

No Color
Documents
In File

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 36-7138 Priority Sept. 24, 1970 Amount 0.0297 cfs

THIS IS TO CERTIFY, that Flat Top Sheep Company
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 36-7138 issued pursuant to Application for Permit dated September 24, 1970,
and has submitted proof to the Department of Water Administration on October 31, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.0297 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.0297</u> cfs and <u>94</u> acre feet		
_____ from _____ to _____	at _____ cfs and _____		
_____ from _____ to _____	at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.0297 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
94 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19,
Twp. 5 S, Rge. 24 E, B. M. in the County of Minidoka

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 $\frac{1}{4}$	
5 S	24 E	19										X							

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
November, 19 73.

36 7138

[Signature]
Director

Identification No.

Application No.

36-7138

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPROVED

LICENSE ISSUED FOR 0.0297 cfs
LICENSE PAGE NO. 1

1. Name of applicant Flat Top Sheep Company
post office address 904 10th Street, Rupert, Idaho 83350
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19 Township 5 South
Range 24 E. B.M. Minidoka County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into storage tank at a point in SW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 19 Township 5 S. Range 24 E. B.M.
4. Quantity to be appropriated:
a. .0297 cubic feet per second and/or 800 GPH
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Livestock watering purpose from January 1 to Dec 31 ^{Dec 31} ^{Dec 31} (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well - pump out

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

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 ± years. OK
b. Estimated construction cost is \$ 4,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19 Township 5 S.
Range 24 E. B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 10,000 head of sheep
2,000 head of cattle
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

36 7138

36 7438

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes. _____

9. a. Who owns the property at the point of diversion Bureau of Land Management, United States

b. Who owns the land to be irrigated or place of use Bureau of Land Management, United States

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. cooperative agreement with applicant and Bureau of Land Management

10. Remarks _____

[illegible]

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.

Flat Top Shays Co.
(Applicant) John T. Decker
President

36 7438

36 7138

Received by _____ Date 9-24-70 Time 2:30 pm
Preliminary check by De Fee \$ 10.00
Receipted by 21 Date 9-25-70
Publication prepared by dr Date 10-1-70
Published in Minidoka County News
Publication dates 10-8 & 10-15, 1970
Publication approved dr Date 10-5-70
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Dr. Dune JDFA

ACTION OF STATE RECLAMATION ENGINEER

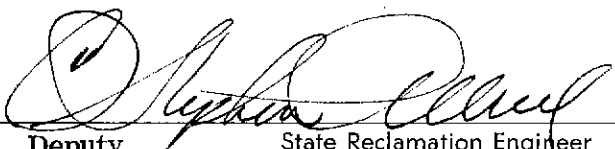
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7138, and said application is hereby APPROVED.

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 December 1, 19 72.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 12th day of November 19 70.


Deputy State Reclamation Engineer

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)

) ss.

STATE OF IDAHO,)

Ruth DeThomas

, being first

duly sworn, deposes and says that he is the

Editor

of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

2 consecutive weeks, commencing with the issue dated Oct 6, 1970, and ending with the issue dated Oct 13, 1970.

Ruth DeThomas
Subscribed and sworn to before me this

14th day of Oct, 1970

Jim Hunter Notary Public

Cost of Publication

Notary Fee

Total Cost

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Flat Top Sheep Company, 904 Tenth St., Rupert, Idaho, has on September 24, 1970, submitted Application No. 36-7138 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 0.0297 cubic feet per second of water to be diverted by well and pump within the SW1/4SW1/4 Sec. 19, T. 5S, R. 24E, B.M., Minidoka County and is to be used within the SW1/4SW1/4 Sec. 19, T. 5S, R. 24E, B.M., for livestock watering from Jan. 1 to Dec. 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration/on or before October 26, 1970.

Statehouse, Boise, Idaho, R. KEITH HIGGINSON, Director

Published in the Minidoka County News, Rupert, Idaho, on October 6 and October 13, 1970.

No. 984 - Oct. 6, 13, 1970

36 7138

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 30, 1973

Re: Permit No. 36-7138

Flat Top Sheep Company
904 10th Street
Rupert, Idaho 83350

Gentlemen:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

36 7138

FIELD REPORT

- TOTAL ACREAGE**

T.
5
S.

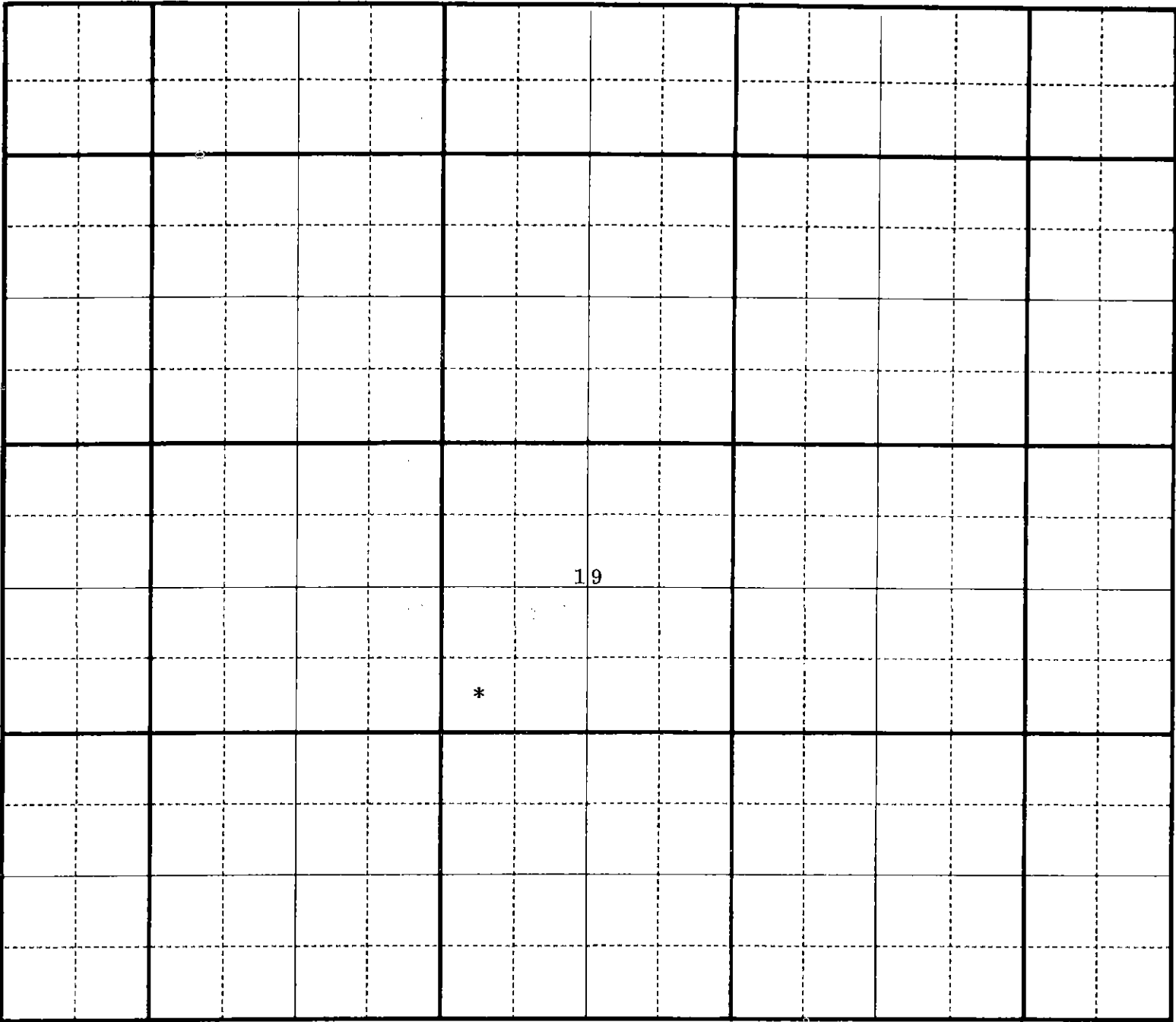


Diagram of System

DATE OF EXAM 11-15-73

ACREAGE

Found ✓

Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q = ✓ c.f.s. V = ✓ AF/Ann. from _____ to _____

Domestic Q = ✓ c.f.s. V = ✓ AF/Ann. from _____ to _____

Livestock Q = .0297 c.f.s. V = 21.464 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes _____ no ✓

Name source: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Point of injection:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Point of exchange:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Total Q measured ✓ Method of measurement ✓

Total Q recommended .0297 cfs Meter No. ✓ Type ✓ Condition ✓

Total V recommended 21.46 Ac Ft/Ann.

Recommended Amendments:

P.D. ✓

Place of Use ✓

Other ✓

None ✓

MEASUREMENT CALCULATION:

$Q = .0297 \text{ cfs}$ Given
 $V = (7000 \text{ Head of Cattle}) (365 \text{ days}) (.0297 \text{ cfs}) (1.98 \text{ Ac Ft}) = 21.46 \text{ Ac Ft/Ann.}$

SYSTEM DESCRIPTION:

Berkly 2Hp Submersible pump # 1541 Generator Supplys
power to pump. Generator is driven by a Kohler Engine
GAS # B167852 20,000 storage tank

REMARKS:

7000 head of cattle

Examiner's Signature [Signature] Date 11-16-73

Checked by [Signature] Date 11-19-73

Approved by _____ Date _____

November 6, 1972

Re: Permit No. 36-7138

Flat Top Sheep Company
904 - 10th St.
Rupert, Idaho 83350

Gentlemen:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

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

If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Southern District Office
Enc: Field exam report

36 7138

The best time
to inspect the
well would be
in late April
or May.

John Peavey

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

03-21-1972

Department of Water Administration

1. a) Name of Permit Holder FLAT TOP SHEEP Co.
b) Post Office Address 904 10th St. RUPERT, IDAHO
2. Permit Number 36-7138
3. Date of Priority that you are prepared to establish 9/24/70
4. a) Source from which water was appropriated domestic well
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 19
Township 5 S, Range 24 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 1000 gal/hr for animal and domestic purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 2.22 cfs for .04 cfs purposes from all to year incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .04 cfs 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: None
b) Describe the agreement or understanding by which you take water from the works: None
Cooper
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) 2 h.p. electric submersible
511 feet deep 290 feet to water, 20 feet
drops down
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed RAY Commons
Rupert Idaho

Exam typed 11-6-72 by me

36 7138

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use stock and domestic, supplemental water for
BLM fire crews,

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

10. Remarks:

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

10/26/72
(Date)

John T. Beasley
President (Signature)

State of Idaho)
County of MINIDOKA) ss.

On this 26th day of October, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Regina Perry
Notary Public residing at Regina, Idaho
Perry

My commission expires 10-30-72

SENDER: Be sure to follow instructions on other side

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

(Additional charges required for these services)

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

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

CERTIFIED NO.

24009

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

DATE DELIVERED

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

③

10-5-72

36

38

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

55-16-81277-1

Nov. 1970

11

Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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

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

1970

AM

83200

RETURN
TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE ANNEX #2
BOISE, IDAHO 83707.

36-7138

October 2, 1972 CERTIFIED MAIL

#24009

Re: Permit No. 36-7138

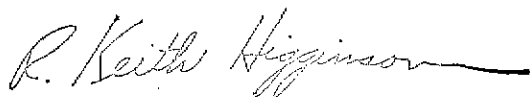
Flat Top Sheep Company
904 - 10th Street
Rupert, Idaho 83350

Gentlemen:

One of the conditions of approval of your water Permit No. 36-7138 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time 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.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

36 7138

November 17, 1970

Re: Permit No. 36-7138

Flat Top Sheep Company
904 10th Street
Rupert, Idaho 83350

Dear Sirs:

Enclosed is a copy of your approved Application for Permit No. 36-7138. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

C. Stephen Allred
Deputy Director

CSA:kh

Enclosures: Copy of permit
1 informational letter
Receipt No. 5182 for \$10

36 7138



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Shoshone District Office
Shoshone, Idaho 83352

IN REPLY REFER TO:

RECEIVED
OCT 12 1970
BUREAU OF LAND MANAGEMENT

October 9, 1970

Dorian Clay, Appropriation Examiner
State of Idaho, Dept. of Water Adm.
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Clay:

Enclosed is a machine copy of the cooperative agreement between
Flat Top Sheep Company and our office on the Peavey Well, for
your information in making final action on the permit.

Sincerely,

Carlotta R. Oneida

Carlotta R. Oneida
Clerk

Enclosure

36 7438

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COOPERATIVE AGREEMENT
RANGE IMPROVEMENTS AND CONSERVATION
PRACTICES

FOR OFFICE USE ONLY

Expires Indefinite	EXTENDED TO
Job Number(s) 4284	
Job Name(s) Peavey Well	

1. I, (We) Flat Top Sheep Company of
c/o John T. Peavey of Rupert, Idaho 83350
of
of
and of

hereinafter called cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-r), as amended, and the National Soil Conservation Act (16 U.S.C. 590a-q(1)), as amended, do enter into this cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the Federal Range or other public lands and of the cooperator(s).

2. The improvements known as the Peavey Well

☐ will be ☒ are located upon: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec(s). 19, T. 5S, R. 24E, Boise Meridian,
County of Minidoka, State of Idaho

3. IT IS MUTUALLY AGREED:

(a) The parties hereto will furnish labor, materials, and equipment as required, ~~the total cost or value not to exceed the amount distributed below for each of the parties respectively~~ for the initial construction and/or installation of the improvements indicated in paragraph 2. (Costs shown are estimates.)

NAME(S) OF COOPERATOR(S)	ITEMS	TOTAL COST OR VALUE
Flat Top Sheep Company	Well, drill, pump, storage, fencing, line cabin, toilet, corral and watering troughs	\$ 7075.00
BUREAU OF LAND MANAGEMENT	Site location, facility requirements, inspection and recording	50.00
AGGREGATE COST		\$ 7125.00

(b) Upon notice, either orally or in writing from the authorized officer of the Bureau, the cooperator(s) will promptly supply labor, materials, and equipment as specified in paragraph 3(a) as required. Contributed materials in excess of the amount required shall be returned to the contributor. Equipment contributed shall also be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the authorized officer and shall be pursued with diligence until completed.

4(a) The cooperator(s) shall be liable, jointly and severally, for the repair and maintenance of the said improvements following completion, in good and serviceable condition. The cooperator(s), without further notice from the authorized officer, shall do such repair work as may be necessary from time to time, promptly and in a workmanlike manner. If such work is not performed as necessary, the authorized officer shall allow cooperator(s) not less than thirty (30) days from written notice within which to complete the same, as required.

(b) In the event the cooperator(s) shall default, after due notice, in the repair and maintenance of the said improvements following completion, the authorized officer may do or cause such work to be done for and in behalf of the cooperator(s); and the necessary cost and expense thereof or proportionate share as determined by the authorized officer, shall become a charge and obligation upon and shall be paid by the cooperator(s). It is further understood in case of default hereunder, that any permit, license, or lease, or renewal thereof issued to the cooperator(s) and administered by the authorized officer of the Bureau, and in connection with which these improvements are constructed, shall not be renewed or extended or any assignment thereof shall not be approved; and that such default may result in cancellation of the permit or license as provided in the Federal Range Code for Grazing Districts, 1962 Rev. (43 CFR 4115.2-1(d) and 4115.2-5(a)(6)) as amended, or in the cancellation of the lease, unless and until all charges and costs owed by the cooperator(s) hereunder shall have been paid; provided that the Bureau may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, shall mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but shall not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the proximate result of fault or negligence of the cooperator(s) as determined by the authorized officer.

5. IT IS FURTHER AGREED:

(a) Title to the said improvements in place, together with all labor and materials furnished by either party

and used in the construction and maintenance thereof, shall be in the United States of America. The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the authorized officer; such removal shall be made by the cooperator(s), or by the Bureau at its option. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost or removal, shall be available for distribution to the parties then subject to this agreement in proportion to the actual amount of their respective contributions to the initial construction of the improvements, as determined by the job records of the Bureau. The parties shall take possession and remove their portion of the salvaged materials within 90 days after first notification in writing that such material is available; upon their failure to do so within the time allowed, the materials shall be deemed to have been abandoned and title thereto shall thereupon vest in the United States.

(b) During the course of salvaging the material, the United States assumes no responsibility for the protection of preservation of said material.

6(a) If the cooperator(s) shall assign or transfer his interest in any grazing permit, license, or lease embracing the lands upon which the improvements are constructed or in connection with which they are used, the cooperator(s) may include in such assignment or transfer his interest in this Cooperative Agreement, including his right to the use of the improvements (Section 1) and to his proportionate share of the salvageable material (Section 5(a)). Before the assignee or transferee will be recognized as successor to the cooperator(s)'s interest hereunder, such assignee or transferee will be required by the authorized officer to accept an assignment of this agreement and agree to be bound by the provisions respecting the use and maintenance of the improvements.

(b) Should the land upon which the improvements are constructed be included in application for classification and disposal under Sections 7 and 14 of the Taylor Grazing Act, or other public land laws, the authorized officer agrees not to allow such application if allowance of the application or disposal is discretionary upon the authorized officer until the applicant has agreed in writing to compensate the cooperator(s) for his loss of the improvements in an amount mutually agreed upon and payable separately to the Bureau and to the cooperator(s); or, if the parties are unable to agree, the District Manager will determine the present reasonable value of the improvements in accordance with 43 CFR 4115.2-5(a)(6) or 4122.3-5(a), whichever is applicable and determine the amounts payable to the Bureau and to the cooperator(s) which shall be in proportion to the actual amount of their respective

contributions to the initial construction of the improvement; or the Bureau, at its option, may require the removal of such improvements under the provisions of Section 5(a) of this agreement.

7. The cooperator(s) use of the improvements will be in conformity with the General Rules of the Range specified in the Federal Range Code for Grazing Districts (43 CFR 4110) if the improvements are in a grazing district, or to the special stipulations, if any, included in the grazing lease covering such area, if outside a grazing district, and to the Management Plan, if any, for the area in which the lands serviced by these improvements are located, to the extent such rules, stipulations, and plans are applicable for the conservation, protection, and proper utilization of the improvements constructed hereunder.

8. This agreement shall not accord to cooperator(s) any preference, privilege, or consideration with respect to any permit, license, or lease not expressly provided herein or in the rules and regulations governing such permit, license, or lease.

12. Special conditions

The well will be drilled to Government specifications and the water will be used for livestock and wildlife, and may be used for reserve for ground fire tankers when wild fires occur in the area.

9. Items 2 and 3 of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof. Items 4 to 9 inclusive may also be amended but first must be approved by the State Director.

10. This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the signing officer.

11. This agreement shall remain in full force and effect until indefinite, 19____, unless (1) sooner terminated by mutual written consent of the parties, or (2) is terminated by the authorized officer after due notice in writing because of cooperator(s)'s default or violation of any of the terms or provision of this agreement, or (3) in accordance with Section 5 or 6 of this agreement.

COOPERATOR(S)

FLAT TOP SHEEP COMPANY

BY:

(Signature)

(Date)

John T. Peavey, Pres.

(Signature)

(Date)

(Signature)

(Date)

(Signature)

(Date)

(Signature)

(Date)

THE UNITED STATES OF AMERICA

State of

IDAHO

District

SHOSHONE

By

(Signature)

Richard A. Gerity

Wildhorse Area Manager

(Title)

10/5/70

(Date)

October 1, 1970

Re: Application No. 36-7138 - Flat Top Sheep Company

Minidoka County News
625 Fremont Ave.
Rupert, Idaho 83350

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 ample 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notice

Bill submitted 10-21-70 By DR

36 7138

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Flat Top Sheep Company, 904 Tenth St.,
Rupert, Idaho, has on September 24, 1970,
submitted Application No. 36-7138 to appropriate the public waters of
a ground water source

~~The proposed use is for~~

The application proposes a maximum diversion and appropriation of 0.0297
cubic feet per second ~~acre feet~~ of water to be diverted by well and pump
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19,
T. 5S, R. 24E, B.M., Minidoka County

and is to be used within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 5S, R. 24E, B.M. for livestock
watering from Jan. 1 ~~1970~~ Dec. 31

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration on or before October 26, 1970.

Statehouse, Boise, Idaho,

R. KEITH HIGGINSON
Director

Published in the Minidoka County News, Rupert, Idaho,
on October 8 and October 15, 1970.

36 7138

September 28, 1970

Mr. John Peavey, President
~~Flat Top Sheep Company~~
904 10th Street
Rupert, Idaho 83350

Dear Mr. Peavey:

We are in receipt of the application for permit filed by the Flat Top Sheep Company, and have begun its processing. However, before we can take final action on this permit, we will need some evidence of the cooperative agreement with the Bureau of Land Management.

If we may be of any further assistance in this matter, please advise.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

36 7138