

R38E

R 39E

R 40E

R 41E

See Last chance on
St Anthony and Parker for

T 8 N

52,000 acres

T 7 N

T 6 N

Vol 10,650 ac - RT / Season

Priority - 7-29-65

WATER LICENSE

Water License No. R-1211/21-2161 Priority July 29, 1965 Amount 10,650 acre feet per season

THIS IS TO CERTIFY, that NORTH FORK RESERVOIR COMPANY
of St. Anthony, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated July 29, 1965; that Permit R-1211/21-2161 was issued pursuant
to said application; that the proposed works were completed on or about 1966
with a storage/or carrying capacity of 10,650 acre feet per season, said works consisting of
dam and reservoir; and that on January 25, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 10,650
acre feet per season, with a maximum rate of diversion of N.A. cubic feet per second of the waters
of Henry's Lake and Feeders, tributary of North Fork Snake River,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 15 N, R. 43 E, B.M., and
other additional points _____, in the County of
Fremont; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 10,650 acre feet per year.

Description and location of place of use: Lands under the North Fork Reservoir Company as described on the attached sheet.

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 $\frac{1}{4}$	

Total number of acres irrigated 52,000

The right to the use of the water 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

12th day of February, 19 70.

Stephen C. Alred
Deputy State Reclamation Engineer

21 2161

R-1211
21-2161

LANDS TO BE IRRIGATED UNDER PERMIT R-1211

Last Chance Canal Co.

Point of Diversion - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp. 8 N., Rge. 41 E., B.M.

Place of Use - Sections 22, 27, 28, 29, 31 and 32; Twp. 8 N., Rge. 41 E., B.M.
Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, & 36, Twp. 8 N.,
Rge. 40 E., B.M.

Salem Union Canal Co.

Point of Diversion - NW $\frac{1}{4}$ Sec. 11, Twp. 7 N., Rge. 40 E., B.M.

Place of Use - Sections 11, 14, 15, 16, 21, 22, 27, 28, 29, 31, 32, 33, and
34, Twp. 7 N., Rge. 40 E., B.M.

Egin Irrigating Co.

Point of Diversion - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp. 7 N., Rge. 40 E., B.M.

Place of Use - Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, & 18, Twp. 7 N., Rge.
40 E., B.M. Sections 1, 10, 11, 12, 13, 14, 15, 16, 21,
22, 27, 28, 32 & 33, Twp. 7 N., Rge. 39 E., B.M.

Independent Canal Co., Ltd.

Point of Diversion - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, Twp. 7 N., Rge. 40 E., B.M.

Place of Use - Sections 2, 7, 8, 9, 10, 11, 16, 17, 18, & 19, Twp. 7 N.,
Rge. 40 E., B.M. Sections 13, 14, 15, 16, 17, 19, 20, 21,
22, 23, 27, 28, 29, 30, 31, 32, & 33, Twp. 7 N., Rge. 39
E., B.M. Sections 5, 6, 7, 8, 13, 17 & 18, Twp. 6 N.,
Rge. 39 E., B.M.

St. Anthony Union

Point of Diversion - NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp. 8 N., Rge. 41 E., B.M.

Place of Use - Sections 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23,
29, 30, 31, & 32, Twp. 7 N., Rge. 39 E., B.M. Section 27,
Twp. 8 N., Rge. 39 E., B.M. Sections 5, 6, 7, & 8, Twp.
6 N., Rge. 39 E., B.M. Sections 2, 5, 8, 9, 18 & 22, Twp.
7 N., Rge. 40 E., B.M. Sections 27, 28, 29, 31, 32, 33, 34,
35 & 36, Twp. 8 N., Rge. 40 E., B.M. Sections 25 & 26,
Twp. 6 N., Rge. 38 E., B.M.

Consolidated Farmers Canal Company

Point of Diversion - NE $\frac{1}{4}$ Sec. 10, Twp. 7 N., Rge. 40 E., B.M.

Place of use - Sections 1, 2, 3, 9, 10, 11 & 17, Twp. 6 N., Rge. 39 E., B.M.
Sections 24, 25, 34, 35 & 36, Twp. 7 N., Rge. 39 E., B.M.
Sections 16, 19, 20, 29, & 30, Twp. 7 N., Rge. 40 E., B.M.
Section 31, Twp. 7 N., Rge. 40 E., B.M.

R. 1211
21-2161

APPLICATION FOR PERMIT

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

Application No. R 40634
Permit No. R 1211

21-2161

1. Name of Applicant: North Fork Reservoir Company

Post office address: St. Anthony County Fremont State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: September 25, 1915
St. Anthony, Idaho

(b) Amount of Capital Stock: \$ 200,000.00

(c) Amount paid in: \$ 145,561.00

(d) Names and addresses of directors:

J. Max Mortensen, Rt.2, Rexburg, Idaho; Donald Rydalch, Rt2, St. Anthony, Idaho; Ray W. Rigby, Box 362, Rexburg, Idaho; Clair Blaser, Rt.2, Rexburg, Idaho; Bert Loveland, St. Anthony, Idaho; Ernest Bradshaw, Rt.2, St. Anthony, Idaho; Ed Rindlishbacher, Rt.2, Rexburg, Idaho

II. The financial resources of the corporation are:

(a) Cash on hand: \$ 299.63

(b) Treasury Stock: \$ 54,439.00

(c) Bonds to be issued: \$ None

(d) Other resources: dam, reservoir, and lots for building sites

2. Quantity of water to be stored: 10,650 Acre Feet acre feet per annum.

3. Source of water supply is Henry's Lake & (Creek) (River) (Spring), a tributary of North Fork Snake River.

4 The outlet of the proposed reservoir is located 2775 feet, distant from the NE Corner NW 1/4 of Section 26, Township 15 N., Range 43 E., B.M. and is in the SW 1/4 of NW 1/4 of Section 26, Township 15 N., Range 43 E., B.M. County of Fremont

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

(a) The reservoir is located in the basin of Henry's Lake Proper (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 1/4 of 1/4 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 6,878 acres.

(b) The reservoir capacity is 90,300 acre feet.

7. Height of reservoir dam 26 feet, length at top 408 feet, length at bottom 65 feet, size of outlet 10 feet by 5 feet. The dam is to be constructed of materials as follows: Existing concrete dam as core with new earth fill on each side for strength.

(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

(Creek) (River)? The waters of the reservoir will be co-mingled with the waters of the North Fork of the Snake River through a channel known as Henry's Lake Outlet.

(b) Water stored in reservoir will be carried in the channel of North Fork of Snake River (Creek) (River) (Spring) to different points of diversion along the said channel owned by each of the stockholders (canal companies) who points of diversion are set forth in their own water licenses. (bearing) feet distant from the corner of Section, Township, Range, B.M., and is in the 1/4 of 1/4 of Section, Township, Range, B.M.

9. (a) Area of watershed above dam site 98 square miles.

(b) Estimated maximum flow of stream 907 cubic feet per second.

10. Water is to be used for irrigation and domestic purposes.

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

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B.M., and is in the 1/4 of 1/4 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., and is in the 1/4 of 1/4 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. North Fork, Snake River to the canals of the stockholders of the company, each of whom has a valid water permit or decree.

13. Kind of diversion works: (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: \$ 26,000.00 Diversion Works: \$

18. Time required for completion of work one years.

19. Time required for complete application of water to proposed beneficial use is two years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
			Lands to be irrigated: The lands to be irrigated under this permit are all located in Twps. 6-7 and 8 North, Rgs. 38-39-40-41, E.B.M., and are the lands now watered by the canals noted as being stockholders of the North Fork Reservoir Co. The water now being used to irrigate these lands was decreed to the various canal companies by order of the District Court in and for Fremont County, Idaho, 6th Judicial District and is dated Dec. 16, 1910. The Last Chance Canal Co's. decree dates from Feb. 9, 1897, and is for 6000 inches. It waters approximately 2500 acres; the Secretary is Cy Young, St. Anthony, Idaho. The St. Anthony Union Canal Cos' decree dates from June 21, 1888, and July 29, 1892, and is for 25,000 inches. It waters approximately 12,250 Acres. The Secretary is Robert Fisher, St. Anthony, Idaho, Mrs. J.A. McDonald. The Elgin Canal Cos' decree dates from April 25, 1885, and March 1, 1890, and is for 15,000 inches. It waters appx 7500 acres. The Secretary is Robert Fisher, St. Anthony, Idaho. The Independent Canal Cos' decree dates from June 14, 1895, and is for 18,000 inches. It waters approx. 12,750 acres. The Secretary is Robert Fisher, St. Anthony, Idaho. The Salem Union Canal Cos' decree dates from April 28, 1892, and is for 12,000 inches. It waters approx. 7200 acres. The Secretary is Gerald Larsen, Route #2, Rexburg, Idaho. The Consolidated Farmers Canal Cos' decree dates from June 1, 1890, June 1, 1892, and June 1, 1895, and is for 12,000 inches. It waters approx. 9800 acres. The Secretary is Ephraim Willmore, Rexburg, Idaho. TTT ACREAGE TO BE IRRIGATED 52,000																	

Total Number of Acres to Be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described above are Application No. R 18546, Permit No. R 75, for District No. 36 A.

REMARKS:

See map for approximate boundary of lands watered and location of canals on Application No. R-18546, Permit No. R-75, District No. 36A.

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

NORTH FORK RESERVOIR COMPANY, Applicant.

By /s/ J. MAX MORTENSEN, President, Agent.

Date of first receipt at Department of Reclamation: July 29, 1965

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1211

Recorded in book R 5, page 1211. Approved December 7, 1965

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store 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 February 7, 1965 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 June 7, 1966

The whole of said work to be completed on or before December 7, 1966

Beneficial use of water stored in accordance herewith, to be made on or before December 7, 1968

Witness my hand this 7th day of December, 1965.

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

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th day of December, 1965.

COUNTERSIGNED

STATE OF IDAHO

By /s/ ARNOLD WILLIAMS, Secretary of State.

By /s/ ROBERT E. SMYLLIE, Governor.

(SEAL)

EXTENSION OF TIME APPROVAL ✓

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the extension of time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-1211, to December 7, 1967.

Witness my hand this 19th day of October, 1966.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

Recorded: October 19, 1966.

EXTENSION OF TIME APPROVAL ✓

I, R. Keith Higginson, 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-1211 to June 7, 1968.

Witness my hand this 9th day of November, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 10,650 ^{ac} SEC. FT.
LICENSE PAGE NO. _____

February 12, 1970

Re: Permit No. 21-2161 (R-1211)

Rigby & Thatcher
P.O. Box 362
Pexburg, Idaho 83440

Attn: Ray W. Rigby

Dear Ray:

Enclosed herewith is the Water License issued on the above numbered permit. We would appreciate it if you would forward this license to your clients, North Fork Reservoir Company. We are also enclosing departmental receipt No. 4018 in the amount of \$5 covering the licensing fees.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh
Enclosures

cc. North Fork Reservoir Company
St. Anthony, Idaho 83445

R-1211
21-2161

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 3, 1970

MEMORANDUM

TO: Keith *OK RKA*

FROM: Steve

SUBJECT: Permit No. 21-2161, North Fork Reservoir Company

Permit No. 21-2161 is for 10,650 acre feet of water from Henry's Lake to be used for irrigation of lands under the North Fork Reservoir Company. The North Fork Reservoir Company presently holds licenses for water in Henry's Lake for the same lands as those under Permit No. 21-2161.

All requirements of the applicant under Permit No. 21-2161 have been fulfilled and fees have been paid as required by the Department. The question appears to be whether or not the Department has to conduct a detailed survey to determine the irrigated lands to which the water has been applied. It appears that this would be a very difficult matter to accomplish. Idaho Code 42-219 specifically states as follows:

" . . . however, that upon irrigation projects where the canals constructed cover an area of 25,000 acres or more, or within irrigation districts organized and existing as such under the laws of the state of Idaho, the license issued shall be issued to the persons, association, company or corporation or irrigation district owning the project, and final proof may be made by such owners for the benefit of the entire project and it shall not be necessary to give a description of the land by legal subdivisions but a general description of the entire area under the canal system shall be sufficient, and the water diverted and the water right acquired thereby shall relate to the entire project and the diversion of the water for the beneficial use under the project shall be sufficient proof of beneficial use without regard as to whether each and every acre under the project is irrigated or not."

It would appear from that section that the Department is not required to complete a detailed survey of the lands irrigated in cases where the areas covered are greater than 25,000 acres. Section 42-221 of Idaho Code further specifies that in the case of water used for irrigation where the right sought is an addition to an existing water right and where the Department of Reclamation is not required to make an examination of the ditches or the lands of the user in order to determine if the water has been applied to beneficial use, no fees shall be paid to the Department. That provision included in 42-221 was prior to that section's being

*R-1211
21-2161*

2/3/70

amended in 1967. This language in conjunction with that previously cited, would indicate to me that the law does not require us to survey and accurately describe each and every acre upon which the water is used in cases where permits cover large areas of lands and upon which the right or the permit is supplemental.

I would therefore recommend that we issue the license on permit 21-2161 based upon the acreages and description previously licensed by the Department and upon information available to the Department as a result of a survey of appropriations in the early 1900's on the lands in question.

R-1211
21-2161

February 3, 1970

MEMORANDUM

TO: Keith

FROM: Steve

SUBJECT: Permit No. 21-2161, North Fork Reservoir Company

Permit No. 21-2161 is for 10,650 acre feet of water from Henry's Lake to be used for irrigation of lands under the North Fork Reservoir Company. The North Fork Reservoir Company presently holds licenses for water in Henry's Lake for the same lands as those under Permit No. 21-2161.

All requirements of the applicant under Permit No. 21-2161 have been fulfilled and fees have been paid as required by the Department. The question appears to be whether or not the Department has to conduct a detailed survey to determine the irrigated lands to which the water has been applied. It appears that this would be a very difficult matter to accomplish. Idaho Code 42-219 specifically states as follows:

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R-1211
21-2161

2/3/70

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C
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P
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R-1211
21-2161

December 11, 1969

Re: Permit No. R-1211/21-2161

C
O
P
Y

Rigby & Thatcher
P.O. Box 362
Rexburg, Idaho 83440

Attn: Ray W. Rigby

Dear Mr. Rigby:

Thank you for your letter of November 24, 1969. We have been reviewing the status of Permit R-1211/21-2161. As you are aware, there was a change in Idaho law governing applications for permits to appropriate water during the 1967 session of the Idaho Legislature. That amendment, in effect, did away with the old system under which this permit was filed but did not clarify as to how permits such as this should be handled. At the time we sent out the original fee letter, we were assuming that they would be perfected under the pre-1967 procedures, providing fees had not been paid previously on other permits for the same lands.

Under one of the previous permits dealing with Henry's Lake, we have found an order dealing with the setting of fees, which in effect, establishes a precedent on this particular reservoir. That order interprets the law to mean that fees were not required when supplemental filings were made for water to serve lands previously examined and licensed; therefore, we do not feel that in this instance we can require additional fees. You are hereby notified that the only fee due is \$5 for issuance of the license, as listed under the old pre-1967 statutes.

R-1211
21-2161

Page Two
Ray W. Rigby
December 11, 1969

In reviewing Permit 21-2161 and the prior filings on Henry's Lake, we have not been able to determine that the lands were ever physically inspected by this office. Before we issue the license, it might be necessary for us to very briefly check the land irrigated by water from Henry's Lake. This perhaps can be done in a very short time by using the photos available through the county assessor's office. It would be very helpful, if we could have someone from the company available to assist us in identifying the lands and canals to which the water is appurtenant. We hope to accomplish this during the winter.

I would appreciate your comments, as to whether or not, you feel that the procedure we are adopting regarding the fees and examination is correct. If you have any questions, please contact me.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

R. 12/11
21-2161

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

December 23, 1969

RAY W. RIGBY
GORDON S. THATCHER

RECEIVED
DEC 23 1969
Department of Reclamation
TELEPHONE
856-3638
AREA CODE 208

State Department of Reclamation
State House
Boise, Idaho 83707

Re: Permit No. R-1211/21-2161

Attention: C. Stephen Allred, Deputy
State Reclamation Engineer

Dear Mr. Allred:

Thank you for your letter of December 11, 1969. I enclose herewith a check for \$5 to cover the fee for the issuance of a license, as requested by said letter.

We would be happy to have a man available at any time you wish to examine the properties. You are reminded that the eight canal companies who are the stockholders of this licensee all have individual water rights of their own. Therefore, the Department could possibly have determined from their filings and their decrees the actual lands watered from the Henry's Lake Reservoir.

The records of the Rexburg Irrigation Decree have extensive maps, surveys, and engineering opinions of both the department engineers and others. Presently, those records are in the possession of the United States District Attorney therein Boise. It may be that you would want to examine those engineering reports rather than make an inspection here.

However, we shall be happy to assist you in any manner. We are quite anxious to get the license issued.

Yours very truly,

Ray W. Rigby
of RIGBY & THATCHER

RWR/jr
Enclosure - check

R-1211
21-2161

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

TELEPHONE
356-3633
AREA CODE 208

RECEIVED
NOV 24 1969

Department of Reclamation

November 24, 1969

21-2161

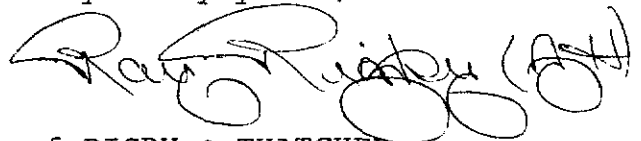
Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit #R-1211, North Fork Reservoir Company

Dear Mr. Higginson:

We would like to obtain the license on the above mentioned permit. You sent us a billing at one time based on the new code provisions; however, later advised us that since our application had been filed under the old provisions that you would send us a new billing which, upon payment, would entitle us to the license. Would you please advise what is necessary to complete this matter.

Very truly yours,



of RIGBY & THATCHER

jh

R-1211
21-2161

LANDS TO BE IRRIGATED UNDER PERMIT R-1211

Last Chance Canal Co.

Point of Diversion - NW $\frac{1}{4}$ SW $\frac{1}{4}$ -14; Twp. 8N, Rge. 41E.
Place of Use Sections 22, 27, 28, 29, 31 and 32; Twp. 8N, Rge. 41E.
Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 & 36,
Twp. 8N, Rge. 40E.

Salem Union Canal Co.

Point of Diversion - NW $\frac{1}{4}$ -11; Twp. 7N, Rge. 40E, B.M.
Place of Use Sections 11, 14, 15, 16, 21, 22, 27, 28, 29, 31,
32, 33 and 34, Twp. 7N, Rge. 40E, B.M.

Eggn Irrigating Co.

Point of Diversion - SW $\frac{1}{4}$ NE $\frac{1}{4}$ -1; Twp. 7N, Rge. 40E, B.M.
Place of Use Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 18, Twp.
7N, Rge. 40E, B.M. Sections 1, 10, 11, 12, 13,
14, 15, 16, 21, 22, 27, 28, 32 and 33; Twp. 7N,
Rge. 39E, B.M.

Independent Canal Co., Ltd.

Point of Diversion - SE $\frac{1}{4}$ SE $\frac{1}{4}$ -2; Twp. 7N, Rge. 40E, B.M.
Place of Use Sections 2, 7, 8, 9, 10, 11, 16, 17, 18 and 19,
Twp. 7N, Rge. 40E, B.M.
Sections 13, 14, 15, 16, 17, 19, 20, 21, 22, 23,
27, 28, 29, 30, 31, 32 and 33; Twp. 7N, Rge. 39E, B.M.
Sections 5, 6, 7, 8, 13, 17 & 18; Twp. 6N, Rge.
39E, B.M.

St. Anthony Union

Point of Diversion - NE $\frac{1}{4}$ NW $\frac{1}{4}$ -33; Twp. 8N, Rge. 41E, B.M.
Place of Use Sections 1, 9, 10, 11, 12, 13, 14, 15, 16, 17,
19, 20, 22, 23, 29, 30, 31, & 32; Twp. 7N, Rge.
39E, B.M.
Section 27, Twp. 8N, Rge. 39E, B.M.
Sections 5, 6, 7 & 8; Twp. 6N, Rge. 39E, B.M.
Sections 2, 5, 8, 9, 18 & 22; Twp. 7N, Rge. 40E, B.M.
Sections 27, 28, 29, 31, 32, 33, 34, 35 & 36;
Twp. 8N, Rge. 40E, B.M.
Sections 25 & 26; Twp. 6N, Rge. 38E, B.M.

Consolidated Farmers Canal Company

Point of Diversion - NE $\frac{1}{4}$ -10; Twp. 7N, Rge. 40E, B.M.
Place of Use Sections 1, 2, 3, 9, 10, 11 & 17, Twp. 6N, Rge.
39E, B.M.
Sections 24, 25, 34, 35 & 36; Twp. 7N, Rge. 39E, B.M.
Sections 16, 19, 20, 29 & 30; Twp. 7N, Rge. 40E, B.M.
Section 31, Twp. 7N, Rge. 40E, B.M.

R-1211

7-3-69

Steve,

Re: North Fork Reservoir Co. R-124

In checking our records for an examination of the lands irrigated by the above referenced company I do not find a tabulation or account representing the irrigated ground.

Referenced in files & checked

IC-54 North Fork Res. Co.

License 13122 North Fork Res. Co.

R-324

R-75

DRR

p-124

STEVE

FEE SCHEDULE

Ground water or Surface water:

1. Stock watering purposes, c/w and b/u is \$5.00.
2. For quantity of 6.4 and above to 10 c.f.s., for c/w it is \$5.00.
3. For quantity over 10 c.f.s. the charge is \$5.00 for the first 10 then 30¢ for each additional 1 over 10 c.f.s. for c/w. The charge for b/u is still \$5.00 unless the use is irrigation; if irrigation, charge \$2.00 for each 40 acre subdivision.
4. Completion of works for 1600 up to 2500 acre feet is \$5.00. If over 2500 it is \$5.00 for first 2500 acre feet then 30¢ for each additional 250 acre feet.

Surface Water:

1. For domestic, c/w and b/u the fee is \$5.00.
2. For domestic, b/u alone is \$5.00.
3. For domestic, c/w alone, there is no charge under 6.4, over 6.4 is \$5.00.
4. For irrigation, c/w and b/u the fee is \$5 plus \$2 for each 40-acre subdivision.
5. For irrigation, b/u alone is \$2 for each 40-acre subdivision.

Ground Water:

1. For domestic, c/w and b/u the fee is \$5.00.
2. For stock water, c/w and b/u the fee is \$5.00.
3. For irrigation, c/w and b/u it is \$5 plus \$2 for each 40-acre subdivision.
4. For soil bank, c/w is \$5.00.

Q - what would be the correct Fee for
c/w & BV on 10,650 AF/SEASON FOR
IRRIGATION OF 52,000 Acres Re: R-1211
(NORTH Fork Reservoir Co.)

the flood book is possibly not complete
& the statutes are the same as now
as I can find out (42-221) R-1211 2

My interpretation of 42-221 for R-1211 - suggests \$1.00/10 acre sub. + \$5.00
2341 DR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. R-1211

REPORT ON PROOF OF Completion of Works and Beneficial Use

R 38 E

R 39 E

R 40 E

R 41 E

See Last chance on

St. Anthony's Park for

T 8 N

52000 acres

T 7 N

T 6 N

Vol 10,650 m. ft. / Season

Priority - 7-29-65

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

Permit No. R-1211

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant North Fork Reservoir Company
2. Source of water supply: Henry's Lake and Feeders
3. Location of point of diversion: Is in the SW¹/₄ NW¹/₄ of Section 26
T. 15 N R. 43 E County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: See front page for Spec. of dam. Spillway has 5 bays #1-7.1', #2-7.8', #3-8.0', #4-5.6' & #5-3 Spillway width 39.6' including piers. depth 8.3'. Can be checked up 6.0'.
2 Armco Gate lifts (C.P.E.A.) Outlet pipe 8' concrete. No settling apparent. Leak on East end not flowing at 14.64 G.H. Two 5x5' outlet gates with Armco Lifts. (continued below)

5. Water is used for: irrigation and domestic

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):

LANDS IN T. 6, 7, and 8 North, R. 38, 39, 40, and 41, East, B.M. See attached sheet of Lands irrigated.

52,000 Acres

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

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

Remarks: Spillway can be checked up leaving 1.5' over flow in each section of Spillway. This would allow W.S. to be raised to 6637.7' if All boards were in place. Area of Lake given as ^{Nearly} 6800 acres. Raising the level of the water 1.5' would supply additional storage in the amount applied for.

This examination was made on the 24 day of September, 19 68

(Signed) Robert W. Hamilton

Examiner.

R-1211

plat mfg

North Fork Reservoir Co.
St. Anthony, Idaho

Permit No. R-1211

Examination for Completion of Works and Beneficial Use

County Fremont

Quantity: Sec. 26 T. 15 N. R. 43 E
10,650 acres feet per annum

Source: Henry's Lake & Feeders

P.D.: SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 26, T. 15 N, R. 43 E, B.M.

Use: irrigation and domestic

Extension: Yes

Protest:

Completion of Works:

Other Rights: Application No. R-18546,
Permit No. R-75 for District No. 36 A.

Filed: July 29, 1965

Due: c/w - June 7, 1968
b/u - December 7, 1968 June 7, 1970

Made: January 25, 1968

Priority: July 29, 1965

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.

Area of high water line is
6878 acres. Cap. is 90,300
Dam is 26' ~~16' 6"~~ high
Length at top 408 feet
Length at bottom 65 feet
2 outlets each 5' x 5'
Dam consists of concrete dam
as core with earth-fill for
strength and spillway

12. The time required for the completion of such work is Five (5) years.
13. The time required for the complete application of the water to the proposed use is Four (4) additional years.
14. The land to be irrigated is described in the following tabulation:
(Give Irrigable acreage in each 40-acre subdivision. Designate ownership of land, as Government, State or Private. If Private, give names of owners.)

Twp	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
The lands to be irrigated under this permit are all located in Twp. 6-7 and 8 North, Rgs. 38-39-40 and 41 East Boise Meridian, and are the lands now watered by the Canals noted as being stock holders of the North Fork Reservoir Co. The water now being used to irrigate these lands was decreed to the various canal companies by order of the District Court in and for Fremont County, Idaho, Sixth Judicial District, & is dated Dec. 16th, 1910.																			
The Last Chance Canal Cos' decree dates from Feb. 9th, 1897, and is for 6000 inches. It waters Approx. 2500 acres, the Secy. is A.D. Miller Jr. Address is Parker, Idaho.																			
The St. Anthony-Union Canal Cos' decree dates from June 21st, 1888, and July 29th, 1892, and is for 25000 inches. It waters Approx. 12250 acres. The Secy. is J.B. Quale, Address is St. Anthony, Idaho.																			
The Egin Canal Cos' decree dates from April 25th, 1885, and March 1st, 1890, and is for 15000 inches. It waters Approx. 7500 acres. The Secy. is Alex McFarland, Address is St. Anthony, Idaho.																			
The Independent Canal Cos' decree dates from June 14th, 1895, and is for 18000 inches. It waters Approx. 12750 acres. The Secy is J.T. Robertson. Address is Rexburg, Idaho. Route #3.																			
The Salem Union Canal Cos' decree dates from April 28th, 1892, and is for 12000 inches. It waters Approx. 7200 acres. The Secy. is W.J. Lavery. Address is Rexburg, Idaho. Route #2.																			
The Consolidated Farmers Canal Cos' decree dates from June 1st, 1890-June 1st, 1892, and June 1st, 1895, and is for 12750 inches. It waters Approx. 9800 acres. The Secy. is H.P. Jensen, Address is Rexburg, Idaho. Route #2.																			
See map for approximate boundary of lands watered, and location of canals, also see Remarks-B- of Reservoir application No. "R-18546" by the North Fork Reservoir Company, dated May, 15th, 1917.																			
Ditch Companies included in North Fork Reservoir Co																			

Total Number of Acres to be Irrigated 52000

15. (a) Is reservoir to be used? Yes If so, fill in (b) and (c) below.

(b) Name of reservoir and number of Storage Permit: Henry Lake Reservoir: B-75

(c) Date of filing of Application for Storage Permit and Name of Applicant: Application No. B-13546, Filed May, 15th, 1917. The North Fork Reservoir Company.

Remarks: (A): \$100,000.00 of the Treasury stock has been subscribed for by six of the largest canal corporations on the North Fork of Snake River, but not paid for, payment for same being due on demand. The \$1,000.00 referred to above as "paid in and subscribed" being a small voluntary assessment made for preliminary investigations.

Remarks (B): The head of the ^{Last Chance} Canal is located S. 70°-40' E. 3832 Ft. from the Cor. Com. to Secs. 11 & 14 T. 8N. R. 41E. The Secy. is A. D. Miller, Parker, Idaho. The head of the St. Anthony Canal is located S. 45°-42' W. 850 Ft. from the $\frac{1}{2}$ Cor. Com. to Secs. 28 & 33, T. 8N. R. 41E. The Secy. is J. B. Gualo, St. Anthony, Idaho. The head of the Union Canal is located E. 84°-02' N. 1647 Ft. from the $\frac{1}{2}$ Cor. Com. to Secs. 1 & 2, T. 7N. R. 40E. The Secy. is J. B. Gualo, St. Anthony, Idaho, and with the St. Anthony Canal makes up The St. Anthony-Union Canal Co., Ltd. The head of the Egin Canal is located S. 50°-42' W. 2913 Ft. from the NE. Cor. of Sec. 1, T. 7N. R. 40E. The Secy. is Alex Mc Farland, St. Anthony, Idaho. The head of the Independent Canal is located S. 23°-22' W. 1286 Ft. The water from the reservoir is to be released as the needs of the Companies require, and can not be stated in definite amounts at this time.

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.

The North Fork Reservoir Company.

By R. G. Martin Applicant
Agent

16. Affidavit of Permission to File on Springs.

I, _____ of _____ County of _____ State of _____ do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO,

County of _____

ss.

On this _____ day of _____, 191____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____

known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

P. 1211

June 26, 1969

Re: Permit No. R-1211

J. Max Mortensen, President
North Fork Reservoir Company
P. O. Box 362
Rexburg, Idaho 83440

Dear Mr. Mortensen:

A representative of this department has made an examination of the works covered by your Permit R-1211 and has found the following:

Quantity of water diverted: 10,650 ac.ft./season

Amount of water that can be recognized as beneficially used under Idaho Law: 10,650 ac.ft./season

The maximum quantity diverted shall not exceed 10,650 acre feet per season.

Purpose of use: Irrigation of 52,000 acres in (see attached sheet)

The priority date established is: July 29, 1965

A fee totaling \$ 4,677.00 must be received within 30 days from the date of this letter in order that we can issue you the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR/mh

R-1211



Very truly yours,

The priority date established is: July 29, 1965

The maximum quantity diverted shall not exceed 10,50 acre feet per season.

Quantity of water diverted: 10,659 ac.ft./season

Dear Mr. Mortensen:

Ref Permit No. R-1211

04-3565193

DATE

The following letter was mailed. The question was raised & informed the proper for my information was he has been from the district. See samples from Blood Bank.

Dec.

November, 1967

N O T E

Plans, specifications, and drawings have been removed from
this file and placed in the dam file.

R-1211

R-1211

February 9, 1968

Re: Permit No. R-1211

J. Max Mortensen, President
North Fork Reservoir Company
P. O. Box 362
Rexburg, Idaho 83440

Dear Mr. Mortensen:

We acknowledge receipt of the depositions and affidavit of publication in the
Chronicle-News submitted as proof of com-
pletion of works and beneficial use on Permit R-1211.

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

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 382
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

February 7, 1968

RECEIVED
FEB 9 1968
Department of Reclamation
TELEPHONE
366-1000
AREA CODE 208

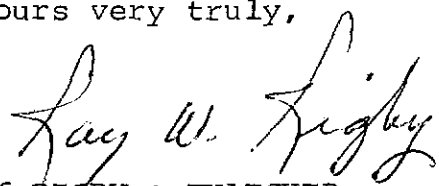
Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. R-1211
NORTH FORK RESERVOIR COMPANY

Dear Mr. Higginson:

I enclose herewith Deposition of Holder and two witnesses concerning the above mentioned permit, together with Affidavit of Publication. If you need anything further to complete this proof, please advise.

Yours very truly,


of RIGBY & THATCHER

ss
Enclosures

R-1211

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

ss.

L. b. Hunsaker

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

That he is the owner of The Chronicle-News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertise-

ment or publication of

Notice of Proof of

Completion of Works

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for four consecutive issues thereof; first publication

having been made on the 4

day of January, 1968,

and the last publication on the

25 day of January

1968.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seven-teen and three-fourths inches deep.

L. b. Hunsaker
Subscribed in my presence and

sworn to before me this 1st

day of February

1968.

Phyllis Koppertzel
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

NOTICE
OF PROOF
OF COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN, THAT ON THE 25th day of January, 1968, at Rexburg, County of Madison, State of Idaho before Gordon S. Thatcher, Notary Public at 25 North 2nd East, Rexburg, Idaho, proof will be submitted of Completion of Works for the diversion of 10,650 acre feet of storage, of waters of Henry's Lake & Feeders, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-1211, heretofore issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said permit is North Fork Reservoir Company, St. Anthony, Idaho

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount

of water which said works are capable of conveying to the place of storage is 10,650 acre feet per annum.

3. Reservoir capacity is 90,300 acre feet.

4. The use to which said water has been applied is domestic and irrigation purposes, and the amount applied to beneficial use is 10,650 acre feet.

5. The point of diversion of said waters for beneficial use is SW1/4NW1/4, Sec. 26, T. 15 N., R. 43 E. B. M., Fremont County, and the amount which can be diverted is 10,650 acre feet per annum.

6. The place where said water is used is lands in T. 6, 7, and 8 North, R. 38, 39, 40, and 41, E. B. M.

7. The date of priority which said user is prepared to establish is July 29, 1965.

R. KEITH HIGGINSON
State Reclamation
Engineer

(CN JAN. 4, 11, 18, 25 '68)

R-1211

APPROVAL OF STATE RECLAMATION ENGINEER

I, _____, 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. _____ to _____, 19_____.

Witness my hand this _____ day of _____, 19_____.

State Reclamation Engineer.

Attach this approval to Permit.

R-1211

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R 1211

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

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

J. Max Mortensen, Route 2, Rexburg, Idaho, farmer, Route 2, Rexburg, Idaho.

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

North Fork Reservoir Company, St. Anthony, Idaho, President. Pursuant to authority granted by board of directors.

Ques. 3. State number, approval date of permit, and date of priority: _____

Permit No. R 1211, approved December 7, 1965. Date of priority is December 7, 1965. tributaries of North Fork of Snake River.

Ques. 4. State source of water supply: Henry's Lake & Feeders/

Give location of point of diversion, showing subdivision, section, township and range Outlet is located 2775' distant from NE cor of NW $\frac{1}{4}$ of Sec. 26, Twp. 15 N., R. 43. E.B.M. and is in SW $\frac{1}{4}$ of Sec. 26, Twp. 15 N., R. 43, E.B.M., Fremont County, Idaho.

Ques. 5. Describe your works of diversion: Reservoir located in Basin of Henry's Lake Proper. Area of high water line is 6878 acres. Reservoir capacity

is 90,300 feet. Height of reservoir dam is 26 feet, length at top 408 feet, ~~veing from point of diversion to place of use:-----~~; Give name of canal or ditch length at bottom 65 feet, 2 outlets each 5 feet x 5 feet. Dam consists of ~~or other works by which water is conducted to such place of use:--~~

existing concrete dam as core with earth-fill for strength, and spillway. ~~if a well, state depth of well-----~~; depth and size of

casing-----; depth to water-----; if pump is used,

state discharge of pump:-----; tell how it was measured or determined-

-----; if sprinkler irrigation, give number and size of nozzles and operating pressure:-

Ques. 6. State for what purpose water is used: irrigation and domestic
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

See attached list (Exhibit A).

R-1211

State nature of all improvements which have been made as a direct result of said use:

Additional reclamation and improvement of lands with the additional
buildings and structures attendant thereto, of stockholders' water users.
Ques. 6-a: If this is a ground water permit, give name and address of person that drilled
the well: -----

Ques. 7. If for other than irrigation purposes, show full legal description of place
of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit
has been first used: all in 1966 - Time used since first use:

Each year the improved and enlarged reservoir has been used to capacity
for the storing of existing water rights and those claimed by this permit.

Ques. 10. Describe all other water rights appurtenant to same place of use: -----

Application No. R 18546, Permit No. R 75, for District No. 36A. Also,
Permits 13122 and R 324.

(sign) J. Max Mortensen

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 him-
self to be, and that said testimony was subscribed and sworn to before me, at my office in

Rexburg, County of Madison

State of Idaho, on this 25th day of January, A. D. 1968.

My commission expires: 8-26-70

Ray W. Sigby
Notary Public for Idaho
Residing at Rexburg, Idaho

EXHIBIT A

LAND TO BE IRRIGATED:

The lands to be irrigated under this permit are all located in Twps. 6-7 and 8 North, Rgs. 38-39-40 and 41, E.B.M., and are the lands now watered by the canals noted as being stockholders of the North Fork Reservoir Co. The water now being used to irrigate these lands was decreed to the various canal companies by order of the District Court in and for Fremont County, Idaho, 6th Judicial District and is dated Dec. 16, 1910.

The Last Chance Canal Cos' decree dates from Feb. 9, 1897, and is for 6000 inches. It waters approximately 2500 acres; the Secretary is Cy Young, St. Anthony, Idaho.

The St. Anthony Union Canal Cos' decree dates from June 21, 1888, and July 29, 1892, and is for 25,000 inches. It waters approximately 12,250 acres. The Secretary is Mrs. J. A. McDonald, St. Anthony, Idaho.

The Egin Canal Cos' decree dates from April 25, 1885, and March 1, 1890, and is for 15,000 inches. It waters approximately 7500 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Independent Canal Cos' decree dates from June 14, 1895, and is for 18,000 inches. It waters approximately 12,750 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Salem Union Canal Cos' decree dates from April 28, 1892, and is for 12,000 inches. It waters approximately 7200 acres. The Secretary is Gerald Larsen, Route 2, Rexburg, Idaho.

The Consolidated Farmers Canal Cos' decree dates from June 1, 1890, June 1, 1892, and June 1, 1895, and is for 12,750 inches. It waters approximately 9800 acres. The Secretary is Ephraim Willmore, Rexburg, Idaho.

TOTAL ACREAGE TO BE IRRIGATED -

52,000

P-1211

RECEIVED

FEB 9 1966

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R 1211

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

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:

Vivan J. Bagley, 43, Route 2, Rexburg, Idaho, farmer, Box 56, Route 2
Rexburg, Idaho.

Ques. 2 Are you acquainted with North Fork Reservoir Company, the holder of
Permit No. R 1211? How long have you known him and where does he reside?

I've known of the corporation throughout my lifetime.

Ques. 3. Have you read or heard said Permit No. R 1211 read, and are you familiar
with its provisions and conditions: Yes x No. Henry's Lake & Feeders, tributaries of

Ques. 4. State source of water supply: North Fork of Snake River.

Give location of place of diversion, showing subdivision, section, township and range
Outlet is located 2775' distant from NE cor of NW $\frac{1}{4}$ of Sec. 26, Twp. 15 N.,
R. 43, E.B.M. and is in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, Twp. 15 N., R. 43, E.B.M.,
Fremont County, Idaho.

Describe works for conveying water to place of use: Reservoir located in Basin of
Henry's Lake Proper. Area of high water line is 6878 acres. Reservoir
capacity is 90,300 feet. Height of reservoir dam is 26 feet, length at
top 408 feet, length at bottom 65 feet, 2 outlets each 5 feet x 5 feet.

Ques. 5. ~~How many second feet of water do you estimate said works will safely conduct~~
Dam consists of existing concrete dam as core with earth-fill for strength
~~to place of use. How much water have you seen being so~~
and spillway.
~~conveyed?~~

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

See attached list (Exhibit A).

R-1211

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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. Additional reclamation and improvement of lands with the additional buildings and structures attendant thereto, of stockholders' water users.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1966
Other times you have seen such use: Throughout 1967.

(Signed):

Vivian J. Bagley

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

Rexburg, County of Madison, State of Idaho, on this 25th day of January, A. D. 1968.

Larry W. Hagley
Notary Public for the State of Idaho
Residing Rexburg, Idaho

My commission expires 8-26-70

EXHIBIT A

LAND TO BE IRRIGATED:

The lands to be irrigated under this permit are all located in Twps. 6-7 and 8 North, Rgs. 38-39-40 and 41, E.B.M., and are the lands now watered by the canals noted as being stockholders of the North Fork Reservoir Co. The water now being used to irrigate these lands was decreed to the various canal companies by order of the District Court in and for Fremont County, Idaho, 6th Judicial District and is dated Dec. 16, 1910.

The Last Chance Canal Cos' decree dates from Feb. 9, 1897, and is for 6000 inches. It waters approximately 2500 acres; the Secretary is Cy Young, St. Anthony, Idaho.

The St. Anthony Union Canal Cos' decree dates from June 21, 1888, and July 29, 1892, and is for 25,000 inches. It waters approximately 12,250 acres. The Secretary is Mrs. J. A. McDonald, St. Anthony, Idaho.

The Egin Canal Cos' decree dates from April 25, 1885, and March 1, 1890, and is for 15,000 inches. It waters approximately 7500 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Independent Canal Cos' decree dates from June 14, 1895, and is for 18,000 inches. It waters approximately 12,750 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Salem Union Canal Cos' decree dates from April 28, 1892, and is for 12,000 inches. It waters approximately 7200 acres. The Secretary is Gerald Larsen, Route 2, Rexburg, Idaho.

The Consolidated Farmers Canal Cos' decree dates from June 1, 1890, June 1, 1892, and June 1, 1895, and is for 12,750 inches. It waters approximately 9800 acres. The Secretary is Ephraim Willmore, Rexburg, Idaho.

TOTAL ACREAGE TO BE IRRIGATED - *P-1211* 52,000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R 1211

RECEIVED
FEB 9 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

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:

Frank Ives, age 52, Box 30, Route 1, St. Anthony, Idaho, farmer,
Box 30, Route 1, St. Anthony, Idaho.

Ques. 2 Are you acquainted with North Fork Reservoir Company, the holder of
Permit No. R 1211? How long have you known him and where does he reside?

I've known of this corporation all my lifetime.

Ques. 3. Have you read or heard said Permit No. R 1211 read, and are you familiar
with its provisions and conditions: Yes x No. Henry's Lake & Feeders, tributaries

Ques. 4. State source of water supply: of North Fork of Snake River.

Give location of place of diversion, showing subdivision, section, township and range
Outlet is located 2775' distant from NE cor of NW $\frac{1}{4}$ of Sec. 26, Twp. 15 N.,
R. 43, E.B.M. and is in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, Twp. 15 N., R. 43, E.B.M.,
Fremont County, Idaho.

Describe works for conveying water to place of use: Reservoir located in Basin of
Henry's Lake Proper. Area of high water line is 6878 acres. Reservoir
capacity is 90,300 feet. Height of reservoir dam is 26 feet, length at top
408 feet, length at bottom 65 feet, 2 outlets each 5 feet x 5 feet. Dam

Ques. 5. ~~How many second-feet of water do you estimate said works will safely conduct~~
~~consists of existing concrete dam as core with earth-fill for strength and~~
~~to place of use--~~ How much water have you seen being so
spillway.
conveyed?

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

See attached list (Exhibit A).

R-1211

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.
Additional reclamation and improvement of lands with the additional buildings and structures attendant thereto, of stockholders' water users.

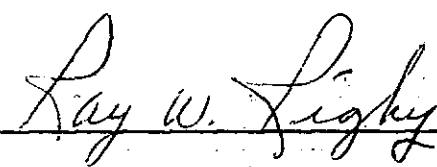
Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NO

Ques. 10. When did you first see this water used? 1966
Other times you have seen such use: During 1967.

(Signed): 

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

Rexburg, County of Madison, State of Idaho, on this 25th day of January, A. D. 1968.


Notary Public for the State of Idaho
Residing Rexburg, Idaho

My commission expires 8-26-70

EXHIBIT A

LAND TO BE IRRIGATED:

The lands to be irrigated under this permit are all located in Twps. 6-7 and 8 North, Rgs. 38-39-40 and 41, E.B.M., and are the lands now watered by the canals noted as being stockholders of the North Fork Reservoir Co. The water now being used to irrigate these lands was decreed to the various canal companies by order of the District Court in and for Fremont County, Idaho, 6th Judicial District and is dated Dec. 16, 1910.

The Last Chance Canal Cos' decree dates from Feb. 9, 1897, and is for 6000 inches. It waters approximately 2500 acres; the Secretary is Cy Young, St. Anthony, Idaho.

The St. Anthony Union Canal Cos' decree dates from June 21, 1888, and July 29, 1892, and is for 25,000 inches. It waters approximately 12,250 acres. The Secretary is Mrs. J. A. McDonald, St. Anthony, Idaho.

The Egin Canal Cos' decree dates from April 25, 1885, and March 1, 1890, and is for 15,000 inches. It waters approximately 7500 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Independent Canal Cos' decree dates from June 14, 1895, and is for 18,000 inches. It waters approximately 12,750 acres. The Secretary is Robert Fisher, St. Anthony, Idaho.

The Salem Union Canal Cos' decree dates from April 28, 1892, and is for 12,000 inches. It waters approximately 7200 acres. The Secretary is Gerald Larsen, Route 2, Rexburg, Idaho.

The Consolidated Farmers Canal Cos' decree dates from June 1, 1890, June 1, 1892, and June 1, 1895, and is for 12,750 inches. It waters approximately 9800 acres. The Secretary is Ephraim Willmore, Rexburg, Idaho.

TOTAL ACREAGE TO BE IRRIGATED -

52,000 R-1211

December 20, 1967

Re: Permit No. R-1211
North Fork Reservoir Company

Fremont County Chronicle News
St. Anthony, Idaho 83445

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to January 25, 1968. The expense of the publication is to paid by J. Max Mortensen, North Fork Reservoir Company, St. Anthony, Idaho,

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enc: Legal Notice

R-1211

FREMONT COUNTY
CHRONICLE-NEWS
ST. ANTHONY, IDAHO

LEGAL - - - - -

NOTICE
OF PROOF
OF COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN
THAT ON THE 25th day of Jan-
uary, 1968, at Rexburg, County
of Madison, State of Idaho be-
fore Gordon S. Thatcher, Notary
Public at 25 North 2nd East,
Rexburg, Idaho, proof will be
submitted of Completion of
Works for the diversion of 10,-
650 acre feet of storage, of
waters of Henry's Lake &
Feeders, and of the application
to Beneficial Use of said water,
in accordance with the terms
and conditions of Permit No.
R-1211, heretofore issued by the
Department of Reclamation of
the State of Idaho

1. The name and postoffice
address of the person or corp-
oration holding said permit is
North Fork Reservoir Company,
St. Anthony, Idaho

2. Said works of diversion
of water for storage will be fully
completed on the date set for
such completion and the amount
of water which said works are
capable of conveying to the place
of storage is 10,650 acre feet
per annum.

3. Reservoir capacity is 90,-
300 acre feet.

4. The use to which said
water has been applied is do-
mestic and irrigation purposes,
and the amount applied to bene-
ficial use is 10,650 acre feet.

5. The point of diversion of
said waters for beneficial use
is SW1/4NW1/4, Sec. 26, T. 15
N., R. 43 E. B. M., Fremont
County, and the amount which
can be diverted is 10,650 acre
feet per annum.

6. The place where said
water is used is lands in T.
6, 7, and 8 North, R. 38, 39,
40, and 41, E. B. M.

7. The date of priority which
said user is prepared to es-
tablish is July 29, 1965.

R. KEITH HIGGINSON
State Reclamation
Engineer

(CN JAN. 4, 11, 18, 25 '68)

HOLD FOR CHECKING - - -

624-3921

R-1211

RECEIVED

DEC 20 1967

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE IS HEREBY GIVEN THAT ON THE 25th day of January, 1968,
at Rexburg, County of Madison, State of Idaho
before Gordon S. Thatcher, Notary Public at (address) 25 North 2nd East,
Rexburg, Idaho, proof will be submitted of Completion of Works for the
diversion of 10,650 acre feet of storage, of waters of Henry's Lake & Feeders
, and of the application to Beneficial Use of said water, in
accordance with the terms and conditions of Permit No. R-1211, heretofore
issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said
permit is North Fork Reservoir Company, St. Anthony, Idaho

2. Said works of diversion of water for storage will be fully completed on the
date set for such completion and the amount of water which said works are capable
of conveying to the place of storage is 10,650 ^{acre} ~~cubic~~ feet per ~~second~~ annum.

3. Reservoir capacity is 90,300 acre feet.

4. The use to which said water has been applied is domestic and irrigation
purposes, and the amount applied to beneficial use is 10,650 acre feet.

5. The point of diversion of said waters for beneficial use is _____

SW1/4NW1/4, Sec. 26, T. 15 N, R. 43 E, B.M., Fremont County,

_____ and the amount which can be diverted is
10,650 ~~acre~~ ^{acre} ~~cubic~~ feet per ~~second~~ annum.

6. The place where said water is used is lands in T. 6, 7, and 8 North,

R. 38, 39, 40, and 41, E, B.M.

7. The date of priority which said user is prepared to establish is July 29,
1965.

R. KEITH HIGGINSON

State Reclamation Engineer

R-1211

RECEIVED

DEC 14 1967

Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Fremont County Chronicle News of St. Anthony, Idaho; published in the county in which the works are situated.

NORTH FORK RESERVOIR COMPANY

(signature)

By

Max Gro Towner President
P. O. Box 362, Rexburg, Idaho
(address)

December 14, 1967
(date)

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 when proof is for completion of works.

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

Engineer

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RECEIVED

DEC 20 1967

Department of Reclamation

TELEPHONE
356.8633
AREA CODE 208

RAY W. RIGBY
GORDON S. THATCHER

December 18, 1967

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

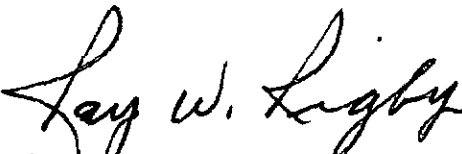
Re: North Fork Reservoir Company
Permit No. R-1211

Dear Mr. Higginson:

I enclose herewith Form 18, Notice of Proof of Completion of Works and Application of Water to Beneficial Use, and Form 11, for the above mentioned corporation and permit.

Please send the instruments for taking of depositions to this office.

yours very truly,


of RIGBY & THATCHER

ss
Enclosures

R-1211

December 20, 1967

Re: Permit No. R-1211

J. Max Mortensen, President
North Fork Reservoir Company
P. O. Box 362
Rexburg, Idaho 83440

Dear Mr. Mortensen:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit R-1211.

We have mailed the notice to the Fremont County Chronicle News to be published once a week for four consecutive weeks prior to January 25, 1968, which is the hearing date when the permit holder North Fork Reservoir Company and two disinterested witnesses must appear before Gordon S. Thatcher, 25 North 2nd East, Rexburg, Ida, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by J. Max Mortensen for North Fork Reservoir Co.. Be sure all the forms have the notary's seal and are signed.

Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElDowney
Water Rights Clerk

DWM:dj

Enc: Depositions

cc: Notary

R-1211

December 11, 1967

Re: Permit No. R-1211
North Fork Reservoir Company

Ray W. Rigby
Rigby & Thatcher
P. O. Box 362
Rexburg, Idaho 83440

Dear Mr. Rigby:

Enclosed are the forms necessary for submission of the required proof of completion of works and beneficial use.

Please forgive our oversight in not supplying the forms when requested.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enc: Forms 36A, 18, and 11

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

December 7, 1967

TELEPHONE
356.3633
AREA CODE 208

RECEIVED

DEC 8 1967

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit R-1211
NORTH FORK RESERVOIR COMPANY

Dear Mr. Higginson:

We obtained an extension on the North Fork Appropriation and Storage Permit only to get the proof submitted because the work is all completed. We have heretofore asked for the form to complete that proof, but have not yet received it from your office. We wouldn't like our six month extension to run before we get the proof submitted.

If there is any question, please let me know.

Yours very truly,

Ray W. Rigby

of RIGBY & THATCHER

SS

R-1211

November 14, 1967

RE: Permit R-1211
North Fork Reservoir Company

Rigby and Thatcher
Attorneys at Law
P.O. Box 362
Rexburg, Idaho 83440

Dear Mr. Rigby:

Attached herewith is the approval of the State Reclamation Engineer for an Extension of Time as requested by the above referenced permit holder. You will note this extension is to June 7, 1968 as requested.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

Encl: Approval

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

OCT 31 1967

RAY W. RIGBY
GORDON S. THATCHER

October 30, 1967

TELEPHONE
356-8633
AREA CODE 208

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. R-1211
NORTH FORK RESERVOIR COMPANY

Dear Mr. Higginson:

We have completed all works under the above numbered permit, and are now prepared to submit final proof for the completion of the works and also for the application to a beneficial use. We enclose herewith an Application for Extension of Time for Completion of Works simply because we are not able to get the forms completed and forwarded to your office by registered mail at least 60 days before December 7, 1967.

We have form 8 and 11 and would request forms for making proof of beneficial use, and an extension of time for completion of works if you feel it is necessary. Also, we would appreciate any advice and suggestions you may have in submitting these proofs.

Yours very truly,

Ray W. Rigby
of RIGBY & THATCHER

SS
Enclosures

R-1211

STATE OF IDAHO
Department of Reclamation

Application for Extension of Time for Completion of Works

State of Idaho

County of MADISON.

ss.

Permit No. R-1211

Ray W. Rigby, Secretary, of NORTH FORK RESERVOIR COMPANY,
a corporation organized under the laws of the
State of Idaho, being first duly sworn, upon his oath deposes and says:

North Fork Reservoir Company

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. R-1211

That under the terms and conditions of said permit, construction work thereunder was required to be completed by December 7, 1967, by virtue of an extension of time granted October 19, 1966.

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

There has been completion of all works with nearly \$33,000.00 spent in clearing away silt, rock and debris, constructing overflow and spillways, installing main discharge tunnel and footing to dam and completed all backfilling for said dam. Furthermore, the water has been fully applied to a beneficial use and all that remains to be done is the submission of proof for both, but there is less than the 60 day time limitation left to submit that proof.

Costing \$.....

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: All works have been completed; all water has been beneficially applied. The only matter to be attended to is the submission of proof of completion of works and proof of application to a beneficial use.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of works under said permit to June 7, 1968.

Subscribed and sworn to before me this 30th day of October, 1967.

Ray W. Rigby
Jordan S. Strickland

Notary Public.

My commission expires 8-26-70Date of receipt at office of Department of Reclamation October 31, 1967

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, 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-1211 to June 7, 1968.

Witness my hand this 9th day of November, 1967

R. Keith Higgins
State Reclamation Engineer. R-1211

STATE OF IDAHO
Department of Reclamation

Application for Extension of Time for Completion of Works

State of Idaho

County of MADISON.

ss.

Permit No. R-1211

Ray W. Rigby, Secretary of NORTH FORK RESERVOIR COMPANY,
a corporation organized under the laws of the
State of Idaho, being first duly sworn, upon his oath deposes and says:

North Fork Reservoir Company

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. R-1211

That under the terms and conditions of said permit, construction work thereunder was required to be completed by December 7, 19 67, by virtue of an extension of time granted October 19, 1966.

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

There has been completion of all works with nearly \$33,000.00 spent in clearing away silt, rock and debris, constructing overflow and spillways, installing main discharge tunnel and footing to dam and completed all backfilling for said dam. Furthermore, the water has been fully applied to a beneficial use and all that remains to be done is the submission of proof for both, but there is less than the 60 day time limitation left to submit that proof.

Costing \$

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: All works have been completed; all water has been beneficially applied. The only matter to be attended to is the submission of proof of completion of works and proof of application to a beneficial use.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of works under said permit to June 7, 19 68.

Subscribed and sworn to before me this 30th day of October, 19 67.

Ray W. Rigby
James S. Thacker

Notary Public.

My commission expires 8-26-70

Date of receipt at office of Department of Reclamation

APPROVAL OF STATE RECLAMATION ENGINEER

I, _____, 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. _____ to _____, 19 _____.

Witness my hand this _____ day of _____, 19 _____.

State Reclamation Engineer.

October 19, 1966

RE: Permit R-1211
North Fork Reservoir Company

Rigby and Thatcher
Attorneys at Law
P.O. Box 362
Rexburg, Idaho 83440

Dear Mr. Rigby:

Enclosed is the approval of your extension of time
on the above referenced permit. This extension is to
December 7, 1967 as requested.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Approval

R-1211

STATE OF IDAHO
Department of Reclamation

OCT 14 1966

Application for Extension of Time for ~~Department of Reclamation~~ Completion of Works

State of Idaho

County of Madison.

ss.

Permit No. R-1211

Ray W. Rigby, Secretary, of NORTH FORK RESERVOIR COMPANY
a corporation organized under the laws of the
State of Idaho, being first duly sworn, upon his oath deposes and says:

North Fork Reservoir Company
That ~~he~~ is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. R-1211

That under the terms and conditions of said permit, construction work thereunder was required to be
completed by December 7, 19 66.

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

Holder has spent \$19,328.74 in clearing away silt, rock and debris,
constructed overflow, spillways, installed main discharge tunnel
and footing to dam and partially backfilled dam.

Costing \$

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: A serious water shortage developed, making it unadvis-
able to lower water level early in season to begin construction as
had been contemplated; consequently work was delayed. Furthermore
Idaho Fish & Game Commission and resort owners around Henry's Lake
plead with board members of holder of permit to delay till latter
part of season or it would seriously affect them. Work progressing
very well now, but cannot predict weather conditions in the high country.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of
works under said permit to December 7, 19 67

Subscribed and sworn to before me this 13th day of October, 19 66

My commission expires 8-26-70 Residing at Rexburg, Idaho

Date of receipt at office of Department of Reclamation October 14, 1966

APPROVAL OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, 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-1211 to December 7, 19 67

Witness my hand this 19th day of October, 19 66

R. Keith Higginson
State Reclamation Engineer.

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

October 13, 1966

TELEPHONE
356-3633
AREA CODE 208

RECEIVED
OCT 14 1966

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. R-1211

Dear Mr. Higginson:

Pursuant to my telephone conversation with your office, I enclose herewith Application for Extension of Time for Completion of Works concerning the above numbered permit, extending the time for completion to December 7, 1967.

Yours very truly,

Ray W. Rigby
of RIGBY & THATCHER

ss
Enclosure

R-1211

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. R-1211

North Fork Reservoir Co.
St. Anthony, Idaho

Dear Sirs:

The date for Completion of Works under your Permit No. R-1211 was set for December 7, 1966. We are enclosing blank forms which you may use to notify this department of your intention to submit proof of completion of works. These are to be completed and forwarded to this office by registered mail at least 60 days before the above date. When this notice is received we will forward it, to a paper in your county which you designate, for publication.

The proof may be taken at any place convenient to you and two disinterested witnesses where there is a notary or other officer authorized to administer oaths.

Under some circumstances, as specified in Sec. 42-204 Idaho Code, where works have not been completed, an extension of time can be granted. In the event proof is not made and extension is not requested, or granted, the permit will be subject to cancellation.

The law requires that another proof be submitted when the water has been fully applied to a beneficial use which will be due Dec. 7, 1968. If, however, the full use of the water is presently being made you may wish to make proof of beneficial use also at this time. If so, forms will be forwarded to you upon request.

Very truly yours,

State Reclamation Engineer

Enc. Form 8 and 11

cc:

R-1211

June 8, 1966

Re: Permit No. R-1211

Mr. Ray W. Rigby
Attorney at Law
P. O. Box 362
Rexburg, Idaho 83440

Dear Mr. Rigby:

In response to your inquiry regarding the requirements for completion of one-fifth of the work by June 7, 1966, with regard to Permit R-1211, please be advised that this department has no form or instruction on this other than the requirements of the Idaho Code.

It would seem, however, to be proper for the President of the Reservoir Company to sign an affidavit stating the work accomplished to date and file same for reference in our office. If you choose to do this you should keep in mind that the permit indicated total estimated cost to be \$26,000, of which one-fifth would be \$5,200. This is the only measure we have as to what constitutes one-fifth of the work.

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

RKH:ew

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

June 7, 1966

TELEPHONE
356-3633
AREA CODE 208

RECEIVED
JUN 8 1966

Department of Reclamation

Idaho State Reclamation Department
107 Statehouse
Boise, Idaho

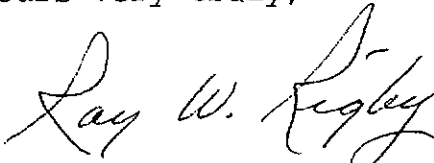
Re: North Fork Reservoir Company
Permit No. R-1211

Gentlemen:

The above mentioned permit gave the applicant, North Fork Reservoir Company until June 7, 1966, to complete one-fifth of the work called for in the application. The applicant has obtained the right-of-way, completed all preliminary engineering and is busily engaged in stripping the top soil from the rock, gravel and sand to be used in the fill, and we would like to submit whatever proof the Department requests of the work completed.

Would you, therefore, please send us the necessary forms and instructions.

Yours very truly,


of RIGBY & THATCHER

SS

R-1211

Open 1/2

December 20, 1965

Re: Permit No. R-1211
North Fork Reservoir Co.

Mr. Ray W. Rigby, Secretary,
North Fork Reservoir Co.,
Box 362,
Beyburg, Idaho.

Dear Mr. Rigby:

We enclose Permit No. R-1211 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

xxxxxxxxxxxxx
We also enclose Departmental Receipt No. 32871
which was issued covering payment in the amount of \$ 5.50
for the filing fee of the above mentioned permit: ~~was mailed to~~
you with our letter of August 12, 1965.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

R-1211

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

ss.

County of Fremont

L.B. Kieneker

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

That he is the *Owner* of The Chronicle-News, a newspaper as defined by Idaho Codes Annotated, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertise-

ment or publication of *Notice*

*of application to
Appropriate Public Water*

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for *3* consecutive issues thereof; first publication

having been made on the *4*

day of *November*, 196*5*,

and the last publication on the *18* day of *November*

196*5*.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

J.B. Kieneker

Subscribed in my presence and

sworn to before me this *24th*

day of *November*

196*5*.

Phyllis Hopper Dietzel

Notary Public for the State of Idaho, residence and post office address: St. Anthony, Idaho.

RECEIVED
DEC 6 1965

Department of Reclamation

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO IN
ACCORDANCE WITH THE
PROVISIONS OF SECTION
42-203, IDAHO CODE**

NOTICE IS HEREBY GIVEN, That the North Fork Reservoir Company of St. Anthony, Idaho has made application No. R-40634 on the 12th day of August, 1965, to appropriate 10,650-acre feet per annum of the waters of Henry's Lake and Feeders for irrigation purposes.

That the point of diversion is located: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 15 N., Rge. 43 E., B. M.

That the lands to be irrigated are 5200 acres under the canal systems of Last Chance Canal Co., St. Anthony Union Canal Co., Egin Canal Co., Independent Canal Co., Salem Union Canal Co., and Consolidated Farmers Canal Co.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

This notice was first published August 19, August 26 and September 2, 1965, with an error and republished after last date for protest as shown in the notice.

Dated this 26th day of October, 1965.

Ralph W. Thomas
Deputy State Reclamation Engineer

(CN Nov. 4, 11, 18, '65)

Permit Map No. *Q-1211*
As Approved
CARL E. TAPPAN
State Reclamation Engineer
DEC 7 1965

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

December 3, 1965

TELEPHONE
356.6701
356.3238
AREA CODE 208

RECEIVED
DEC 6 1965

Department of Reclamation

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Re: Application No. R-40634
North Fork Reservoir Company

Dear Mr. Thomas:

Enclosed herewith is Affidavit of Publication made by The Chronicle News of St. Anthony, Fremont County, Idaho, showing publication of Notice of Application for Permit to Appropriate the Public Waters of the State of Idaho, in Accordance with the Provisions of Section 42-203, Idaho Code. We just received this notice this morning, and have checked it over, and found it to be correct this time.

Yours very truly,



of RIGBY & THATCHER

ss
Enclosure

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 362
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

October 28, 1965

TELEPHONE
356.8701
356.8238
AREA CODE 208

RECEIVED
OCT 29 1965

Department of Reclamation

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Re: Application No. R-40634
North Fork Reservoir Company

Dear Mr. Thomas:

Pursuant to your instructions, we enclose herewith one copy of Notice of Application for Permit to Appropriate the Public Waters of the State of Idaho in accordance with the Provisions of Section 42-203, Idaho Code, which has been completed with the publication dates. One copy has also been handed to the Chronicle News for publication.

Yours very truly,

Ray W. Rigby

of RIGBY & THATCHER

ss
Enclosure

R-1211

October 26, 1965

Re: Application No. R-40634
North Fork Reservoir Co.

Rigby and Thatcher
Attorneys at Law
P. O. Box 362
Rexburg, Idaho

Attn: Ray W. Rigby

Dear Mr. Rigby:

We have a clipping from the paper of legal notice which shows that it was published September 30th, October 7, 14, 1965. As the body of the notice shows that protests must be made within 40 days of the date of the notice, August 13, 1965, or last date for protest September 22nd, which was previous to first publication.

The Attorney General's office insists that all legal notices, as published, must be correct.

Enclosed are three copies of a new legal notice which we hope can be published on time and correctly.

Kindly insert dates of first publication in the blank space in the last paragraph, complete dates of publication and acknowledge service on each of the copies. Send original to a paper published in Fremont County, return one copy to this paper and retain one copy for your file.

Remit the Affidavit of Publication to this office prior to December 5, 1965.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. 3 copies of legal notice

R-1211

September 24, 1965

RE: Application No. R-40634
North Fork Reservoir Co.

Ray W. Rigby
Attorney at Law
Box 362
Rexburg, Idaho

Dear Mr. Rigby:

Returned herewith is the copy of the legal notice which you have acknowledged received.

Kindly show the dates of publication as it was published twice, both sets of dates should be shown.

I hope the correct notice was published three times prior to September 22.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. legal notice

R-1211

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 302
REXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

September 23, 1965

TELEPHONE
356.6701
356.3238
AREA CODE 208

RECEIVED
SEP 24 1965

Department of Reclamation

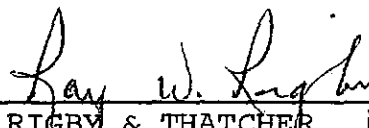
Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Re: North Fork Reservoir Company
Application No. R-40634

Dear Mr. Thomas:

I enclose herewith a signed copy of the legal notice in the above entitled matter. The Affidavit of Publication contained an error, in failing to list all of the canal companies. Therefore, the Chronicle News is re-running the notice, and upon receipt of a correct Affidavit of Publication, we shall forward the same immediately to you.

Yours very truly,



of RIGBY & THATCHER

ss
Enclosure

R-1211

Sept. 22, 1965

Re: Application No. R-40634

Ray W. Rigby, Secretary
North Fork Reservoir Co.
P. O. Box 362
Rexburg, Idaho

Dear Mr. Rigby:

Our letter dated August 12, 1965 requested a signed copy of the legal notice be returned to this office and the Affidavit of Publication to be filed prior to September 22, 1965.

To date we have not received either.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-1211

**NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH
THE PROVISIONS OF SECTION 42-203, Idaho Code**

NOTICE IS HEREBY GIVEN That the North Fork Reservoir Company of St. Anthony, Idaho has made application No. R-40634 on the 12th, day of August, 1965 to appropriate 10,650 acre feet per annum of the waters of Henry's Lake and Feeders for irrigation purposes.

That the point of diversion is located: SW1/4NW1/4, Sec. 26, Twp. 15 N., Rge. 43 E., B.M.

That the lands to be irrigated are 5200 acres under the canal systems of Last Chance Canal Co., St. Anthony Union Canal Co., Egin Canal Co., Independent Canal Co., Salem Union Canal Co., and Consolidated Farmers Canal Co.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 13th day of August, 1965

Deputy State Reclamation Engineer

Date of First Publication: _____

Date of Last Publication: _____

Last Date for Protest: September 22, 1965

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged
this _____ day of _____, 19____

(applicant)

By:

Its Agent

R-1211

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH
THE PROVISIONS OF SECTION 42-203, IDAHO CODE

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This notice was first published _____
with an error and republished after last date
for protest as shown in the notice.

Dated this 26th day of October, 1965.

Deputy State Reclamation Engineer

Date of First Publication: _____

Date of Last Publication: _____

Last Date for Protest: December 5, 1965

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged
this _____ day of _____, 19____

Applicant

By _____

Its Agent

R-1211

RECEIVED
OCT 20 1965

Department of Reclamation

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH
THE PROVISIONS OF SECTION 42-203, IDAHO CODE

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This notice was first published August 19, August 26 and September 2, 1965, with an error and republished after last date for protest as shown in the notice.

Dated this 26th day of October, 1965.

Ralph W. Thomas

Deputy State Reclamation Engineer

Date of First Publication: November 4, 1965

Date of Last Publication: November 18, 1965

Last Date for Protest: December 5, 1965

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged
this 28th day of October, 19 65.

NORTH FORK RESERVOIR COMPANY

Applicant

By

Lay W. Lighty
Secretary,

Its Agent

R-1211

**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO IN
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Dated this 13th day of August, 1965.

Ralph W. Thomas
Deputy State Reclamation Engineer
(cn Sept. 30, Oct. 7, 14, '65)



2-2

August 12, 1965

RE: Application for Permit No. R-40634

Ray W. Rigby, Secretary
North Fork Reservoir Company
Box 362
Rexburg, Idaho

Dear Mr. Rigby:

Enclosed are three copies of a legal notice of your application for permit. Give the original to a paper published in Fremont County for publication in three successive weekly issues, first publication to be not over 10 days after you sign the affidavit of service at the bottom of each copy. Show the dates of first and last publication on each copy. Return one copy to this office and retain one copy for your file.

File the Affidavit of Publication, prepared by the paper, in this office prior to September 22, 1965.

Also enclosed is departmental receipt No. 32871 in the amount of \$15.50 covering the filing fee.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. copies of notice 3
receipt

R-1211

North Fork Reservoir Company

St. Anthony, Idaho

January 30, 1964

RECEIVED
JAN 31 1964

Department of Reclamation

Idaho State Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Sometime ago Max Mortenson and I talked with you by telephone concerning the possibility of filing with your department for additional storage rights in Henry's Lake. You suggested that we file an application and give you an opportunity to look it over before you could make any recommendations or suggestions.

Last spring when Henry's Lake was probably the fullest that it has been for several years, the Board of Directors went completely around the perimeter of the Lake and discovered that it was doing no damage to anyone and therefore it would be feasible to file for additional storage rights.

Would you please send us application forms for filing for additional storage rights and any suggestions that you may have.

Very truly yours,

Lay W. Lighty
Secretary

RWR:lr

R-1211