

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2118	Montpelier Irrigation Co.	1.58	94.90	11-1012 thru 11-1041

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Transfer No. 2118

Application No. 11-1012 thru 11-1041

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROVED
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Montpelier Irrigation Co. Phone 847-1332
Post office address c/o Walt Rohner, 232 9th Street, Montpelier, ID

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree to All persons named in decree
(Name)
in case of E. Strong et al vs Montpelier Irrigation Co. et al
dated 2-20-1902 in 5th Judicial Court county of Bear Lake
(Name of court)
 - b. License No. issued by the Idaho Department of Water Resources
 - c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
all rights have been assigned to the Montpelier Irrigation Company and are now represented by stock certificates
3. Source of water Montpelier Creek tributary to Bear River
4. Date of priority see remarks
5. Water is used for the following purposes:
amount 96.48 for irrigation purposes from Apr. 1 to Nov. 1
amount for purposes from to
amount for purposes from to
(month/day -- both dates inclusive)
6. Total amount of water under right: a. 96.48 cubic feet per second
8/or
b. acre feet per annum
7. Location of original point of diversion is NE 1/4 of NE 1/4 of Section 1
Township 13S Range 44E, B.M., in Bear Lake County
Additional points of diversion, if any SW 1/4 NW 1/4, Sec. 2, SE 1/4 NE 1/4, Sec. 3, NW 1/4 NE 1/4, Sec. 9, T. 13S, R. 44E; SW 1/4 SE 1/4, Sec. 27, T. 12S, R. 45E, B.M.
8. Lands irrigated or place of use: SEE ATTACHMENT

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

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 1.58 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2 Township 13S
Range 44E, B.M., Bear Lake County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	44E	3 5	40	40	4						40	40							84 ⁸⁰ _{DP}
		4 4													40			40	80 _{DP}
		4 4																	
																			84 ¹⁶⁰ _{DP}

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 1.58 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 Township 12S
Range 44E, B.M., Bear Lake County
Additional points _____
 - c. Description of diverting works diesel pump, pipeline
 - d. Describe the reasons for applying for a change in the point(s) of diversion
applicant purchased shares of stock

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

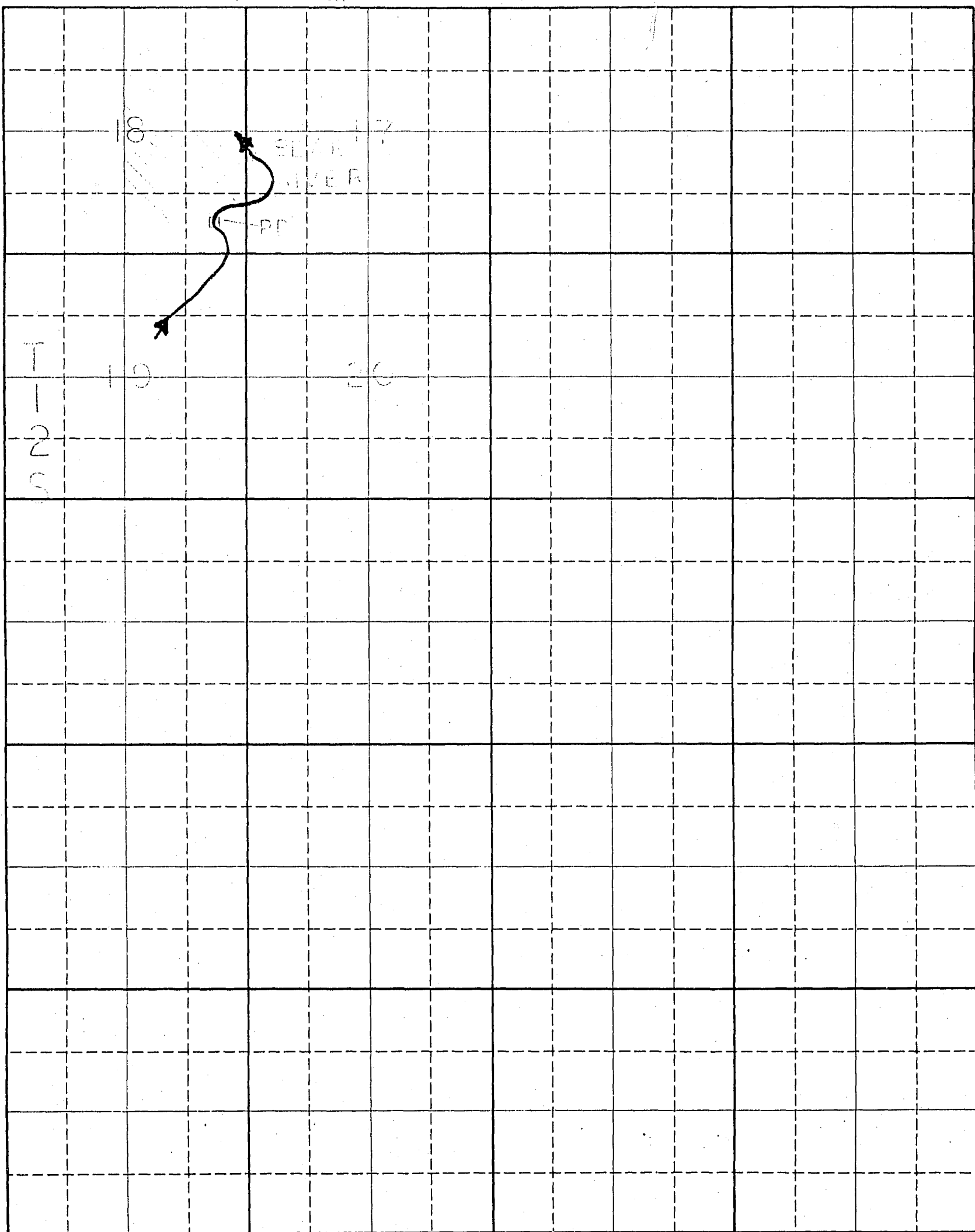
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	44E	18			34										15	40	40	25	154
		19		40															40
13S	44E	3									40	40							
		4													40			40	_{DP}

*No more than ¹⁶⁰ _{DP} 84 acres will be irrigated under this Total number of acres to be irrigated 194 *
transfer in any one year. The remainder will be supplemented with storage water.

than 84 acres will be irrigated by this 160 a.p. Total number of acres to be irrigated 194 *
 in any one year. The remainder will be supplemented with storage water.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R 44 E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks The water rights on Montpelier Creek are represented by 3476 shares of
stock. Each share of stock also represents storage rights in Montpelier
Reservoir. At the present time, one share of stock represents 0.0229 cfs
decreed rights and 1.15 AF of storage.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 12 day of May, 19 77
Douglas Perkins
President of Montpelier Irr. Co.
(Signature of applicant)

My commission expires May 5, 1979
Betty L. Lorenson
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-1012 thru 11-1041
and said application is hereby APPROVED.

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

(1) Measuring devices of a type(s) approved by the Department shall be permanently
installed and maintained at the point where water from Montpelier Creek is injected
into the Bear River and as part of the diverting works from Bear River. (2) Is
subject to the control of the watermaster of State Water District #11, Bear River.

Witness my hand this 11 day of October, 19 77

A. Kenneth Huns
Deputy Director

FOR DEPARTMENT USE ONLY

Received by M.C. Date 5-13-77

Prelim. check by LX Fee \$30.00

Receipted by OW Date 5-26-77

Published in News-Champion # 7313

Pub. dates June 9 & 16 - 1977

Watermaster recommendation requested on 6-09-77

W.D. #11 rec'd. 6-16-77

Russell Staker

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by RDC JS

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated 5,580

IN THE MATTER OF:)
ASSIGNMENT OF WATER)
RIGHTS TO THE)
MONTPELIER IRRIGATION)
COMPANY)

AFFIDAVIT

State of Idaho)
County of Bear Lake)

being first duly sworn,

deposes and says: Montpelier Creek is an adjudicated stream as evidenced by the court action in the case of E. Strong et al. vs. Montpelier Irrigation Co. et al. While the decree names seventeen (17) users other than Montpelier Irrigation Co., all water diverted from Montpelier Creek is now based on shares of stock issued by the Irrigation Co. This results from the fact that over years ago all of the water rights on Montpelier Creek were assigned to the Company and the Company in turn issued stock certificates.

The documents assigning these water rights were lost in a fire several years ago but the stock certificates themselves stand as prima facie evidence that such assignment did take place

Douglas Perkins
(Signature)

President of Montpelier Irr. Co.

Subscribed and sworn to before me this 12 day of May, 1977

Peter L. Jensen
(Notary Public)

Residing at Montpelier Idaho
My Commission Expires May 5, 1979

TITLE
OF
CASE

H. Strong, et al
vs.
Montpelier Irrigation Co., et al

SOURCE: Montpelier Creek - Trib. West River
WATER DIST. 11-H
JUDICIAL DIST. 5th
DATE OF DECREE 2-20-1902
COUNTY Bear Lake
JUDGE Joseph C. Kitchin-Immed. Alfred Budd
RECORDED IN BOOK NO. 1 AT PAGE NO. 216 FILE NO. 57-
PAGE 11-

PN.	DN.	DECEED OWNER	NAME	PRESENT OWNER	INCHES AMT. SEC. FLD	PRIORITY	SUBDIV.	DIVISION SEC. TWP. Rg.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
1014		Montpelier Irr. Co.			28.4	6-1-64			Company lands 3600+ acres	
1027		Frank Jones			1.8	"			NW 1/4, Sec. 4-13S-41E	
1015		Montpelier Irr. Co.			1.82	6-1-68				
1016		"			6.36	6-1-69				
1012		E. Strong			0.64	"			Lots 11, 16 -Edward Burgoynes Desert Entry	
1029		Joseph Bagley			2.0	"			NW 1/4, E 1/2 SW 1/4, 1-13S-41E, less 26.5 ac. to M. J. Davis	
1030		John Jewett			1.4	"			No description	
1031		Mumford Brothers			0.7	"			NW 1/4, Sec. 2-13S-41E	
1032		"			0.5	"			Tract in 1-13S-41E 26.5 ac.	
1017		Montpelier Irr. Co.			16.36	6-1-1871				
1028		Frank Jones			0.6	"			NW 1/4, Sec. 4-13S-41E	
1037		Wiles Weaver			2.4	5-20-73			NW 1/4, NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 28-12S-41E	
1018		Montpelier Irr. Co.			6.0	6-1-73				
1019		"			1.2	6-1-79				
1020		"			3.2	6-1-82				
1021		"			0.8	6-1-83				
1038		Gilbert Weaver			1.04	4-1-84			Sec. 22, NW 1/4 27-12S-41E - 120 acres	
1013		P. Livingston			1.2	6-1-85			NW 1/4 33-12S-41E	
1033		Mumford Bros.			*6.4	"			N 1/2, Sec. 5-13S-41E	
					* Decree	6 2/5	second feet being	270	miners inches	

LEGEND P.K. = PRIORITY NUMBER D.N. = DECREE NUMBER C.T. = CUMULATIVE TOTAL

Nº 663

RECEIVED

JUL 5 1977

AFFIDAVIT OF PUBLICATION

Idaho Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Allen W. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 9, 1977, and ending
with the issue of *June 16*, 1977.

Fees, *30.85*

Subscribed and sworn to before me this *29* day

of *June 29*, 1977.
Theresa Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 1979.

PUBLIC NOTICES

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

NO. 11-1012 thru 11-1041

Notice is hereby given that Montpelier Irrigation Co., Montpelier, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Montpelier Creek tributary to Bear River. The rights sought to be changed are evidenced by all persons named in the decree in case of E. Strong et al -vs- Montpelier Irrigation Company et al dated 2-20-1902 in Fifth Judicial Court, County of Bear Lake and are recorded as follows:

AMOUNT: 96.48 c.f.s

PRIORITY: Dates varies with each right.

POINTS OF DIVERSION:
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 13S, R. 44E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 12S, R. 45E, B.M., Bear Lake County.

The water is used to irrigate 5,580 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 12S, R. 44E; SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14, NE $\frac{1}{4}$, Sec. 15, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, T. 13S, R. 44E, B.M.

TO BE CHANGED AS
FOLLOWS

Only 1.58 c.f.s. of water will be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 12S, R. 44E, B.M., Bear Lake County and used to irrigate 194 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 12S, R. 44E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the News Examiner, Montpelier, Idaho, on June 9 and June 16, 1977.

Jn 9-16

-----D E C R E E-----

in

This cause was commenced on September 10th-1901, by E. Strong, plaintiff, vs Montpelier Irrigation Company, a corporation defendant; summons was duly issued on the same day and thereafter service was made upon defendant, the Montpelier Irrigation Company, which appeared by its attorney, John A. Bagley Esq, and filed its answer and cross complaint, thereafter the court ordered that Joseph Bagley, John Jewett, T. M. Mumford and J. W. Mumford, partners as "Mumford Brothers," Rudolph Ashliman, Miles J. Weaver, Gilbert Weaver, Gottfried Teuscher and Frank Jones, be made parties defendant, and, thereupon said parties appeared by their attorney, John A. Bagley, and filed their answers and cross-complaints, afterwards and upon motion duly made, the court, by proper order, duly entered, permitted R. Livingston and Sidney Stevens to appear as and be made parties plaintiff in this action and they each filed their complaints setting up their claims to the subject matter of this action.

That Messrs Glenn & Gough appeared as counsel for the plaintiffs and John A. Bagley, appeared as counsel for the defendants and after this appearance it was stipulated by all the parties to this action through their respective counsel, in open court, that all proceedings hereinafter had, might be entitled (E.Strong, plaintiff// vs Montpelier Irrigation Company et al.defendants.) with the same force and effect as if all the parties herein were named, and further, that the complaints and cross-complaints filed herein should be deemed unverified and deemed denied, with the same force and effect as if duly verified answers, specially denying all the allegations therein contained were duly filed.

Thereafter, on the 3d, day of February, 1902, by agreement of the respective counsel for all the parties and for their convenience

4

(a)

E. STRONG, $32/50$ s and feet, being 32 miners inches of water,

measured under a four inch pressure of the waters of Montpelier Creek

of date June 1st-1869.

(b)

R. LIVINGSTON, $1-1/5$ second feet, being 60 miners inches of water,

measured under a four inch pressure of the waters of Montpelier Creek,

of date June 1st-1885.

(c)

MONTPELIER IRRIGATION COMPANY, $28-2/5$ second feet, being 1420 miners

inches measured under a four inch pressure of the waters of Montpelier

Creek, of date June 1st-1884.

MONTPELIER IRRIGATION COMPANY, $1-41/50$ second feet, being 91 miners

inches, measured under a four inch pressure of the waters of Montpelier

Creek, of date June 1st-1868.

MONTPELIER IRRIGATION COMPANY, $6-9/25$ second feet, being $3/8$ 853 miners

inches, measured under a four inch pressure of the water of Mont-

pelier Creek, of date June 1st-1869.

MONTPELIER IRRIGATION CO., $16-18/50$ second feet, being 818 miners

inches measured under a four inch pressure of the waters of Mont-

pelier Creek, of date June 1st-1871.

MONTPELIER IRRIGATION CO., 6-second feet, being 300 miners inches

measured under a four inch pressure of the waters of Montpelier

creek, of date June 1st-1873.

MONTPELIER IRRIGATION CO., $1-1/5$ second feet, being 60 miners inches

measured under a four inch pressure of the waters of Montpelier Creek,

of date June 1st-1879.

MONTPELIER IRRIGATION CO., $3-1/5$ second feet, being 160 miners inches

measured under a four inch pressure of the waters of Montpelier

Creek, of date June 1st-1882.

11-1021

Trans.
#2118

MONTPELIER IRRIGATION CO., $4/5$ second feet, being 40 miners inches measured under a four inch pressure of the waters of Montpelier Cree, of date June 1st-1883.

11-1022

#2118

MONTPELIER IRRIGATION CO., 1 second foot, being 50 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date November 1st-1891.

11-1023

#2118

MONTPELIER IRRIGATION CO., $12/50$ second feet, being 12 miners inches measured under a four inch pressure of the water of Montpelier Creek, of date July 7th-1892.

11-1024

#2118

MONTPELIER IRRIGATION CO., $1/2$ second foot, being 25 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date August 8th-1885.

11-1025

#2118

MONTPELIER IRRIGATION CO., $21/50$ second feet, being 21 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1887.

11-1026

#2118

MONTPELIER IRRIGATION CO., $3-23/50$ second feet, being 173 miners inches measured under a four inch pressure of the water of Montpelier of date June 1st-1891.

(d)

11-1027

#2118

FRANK JONES, $1-4/5$ second feet, being 90 miners inches measured under a four inch pressure of the water of Montpelier Creek, of date June 1st-1864.

11-1028

#2118

FRANK JONES, $3/5$ second feet, being 30 miners inches measured under a four inch pressure of the waters of Montpelier Creek of date June 1st-1871.

(e)

11-1029

#2118

JOSEPH BAGLEY, 2 second feet, being 100 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1869.

(f)

11-1030

Trans:
#2118

JOHN JEWETT, 35/50 second foot, being (35) miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1869.

(g)

11-1031

#2118

MUMFORD BROTHERS, 35/50 second foot, being 35 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1869.

11-1032

#2118

MUMFORD BROTHERS, 1/2 second foot, being 25 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1869.

11-1033

#2118

MUMFORD BROS. 6-2/5 second foot, being 270 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1885.

11-1034

#2118

MUMFORD BROS., 3/5 second foot, being 30 miners inches measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1897.

11-1035

#2118

MUMFORD BROS., 2-35/50 second foot, being 135 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date June 1st-1885.

(h)

11-1036

#2118

RUDOLPH ASHLIMAN, 12/50 second foot, being 12 miners inches measured under a four inch pressure of the water of Montpelier Creek, of date June 1st-1895.

(i)

11-1037

#2118

MILES WEAVER, 2-2/5 second foot, being 120 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date May 20th-1873.

7

(j)

11-1038
Trans.
#2118

GILBERT WEAVER, 1-2/50 second feet, being 52 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date April 1st-1884.

(k)

11-1039
#2118

GOTTFRIED TEUSCHER, 2/5 second feet, being 20 miner inches ~~at~~ measured under a four inch pressure of the waters of Montpelier Creek, of date May 1st-1895.

(l)

11-1040
#2118

FRANK JONES, 3 second feet, being 150 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date April 23d-1886.

(m)

11-1041
#2118

SIDNEY STEVENS, 1-1/10 second feet, being 55 miners inches, measured under a four inch pressure of the waters of Montpelier Creek, of date, June 1st-1890.

That the said several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion, from the natural channel of Montpelier Creek and its tributaries thereof.

That each of the said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, headgates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of said Montpelier Creek herein awarded except for beneficial uses and purposes, and, that whenever the beneficial use has ceased such party or parties shall turn the water of

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Montpelier Creek

Name Montpelier Irrig.

2. Right Being Transferred

Right No. _____

a. ☒ Decree

Transfer No. _____

☐ License

☒ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☐ All

☒ Part

3. ☒ Proof of Ownership of Right

Comment See Affidavit

4. ☒ Expansion of Right

Comment No.

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by Ernest M. Carlson

Date 6/3/77

11. Recommended Action

☒ Approve

☐ Deny

☒ Conditions See Memo

By RDC

Date 8/24/77

April 15, 1976

RE: Application for Transfer

Mr. Stuart D. Crane
Bennington,
Idaho 83219

Dear Mr. Crane:

After reviewing your application for transfer we find we must return the application and your check No. 92-112 in the amount of \$30.00 because of the following reasons.

To file a transfer you must show ownership of the water right either by deed or sales contract. The water right must be described in cubic feet per second, showing the date of priority, and listing the legal description of both the point of diversion and place of use.

If all of the water rights under E. Strong, et al -vs- Montpelier Irrigation Company, et al Decree has been assigned to the Montpelier Irrigation Company, then we must have evidence as to what rights are involved and how the water rights are converted into shares. We can not accept applications for transfer in the matter that you submitted.

Our abstract of the above mentioned decree shows No. 11-1012 to be in the name of E. Strong in the amount of 32/50 miners inches (0.64 cfs) with a priority of June 1, 1869, to be used on Lots 11 and 16 - Edward Burgoyne's Desert Entry. This place of use and point of diversion must be described as to where it has always been diverted and used.

I would recommend you secure all the information and documents needed and bring them into our office for assistance. If you have any questions, please feel free to contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosure
Attachment: Check No. 92-112



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 21, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

Mr. Walt Rohner
Montpelier Irrigation Company
232 9th Street
Montpelier, Idaho 83254

Dear Mr. Rohner:

Please find enclosed an application for transfer for Stuart Crane which we have completed from information provided by you, Mr. Crane and that contained in the Department's files.

The attached land list indicates the lands reported to have been irrigated from Montpelier Creek. The acreages shown in black on the land list were taken from a proof of beneficial use form for Permit No. 11-2159. These are the lands the company indicates do receive water from Montpelier Reservoir. The acreages listed in blue were taken from the lands described in the decree.

On the second page of the transfer, Item B, shows the lands from which the water will be removed by this transfer. The lands selected should be checked before you return the application because they were selected at random from the lands shown on the decree but not shown in the company's land list to receive reservoir water. If there are other lands that it would be more appropriate to remove water from, please feel free to make any changes you find necessary. Part C, shows the lands that Stuart Crane wishes to irrigate.

I have also included an affidavit which attests to the fact that all of the water diverted from Montpelier Creek is represented by shares of stock in the company. It will be necessary for the president of the company to complete this affidavit and sign in the presence of a notary public.

You should be aware that after the transfer is initiated, the lands shown on the attached land list, plus those owned by Mr. Crane, will be the only lands that can legally be irrigated. For this reason, I recommend that you check the land list very carefully, making any corrections you find necessary, before returning the application to this office with the necessary \$30.00 filing fee.

If you need additional information or have other questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:cw

Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-1012 thru 11-1041

Notice is hereby given that Montpelier Irrigation Co., Montpelier, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Montpelier Creek tributary to Bear River. The rights sought to be changed are evidenced by all persons named in the decree in case of E. Strong et al -vs- Montpelier Irrigation Company et al dated 2-20-1902 in Fifth Judicial Court, County of Bear Lake and are recorded as follows:

AMOUNT: 96.48 c.f.s PRIORITY: Dates varies with each right.

POINTS OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 13S, R. 44E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 12S, R. 45E, B.M., Bear Lake County.

The water is used to irrigate 5,580 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 12S, R. 44E; SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14, NE $\frac{1}{4}$, Sec. 15, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, T. 13S, R. 44E, B.M.

TO BE CHANGED AS FOLLOWS

Only 1.58 c.f.s. of water will be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 12S, R. 44E, B.M., Bear Lake County and used to irrigate 194 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 12S, R. 44E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 27, 1977.

C. STEPHEN ALLRED

Director

Published in the News Examiner, Montpelier, Idaho, on June 9 and June 16, 1977.

June 3, 1977

RE: Application for Transfer No. 11-1012 - 11-1041 MONTPELIER IRRIGATION

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D.
Supervisor,
Eastern Region

Bill submitted _____ by _____

Bill returned 7-06-77 Cal

RDC:CW

Enc: Legal Notice (1)

June 9, 1977

RE: Application for Transfer No. 11-1012/etc. MONTPELIER IRRIGATION CO.

Mr. Stuart Crane
Bennington,
Idaho 83219

Dear Mr. Crane:

Attached herewith is departmental receipt No. 7313 in the amount of \$30.00
for the above referenced transfer.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

June 9, 1977

RE: Application for Transfer No. 11-1012 - 11-1041 MONTPELIER IRRIGATION CO.

Mr. Russell Stoker, Watermaster
Water District 11
279 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before June 27, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

HIGHWAYS
MUNICIPAL
CONSTRUCTION
SURVEYING
IRRIGATION WATER
MEASUREMENT
DAMS

R. D. STOKER AND ASSOCIATES

CONSULTING ENGINEERS
279 East Third North - ~~PO BOX 720~~
SODA SPRINGS, IDAHO 83276

June 14, 1977



TELEPHONE 547-3463
(Area Code 208)

RECEIVED

JUN 16 1977

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Transfer
of Water Right
No. 11-1012 through 11-1041

Dear Sirs:

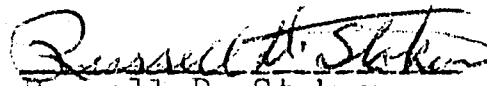
I cannot approve the above mentioned application until such time as I know what the applicant is trying to do.

I suspect some party is wanting to pump water out of Bear River on the west side between Bern and Pescadero. I presume he is planning on dumping some water in Bear River from Montpelier Creek to cover this depletion from Bear River. This is never stated in the application. Furthermore, it is not stated what type of measuring and recording device he is going to install in Montpelier Creek and on his pump to determine this exchange. None of this is shown on the application nor on the map.

Also, it is essential that I know who of Montpelier Irrigation Co. is going to keep the daily records of this exchange.

I would appreciate clarification of the above matters.

Yours very truly,


Russell D. Stoker
Watermaster, Dist. 11
Bear River



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 27, 1977

RE: Application for Transfer of Water Right No. 11-1012/etc.

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 9 and June 16, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

cc: IDWR - State Office

HIGHWAYS
MUNICIPAL
CONSTRUCTION
SURVEYING
IRRIGATION WATER
MEASUREMENT
DAMS

R. D. STOKER AND ASSOCIATES

CONSULTING ENGINEERS
279 East Third North -- P. O. Box 726
SODA SPRINGS, IDAHO 83276



TELEPHONE 547-3463
(Area Code 208)

July 7, 1977

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Application for Transfer of
Water Right
NO. 11-1012 through 11-1041

Dear Mr. Carlson:

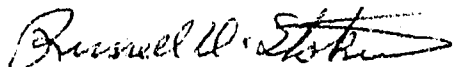
I have not received an answer to my letter of June 14 concerning the above application. I feel rather certain that Montpelier Irrigation Co. is not the party who will be doing the pumping.

On page 1, the applicant is shown as Montpelier Irrigation Co. On page 2 - Item C - Sec. d - shows "applicant purchased shares of stock. It does not seem reasonable that a company can purchase shares in itself.

In order to properly discharge my duties, I need to know the name of the individual who is responsible for keeping the records of this exchange.

Also when is the final date of protest?

yours very truly,


RUSSELL D. STOKER
Watermaster, Dist. 11
Bear River

h

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 11-1012 through 11-1041

RECOMMENDATION OF WATERMASTER

RECEIVED

AUG 1 1977

Department of Water Resources
Eastern District Office

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Caribou, State of Idaho,
whose address is 279 E 3rd N, Soda Springs, Idaho 83276
have read the attached copy of the application for transfer of water right for _____
Montpelier Irrigation Co., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: It would be completely impractical to try to
measure this small quantity of water going down Montpelier Creek into Bear River
to cover this exchange. In years such as this to try to measure a half second
foot in a 200 c.f.s. stream bed would be nearly impossible. As you know, there
(over)

Dated at Soda Springs, Idaho, this 29 day of July 19 77.

Russell D. Stoker
(signature)

Please use reverse side if needed.

is always some water which leaks through any diversion which water is ordinarily tributary to Bear River in this case. The parties involved could just as well call this exchange water and then pump out of the river and deplete the normal flow of the river and thereby deprive downstream users of their entitled right.

The party who I assume is involved in this transfer, although he is not named in the application, told me he had a 3 c.f.s. pump installation which I saw and believe to be true. The Company in their application are asking for only 1.58 c.f.s. transfer. This year there was only about 6.5 c.f.s. available for the number of shares that are being transferred. The above mentioned party said he would only pump the 1 1/2 c.f.s. which I saw him pumping until he had used up his month's supply. This amounts to using Bear River as a reservoir which of course no one has the right to do.

As I mentioned above he has installed a 3 c.f.s. pump which could indicate that he intends to continue to use this 3 c.f.s. of water rather than the 1.58 c.f.s. being transferred, thereby continuing to use Bear River as a storage reservoir.

Furthermore, no information is given as to the type and location of measuring device to be used to cover this exchange; nor is it stated who will be responsible for the daily administration of this exchange water

M E M O R A N D U M

TO: File
FROM: Ernie Carlsen *mc*
RE: Field Exam 11-1012 through 11-1041 MONTPELIER IRRIGATION CO.
DATE: August 23, 1977

On August 18, 1977, Douglas Perkins, President of Montpelier Irrigation Company, was contacted and accompanied agent during a field inspection of the proposed transfer of water right numbered T 11-1012 thru 11-1041.

It was determined that Montpelier Creek naturally empties into the Bear River in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 13S, R. 44E, B.M., and can also be diverted into the Bear River through a flood channel in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 12S, R. 44E, B.M. Mr. Perkins stated the transferred water could be diverted through either channel. The flood channel enters the Bear River a couple of miles above the point of diversion while Montpelier Creek enters the Bear River between six to eight miles above the flood channel. Because of this difference in distance, an appropriate conveyance loss would have to be included with the water entering the Bear River depending on which channel was used.

Presently there is no measuring device at either the mouth of Montpelier Creek or at the end of the flood channel for monitoring the water as it enters the Bear River. There is an open discharge pump used to lift water from the flood channel into the river which could be utilized for diverting the transferred water provided a permanent measuring device was installed. A permanent measuring device must also be installed at the point of diversion.

After examining the area, it is my opinion this proposed transfer is feasible and operable provided Montpelier Irrigation Company has permanent measuring devices installed for monitoring their water at the point of injection into the Bear River and at the point of diversion.

M E M O R A N D U M

TO: File

FROM: Ron Carlson *RC*

RE: Application for Transfer No. 11-1012 thru 11-1041

DATE: August 25, 1977

CONDITIONS OF APPROVAL

- 1) Measuring devices of a type(s) approved by the Department shall be permanently installed and maintained at the point where water from Montpelier Creek is injected into the Bear River and as part of the diverting works from Bear River.
- 2) Is subject to the control of the watermaster of State Water District #11, Bear River.

November 1, 1977

Re: Transfer of Water Rights No.'s 11-1012 thru 11-1041

Montpelier Irrigation Co.
c/o Walt Rohner
232 9th Street
Montpelier, ID

Dear Mr. Rohner:

Enclosed is your approved copy of the Application for Transfer of Water Rights

No.'s 11-1012 thru 11-1041.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/kaw
Enclosure