

T
11
N

SEC. 20

Road

SEC. 29

Salmon
Hwy

SEC. 30

Creek

Q measured _____

Q recommended _____

Volume _____

Acreage :

Found _____

recommended _____

Subdv. _____

Amendments

☐ None

☐ P. D.

☐ Place of use

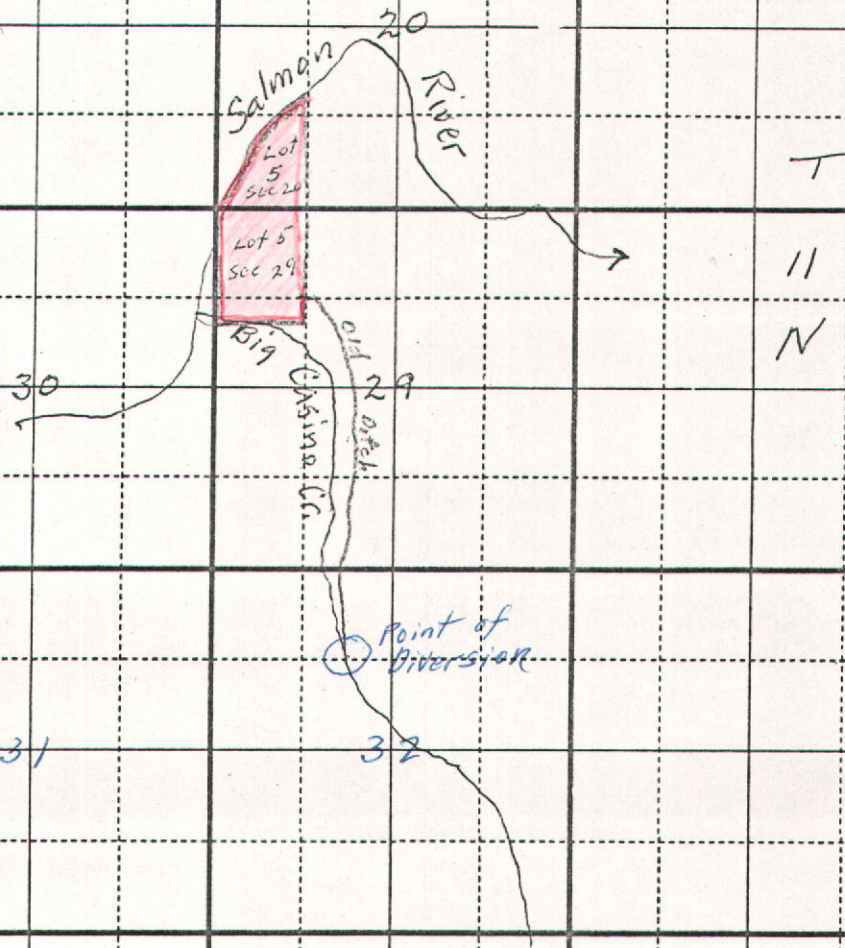
☐ _____

NAME OF APPLICANT James L., Owen K., Merrill G., & Verle L. Shupe

Form No. 0

R 14 E

Lands to be irrigated
colored red.



Permit Map No. 32328

As Approved

CARL E. TAPPAN APR 23 1965

State Reclamation Engineer

32328

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32328/72-2151 Priority April 20, 1965 Amount 1.5 cfs

THIS IS TO CERTIFY, that James L. Shupe, Owen K. Shupe,
Merrill G. Shupe & Verle L. Shupe
of Centerville, Utah, has complied with the terms and conditions of Permit
No. 32328/72-2151 issued pursuant to Application for Permit dated April 20, 1965,
and has submitted proof to the Department of Water Administration on April 6, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Big Casino Creek
tributary of the Salmon River, is hereby confirmed in the following amounts:

Amount 1.5 for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.5 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, Twp. 11 N, Rge. 14 E, B.M.

in the county of Custer; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 225 acre feet per year or _____
3.0 acre feet per acre.

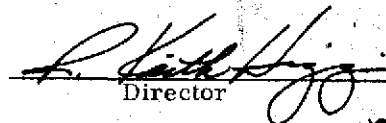
Description and location of place of use:

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 $\frac{1}{4}$	
11 N	14 E	20											29						29
		29						36	10										46

Total number of acres irrigated 75

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of
November, 19 71.


Director

72 2151

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32328)

in the name of James L. Shupe, Owen K. Shupe)
Merrill G. Shupe, Verle L. Shupe, 570 East
4th North, Centerville, Utah)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

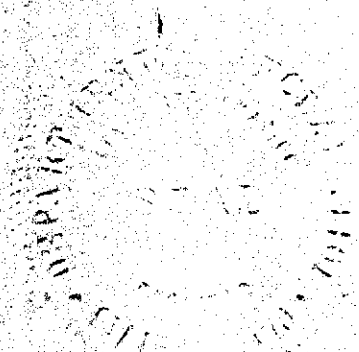
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32328 was issued previous to that date;

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

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit proof
to the Department of Reclamation of the application of the water to
beneficial use on or before April 23, 1970. The permit holder should
be aware that failure to complete one-fifth (1/5) of the works within
one-half (1/2) of the time originally set for Completion of Works may
be grounds for cancellation at the instance of the department.

Dated this 21ST day of NOVEMBER, 1969.



R. KEITH HIGGINSON
State Reclamation Engineer

32328
47-2403

47-2403
72-2151

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40476
PERMIT No. 32328
DISTRICT No.

1. Name of Applicant: James L. Shupe, Owen K. Shupe, Merrill G. Shupe, Verle L. Shupe
Postoffice address: 570 East 4th So., Centerville County: Davis State: Utah

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 1.50 cubic feet per second.

3. Source of water supply: Big Casino Creek which is a tributary of Salmon River

4. Location of point of diversion: feet distant from the
corner of Section 32, T. 11 N., R. 14 E., B.M., and is in the Center E $\frac{1}{2}$ NW $\frac{1}{4}$
of section 32, T. 11 N., R. 14 E., B. M., County of Custer

5. Water is to be used for Irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ There is a ditch already dug, which has been there from pioneer days.
Only work involved is to clean out this old ditch. Cost will be nominal.

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 4 feet; height 3 $\frac{1}{2}$ feet.

11. Ditch: Width at bottom 3 $\frac{3}{4}$ feet; width at water line 3 $\frac{5}{8}$ feet; depth of water 3 feet;
dimensions of flume:

Diameter of pipe inches; length of ditch ~~conduct~~ 5000 ft. miles.

Average grade per mile feet.

* Water has undercut the bottom of the ditch so that it is wider there than at the water line.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Merrill G. Shupe Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M., April 20, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32328

Recorded in Book 113 Page 32328 Approved April 23, 1965

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

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

Work to begin on or before June 23, 1965 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 23, 1967

The whole of said work to be completed on or before **April 23, 1970**

Beneficial use of water appropriated in accordance herewith, to be made on or before April 23, 1970

WITNESS My hand this 23rd day of April, 1965

s/ **CARL E. TAPPAN**
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of April, 1919.

day of April, 19 65.
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLLIE Governor.

REMARKS:

14.

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 $\frac{1}{4}$	
11 N.	14 E.	20 29		L.5 36 10	L.5 29 Ac.		29 46 75
Total Number of Acres to be Irrigated							

LICENSE ISSUED FOR 1.5 SEC. FT.
 LICENSE PAG. NO. _____

Identification No. _____

Permit No. 32328/47-2403

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

APR 6 1970

Department of Reclamation

1. a) Name of Permit Holder James L. Shupe, Owen W. Shupe, Merrill G. Shupe, Verle L. Shupe

b) Post Office Address 570 East 4th South Centerville, Utah

2. Permit Number 32328/47-2403

3. Date of Priority that you are prepared to establish April 20, 1965

4. a) Source from which water was appropriated Big Casino Creek

b) Location of the point of diversion: Center E $\frac{1}{2}$ $\frac{1}{4}$ NW $\frac{1}{4}$ $\frac{1}{4}$ Section 32

11 N Township, 14 E Range, Boise Meridian, Other points of diversion: _____

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

amount 3.0 for irrigation of purposes from May 1 to Nov. 3 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount 0.35 cfs for watering of livestock purposes from May 1 to Nov. 3 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount 0.20 for watering of lawn purposes from May 1 to Nov. 3 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 3.55 cfs and/or acre feet per annum

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

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

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

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Controlled outlet ditch from main creek with some metal pipe in the main irrigation ditch

b) Describe the type and size of measuring device which you have installed at your point of diversion: Wooden flume to measure water flow through outlet

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

* Measurements of flow were made by float velocity measurements and cross section determinations. Cross-sectional areas varies from 2 sq. ft. to 4 sq. ft. with velocity measured from 1.5 ft/sec. to 3.0 ft/sec. Flow measurements made by Dr. H. B. Peterson and computations checked by Dr. A.A. Bishop both of Utah State University Dept. of Agricultural and Irrigation Engineering,

Examined typed
6/15/70
C.M.

32328
72-2151

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use To water livestock (cattle and horses)
To Sprinkle and water lawn and grass around cabin and sheds

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

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	
11 N	14	20											30						
11 N	14	29						40	10										

10. Remarks: Annual improvements have been made on the ditch and water system. Contemplated improvements are to convert some surface irrigation to sprinkling for more effective utilization of water and land.

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

4/3/70 (Date) Owen K. Stupe, James L. Stupe (Signature)

State of Utah)
County of Cache) ss.

On this 3rd day of April, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John C. Williams
Notary Public residing at Logan, Utah

My commission expires January 8, 1971

RECEIVED
Department of Reclamation

RECEIVED

JAN 26 1970

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO

ss.

County of Custer

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that James L. Shupe, Owen K. Shupe, Merrill G. Shupe, and Verle I. Shupe, 570 East 4th St., Centerville, Utah, have received an approved permit No. 32328-17-2403 issued by the Idaho State Reclamation Department authorizing the diversion of 150 cubic feet per second of water from Big Casino Creek, tributary of the Salmon River, subject to all prior rights. The priority to be established under this permit is April 20, 1965 and the permit was approved April 28, 1965. Water is to be diverted by ditch from a point within the Center E $\frac{1}{2}$ -NW $\frac{1}{4}$, Sec. 32, T. 11 N., R. 14 E., B. 1., Custer County to be used for irrigation in the Lot 5 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 20; and Lot 5 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 29, T. 11 N., R. 14 E., B. 1. Proof of the application of the water to beneficial use is to be submitted to the department on or before April 23, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Mackay Miner
Mackay Idaho, on January 1 and
January 8, 1970.

I, Ruth Hanawalt, the Publisher of The MACKAY MINER, a weekly newspaper of General Circulation published weekly and entered in the Post Office Mackay, Idaho, continuously since February 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for —

2 consecutive weeks, commencing with the issue dated

Jan 1, 1970 and ending with the issue dated

Jan 8, 1970
Ruth Hanawalt

Subscribed and sworn to before me this 16th day of

March, 1970

Eduard L. Lamm

Notary Public

Residing at Mackay, Idaho

Commission expires 4/2/73

Notary Public

72-2151
82828

November 15, 1971

Re: Permit No. 32328/72-2151

James L., Owen K., Merrill G.,
and Verle L. Shupe
70 East 4th South
Centerville, Utah

Gentlemen:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

72 2151

October 29, 1971

James L., Owen K., Merrill G.,
and Verle L. Shupe
70 East 4th South
Centerville, Utah

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit No. 32328/72-2151 and has found the following:

Quantity of water diverted: 1.8 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.5 cfs

The maximum quantity diverted shall not exceed 225 acre feet per season.

Beneficial Use: Irrigation of 75 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (29 acres),
Sec. 20; W $\frac{1}{2}$ NW $\frac{1}{4}$ (46 acres), Sec. 29; Twp. 11 N, Rge. 14 E, B.M.

The priority date established is : April 20, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

72 2151

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

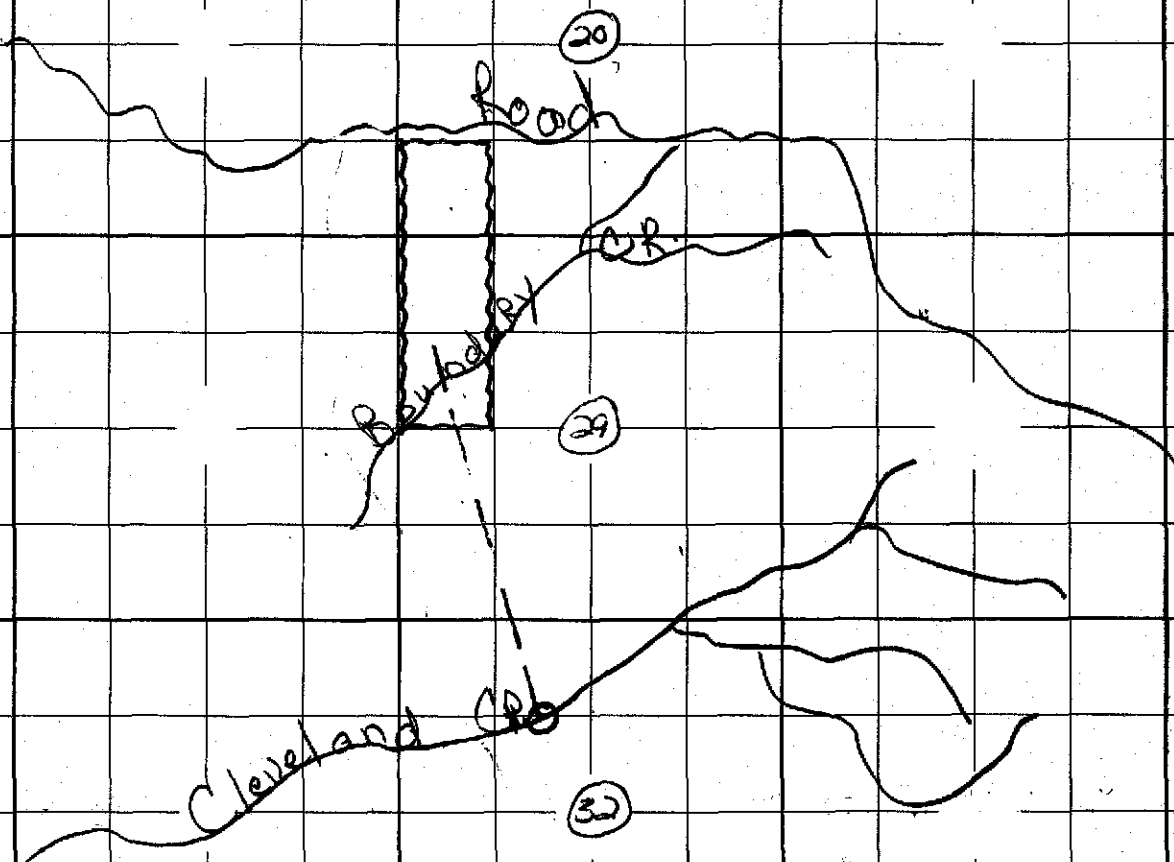
REPORT OF EXAMINER

PERMIT NO. 72-2151

REPORT ON PROOF OF B/U James L., Owen K., Merrill G., & Verle L. Schupe

72 2151

R. 14 E



Q measured 1.8 CFS
Q recommended 1.5 CFS
Volume 225 G.A.F.T./Ann

Acreage -
Found 75
recommended 75
Subdv. 3

Amendments
☒ None
☐ P.D.
☐ Place of use
☐

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

Permit No. 72-2151

This proof is for B/U In Water District No. _____

1. Name of applicant James L., Owen K., Merrill G., & Verle L. Shupe, 570 East 4th S.
Centerville, Utah

2. Source of water supply: Big Casino Creek

3. Location of point of diversion: Is in the E 1/2 NW 1/4 of Section 32

T. 11 N R. 14 E County of Guster

4. Describe works as they exist, giving dimensions and capacities of same: ditch

width at bottom: 3 1/2 width at water line: 3 5/8 depth of water: 3ft.

length of ditch: 5000ft.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: _____

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

T. 11 N, R. 14 E, Sec. 20 SW 1/4 SW 1/4 29 acres

Sec. 29 W 1/2 NW 1/4 46

75 TOTAL

Ditch runs about 5000 feet down Big Casino
Creek to upper boundary line of property
All irrigation is gravity. Water runs continually
over the property during the irrigation
season. There are no headgates at the head

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

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

Remarks: of the ditch. Land is planted in grass
and pasture. Ditch follows hillside to
gain the necessary drop
Measurement was with portable weir 18 cfs

The 75 acres claimed is accurate so I
don't believe a photo is required. - Note: No Photo Avail Oct 11/68
P.P. is in the E 1/2 NW 1/4 as near as I can determine
The drawing is not right but the P.D. is correct

This examination was made on the 11 day of Aug, 19 71

(Signed) James Book Examiner.

INSTRUCTIONS TO EXAMINERS

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

ASCS: Mackay
SCS: Challis
Permit No. 72-2151

Examination for B/U James L., Owen K., Merrill G., & Verle L. Schupe

County Custer

Sec. 32 T11N R. 14E

Quantity:

(permit) 1.50 cfs (proof) 3.55 cfs

Source: Big Casino Creek

P.D.: E $\frac{1}{2}$ NW $\frac{1}{4}$

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: April 20, 1965

Made: April 6, 1970

Due: April 23, 1970

Priority: April 20, 1965

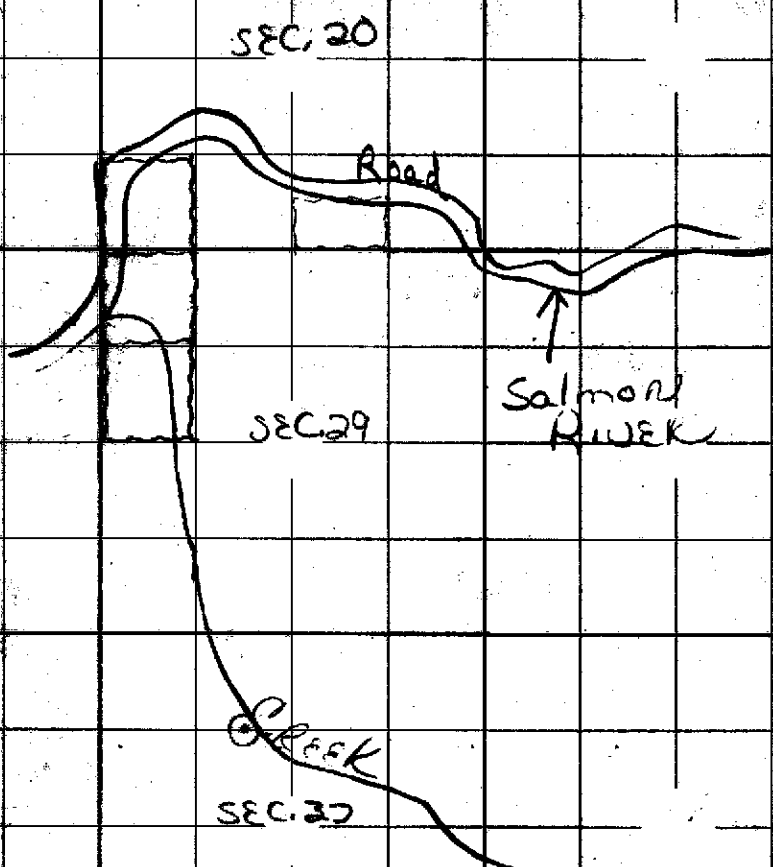
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

72-2151
PERMIT NO. 32328/47-2403

REPORT ON PROOF OF B/U - James L., Owen K., Merrill G., Verle L. Shupe

72 2151



Q measured _____

Q recommended _____

Volume _____

Acreage : _____

Found _____

recommended _____

Subdiv _____

Amendments

☐ None

☐ P.B.

☐ Place of use

☐ _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

72-2151

Permit No. 32328/~~47-2403~~

This proof is for..... b/u..... In Water District No.....

1. Name of applicant James L., Owen K., Merrill G., Verle L. Shupe, 570 E. 4th St., Centerville, Utah

2. Source of water supply: Big Casino Creek, trib. of Salmon River

3. Location of point of diversion: Is in the center E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 32

T. 11 N. R. 14 E. County of Custer

4. Describe works as they exist, giving dimensions and capacities of same: Controlled outlet ditch from main creek with some metal pipe in the main irrigation ditch

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

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

T. 11 N., R. 14 E.,	Sec. 20	(Lot 5) SW $\frac{1}{4}$ SW $\frac{1}{4}$	29 acres
	29	(Lot 5) NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	46

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

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

Remarks:

This drawing is correct
RCS

This examination was made on the..... day of....., 19.....

(Signed) 72-2151

Examiner.

Should be
Basin 7072

ARCS
SCS

Mackay
Challis

72-2151

Permit No. 32328/~~47-2483~~ - James L., Owen K., Merrill G., Verle L. Shupe

Examination for b/u

County Custer

Quantity: (permit) Sec. 32 T. 11N R. 14E 1.50 c.f.s. (proof) 3.55 c.f.s.

INSTRUCTIONS TO EXAMINERS

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

Source: Big Casino Creek, tributary of Salmon River

P.D.: NW $\frac{1}{4}$

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: none

Filed: April 20, 1965

MADE: April 6, 1970

Due: April 23, 1970

PRIORITY: April 20, 1965

72 2151

April 6, 1970

Re: Permit No. 32328/47-2403

C
O
P
Y
James L., Owen K., Merrill G.,
and Verle L. Shupe
70 East 4th South
Centerville, Utah

Gentlemen:

We acknowledge receipt of the beneficial use form submitted in connection with the above referenced permit. Please be advised that your only diversion authorization according to your permit is 1.50 c.f.s. for irrigation use. On item 5 of your beneficial use form, you show proof for 3.55 c.f.s. for irrigation, livestock watering, and lawn watering. However, you will only be licensed for 1.50 c.f.s. at maximum.

If you are using an amount of water larger than 1.50 c.f.s. or for additional beneficial uses, you should file for an additional application.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

32328
72-2151

March 23, 1970

Re: Permit No. 32328/47-2403

James L. Shupe, Owen K. Shupe,
/ Merrill G. Shupe, Verle L. Shupe
570 East 4th South
Centerville, Utah

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until April 23, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG

CC: OWEN K. SHUPE

32328
72-2151

RECEIVED

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO
County of Custer } ss.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that James L. Shupe, Owen K. Shupe, Merrill G. Shupe, and Verle L. Shupe, 370 East 4th So., Centerville, Utah, have received an approved permit No. 32328-17-2103 issued by the Idaho State Reclamation Department authorizing the diversion of 1.50 cubic feet per second of water from Big Casino Creek, tributary of the Salmon River, subject to all prior rights. The priority to be established under this permit is April 20, 1965 and the permit was approved April 28, 1965. Water is to be diverted by ditch from a point within the Center E 1/4 NW 1/4, Sec. 32, T. 11 N., R. 14 E., B. 2., Custer County to be used for irrigation in the Lot 5 (SW 1/4 SW 1/4), Sec. 20; and Lot 5 (NW 1/4 NW 1/4), SW 1/4 NW 1/4, Sec. 29, T. 11 N., R. 14 E., B. 2. Proof of the application of the water to beneficial use is to be submitted to the department on or before April 23, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Mackay Miner
Mackay Idaho, on January 1 and
January 8, 1970.

I, Ruth Hanawalt, the Publisher of The MACKAY MINER, a weekly newspaper of General Circulation published weekly and entered in the Post Office Mackay, Idaho, continuously since February 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for

2 consecutive weeks,
commencing with the issue dated
Jan 1, 1970
and ending with the issue dated

Jan 8, 1970
Ruth Hanawalt

Subscribed and sworn to before
me this _____ day of
_____, 19____

Notary Public

32328-17-2103
72-5-51

March 9, 1970

Re: Permit No. 32328/47-2403

Mr. Owen K. Shupe
131 S. 3rd W.
Logan, Utah

Dear Mr. Shupe:

Please find enclosed the affidavit of publication for permit no. 32328/47-2403. In order for the Department to accept the affidavit, it must first be notarized by someone at the newspaper. We also suggest that if the original copy is not notarized, that you have it done, as it is not a legal affidavit without the notarization.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG
Enc: affidavit

32328
72-2151

131 S. 3rd W.
Logan, Utah 84321
23 February 1970

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

I am enclosing a xerox copy of the affidavit from the Mackay Miner, which is to be submitted in connection with the proof of beneficial use for Permit No. 32328/47-2403.

We are completing the proof of beneficial use and will send that when it is completed.

Very truly yours,

Owen K. Shupe

Owen K. Shupe

doc
Encl.

32328
42,3131

February 11, 1970

Re: Permit No. 32328/47-2403

O. K. Shupe
131 South 3rd West
Logan, Utah 84321

Dear Mr. Shupe:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until April 23, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Mackay Miner, Mackay, Idaho, and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

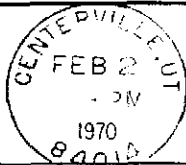
Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32328
72-2151

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



**POSTMARK OF
DELIVERING OFFICE**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21576

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

2-2-70

3

January 30, 1970

Re: Permit No. 32328/47-2403

CERTIFIED MAIL

James L. Shupe, Owen K. Shupe,
Merrill G. Shupe, Verle L. Shupe
570 East 4th South
Centerville, Utah

Gentlemen:

One of the conditions of the approval of your permit
32328/47-2403 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
April 23, 19 70.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received
by this department on or before the above mentioned date, otherwise
the permit will lapse and be of no further force or effect.



State Reclamation Engineer

R. KEITH HIGGINSON

Enclosure: Proof form

jmb

cc. O. K. Shupe
131 South 3rd West
Logan, Utah 84321

Form 5

72-2151
32328

December 24, 1969

Re: Permit No. 32328/47-2403 - James L. Shupe, Owen K. Shupe,
Merrill G. Shupe, and Verl L. Shupe

Mackay Miner
114 South Main Avenue
Mackay, Idaho 83251

Gentlemen:

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

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

The expense of the publication is to be paid by O. K. Shupe.

131 South 3rd West, Logan, Utah 84321,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

32328

47-2403

December 24, 1969

Re: Permit No. 32328/47-2403 - James L. Shupe, Owen K. Shupe,
Merrell G. Shupe & Verle L. Shupe

O. K. Shupe
131 South 3rd West
Logan, Utah 84321

Dear Mr. Shupe:

The legal notice for the above referenced permit is being
published in the Mackay Miner, Mackay, Idaho,
on January 1 and January 8, 1970.

You will be required to submit an affidavit of publication
to this department. The affidavit may be obtained from the above
mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

NOTE: We are returning the Modification Order and cover letter to
you to place with your personal records of the permit.

32328

47-2403

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that James I. Shupe, Owen K. Shupe, Merrill C. Shupe, and Verle L. Shupe, 570 East 4th St., Centerville, Utah have received an approved permit No. 32328/47-2403 issued by the Idaho State Reclamation Department authorizing the diversion ~~/diversion~~ of 1.50 cubic feet per second ~~/acre/foot/feet/annum~~ of water from Big Casino Creek, tributary of the Salmon River subject to all prior rights. The priority to be established under this permit is April 20, 1965 and the permit was approved April 23, 1965.

Water is to be diverted by ditch from a point within the Center E1/4, Sec. 32, T. 11 N, R. 14 E, B. M., Custer County to be used for irrigation in the SW1/4 SW1/4, Sec. 20; and Lot 5 (SW1/4 SW1/4), SW1/4 SW1/4, Sec. 29, T. 11 N, R. 14 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before April 23, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Mackay Miner, Mackay, Idaho, on January 1 and January 8, 1970.

State Reclamation Engineer: Permit No. 32328/47-2403

You are hereby authorized to have the attached notice published at my expense in the Mackay Miner of Mackay, Idaho; published in the county in which the works are situated.

James I. Shupe
(Signature)
Owen K. Shupe
Merrill C. Shupe
Verle L. Shupe

(Address)
Dec. 10, 1969
(Date)

32328
47-2403

December 1, 1969

Re: Permit No. 32328 (New No. 47-2403)

James L. Shupe, Owen K. Shupe,
Merrill G. Shupe, Verle L. Shupe
570 East 4th North
Centerville, Utah

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit. ~~and are now submitting proof of beneficial use.~~ Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

32328

47-2403

May 4, 1965

Re: Permit No. 32328
SHUPE, James L., Owen K.,
Merrill G., Verle L.

Mr. Homer M. Jensen,
Jensen, Jensen & Bradford,
Attorneys at Law,
Walker Bank Building,
Salt Lake City, Utah 84111

Dear Mr. Jensen:

We enclose Permit No. 32328 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 32739 which was issued covering payment in the amount of \$ 5.25 for the filing fee of the above mentioned permit, together with a .25¢ refund.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

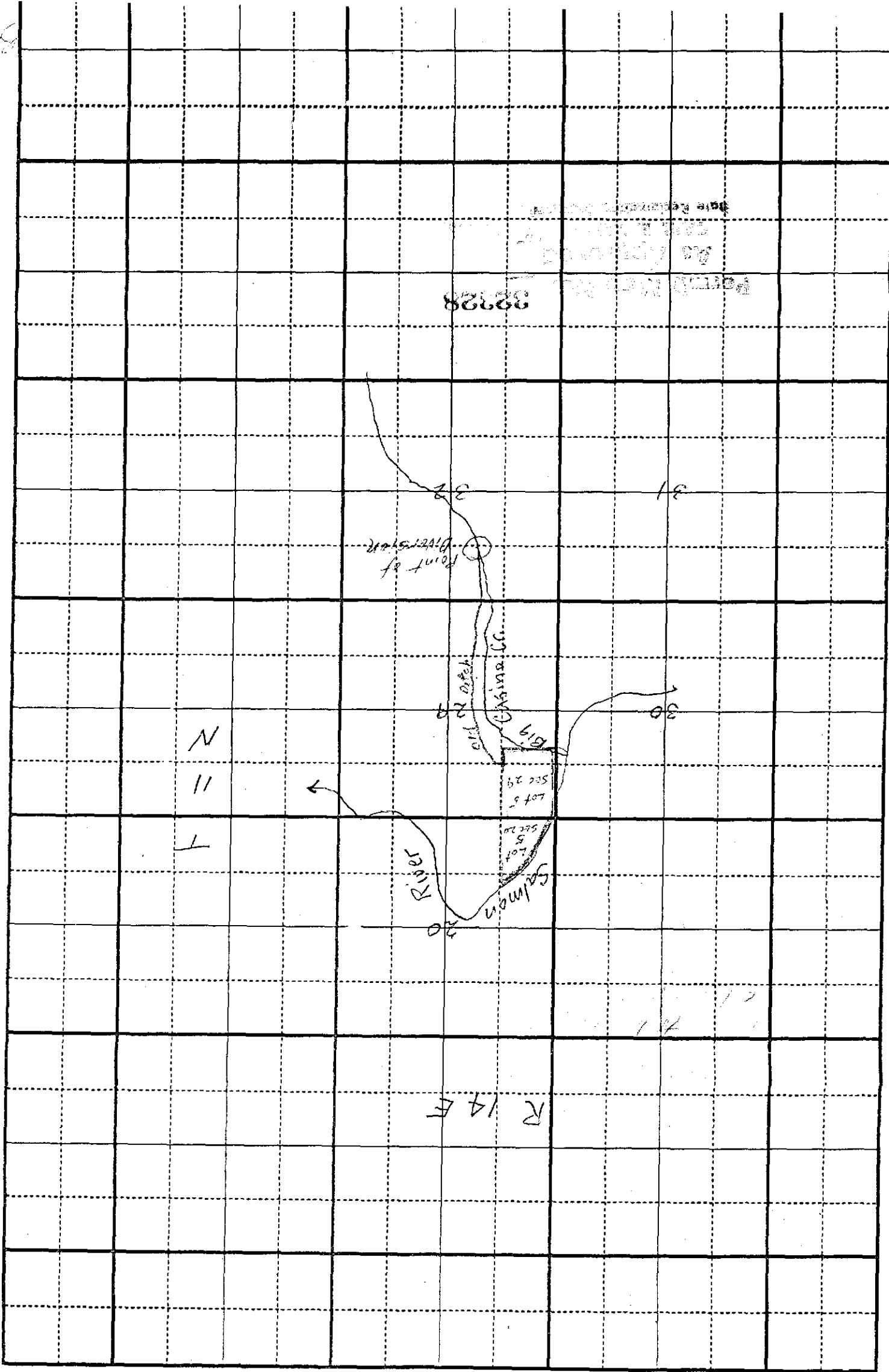
Encl.
EPR:pmk

cc: James L., Owen K., Merrill G. & Verle L. Shupe
570 East 4th S.,
Centerville, Utah

(Receipt No. 32739 was made out in the name of "Animal Aircrest Center, Centerville, Utah.")

32328

NAME OF APPLICANT *James A. Owens, Merrill E. & Verle E. Shupe*



PERRIS S. JENSEN
HOMER M. JENSEN
R. WILLIAM BRADFORD, JR.
WINSTON M. FAUX
ROBERT F. ORTON

JENSEN, JENSEN & BRADFORD

ATTORNEYS AND COUNSELLORS AT LAW
WALKER BANK BUILDING
SALT LAKE CITY, UTAH 84111

ADMITTED TO PRACTICE IN:
UNITED STATES SUPREME COURT,
UTAH, CALIFORNIA AND
DISTRICT OF COLUMBIA

April 19, 1965

RECEIVED
APR 20 1965

Department of Reclamation

Idaho State Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Attention: Ralph W. Thomas, Deputy
State Reclamation Engineer

Gentlemen:

We resubmit herewith the application of James L. Shupe, Owen K. Shupe, Merrill G. Shupe and Verle L. Shupe to appropriate 1.50 cubic feet per second of water from the Big Casion Creek in Custer County. We have amended this application to meet the requirements set forth in your letter of March 9th, 1965. The amount of water applied for has been reduced to one cubic feet per second for each fifty acres to be irrigated. Information has been added showing that the estimated cost of works is merely cleaning out an old ditch which has been there from pioneer days and two maps are enclosed showing the location of Lot 5 Section 20 and Lot 5 Section 29, Township 11 North, Range 14 East. This map also shows the approximate location of the point of diversion which we have also inserted in the application and the approximate location of the old ditch leading from the point of diversion to the property to be irrigated.

Check is enclosed for \$5.50 which, according to the computation on page 4 of the application, is 25 cents too much, but it is easier to ask you to take the other 25 cents and put it in the "kitty" rather than get a new check from our clients.

We trust that the application will now fully comply with all requirements. If, however, there are any further questions, we will be pleased to hear from you further.

Yours very truly,

JENSEN, JENSEN & BRADFORD

PERRIS S. JENSEN

March 9, 1965

Re: Application for Permit
James L., Owen K., Merrill G.
Verl L. Shupe

Jensen, Jensen & Bradford
Attorneys at Law
Salt Lake City, Utah 84111

Attn: Homer M. Jensen

Dear Mr. Jensen:

Returned herewith is the application for permit with one map showing Salmon River and Big Casino Creek.

Evidently you were not given our letter dated August 5, 1964 when the application was first returned.

Quantity of water is limited to one cubic foot per second for each 50 acres irrigated or proof submitted that more is necessary.

Location of point of diversion must be shown by subdivision, section, township, range and county

Estimated cost of works? The size of the ditch shown must be in error somewhere.

We do not have location of lots so applicant must show acres under 14.

Two maps are required showing point of diversion, ditch and lands to be irrigated.

Filing fee is shown on page 4 of the application.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application

32328

PERRIS S. JENSEN
HOMER M. JENSEN
R. WILLIAM BRADFORD, JR.

WINSTON M. FAUX
ROBERT F. ORTON

JENSEN, JENSEN & BRADFORD

ATTORNEYS AND COUNSELLORS AT LAW
WALKER BANK BUILDING
SALT LAKE CITY, UTAH 84111

ADMITTED TO PRACTICE IN:
UNITED STATES SUPREME COURT,
UTAH, CALIFORNIA AND
DISTRICT OF COLUMBIA

March 8, 1965

RECEIVED
MAR 9 1965

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho - 83701

Gentlemen:

On August 5, 1964, you mailed to James L., Owen K., Merrill G., and Merle L. Shupe in care of Mrs. Donna B. Shupe, holder's agent, a letter and returned their application for water permit.

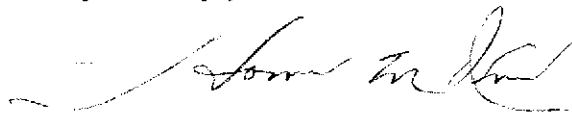
In your letter you had certain questions which they have since attempted to correct. They have requested that I forward this form on to you, and I am not exactly certain as to the answer to Item 14. The legal description on the property is as follows:

LOT 5, Section 20 and Lot 5 and the North 1/2 of
the North 1/2 of the Southwest 1/4 of the North-
west 1/4 of Section 29, Township 11 North, Range
14 East, Boise Meridian.

After receiving this application, if it is still incomplete, I would appreciate your informing me what additional items are necessary, and I will attempt to take care of these.

Very truly yours,

JENSEN, JENSEN & BRADFORD


Homer M. Jensen

HMJ:vjc
Enclosure

32328

August 5, 1964

RE: Application for water permit

James L., Owen K., Merrill G., & Verle L. Shupe
Mrs. Donna B. Shupe, Holder's Agent
1031 Beck Street
Salt Lake City, Utah

Dear Mrs. Shupe:

Returned herewith subject application for corrections and additions.

- Item 2: Statutorial maximum quantity of water is one miner's inch per acre. Since you have not stated the number of acres to be irrigated under item 14, it is impossible to check the amount of water to be filed on.
- Item 7: Estimated cost of works should be stated. Perhaps you could estimate what it would cost to install pump, motor, pipeline, ditches, levelling ground, etc.
- Item 12: Statutes show that maximum time allowed for completing the works is 5 years and for proving beneficial use is 6 years. However, you may prove up any time you are ready within the above period.
- Item 14: Show the number of acres to be irrigated and show total. The figure shown is not clear. 75-40 for total cannot match the 1.8 c.f.s. shown under item 2.
- Item 16: Should be answered "Yes" or "No."

The application must be signed.

Sketch maps, Form "O", showing location of land and point of diversion, source of water and location of ditches, pipelines, etc. must be entered on map in ink, on two copies. Two extra copies of Form "O" are enclosed for this purpose.

32324

Mrs. Donna Shupe

Page 2

Please make corrections, attach check in the correct amount determined as in the first paragraph under Item 2, and forward promptly to this office to avoid further delay.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
State Water Rights Clerk

HP:ct

Enc. Application

32328