

3. Remarks It is impossible to determine the original place of use and the original

number of acres irrigated with decreed water as this information is not completely specified by the decree. We must rely upon acreage determinations of lands that are known to be currently irrigated with decreed water. It is intended that this document serve to more clearly define the Deep Creek decree.

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

(Signature of applicant)

Subscribed and sworn to before me this 5th day of January, 1978

(Notary public)

My commission expires

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 15-0008/0040/0051-0057 and said application is hereby approved.

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

The approval of this transfer authorizes a change in the point of diversion only and does not authorize a change in place of use or relocation of diversion rates for any of the water rights identified herein.

Witness my hand this 21st day of September, 1979

NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by

Prelim. check by

Received by

Pub. dates

rec'd.

Watermaster recommendation requested on

Recommended for

approval

denial

Hearing held by

Date

Copies of protest forwarded by

Date

Fee

Date

Protest filed by

RECORDED

JAN 20 1981

7-10-78
7-3-78
1-06-78

Small fee \$35.00

ARK

87
B.P.

7-12-77

#11454

Delato & Interp...

July 20 & 27, 1978

128

by

5.5.

Exhibit B - Place of Use, Irrigated Acreage

Township 14S, Range 36E

Section 1 - NWSW - 21 acres
NESW - 8 "
SESW - 18 "
SWSE - 25 "
SESE - 3 "

Section 2 - NESE - 19 "

** Section 7 - NWNW - 19 "
T. 14S, R. 37E SWNW - 19 "
SESW - 9 "
NESW - 8 "

Section 10- NENW - 6 "
SWNW - 6 "
SESW - 24 "
NWSW - 35 "
NESW - 9 "
SWSW - 40 "
SESW - 4 "

Section 12- NENE - 30 "
NWNE - 15 "

Section 15- SWNW - 7 "

Section 16- SENE - 33 "
NESE - 20 "

Section 21- SENE - 13 "
NESE - 22 "
SESE - 25 "
SWSE - 2 "

Section 22- NWNW - 24 "
SWNW - 28 "
SESW - 10 "
NWSW - 37 "
SWSW - 36 "
NESW - 14 "
SESW - 39 "
SWSE - 1 "

Section 27- NWNW - 38 "
SWNW - 38 "
NENW - 39 "
SESW - 39 "
NWNE - 9 "
SWNE - 20 "
SENE - 12 "
NWSW - 36 "
SWSW - 39 "
NESW - 38 "
SESW - 37 "
NWSE - 36 "
NESE - 14 "
SWSE - 36 "
SESE - 12 "

Section 28- NENE - 37 acres
NWNE - 7 "
SENE - 16 "
NESE - 22 "
SESE - 29 "
NWSW - 8 "
SWSW - 2 "
NESW - 22 "
SESW - 25 "
SESW - 2 "

Section 33- NENE - 35 "
SENE - 34 "
NESE - 39 "
SESE - 39 "
NWSE - 40 "
SWSE - 40 "
NESW - 26 "
SESW - 20 "

Section 34- NWNW - 40 "
NENW - 31 "
SWNW - 29 "
SESW - 9 "
NWNE - 8 "
NENE - 25 "
SWNE - 5 "
SENE - 35 "
NWSE - 8 "
SWSE - 7 "
SESE - 14 "

Section 35- NWSW - 40 "
SWSW - 40 "

Township 15S, Range 36E

Section 2 - SWNW - 40 "
SESW - 18 "
NWSW - 40 "
NESW - 11 "
SWSW - 40 "
SESW - 11 "

Section 3 - SENE - 35 "
NWNE - 38 "
SWNE - 38 "
NESE - 32 "
SESE - 35 "
NWSE - 40 "
SWSE - 27 "
NENW - 19 "
SESW - 23 "
NESW - 24 "

Section 10- NENE - 15 "
SENE - 35 "
SWNE - 12 "
NESE - 36 "
SESE - 9 "
NWSE - 36 "
SWSE - 36 "

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Township 15S, R. 36E Cont'd

Section 11- NWSW - 39 acres
 NWNW - 40 "
 NENW - 23 "
 SWNW - 40 "
 SENW - 11 "
 NESW - 8 "
 SWSW - 13 "
 SESW - 3 "

Section 14- SWNW - 22 "
 NWSW - 39 "
 SWSW - 40 "

Section 15- NENE - 35 "
 SENE - 40 "
 SWNE - 18 "
 NESE - 20 "
 SESE - 20 "
 NWSE - 25 "
 SWSE - 26 "

Section 22- NWNE - 40 "
 NENW - 18 "

Section 23- NWNW - 40 "
 NENW - 38 "

Total- 3,006 acres

RECORDED

JAN 23 1937

Title of Case

Deep Creek Irrigation Co., et al

Judicial Dist. 5th

Judge Alfred Budge

Date of Decree May 9, 1911

Recorded in Book No.

at Page No.

File No. 28-1

Basin 15

NAME	AMOUNT	PRIORITY	DIVISION				REMARKS, LAND TO BE IRRIGATED, ETC.
			SUBDV.	SEC.	TWP.	RG.	
*Deep Creek Irrigation Co.	Deep Cr.	3.5	SW ¹ / ₄	22	14S	36E	May 15 to Oct. 15 except excess over 400" from Oct. 15 to May 15
Further decreed all water in Deep Creek at their headgate except the 400" listed below during time Oct. 15 to May 15.							
Peter Fredrickson	Deep Cr.	0.72	SE ¹ / ₄ NE ¹ / ₄	4	15S	36E	tract From Oct. 15 to May 15
Frederick Peck	Deep Cr.	0.44	"	"	"	"	Parts SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ , S. 8, 9, T. 15S, R. 36E
D. R. Jones	"	0.46	"	"	"	"	W ¹ / ₂ SE ¹ / ₄ , NW ¹ / ₄ , S. 10, T. 15S, R. 36E
William Jardine	"	0.76	"	"	"	"	SW ¹ / ₄ SW ¹ / ₄ , S. 15; NW ¹ / ₄ NW ¹ / ₄ , S. 22, T. 15S, R. 36E
J. T. Richards	"	0.24	"	"	"	"	tracts
T. A. Richards	"	0.10	"	"	"	"	"
W. A. Dalton	"	0.30	"	"	"	"	"
J. R. Dredge	"	0.06	"	"	"	"	"
William J. Williams	"	0.10	"	"	"	"	"
Benjamin E. Jones	"	0.14	"	"	"	"	"
E. C. Davis	"	0.30	"	"	"	"	N ¹ / ₂ , S. 15; NE ¹ / ₄ NW ¹ / ₄ , NW ¹ / ₄ NE ¹ / ₄ , S. 15, T. 15S, R. 36E
Jenkin Jones	"	0.28	"	"	"	"	tract
James T. Chivers	"	0.03	"	"	"	"	"
William M. Leigh	"	0.24	"	"	"	"	"
Nephel Lewis	"	0.46	"	"	"	"	"
John L. Jenkins	"	0.46	"	"	"	"	"
J. T. Kingsbury	"	0.94	"	"	"	"	SW ¹ / ₄ NE ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , S. 16; SE ¹ / ₄ SE ¹ / ₄ , S. 9, T. 15S, R. 36E
George Tovey	"	0.92	"	"	"	"	tract

DEGREE INDEX

Title
of
Case

Water Dist.

County

Judicial Dist.

Judge

Date of Decree

Recorded
in Book No.

at Page No.

File No.

DECREE INDEX

NAME	AMOUNT INCHES OR SECOND FEET	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.
			SUBDIV.	SEC.	TWP.	Rd.	
15-0026 W. M. Davis Deep Cr.	0.92	5-15-67	SE 1/4	4	15S	36E	W 1/2, S. 16; W 1/2, S. 15, T. 15S, R. 36E FROM Oct. 15 to May 15
15-0027 John Glead "	0.08	"	"	"	"	"	tract
15-0028 Thomas Alston "	0.30	"	"	"	"	"	"
15-0029 Fair Mile Association "	4.0	5-25-72					Sec. 22, T. 14S, R. 36E
15-0030 William Henderson First Cr.	1.0	5-15-87					
15-0031 John Price "	0.5	5-15-77					
15-0032 David D. Thomas "	0.5	5-15-1900					
15-0033 Henry Stubbs "	0.5	"					
15-0034 John R. Evans "	0.5	"					T. 14S, R. 36E
15-0035 Susan Thomas Second Cr.	1.0	1876					
15-0036 L. L. Evans Deep Cr.		1900					
15-0037 Deep Creek Irrigation Co. Third Cr.	All for	storage over 575 "					Plaintiffs for use Oct. 15 to May 15
15-0038 James E. Jones Springs	All		SE cor	28	14S	36E	and 175" of May 1865 right (For use in City of Malad)
15-0039 James E. Jones Deep Cr.	4.0	5-15-74	SE 1/4	28	14S	36E	spring in Deep Cr. below Deep Cr. Irr. Co. dam and
15-0040 William Chivers							Sec. 32-33-34, T. 14S, R. 36E
William Body	spring						spring in Deep Cr. above Chivers dam and
Benjamin Evans	All						below James E. Jones dam
15-0051 D. L. Evans Deep Cr.		1900					
15-0052 Joseph Thomas "		"					
* 175" includes Peter Frederickson 5 5/6 shares - Benjamin E. Jones 1 share - George Morgan 1 1/4 shares - Hattie Morgan 1/4 shares - John and Rose Glead 1 share - Emmett Thomas 3 shares - W. P. Christensen 1 share							

Title
of
Case

Water Dist.

County

Judicial Dist.

Judge

Date of Decree

Recorded
in Book No.

at Page No.

File No.

NAME

AMOUNT
INCHES OR
SECOND FEET

PRIORITY

SUBDIV.

DIVERSION

SEC.

TYPE

NO.

REMARKS, LAND TO BE IRRIGATED, ETC.

15-0053

William M. Thomas

Deep Cr.

1900

15-0054

Henry Stubbs

"

"

15-0055

John E. Jones

"

"

15-0056

Daniel E. Jones

"

"

DECREE INDEX

RECORDED

JAN 20 1904



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 13, 1976

Ed Scott, Attorney
Box 145
Malad, Idaho 83252

Dear Ed:

Enclosed are copies of the Decree in the name of Peter Fredrickson, et. al., v.s. Deep Creek Irrigation Company, et. al., and the licensed and permitted rights of the Deep Creek Irrigation Company for their reservoir as you requested in our recent telephone conversation.

I have also enclosed a transfer of a water right application with instructions for completing that transfer of the decree, as I recall that the proposed point of diversion for the pipeline is different than the point of diversion shown in the decree. Therefore, the transfer will be needed to show the change in the point of diversion.

This application for transfer should be filed with our Eastern Regional Office in Idaho Falls as shown on the instruction sheet. Good luck in your project.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BF:jr

Enclosures

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JAN 28 1987

tiffs rested; and witnesses were sworn and examined on behalf of the defendants and intervenors, and documentary evidence was introduced and admitted on behalf of the defendants and intervenors, and the evidence closed; and after examining all the testimony offered and received for and on behalf of the respective parties, and the stipulations entered into between said parties and after hearing the arguments of the respective counsel aforesaid, the Court took said cause under consideration, and after having duly considered the law and the evidence, and being fully advised in the premises, the Court made its Findings of Fact and Conclusions of Law, and ordered judgment to be entered in said cause in accordance with said Findings and Conclusions.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1st.

15 0008 T. #2271

That the Deep Creek Irrigation Company, a corporation, is entitled to 175 miners inches of the waters of Deep Creek, as of the date of May, 1865, said water to be measured at the headgate of said company at or near the Southwest Quarter of Section 22, in Township 14 South of Range 36 East of the Boise Meridian, in Oneida County, Idaho, (which includes five and 5/6th shares to Peter Frederickson, one share to H. P. Christenson, three shares to Emmett Thomas, one share to John Gleed and Rose Gleed, one share to Benjamin E. Jones, one and one-half shares to Hattie Morgan, one and one-half shares to George Morgan, each of such shares being equal to one share of the stock of the Deep Creek Irrigation Company as of June 3rd, 1903). Said above mentioned 175 miners inches of water decreed as above to the said Deep Creek Irrigation Company, when not required for the proper irrigation of the lands of the shareholders of said Deep Creek Irrigation or the intervenors herein, or for irrigation, domestic, culinary or stock purposes, or when any portion of the same is not needed or used for such purposes, as above stated, shall not be diverted by the said Deep Creek Irrigation Company or the intervenors herein, or its or their agents or assigns, from the natural channel of said Deep Creek, but shall be by them permitted to flow down said channel at all times between the 15th day of October and the 15th day of the following May of each and every year, except such portion as shall be in excess of four hundred miners inches, the amount hereinafter decreed to the plaintiffs herein, and said waters shall be used upon and for the irrigation of the lands of the shareholders of said Deep Creek Irrigation Company and the intervenors herein, and for household, domestic, culinary and stock purposes.

2nd.

That the plaintiffs, Peter Frederickson, Frederick Peck, D. R. Jones, William Jardine, J. T. Richards, T. A. Richards, W. A. Dalton, J. R. Dredge, William J. Williams, Benjamin Jones, E. C. Davis, Jenkin Jones, James T. Chivers, W. M. Leigh, Nephi Lewis, John L. Jenkins, J. T. Kingsbury, George Tovey, W. M. Davis, John Gleed and Thomas Alston known herein as the hay-land claimants, are entitled to four hundred miners inches of the water of said Deep Creek, from October 15th until the 15th day of the following May of each and every year, as of the date of May 15th, 1867, for irrigation of their said lands and for domestic, culinary and stock purposes, said water to be measured at the headgate of said plaintiffs, at or near the Southeast Quarter of the Northeast Quarter of Section 4, in Township 15 South of Range 36 East of the Boise Meridian, and to be used upon and for the irrigation of their said lands and for domestic, culinary and stock purposes, and to be distributed as follows, to-wit:

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15 0008 To Peter Frederickson 36 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point 20 chains and 25 links East and 18 chains and 31 links North of a stake lying and being between Sections 4 and 10, in Township 15 South of Range 36 East of the Boise Meridian thence running West 20 chains and 25 links, thence North 1 chain and 44 links, thence East 20 chains and 25 links, thence South 1 chain and 44 links.

Also commencing at a point 20 chains and 25 links East and 6 chains North of a stake lying and being between Sections 4 and 10, in said Township and Range, thence running West 60 chains, thence North 4 chains and 94 links, thence East 60 chains, thence South 4 chains and 94 links.

Also commencing at a point 20 chains and 25 links East and 15 chains and 87 links North of a stake lying and being between Sections 4 and 10, in said Township and Range, and thence running West 20 chains and 25 links, thence North 2 chains and 44 links, thence East 20 chains and 25 links, thence South 2 chains and 44 links.

Also beginning at a point 20 chains and 25 links East and 10 chains and 93 links North of a stake lying and being between Sections 4 and 10, in said Township and Range, thence running West 20 chains and 25 links, thence North 4 chains and 94 links, thence East 20 chains and 25 links, thence South 4 chains and 94 links.

15-0057 To Frederick Peck 22 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 9, in said Township and Range, thence running South 60 rods, thence West 14 rods, thence North 60 rods, thence East 14 rods.

Also commencing at a point 76 rods and 12 feet North of a stake lying and being between the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 9, in said Township and Range, and running thence East 135 rods, thence North 35 rods and 6 feet, thence West 135 rods, thence South 35 rods and 6 feet.

15 0010 To D. R. Jones 23 miners inches of the waters of Deep Creek, to be used upon the following described land:

The West half of the Southeast Quarter and the Northwest Quarter of Section 10, in said Township and Range.

Also commencing at a point 13 chains and 99 links East of a stake lying and being between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence running North 22 chains and 25 links, thence East 8 chains and 39 links, thence South 22 chains and 25 links, thence West 6 chains and 39 links.

15 0011 To William Jardine 38 miners inches of the waters of Deep Creek, to be used upon the following described land:

The Southwest Quarter of the Southwest Quarter of Section 15 and the Northwest Quarter of the Northwest Quarter of Section 22, in said Township and Range.

15 0012 To J. T. Richards 12 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing 13 chains and 99 links East and 3 chains and 95 links South of a stake lying and being between Sections 4 and 10, in said Township and Range, thence running East 6 chains and 39 links, thence South 13 chains and 9 links, thence West 6 chains and 39 links, thence North 13 chains and 9 links.

Also commencing 2 chains and 49 links South of a stake lying and being between the Northeast Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, and running thence East 8 chains and 81 links, thence South-

westerly, along the fence, to a point 2 chains and 46 links South and 8 chains and 81 links East from point of beginning, thence West 8 chains and 48 links, thence North 2 chains and 46 links, to place of beginning.

Also commencing at the point of beginning last above described thence running South 2 chains and 46 links, thence West 39 chains and 75 links, thence North 2 chains and 46 links, thence East 39 chains and 75 links.

15 0015 To T. A. Richards five miners inches of the waters of Deep Creek to be used upon the following described land:

Commencing at a point 2 chains and 43 links East and 7 chains and 70 links South of a stake situated between Sections 4 and 10, in said Township and Range, thence running South 3 chains and 75 links, thence West 22 chains and 18 links, thence North 3 chains and 75 links, thence East 22 chains and 18 links.

15 0016 To W. A. Dalton 15 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point 60 rods North of a stake lying and being between Sections 9 and 10, in said Township and Range, thence running North 28½ rods, thence East 27 rods, thence Northeasterly 61 1/3 rods, to a point 10 rods South and 35½ rods East of a stake lying and being between the Northeast Quarter of Section 9 and the Southwest Quarter of Section 10, in said Township and Range, thence running East to a point 50 rods East and 90 rods North of the place of beginning, thence West 50 rods to a point of beginning, thence South to a point due East of the point of beginning.

15 0017 To J. R. Dredge three miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 9, in said Township and Range, thence running North 5 chains, thence East 20 chains, thence South 5 chains, thence West to point of beginning.

Also commencing at the Southwest corner of the Northeast Quarter of Section 9, in said Township and Range, thence running East 80 rods, to intersect first quarter of quarter line running North, thence South 4 rods, thence West 80 rods, thence North 4 rods.

15 0018 To William J. Williams five miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point 7 chains and 38 links South of a stake being and lying between the Northwest Quarter of Section 10, and the Southeast Quarter of Section 9, in said Township and Range, thence running South 2 chains and 46 links, thence West 19 chains and 75 links, thence North 2 chains and 46 links, thence East 19 chains and 75 links.

15 0019 To Benjamin E. Jones seven miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point 7 chains and 72 links South of a stake situated between the Southwest Quarter of Section 4 and the Northeast Quarter of Section 9, in said Township and Range, thence running East 19 chains and 75 links, thence South 3 chains and 75 links, thence West 19 chains and 75 links, thence North 3 chains and 75 links.

Also commencing at a point 2 chains and 43 links East and 7 chains and 70 links South of a stake situated between Sections 4 and 10, in said Township and Range, thence running South 3 chains and 75 links, thence West 23 chains and 18 links, thence North 3 chains and 75 links, thence East 22 chains and 18 links.

15 0020 To E. C. Davis 15 miners inches of the waters of Deep Creek, to be used upon the following described land:

The North half of Section 15, the Northeast Quarter of the Northwest Quarter

and the Northwest Quarter of the Northeast Quarter of Section 15, in said Township and Range.

15 0019 To Jenkin Jones 14 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point 7 chains and 75 links North of the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 4, in said Township and Range, thence running West 40 chains, thence North 6 chains and 19 links, thence Easterly to a point 4 chains and 89 links North of the place of beginning, thence South 4 chains and 89 links to the place of beginning.

15 0020 To James T. Chivers six miners inches of water of Deep Creek to be used upon the the following described land:

Commencing at a point 10 chains and 44 links South of a point or stake situated between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence South 2 chains and 46 links, thence West 39 chains and 75 links, to the place of beginning.

Also beginning at a point 9 chains and 80 links South of a stake situated between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence running East 6 chains and 75 links, thence Southeasterly 2 chains and 50 links, thence West 6 chains and 75 links, thence North to point of beginning 2 chains and 46 links.

15 0021 To William M. Leigh 12 miners inches of water of Deep Creek, to be used upon the following described land:

Commencing at a point 20 chains and 25 links East and 6 chains North of a stake between Sections 4 and 10, in said Township and Range, thence running West 60 chains, thence South 3 chains and $12\frac{1}{2}$ links, thence East 60 chains, thence North 3 chains and $12\frac{1}{2}$ links.

15 0022 To Nephi Lewis 23 miners inches of the waters of Deep Creek to be used upon the following described land:

Commencing at a stake 6 rods South of a stake between the Northwest Quarter of the Southwest Quarter of Section 3, and the Southeast Quarter of the Southeast Quarter of Section 4, in said Township and Range, thence running West 160 rods, thence North 37 rods, thence East 160 rods, thence South 37 rods.

15 0023 To John L. Jenkins 23 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a stake 6 rods South of a stake between the Northwest Quarter of the Southwest Quarter of Section 3, and the Southeast Quarter of the Southeast Quarter of Section 4, in said Township and Range, thence running West 160 rods, thence North 37 rods, thence East 160 rods, thence South 37 rods to place of beginning.

15 0024 To J. T. Kingsbury 47 miners inches of the waters of Deep Creek, to be used upon the following described land:

The East half and the Southwest Quarter of the Northeast Quarter of Section 16, and the Southeast Quarter of the Southeast Quarter of Section 9, in said Township and Range.

15 0025 To George Tovey 46 miners inches of the waters of Deep Creek, to be used upon the following described land:

Commencing at a point or stake lying and being between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence running South 2 chains and 46 links, thence West 39 chains and 75 links, thence North 2 chains and 46 links, thence East to point of beginning, 39 chains and 75 links.

Also commencing at a point 3 chains and 95 links South and 2 chains and 43 links East from a stake lying and being between Sections 4 and 10, in said Township and Range, thence East 11 chains and 56 links, thence South 7 chains and 50 links, thence West 11 chains and 56 links, thence North to place of beginning.

Also commencing at a stake lying and being between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence West 19 chains and 75 links, thence North 1 chain and 50 links, thence East 33 chains and 99 links, to place of beginning.

Also commencing at a point 19 chains and 75 links West and 11 chains and 45 links South of a stake between Sections 4 and 10, in said Township and Range, thence South 8 chains and 50 links, thence West 19 chains and 75 links, thence North 8 chains and 50 links, thence East 19 chains and 75 links.

Also commencing at a point 13 chains and 19 links East and 26 chains and 20 links South of a stake situated between Sections 4 and 10, in said Township and Range, thence South 11 chains and 75 links, thence West 33 chains and 75 links, thence North 11 chains and 75 links, thence East 33 chains and 75 links, to the place of beginning.

15 0024 To W. M. Davis 46 miners inches of the waters of Deep Creek, to be used upon the following described land:

The North half of the Southeast Quarter of Section 16, and the West half of the Southwest Quarter of Section 15, in said Township and Range.

15 0025 To John Glead four miners inches of the waters of Deep Creek to be used upon the following described land:

Commencing at a point 14 chains and 76 links South of a stake situated between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence running South 2 chains and 46 links, thence West 19 chains and 75 links, thence North 2 chains and 46 links, thence East to the point of beginning.

Also commencing at a point 14 chains and 76 links South of a stake situated between the Northwest Quarter of Section 10 and the Southeast Quarter of Section 9, in said Township and Range, thence running East 6 chains and 75 links to a fence, thence Southeasterly 2 chains and 50 links, thence West 6 chains and 75 links, thence North to point of commencement 2 chains and 46 links.

15 0028 To Thomas Alston 15 miners inches of the waters of Deep Creek to be used upon the following described land:

Commencing at a point 110 rods West and 120 rods North of the center of Section 15, in said Township and Range, thence running West 50 rods, thence North 100 rods, thence East 50 rods, thence South 100 rods.

3rd.

That the intervenors Peter Frederickson, Benjamin E. Jones, George Morgan, Hattie Morgan, John Glead, Rose Glead, Emmett Thomas and H. P. Christenson, are entitled to the waters of Deep Creek as of date of June 1st, 1865, as follows, to-wit:

Peter Frederickson five and 5-6th shares, Benjamin E. Jones one share, George Morgan one and one-half shares, Hattie Morgan one and one-half shares, John Glead and Rose Glead one share, Emmett Thomas three shares, and H. P. Christenson one share. That said waters are to be taken through the ditch of the defendant, the Deep Creek Irrigation Company and the intervenors herein, and to be used upon the lands of the intervenors above named for the irrigation of their said lands, and for domestic, culinary and stock purposes, and said water is to

be measured at the headgate of said Deep Creek Irrigation Company and the intervenors herein, at or near the Southwest Quarter of Section 22, in Township 14 South of Range 36 East of the Boise Meridian. A share as referred to is equal to a share of the stock of said Deep Creek Irrigation Company as they were June 3rd, 1903.

4th.

15 0024 That E. M. Jones, Benjamin F. Evans, F. E. Jones, Isaac Evans, H. M. Jones, Sarah Ann Jones, J. T. Kingsbury and George Tovey, the Four Mile Association, are entitled to two hundred miners inches of the high waters of said Deep Creek, as of the date of May 25th, 1872; said waters to be measured at the headgate of said association at the point where the same is now situated, and to be used upon and for the irrigation of their lands, situated in Section 22, in Township 14 South of Range 36 East of the Boise Meridian, in Oneida County, Idaho, and for culinary, domestic and stock purposes.

5th.

That the defendants William Henderson, John Price, David D. Thomas, Henry Stubbs and John R. Evans are entitled to 150 miners inches of the high waters of First Creek, a tributary of said Deep Creek, said water to be measured at the headgate of the ditch or ditches of the above named parties, in Township 14 South of Range 36 East of the Boise Meridian in Oneida County, Idaho, and for household, domestic, culinary and stock purposes, as of the following dates and amounts, viz:

15 0031 William Henderson, 50 miners inches, as of May 15th, 1887.
15 0031 John Price, 25 miners inches as of May 15th, 1877.
15 0032 David D. Thomas 25 miners inches as of May 15th, 1900.
15 0033 Henry Stubbs, 25 miners inches as of May 15th, 1900.
15 0034 John R. Evans, 25 miners inches, as of May 15th, 1900.

6th.

15 0035 That the defendant, Susan Thomas is entitled to 50 miners inches of waters of Second Creek, a tributary of Deep Creek, as of the date of 1876, subject to the prior appropriation of Deep Creek Irrigation Company and the intervenors and plaintiffs herein; said water to be diverted by means of a dam and ditch, and to be measured at the headgate of her ditch, where it is now situated, and to be used for the irrigation of her land, situated in Township 14 South of Range 36 East of the Boise Meridian, in Oneida County, Idaho, and for domestic, stock and culinary purposes.

7th.

15 0036 That the defendants L. L. Evans, D. L. Evans, Joseph Thomas, William M. Thomas, Henry Stubbs, John E. Jones and Daniel E. Jones, are entitled to the high waters of said Deep Creek, to the capacity of their ditch, to be diverted by means of a dam and ditches and to be measured at the headgates of their ditches where they now are constructed, subject to the appropriations of the plaintiffs, the other defendants and the intervenors herein, as of the year 1900, and to be used upon and for the irrigation of their lands situated in Township 14 South of Range 36 East of the Boise Meridian, and for domestic, culinary and stock purposes.

8th.

15 0037 That the defendant, the Deep Creek Irrigation Company is entitled at all times to all the waters of Third Creek, a tributary of Deep Creek, for reservoir purposes, so long as said use does not interfere with said 400 miner's inches of water herein decreed to plaintiffs; and said 175 miner's inches of water herein decreed to defendant Company for the purpose of irrigating town lots in the City of Malad, and for culinary, domestic and stock purposes.

9th.

15 0038 That the defendant James E. Jones, is entitled to all of the waters arising from the springs in Deep Creek above the dam of said James E. Jones and below the dam of the Deep Creek Irrigation Company said water to be diverted by him by means of a dam through a ditch near the Southeast Quarter of Section 28, in Township 14 South of Range 36 East of the Boise Meridian, to and upon and for the irrigation of his lands situated in Sections 32, 33, and 34, in said Township and Range, and for household, culinary, domestic and stock purposes.

10th.

15 0039 That the defendant James E. Jones is entitled to 200 miners inches of the high waters of Deep Creek, as of the date of May 15th, 1874, said water to be diverted by means of a dam through a ditch, near the Southeast Quarter of Section 28, in Township 14 South of Range 36 East of the Boise Meridian, and to be used upon and for the irrigation of his lands, situated in Sections 32, 33, and 34, in said Township and Range, and for domestic, culinary and stock purposes.

11th.

15 0040 That William Chivers, William Body and Benjamin Evans are entitled to all of the waters of Deep Creek arising from the springs in said Deep Creek above the dam of said William Chivers and below the dam of James E. Jones, share and share alike, said water to be diverted by them by means of a dam and through a ditch, to and upon and for the irrigation of their lands, situated in Section 4, in Township 15 South of Range 36 East of the Boise Meridian, and for household, domestic, culinary and stock purposes.

12th.

15 0041 That the defendant, the Deep Creek Irrigation Company, is entitled by prior appropriation, to-wit: 1865, to all the waters of Deep Creek and its tributaries, between the 15th day of May and the 15th day of October of each and every year, except that the rights of the intervenors herein mentioned in paragraph three is of equal dignity at all times with the rights of said company, to be by it diverted through its ditches, canals and reservoir, by means of their dams, headgates and reservoir, to and upon and for the irrigation of the lands of the shareholders of said corporation, and for domestic, household, culinary and stock purposes.

13th.

That the defendant, the Deep Creek Irrigation Company, is entitled as of

AFFIDAVIT OF PUBLICATION

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOTICE IS HEREBY GIVEN that Deep Creek Irrigation Company, Malad City, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Deep Creek and tributaries tributary to Malad River. The right sought to be changed is evidenced by decree in case of Peter Fredrickson, et al -vs- Deep Creek Irrigation Co., et al, dated 5-09-11 in Fifth Judicial Dist., County of Oneida and is recorded as follows:

The water is diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 15S, R. 36E, SE $\frac{1}{4}$, Sec. 28, SW $\frac{1}{4}$, Sec. 22, T. 14S, R. 36E, B.M., Oneida County and used to irrigate 3,006 acres within the Deep Creek Irrigation Company. The individual rights are:

Number	Name	Amount	Priority
15-0008	Deep Creek Irrigation Co.	3.50 cfs	5-1865
15-0009	Peter Fredrickson	0.72	5-15-67
15-0010	Fredrick Peck	0.44	5-15-67
15-0057	D.R. Jones	0.46	5-15-67
15-0011	William Jardine	0.76	5-15-67
15-0012	J.T. Richards	0.24	5-15-67
15-0013	T.A. Richards	0.10	5-15-67
15-0014	W.A. Dalton	0.30	5-15-67
15-0015	J.R. Dredge	0.06	5-15-67
15-0016	William J. Williams	0.10	5-15-67
15-0017	Benjamin E. Jones	0.14	5-15-67
15-0018	E.C. Davis	0.30	5-15-67
15-0019	Jenkin Jones	0.28	5-15-67
15-0020	James T. Chivers	0.03	5-15-67
15-0021	William M. Leigh	0.24	5-15-67
15-0022	Nephi Lewis	0.46	5-15-67
15-0023	John L. Jenkins	0.46	5-15-67
15-0024	J.T. Kingsbury	0.94	5-15-67
15-0025	George Tovey	0.92	5-15-67
15-0026	W.M. Davis	0.92	5-15-67
15-0027	John Gleed	0.08	5-15-67
15-0028	Thomas Alston	0.30	5-15-67
15-0029	Fair Mile Association	4.00	5-25-72
15-0030	William Henderson	1.00	5-15-87
15-0031	John Price	0.50	5-15-77
15-0032	David D. Thomas	0.50	5-15-1900
15-0033	Henry Stubbs	0.50	5-15-1900
15-0034	John R. Evans	0.50	5-15-1900
15-0035	Susan Thomas	1.00	1876
15-0036	L.L. Evans		1900
15-0037	Deep Creek Irrigation Co.		
15-0038	James E. Jones		
15-0039	James E. Jones	4.00	5-15-74
15-0040	William Chivers		
	William Body		
	Benjamin Evans		
15-0051	D.L. Evans		1900
15-0052	Joseph Thomas		1900
15-0053	William M. Thomas		1900
15-0054	Henry Stubbs		1900
15-0055	John E. Jones		1900
15-0056	Daniel E. Jones		1900

All the above amounts are not specified in the decree, but state 23.75 plus all water from springs listed on rights.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 14S, R. 37E, B.M., Oneida County and used to irrigate the land within the Deep Creek Irrigation Company.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before August 7, 1978.

C. STEPHEN ALLRED
Director

Published in the Idaho Enterprise on July 20 and July 27, 1978.

7-20-27-78 t2

State of Idaho
County of Oneida, ss.

Dorena Dubs being first duly sworn on her oath, states: That she is Secretary of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 20th day of July, 1978 the date of the last publication being the 27th day of July, 1978

Subscribed and sworn to before me this 4th day of Aug, 1978.

Dorena Dubs
Notary Public, residing at Malad, Idaho

My Commission expires the _____ day of _____, 19____

Costs:

27 lines at 23c per line first insertion \$ 6.21
42 lines tabulated at 34 $\frac{1}{2}$ c per line \$ 14.91
15c per line each subsequent insertion \$ 10.35
TOTAL \$ 31.47

(Rates for legal notices are fixed by Idaho law)

AUG 8 1978

Department of
Eastern District

December 31, 1980

Deep Creek Irrigation Company
X Mr. Lynn Alder, President
Route #1
Malad City, Idaho 83252

Gentlemen:

Recently it came to our attention that some of the lands that are now irrigated in your improved water delivery system have no water rights. Transfer # No. 2271 corrected the point of diversion for several decreed water rights on lands that were previously irrigated but did not provide water for any of the newly irrigated lands.

To correct this situation and protect the water supplies for these lands, you will need to file an Application for Permit. Enclosed please find a form and instructions for your convenience. Since this application will include storage water, and because you have many existing rights, your application may be complicated. Therefore I would advise that you work closely with our Eastern Regional Office, 150 Shoup Ave., Idaho Falls, ID. 83401 (525-7162). They will be glad to assist either by correspondence or by a visit to their office.

If you have further questions please contact either the regional office or myself.

Sincerely,

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

DRT:jg

Enclosure

cc: Ernest Carlsen
Eastern Region

RECORDED

JAN 29 1981

September 21, 1979

Deep Creek Irrigation Co.
c/o Lynn Alder (Pres.)
Malad City, Idaho 83252

Dear Mr. Alder,

RE: Transfer of Water Right No's 15-0008-15-0040 & 15-0051 - 15-0057

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2271). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON,
Chief, Operations Bureau

LGS:mr

Enclosure

RECEIVED
JAN 1 1980

INTER-DEPARTMENT MEMO — 1

DATE 9/17/79

FROM Jim

TO Norm

SUBJECT Condition for transfer No. 2271

Let's try a dress rehearsal of this condition before its typed on the application, ok?

" " The approval of this transfer ^{authorizes} ~~allows only~~ a change in the point of diversion only and does not authorize a change in place of use ^{or reallocation of diversion rates} for any of the ~~rights~~ water rights identified herein.

UNRECORDED FILMED

P.S. I talked to Mr. Scott and he supported such a condition.
JAN 29 1981

Joni

SIGNATURE

DATE 6/25/79

FROM Ernest

TO Jim Johnson

SUBJECT Application for Transfer - Deep Creek Irrigation Company

Although Deep Creek Irrigation Company has been unable to furnish documentation of their ownerships for those rights originally decreed to individuals (everybody concerned must condon the project), since we did not receive any protests against approval of this transfer and they are already constructing the pipeline.

I have not recommended any conditions of approval because the irrigation company controls delivery of all the water and is not within any irrigation district

MICROFILMED

JAN 29 1981

SIGNATURE

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO 83252
TELEPHONE 766-4000

February 21, 1979

RECEIVED

FEB 22 1979

Department of Water Resources
Eastern District Office

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

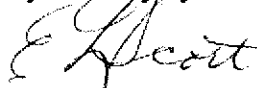
Dear Mr. Carlson:

Responding to your telephone call, I am enclosing copies of the Articles of Incorporation of The Deep Creek Irrigation Company. The indicated purpose expressed in the original Articles was "to take out and appropriate the waters of Deep Creek."

The waters of Deep Creek have been appropriated and distributed to the stockholders of The Deep Creek Irrigation Company for many years. I talked with Lynn Alder, president of the Company, and he states that there are no outstanding interests in Deep Creek other than rights of The Deep Creek Irrigation Company. He further states that Oren J. Jones, Ray McClellan and L. C. Alder & Sons do have rights in the waters of Deep Creek which arise south of the Ed Vaughan headgate. These rights would not be affected by a change in the point of diversion requested by the Company.

I hope this information is useful to you, and if I can be of further assistance here, please advise.

Very truly yours,



E. L. Scott
Attorney at Law

ELS/jh

Enclosure

MICROFILMED

JAN 29 1981

Articles of Amendment of the Articles of Incorporation
of the Deep Creek Irrigation Company

We, James T. Jones, resident and N. L. Evans, Secretary, respectively of the Deep Creek Irrigation Company, an Idaho corporation, with its principal place of business at Idaho, in Oneida County, State of Idaho, do hereby certify; that we are the president and secretary, respectively of the Deep Creek Irrigation Company, a corporation, of Idaho, Oneida County, State of Idaho; that a meeting of the stockholders of the above named corporation was held at the Courthouse in Idaho, in said County of Oneida, State of Idaho (being the principal office of said corporation for such purpose) on the 18th day of January, 1938, at 2:00 o'clock PM of said day, at which meeting more than two-thirds of the outstanding capital stock of the said corporation was represented; that said meeting was duly and regularly called and notice thereof was given as required by law and by mailing to the stockholders of the said corporation notice of said meeting for the time and in the manner required by law and the Articles of Incorporation of said Company; That at said meeting a resolution was regularly proposed, voted upon and adopted by the affirmative vote of stockholders owning more than two-thirds of the outstanding capital stock of the said corporation Amending Article Three of the Articles of Incorporation of said corporation as hereinafter set out;

And we further certify that the following is a full, true and correct copy of the said Article Three of the Articles of Incorporation of said corporation as thus amended, to-wit:

Article III.

That the term for which this corporation is to exist is fifty years from and after January 22, 1938.

In witness whereof we have hereunto set our hands and affixed hereunto the corporate seal of said corporation this 18th day of January, 1938.

James T. Jones
President
N. L. Evans
Secretary

Deep Creek Irrigation Company

State of Idaho
County of Oneida, ss

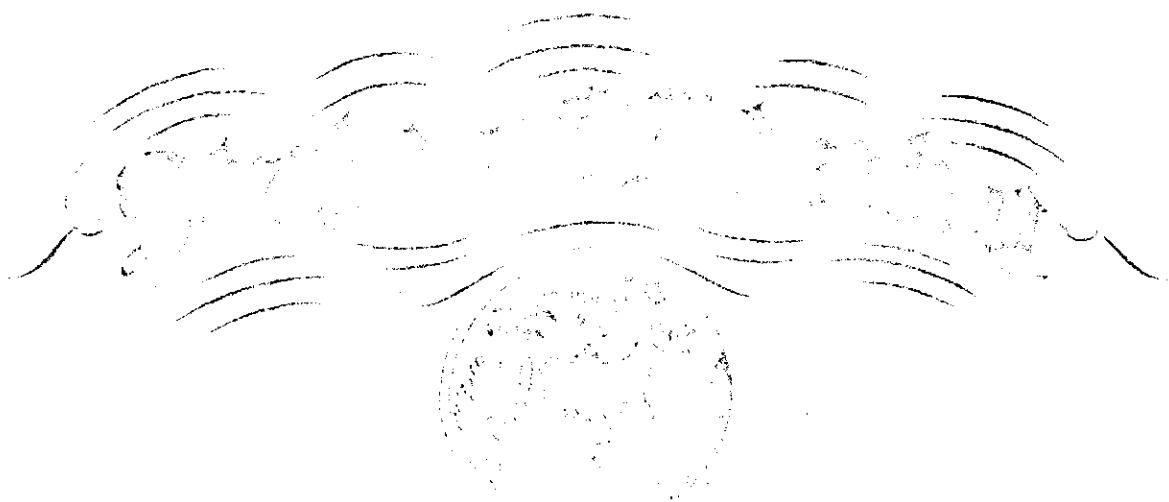
Personally appeared before me this 18th day of January, 1938, James T. Jones, President and N. L. Evans, Secretary, respectively, of the Deep Creek Irrigation Company, and a Big, duly and severally sworn to; before me they read the foregoing Articles of Amendment of the Deep Creek Irrigation Company and acknowledged, and know the contents thereof, and the same are true, in the premises, true.

James T. Jones
N. L. Evans

RECORDED

JAN 29 1938

(Notary Public)



CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

I, **IRA H. MASTERS**, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

IDAHO POWER & LIGHT COMPANY

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the **Thirtieth** day of **January** 193 **0**,

original articles of amendment, as provided by Section 27-275, 28-246 and 29-750, as amended, and as provided by the provisions of the Idaho Corporation Code (CC) and the Idaho Corporation Code (CC) and the Idaho Corporation Code (CC).

and that the said articles of amendment contain the statement of facts required by law, and are recorded in Book A- 51 of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, that the said corporation is in good standing and is entitled to the same rights and privileges as other corporations of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the Great Seal of the State. Done at Boise City,

the Capital of Idaho, this **20th** day

of **January**, in the year of our Lord

and the second thousand three hundred thirty-**0**

and of the Independence of the United States of

America the **thirtieth** day of **January**, 193 **0**.

MICROFILMED

JAN 29 1981

Secretary of State.

Office of the Deep Creek
Irrigation Company, a corporation.

Principal place of business, Pined City Idaho.

We, the majority of the Board of Directors of the Deep Creek Irrigation Company, a corporation organized and existing under the laws of the State of Idaho, do hereby certify and declare.

I: That on the 17 day of Sept 1903, at a meeting of the Board of Directors of said Company duly and regularly called, by a majority vote of the said directors a meeting of the stockholders of said Corporation was called, to be convened at the Court House in Pined City Oneida County Idaho, on Monday October 26th, 1903, at 2 o'clock P.M. for the purpose of increasing the Capital Stock of said Corporation from 600 shares of the par value of \$5.00 per share to 6000 shares of the par value of \$5.00 per share.

II:-That notice of the time and place of said meeting and the object thereof was published once a week for 30 days in the Peoples Advocate, a news-paper printed and published in Pined City, Oneida County Idaho.

III:-That the said notice contained the amount to which it was proposed to increase said capital stock.

IV:-That at such meeting the written vote and assent of the owners of 3,375 shares of the Capital Stock of said Corporation, the same being over $\frac{3}{4}$ of the amount of such capital stock authorized and issued, was presented and filed in favor of such increase and no objection thereto was offered, presented or filed.

V:-That the written assent and vote of said share-holders as filed by the Secretary of said Corporation is as follows:-

Pined City, Idaho;

MICROFILMED

JAN 29 1937

Witness my hand and seal of the said Corporation and the officers thereof this 17th day of September 1903.

Secretary of the said Corporation and the officers thereof

and holders of 3/4 of all the subscribed and issued capital stock of the said company, hereby give our written assent to the increase of the capital stock of said company from 600 shares of the par value of \$5.00 per share to 6000 shares of the par value of \$5.00 per share.

And we hereby authorize the said board of directors of said company to make and file the certificate of increase of the capital stock as provided in section 3637 of the Revised Statutes of Idaho.

Respectfully.

(signed by the owners of 3/4 shares)

VI:- That the capital stock of the Deep Creek Irrigation Company, a Corporation, has been increased to 6000 shares of the par value of \$5.00 per share.

In witness whereof we have hereunto affixed our hands and the seal of the said Corporation, at Malad City Oneida County Idaho this the 27th day of October, 1903.

L. L. Evans
Chairman
J. H. Reynolds
Secretary.

L. L. Evans
J. H. Reynolds
J. H. Ireland
E. M. Jones

RECORDED

JAN 25 1904

Directors of said Company.

State of Idaho }
County of Oneida } ss
I, W. H. Richards, Clerk Dist Court & Ex-
Officio Auditor of Records in & for said County, do hereby certify that the above is a full true & correct
copy of Certificate of increased Capital Stock of the
Deep Creek Irrigation Company, as appears on file
in my office.
Dated this 30th day of Jan 1st 1904. W. H. Richards

Articles of Incorporation of
"the Deep Creek Irrigation
Company"

Know all
men by these presents that
we the undersigned have
this day associated ourselves
together for the purpose of
incorporating under the
Laws of Idaho Territory
a Corporation to be known
by the corporate name "the
Deep Creek Irrigation Company"

And we hereby
certify that the objects for which
this Corporation is formed
are to purchase build own
and possess Dams Ditches
Canals Flumes gates &c
necessary to take out and
appropriate the Waters of Deep
Creek also to build own
operate and control Reservoirs
on said creek in Quinn County
Idaho for the purpose of
irrigation in said Valley
And to purchase and own
the right to use the Waters
of said Deep Creek, and to
carry on said business. Consent
and approval of the business of
said corporation is hereby

JAN 29 1907

for irrigation purposes in
Buck Mountain Valley

That its
principal place of business
shall be in Malad City
Bureau County Idaho Territory

That the
term of its existence shall be
forty nine years from and
after the date of its incorporation

That the
number of its trustees shall
be five

And that
the names of those who shall
be Trustees and serve as
Board Officers until the Elec-
tion and qualification of
their successors are

Henry Beck of Malad City
J. M. Ireland " "
W. H. Jones " "
L. E. Jones " "
L. A. Evans " "

That the
capital stock of this Corpora-
tion shall be three thousand
dollars divided into 60 shares
of the par value of \$50 each share

RECORDED

JAN 29 1907

That the other
 Officers of this Corporation be-
 sides the Trustees shall be a
 President & Secretary to be Selec-
 ted by the Board of Trustees from
 among their number, and the
 Treasurer to be Elected annually
 at the time of the Election of the
 said Trustees, which said Election
 shall be held on the 3^d Monday
 in March of each year

And
 until the first Election Henry
 Peck shall act as President

J. E. Jones Secretary and
 J. H. Ireland Treasurer

In Witness Whereof we have
 hereunto set our hands and
 seals this 4th day of December
 1888

Henry Peck	Seal
James E. Jones	Seal
Geo. Stewart	Seal
N. E. Jones	Seal
Edward G. Roberts	Seal
Fred Peck	Seal
Thomas H. Thomas	Seal
William E. Jones	Seal
H. H. Jones	Seal
John W. Jones	Seal
B. H. Adams	Seal
H. H. Adams	Seal
John J. Adams	Seal

MICROFILMED

JAN 29 1987

W. R. Evans
Witness

Seesaw R. Thomas

Seal

J. H. Ireland

Seal

Territory of Idaho
County of Owyhee

On this 4th day
of Dec and 1888, personally appeared
before me the undersigned &
Recorder in and for said County
Henry Beck, James E. Jones, Geo. Stewart,
W. L. Evans, Edward L. Roberts, Fred Beck,
Thomas W. Thomas, W. E. Jones, W. H.
Jones, Joshua Evans & H. Adams
W. H. Chivers John J. Williams Susan
R. Thomas and J. H. Ireland whose
names are subscribed to the an-
nexed instrument personally known
to me to be the same persons described
in said instrument and who ac-
knowledged to me that they
executed the same

Seal

Witness my hand and
Seal this 4th day of
Dec and 1888

W. R. Evans
Recorder

MICROFILMED

JAN 25 1967

Territory of Idaho
County of Blaine

J. H. R. Evans

Recorder see seal for said County
do hereby certify that the
above and foregoing is a
full true and correct copy
of the Articles of Incorporation
of the Deep Creek Irrigation Co
as the same now appear
remain on the files in my
office

Witness my hand and
seal this 5th day of Jan
A.D. 1884

J. H. R. Evans
Recorder

MICROFILMED

JAN 29 1981

1154
Certificate of Incorporation
The Beef and
Bologna Company

No 67

TERR SECYS OFFICE.

Police City, Idaho.

Filed this 22nd day of

Secretary.

Filed this 24th day
of Dec 1888

J. R. Wares
Recorder

Recorded the 22nd day
of Jan, A.D. 1889
in Book A on page
361 of Incorporations
records of the Territory
of Idaho

Secretary

Certified Copy

MICROFILMED

JAN 29 1987

INTER-DEPARTMENT MEMO — 1

FROM

Ennis

DATE

2/12/77

TO

Cop 1 L - Deep Cr. Ariz.

SUBJECT

RE: Cop 1 L 15-0008 to 15-00057.

Contacted Mr. Scott by phone & requested he attempt to locate articles of incorporation for Deep Cr. Ariz. Co. 1 & L file. He agreed to research matter.

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JAN 29 1981

SIGNATURE

July 14, 1978

RE: Application for Transfer: Deep Creek Irrigation 15-0008/etc.

Idaho Enterprise
P.O. Box 205
Malad City, Idaho 83252

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:GW

Enc: Legl. Not. (1)

RECEIVED

JAN 29 1987

Bill submitted

by

No Bill 8-08-78

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Deep Creek Irrigation Company, Malad City, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Deep Creek and tributaries tributary to Malad River. The right sought to be changed is evidenced by decree in case of Peter Fredrickson, et al -vs- Deep Creek Irrigation Co., et al, dated 5-09-11 in Fifth Judicial Dist., County of Oneida and is recorded as follows:

The water is diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 15S, R. 36E, SE $\frac{1}{4}$, Sec. 28, SW $\frac{1}{4}$, Sec. 22, T. 14S, R. 36E, B.M., Oneida County and used to irrigate 3,006 acres within the Deep Creek Irrigation Company. The individual rights are:

<u>Number</u>	<u>Name</u>	<u>Amount</u>	<u>Priority</u>
15-0008	Deep Creek Irrigation Co.	3.50 cfs	5-1865
15-0009	Peter Fredrickson	0.72	5-15-67
15-0010	Frederick Peck	0.44	5-15-67
15-0057	D. R. Jones	0.46	5-15-67
15-0011	William Jardine	0.76	5-15-67
15-0012	J. T. Richards	0.24	5-15-67
15-0013	T. A. Richards	0.10	5-15-67
15-0014	W. A. Dalton	0.30	5-15-67
15-0015	J. R. Dredge	0.06	5-15-67
15-0016	William J. Williams	0.10	5-15-67
15-0017	Benjamin E. Jones	0.14	5-15-67
15-0018	E. C. Davis	0.30	5-15-67
15-0019	Jenkin Jones	0.28	5-15-67
15-0020	James T. Chivers	0.03	5-15-67
15-0021	William M. Leigh	0.24	5-15-67
15-0022	Nephi Lewis	0.46	5-15-67
15-0023	John L. Jenkins	0.46	5-15-67
15-0024	J. T. Kingsbury	0.94	5-15-67
15-0025	George Tovey	0.92	5-15-67
15-0026	W. M. Davis	0.92	5-15-67
15-0027	John Gleed	0.08	5-15-67
15-0028	Thomas Alston	0.30	5-15-67
15-0029	Fair Mile Association	4.00	5-25-72

RECORDED
JAN 23 1961

15-0030	William Henderson	1.00	5-15-87
15-0031	John Price	0.50	5-15-77
15-0032	David D. Thomas	0.50	5-15-1900
15-0033	Henry Stubbs	0.50	5-15-1900
15-0034	John R. Evans	0.50	5-15-1900
15-0035	Susan Thomas	1.00	1876
15-0036	L. L. Evans	----	1900
15-0037	Deep Creek Irrigation Co.		
15-0038	James E. Jones		
15-0039	James E. Jones	4.00	5-15-74
15-0040	William Chivers William Body Benjamin Evans		
15-0051	D.L. Evans		1900
15-0052	Joseph Thomas		1900
15-0053	William M. Thomas		1900
15-0054	Henry Stubbs		1900
15-0055	John E. Jones		1900
15-0056	Daniel E. Jones		1900

All the above amounts are not specified in the decree, but state 23.75 plus all water from springs listed on rights.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 14S, R. 37E, B.M., Oneida County and used to irrigate the land within the Deep Creek Irrigation Company.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before August 7, 1978.

C. STEPHEN ALLRED

Director

Published in the Idaho Enterprise on July 20 and July 27, 1978.

RECORDED

JAN 29 1987

**NOTICE OF
PROPOSED CHANGE OF
WATER RIGHT**

NOTICE IS HEREBY GIVEN that Deep Creek Irrigation Company, Malad City, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Deep Creek and tributaries tributary to Malad River. The right sought to be changed is evidenced by decree in case of Peter Fredrickson, et al -vs- Deep Creek Irrigation Co., et al, dated 5-09-11 in Fifth Judicial Dist., County of Oneida and is recorded as follows:

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Number	Name	Amount	Priority
15-0008	Deep Creek Irrigation Co.	3.50 cfs	5-1885
15-0009	Peter Fredrickson	0.72	5-15-67
15-0010	Fredrick Peck	0.44	5-15-67
15-0057	D.R. Jones	0.46	5-15-67
15-0011	William Jardine	0.76	5-15-67
15-0012	J.T. Richards	0.24	5-15-67
15-0013	T.A. Richards	0.10	5-15-67
15-0014	W.A. Dalton	0.30	5-15-67
15-0015	J.R. Dredge	0.06	5-15-67
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15-0017	Benjamin E. Jones	0.14	5-15-67
15-0018	E.C. Davis	0.30	5-15-67
15-0019	Jenkin Jones	0.28	5-15-67
15-0020	James T. Chivers	0.03	5-15-67
15-0021	William M. Leigh	0.24	5-15-67
15-0022	Nephi Lewis	0.46	5-15-67
15-0023	John L. Jenkins	0.46	5-15-67
15-0024	J.T. Kingsbury	0.94	5-15-67
15-0025	George Tovey	0.92	5-15-67
15-0026	W.M. Davis	0.92	5-15-67
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Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before August 7, 1978.

C. STEPHEN ALLRED
Director

Published in the Idaho Enterprise on July 20 and July 27, 1978

July 12, 1978

RE: Application for Transfer of Water Right - DEEP CREEK IRRIGATION CO.
Nos. 15-0008 thru 15-0040 and 15-0051 thru 15-0057

Mr. E. L. Scott
Attorney at Law
26 Court Street
Malad City, ID 83252

Dear Mr. Scott:

Enclosed you will find Receipt No. 11454 pertaining to the filing fee for Deep Creek Irrigation Company's application for transfer. The Department has started the initial processing with the last date of protest scheduled to be August 7, 1978.

You should be aware, however, that final action on the application will not be taken until the Department receives evidence of the Irrigation Company's ownership concerning those rights originally decreed to individuals on Deep Creek. To prevent delays in processing time, this information should be provided on or before the last date of protest.

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

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure: Receipt

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JAN 29 1981



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED
2001-328-7188

JUL 10 1978

Department of Water Resources
Eastern District Office

July 5, 1978

RE: Application for Transfer of Water Right - DEEP CREEK IRRIGATION CO.

Mr. E. L. Scott
Attorney at Law
26 Court Street
Malad City, Idaho 83252

Dear Mr. Scott:

We are returning the application for transfer for the Deep Creek Irrigation Company and check No. 2272 in the amount of \$30.00 because the money sent in payment of the filing fee was insufficient.

Effective July 1, 1978 the State Legislature adopted a new statutory fee schedule for applications and claims received by the Department of Water Resources. This new schedule pertains to your application because it was received in our office after the July 1 deadline.

Please resubmit the application for transfer accompanied by a check for \$35.00 to cover the new statutory filing fee and evidence of the Irrigation Company's ownership of those rights originally decreed to individuals listed in Exhibit A of the application.

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

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure

*Thank you
E. L. Scott*

RECEIVED
JAN 28 1987

July 5, 1978

RE: Application for Transfer of Water Right - DEEP CREEK IRRIGATION CO.

Mr. E. L. Scott
Attorney at Law
26 Court Street
Malad City, Idaho 83252

Dear Mr. Scott:

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Effective July 1, 1978 the State Legislature adopted a new statutory fee schedule for applications and claims received by the Department of Water Resources. This new schedule pertains to your application because it was received in our office after the July 1 deadline.

Please resubmit the application for transfer accompanied by a check for \$35.00 to cover the new statutory filing fee and evidence of the Irrigation Company's ownership of those rights originally decreed to individuals listed in Exhibit A of the application.

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

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure

MICROFILMED

JAN 29 1987

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO 83252
—
TELEPHONE 766-4000

RECEIVED

JUL 3 1978

Department of Water Resources
Eastern District Office

June 30, 1978

Mr. Anthony R. Kozlowski
Water Resource Agent
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Transfer - Deep Creek Irrigation Company

Dear Mr. Kozlowski:

I am again submitting the Application for Transfer of Water Right of the Deep Creek Irrigation Company. There is enclosed a check of the Company for \$30.00 representing filing fees.

It appears now that the Deep Creek Irrigation Company has a firm contract for the construction of a pipeline project and thus the resubmission of the application.

Thanking you, I am,

Very truly yours,



E. L. Scott
Attorney at Law

ELS/jh

Enclosure

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JAN 29 1987



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 6, 1978

RE: Transfer - Deep Creek Irrigation Company *see exhibit*

Mr. E. L. Scott
Attorney at Law
26 Court Street
Malad City, Idaho 83252

Dear Mr. Scott:

Pursuant to your request, we are returning the above referenced application for transfer and check No. 92-85 in the amount of \$30.00 signed by J. A. Servoss for Deep Creek Irrigation Company.

Please retain this application in your files until the final bids for the irrigation project have been received. If you decide to begin construction on the project, please resubmit the application and statutory filing fee of \$30.00 and we will begin processing at that time.

If you have any further questions, please contact me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Attachment

Enclosure

MICROFILMED

JAN 29 1987



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

January 4, 1978

Mr. Lynn Alder, President
Deep Creek Irrigation Company
Malad City, Idaho 83252

Dear Mr. Alder:

I have completed your application for transfer of the three original points of diversion specified in the Deep Creek Decree (Peter Fredrickson -vs- Deep Creek Irrigation Company.) This transfer, if approved, will enable you to legally divert Deep Creek waters at a single new point of diversion directly from Deep Creek Reservoir and into a large gravity flow sprinkler irrigation project for the irrigation of 3,006 acres listed on Exhibit B.

As it is impossible to determine the original place of use and the original number of acres irrigated with decreed water from the decree itself, we must rely upon acreage determinations of lands that are known to be currently irrigated. It is intended that this transfer will also serve to more clearly define the place of use of these decreed rights.

Please place your notarized signature on the back page of this document where indicated and submit the application together with the statutory filing fee of \$30.00 payable to the Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

If you have any further questions, please contact me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Enclosures

MICROFILMED
JAN 29 1978

TRANSFER ANALYSIS SHEET

1. Source Deep Creek

Name Deep Creek, Oregon

2. Right Being Transferred

Right No. _____

a. ☒ Decree

Transfer No. _____

☐ License

☒ Use

b. ☒ Priority

c. ☒ Location - Original P.D.

→ d. ☒ " - Original P.U.

e. ☒ " - New P.D.

f. ☐ " - New P.U. - no change.

g. ☒ Amount

☒ All

☐ Part

3. ☒ Proof of Ownership of Right

Comment _____

4. ☒ Expansion of Right

Comment Transfer is intended to change only the P.D.
The place of use should remain the same.

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by Ernest Carlson Date 7/1/78

11. Recommended Action

☒ Approve

☐ Deny

☐ Conditions _____

BY Ernest Carlson

DATE 6/13/79

Jim OK

Wesley

MICROFILMED
JAN 23 1981