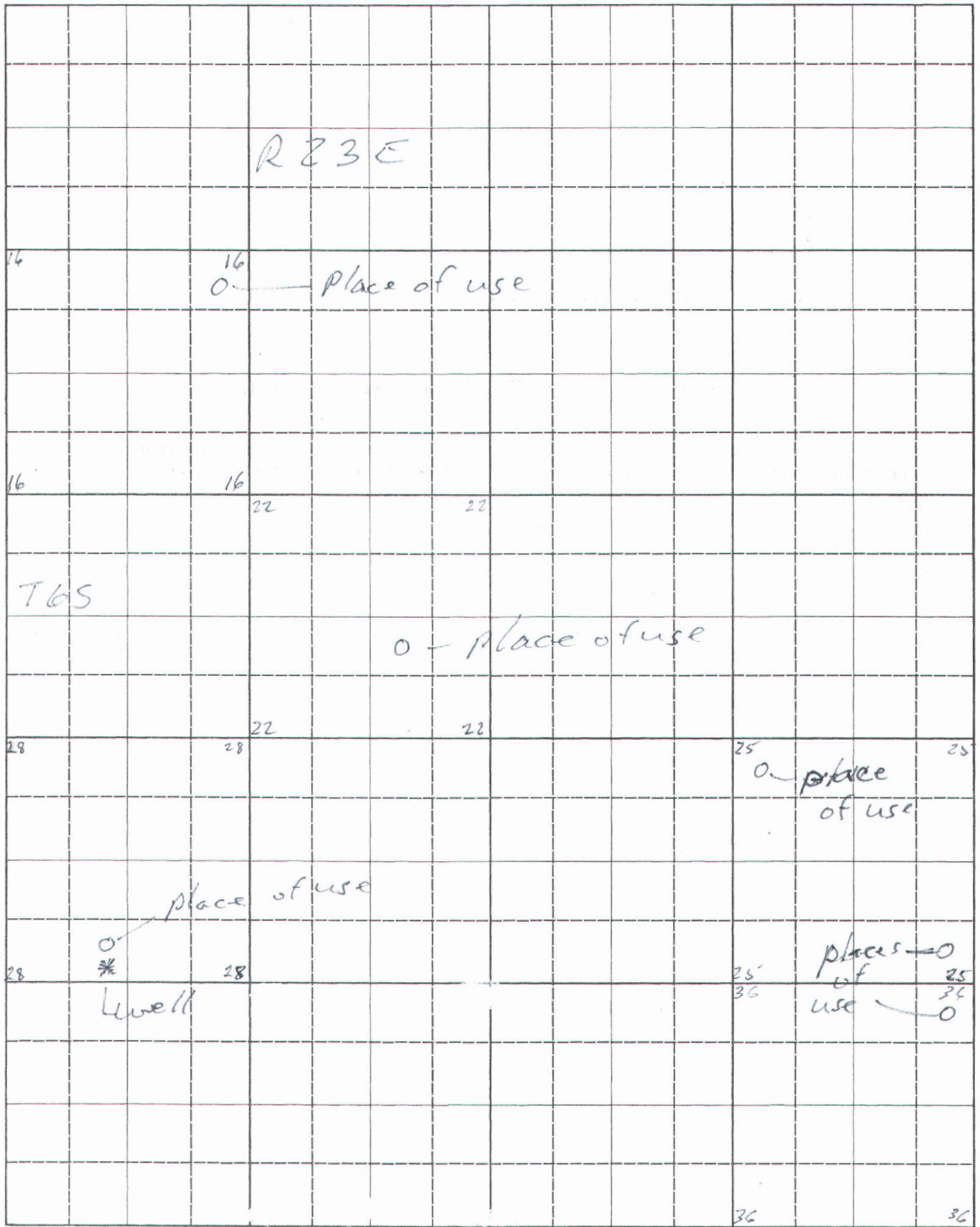


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

John Peavey
(Applicant)
President

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
County of Gooding)

FRANK T. CROW, Jr.

being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of April 19 85, and the date of the last publication was on the 9 day of April, 19 85.

[Signature]

Subscribed and sworn to before me this 9th day of April, 19 85.
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>40</u>
Number of Insertions	<u>2</u>
Lines tabular at 48¢	
<u>40</u> Lines straight at 38¢	<u>15.20</u>
<u>40</u> Subsequent lines at .28.5¢	<u>11.40</u>
Total Cost	<u>26.60</u>

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

NOTICE is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8148

FLAT TOP SHEEP CO.
P.O. BOX 88, CAREY, ID 83320

Source: GROUNDWATER

Date Filed: 06/20/1983

Diversion Pt: SESW Sec 28 T 06S R 23E

Use: STOCKWATER (0.08 CFS)

DOMESTIC (0.08 CFS)

In: NENE Sec 36 T 06S R 23E

NENE Sec 16 T 06S R 23E

NWSE Sec 22 T 06S R 23E

SESW Sec 28 T 06S R 23E

NWNW SESE Sec 25 T 06S R 23E

23E

Depa 1041 Twir 3301

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before APRIL 19, 1985.

A. KENNETH DUNN
Director

PUB: 4-2, 9 #3627 ✓

RECEIVED

APR 12 1985

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)
7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

No. 3627

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. ~~37-8148~~ IN THE)
NAME OF FLAT TOP SHEEP CO 36-8641) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 27, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-8148 be REINSTATED and the priority advanced to August 25, 1983.

Dated this 28th day of November, 1990.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 17 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 378148

RECEIVED

JUL 11 1983

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Flat Top Sheep Company Phone 788-2850

Post office address P. O. Box 88, Carey, ID 83320

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 6S

Range 23E B.M. Lincoln County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.08 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, submersible pump, pipelines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 600 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 6S

Range 23E B.M. SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 6S

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 5000 cattle & 5000 sheep

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2 homes.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

[illegible]

Well drilled in 1970 and has been used continuously for these purposes

since. A separate claim has been filed for the original domestic-stockwater

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

Applicant

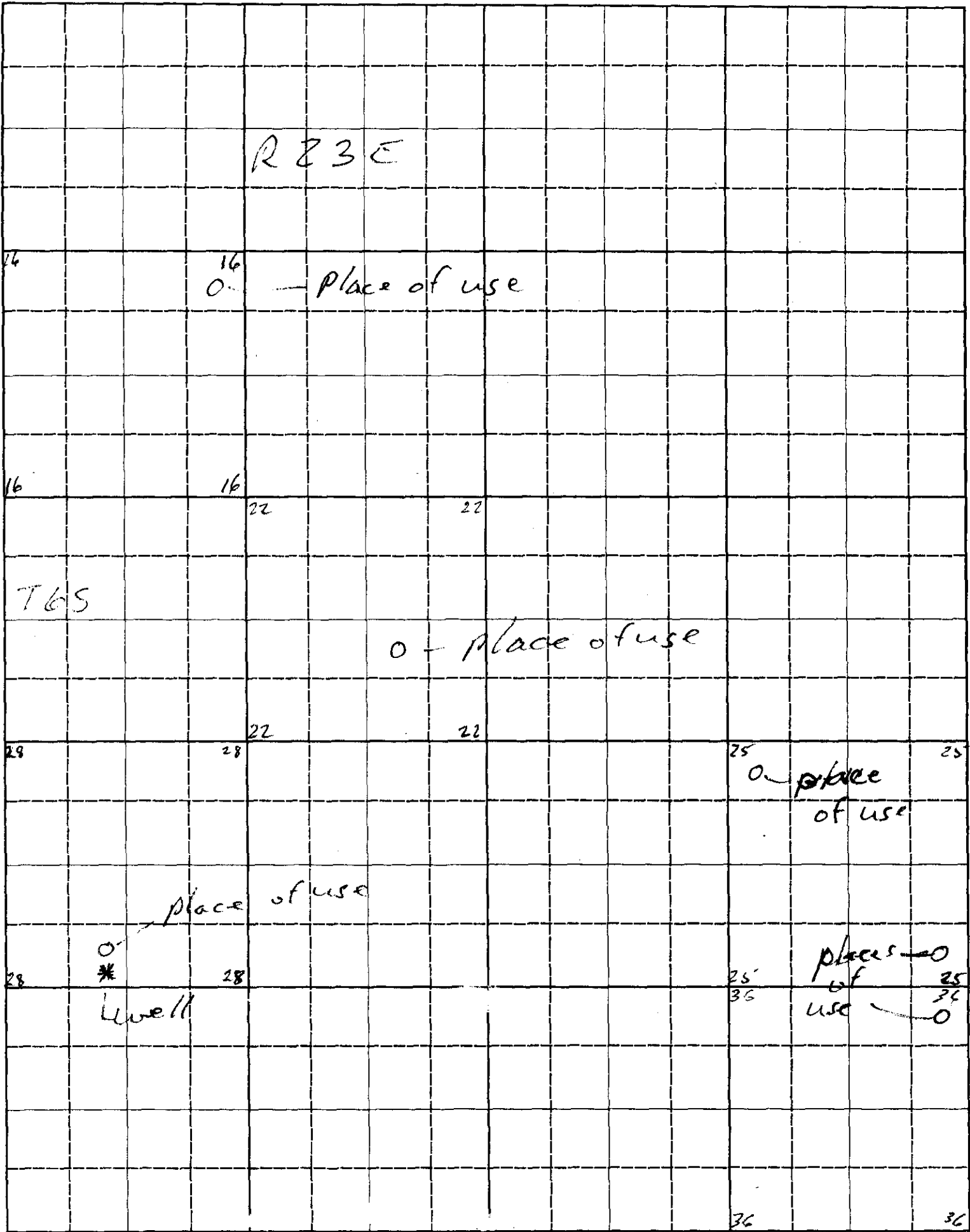
Applicant

None

[illegible]

MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

John Peavey
President (Applicant)

MICROFILMED

Proposed Priority 6/30/83 merga

7-11-83

MICROFILMED

Received by SRL Date 6/30/83 Time 10:16

Preliminary check by TG Blau Fee \$ \$30⁰⁰

Receipted by SRL Date 6/30/83 No. 30052

Publication prepared by merga Date 2/22/85

Published in Gooding Co. Leader

Publication dates 3/5 + 3/12/85 3/19/85 + 3/26/85 4/2 + 4/9/85

Publication approved merga Date 4/12/85

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8148, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 12th day of June, 1985.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
 County of Gooding)

FRANK T. CROW, Jr.

being first duly sworn,
 deposes and says that he is the printer (publisher) of the Gooding
 County Leader, a newspaper published every week in Gooding, County
 of Gooding, State of Idaho, that said newspaper has been continuous-
 ly and uninterruptedly published for a period of seventy-eight consecu-
 tive weeks prior to the first publication of the annexed notice, and is
 a newspaper qualified to publish legal notices as provided by act of
 the 1919 session of the legislature of the State of Idaho, known as
 House Bill 145; that the annexed advertisement was published once
 each week for 2 consecutive issues in said newspaper
 proper and not in a supplement; that the date of the first publication
 of said advertisement was on the 2 day of April
 19 85, and the date of the last publication was on the 9
 day of April, 19 85.

[Signature]

Subscribed and sworn to before me this 9th
 day of April, 19 85
 (SEAL)

[Signature]
 NOTARY PUBLIC

GOODING COUNTY LEADER
 Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>40</u>	
Number of Insertions	<u>2</u>	
Lines tabular at 48¢		
<u>40</u> Lines straight at 38¢		<u>15.20</u>
<u>40</u> Subsequent lines at .28.5¢		<u>11.40</u>
Total Cost		<u>26.60</u>

COPY OF NOTICE

NOTICE

FOR

Department of Water Resources

1041
 Twin Falls 301

#37-

RECEIVED

APR 12 1985

Department of Water Resources
 Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)
 7 pt. per line, straight 38¢
 7 pt. per line, tabular 48¢
 7 pt. per line, successive
 insertions 28.5¢

No. 3627

MICROFILMED

AFFIDAVIT of PUBLICATION

COPY OF NOTICE (Paste Here)

State of Idaho,)
) SS.
County of Gooding)

Frank T. Crow, Jr., being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 5 day of March

1985, and the date of the last publication was on the 12 day of March, 1985

Subscribed and sworn to before me this 12 day of March, 1985
(SEAL)

[Signature]

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER
37-8149

GRiffin, F.M.
NORTHROP T.A.T., DET.
28 AFMC, APO, SAN
FRANCISCO, CA 96259

Number of Lines in Notice	206
Number of Insertions	2
Lines	78.28
Lines	58.71
Subs	136.99

Source: SPRING trib. to
SNAKE RIVER
Date Filed: 07/19/1983
Diversi on Pt. NESW Sec 27
T 06S R 13E
Use: IRRIGATION (0.04
CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NESW SESW Sec 27 T
06S R 13E FOR 2 ACRES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MARCH 22, 1985.

A. KENNETH DUNN
Director
PUB: 3-5 & 12 #3627

NOT. OF APPLICATION FOR TITLE OF NOTICE

WATER RIGHT 37-8075, 37-
36-8211 37-8139, 37-8148, 37-
36-8171

OTTO, IVAN &/or EVA
DEE
RT. 2, JEROME, ID 83338
Source: GROUNDWATER
Date Filed: 06/23/1983
Diversi on Pt: NESE Sec 07
T 09S R 16E
Use: COMMERCIAL (0.04
CFS)
In: NESE Sec 07 T 09S R
16E

36-8216
ANDERSON, GEORGE
&/or MARILYN
RT. 1 BOX 293,
WENDELL, ID 83355
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversi on Pt: SENW Sec 36
T 08S R 14E
Use: IRRIGATION (0.02
CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SENW Sec 36 T 08S R
14E FOR 1 ACRES

37-8126
STATE OF IDAHO
DEPT. OF LANDS,
STATEHOUSE, BOISE,
ID 83720
Source: WHITE SPRING
trib. to RATTLESNAKE
CREEK
Date Filed: 06/15/1983
Diversi on Pt: NWSE Sec 36
T 03S R 15E
Use: STOCKWATER (0.02
CFS)
WILDLIFE (0.02 CFS)
In: NWSE Sec 36 T 03S R
15E

37-8139
RINGLING, JIM
RT. 2 BOX 330,
WENDELL, ID 83355
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversi on Pt: NENW Sec
17 T 08S R 15E
Use: STOCKWATER (0.29
CFS)
COMMERCIAL (0.29
CFS)
DOMESTIC (0.06 CFS)
In: NENW Sec 17 T 08S R
15E

37-8148
FLAT TOP SHEEP CO.
P.O. BOX 88, CAREY, ID
83320
Source: GROUNDWATER
Date Filed: 06/20/1983
Diversi on Pt: SESW Sec 28
T 06S R 23E
In: NENE Sec 36 T 06S R
23E NENE Sec 16 T 06S R
23E NWSE Sec 22 T 06S R
23E SESW Sec 28 T 06S R
23E NWNW SESE Sec 25
T 06S R 23E

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following applica-
tion(s) have been submitted
for permit to appropriate
the public waters of the
State of Idaho:

37-8075
SIMS, JOHN R.
628 BUCHANAN, TWIN
FALLS, ID 83301
Source: SPRINGS trib. to
SINKS
Date Filed: 03/25/1983
Diversi on Pt: NWSW Sec
27 T 02N R 14E SESE Sec
28 T 02N R 14E
Use: STOCKWATER (0.02
CFS)
DOMESTIC (0.02 CFS)
In: NESE SESE Sec 28 T
02N R 14E

36-8169
SLADE, WILLIAM J.
RT. 2 BOX 255,
WENDELL, ID 83355
Source: GROUNDWATER
Date Filed: 04/06/1983
Diversi on Pt: SESE Sec 35
T 08S R 15E
Use: STOCKWATER (0.39
CFS)
COMMERCIAL (0.03
CFS)
In: SESE Sec 35 T 08S R
15E

36-8171
TWAMLEY, HAROLD
TWAMLEY, JOANNA
RT. 1 BOX 137,
WENDELL, ID 83355
Source: GROUNDWATER
Date Filed: 04/15/1983
Diversi on Pt: SWNW Sec
29 T 07S R 15E
Use: STOCKWATER (0.09
CFS)
COMMERCIAL (0.56
CFS)
DOMESTIC (0.04 CFS)
In: SWNW Sec 29 T 07S
15E

36-8199
HILARIDES, BERT F
&/or ARLIN C.
RT. 1 BOX 17,
WENDELL, ID 83355
Source: GROUNDWATER
Date Filed: 05/27/1983
Diversi on Pt: SENW Sec
2 T 07S R 13E
Use: STOCKWATER (0.
CFS)
COMMERCIAL (0.
CFS)
In: SENW Sec 23 T 07S
14E

*see
Stockwater
domestic*

MICROFILMED

December 14, 1990

FLAT TOP SHEEP CO.
P.O. BOX 88
CAREY, ID 83320

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08148

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JAN 17 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-8148

Date: 11-19-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely _____
_____ Reinstated

Source of Water:

- ☒ Surface water
☒ Groundwater
_____ 1. well log in file 1970
NA 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received July 27, 1990 208

Date proof due June 1, 1990 - 152

No. of days late - 56

Priority date June 30, 1983 + 181

NEW PRIORITY DATE

Aug 25, 1983 - 237

LB
SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

For Office Use Only
Amt. of Fee \$ 50.00
Date 7/27/90
Receipt No. 2077821
Received by C. Wong

RECEIVED

STATE OF IDAHO

JUL 27 1990

DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources

PROOF OF BENEFICIAL USE

NOV 6 1990

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08148 Telephone No. 788-2850 or 726-7568

Name(s) of Permit Holder(s): FLATTOP Sheep Co.

Post Office Address: P.O. Box 88 Carey Idaho 83320

Source of Water: Ground water

If ground water, well driller's name: Bill Strasser? Date drilled: 1970

Extent of Use:
Domestic 2 (No. of households) Irrigation _____ (No. of acres)
Stockwater 5000 cattle (No. and type of stock) Other _____
and 5000 sheep

Total rate and/or volume for which proof is submitted 0.08 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1970

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

John Peavey 788-2850 or 726-7568
Name Telephone No.
P.O. Box 88 Carey Idaho 83320
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

JAN 07 1991

Nov 1, 1990 John Peavey
Date Signature (and title if on behalf of a company or organization)

FLAT TOP SHEEP CO.

JOHN T. PEAVEY, PRES.

P.O. Box 58

Carey, Idaho 83320



Rita Fleck
Dept of Water Admin.
State House
Boise, Idaho

October 25, 1990

John Peavey
Flat Top Sheep Co.
P. O. Box 88
Carey, ID 83320

Dear Mr. Peavey:

Re: Permit No. 37-8148

Returned is the proof of beneficial use form submitted on July 27, 1990. Please sign and return it.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

JAN 07 1991

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 13, 1990

FLAT TOP SHEEP CO.
P.O. BOX 88
CAREY, ID 83320

LAPSE NOTICE

RE: PERMIT NO. 37-08148

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

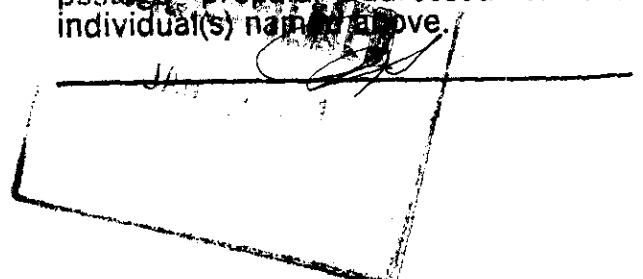
L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 6-15-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid, addressed to the
individual(s) named above.



138472

March 31, 1990

FLAT TOP SHEEP CO.
P.O. BOX 88
CAREY, ID 83320

PROOF DUE NOTICE

RE: PERMIT NO. 37-08148

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 17 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

JAN 07 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

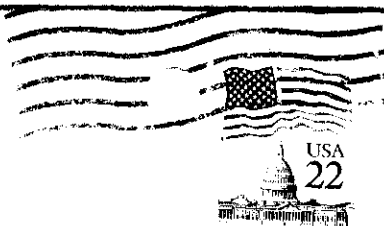
Permit No. 37-8148
Name(s) of Permit Holder(s): FLAT TOP SHEEP Co
Post Office Address: P.O. B. 88, Carey, Idaho
83320 Tel. No. 208-788-2850

- ☒ I hereby certify that construction of diversion works on the above referenced permit began on Nov 1969 (date) I understand that I must continue to develop the water system with diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

July 11, 1985 John P. Rowley
Date Signature of Permit Holder

J. P. Aves
P.O. Box
Carey



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JAN 6 7 1991

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
JUL 15 1991 STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

FLAT TOP SHEEP CO.
P.O. BOX 88
CAREY, ID 83320

JUNE 19, 1985

RE: PERMIT NO. 37-8148

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT NUMEROUS PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE, TO BE USED ON DESERT LAND ENTRY AND/OR CAREY ACT LANDS. DEVELOPMENT OF THESE WATER RIGHTS IS CURRENTLY PREVENTED BY THE U.S. BUREAU OF LAND MANAGEMENT. HOWEVER, IF THE LANDS ARE RELEASED FOR DEVELOPMENT, THE ASSOCIATED WATER RIGHTS WILL RECEIVE WATER PRIOR TO YOUR WATER RIGHT ENCLOSED. THEREFORE BE SURE TO ANALYZE THE FUTURE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN A WATER SUPPLY SYSTEM.

YOU SHOULD BE AWARE THAT THE GROUND WATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUND WATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL FOR INTERFERENCE.

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RE: PERMIT 37-8148

PAGE 01
JUNE 19, 1985

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

FLAT TOP SHHEP CO.

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 37-8148

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. AA-79
☐ Yes ☒ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising. 3/22/85 4/5/85 4/19/85

Final date for protests: _____

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4/12/85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01
6/30/83 Date of priority recommended.
Special conditions of approval or cover letter. 26

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~~app. still protested in S.F. suit~~
app. released in 3rd S.F. dismissal

By: ADN Date: 5/13/85

STATE OFFICE REVIEW:

L11, L05, L17

26

RECEIVED
MAY 20 1985

☐ See attached sheet for more information.

By: EW Date: 6/11/85

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

IDENT. NO. 37-8148

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

FEBRUARY 22, 1985

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 22, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

32-8148-

FLAT TOP SHEEP CO.

P.O. BOX 88, CAREY, ID 83320

Source: GROUNDWATER

Date Filed: 06/20/1983

Diversion Pt: SESW Sec 28 T 06S R 23E

Use: STOCKWATER (0.08 CFS)
DOMESTIC (0.08 CFS)

In: NENE Sec 36 T 06S R 23E NENE Sec 16 T 06S R 23E NWSE Sec 22 T 06S R 23E
SESW Sec 28 T 06S R 23E NWNW SESE Sec 25 T 06S R 23E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before ~~MARCH 22, 1985.~~

~~April 5, 1985~~
April 19, 1985

A. KENNETH DUNN
Director

Published ~~3/5 & 3/12/85.~~

~~3/19 & 3/26/85~~
4/2 & 4/9/85

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FLAT TOP SHEEP COMPANY

92-100
1241

BOX 88 CAREY, IDAHO 83320

McLester, Idaho, June 21, 1983 No 1404

PAY TO THE
ORDER OF

Dept of Water Resources \$150⁰⁰

FOR being for an extra night - DOLLARS

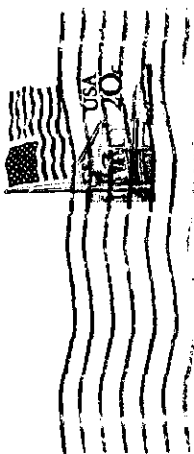
To Jerome Office
First Security Bank of Idaho, N.A.

JEROME, IDAHO

FLAT TOP SHEEP COMPANY
BY John T. Peavey

⑆124101005⑆012 00033 1404

Norman Young
Dept of Water Resources
State House
Boise, Idaho



JOHN T. PEAVEY PRES.
FLAT TOP SHEEP CO.
P. O. Box 88
Carey, Idaho 83320

No form 6-27-83
arrived
Do you want me
to send check to
Southern?
check is in cash book
xy

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 21, 1983

John Peavey, Senator
Flat Top Sheep Company
P. O. Box 88
Carey, ID 83320

RE: Water Rights

Dear Senator:

This office continued the research of water rights for Flat Top Sheep Company lands in the Muldoon Creek area after your visit here last week. Several additional decreed rights and licensed rights were found as being appurtenant in our records to the lands. I have enclosed copies of the license and copies of the pages from the decrees listing the rights that appear to belong to Flat Top Sheep Company. Also, enclosed are copies of the finding of fact for the decrees listing the lands owned by the decree recipient at the time of the decree. Also enclosed are rough plats with work notes showing by recording number the rights appurtenant to each 40-acre subdivision shown on the plat. This information should be useful to you as you compare the recorded rights with the lands you are now irrigating to determine if claims need to be filed on lands irrigated but not covered by recorded rights.

The four claims and one application we prepared during your visit have been given the preliminary office review and appear to be in order. The filing fee needed is: 4 claims at \$30 each = \$120.00, 1 application for permit at \$30.00 with a total fee of \$150.00.

The filing fee must be received before the applications and claims can be considered to have been officially filed with the department. I will continue to hold the documents in this office awaiting receipt of the fee.

Sincerely,

NORMAN C. YOUNG
Administrator
Resources Administration Division

NCY:alw
Encls.

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