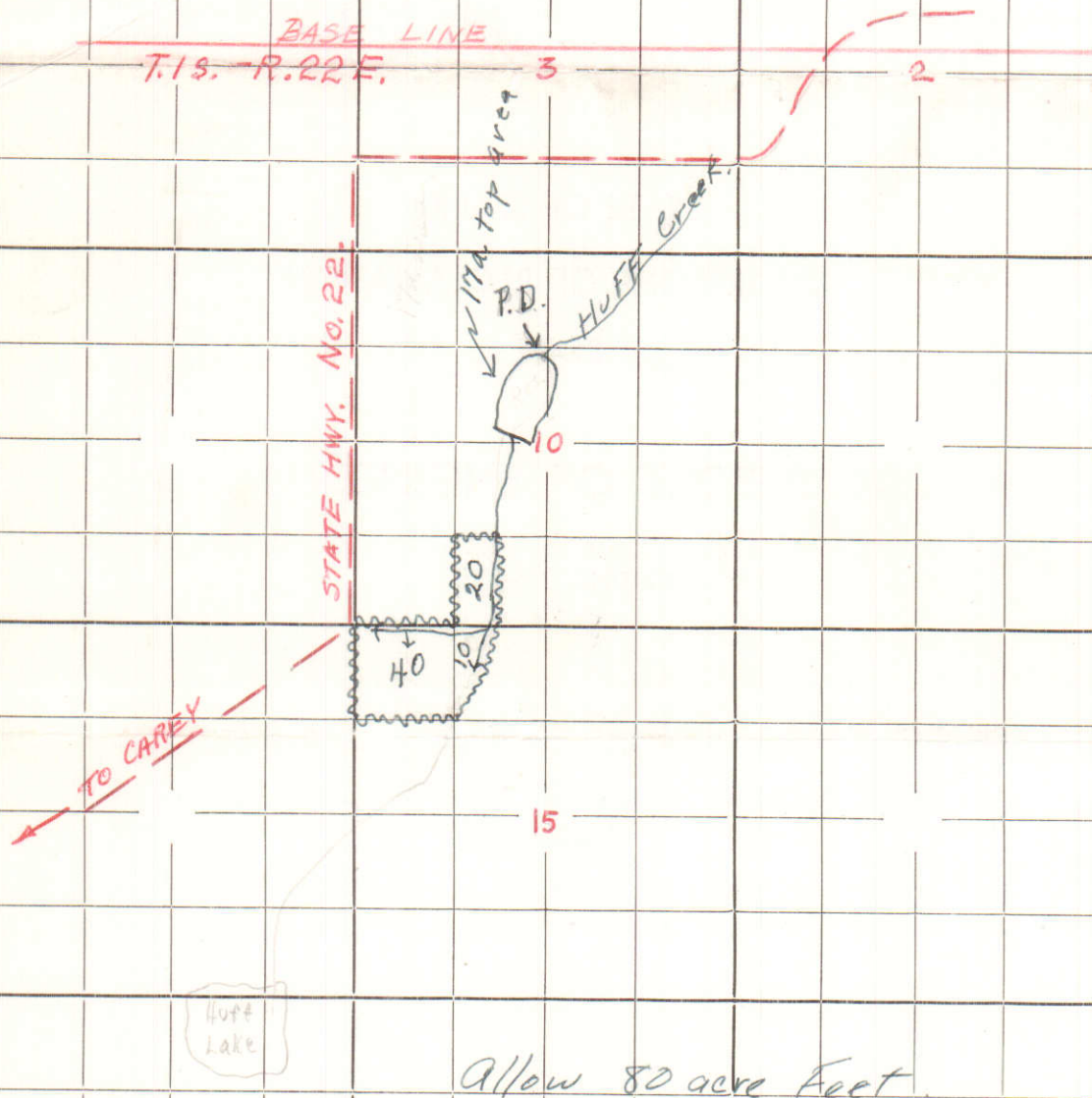




**NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South. Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP P-811
State Reclamation Engineer.
4-16 to 5-7 April 30-53

**NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP
State Reclamation Engineer.
4-16 to 5-7

R-811

NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP
State Reclamation Engineer.

**NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP
State Reclamation Engineer.
4-16 to 5-7

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

16th day of April, 1953
and ending with the last publication thereof on the

7th day of May, 1953

Cost of this publication is \$ 13.50

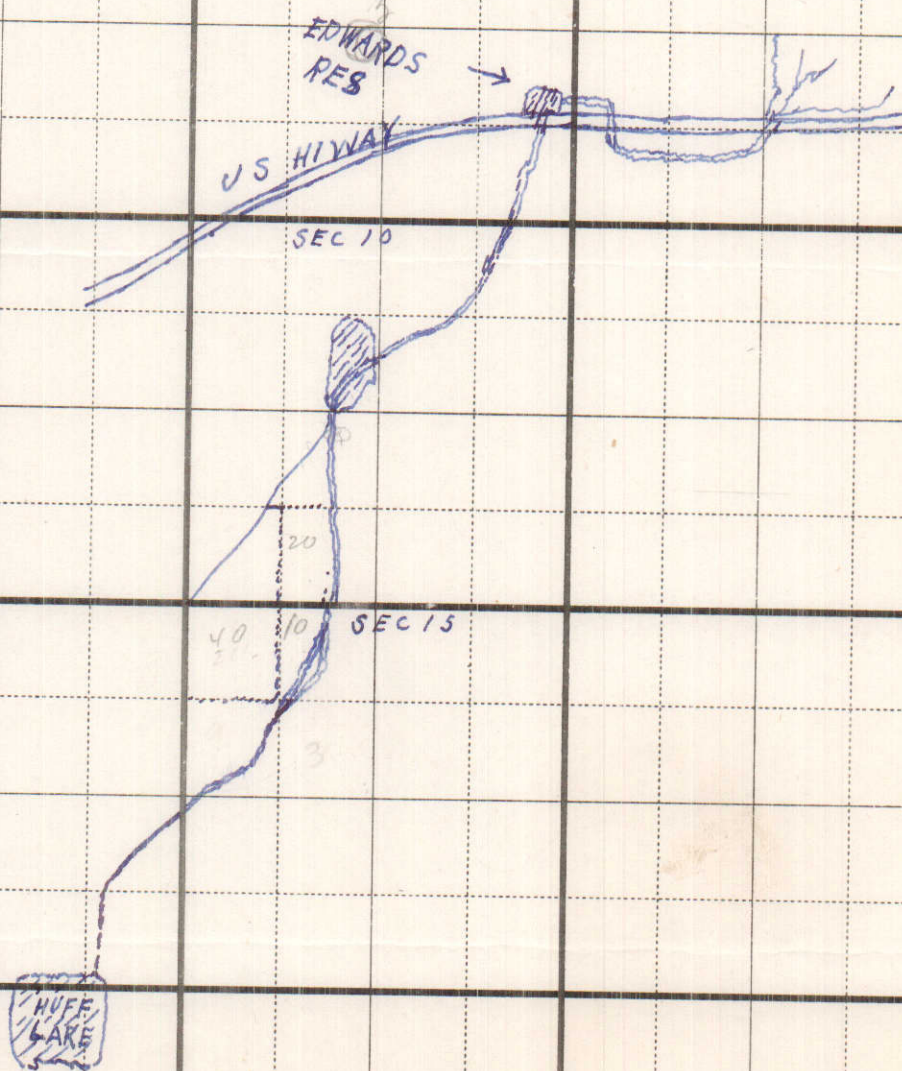
Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 8th day
of May, 1953.

R. H. McCoy
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

NAME OF APPLICANT Bert M. Wheatley

FORM No. 0



Permit Map No. R-811
As Approved
MAY 20 1948
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

R-811

State of Idaho

License and Certificate of Water Right

Water License No. R-811Amount 80 acre feet

Water District No. _____

Priority May 12, 1948THIS IS TO CERTIFY that **BERT WHEATLEY**of **Carey, Idaho**, **construct a reservoir and store and**
made application for a permit to appropriate thepublic waters of the State of Idaho, dated **May 12**, 19 **48**; that Permit No. **R-811**
was issued under said application; that Certificate of Completion of works, with a **Storage**
acre capacity of**80** ~~acre~~ feet, was issued thereunder on **February 4**, 19 **54**, showing that said works
were completed on the **31 st** day of **March**, 19 **53**; and that on the **8th**
day of **May**, 19 **53**,**BERT WHEATLEY**of **Carey,**, State of **Idaho**

, made proof to the satisfaction of the

State Reclamation Engineerof Idaho, of the right to use the waters of **Huff Creek**, ~~contributor~~, for the purpose of **irrigation, domestic and****stock water**, under Use Permit No. **R-811** of the **Department of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume**9** of Licenses at page **5226**, on the **4** day of **February**, 19 **54**;The right hereby confirmed dates from **May 12**, 19 **48**;**outlet**The Point of ~~Discussion~~ is locatedin the **SE 1/4 NW 1/4**, Sec. **10**, Tp. **1 S.**, R. **22 E.**, B. M. **County Blaine**That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed **80** ~~acre feet per annum~~ **acre feet per annum**.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	22 E.	15	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	10
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
		10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20	20
			Number of Acres Actually Irrigated - - -		<u>70</u>

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of **February**, 19 **54**.**MARK R. KULP**

State Reclamation Engineer.

(SEAL)

37 2777

State of Idaho

License and Certificate of Water Right

Water License No. 19435Amount Two second feet

Water District No. _____

Priority August 13, 1943THIS IS TO CERTIFY that FRANK OLSON

of Bridge, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 13, 1943; that Permit No. 19435 was issued under said application; that Certificate of Completion of works, with a carrying capacity of Two second feet, was issued thereunder on November 17, 1945, showing that said works were completed on the 6th day of September, 1945; and that on the 31st day of August, 1950,

FRANK OLSON

of Bridge, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Raft River, ~~tributary of~~, for the purpose of irrigation and domestic use under Use Permit No. 19435 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5225, on the 1st day of February, 1954;

The right hereby confirmed dates from August 13, 1943;

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 24, Tp. 15 S., R. 26 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed Two (2) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	27 E.	7	NE 1/4 SW 1/4)	100	20
			SE 1/4 NW 1/4)		40
			NE 1/4 SW 1/4)		40
			Number of Acres Actually Irrigated -		100

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 1st day of February, 1954.

(SEAL)

MARK R. KULP

State Reclamation Engineer.

APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 28102
Permit No. R 811

1. Name of Applicant: BERT M. WHEATLEY

Postoffice address: Box 205, Carey

County Blaine

State Idaho

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 corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 350

acre feet per annum.

3. Source of water supply is Huff Creek

(Creek) (River) (Spring), a tributary of None-- sinks

River.

4. The outlet of the proposed reservoir is located

(bearing) feet, distant from the

corner of Section

, Township

Range

, B. M. and is in the SE ¼ of NW ¼ of Section 10

, Township 1 S.

, Range 22 E.

, B. M. County of Blaine

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Huff Creek

(Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located

(bearing)

feet distant from

the corner of Section

, Township

, Range

, B. M., and is in the

¼ of

¼ of

Section

, Township

, Range

, B. M.; width at bottom

feet, width at top

feet, depth of water

feet; average grade per mile

feet; Capacity

cubic feet per second.

6. (a) The area of the high water line of the reservoir is 15

acres.

(b) The reservoir capacity is

500

acre feet.

7. Height of reservoir dam 8 feet, length at top 70 rods feet, length at bottom 70 rods feet, size of outlet 18" corrugated pipe

by feet. The dam is to be constructed of materials as follows: Earth, with concrete spillway.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Huff Creek

(Creek) (River) ? Yes.

(b) Water stored in reservoir will be carried in the channel of

(Creek,) (River,) a distance

of miles to point of diversion located

(bearing)

feet, distant from the

corner of Section

Township

, Range

, B. M., and in the

¼ of

¼ of Section

, Township

, Range

B. M.

9. Amount of water claimed from Huff Creek

(Creek) (River) (Spring) in addition to that

stored in reservoir

32/50 (License 4959)

cubic feet per second.

10. Water is to be used for Irrigation, domestic and stock watering

purposes.

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

(a) Point of use of water feet, distant from

Corner of Section

, Township

, Range

(bearing)

B. M. and is in the

¼ of

¼ of Section

, Township

, Range

, B. M.

(b) Amount of power generated:

H. P., under

feet head.

(c) Water is to be returned to

(Creek) (River) (Spring) at a point

(bearing)

feet

distant from the

corner of Section

, Township

, Range

, B. M., in

the

¼ of

¼ of Section

, Township

, Range

B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. 4959

, which is hereby referred to and made a part hereof.

13. Kind of diversion works: Completed under Permit # 4959 (Dam, canal, flume, pipe, etc.)
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height feet.
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume
Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
17. Estimated cost of Works: Storage Works: \$ 300.00 Diversion Works: \$
18. Time required for completion of work Two (2) years.
19. Time required for complete application of water to proposed beneficial use is None years.
20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in 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	
1 S.	22 E.	15	10	40			10	40						20					50
		10																	20

Total Number of Acres to be Irrigated 70

Remarks: A reservoir has previously been constructed on this land, which is owned by applicant, and it is the intention to repair same, which has fallen into bad condition, and to raise it to an elevation of approximately 8 feet.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

BERT W. WHEATLEY Applicant.

By Agent.

Date of first receipt at office of Commissioner of Reclamation State Reclamation Engineer- 10:45 A. M. May 12, 1948

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 811

Recorded in book R 5, page 811 Approved May 20, 1948

This is to certify that I have examined the within application for a permit to construct a reservoir and store and 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 July 20, 1948 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before May 20, 1949

The whole of said work to be completed on or before May 20, 1950

Beneficial use of water stored in accordance herewith, to be made on or before May 20, 1950

Witness my hand this 20th day of May

19 48 MARK R. KULP
Commissioner of Reclamation.
State Reclamation Engineer

INTESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. CY PRICE, 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 20th day of May, 1948.

(SEAL)

Countersigned:
By J. D. CY PRICE
Secretary of State

STATE OF IDAHO
By C. A. ROBINS
Governor

APPLICATION FOR AMENDMENT
TO PERMIT TO CONSTRUCT A RESERVOIR AND STORE AND
APPROPRIATE THE PUBLIC WATER OF THE STATE OF IDAHO
No. R-811.

Comes now Bert M. Wheatley, of Carey, Idaho, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, No. R-811.

That the present permit calls for the construction of a dam eight (8) feet high, 70 rods long at the top, and 70 rods long at the bottom, and states that the reservoir area at high water line is fifteen (15) acres.

He now requests that the permit be amended to allow for a dam ten (10) feet in height, approximately the same length, but with the area of the reservoir at high water line about thirty-five (35) acres.

That an additional amount of water is not applied for.

That no one will be injured by such change, and that such change will be made at Permit holder's own risk.

Signed at Boise, Idaho, this 26th day of May, 1950.

Bert M. Wheatley

File of receipt at Department of Reclamation- May 26, 1950.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit No. R-811. This approval constitutes a new permit, and is issued as an amendment to the original permit which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-811, to May 20, 1953.

Witness my hand this 26th day of May, 1950.

MARK R. KULP
State Reclamation Engineer.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that BERT M. WHEATLY of Carey, County of Blaine and State of Idaho, the holder of Permit No. R-811, issued upon Application No. R-28102, bearing date of priority of May 12, 1948, authorizing the construction of a reservoir, with the right to appropriate and store 350 acre feet per annum of the waters of Huff Creek, in the County of Blaine State of Idaho, for irrigation, domestic and stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 80 acre feet of the water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 1 S., Range 22 E. and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10; Township 1 South, Range 22 East, B. M.

WITNESS MY HAND, this 4th day of February, 1954

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made March 31, 1953
Certificate of Completion of Works issued February 4, 1954

WATER RIGHT NUMBER 37-2777 ✓

OWNER LAST NAME - WHEATLEY ✓

FIRST NAME - BERT

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CAREY

STATE - ID ZIP CODE - 83320

SOURCE - HOFF CREEK

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 05-12-1948 COUNTY - BLAINE

TOTAL DIV. RATE - .0000 -CFS

TOTAL DIV. VOLUME -

80.00 AFA IRR/AMEND -

WATER DIST. - 370 DLF/CAREY AC1 -

RIGHT BASIS -

DIVERSION POINT - SEW 10 01S 22E LOT 1 PRODIV -

272.0 346.0 2.0 4.0 0.0 0.0 0.0 0.0 0.0 435

FROM - TO -

USE - IRRIGATION STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - 80.00 AFA

FROM - TO -

USE - IRRIGATION FROM STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - 80.00 AFA

FROM - TO -

USE - STOCKWATER FROM STOR

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - .00 AFA

FROM - TO -

USE - DOMESTIC STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - .00 AFA

FROM - TO -

USE - DOMESTIC FROM STORAGE *Pchre*

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - .00 AFA

FROM - TO -

USE - STOCKWATER STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME - .00 AFA

USE - IRRIGATION STORAGE ✓

PLACE OF USE - TWN 01S RNG 22E SEC 10 TRACT SE SW LOT

AC 20 ✓

USE - IRRIGATION STORAGE ✓

PLACE OF USE - TWN 01S RNG 22E SEC 15 TRACT NE NW LOT

AC 10

DECRETE NAME -

DATE -

NW NW 40
TOTAL ACRES

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - R811 ✓

PROOF MADE -

FIELD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS - DAM. ✓

VERIFIED JDC

(30)
70

ACT
ION

N OWNER LAST NAME - WHEATLEY

FIRST NAME - BERT

N

CITY - CAREY

STATE - ID

N SOURCE - HUFF CREEK

N STAGE - LICENSE

PRIORITY - 05-12-1948 COUNTY - BLAINE

N TOTAL DIV. VOLUME - 80.00 AFA

N DIVERSION POINT - SENW 10 01S 22E

N USE - IRRIGATION STORAGE

USE DIV. VOLUME - 80.00 AFA

N USE - IRRIGATION STORAGE

USE DIV. VOLUME - 80.00 AFA

N USE - STOCKWATER FROM STORAGE

N USE - DOMESTIC STORAGE

N USE - DOMESTIC FROM STORAGE

N USE - IRRIGATION STORAGE PLACE OF USE - TWN 01S RNG 22E SEC 15 TRACT NENW

AC 10 TRACT NWNW

AC 40

N TRACT SESW

AC 20

N

OLD NO. - R811

IDENT. NO. 87-2777

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. R-811 / 37-277
Old No. New No.

Record

1. Original Owner: Bert Wheatley

Present Owner: _____

2. Address:

3. City: Canon State: Id Zip: _____4. A. Source of Water: Hull Creek

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 5-12-1948D. County: 13

E. Total Diversion Rate: _____

F. Total Diversion Volume: 80.

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE 1/4</u>	<u>10</u>	<u>15</u>	<u>22^E</u>		
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from _____	to _____	for <u>AS</u> purposes.	Amount <u>80.</u> (cfs or AC-FT/yr) <u>80 AF</u>
from _____	to _____	for <u>SS</u> purposes.	Amount _____
from _____	to _____	for <u>DS</u> purposes.	Amount _____
from _____	to _____	for <u>OR</u> purposes.	Amount _____
from _____	to _____	for _____ purposes.	Amount _____
from _____	to _____	for _____ purposes.	Amount _____
from _____	to _____	for _____ purposes.	Amount _____

THE Connecticut Mutual Life INSURANCE COMPANY, SINCE 1846
140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 249-0631

Mortgages - Agricultural

November 17, 1967

AIR MAIL

Department of Reclamation
State Of Idaho
Boise, Idaho

Re: Water Permit No. R-811
Our Loan No. 87738, Wheatley
Blaine County, Idaho

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit number R-811, as described in Mortgage Deed dated August 20, 1952, given by Bert M. and Rhea H. Wheatley.

Said mortgage was recorded in the Public Records of Blaine County in Book 163, Page 46.

Sincerely,



Charles A. Banks
Manager, Agricultural Loans

CAB/slg

cc: Utah Mortgage Loan Corp.
cc: Mr. Bert A. Wheatley

Sandy:
Remove Connecticut Mutual
from its present page &
file -
R. 11



R-811

✓
February 5, 1954

RE: Permit No. R-811

Bert M. Wheatley
Carey
Idaho

Dear Mr. Wheatley:

We enclose Certificate of Completion of Works, also License and Certificate of Water Right issued under Permit No. R-811 confirming your right to construct a reservoir and store and appropriate 80 acre feet per annum of the water of Huff Creek with priority of May 12, 1948, and point of outlet in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Township 1 S., Range 22 E., B. M. for irrigation domestic and stock watering use on the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 S., Range 22 E., B. M.

We also enclose departmental receipt No. 26471 for the \$6.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

Carey Idaho
Feb 3 1954

Department of Reclamation
Boise
Idaho

Dear Sir

Enclosed find check for Certificate of Completion
of Works & Licence
and would certainly appreciate having it as soon
as possible

RECEIVED
FEB 4 1954

Department of Reclamation

Yours Very Truly
Best Wheatley

R-811

R-811

✓
September 17, 1953

RE: Permit No. R-811

Mr. Bert Wheatley
Carey
Idaho

Dear Mr. Wheatley:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. R-811.

Certificate of Completion of Works and License can therefore be issued for the storage and appropriation of 80 acre feet of water from Huff Creek, upon payment of the license fee which amounts to \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

R. 811

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-811

REPORT ON PROOF OF Beneficial Use

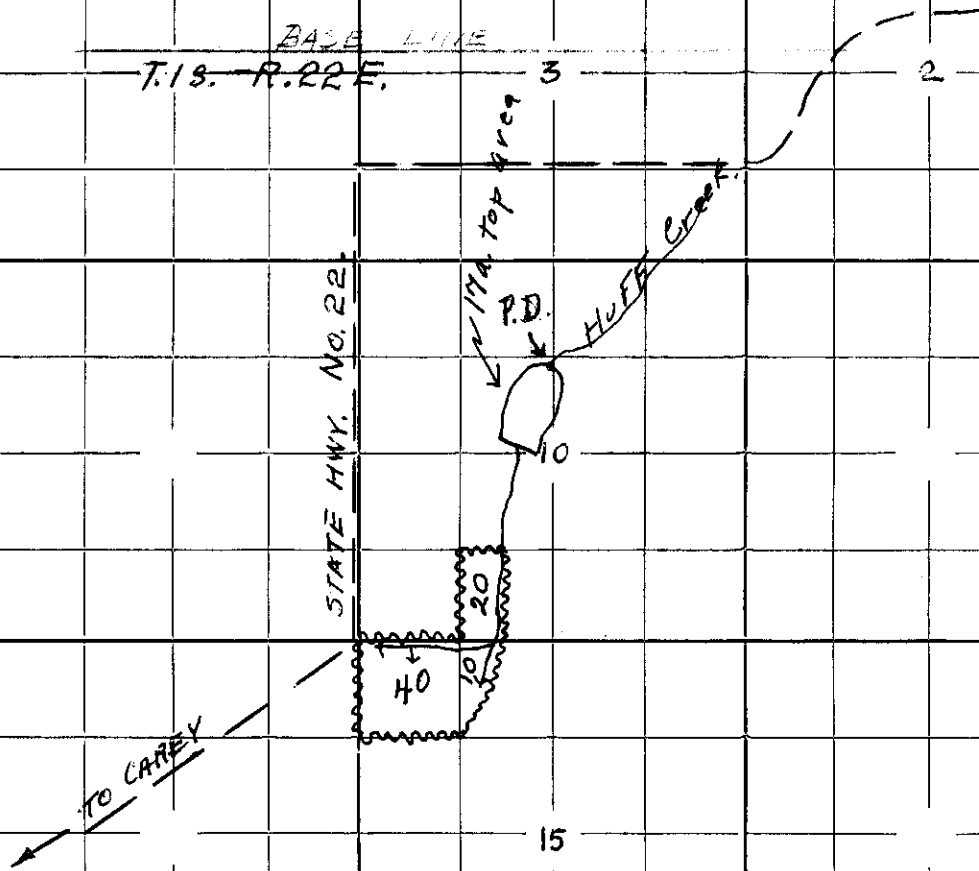
BERT WHEATLEY, Carey, Idaho

*R-811
10/20/11*

10/20/11

10/20/11

2-11-11



allow 80 acre Feet.

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

Permit No. R-811

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Bert Wheatley, Carey, Idaho

2. Source of water supply: Huff Creek

3. Location of point of diversion: Is in the N.E. Corner SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10

T. 1 S. R. 22 E. County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same: Dam is approx. 700' long by 9' high. Top width of embankment is 3'. Upstream slope 3 to 1, downstream slope 2 to 1. No riprap. Spillway is 18' wide by 30" high over lava rock outcrop. Free board is 18". Downstream head wall 5' by 4' long by 8" thick. Outlet is 40' of 18" corrugated pipe. Armco vertical gate upstream. Cat walk made of 10" planks, 12' long. Area is 17 acres. Capacity 80 acre feet.

5. Water is used for: Irrigation and stock water.

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

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):

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15;

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10;

Twp. 1 South, Range 22 East, B. M.

See Map

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

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

Remarks: Crops are hay and grain.

This examination was made on the 7th day of September, 19 53

(Signed) E. M. Humphrey Examiner.

R-811

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.

Bert Wheatley
Carey, Idaho

Permit No. R-811

Examination for Beneficial Use

County Blaine

S. 10 - 15 - 22 E

Q = 350.0 acre feet

S = Huff Creek

P.D. = S2. NW. Sec. 10, T. 1 S. - R. 22 E

Use - Irrigation, Dom., & Stock

Claim 20-10-40 acres

RECEIVED
SEP 16 1953

Department of Reclamation

Priority = May 12, 1948
Due = May 20, 1953

Outlet = 40' x 18" corr pipe
Aerms vert. gate. Catwalk
10" plank - 12' l.

80 acre ft. capy
3' 1" x 2' 1" 10 w. on top

approx. 700 long.
No rip rap.

1 cut off wall
down at Head wall 5' w x 4' l.
x 8' t.

h = 9' 18" freebd

Spillway = 18' x 30" h.

August 31, 1953

RE: Permit No. R-811

Mr. Bert Wheatley
Carey
Idaho

Dear Mr. Wheatley:

I intend to make inspection as required by law in connection with your Permit No. R-811, fairly early on Monday morning, September 7, 1953.

I will try to contact you by phone as I pass through ^{Carey} ~~Challis~~, or will drive straight to the reservoir.

Please be prepared to accompany me on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

P. S. It is important that there be no delay in this inspection as I must be in Mackay by noon.

R-811

May 16, 1953

RE: Permit No. R-811

Mr. Joseph McFadden
Attorney at Law
Hailey, Idaho

Dear Mr. McFadden:

We acknowledge receipt of your letter of May 13, 1953 enclosing depositions of Mr. Wheatley and two witnesses, also affidavit of publication in the Hailey Times in proof of beneficial use under Permit No. R-811.

Before final action is taken, the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made, but our field engineer will contact Mr. Wheatley at the time he makes the examination in order that he may show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

M:SP
cc Mrs. Bert Wheatley

R-811

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 9 1953

(P. O.) Carey Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Hailey Times of Hailey Idaho published in
the county in which the works are situated.

Brent M Wheatley

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953,
at Hailey, County of Blaine, State of Idaho, before
Joseph McFadden, Notary Public, proof will be submitted of the
application to beneficial use of ³⁵⁰~~150~~ acre feet ~~per second~~ of the waters of Huff Creek
in accordance with the terms and conditions of Permit No. R-811
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Bert M. Wheatley, Carey, Idaho

The use to which said water has been applied is Irrigation and stock water.
³⁵⁰

The amount applied to beneficial use is approx. 150 acre feet.

The place where said water is used ~~at Carey, Idaho, on the Carey Irrigation Project, which has been authorized by the State of Idaho~~
10 acres in NE 1/4, NW 1/4, NW 1/4, Section 15, and SE 1/4, SW 1/4 Section 10, Township 1 South,
Range 22 East, B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
private ditches

The right to take water from such works is based upon Permit No. R-811

The source of supply from which such water is diverted is Huff Creek

The date of priority which said user is prepared to establish is May 12, 1952 (948)

MARK R. KULF

State Reclamation Engineer.

R. 811

**NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP^{P-811}

State Reclamation Engineer.

4-16 to 5-7

April 30-53

**NOTICE OF PROOF APPLICATION,
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP
State Reclamation Engineer.
4-16 to 5-7

**NOTICE OF PROOF APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McFadden, Notary Public, proof will be submitted of the application to beneficial use of 350 acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-811 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert M. Wheatley, Carey Idaho.

The use to which said water has been applied is Irrigation and stock water.

The amount applied to beneficial use is approx 350 acre feet.

The place where said water is used NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditches.

The right to take water from such works is based upon Permit No. R-811.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP

State Reclamation Engineer.

4-16 to 5-7

4-16-53

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. R-811

Date: April 9, 1953

Hailey Times

Hailey, Idaho

Gentlemen:

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to **May 8, 1953**,
the date set for proof, the expense of the publication to be
paid by the applicant, **Bert E. Wheatley**
of **Carey, Idaho**, to whom you should furnish
proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish
this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

R-811

JOSEPH MCFADDEN
ATTORNEY AT LAW
HAILEY, IDAHO

May 13, 1953

RECEIVED
MAY 15 1953
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

Enclosed herewith are the depositions of Mr. Bert Wheatley, Mr. Elmer B. Smith and Mr. Laurence E. Smith in regard to water permit #R-811. It was impossible to get Mr. Elmer B. Smith's deposition taken until May 11th and I recessed the hearing until that date when I took his deposition.

Yours truly,


Joseph McFadden

J:js
Encl:

R-811

Affidavit of Publication

STATE OF IDAHO, }
County of Blaine, } ss.

Notice is hereby given that at 10:00 A. M. on the 8th day of May, 1953, at Hailey, County of Blaine, State of Idaho, before Joseph McQuinn, Notary Public, present will be submitted of the application for beneficial use of the acre feet of the waters of Huff Creek in accordance with the terms and conditions of Permit No. R-511 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation having said permit are Bert M. Hailey, Carey Idaho.

The use to which said water has been applied is irrigation and stock water.

The amount applied to beneficial use is about 300 acre feet.

The place where said water is used NE1/4NW1/4, NW1/4NW1/4 Section 15, and SE1/4SW1/4 Section 10, Township 1 South, Range 22 East, R. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private ditch.

The right to take water from such works is based upon Permit No. R-511.

The source of supply from which such water is diverted is Huff Creek.

The date of priority which said user is prepared to establish is May 12, 1948.

MARK R. KULP

State of Idaho

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

16th day of April, 1953 and ending with the last publication thereof on the

7th day of May, 1953

Cost of this publication is \$ 13.50

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 8th day of May, 1953.

R. H. McCoy
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. R-811

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Bert Wheatley, Carey, Idaho, farmer, Carey, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3 State number and date of permit, and date of priority you propose to establish under the permit.

Ans. R--811 dated May 20, 1948, with approval to amendment dated
undated, amendment being filed May 26, 1950.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Huff Creek, Blaine County, Idaho, and exact point of diversion
is in extreme Northeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 1 S. R. 22 E.B.M.,
Blaine County, Idaho

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Reservoir and private ditch, reservoir being 9 feet high, approx
600 ft long, 10 feet at crest, and 50 feet wide at base, with
high water line covering approximately 26 acres. This reservoir
being on permit holder's property, and being in the natural
channel and drainage of Huff Creek. The Dam extending across Huff
Creek.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Stored waters are used in the irrigation months; storage being
made from high water and waste water of Huff Creek; water used to
irrigate following ground: 10 acres of NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres of NW $\frac{1}{4}$ NW $\frac{1}{4}$,
in Section 15, and 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, all Twp 1 S. R. 22
E.B.M., Blaine County, Idaho. The land irrigated is gravelly
loam, and by use of this water, this land becomes useful as
profitable agricultural land, raising crops of hay and grain.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Requires a minimum of 2" to the acre to properly irrigate this land. ~~it requires a stream of about 210" inches to get water across ground and properly irrigate.~~

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Dam completed in October 1949, and full capacity of dam used during the irrigation season of 1950, 1951, 1952, starting in about April 20 of each year, and have used full flow of Huff Creek and storage in dam.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Have 200 shares of Fish Creek Reservoir, (I.E., Carey Valley Res. Co., District # 25)

(Sign) *Bert M. Wheatley*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hailey, County of Blaine, State of Idaho, on this 8th day of May, A. D. 19 53,

My commission expires April 12, 1955

Joseph McGadden
Notary Public for Idaho
Residing at Hailey, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R-811

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lawrence E. Smith, age 43, Residence Carey, Idaho, Occupation
Watermaster Dist. # 25, P.O. Address: Carey, Idaho

Ques. 2. Are you acquainted with Bert M. Wheatley, the
holder of Permit No. R-811? How long have you known him and where does
he reside?

Ans. Yes, I have known Mr. Wheatley since about Jan. 1948; he resides
at his ranch about 7 miles East of Carey.

Ques. 3. Have you read or heard read said Permit No. R-811, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Source of water is from Huff Creek, Blaine County, Idaho, and place
of diversion being from Huff Creek backing up into dam and reservoir
across Huff Creek, the said dam being about 600 feet long, about
50 feet wide at base, and about 10 feet wide at top, and about 9
foot high on average; High water mark of dam being about 7 feet;
from dam water runs in ditch to Mr. Wheatley's property, ditch being
about 5' wide at water level, and about 2½' deep, and water level 2'

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Ditch from dam will carry about 300"/sec. (6 cu. ft per sec.)
that the reservoir will
store approximately 125 acre feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each
subdivision.) State whether cultivated or natural meadow land and the nature of all im-
provements which have been made as a direct result of said use.

Ans. Water is used for irrigation on 10 acres NE¼NW¼, 40 acres NW¼NW¼,
in Sec. 15, and 20 acres in SE¼SW¼, Sec 10, all Twp 1 S.R. 22 E.B.M.
Blaine County, Idaho, and by using this water Mr. Wheatley
has been able to profitably raise agricultural crops.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is gravelly, and requires heavy flow of water to cover. Mr. Wheatley's land would require 2400 acre/ft. profitably cover the land, this land being very gravelly

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I first saw water used out of this reservoir in about April 25, or 1st part of May, 1950, and each irrigation season thereafter. I have seen the full capacity of the dam used each season.

(Signed) Lawrence E. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey, Idaho, County of Blaine, State of Idaho, on this 8th day of May, A. D. 19 53.

My commission expires April 12, 1955

Joseph McGadden
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R-811

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Elmer B. Smith, age 49, residence Carey, Idaho, occupation, farmer, and

P.O. Address: Carey, Idaho

Ques. 2. Are you acquainted with Bert Wheatley, the holder of Permit No. R-811? How long have you known him and where does he reside?

Ans. Yes. I have known Mr. Wheatley 7 years, and he resides on his ranch about 7 or 8 miles east of Carey.

Ques. 3. Have you read or heard read said Permit No. R-811, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Water comes from Huff Creek, and flows into reservoir formed by dam across Huff Creek. Dam about 600 feet long, and about 9 feet high, and about 10 feet wide at top and 50 feet at base, a dirt filled dam. Ditch leads out of headgates at dam, and on to his land. Ditch would handle about 6 c.f.s.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Ditch would handle about 6 c.f.s. and I have seen about 300 " or $\approx$ 6 c.f.s.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water has been used for irrigation and on about 10 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 Acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Sec. 15, and 20 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, all Twp 1 S. R. 22 E.B.M., Blaine County, Idaho, and it has helped Mr. Wheatley raise crops of grain and alfalfa. He needed this water to raise these crops, for without it, the other water he had would be insufficient. I have checked this as a neighbor and also as a member of the Production Marketing Association, Blaine County, board.

R-811

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land is quite gravelly, and would require about $2\frac{1}{2}$ " to 3" of water per acre to properly irrigate, and without this the land doesn't profitably raise crops.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None whatsoever

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the full amount of the storage capacity of the reservoir used, and Mr. Wheatley started using this water on his land since irrigation season started in spring of 1950 and each year thereafter. All water stored in dam being used. This water comes from Huff Creek

(Signed) Elmer B. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey

County of Blaine, State of Idaho, on this 11th day of May

A. D. 19 53

My commission expires April 12, 1955

Joseph McAdams
Notary Public.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 29, 1953

Re: Permit No. R-811
Bert Wheatley

Mr. Joseph McFadden
Notary Public
Hailey, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. R-811

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On May 8, 1953, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Hailey, Idaho before Joseph McFadden, Notary Public
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

R-811

April 30, 1953

RE: Permit No. R-811

Mr. George R. Kneeland
Box 276
Sun Valley, Idaho

Dear Mr. Kneeland:

The point of diversion in Permit No. R-811 is described as follows: in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 1 South, Range 23 E. B.M.

Affidavit of completion of works states "Old laterals were built by James E. McKey and still in use."

Permits being issued only for unappropriated water do not list prior rights.

We do not have a copy of the Edwards & Wheatley Decree, and can not identify the Coates Reservoir.

Very truly yours,

MARK E. KULP
State Reclamation Engineer

K:cp

R-811

GEORGE R. KNEELAND
ATTORNEY AT LAW
Box 276
SUN VALLEY, IDAHO

April 28, 1953

RECEIVED
APR 30 1953
Department of Reclamation

Jeanne L. Anderson
Chief Clerk
Department of Reclamation
Boise, Idaho

Re: Permit No. R-811

Dear Miss Anderson:

I notice that proof of application of water to beneficial use under permit No. R-811 will be made on May 8, 1953. This permit applies to water diverted from Huff Creek in Blaine County.

In 1950 in the District Court of the Fourth Judicial District, County of Blaine, in an action entitled Edwards vs. Wheatley, 90 inches of water of Huff Creek in Blaine County was decreed to Edwards and finding was made that Wheatley had no interest in Coates Reservoir or in the ditches leading to or from said reservoir. This decree was entered after the application for permit. The decree gave Edwards a priority of 1902.

I would like to know where the point of diversion is under permit No. R-811 and what ditches are to be used as shown by the permit and whether the permit shows that it is subject to a prior right in Huff Creek. I would appreciate it very much if you could give me this information.

Thank you for your attention to this matter.

Respectfully,

GR Kneeland

GRK:fc

350 af. Huff Creek

Call - SE 2110 - 15-722

4459 - 32 1/2 Huff Creek - James E. Mackay 7-14-09

R-811

65.00
pd

Permit No. R- 811

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Bert Wheatley Carey Idaho Farming
PO Box 205 Carey Idaho

Ques. 2. If acting on behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, acre feet of water you claim for storage, and source of same.

Ans. May 20, 1948 Permit No R-811 & Permit No- 4959 Made
Made & Completed by James E. McKay in 1913 21st day of July
Source of supply Huff Creek 950 acre feet

Ques. 4. Under terms of permit construction was required to be completed by May 20
1953.

Ques. 5. Construction was actually completed on the date of Nov- 10 19 52.

Ques. 6. Does the construction fully comply with the specifications? yes

Ques. 7. Of what material was the dam built? Earth fill rock & cement
Spillway 18 inch metal pipe & Gate

Ques. 8. State whether or not the water has been turned into your reservoir, and if so, when and to what extent.

Ans. yes Feb 10 we began storage at full at
Present

Ques. 9. The capacity of the reservoir is 150 acre feet. Plus high water & Waste

Ques. 10. The area of the high water line of the reservoir is 19 acres. water storage during summer

Ques. 11. The height of the dam above bottom of reservoir is 9 feet, above low water is 9 feet.

Ques. 12. The dimensions of the spillway are 3 feet high & 18 wide and the bottom of the spillway is 3 feet feet below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are 18 inch corrugated pipe

Ques. 14. Describe the gate and control unit.

Ans. armco steel 18 inch canal gate set in a 7x6 cement
Block

Ques. 15. The reservoir outlet is made of armco steel canal gate & cement

Ques. 16. Is the reservoir filled through a feeder canal? No

Ques. 17. If so, where is the point of diversion for same?

Ans. $\frac{1}{4}$ $\frac{1}{4}$ Section, _____ Twp. _____ Range. _____

R-811

Ques. 18. Does the feeder canal comply with the specifications in the permit?

Ques. 19. If not, explain

Ques. 20. Cost of constructing feeder canal? \$..... Cost of reservoir? \$ 700.00

Ques. 21. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not, explain.

Ans. Yes all laterals were built by James E. McKee & Stillman

Ques. 22. Water has (~~been~~) been delivered to place of intended use? Yes

Ques. 23. Give description of dam, state dimensions, and give slope of face both upstream and downstream. Also method and material for protecting against wave action.

Ans. approx 65 rods long up stream slope 3 to 1 & down stream slope 2 to 1 Top 10 feet wide Height 9 feet earth filled dam

Ques. 24. State the purpose for which the water is to be used and give the place of use, and if for irrigation, state the number of acres, and give the legal description of same.

Ans. Irrigating & stock water. 10 acres in NE 1/4 of the NW 1/4 Sec 15 150 22 East BM. & 46 acres in NW 1/4 of the NW 1/4 Sec 15 150 22 East BM & 20 acres in SE 1/4 of the SW 1/4 Sec 10 150 22 East BM

(Sign here) Bert M. Huatley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Bowen, County of Ada, State of Idaho, on this 31 day of March A. D. 19 53

Will Edison
Notary Public

My commission expires 3-25-59

✓
April 10, 1953

RE: Permit No. R-811

Mr. Bert M. Wheatley
Box 205
Carey, Idaho

Dear Mr. Wheatley:

We have checked the land description in our record of your Permit No. R-811 and find that it agrees with the original permit which we return to you herewith.

We have sent to the Hailey Times copy of notice of beneficial use proof to be made under this permit on May 8, 1953, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We shall send Mr. Joseph McFadden, Notary Public, the necessary forms of deposition to be used in making this proof and at the time set you should appear before him together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

We have filed your proof of completion of works on this permit, but no final action will be taken until your beneficial use proof has been submitted and a field inspection made by an engineer from this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-811

April 1, 1953

RE: Permit No. R-811

Mr. Bert Wheatley
Box 205
Carey, Idaho

Dear Mr. Wheatley:

In checking our office records of your Permit No. R-811, we note a slight discrepancy between the land described in the body of the permit and the sketch map.

In order that we may be sure and have this description correct, will you please send us your Permit No. R-811 for checking, to be returned to you promptly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Mr. Bert M. Wheatley
Box 205
Carey, Idaho

March 2, 1953

Dear Sir:

Under the terms of your permit No. R-811 you are required to complete your diversion works and make proof of beneficial use on or before

May 20, 1953.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is May 20, 1953, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-811

May 19, 1951

Re: Permit No. R-811

Mr. Bert Wheatley
Box 206
Carey, Idaho

Dear Mr. Wheatley:

Reference is made to your letter of May 14, 1951, in regard to including the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 1 South, Range 22 East, B.M. in Permits Nos. 4959 and R-811.

Permit No. R-811 can be amended to include this additional land and we enclose application for such amendment herewith.

Our records show that a License was issued on Permit No. 4959 to James E. Mackay on December 12, 1914. The only way a License can be amended is by making an application to transfer the water from the land to which it is appurtenant to other land, which would require publication once a week for two weeks before the transfer is made.

If you would wish to apply for a transfer, we can send you the necessary form of application.

Very truly yours,

MARK R. KULP
STATE RECLAMATION ENGINEER
By

Chief Clerk

A:bh
Enc.

R-811

May 14 1951

Dept of Reclamation
State House
Boise Ida

RECEIVED
MAY 19 1951
Department of Reclamation

Dear Sir

Should it be possible to
have Permit No 4958 &
also Permit No R 811 amend-
ed to cover Land in the
SW 1/4 of the NE 1/4 of Sect 10
22 East & 1.50 BM (10 acres)

We have this Land filed on
under a Desert Entry

also we like a Application
for filing on under Ground
Water

R-811

Casey Adair

May 18 1950

Dept of Reclamation
Boise Idaho

RECEIVED
MAY 22 1950

Department of Reclamation

Dear Sir

In Reply to your letter
of May 16

Yes we would like to with
draw the Proof of Completion
of Works and apply for an
amendment to the Permit to
raise the dam to 10 feet &
apply for two years extension
in which to complete the work

I'll be in Boise next week
& I'll call at your office to
fill out the Paper &

Yours Very Truly
Bert M. Wheatley

R-819

Permit No. R-811

Application for Extension of Time FOR COMPLETION OF WORKS

Bert M. Wheatley, of Carey

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. R-811

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by May 20, 1950

That he has heretofore performed the following work described under said permit

Constructed dam eight feet high, reservoir, spillway, etc.

costing \$ 800.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

He has made application to amend the permit to allow for a dam ten feet

high, so as to provide for the storage of the amount of water applied for.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the completion of works under said permit to May 20, 1953.

Subscribed and sworn to before me this 26th day of MAY, 1950

Dillon W. Lator
Notary Public.

My commission expires Feb 16, 1953

Date of receipt at office of Department of Reclamation

State Reclamation Engineer
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-811 to May 20, 1953

Witness my hand this 26th day of May

1950

Mark R. Kulp
State Reclamation Engineer

R-811

June 1, 1950

Re: Permit No. R-811

Mr. Bert H. Wheatley
Box 205
Carey, Idaho

Dear Mr. Wheatley:

We enclose your Application for Amendment of Permit No. R-811, which has been approved by the State Reclamation Engineer and duly recorded in this Department.

We also return your affidavit submitted in Proof of Completion of Works on your present dam which you have withdrawn, and enclose the approval of the State Reclamation Engineer of your application for extension of time for completion of works under this amended Permit to May 20, 1953.

This should be attached to the original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

R-811

✓
May 18, 1950

Re: Permit No. R-811

Mr. Bert M. Wheatley
Box 205
Carey, Idaho

Dear Mr. Wheatley:

We acknowledge receipt of your letter of May 10, 1950, with the following enclosures: Affidavit of Proof of Completion of Works under Permit No. R-811, together with the statutory fee of \$5.00, also Permit No. R-811, and duplicate copies of Notice of Beneficial Use Proof to be made under this Permit on May 11, 1950.

We note your statement that you would like permission to raise the dam to 10 feet which would allow you additional storage up to the amount applied for.

Since the present Permit calls for an 8 foot dam and you would still be entitled to two more years within which to complete the work, you may withdraw the Proof of Completion of Works, apply for an amendment to the Permit to raise the dam to 10 feet, and apply for two years extension within which to complete the works.

You understand, of course, that on a project of this size, the law requires that plans and specifications must be approved by this Department before proceeding with the work.

We shall await your further advice before taking any action in the matter and meanwhile, we return your Permit No. R-811.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

check returned to Mr. Wheatley personally 5/26/50
R-811

Carey Idaho
May 10 1950

Dept Reclamation RECEIVED
Baile Idaho MAY 16 1950

Department of Reclamation

Dear Sir

Enclose is \$5.00 to apply
on Certificate of Completion

also We'd like to obtain
Permission to raise this
dam or Reservoir - ten
feet - at Present it cover
about 30 acres and the
extra 2 feet would not
put us over our 350 acre
feet per annum

I Trust we filled these
papers out right R-811

Very truly Yours
Bert Wheatley

Form No. 5-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. Bert M. Wheatley
Box # 205
Carey, Idaho

BOISE

March 1, 1950

Dear Sir:

Under the terms of your permit No. R-811 you are required to complete your diversion works and make proof of beneficial use on or before May 20, 1950.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public of Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is May 20, 1950, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-811

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. R-811

Date May 28, 1943

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Bert M. Wheatley
Box 205
Carey, Idaho

MARK R. KULP
State Reclamation Engineer

R-811

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 29, 1953

Re: Permit No. R-811
Bert Wheabley

Mr. Joseph McFadden
Notary Public
Hailey, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. R-811

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On May 8, 1953, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Hailey, Idaho before Joseph McFadden, Notary Public

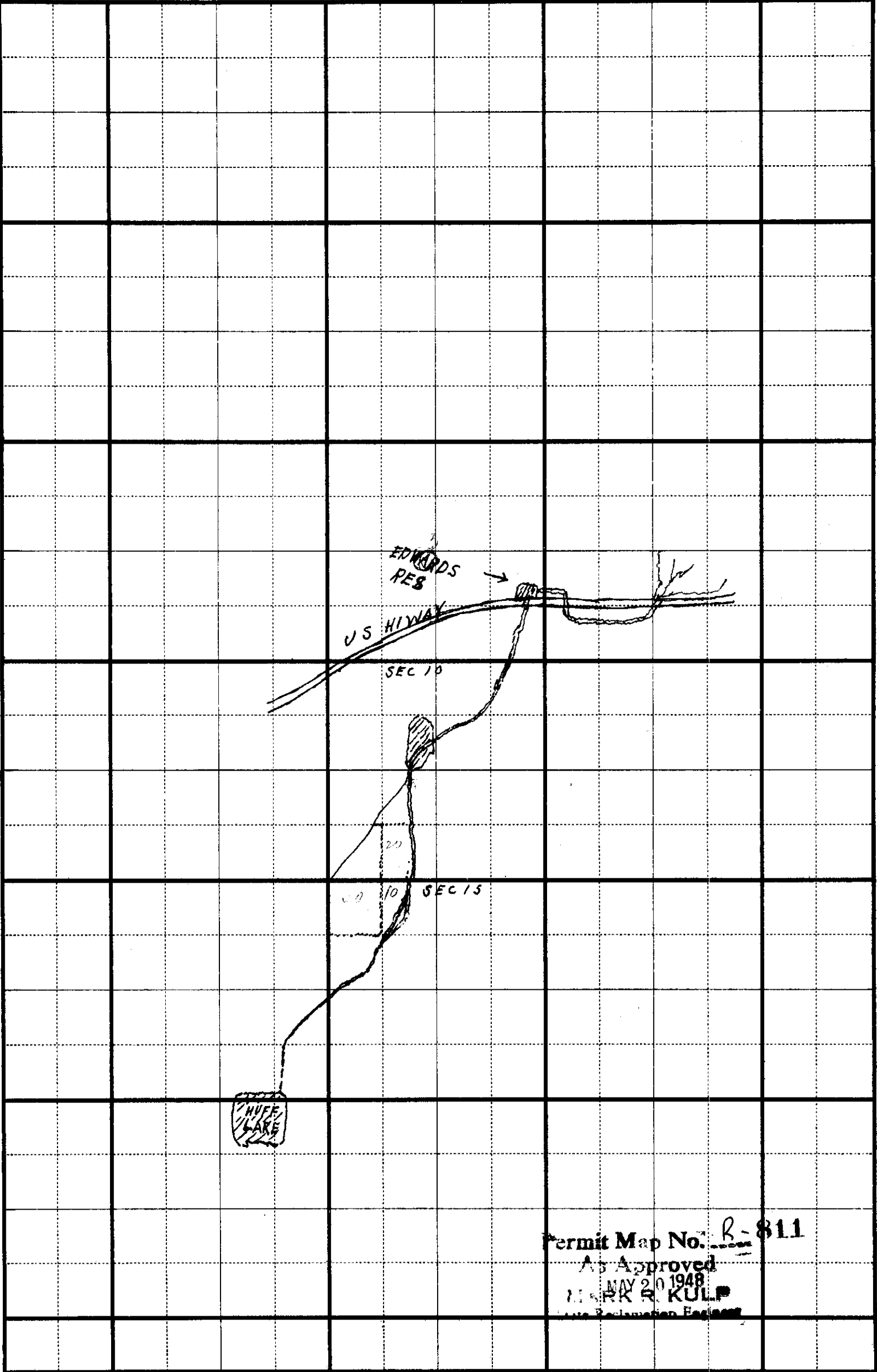
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

.....
MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

R-811



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

Permit Map No. R-811
As Approved
MAY 20 1948
MARK R. KULP
Reclamation Engineer

R-811

April 29, 1948

Mr. Bert M. Wheatley
Box 205
Carey, Idaho

Dear Mr. Wheatley:

Reference is made to your letter of April 25, 1948, in regard to obtaining additional water from Haff Creek.

It is likely that the spring referred to is a tributary to some stream on which there may be filings for use during the irrigation season. However, if there is water going to waste a filing could be made for storage if there is no reservoir further down the stream for the storage of this water.

We enclose a form of application for your use, together with pamphlet giving regulations and instructions in regard to filing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

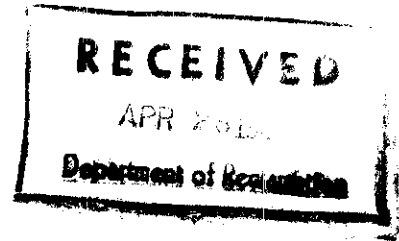
Chief Clerk

A/dm
Enc.

R-811

Carey Idaho
April 25 1948

Department of Reclamation
Boise Idaho



Dear Sir

Just recently we bought the old Jas E Mackay
Place on Huff Creek near Carey Idaho & I understand
there is a License no 4959 for 32 miners inch
of Huff Creek water. Can more of this water
be filed on this spring about 3 or 4 feet of
water was running to waste & could be stored
and used to a good advantage now

If there is any chance of a new filing
or if there is a chance to file on this waste
water & store it for stock & Irrigation, and
just what we have to do to prove up on it
if there is any open

Could you please inform me by return mail
I'd appreciate it very much

Sincerely

Bert M Wheatley
Box 205 Carey Ida

R-811