September 22, 1982

RE: Permit No. 11-2154

James Craney (for)=
Sheep Creek Irrigation Co., Inc.
Star Route #1
Montpelier, ID 83254

Dear Mr. Craney:

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

Sincerely,

Jim Johnson

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

JIM CRANEY 847-1152

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 6, 1984

Jim Craney
Rt. #1
Montpelier, ID 83254

RE: Permit No. 11-0173

Dear Mr. Craney:

In response to your telephone call on May 25, 1984, this office conducted a review of the measuring device requirement shown as a condition of approval for Transfer No. 2785 on the above-referenced water right. As shown in the enclosed order, a determination was made that a measuring device is not required at this time. Please be advised, however, that your water diversion is located within a water district, and at some time in the future there is a chance that a measuring device could be required.

During our conversation, you asked that I investigate which water rights are appurtenant to lands within the E½E½ Sec. 2, Twp. 14S, Rge. 45E, B.M. A water right investigation conducted by Mrs. Roberta Garrett of this office shows that three water rights are appurtenant to this land. License No. 11-2154, in the name of Sheep Creek Irrigation Co., Inc., which was issued on August 31, 1982, provides water from Sheep Creek for 752 acres. The lands described above are included in this acreage, and the water right provides 120 acre feet of storage water for irrigation of all 750 acres. Our file shows that when the license was issued it was mailed to you, so we have not enclosed a copy.

The second right on these lands is Claim No. 11-4224. This claim, also in the name of Sheep Creek Irrigation Co., shows a date of priority of May 21, 1948, for irrigation from Sheep Creek. The claim specifies 170 acre feet storage for irrigation, 960 acre feet irrigation from storage, and 3.0 cfs for stockwater. The place of use for this water right is shown to be 960 acres including the lands listed above. Again, it appears

that a copy of this claim was sent to you as the representative from the irrigation company.

The third water right that we found is Decreed Right No. 11-0175. This water right, shown on the enclosed copy of the judgement and decree in the case of Frank A. Clark v. Albert Kunz, et al, is appurtenant to precisely the lands that you are interested in. The water right, which was originally decreed to Arnold Zumbrunn amounts to 50 miners inches, or 1.0 cubic feet per second, with date of priority April 29, 1887.

I hope this information serves to clarify our earlier telephone conversation. If you have further comments please feel free to contact me.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

Form 24

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

January 21, 1965

Re: Permit No. R-808

To Sheep Creek Irrigation Co.,

Montpelier, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. R-808 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of Works Proof which was due March 21, 1951

you are hereby notified in compliance with Sec. 42-311. Idaho code that said Permit No. R-808 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. R-808 claims the use of 121.23 Acre Feet ~~cubic feet~~ per second of the waters of Sheep Creek & tributary springs flowing into same with point of diversion located SE¼SW¼ Sec. 36., Twp. 13 S., Rge. 45 E.B.M., and was approved March 21, 1918

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 21st day of January, 1965

Ralph W. Thomas, Deputy
State Reclamation Engineer.

By _____
Assistant.

R-808

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee

☐ Show address where delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

Shug Brock Arrington Co

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

R E Brock

DATE DELIVERED

1-23-65

SHOW WHERE DELIVERED *(only if requested)*

CSS—18—71548-8—F 6PB

R-308

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

P-825

POSTMASTER, IDAHO
MONTPELIER
JAN 23 1965
USPO

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

CERTIFIED NO. 19426

INSURED NO.

NAME OF SENDER
Department of Reclamation

STREET AND NO. OR P. O. BOX
Room 107 Statehouse

CITY, ZONE AND STATE
Boise, Idaho 83701

RETURN TO

PS Form 3811 Apr. 1962

C&S—16—71848-1

ELBERT E. GASS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO
83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY
MONTPELIER

P. O. BOX 159
TELEPHONE 847-0805

February 19, 1965

RECEIVED
FEB 23 1965
Department of Reclamation

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

Re: Permit No. R-808
Sheep Creek Irrigation Co.
Montpelier, Idaho

Dear Mr. Thomas:

Mr. Lee Rigby brought in your Order to Show Cause dated January 21, 1965, stating therein that pursuant to Section 42-311, Idaho Code, the captioned permit was held for cancellation.

This letter is written upon behalf of Mr. Rigby requesting an extension of time by which to show proof of completion of works. The reasons for this request for an extension are as follows:

(1) Approximately one year ago Mr. Rigby and his wife purchased property from Alma Kunz and Delbert Kunz, which property utilized the waters from Sheep Creek and tributary springs. At the time of the transaction nothing was said to Mr. Rigby as to necessity of completing the reservoir or as to any application or completion of works.

(2) Mr. Rigby has never received any correspondence as to notice of pre-cancellation or any letter, and particularly did not receive letter of January 21, 1965 until on or about February 12, 1965 when talking with Mr. Ivan W. Lloyd to whom all of your correspondence has been directed. It is true that the only ones who would benefit from the reservoir are Ivan W. Lloyd, Lee Lloyd and Mr. Rigby. Apparently Ivan W. Lloyd is not interested and Lee Lloyd has a very passive interest. Nevertheless, Mr. Rigby has a very deep interest in complying with all the rules and regulations of your Department and completing the construction of the works because he utilizes the water from the reservoir to the extent that it has been constructed.

(3) Mr. Rigby would like to have the application and any other information in your files relating to the application as to construction of the reservoir, and any assistance that you can give him so that he can comply with your rules and regulations, particularly the statutes of the State of Idaho, will be appreciated.

R-808

I am sure that if you will give Mr. Rigby an extension of time to complete the works, he will do same diligently

(4) Another reason for Mr. Rigby's not writing prior to this time is that I have been busy in Court and did not realize the seriousness of the contents of your letter of January 21, 1965, as well as the notice of Order to Show Cause until he came in the office this date.

Any information you can give me as to how Mr. Rigby can comply with the rules and regulations of your office as well as the statutes of the State of Idaho will be appreciated. Your immediate and favorable response to this letter will be appreciated.

Very truly yours,

Elbert E. Gass

EEG:vm

R-208

February 23, 1965

RE: Permit No. R-808
Sheep Creek Irrigation Co.

Elbert E. Gass
Attorney at Law
Box 159
Montpelier, Idaho

Dear Mr. Gass:

The proof of completion of works was made by Ivan V. Lloyd, President, Sheep Creek Irrigation Company; however the field examination showed the fill on the north end had not been completed and the canal had not been built as right-of-way could not be obtained. The water was used on neighbor's property.

Notice was sent to Mr. Lloyd May 31, 1951 in regard to completion of the dam and maintaining the water level to not less than 2 foot freeboard.

Notice was sent October 22, 1962; however no answer has been received.

The dam should be completed with a spillway to carry excess water.

The permit can be assigned, and the place of use can be changed as on other permits.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

R/T:mr

R 2-8

ELBERT E. GASS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
MONTPELIER, IDAHO
83254

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

CITY ATTORNEY
MONTPELIER

P. O. BOX 159
TELEPHONE 847-0805

February 25, 1965

RECEIVED
FEB 27 1965
Department of Reclamation

Mr. Ralph W. Thomas
Deputy State Rec. Engineer
Department of Reclamation
107 State House
Boise, Idaho

Re: Permit No. R-808
Sheep Creek Irrigation Co.

Dear Mr. Thomas:

In reply to your letter of February 23, 1965, I have written Mr. Rigby requesting that he obtain immediately the assignment of interest in and to the irrigation works as per Permit No. R-808, Sheep Creek Irrigation Company, from Ivan W. Lloyd and Lee Lloyd.

In the meantime, may I request notification from you that Mr. Rigby will have some time in order to determine whether or not he can obtain the assignment and comply with all your rules and regulations as well as the statutes of the State of Idaho. If necessary, I will have Mr. Rigby file a formal application for extension of time upon behalf of the Sheep Creek Irrigation Company, or if you have any suggestions as to how Mr. Rigby can protect himself immediately, please advise.

Very truly yours,

EEG:vm

Elbert E. Gass

due 3-21-51

R-808

March 1, 1965

COPY

Re: Permit No. R-808
Sheep Creek Irrigation Co.

Elbert E. Gass
Attorney at Law
Box 159
Montpelier, Idaho

Dear Mr. Gass:

Mr.Rigby has shown an interest in the permit noted above. The permit will not be cancelled at this time.

Our field investigation will be made in August or September. If the dam is satisfactory, the Certificate of Completion of Works will be issued to the holder of the permit.

The spillway must never be plugged except with soft dirt fill, at least two feet below top of dam, which will wash out if topped.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-808

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. R-808

REPORT ON PROOF OF Completion of works

Sheep Creek Irrigation Company, Montpelier. Idaho

Ivan W. Lloyd, President.

Oct Insp - Mar. 21, 1953

Final " - " 21, 1953

R-808

Inspection August or September

Quonset Point

121 AF Cape - (35.5 ~~36.5~~ Surface area)

15' high

11.5' at ~~the~~ keyway

15' ~~26~~ wide x ~~3 1/2~~ 3.0' (Freeboard F.T.) deep spillway.

18" Concrete pipe

Vertical Sections - (18" Metal pipe)

Hanger number 1 is not to be used for the NAT 2' Lions Head spillway due to 7 Conformance. Hanger 2 & 3 will have to be removed or Modified

R-506

T 13S - R 45E

25

36

OUTLET

2

1

ALTON

Jct. Hwy 9

11

12

30 N

U.S.

Q — 121 A.F.

Hayden

Bear River

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-808

This proof is for Completion of works In Water District No.

1. Name of applicant Sheep Creek Irrigation Co., Ivan A. Lloyd, Pres., Box 274, Montpelier, Ida.
2. Source of water supply: Sheep Creek and tributary springs flowing into same
3. Location of point of ~~diversion~~ outlet: Is in the $SE\frac{1}{4}SW\frac{1}{4}$ of Section 36
   T. 13 S. R. 45 E. County of Bear Lake
4. Describe works as they exist, giving dimensions and capacities of same: Inspection was made on May 2nd. Reservoir was full (almost to overflowing). Flowage right not obtained at lower end of reservoir. Ditch from reservoir to point where marked. Fill on North end not completed. Dam raised to insure 3' freeboard from bottom of Spillway - 4' top width. Outlet, Same as previous Inspection. Ditch from outlet 3' bottom 1 ft. deep.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: Water can flow down irregular channel and be used on some of the field.
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):

$E\frac{1}{2}E\frac{1}{2}$ Section 2;

$SW\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ Section 1;

$E\frac{1}{2}$ Section 11;

$W\frac{1}{2}W\frac{1}{2}$ Section 12;

$NW\frac{1}{4}$ $NW\frac{1}{4}$ Section 13;

$N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$ Section 14;

Township 14 South, Range 45 East, B. M.

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

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

Remarks: Dam full with gate closed + Est. 0.2 C.F.S discharging Thru Spillway. Spring or seep 30' North of Spillway Thru fracture in rock Est flow 0.5 C.F.S. water clear Outlet 15" metal pipe with 15" Armco "Ideal" gate Set vertical in 30" X 12' metal pipe in face of Dam. Spillway 10' Bottom 15' Top around South end of Dam. Dam is over rock ledge. Area of lake 35.5 Acres. 0-12-23 A.F. Slope of Dam 1:3 upstream 2:1 downstream with exception of Top 3' on North end which is steeper. Should level down some but dam is low as is. This is entire Trouble with dam.

This examination was made on the September 17 day of, 19 65

Unable to contact owners.

(Signed) ~~E. W. Hamilton~~ Robert Hamilton Examiner.

R-808

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.

RECEIVED
SEP 17 1965
Department of Reclamation

Engineer in Aug or Sept.

Sheep Creek Irrigation Co.
Ivan W. Lloyd, Pres. Montpelier, Idaho

Permit No. R-808

Examination for Completion of works

County Bear Lake

SE SE
T 13S. - R. 45E.

Q = 121.23 acre-feet

S = Sheep Cr. Springs

Dam to be in SE SW SE

L dam = 15' h. x 1200'

2½:1 and 2:1

408 yds long

25' wide.

12' h.

12' freeboard

Inspect in Aug or Sept
check with Lee Rigby
Alton 847-0259

September 29, 1965

RE: Permit No. R-208
Sheep Creek Irrigation Company

Elbert L. Gaze
Attorney at Law
Box 179
Montpelier, Idaho

Dear Mr. Gaze:

Our field inspector approved the construction of the dam on Sheep Creek as being raised along the north end. There is a spring out of the fractured rock near the spillway. It may never be a danger spot, however it should be watched to see that the water remains clear. This spring was not mentioned by Mr. Humphrey who inspected the dam in 1951.

The water is not being used on all of the land shown in the permit, [illegible] Sec. 2; SW¼NW¼, W½SW¼, Sec. 1; E½, Sec. 11; W½W½, Sec. 12; [illegible], Sec. 13; [illegible], SW¼NE¼, [illegible], Sec. 14 all in T. 14 S., R. 43 E.,B.M. The Certificate of Completion of Works should describe the land where the water will be used.

Your letter dated February 25, 1965 referred to Mr. Rigby as the only one who can use the water. Any assignment of the permit should be from Sheep Creek Irrigation Company as holder of the permit.

The fee of $5.00 for the certificate was paid in 1951 and the certificate will be issued upon advise from you as to the holder of the permit and the land to be irrigated.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

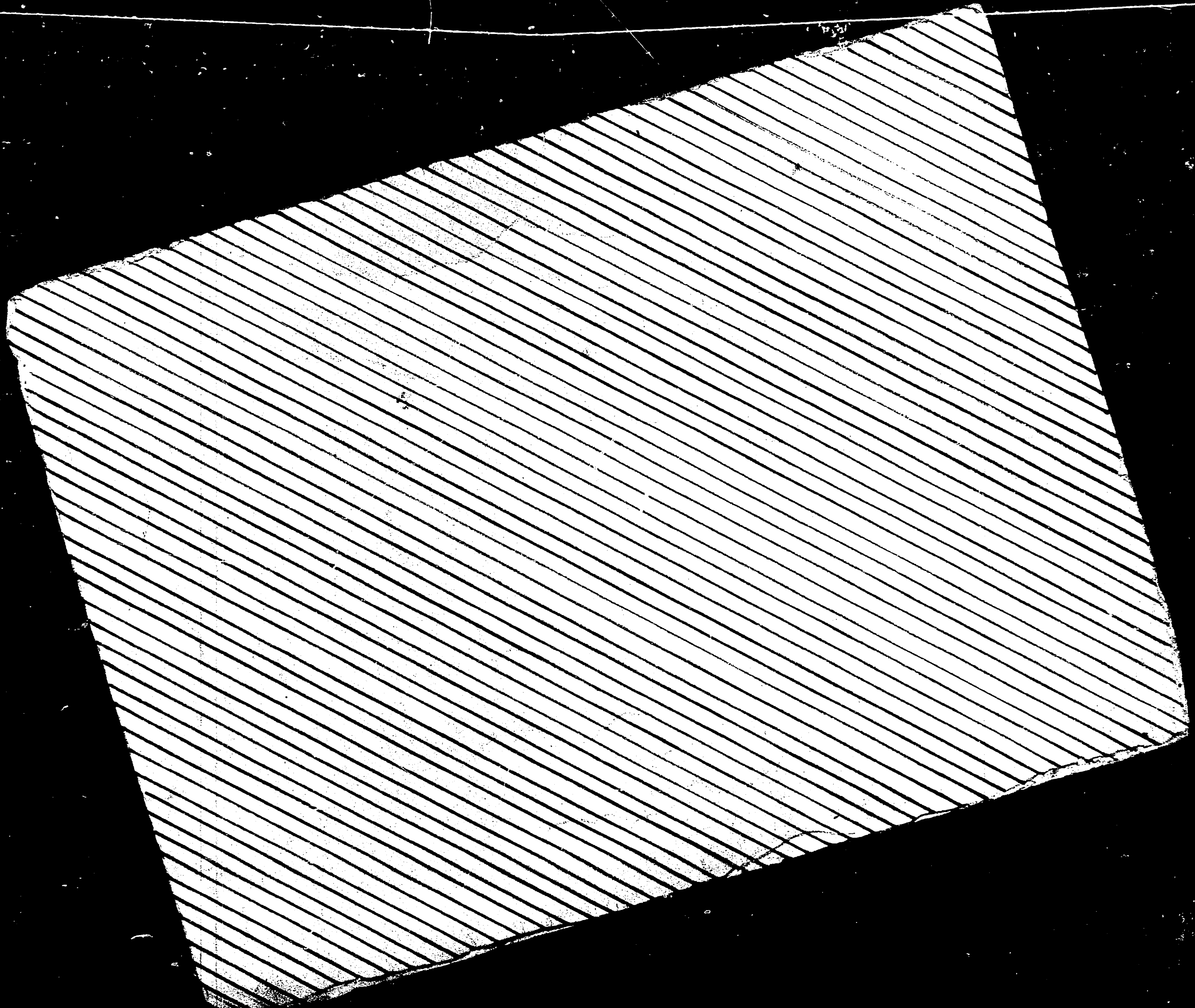
RWT:mr

R-208

Fees for CWP and
Waiting for letter
assuming who is
holder & land to be
irrigated
Jan. 1965

dy

R-608



R-808

APPLICATION FOR PERMIT

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

Application No. R 27950
Permit No. R 808

1. Name of Applicant: SHEEP CREEK IRRIGATION COMPANY, INCORPORATED

Postoffice address: Montpelier County Bear Lake State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 30, 1919

(b) Amount of Capital Stock: $7,000.00

(c) Amount paid in: $ 7,000.00

(d) Names and addresses of directors: Ivan W. Lloyd, Pres., Montpelier, Idaho; Lee Lloyd, Sec., Montpelier, Idaho; Alma Kunz, Treas., Montpelier, Idaho; Griff K. Lloyd, Montpelier, Idaho, and Delbert L. Kunz, Montpelier, Idaho. All directors.

II. The financial resources of the corporation are:

(a) Cash on hand: $ None

(b) Treasury Stock: $ None

(c) Bonds to be issued: $ None

(d) Other resources: Resources come from annual assessments.

2. Quantity of water to be stored: 131.23 acre feet in reservoir springs flowing in same. acre feet per annum.

3. Source of water supply is Sheep Creek and tributary (Creek) (River) (Spring), a tributary of Bear River River.

4. The outlet of the proposed reservoir is located 1500 (bearing) feet, distant from the S W corner of Section 36, Township 13 S., Range 45 E., B. M. and is in the SE ¼ of SW ¼ of Section 36, Township 13 S., Range 45 E., B. M. County of Bear Lake

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

(a) The reservoir is located in the channel of Sheep Creek direct from Sheep Creek which flows through reservoir, (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

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

(b) The reservoir capacity is 131.23 acre feet.

7. Height of reservoir dam 15 feet, length at top 1000 feet, length at bottom 80 feet, size of outlet 18 inches ~~feet~~ by 15 feet. The dam is to be constructed of materials as follows: Dirt and clay

(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 acqueduct, thence to land to be irrigated without commingling with natural flow of (Creek) (River) ? Yes, will not use Sheep Creek bed.

(b) Water stored in reservoir will be carried in the channel of No (Creek,) (River,) a distance of miles to point of diversion located (bearing) feet, distant from the corner of Section, Township, Range, B. M., and in the ¼ of ¼ of Section, Township, Range, B. M,

9. Amount of water claimed from None (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation 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 ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Dam, canal
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 15 feet, length at top 1000 feet, length at bottom 80 feet. The dam is to be constructed of materials as follows: Dirt and clay

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

15. Size of headgate: Width 18 inches each side of valley feet. Height 15 feet.

16. Diversion Canals: Width at bottom 4 feet, width at water line 3 feet, depth of water 1½ feet, Dimensions of Flume

Diameter of Pipe 18 inches; Length of Conduit 3 miles each miles. Average grade per mile About 10 feet.

17. Estimated cost of Works: Storage Works: $ 7,000.00 Diversion Works: $

18. Time required for completion of work Three (3) years.

19. Time required for complete application of water to proposed beneficial use is Two (2) 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	
14 S.	45 E.	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12						40	40			40	40						160
		13						40											40
		14	40	40	40											40			160

Total Number of Acres to be Irrigated 960

Remarks: The proposed reservoir and dam is to take the place of a former reservoir and dam, deteriorated from floods and failure to repair. The proposed new dam is to conserve high waters in spring of year from snows in upper Sheep Creek valley, which otherwise would be lost. Amount of water to be stored will only irrigate a portion of the land owned by the stockholders of the company, but will help to raise more crops on the land that is irrigated from said reservoir. Each owner of land has a one-seventh interest in the creek and in the reservoir. Without the dam and reservoir there will be little or no water for irrigation during the growing season, Sheep Creek being practically dry in summer months. There are only seven owners of land in Sheep Creek valley that can use the waters so stored, and they each for only a portion of their respective holdings.

What springs are tributary to said creek cannot be used by any other person because of the location of said springs in

(Continued on next page)

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

SHEEP CREEK IRRIGATION CO. Applicant.

State Reclamation Engineer: By Ivan W. Lloyd, Pres. of Co. Agent.

Date of first receipt at office of ~~Commissioner of Reclamation~~ 10:30 A. M. March 8, 1948

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER

~~APPROVAL OF COMMISSIONER OF RECLAMATION~~

The number of this permit is R 808

Recorded in book R 3, page 808 Approved March 21, 1948

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $, to be filed on or before

Work to begin on or before May 21, 1948 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before September 21, 1949

The whole of said work to be completed on or before March 21, 1951

Beneficial use of water stored in accordance herewith, to be made on or before March 21, 1953

Witness my hand this 21st day of March, 1948.

MARK R. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st day of March, 1948.

(S E A L)

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

STATE OF IDAHO
By C. A. ROBINS
Governor

REMARKS (Continued) canyon. In the original filing on these waters many years ago these springs were included and have been used continuously since by the land owners, being more than fifty years since originally filed on. No other persons have claimed or used said springs, and especially the owners of the lands on which these springs are located.

R-809

APPLICATION FOR PERMIT

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

Application No. R 27950
Permit No. R 808

1. Name of Applicant: SHEEP CREEK IRRIGATION COMPANY, INCORPORATED

Postoffice address: Montpelier County Bear Lake State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 30, 1919 (b) Amount of Capital Stock: $7,000.00

(c) Amount paid in: $ 7,000.00 (d) Names and addresses of directors: Ivan W. Lloyd, Pres., Montpelier, Idaho; Lee Lloyd, Sec., Montpelier, Idaho; Alma Kunz, Treas., Montpelier, Idaho; Griff K. Lloyd, Montpelier, Idaho, and Delbert L. Kunz, Montpelier, Idaho. All directors.

II. The financial resources of the corporation are:

(a) Cash on hand: $ None (b) Treasury Stock: $ None

(c) Bonds to be issued: $ None (d) Other resources: Resources come from annual assessments.

2. Quantity of water to be stored: 121.23 acre feet in reservoir springs flowing in same. acre feet per annum.

3. Source of water supply is Sheep Creek and tributary/(Creek) (River) (Spring), a tributary of Bear River River.

4. The outlet of the proposed reservoir is located 1500 (bearing) feet, distant from the S W corner of Section 36, Township 13 S., Range 45 E., B. M. and is in the SE ¼ of SW ¼ of Section 36, Township 13 S., Range 45 E., B. M. County of Bear Lake

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

(a) The reservoir is located in the channel of Sheep Creek direct from Sheep Creek which flows through reservoir, (Creek) (River).

(b) The reservoir is to be filled ~~through~~ a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

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

(b) The reservoir capacity is 121.23 acre feet.

7. Height of reservoir dam 15 feet, length at top 1000 feet, length at bottom 80 feet, size of outlet 18 inches ~~feet~~ by 15 feet. The dam is to be constructed of materials as follows: Dirt and clay

(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 acqueduct, thence to land to be irrigated without commingling with natural flow of (Creek) (River) ? Yes, will not use Sheep Creek bed.

(b) Water stored in reservoir will be carried in the channel of No (Creek,) (River,) a distance of miles to point of diversion located (bearing) feet, distant from the corner of Section Township, Range, B. M., and in the ¼ of ¼ of Section, Township, Range B. M.

9. Amount of water claimed from None (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation 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 ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Dam, Canal
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 15 feet, length at top 1000 feet, length at bottom 80 feet. The dam is to be constructed of materials as follows: Dirt and clay

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

15. Size of headgate: Width 18 inches each side of valley feet. Height 15 feet.

16. Diversion Canals/Width at bottom 4 feet, width at water line 3 feet, depth of water 1½ feet. Dimensions of Flume Diameter of Pipe 18 inches; Length of Conduit 3 miles each miles. Average grade per mile About 10 feet.

17. Estimated cost of Works: Storage Works: $ 7,000.00 Diversion Works: $

18. Time required for completion of work Three (3) years.

19. Time required for complete application of water to proposed beneficial use is Two (2) 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	
14 S.	45 E.	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12						40	40			40	40						160
		13						40											40
		14	40	40	40											40			160

Total Number of Acres to be Irrigated 960

Remarks: The proposed reservoir and dam is to take the place of a former reservoir and dam, deteriorated from floods and failure to repair. The proposed new dam is to conserve high waters in spring of year from snows in upper Sheep Creek valley, which otherwise would be lost. Amount of water to be stored will only irrigatea portion of the land owned by the stockholders of the company, but will help to raise more crops on the land that is irrigated from said reservoir. Each owner of land has a one-seventh interest in the creek and in the reservoir. Without the dam and reservoir there will be little or no water for irrigation during the growing season, Sheep Creek being practically dry in summer months. There are only seven owners of land in Sheep Creek valley that can use the waters so stored, and they each for only a portion of their respective holdings.

What springs are tributary to said creek cannot be used by any other person because of the location of said springs in

(Continued on next page)

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

SHEEP CREEK IRRIGATION CO. Applicant.

By Ivan W. Lloyd, Pres. of Co. Agent.

State Reclamation Engineer:

Date of first receipt at office of ~~Commissioner of Reclamation~~ 10:30 A. M. March 8, 1948

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER

~~APPROVAL OF COMMISSIONER OF RECLAMATION~~

The number of this permit is R 808

Recorded in book R 3, page 808 Approved March 21, 1948

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $, to be filed on or before

Work to begin on or before May 21, 1948 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before September 21, 1949

The whole of said work to be completed on or before March 21, 1951

Beneficial use of water stored in accordance herewith, to be made on or before March 21, 1953

Witness my hand this 21st day of March, 1948.

MARK R. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st day of March, 1948.

(S E A L)

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

STATE OF IDAHO
By C. A. ROBINS
Governor

REMARKS (Continued) canyon. In the original filing on these waters many years ago these springs were included and have been used continuously since by the land owners, being more than fifty years since originally filed on. No other persons have claimed or used said springs, and especially the owners of the lands on which these springs are located.

May 22, 1973

Re: Permit No. 11-2154

Jim Craney
c/o Lee Lloyd
Star Route
Montpelier, ID 83254

Dear Mr. Craney:

We are enclosing an application for permit and set of instructions, and a copy of Permit No. 11-2154 as you requested in our telephone conversation of May 22.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosures

11 2

11-2154

from the desk of
DARLENE REICH

Mr. Higginson: c/w fee was paid but certificate was not issued (see Dept's letter of 9/29/65)

QUESTION: Can we go ahead and pre-can for failure to make b/u proof?

Yes

11-2154

May 15, 1974 CERTIFIED MAIL #32021

Re: Permit No. R-808 (New No. 11-2154)

Sheep Creek Irrigation Company, Inc.
Montpelier, (Lee Lloyd, Sec.)
Idaho 83254 1001 Ethel, Montpelier

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit R-808/11-2154 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on March 21, 1953, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit R-808/11-2154 claims the use of 121.23 / ~~cubic feet per second~~ acre feet per annum of water from Sheep Creek and tributary springs flowing in same, the point of diversion was to be located within the SE¼SW¼ of Sec. 36, Twp. 13 S, Rge. 45 E, B.M. and the permit was approved March 21, 1948.

/s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

cc: Mr. Lee Rigby
Montpelier, Idaho

11-2154

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered

☐ Deliver ONLY to addressee

RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO.
32021

INSURED NO.

DATE DELIVERED
5-16-74

① SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*
Lee Lloyd

② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Willa Lloyd

③ SHOW WHERE DELIVERED *(Only if requested and include ZIP Code)*
11-2154

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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

U.S.MAIL

Postmark of Delivering Office

MONTPELIER, IDAHO 83254
MAY 10 1974
1 P M

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN TO

RECEIVED
MAY 13 1974
Department of Water Administration

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

PS Form 3811
June 1973

1-2154

RECEIVED
Department of Water Administration

Star Route #1
Montpelier, Idaho 83254
May 19, 1974

R. Keith Higginson, Director
Sate of Idaho
Department of Water Administration
Statehouse -- Anex 2
Boise, Idaho 83707

SUBJECT: Sheep Creek Irrigation Co., Inc.
Permit No. R-808 (New No. 11-2154)

Dear Mr. Higginson:

Mr. Lee Lloyd recently gave to me a letter sent to him from your office on May 15, 1974 regarding pending cancellation of the Sheep Creek Irrigation Company permit number shown above.

I purchased Mr. Lloyd's ranch a year ago and have assumed his interest in the Sheep Creek Irrigation Company, and wish to state at this time that the Sheep Creek and tributary springs are definitely being used.

I would appreciate your sending the necessary papers for properly identifying this usage so that this matter can be cleared up immediately.

Thank you.

Sincerely,

James E. Craney

James E. Craney
Sheep Creek Irrigation Co., Inc.

11-2154

May 22, 1974

Re: Permit No. R-808/11-2154

Mr. James E. Craney
Sheep Creek Irrigation Co., Inc.
Star Route # 1
Montpelier, Idaho 83254

Dear Mr. Craney:

Pursuant to your letter of May 19th, we are enclosing a copy of the above referenced permit for your review.

In the event you should desire to make the required proof under this permit, please submit the enclosed proof affidavit to this office on or before the date set forth in the pre-cancellation notice, June 24, 1974.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enc: Copy of permit
Proof affidavit

11-2154

RECEIVED
Department of Water Administration

Rt. 1
Montpelier, Idaho 83254
May 16, 1974

R. Keith Higginson
Idaho Dept. of Water Admin.
614 State Street
Statehouse--Annex 2
Boise, Idaho 83720

Dear Sir:

In regard to your letter of May 15, advising me of the impending cancellation of water permit #R-808/11-2154, this comes as a complete surprise to me. It states that you needed proof of beneficial use of water on March 21, 1953, and this was 10 years before I bought this place.

When I bought the place I assumed that this was a permanent permit with the land. Please send me the necessary application and instructions as to how to fill it out and I'll sure get it back to you.

Lee Lloyd, former secretary of the Sheep Creek Irrigation Company no longer owns property in the district either so mail sent to him might be misplaced. Please direct all correspondence to me in the future, so I can get this straightened out.

Yours truly,
Lee Rigby

11-2154

May 23, 1974

Re: Permit No. R-808/11-2154
Sheep Creek Irrigation Co., Inc.

Mr. Lee Rigby
Route # 1
Montpelier, Idaho 83254

Dear Mr. Rigby:

We have received your letter of May 16th in connection with the above referenced permit.

We wish to advise you that we have also received a response to the pre-cancellation notice from Mr. James E. Craney. Enclosed is a copy of Mr. Craney's letter and our reply.

Could you please advise this office of the names and addresses of the current directors of the Sheep Creek Irrigation Company?

Enclosed per your request is the Department's 'proof of application of water to beneficial use' form.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enclosures

11-2154

Rt. #1
Montpelier, Idaho 83254
June 6, 1974

RECEIVED
Department of Water Administration

R. Keith Higginson, Director
State of Idaho
Dept. of water Admin
Statehouse ---Annex 2
Boise, Idaho 83707

Dear Sir;

Inclosed is statement of proof of beneficial use of water for Sheep Creek Irrigation Co. In a previous letter you asked for the names of the members and officers of the company. They are as follows: Lee Rigby, Sec., James Craney and Kay Rigby, directors; all of the same address.

Yours truly,

Lee Rigby, Sec.

11-2154

Identification No. _____

Permit No. R-808/11-2154

RECEIVED

Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Sheep Creek Irrigation Co., Inc. (Lee Rigby, Sec.)

   b) Post Office Address Rt. #1, Montpelier, Idaho 83254

2. Permit Number R-808/11-2154

3. Date of Priority that you are prepared to establish May 15, 1951

4. a) Source from which water was appropriated Sheep Creek and tributary

   b) Location of the point of diversion: NE ¼ NW ¼, Section 1

   Township 14S, Range 45E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

   amount 121.23 a/f for irrigation purposes from May 15 to Sept 1 incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   b) Total amount appropriated _____ cfs and/or acre feet per annum

   c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

   a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

   b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Breifly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give breif description of diversion structure and/or canal or ditch) network of ditches

   b) Describe the type and size of measuring device which you have installed at your point of diversion: none was required at the time of priority

   c) Give well drillers name and address and date the well was completed _____

11-2154

11-2154

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within 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	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12					40	40			40	40							160
		13					40												40
		14	40	40	[illegible]											40			160

Total number of acres irrigated 960

10. Remarks: In regard to the amount stored , we claim 121.23 acre feet, but there are approximately 50 more acre feet stored some years that we claim also.

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

6/6/74
(Date)

[signature]
(Signature)

State of Idaho)
County of Franklin) ss.

On this 6 day of June, 1974, personaliy appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ronald O. Ellsworth
Notary Public residing at Montpelier

My commission expires 8/25/77

June 17, 1974

Re: Permit No. R-808/11-2154

Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority under this permit to May 24, 1969.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. Enclosed is an Order which modifies your permit to comply with these rules and regulations.

Before a field examination can be scheduled and a water license issued, it will be required that notice of the permit be published for two consecutive weeks, at your expense, in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: Order advancing priority
Modification Order
Advertisement authorization

11-2154

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-808/11-2154)
) ORDER
in the name of SHEEP CREEK IRRIGATION COMPANY, INC.)
)

WHEREAS, on March 8, 1948, the Sheep Creek Irrigation Company, Inc. applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 121.23 acre feet per annum of water from Sheep Creek, tributary to Bear Lake, within the SE¼SW¼, Sec. 36, Twp. 13S, Rge. 45E, B.M., Bear Lake County, to be used for irrigation purposes; and,

WHEREAS, on March 21, 1948, the Department approved said application and issued Permit No. R-808/11-2154 with the condition that one-fifth (1/5) of the work be completed on or before September 21, 1949, that the whole of said work be completed on or before March 21, 1951, and that proof of beneficial use be made on or before March 21, 1953; and,

WHEREAS, on March 26, 1951, the Department received proof of completion of works; and,

WHEREAS, on May 15, 1974, the Department notified the permit holders that Permit No. R-808/11-2154 was subject to cancellation for failure to submit proof of beneficial use of water on or before March 21, 1953; and,

WHEREAS, on June 6, 1974, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. R-808/11-2154 be advanced to May 24, 1969.

Dated this 14 day of June, 1974.

R. KEITH HIGGINSON
Director

JG

11-2154

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-808/11-2154 in the name of SHEEP CREEK IRRIGATION COMPANY, INC.	ORDER MODIFYING REQUIREMENTS FOR COMPLETION OF PERMIT TO APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration (formerly the Department of Reclamation) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-808/11-2154 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.

2. The conditions of the above numbered permit are modified as follows:

   a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.

Dated this 19 day of June, 1974.

R. KEITH HIGGINSON
Director

JG

11-215-U

RECEIVED
Department of Water Administration

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Sheep Creek Irrigation Company, Inc., Route #1, Montpelier, Idaho 83254 has received an approved Permit No. R-808/11-2154 issued by the Idaho Department of Water Administration authorizing the ~~diversion~~ storage of 121.23 ~~cubic feet per second~~ acre feet per annum of water from Sheep Creek, tributary to Bear Lake. The priority to be established under this permit is May 24, 1969 and the permit was approved March 21, 1948.

Water is to be diverted by ditches from a point within the SE¼SW¼, Sec. 36, Twp. 13S, Rge. 45E, B.M., Bear Lake County, to be used for irrigation purposes in the SW¼NW¼, W½SW¼, Sec. 1; E½NE¼, E½SE¼, Sec. 2; NE¼, SE¼, Sec. 11; W½NW¼, W½SW¼, Sec. 12; NW¼NW¼, Sec. 13; and the NE¼NE¼, W½NE¼, NW¼SE¼, Sec. 14, Twp. 14S, Rge. 45E, B.M.

Proof of the application of the water to beneficial use was ~~is to be~~ submitted to the Department on ~~before~~ June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice ~~prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.~~

R. KEITH HIGGINSON
Director

Published in the The News Examiner, Montpelier, Idaho on July 11 and July 18, 1974.

Permit No. R-808/11-2154

Director:

You are hereby authorized to have the above notice published at my expense in the The News Examiner of Montpelier, Idaho; published in the county in which the works are situated.

Lee Rigby
(Signature)

RT 1 Montpelier Idaho
(Address)

June 20 1974
(Date)

11-2154

June 25, 1974

Re: Permit No. R-808/11-2154 - Sheep Creek Irrigation Co., Inc.

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

Gentlemen:

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

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

The expense of the publication is to be paid by: Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254
to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

11-2154

June 25, 1974

Re: Permit No. R-808/11-2154

Sheep Creek Irrigation Company, Inc.
Route #1
Montpelier, ID 83254 Attn: Lee Rigby, Sec.

Dear Mr. Rigby:

We have caused the legal notice for the above referenced permit to be published in the News Examiner on July 11, and July 18, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication, we will schedule a field examination of the system.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

11-2154

RECEIVED

AUG 1 1974

Department of Water Resources

Dear Sir:

Enclosed is affidavit of publication as required to secure permit # R-808/11-2154.

Please notify us as to when a field examination will be scheduled.

Lee Rigby, Sec.
Sheep Creek Irrigation Co.
R+1
Montpelier Idaho

11-2154

August 1, 1974

Re: Permit No. R-808/11-2154

Sheep Creek Irrigation Co., Inc.
Attn: Lee Rigby, Sec.
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

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

If you have any questions concerning the field exam, please contact our Eastern District Office at 1515 Lincoln Road, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

11-2154

RECEIVED
AUG 1 1974
Department of Water Resources

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says he is Publisher and Foreman of the **News-Examiner**; that the said **News-Examiner** is a weekly newspaper published at Montpelier, County of Bear Lake, State of Idaho, of general circulation in said County and State.

That the notice attached was published in the said **News-Examiner,** and not in a supplement, for two successive weeks, commencing with the issue dated July 11, 1974 and ending with the issue dated July 18, 1974

W. Jerome Taylor
Publisher and Foreman

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Sheep Creek Irrigation Company, Inc., Route No. 1, Montpelier, Idaho 83254 has received an approved Permit No. R-808/11-2154 issued by the Idaho Department of Water Administration authorizing the storage of 121.23 acre feet per annum of water from Sheep Creek, tributary to Bear Lake. The priority to be established under this permit is May 24, 1969 and the permit was approved March 21, 1948.

Water is to be diverted by ditches from a point within the SE¼SW¼, Sec. 36, Twp, 13S, Rge. 45E, B. M., Bear Lake County, to be used for irrigation purposes in the SW¼ NW¼, W½SW¼ Sec. 1; E½NE¼, E½SE¼, Sec. 2; NE¼, SE¼, Sec. 11; W½NW¼, W½SW¼, Sec. 12; NW¼NW¼, Sec. 13; and the NE¼NE¼, W½NE¼, NW¼SE¼ Sec. 14, Twp. 14S, Rge. 45E, B. M.

Proof of the application of the water to beneficial use was submitted to the Department on June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in The News-Examiner, Montpelier, Idaho on July 11 and July 18.

(j-11|18)

Subscribed and sworn to before me this 19th day of July, 1974

Notary Public.

11-2154

RECEIVED
DEC 4 1974
Department of Water Resources

M E M O R A N D U M

TO: File

FROM: Loren Holmes

RE: Sheep Creek - 11-2154

DATE: December 2, 1974

I inspected the work on Sheep Creek Dam on November 27 with Lee Rigby and Wendell H. Smith.

The cutoff trench excavation had just been started. The north end of the trench had been dug to a depth of about 15 feet. Seepage appears to have occurred along the plane of contact between the top soil and the under lying clay and gravel.

Lee Rigby called on the morning of December 2, to inform me that about 150 feet of trench had been dug and that the clay and gravel bed had been below the bottom of the trench for the last 50 feet. He also said test holes had been dug at the south end and at the middle of the uncompleted portion of the trench, and that neither hole had encountered any gravel. He wanted to know if it was all right to end the trench at that point, since it is no longer cutting into the gravel. I told him that he could end the trench, but that further work would be necessary if the leakage problem reappears when the reservoir if filled.

Copy: Bill Gossett

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 11-2154 Priority (late proof) May 24, 1969 Amount 120 acre feet

THIS IS TO CERTIFY, that Sheep Creek Irrigation Co., Inc.

of Montpelier, ID, has complied with the terms and conditions of Permit No. 11-2154 issued pursuant to Application for Permit dated March 8, 1948, and has submitted proof to the Department of Water Resources on June 6, 1974, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of N/A of water from Sheep Creek, tributary to Bear River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Storage for Irrigation	from January 1	to December 31	at cfs and	120 acre feet
Irrigation from storage	from April 15	to October 15	at cfs and	120 acre feet
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than N/A of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 120 acre feet per year, said waters to be diverted within the SESW Sec. 36 T13S R45E, B.M. in the County of Bear Lake

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40			40									40			39	159
		12						39	39			39	40						157
		13						40											40
		14	15	40		38										23			116

Total number of acres irrigated 752

Use of water under this license is subject to control by the watermaster of State Water District No. 11, Bear River.

Points of rediversion from Sheep Creek:
SE¼NW¼ Sec. 1, SW¼SW¼ Sec. 12, T14S R45E

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of August, 19 82.

Director

E. E. Dr

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

January 18, 1978

RE: Permit No. 11-2154

Lee Rigby, Secretary
Sheep Creek Irrigation Co, Inc.
Rt. #1
Montpelier, Idaho 83254

Dear Mr. Rigby:

Our records show that a field examination needs to be completed for your Permit No. 11-2154. As this examination has been in our files for many year, we are looking forward to its completions this coming irrigation season. Upon completion of the examination, a license will be issued to you for the amount of water you are actually putting to beneficial use.

The permit describes the irrigation of 960 acres of land in Sections 1, 2, 11, 12, 13, 14, Twp. 14S, Rge 45E, B.M., County of Bear Lake, using 121.23 AF/year of water from Sheep Creek.

It would be very helpful if you could call me at our regional office to discuss the system and to schedule the examination.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cd

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

RECEIVED
AUG 5 1974
Department of Water Resources
Eastern District Office

1. Name of permit holder Sheep Creek Irrigation Company, Inc.

   Post office address Attn: Lee Rigby, Sec., Rt. 1, Montpelier, ID Phone

   Person to contact Lee Rigby, Sec. Phone 847-2287

2. Source of water supply: Groundwater ☐ Surface water ☒ Sheep Creek (name spring, stream, etc.)

   Tributary to Bear River

3. Water will be used for the following purposes:

   Amount 121.23 c.f.s. for irrigation
   AF/Annum (nature of use)

   Period of Use: from Apr. 15 to Oct. 15
   (mo.-day) inclusive (mo.-day)

   Amount _____ c.f.s. for _____
   _____ AF/Annum (nature of use)

   Period of Use: from _____ to _____
   (mo.-day) inclusive (mo.-day)

   Amount _____ c.f.s. for _____
   _____ AF/Annum (nature of use)

   Period of Use: from _____ to _____
   (mo.-day) inclusive (mo.-day)

   Other uses: _____

Permit No. R-808/11-2154

Examination for b/u

4. Total amount to be appropriated:

   Max Rate of Diversion _____ cubic feet per second and annual volume 121.23 AF/Annum.

5. Location of Point(s) of Diversion:

   Township 13S N/S, Range 45E E/W, B.M., Section 36, Subdivision SE ¼ SW ¼, Bear Lake County

   Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

   Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

   Other Points of Diversions: _____

   Description of diverting works: Network of ditches

   Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	45E	1							40			40	40						120
		2	40			40									40			40	160
		11	40	40	40	40									40	40	40	40	320
		12						40	40			40	40						160
		13						40											40
		14	40	40	40											40			160
							No overlapping rights found JK												

TOTAL ACREAGE 960

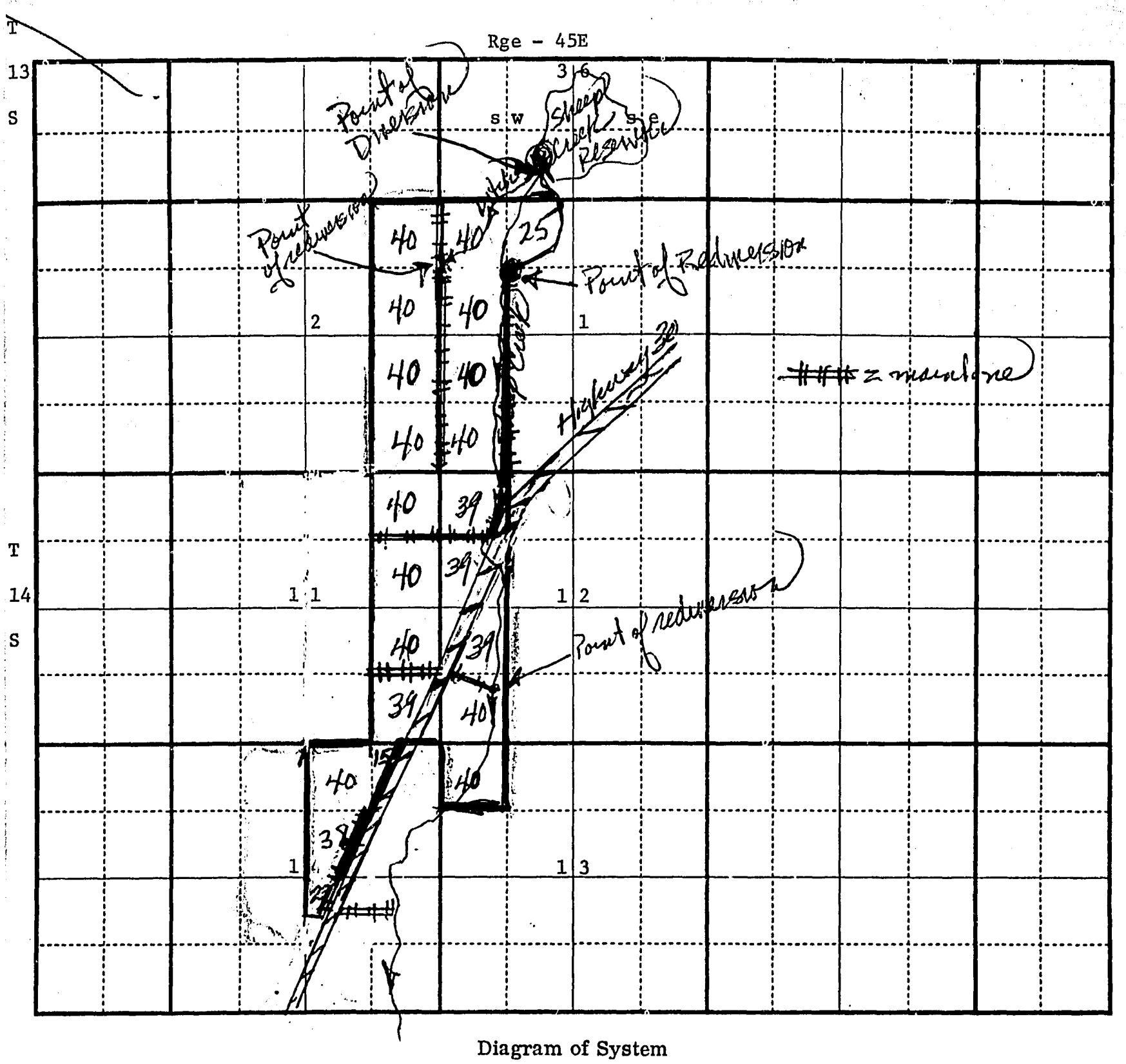


Diagram of System

DATE OF EXAM 6/21/78

ACREAGE
Found 817 ✓
Recommended 817

Irrigation Requirement 3.0 N/A Ac Ft/Ac

USE
Irrigation Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Storage for irrigation - 120 Af/yr from Oct 15 to Apr 15
Irrigation from storage - 120 Af/yr from Apr 15 to Oct 15

Is water co-mingled? yes____ no X

Name source: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Exchange? yes____ no X

Name source exchanged with: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of injection: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of exchange: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No._____ Type_____ Condition _____

Total V recommended 120 Af/yr ✓ o/c

Recommended Amendments:

P.D. _____
Place of Use See rough draft amendment o/c
Other _____
None _____

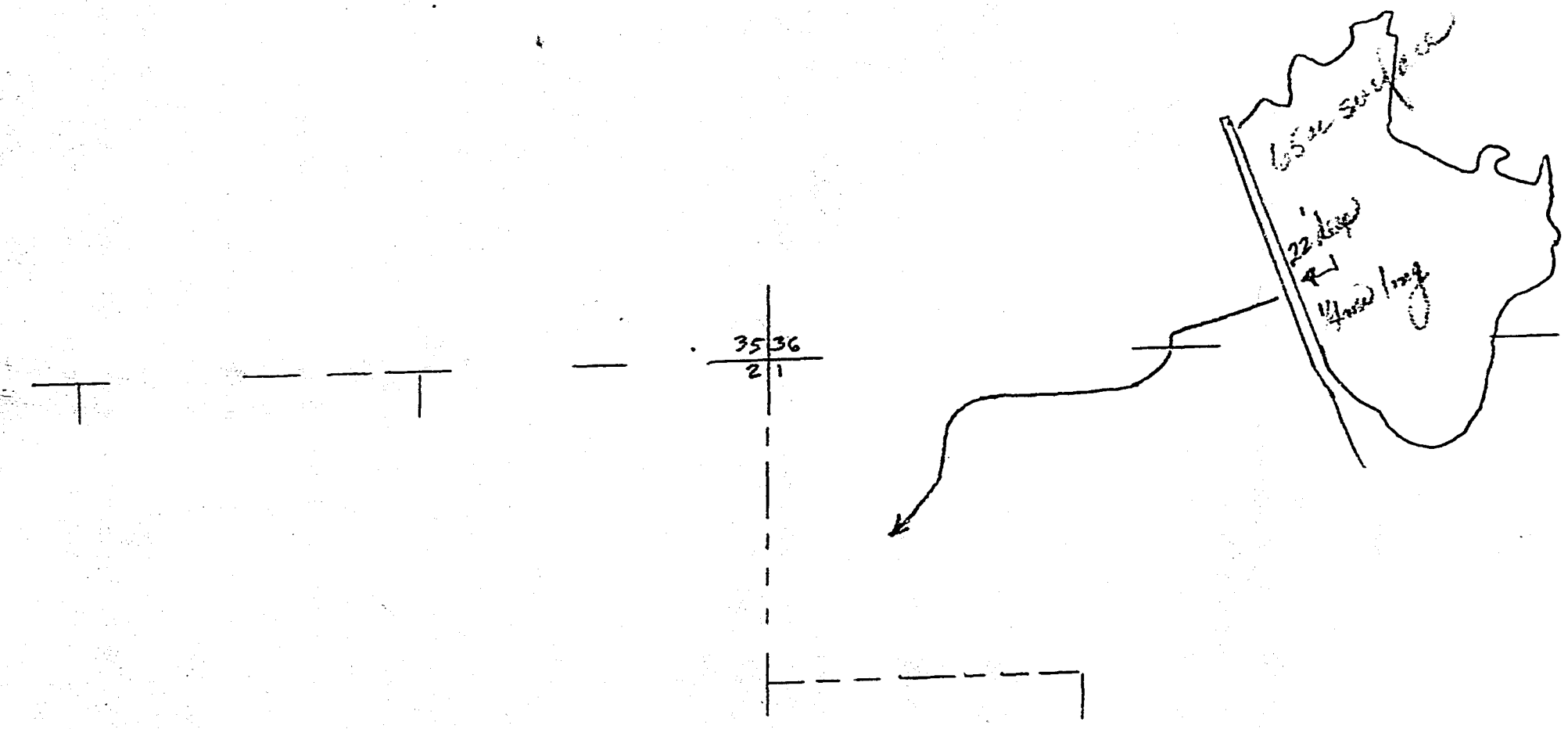
MEASUREMENT CALCULATION:
Active capacity of Sheep Creek Reservoir - 120 Af
Information obtained from our regional dam safety program

SYSTEM DESCRIPTION:
Stored Sheep Creek water is diverted from Sheep Creek Reservoir - active capacity - 120 Af, crest length - 1060', crest width - 12' - dam height - 15' upstream slope - 2.5:1 downstream slope 2:1 - 18" diam corrugated metal pipe - spillway - rock channel on left emplacement. Earthfill dam - 817 ac are irrigated by both gravity flood irrigation and sprinkler irrigation. meadows are located as shown

REMARKS: System shown & described by Lee Rigby

Examiner's Signature Anthony R. Kozlowski Date 4/13/79
Checked by Rodney A Parker Date 4/16/79
Approved by [illegible] Date 2-23-82

No overlap found
Jmi 3/22/82


35 36
2 1

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 22, 1982

copy

RE: Permit No. 11-2154

Sheep Creek Irrigation Company, Inc.
Attn: Lee Rigby, Secretary
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

A representative of this Department made an examination of the works covered by your Permit No. 11-2154 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 120.0 acre feet Source: Sheep Creek

The maximum quantity diverted shall not exceed 120.0 acre feet per year.

Point of diversion: SE¼SW¼, Sec. 36, Twp. 13S, Rge. 45E, Bear Lake County

Beneficial use: Irrigation of 817 acres (uses are storage for irrigation and storage from irrigation) within the N½NW¼, SW¼NW¼, W½SW¼, Sec. 1; E½NE¼, E½SE¼, Sec. 2; E½NE¼, E½SE¼, Sec. 11; W½NW¼, W½SW¼, Sec. 12; NW¼NW¼, Sec. 13; N½NE¼, SW¼NE¼, NW¼SE¼, Sec. 14; Twp. 14S, Rge. 45E

Priority date established: May 24, 1969 (late proof)

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a $20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

April 27, 1982

RE: Permit No. 11-2154

Sheep Creek Irrigation Company, Inc.
Attn: Lee Rigby, Secretary
Route #1
Montpelier, ID 83254

Dear Mr. Rigby:

On March 22, 1982, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

CONVERSATION MEMORANDUM

DATE May 24, 1982

FILE 11-2154

NAME OF ~~PARTY~~ Mrs. James Craney

EMPLOYEE Robyn Carlson

RE: 30 Day Licensing letter

Mrs James Craney called today. She stated that she had just received our 30 day letter of 3-22-1982. She also stated that Mr. Rigby is no longer the Secretary & all correspondances should be sent to her husband who is now the secretary - James Craney
Star Rt. 1
Montpelier ID 83254.

I told her we would give her 30 more days from today to respond before we sent another 15 day letter. I also sent her a copy of the permit. Call up should be June 24, 1982

June 28, 1982

RE: Permit No. 11-2154

James Craney
Star Route #1
Montpelier, ID 83254

Dear Mr. Craney:

On March 22, 1982, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteeen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since this license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

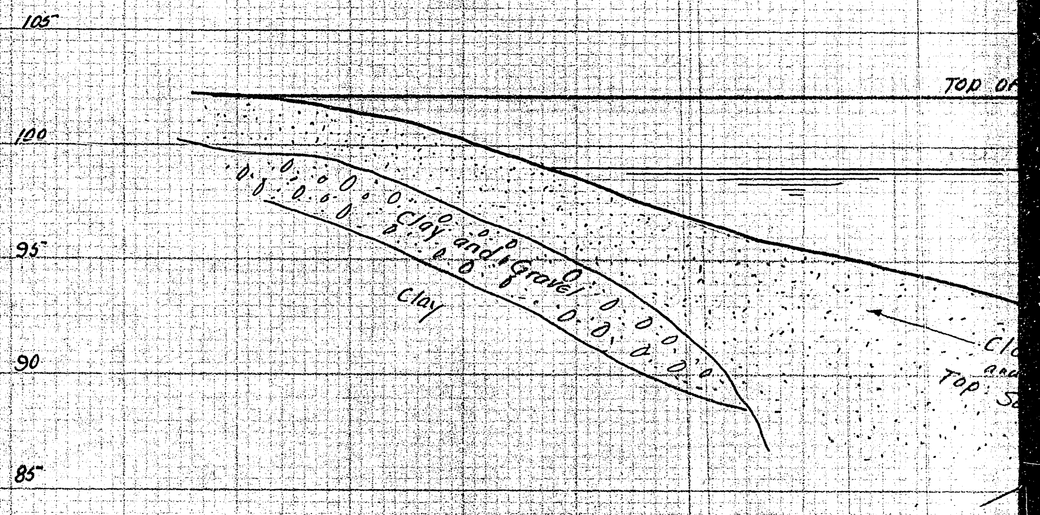
JJ:kw

Calculations for Licensing
w/o Amendment

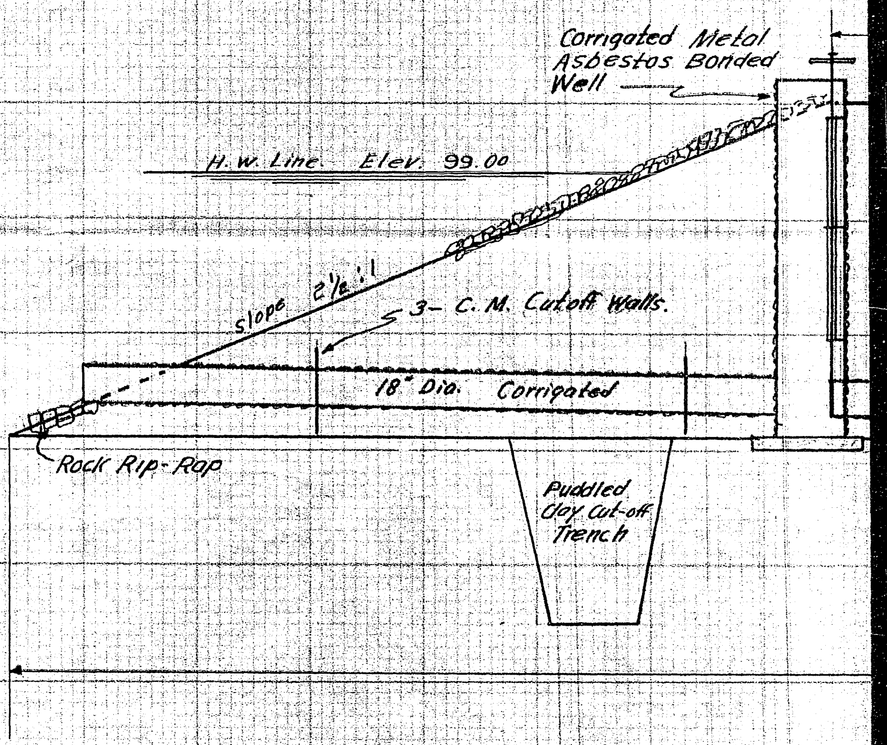
Acres found from Field exam 817
Less acres not covered by Permit -65
Acres which can be licensed without Amendment 752

No change in acre foot amount

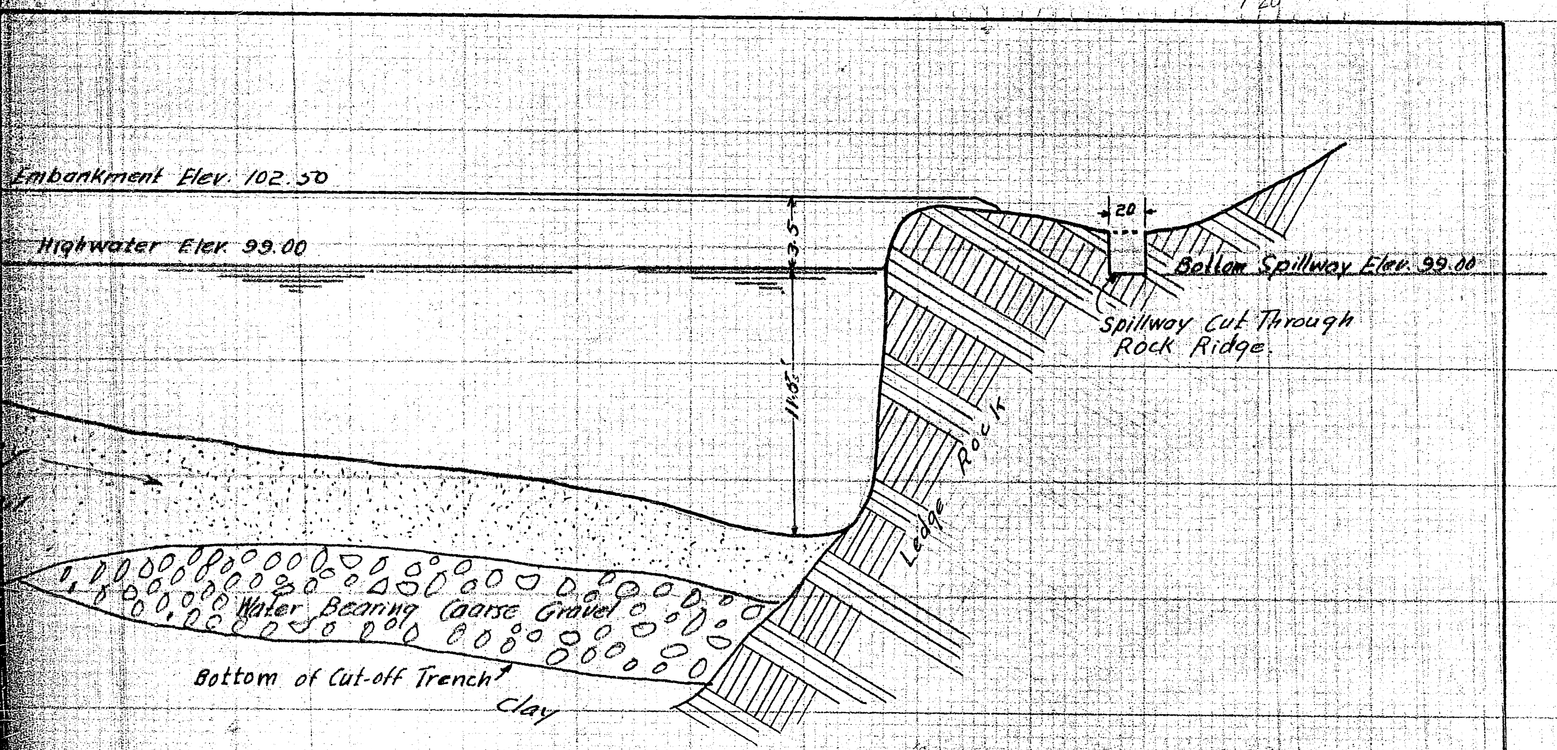
RC 8/2/82



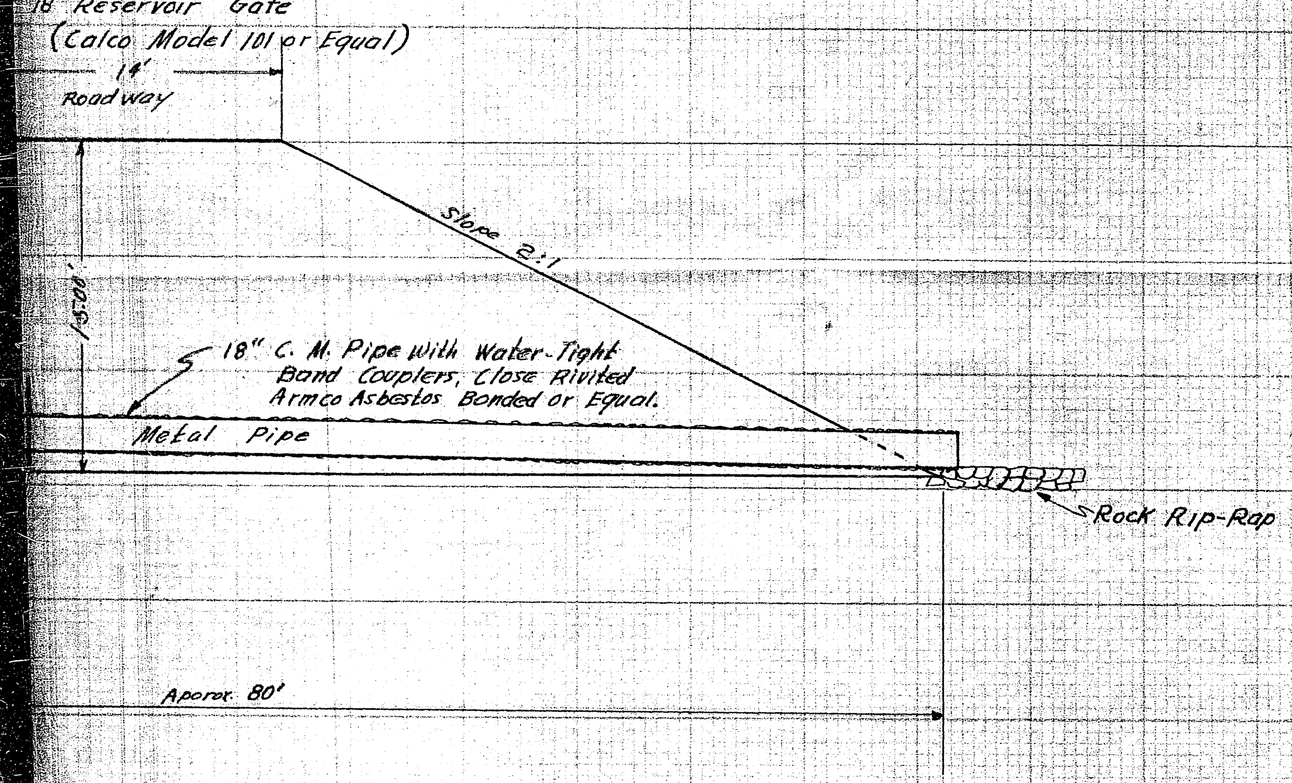
PROFILE OF DA



CROSS SECTION OF DAM



M SITE ON AXIS OF DAM



AT MAXIMUM SECTION

R-808

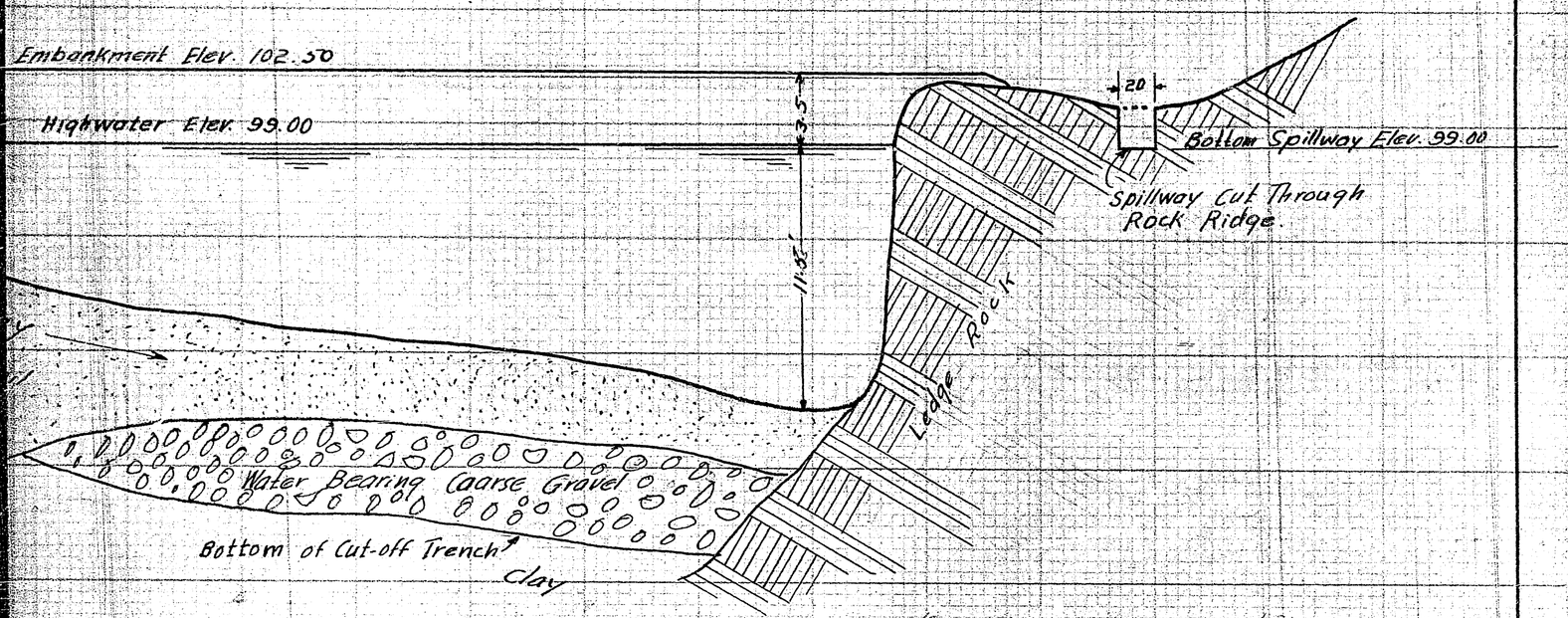
APPROVED
MAR 8 1948
Mark R Kulp
STATE RECLAMATION ENGINEER

SHEEP CREEK DAM
SHEEP CREEK IRRIGATION COMPANY

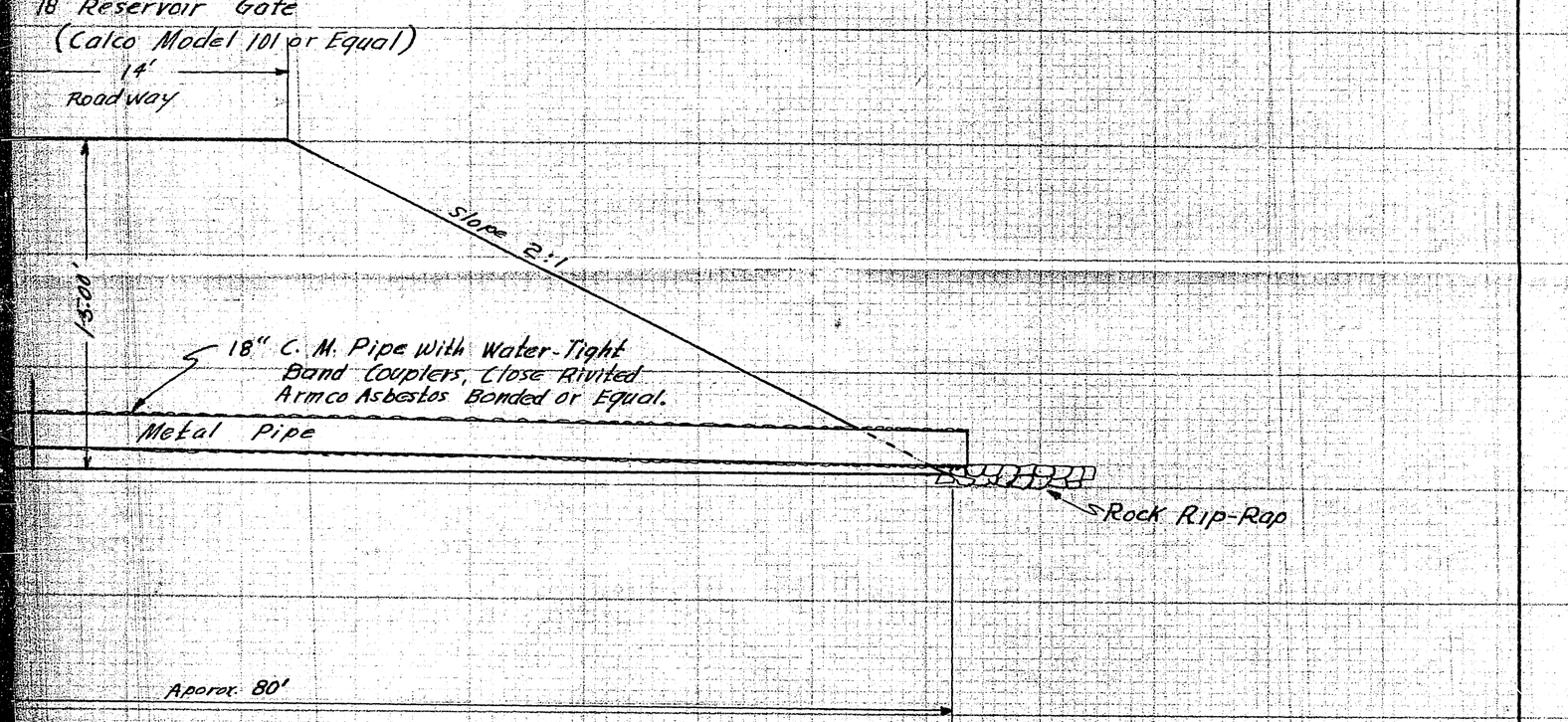
Engineer: Wendell H. Smith
Survey By: Walter R. Myers
Approved By: Juan W. Lloyd
President, Sheep Creek Irrig. Co.
Approved By: _____
Engineer, Idaho State Dept. Reclamation.
Sheet of Sheets

PRINTED IN U.S.A.
ON CONTINUOUS PAPER MADE IN U.S.A.

R-808



M SITE ON AXIS OF DAM



AT MAXIMUM SECTION

R-808

APPROVED
MAR 8 1948
Mark R Kulp
STATE RECLAMATION ENGINEER

SHEEP CREEK DAM
SHEEP CREEK IRRIGATION COMPANY

Engineer: Wendell H. Smith
Survey By: Walter R. Myers
Approved By: James W. Lloyd
President, Sheep Creek Irrig. Co.
Approved By: _____
Engineer, Idaho State Dept. Reclamation.
Sheet of Sheets

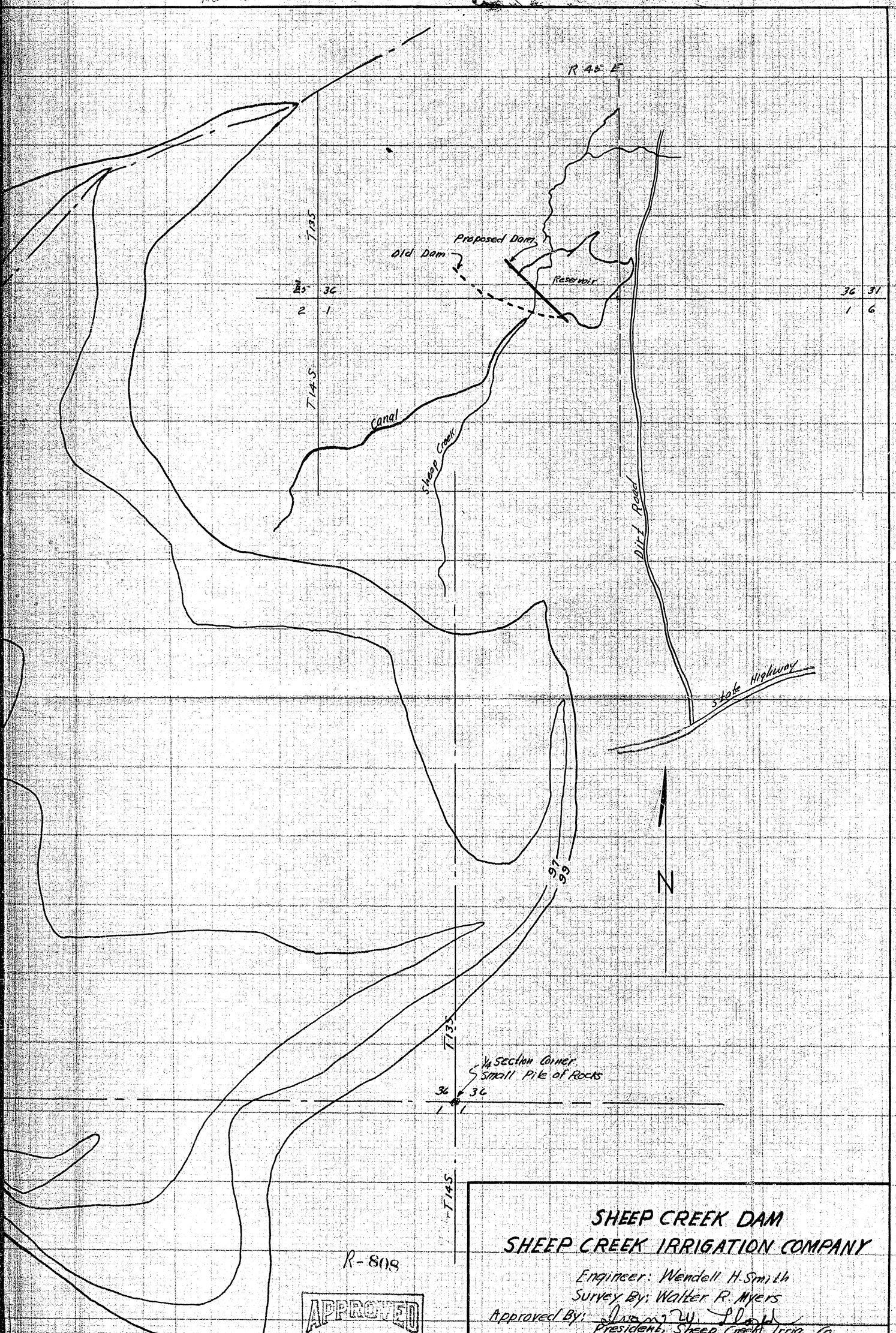
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DR 1009-NSC PAPER MADE IN U.S.A.

R-808

Contour	Acres	Acre Feet	Total
99	26.50	23.25	46.30
97	20.00	13.87	84.43
93	7.25	4.50	18.02
89	1.25		1.25

2-15-96

R45E



SHEEP CREEK DAM
SHEEP CREEK IRRIGATION COMPANY

Engineer: Wendell H. Smith

Survey By: Walter R. Myers

Approved By: Owen W. Lloyd
President, Sheep Creek Irrig. Co.

Approved By: _____
Engineer, Idaho State Dept. Reclamation.

Sheet ___ of ___ Sheets

R-808

APPROVED
MAR 8 1948
Mark R. Kulp
STATE RECLAMATION ENGINEER

R 808

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

June 12, 1947

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

Dear Mr. Kulp:

Inclosed for your approval are Specifications for a small dam for the Sheep Creek Irrigation Co. of Bear Lake County. The tracings are being forwarded under seperate cover.

It will be noted that a gravel condition exists under the dam location. It is proposed to construct a clay cut-off trench to the bottom of the layer. It is the desire of the Company to use the reservoir as source of storage for short periods and then after accumulating some water they may have a larger stream for irrigation purposes.

Very truly yours,
Wendell H. Smith
Wendell H. Smith

RECEIVED
JUN 2 2 1947
Department of Reclamation

R-208

June 13, 1947

Mr. Wendell H. Smith
Preston, Idaho

Dear Mr. Smith:

Before approving your plans and specifications on a dam for the Sheep Creek Irrigation Company, it will be necessary to check up on the water rights of said company.

We do not find either a filing or a decree in the name of the Sheep Creek Irrigation Company, and we accordingly request that you please send such information so that we can identify their rights, either a license or permit number, or a court case.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

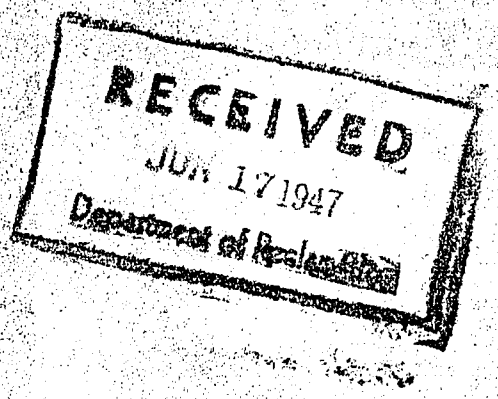
E. N. Humphrey
Deputy State Reclamation Engineer

H:A

R-802

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

June 16, 1947



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

Dear Mr. Kulp:

Attention: E. N. Humphrey

In accordance with the request in your letter of June 13, 1947 for information to identify the rights of the Sheep Creek Irrigation Company the President of the Company has informed me that the Permit No. is 25. If this is not sufficient information we will be glad to get any other information possible.

Very truly yours,

Wendell H. Smith

R-25-6

June 17, 1947

Mr. Sam V. Tonks
County Recorder Bear Lake County
Paris, Idaho

Dear Sir:

Will you please advise us if there is a location notice of record in your county, for the use of water from Sheep Creek?

In connection with reservoir plans by the Sheep Creek Irrigation Company, they refer to their water right as being Permit No. 25; but this evidently does not refer to a Water Permit issued by this Department, and we are trying to locate the original source of their water right.

Any information that you can give us in regard to this matter will be greatly appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A

Chief Clerk

R-202

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

C. A. ROBINS
GOVERNOR

June 17, 1947

Mr. Sam V. Tonks
County Recorder Bear Lake County
Paris, Idaho

Dear Sir:

Will you please advise us if there is a location notice of record in your county, for the use of water from Sheep Creek?

In connection with reservoir plans by the Sheep Creek Irrigation Company, they refer to their water right as being Permit No. 25; but this evidently does not refer to a Water Permit issued by this Department, and we are trying to locate the original source of their water right.

Any information that you can give us in regard to this matter will be greatly appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By Jeanne L. Anderson
Chief Clerk

A

Dear Miss Anderson:

The Sheep Creek Irrigation Company filed Articles of Incorporation in this office July1,1896. There isn't any record of ever having filed with the State. The No 25 is county file No.

Yours truly,

Sam V. Tunks
Recorder

RECEIVED
JUN 19 1947
Department of Reclamation

R-808

June 19, 1947

Mr. Wendell H. Smith
Preston, Idaho

Dear Mr. Smith:

We acknowledge receipt of your letter of June 16th, in reply to office letter addressed you on June 13th, requesting information as to the source of the water right of the Sheep Creek Irrigation Company.

In that letter you say that the President of that company informed you that it was Permit No. 26; but this appears to be the number of the articles of incorporation, and does not refer to a permit of record in this department.

We shall appreciate further advice as to the source of the water right, for which plans and specifications were sent us by you under date of June 12th, since we can find neither a filing nor a decree of record in this department in the name of the Sheep Creek Irrigation.

If a right is claimed under the old location method, such right would have to be established through the District Court, who could fix the priority date at the earliest proven date of beneficial use.

Alternately, a filing for permit can be made through this Department, but such a filing would only carry as priority the date the application is filed in this department.

Very truly yours,

K:A

MARK R. KULP
State Reclamation Engineer

R-208

June 21, 1947

Mr. A. L. Kunz
P. O. Box 235
Montpelier, Idaho

Dear Mr. Kunz:

Inclosed is a letter from Mr. Mark R. Kulp, State Reclamation Engineer, explaining that he is not able to find on record a water right under the name of the Sheep Creek Irrigation Co.. Was the original filling made under a different name?

If it is possible for you to get the information asked for in the above referenced letter either send it directly to Mr. Kulp with a copy of your letter to me or send it to me and I will forward it to Mr. Kulp. If there is anything that I can do to help you get this information please let me know.

Very truly yours,

Wendell F. Smith

cc: Mark R. Kulp

RECEIVED
JUN 23 19[illegible]
Department of Reclamation

R-802

WENDELL H. SMITH
ENGINEER
REGISTERED IDAHO - WYOMING
PRESTON, IDAHO

August 1,1947

RECEIVED
AUG 5 1947
Department of Reclamation

Mr. A. L. Kunz
Montpelier, Idaho

Dear Mr. Kunz:

With reference to approval of plans on your dam, there is not much that we can do until the water right has been cleared up. Whenever Mr. Harris can get a copy of the Court Decree forwarded to the State Department of Reclamation and get it on file up there they will approve the plans.

If there is anything that I can do to help you in the mean time please let me know.

Very truly yours,
Wendell H. Smith
Wendell H. Smith

I am also inclosing the Public notice that I took with me to Boise.

I am enclosing certified copy of the District Court Decree as to the waters of Sheep Creek and reservoir.

The Kunz's above named are successors in interest as to the water rights under the decree.

Chas E Kunz

R-207

August 7, 1947

Mr. Wendell H. Smith
Route 2
Preston, Idaho

Dear Mr. Smith:

We are in receipt of a Court Decree from Charles E. Morris, Montpelier, Idaho, showing the diversion of the waters of Sheep Creek as follows:

To Frank A. Clark, three-sevenths or 150 miners inches of Sheep Creek, priority , April 29, 1887, to irrigate,

SW¼NW¼, SW¼SW¼, Section 12,
NW¼ NW¼, Section 13
N½NE¼, N½SE¼, Section 11
Township 14 South, Range 45 East, B. M.
320 acres.

To Albert Kunz, one-seventh or 50 miners inches of Sheep Creek with same priority to irrigate E½NW¼ and E½SE¼ Section 11, Township 14 South, Range 45 East, B. M., 160 acres.

To Arnold Zumbrunn, one-seventh or 50 miners inches of Sheep Creek with same priority to irrigate,

E½NE¼ and E½SE¼ Section 2, Township 14 South, Range 45 East, B. M., 160 acres.

To Gottfried Eschler, one-seventh, or 50 miner's inches from Sheep Creek with same priority to irrigate,

SE¼NW¼ and N½SW¼, Section 1 and NW¼NW¼, Section 12, Township 14 South, Range 45 East., 160 acres.

To Heber Phelps, one-seventh, or 50 miner's inches of Sheep Creek with same priority to irrigate,

N½NE¼, SW¼NE¼ and NW¼SE¼, Section 14, Township 14 South, Range 45 East, B. M.

We do not know which of these rights are owned by the Sheep Creek Irrigation Co.

R-8C2

However, these are direct flow rights, and are only valid through the irrigating season, except for the part of domestic use; and it will be necessary to initiate a storage right by application for Permit.

Very truly yours,

MARK R. NULP
State Reclamation Engineer
By

E. M. Humphrey

H:FS
Encl.

R-202

1211 A

CLASS OF SERVICE DESIRED		
DOMESTIC	CABLE	
TELEGRAM	FULL RATE	
DAY LETTER	DEFERRED	
NIGHT MESSAGE	CABLE LETTER	
NIGHT LETTER	WEEK END LETTER	

Patrons should mark class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT — J. C. WILLEVER, FIRST VICE-PRESIDENT

NO.	CASH OR CHG.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

State House, Boise, Idaho.

Dec. 7-47

Mr. J.R. Pugmire, Chairman, Bear Lake County Agricultural Conservation Association.
Montpelier, Idaho.

No Storage rights on Sheep Creek of record in this office.

Plans and specifications can be approved as soon as application for permit is filed and approved.

MARK. R. KULP.
State Reclamation Engineer,

Chg. To State Department of Reclamation,

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

R-208

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and this company as follows:

1. The company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued;* nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.

2. In any event the company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one percent of the amount by which such valuation shall exceed five thousand dollars.

3. The company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

5. No responsibility attaches to this company concerning messages until the same are accepted at one of its transmitting offices, and if a message is sent to such office by one of the company's messengers, he acts for that purpose as the agent of the sender.

6. The company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.

7. It is agreed that in any action by the company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY
INCORPORATED
NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

1. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

2. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 3:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The standard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

No employee of the Company is authorized to vary the foregoing.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be in language of country of origin or of destination, or in French. This class of service is in effect with most European countries and with various other countries throughout the world. Full particulars supplied on application at any Western Union Office.

CABLE NIGHT LETTERS

An overnight, low-rate service for plain language communications. The language of the country of destination may be employed, if the Night Letter service is in operation to that country. Subject to delivery at the convenience of the Company within 24 hours if telegraphic delivery is selected. Delivery by mail beyond London will be made if a full mailing address is given and the words "Post London" are written after the destination. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

WEEK-END LETTERS

At still lower rates. Similar to Night Letters except that they are accepted up to midnight Saturday for delivery Monday morning, if telegraphic delivery is selected. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1201 (241.

1947 OCT 6 AM 9 25

SYMBOLS

DL = Day Letter
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

KHA83 PD=MONTPELIER IDA 6 900A

MR KULP COMMISSIONER OF RECLAMATION=

BOISE IDA=

PLEASE ACT ON SHEEP CREEK RESERVOIR COMPANY PROJECT. THIS IS URGENT SEASON LIMITED=

=J R PUGMIRE CHAIRMAN BEAR LAKE COUNTY AGRICULTURAL CONSERVATION ASSOCIATION.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

R-808

CHAS. E. HARRIS
LAW OFFICE
MONTPELIER, IDAHO

February 7, 1948

State Reclamation Office,
Boise, Idaho.

Dear Mr. Kulp:

As attorney for the Sheep Creek Irrigation Co., I am writing you.

The officers of this company have received the blanks for application for storage reservoir on tSheep creek for waters for their farms below in Sheep creek valley.

However, neither they or myself can fill out these forms and answer the questions containied therein for the reason that Wen-Dell Smith, the civil engineer who prepared the plans on file in your office, did not furnish a copy of these plans to the officers of the company, and Mr. Smith is not available to give us the information we need, to complete the application blank sent them.

Mr. Smith thought that you might let me have the plans in your office temporarily to get the information we need, and I am writing to ask if you will send me these plans. I will return them as soon as we can get the data you ask for. Mr. Smith writes us that all the information we need is set fout in these plans.

Awaiting your reply I am respectfully,

Chas E Harris

RECEIVED
FEB 9 19
Department of Reclamation

R-808

February 9, 1948

Mr. Charles L. Harris
Attorney at Law
Montpelier, Idaho

Dear Mr. Harris:

In reply to your letter of February 7th, we are sending you, under separate cover, the plans made by Mr. Wendell Smith in connection with the Sheep Creek dam.

These are being sent for your present use, and may be returned to this department when they have served that purpose.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

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SHEEP CREEK IRRIGATION CO.

MONTPELIER, IDAHO

- - - - - - - - - -

ADVERTISEMENT, PROPOSAL, SPECIFICATIONS

AND DRAWINGS

- - - - - - - - -

SHEEP CREEK IRRIGATION CO.

- - - - - - -

SHEEP CREEK DAM FOR SHEEP CREEK IRRIGATION CO.

May 1947

Designed and Submitted for Approval by: Wendell H. Smith 6/6/47
Wendell H. Smith, Engineer — Date

Approved by Jesse W. Lloyd 6/6/47
President, Sheep Creek Irrigation Co. — Date

Approved by Mark R Kulp March 8, 1948
Engineer, Idaho State Department of Reclamation — Date

R-202

ADVERTISEMENT
SHEEP CREEK DAM
OFFICE OF SHEEP CREEK IRRIGATION COMPANY

Montpelier, Idaho, _____, 194_

Sealed proposals will be received at the office of the Sheep Creek Irrigation Company at Montpelier, Idaho, until 2 o' clock P.M., _____ _____, 1940, for the building of a dam to be located in Section 36, Township 13 South, Range 45 East, Boise Base Meridian, and in Section 1, Township 14, South, Range 45 East, Boise Base Meridian. This work involves approximately the following quantities: 28,000 Cubic yards of earth embankmnet and 2,000 Cubic yards of earth excavation.

NOTICE TO BIDDERS.

Each proposal must be accompanied by a certified check, payable to the order of the Sheep Creek Irrigation Co., as a guaranty that the bidder will, if successful, promptly execute a satisfactory contract and furnish bond for the faithful performance of the work as required by paragraphs 8 and 9 of these specifications in the amount of forty per cent (40%) of the estimated aggregate payment to be made under the contract.

The envelope enclosing the proposal must be marked, "Proposal for Construction of Dam for Sheep Creek Irrigation Co.," and addressed "The Sheep Creek Irrigation Co., Montpelier, Idaho."

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PROPOSAL

FOR THE CONSTRUCTION OF THE DAM OF THE
SHEEP CREEK IRRIGATION CO.
IN BEAR LAKE COUNTY, IDAHO

_____, 194_

The Sheep Creek Irrigation Co.
Montpelier, Idaho

Gentlemen:

Pursuant to the foregoing advertisement, the undersigned bidder proposes to do all the work and to furnish all the material as provided by the attached specifications, and binds himself on award by The Sheep Creek Irrigation Company under this proposal to execute in accordance with such award, a contract, with necessary bond, of which this proposal and the said advertisement and specifications shall be a part, for performing and completing said contract within the time required by these specifications and at the prices named in the specifications and in the schedules herto annexed.

The bidder furthermore agrees that, in case of his default in executing a contract with necessary bond, the proceeds of the check accompanying this proposal shall be and remain the property of the Sheep Creek Irrigation Co.

Signature: _____

_____

Address: _____

Names of individual members of firm or names and titles of all officers of corporation:

(_____
(
(_____
(
(_____
(
(
(_____
(
(_____
(
(_____

Corporation organized under the laws of the State of _____

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If contract is awarded under this proposal, the bidder proposes to do the work with equipment of the following character and quantity:

_____

_____

_____

_____

GRARANTY OF BOND.

We agree to furnish bond for this bidder as required by these specifications and the regulations of The Sheep Creek Irrigation Co., in case contract is awarded on the basis of this proposal.

Signatures and addresses of guarantors of bond.

_____

_____

_____

_____

_____

F 202

SCHEDULE

DAM

SHEEP CREEK IRRIGATION CO.

ITEM NO.	WORK OR MATERIAL	QUANTITY AND PRICE	AMOUNT
1.	Earth Embankment,	$( ) per cu. yd.	$
2.	Excavation for Cut-off Wall	cu. yds. at ($) per cu. yd.	$
3.	Structure	Lump Sum	$

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GENERAL SPECIFICATIONS

COMPANY

1. The word "company" used in these specifications or in the contract, unless otherwise qualified by the context, means _____

ENGINEER.

2. The word "engineer" used in these specifications or in the contract, unless otherwise qualified by the context, means the chief Irrigation and Hydraulic Engineer of _____

He will be represented on the work by assistants and inspectors authorized to act for him. On all questions concerning the acceptability of material or machinery, the classification of material, the execution of the work, conflicting interests of contractors performing related work, and the determination of costs, the decision of the engineer shall be final.

CONTRACTOR

3. The word "contractor" used in these specifications or in the contract means the person, firm, or corporation with whom the contract is made by _____

The contractor shall at all times be represented on the work in person or by a foreman, or duly designated agent. Instructions and information given by the engineer to the contractor's foreman, or agent, on the work, shall be considered as having been given to the contractor. When two or more contractors are engaged on installation or construction work in the same vicinity, the engineer shall be authorized to direct the manner in which each shall conduct his work, so far as it affects other contractors.

FORM OF PROPOSAL

4. The proposal shall be made on the form provided for that purpose, and shall be enclosed in a sealed envelope, marked, and addressed as required in the Notice to Bidders. The bidder shall state in words and in figures, in the spaces provided therefor in the proposal, the unit price or the specific sums, as the case may be, for which he proposes to supply material, tools, equipment, and perform the work required by these specifications. In case of any discrepancy between the figures and the written price the latter shall hold.

SIGNATURE.

5. The proposal must be properly signed. If the proposal is made by an individual, it must be signed by his full name, and his address shall be given after his signature. If the proposal is made by a firm, it shall be signed with co-partnership name by a member of the firm, and the name and address of each member shall be given. If the proposal is made by a corporation, it shall be signed by an officer with the corporate name, and the corporate seal shall be attached to the signature. Anyone signing a proposal as an agent of another or of others must file with it legal evidence of his authority to do so.

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PROPOSAL.

6. All blank spaces in the proposal shall be properly filled. The phraseology of the proposal should not be changed, and no additions should be made to the items mentioned therein. Alternations by erasures or interlineation must be explained or noted in the proposal over the signature of the bidder. If the unit price and total amount named by the bidder for any item do not agree, the unit price alone will be considered in representing the bidder's intention. A bidder may withdraw his proposal before the expiration of the time during which proposals may be submitted by submitting a written request for its withdrawal. No proposal received after time specified in the advertisement will be considered. No telegraphic proposal or telegraphic modifications of the proposal will be considered. A proposal sent by mail should be sent special delivery or registered, and sufficient allowance should be made for the additional time required in such transmission. The proposal shall be made out for completed work as per schedule, and no partial bids will be considered. Bidders are invited to be present at the opening of the proposals. The right is reserved to reject any or all proposals, to accept one part of a proposal and to reject the other, and to waive all technical defects, as the interests of the company may require.

CASHIER'S CHECK.

7. Each bidder shall submit with his proposal a cashier's check for the sum stated in the notice to bidders, drawn to the order of the company, If a bidder to whom an award is made fails or refuses to execute the required contract and bond within the time specified in paragraph 8, the proceeds of his check shall become the property of the company. The check of the successful bidder will be returned after the execution of his contract and the approval of his bond on behalf of the company. The checks of the other bidders will be returned at the expiration of forty-five days from the date of opening proposals, or sooner if the contract is executed prior to that time.

THE CONTRACT.

8. The bidder to whom an award is made shall execute a written contract with the company, and if a bond is required he shall furnish a good and approved bond within ten days after the award of the contract. The contract shall be in the form adopted by the company, and shall be made a part of the proposal. If the bidder to whom an award is made fails to enter into a contract as herein provided the award will be annulled, and an award may be made to the bidder whose proposal is next most acceptable in the opinion of the company; and such bidder shall fulfill every stipulation embraced herein as if he were the party to whom the first award was made. The advertisement, notice to bidders, proposal, general specifications and detail specifications will be incorporated in the contract. A corporation to which an award is made will be required, before the contract is finally executed, to furnish a certificate of its corporate existence and evidence that the officer signing the contract for the corporation is duly authorized to do so.

CONTRACTOR'S BOND

9. The contractor shall furnish bond in an amount specified in the notice to bidders, conditioned upon the faithful performance by the contractor of all covenants and stipulations in the contract. If during the continuance of the contract any of the sureties die, or, in the opinion of the company, are or become irresponsible, they may require additional sufficient sureties,

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which the contractor shall furnish to the satisfaction of the company within ten days after notice, and in default thereof the contract may be suspended by the company and the materials purchased or the work completed as provided in paragraph 14.

TRANSFERS.

10. Transfer of a contract or of any interest therein is prohibited.

SAMPLES OR SPECIMENS.

11. The contractor shall submit samples or specimens of such materials to be furnished or used in the work as the engineer may require.

MATERIAL AND WORKMANSHIP.

12. All materials must be of the specified quality and equal to approved samples, if samples have been submitted. All work shall be done and completed in a thorough, workmanlike manner, notwithstanding any omissions from these specifications or the drawings. All materials furnished and all work done must be satisfactory to the engineer. Work not in accordance with these specifications in the opinion of the engineer, shall be made to conform thereto. Unsatisfactory material will be rejected, and, if so ordered by the engineer, shall, at the contractor's expense, be immediately removed from the vicinity of the work.

DELAYS.

13. The contractor shall receive no compensation for delays or hindrances to the work except when, in the judgment of the engineer, direct and unavoidable extra cost to the contractor is caused by the failure of the company to provide necessary information, material, right of way, or site for installation. When such extra compensation is claimed a written statement thereof shall be presented by the contractor not later than fifteen days after the close of the month during which extra cost is claimed to have been incurred. Such claims, if found correct, will be approved and the decision of the engineer whether extra cost has been incurred and the amount thereof shall be final. If delays are caused by specific orders to stop work given by the engineer, or by the performance of extra work, or by unforseen causes beyond the control of the contractor, or by failure of the company to provide material or necessary instructions for carrying on the work, or to provide the necessary right-of-way or site for installation, then such delay will entitle the contractor to an equivalent extension of time, except as otherwise provided in paragraph 32. Application for extension of time must be approved by the company, and shall be accompanied by the formal consent of the sureties, but an extension of time, whether with or without such consent, shall not release the sureties from their obligations, which shall remain in full force until the discharge of the contract.

SUSPENSION OF CONTRACT.

14. If the contractor fails to begin the delivery of the material or to commence work as provided in the contract, or fails to make deliveries of materials promptly as ordered, or to maintain the rate or delivery of material or progress of the work in such manner as to insure a full compliance with the contract within the time limit, or if in the judgment of the engineer the contractor is not carrying out the provisions of the contract in their true intent and meaning, written notice will be served on him to

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provide within a specified time for a satisfactory compliance with the contract, and if he neglects or refuses to comply with such notice the company may suspend the operation of all or any part of the contract, or may in its discretion after such notice, purchase any or all of the material for him without suspending the contract, the cost of such material to be deducted from his monthly estimates. Upon the suspension of a contract for furnishing material or machinery the company may purchase the material or machinery necessary to complete the contract in such manner as it may deem proper. Upon suspension of a contract for construction or installation the company may in its discretion take possession of all or any part of the machinery, tools, appliances, animals, materials and supplies used on the work covered by the contract or that have been shipped or delivered by or on account of the contractor for use in connection therewith, and the same may be used either directly by the company or by other parties, for it, for the completion of the work suspended; or the company may employ other parties to perform the work, or may substitute other machinery or materials, purchase the material contracted for in such manner as it may deem proper, or hire such force and such machinery, tools, appliances, animals, materials and supplies at the contractor's expense as may be necessary for the proper conduct and completion of the work. Any cost to the company in excess of the contract price arising from the suspension of the contract will be charged to the contractor and his sureties, who shall be liable therefor. A special lien to secure the claims of the company, in the event of suspension of the contract, is hereby created against any property of the contractor taken into the possession of the company under the terms hereof, and such lien may be enforced by a sale of such property under the direction of the company and the proceeds of the sale, after deducting all expenses thereof and connected therewith, shall be credited to the contractor. If such net proceeds shall be in excess of the claims of the company against the contractor, the balance will be paid to the contractor or his legal representatives. If in the opinion of the engineer, there is an emergency for the furnishing of certain material or the performance of certain work in order to insure compliance with the terms of the contract, and if the contractor fails to furnish such material or to perform such work within a reasonable time fixed by written notice from the engineer to the contractor, then the engineer shall have the power to furnish such material or to perform such work at the expense of the contractor and his sureties who shall be liable therefor. In the determination of the question whether there has been such noncompliance with the contract as to warrant its suspension, or the furnishing of material or the performance of work by the company as herein provided, the decision of the engineer shall be final.

CANCELLATION OF CONTRACT.

15. If at any time unforseen conditions arise after the award of the contract that affect or may be detrimental to the interests of the company, said company reserves the right to cancel the contract. In case this is done, a board of three arbitrators shall be chosen,--one by the contractor, one by the company, and these two in turn are to choose the third--to determine the damage incurred to the contractor due to the cancellation of the contract; under no condition, however, shall anticipated profits be included as damages. A majority report of the board shall be final.

CHANGES.

16. The engineer may, without notice to the sureties on the contractor's bond, make such changes in the designs of material or machinery or plans for

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installation or construction, or in the quantities or character of the work or material required as he may deem advisable. These changes in plans for installation or construction may also include modifications of shapes and dimensions of canals, dams, and other structures, and the shifting of locations to suit conditions disclosed as work progress. If such changes result in an increase or decrease of cost to the contractor, the engineer will make such additions or deductions on account thereof as he may deem reasonable and proper, and his action thereon shall be final. Extra work or material shall be charged for as hereinafter provided.

EXTRA WORK OR MATERIAL.

17. In connection with the work covered by this contract the engineer may order work or material not covered by the specifications. Such work or material will be classes as extra work, and will be ordered in writing. No extra work or material will be paid for unless ordered in writing. Extra work shall be charged for at actual necessary cost, as determined by the engineer, plus fifteen per cent for profit, use of equipment, superintendence and general expenses. The actual necessary cost will include all expenditures for materials, labor, and supplies furnished by the contractor, and a reasonable allowance for the use of shop equipment where required, but will not include any allowance for office expenses, use of equipment, general superintendence or other general expenses. At the end of each month the contractor shall present in writing his claims for extra work and material, and, when requested by the engineer, shall furnish itemized statements of the cost and shall permit examination of all accounts, bills and vouchers relating thereto.

CHANGES AT CONTRACTOR'S REQUEST.

18. If the contractor, on account of conditions developing during the progress of the work, finds it impracticable to comply strictly with these specifications and applies in writing for modification of structural requirements or of methods of work, such changes may be authorized by the engineer if not detrimental to the work and if without additional cost to the company.

INSPECTION.

19. All materials furnished and work done under this contract will be subject to rigid inspection. The contractor shall furnish complete facilities including the necessary labor for the inspection of all material and workmanship. The engineer shall have at all times access to all parts of the shop where such material under his inspection is being manufactured. Material that does not conform to the specifications, accepted through oversight or otherwise, may be rejected at any stage of the work. Whenever the contractor on installation or construction is permitted or directed to do night work or to vary the period during which work is carried on each day, he shall give the engineer due notice, so that the inspection may be provided for. Such work shall be done without extra compensation and under regulations to be furnished in writing by the engineer.

ERRORS AND OMISSIONS.

20. The contractor will not be allowed to take advantage of any error or omission in these specifications. Suitable written instructions will be given when such error or omission is discovered.

CONTRACTOR'S FINANCIAL OBLIGATIONS.

21. The contractor shall promptly make payments to all persons supplying labor and materials in the execution of the contract, and a condition to this

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effect shall be incorporated in the contractor's bonds, and should he fail to do so the company may make such payments on the contractor's behalf, and the contractor shall hereby agree to repay to the company all such sums so paid, or he shall agree to the deduction by the company of such sums, with interest at the rate of six per cent per annum, from any money due or to become due to him.

EXPERIENCE.

22. Bidders, if required, shall present satisfactory evidence that they have been regularly engaged in furnishing material and machinery and constructing such work as they propose to execute, and that they are fully prepared with necessary capital, machinery and material to begin the work promptly and to conduct it as required by these specifications.

SPECIFICATIONS AND DRAWINGS.

23. The contractor shall keep on the work a copy of the specifications and drawings, and shall at all times give the engineer access thereto. Any drawings or plans listed in the detail specifications shall be regarded as part thereof and of the contract. Anything mentioned in these specifications and not shown in the drawings, or shown in the drawings and not mentioned in these specifications, shall be done as though shown or mentioned in both. The Engineer will furnish from time to time such detail drawings, plans, profiles and information as he may consider necessary for the contractor's guidance.

LOCAL CONDITIONS.

24. Bidders shall satisfy themselves as to local conditions affecting the work, and no information derived from the maps, plans, specifications, profiles or drawings, or from the engineer or his assistants, will relieve the contractor from any risk or from fulfilling all of the terms of his contract. The accuracy of the interpretation of the facts disclosed by borings or other preliminary investigations is not guaranteed. Each bidder or his representative should visit the site of the work and familiarize himself with local conditions; failure to do so when intelligent preparation of bids depends on a knowledge of local conditions may be considered sufficient cause for rejecting a proposal.

WORKMEN'S COMPENSATION LAW.

25. The contractor shall, at his own expense provide for the insurance of his employees in such manner as may be required by the laws of the state of Idaho.

DATA TO BE FURNISHED BY THE CONTRACTOR.

26. The contractor shall furnish the engineer reasonable facilities for obtaining such information as he may desire respecting the character of the materials and the progress and manner of the work, including all information necessary to determine its cost, such as the number of men employed, their pay, the time during which they worked on the various classes of construction, etc. The contractor shall also furnish the engineer copies of expense bills for transportation charges on all machinery, materials and supplies shipped to or from the project in connection with the work under the contract.

RESTRICTIONS ON DISPOSITION OF PLANT, ETC.

27. The contractor shall not make any disposition of the plant, machinery, tools, appliances, supplies, material or animals used on or in connection with the work, either by sale, conveyance, or incumbrance, inconsistent with the special lien of the company expressly created by this contract.

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DAMAGES.

28. The contractor will be held responsible for and required to make good, at his own expense all damage to person or property caused by carelessness or neglect on the part of the contractor, his agents or employees.

CHARACTER OF WORKMEN.

29. The contractor shall not allow his agents or employees to trespass on premises or lands in the vicinity of the work. None but skilled foremen and workmen shall be employed on work, the performance of which requires special qualifications, and when required by the engineer the contractor shall discharge any person who commits trespass, or is in the opinion of the engineer, disorderly, dangerous, insubordinate, incompetent, or otherwise objectionable. Such discharge shall not be the basis of any claim for compensation or damages against the company or any of its officers.

STAKING OUT WORK.

30. The work to be done will be staked out for the contractor, who shall provide such watwrial and give such assistance as may be required by the engineer.

METHODS AND APPLIANCES.

31. The methods and appliances adopted by the contractor shall be such as will, in the opinion of the engineer, secure a satisfactory quality of work, and will enable the contractor to complete the work in the time agreed upon. If at any time the methods and appliances appear inadequate, the engineer may order the contractor to improve their character or efficiency, and the contractor shall conform to such order; but failure of the engineer to order such improvement of methods or efficiency will not relieve the contractor from his obligation to perform satisfactory work and to finish it in the time agreed upon.

CLIMATIC CONDITIONS.

32. The engineer may order the contractor to suspend any work that may be damaged by climatic conditions. When delay is caused by an order to suspend work given on account of climatic conditions that could have been reasonably forseen the contractor will not be entitled to any extension of time on account of such order.

QUANTITIES AND UNIT PRICE.

33. The quantities noted in the schedule or proposal are approximations for comparing bids, are no claim shall be made against the company for excess or deficiency therein, absolute or relative. Payment at the prices agreed upon will be in full for the completed work and will cover materials, supplies, labor, tools, machinery, and all other expenditures incident to satisfactory compliance with the contract.

REMOVAL AND REBUILDING OF DEFECTIVE WORK.

34. The contractor shall remove and rebuild at his own expense any part of the work that has been included in the monthly estimates. If he refuses or neglects to replace such defective work, it may be replaced by the company at the contractor's expense.

PROTECTION OF WORK AND CLEANING UP.

35. The contractor shall be responsible for any material furnished him and for the care of all work until its completion and final acceptance, and he shall at his own expense replace damaged or lost material and repair damaged parts of the work, or the same may be done at his expense by the company. He shall take all risks from floods and casualties and shall make no charge for detention from such causes. He may, however, be allowed a reasonable extension

R-808

of time on account of such detention, subject to the conditions hereinbefore specified. The contractor shall remove from the vicinity of the completed work all plant, buildings, rubbish, unused material, concrete forms, etc., belonging to him or used under his direction during construction, and in the event of his failure to do so the same may be removed by the company at his expense.

ROADS AND FENCES.

36. Roads subject to interference from the work covered by this contract shall be kept open, and the fences subject to interference shall be kept up by the contractor until the work is finished.

BENCH MARKS AND SURVEY STAKES.

37. Bench marks and survey stakes shall be preserved by the contractor, and in case of their destruction or removal by him or his employees, they will be replaced by the engineer at the contractor's expense.

RIGHT OF WAY.

38. The site for the installation of machinery or the right of way for the works to be constructed under this contract and for necessary borrow pits, channels, spoil banks, ditches, roads, etc., will be provided by the company.

SANITATION.

39. The engineer may establish sanitary and police rules and regulations for all forces employed under this contract; and if the contractor fails to enforce these rules the engineer may enforce them at the expense of the contractor.

INTOXICANTS.

40. The use or sale of intoxicating liquor is aboslutely prohibited on the work, except for medicinal purposes.

R-808

DETAIL SPECIFICATIONS.

The Requirement.--The construction of an earthen dam for forming what is known as Sheep Creek Reservoir for the Sheep Creek Irrigation Company, located in ___ of Section ___ and ___ of Section __, Township ___ South, Range ___East, Boise Meridian.

List of Drawings.--

1.

2.

3.

Commencement, Prosecution and Completion of Work.--The contractor shall begin the work within_____days after the execution of the contract on behalf of the company, and shall thereafter carry on the work with a force and equipment sufficient, in the opinion of the engineer, to complete the work within the time required. The Dam shall be completed to the height as shown on the plans, by _____.

Failure to Complete Work in Time Agreed Upon.--Should the contractor fail to complete the entire work within the time agreed upon in the contract, or within such extra time as may have been allowed for delays by formal extensions granted by the company, a deduction of _____ dollars per day will be made for each and every day, including Sundays and holidays, that the work remains uncompleted after the date required or allowed for its completion. The said amount is hereby agreed upon as liquidated damages for the loss to the company on account of the expense due to the employment of engineers, inspectors, and other employees after the expiration of the time for completion and on account of the failure of the operation of the irrigation works dependent thereon, and will be deducted from any money due the contractor under this contract, and the contractor and his sureties shall be liable for any excess. A special lien to secure the claims of the company in the event of suspension of the contract is hereby created against any property of the contractor taken into the possession of the company under the terms of this contract; and such lien may be enforced by the sale of such property under the direction of the company, and the net proceeds of the sale, after deducting all expenses thereof and connected therewith, shall be credited to the contractor. If such net proceeds shall be in excess of the claim of the company against the contractor, the balance will be paid to the contractor or his legal representatives.

Progress Estimates and Payments.--At the end of each calendar month the engineer will make an approximate measurement of all work done and material delivered up to that date, classified according to items named in the contract, and will make an estimate of the value of the same on the basis of the unit prices named in the contract. To the estimates made as above set forth will be added the amounts earned for extra work to the date of the progress estimate. From the total thus computed a deduction of ten per cent will be made and from

P-208

the remainder there will be further deducted any amount due to the company from the contractor for supplies or material furnished or services rendered and any other amounts that may be due to the company as damages for delays or otherwise under the terms of the contract. From the balance thus determined will be deducted the amount of all previous payments, and the remainder will be paid to the contractor upon the approval of the accounts. The ten per cent (10%) deducted as above set forth will become due and payable to the contractor with and as a part of the final payment to be made as hereinafter provided. In case of the suspension of the contract, the said ten per cent (10%) shall be and become the sole and absolute property of the company to the extent necessary to repay to the company any excess in the cost of the work above the contract price. When the terms of the contract shall have been fully complied with to the satisfaction of the engineer and when a release of all claims against the company under or by virtue of the contract shall have been executed by the contractor, final payment will be made of any balance due, including the percentage withheld as above, or such portion thereof as may be due the contractor.

EMBANKMENT.

1. Preparation of Embankment Site.--The sites of the embankments, shall be thoroughly cleaned and grubbed, and all brush, roots, and other vegetable matter shall be removed. The topsoil of the entire area shall be removed to the extent necessary to remove all sod. The entire site, after removal of all undesireable material, shall be thoroughly roughened by plowing furrows to a depth of at least eight (8) inches, spaced approximately three (3) feet apart, such work to be done immediately in advance of depositing material in the dam. All pockets of mud or silt shall be removed. Payment for this work shall be included in the price bid for embankment.

2. Excavation of Trenches.--Trenches shall be excavated to the dimensions and in the position as shown on the drawings, or as directed by the engineer. Material excavated from these trenches shall be used in the body of the embankment, when in the opinion of the engineer the material is suitable for that purpose, and shall be placed as provided in the paragraph on Construction of Embankment, or puddled as instructed by the engineer.

3. Construction of Embankment.--The embankment shall be built in horizontal layers, each not exceeding six (6) inches in thickness after compacting. Material shall be deposited in the embankment as directed by the engineer. Work shall be started at the lowest part of the dam and shall be carried up in approximately level layers. Each layer shall be watered to the extent, determined by the engineer, necessary to give the greatest degree of compaction, but in no case shall the material be allowed to become saturated. The layers shall be compacted with a standard sheepsfoot roller. Tamping rollers shall consist of metal rollers, drums, or shells surmounted by metal studs with tamping feet projecting not less than 7 inches from the surface of the roller, drum, or shell. Tamping feet shall be spaced not less than 6 inches, nor more than 10 inches measured from center to center in any direction, and the cross-sectional area of each tamper foot measured perpendicularly to the axis of the stud shall be not less than 4, nor more than 12 square inches. The weight of tamping rollers shall be such that the load on each tamper foot shall be not less than 100 pounds per square inch of cross-sectional area. The load per tamper foot shall be determined by dividing the total weight of the roller by the maximum number of tamper feet in one row parallel to, or approximately parallel to, the axis of the roller. At least one tamping roller shall be

R-88

provided for each 100 cubic yards, or fraction thereof, of embankment material consisting of earthy material as above defined, placed per hour. The quantity of material placed per hour shall be determined by averaging the total quantity of materials placed within any one day or one shift of operation, measured in excavation. When several fills, each of small area, are so isolated from one another that one roller cannot compact the areas satisfactorily, additional rollers shall be provided, as ordered by the Engineer. The number or rollings shall be such as in the judgment of the engineer is required to give the greatest practicable degree of compactness. Selected material deposited in the core and cut-off trenches shall be treated in the same manner as the remainder of the embankment. It shall be optional with the engineer whether or not he requires the backfill of the cut-off wall trench to be rolled in as the dam embankment or to be thoroughly saturated with water and puddled to his satisfaction. Where it is impossible to roll earth adjacent to the cut-off walls or other places in the embankment it shall be tamped by hand or otherwise consolidated to an extent equal to that effected by the roller in use elsewhere on the embankment. No material shall be placed when any of the materials or the embankment are frozen or when the embankment is too wet to permit satisfactory rolling and consolidation. The embankment shall be built accurately to the lines and grades given by the engineer.

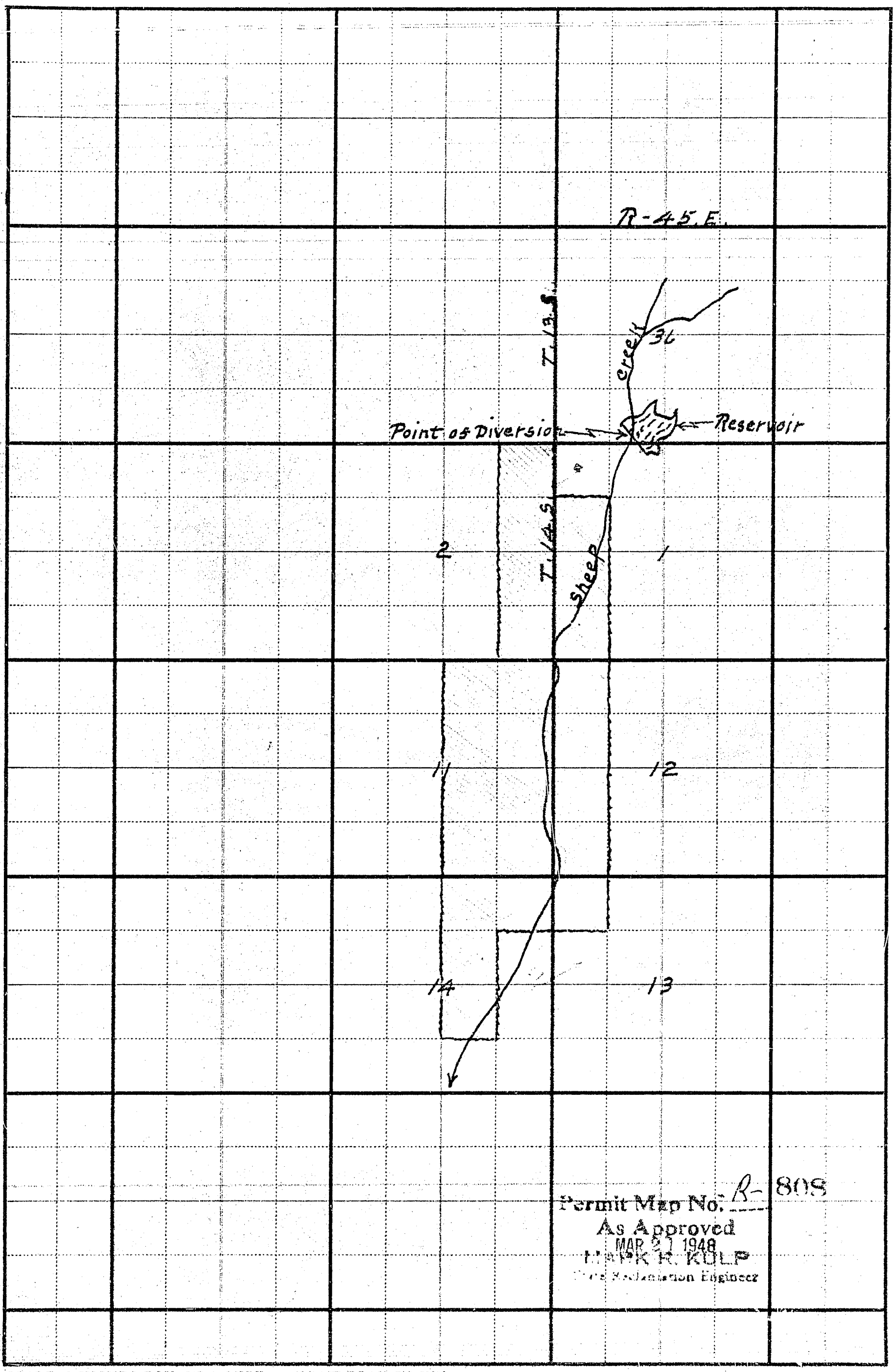
4. On approval by the engineer power rollers shall weigh not less than ten (10) tons and shall provide a compression on the real wheels of not less than three hundred and twenty-five (325) pounds per linear inch of tire width, and shall be provided with suitable cleaners. At least one power roller will be required on each contract unless otherwise provided.

5. Borrow-Pits.— All borrow-pits must be approved by the engineer both as to location and quality of material to be used therefrom..The surfaces of all borrow-pits shall be carefully cleared of brush, weeds and other organic matter and disposed of as directed by the engineer. The cost of clearing and removing roots from borrow-pits shall be included in the unit price bid for earth embankment.

6. Measurement and Payment.-- All material placed in embankments will be measured for payment in embankment only. Measurements will be made to the neat lines as shown on the drawings, or as staked out by the engineer and will include all material placed in the embankments except the trench excavations from the cut-off walls trenches that is used in the embankment will be deducted. The measurements will include the material back-filled in the cut-off walls trenches. All material backfilled in the cut-off walls trenches shall be measured to the neat lines shown on the drawings or as prescribed by the engineer, and shall be paid for at the unit prices bid for excavation. The prices bid shall include all expenses incident to the clearing of borrow-pits, excavating, hauling, spreading, watering, tamping and rolling material, and trimming slopes.

R-2057

NAME OF APPLICANT Sheep Creek Irrigation Co. Inc. FORM No. 0



Permit Map No. R-809
As Approved
MAR 31 1948
HARK R. KULP
State Reclamation Engineer

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

R-806

Address all communications to

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No.

Permit No.

District No.

1. Name of applicant: Sheep Creek Irrigation Company, Incorporated.

Post office address Montpelier, County Bear Lake, State Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: April 30, 1919.

(b) Amount of capital stock: $ 7,000.00 (c) Amount paid in: $ 7,000.00

(d) Names and addresses of directors: Ivan W. Lloyd, Pres., Montpelier, Idaho. Lee Lloyd, Sec. Montpelier, Idaho. Alma Kunz, Treas. Montpelier, Idaho, Griff K. Lloyd, Montpelier, Idaho, & Delbert L. Kunz, Montpelier, Idaho. all directors.

II. The financial resources of the applicant are: (a) Cash on hand: $ None.

(b) Treasury stock: None (c) Bonds to be issued: None.

(d) Other resources: Resources comes from annual assessments.

2. Quantity of water claimed: 121.23 acre feetin reservoir. cubic feet per second.

3. Source of water supply: Sheep Creek and tributary springs flowing in same.

which is tributary of Bear River.

4. Location of point of diversion: Reservoir in bed of creek feet distant from the corner See plans on file in Department.

of Section , T. , R. , B. M., and is in the

of Section , T. , R. , B. M., County of Bear Lake, Idaho.

5. Water is to be used for: Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the

of Section , T. , R. , B. M.

7. Estimated cost of works: $ 8,000.00

8. Kinds of works: Reservoir, dam, ditches, pipe, etc.
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 15 approx. feet; length of dam at top 1000 feet; length of dam at bottom 80
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam dirt and clay,

10. Size of headgate: Width 18 Inches feet; Height 15 feet feet.

11. Ditch, Width at bottom from reservoir. 4 feet; Width at water line 5 feet; Depth of water 2 feet;

Dimensions of flume none Diameter of pipe inches;

Length of conduit miles. Average grade per mile feet.

See plans.

R 808

12. The time required for the completion of such work is three years. years.

13. The time required for the complete application of the water to the proposed use is two additional years.

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

Applicants own seven some 5,000 acres in Sheep Creek valley below proposed dam.
(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	
(																			

Total Number of Acres to be Irrigated

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: Sheep Creek reservoir.

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Sheep Creek Irrigation Co., Inc.

Remarks: The proposed reservoir and dam is to take the place of a former reservoir and dam, deteriorated from floods and failure to repair.

The proposed new dam is to conserve high waters in spring sof year from snows in upper Sheep creek valley, which otherwise would be lost.

Amount of water to be stored will only irrigated a portion of the lands owned by the stockholders of the company, but will help to raise more crops on the land that is irrigated from said reservoir.

Each owner of land has a one-seventh interest in the creek and in the reservoir. Without the dam and reservoir there will be little or no water for irrigation during the growing season, Sheep creek being practically dry in summer months.

There are only seven owners of land in Sheep creek valley that can use the waters so stored, and they each for only a portion of their respective holdings.

What springs that are tributory to said creek cannot be used by any other person because of the location of said springs in canyons.

In the original filing on these waters many years ago these springs were included and have been used continuously since by the land owners, being more than 50 years since originally filed on. No other persons have claimed or used said springs, and especailly the owners of the land on which these springs are located.

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.

Sheepcreek Irrigation Co.
Applicant

By Ivan W. Lloyd Agent.
President and

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

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 ....., 193..., 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.

.....
Notary Public.

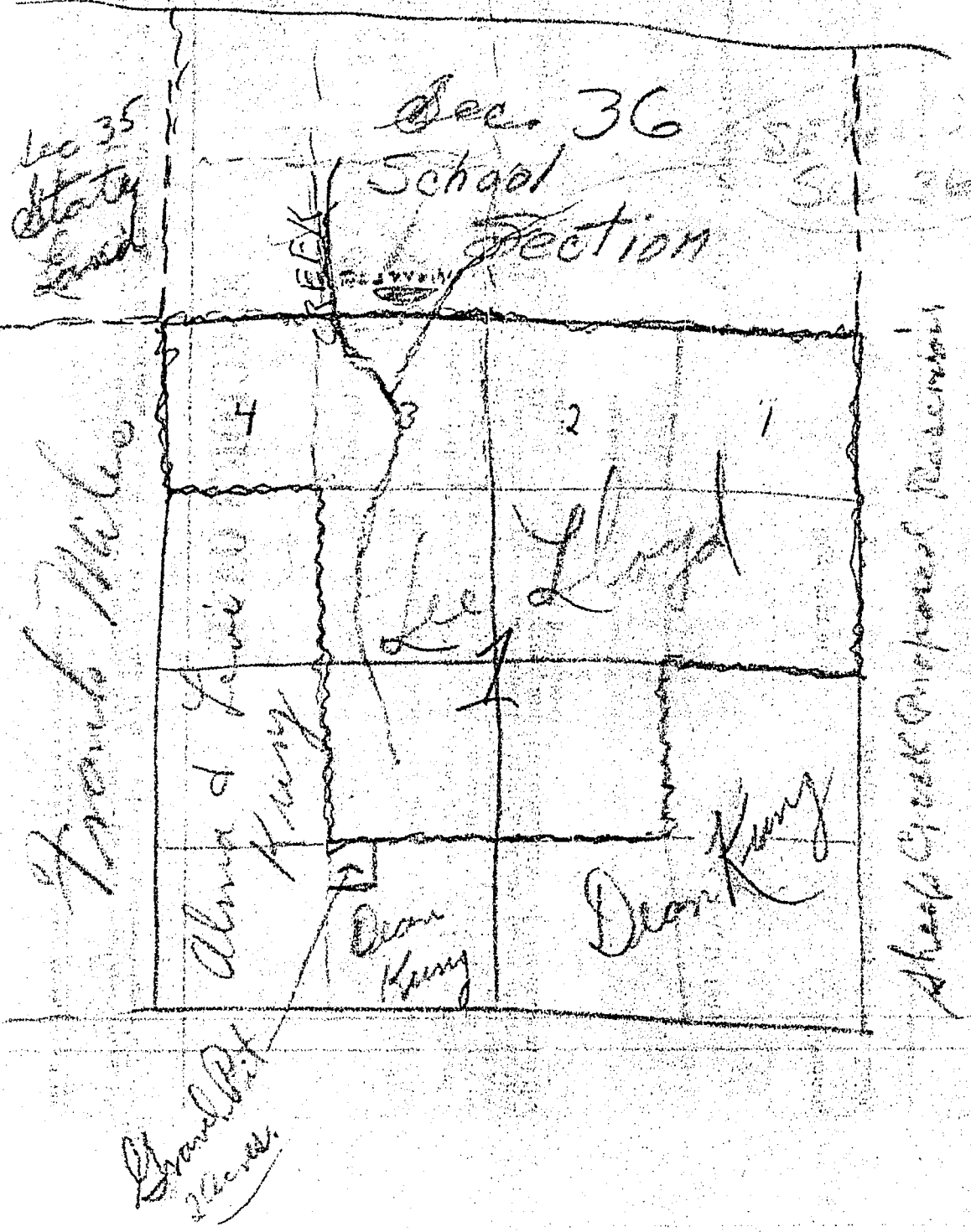
My commission expires .....

R-202

39-35 E (County to Lee)

Lot 3 (NE¼ of NW¼) Sec. 1

T—14 S — R 45 E.



Form 4-R: ELECTOR'S OATH BEFORE REGISTRAR

PRINTED AND FOR SALE BY IDAHO PRINTCRAFTERS, INC., BOISE

After administering this Oath and entering the name of the elector upon the Election Registers, file the Oath in the alphabetical envelopes according to the first letter of the surname. After the General Election oaths are to be returned to the Clerk of the Board of County Commissioners in Transmittal Envelope No. 3.

ELECTOR'S OATH

STATE OF IDAHO,
County of Bear Lake } ss.

I do swear (or affirm) that I am a citizen of the United States, and an elector of ..... Precinct, of the age of 21 years, or will be on the ..... day of ....., A. D. 1946; that I have (or will have) actually resided in this state for six months, and in this county for thirty days next preceding the next ensuing ..... election; that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchase or offer to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions of this oath; that I am not now registered and entitled to vote at any other place in this state; that I do regard the constitution of the United States and the laws thereof, and the constitution of this state and the laws thereof, as interpreted by the courts as the supreme law of the land; so help me God.

Signed .....

Address .....

Subscribed and sworn to before me this ..... day of ....., A. D. 1946.

.....

Registrar of ..... Precinct,

..... Precinct, in the County of Bear Lake,

Sec. 33-707, I.C.A., as amended 1939 S.L.

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

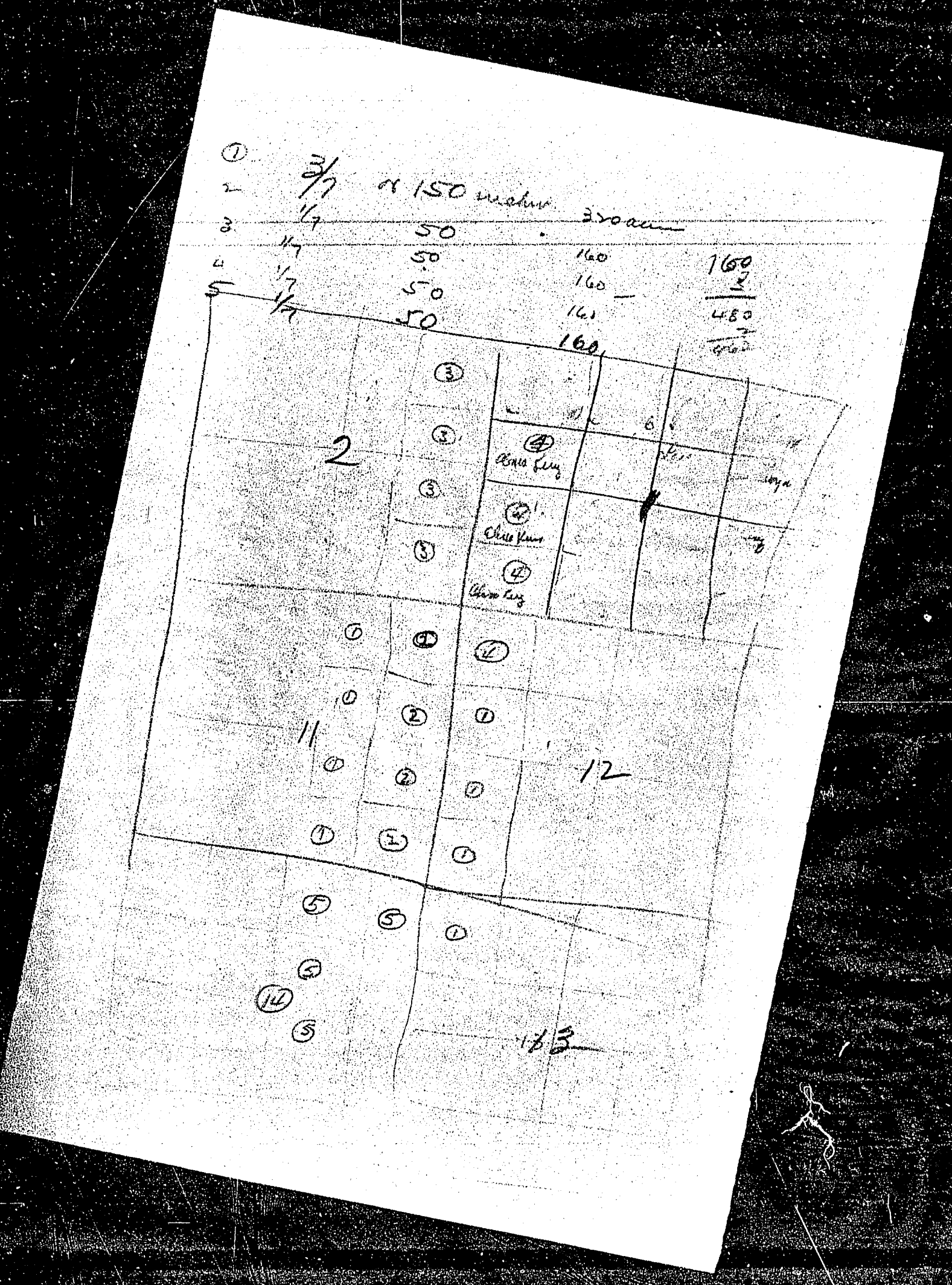
PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. _____

DEPOSITION OF PERMIT HOLDER.



Approval of Commissioner of Reclamation

The number of this permit is.....

Recorded in Book.....Page.....Approved.....

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $.....to be filed on or before.....

Work to begin on or before....., 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 .....

The whole of said work to be completed on or before.....

Beneficial use of water appropriated in accordance herewith, to be made on or before.....

Witness my hand this.....day of....., 193....

.....
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, ...Governor of the State of Idaho, and .....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.....day of....., 19....

Countersigned: STATE OF IDAHO

By..... By.....

Secretary of State Governor

No.....

PERMIT

Date of first receipt at office of Commissioner of Reclamation

.....

Returned to applicant for correction

.....

Corrected application received

.....

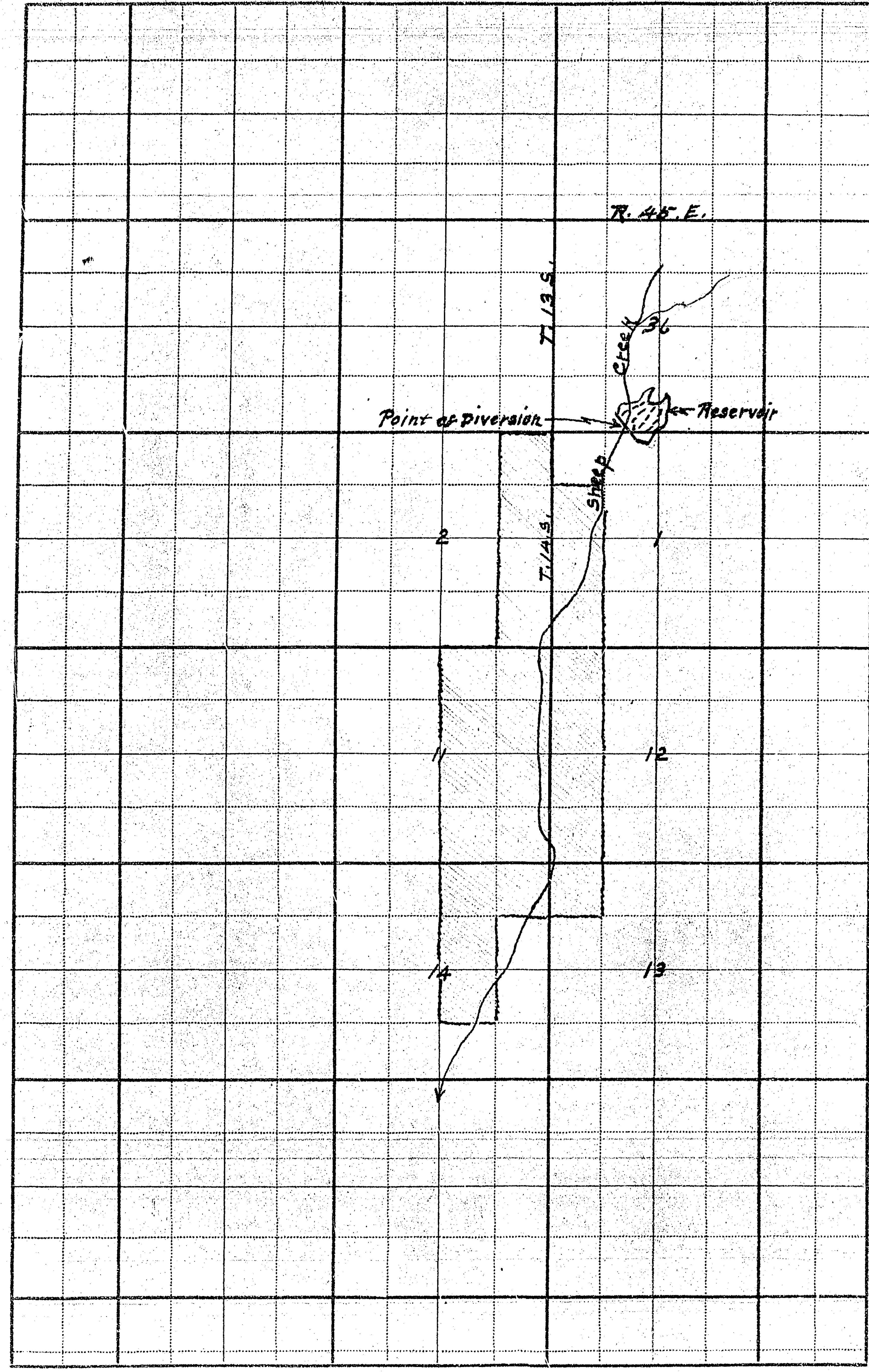
Fees, $.....

FILING FEES FOR USE PERMIT:

For the first Sec. Ft.....$5.00

For each aditional Sec. Ft. or fraction thereof 25

NAME OF APPLICANT Sheep Creek Irrigation Co. Inc. FORM No. O



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

R-808

February 27, 1948

Sheep Creek Irrigation Co., Inc.
c/o Iven W. Lloyd, Pres.
Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of the application of the Sheep Creek Irrigation Company for the storage of 121.23 acre feet of water from Sheep Creek and tributary in a reservoir to be constructed by them.

However, applications for storage are made on a different form so we have partially filled out a form of application for reservoir permit and enclose same herewith. Please complete the application by answering questions 4 to 9 inclusive also questions 12 to 17 inclusive.

According to the decree of July 22, 1913, in the case of Frank A. Clark vs. Albert Kunz et al. the rights in Sheep Creek are appurtenant to 960 acres of land in Sections 1, 2, 11, 12, 13 and 14, Township 14 South, Range 45 E. B.M. We suggest that the storage be made appurtenant to the same land and the enclosed sketch map indicates the location of the reservoir and the land covered by the decree.

In connection with this application we already had on file duplicate copies of specifications but only one tracing of the plans so we had a couple of prints of the plans made.

The filing fee on the application amounts to $5.00 and the cost of the prints is $1.00. Please make this in two seperate checks as the filing fee is deposited with the State Treasurer, but the $1.00 for the prints is a seperate cash item.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K/dm

R-208

March 24, 1948

Re: Permit No. R-808

Mr. Charles L. Harris
Attorney at law
Montpelier, Idaho

Dear Mr. Harris:

We enclose herewith Permit No. R-808, in the name of the Sheep Creek Irrigation Company, Inc., and also Departmental Receipt No. 20427 for the $5.00 filing fee.

We also enclose duplicate prints of this project, and plans and specifications, which have been approved by the State Reclamation Engineer.

The attention of the applicant is directed to the limitations and conditions of this permit, as given on the fourth page, under approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

R-808

Form No. 5

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Sheep Creek Irrigation Co., Inc.
C/o Ira W. Lloyd, President,
Montpelier, Idaho

Boise, Idaho January 2, 1951

Dear Sir:-

Under the terms of your permit No. R-808 you are required to complete your diversion works on or before March 21, 1951. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of $5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

R-808

Form 15-R

Permit No. R-808

RECEIVED
MAR 26 1951
Department of Reclamation

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Ivan W. Lloyd, President Sheep Creek Irrigation Co. Box 274 Montpelier, Idaho, Farmer

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

Ans. Sheep Creek Irrigation Co. Inc. President, Montpelier, Idaho

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

Ans. No. R-808 Date 3/24/1948 120 Acre feet
Source of Supply Sheep Creek

Ques. 4. Under terms of permit construction was required to be completed by March 21 1951

Ques. 5. Construction was actually completed on the date of Nov. 17 1948

Ques. 6. Does the construction fully comply with the specifications? Rip-rap has not been placed - Not much washing has occured

Ques. 7. Of what material was the dam built? Earth Fill

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

Ans. ~~Dam~~ Reservoir has been full the last Two years

Ques. 9. The capacity of the reservoir is 120 acre feet.

Ques. 10. The area of the high water line of the reservoir is 26.5 acres.

Ques. 11. The height of the dam above bottom of reservoir is 15 feet, above low water is 11.5 feet.

Ques. 12. The dimensions of the spillway are 20 wide and the bottom of the spillway is 3 1/2 feet below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are Outlet 18" diameter

Ques. 14. Describe the gate and control unit.

Ans. Vertical Control in center of Dam. Gate is 18 inch Calco Model 101

Ques. 15. The reservoir outlet is made of Corrugated Metal Galvanized and concrete coated. With concrete collars.

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

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

Ans. ¼ ¼ Section, Twp. Range

R-808

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

Ques. 19. If not, explain .....

Ques. 20. Cost of constructing feeder canal? $..... Cost of reservoir? $ ~~1,000~~ 2,000

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

Ans. No

Ques. 22. Water has (~~has~~ not) been delivered to place of intended use? Not all

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

Ans. Approx. 1500 ft. Long, Slope 2½:1 upstream 2:1 down stream, 14 ft. wide on Top.

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

Ans. Water to be used for irrigation. Omitting description of land to be irrigated.

(Sign here) Ivan W. Lloyd

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 Montpelier, County of Bear Lake, State of Idaho, on this 24th day of March A.D. 1937.

Chas E Harris
Notary Public For Idaho.

My commission expires March 7-1954

E ½ N.E ¼ & ½ of S.E. ¼ of sec. 11 Township 14 S of R 45 & 610 acres.

S.W. ¼ of N.W. ¼ and W. ½ of S W ¼ of sec 1 and N W ¼ of N W ¼ of sec. 12 all in township 14. S. R. 45 E. B. M. 160 acres

S. W. ¼ of N. W. ¼ and W ½ of S W. ¼ of sec. 12 N. W ¼ N. W. ¼ of sec. 13 and W ½ of N. E ¼ and W. ½ of S. E. ¼ of sec. 11 all in Tp 14 S. R. 45 E. B. M. 320 acres.

N. ½ of N E ¼ S. W. ¼ N. E. ¼ and N. W ¼ of S. E. ¼. Of sec. 14 T. P. 14 S. R. 45 E. B. M. 160 acres

R-80?

March 27, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President
Sheep Creek Irrigation Company
Box 274
Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of your deposition in Proof of Completion of Works under Permit No. R-808, accompanied by your check for the $5.00 fee in connection therewith.

The proof seems to be incomplete in one or two particulars and before it can be approved, we shall ask our Field Engineer to make an inspection and report.

Meanwhile, however, we return the deposition in order that you may answer Question 24, giving the legal description of the land to be irrigated from this source.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-808

April 9, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President
Sheep Creek Irrigation Company
Box 274
Montpelier, Idaho

Dear Mr. Lloyd:

We have had no reply to letter addressed you on March 27, 1951, returning your deposition in order that you may complete same by answering Question 24, giving the legal description of the land to be irrigated.

It is important that you give this matter your early attention, and as stated in our previous letter, we can then have an inspection made by a Field Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

R-808

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

No. 23307

Boise, Idaho, April 26, 1951

RECEIVED FROM Lewis W. Lewis of Montpelier, Ida. $5.00

Five & 00/100 DOLLARS

FOR

Carey Act Trust Fund	$	
Application for Permit No.	$	
Proofs Oct. 8, 24	$	5 00
Certified Copy	$	
Recording Deed	$	
Certificate	$	
Total	$	5 00

P-308

Mark R. Kulp
State Reclamation Engineer

By Jeanne L. Anderson

April 26, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President,
Sheep Creek Irrigation Company,
Box 274, Montpelier, Idaho

Dear Mr. Lloyd:

We acknowledge receipt of your letter of April 24th, enclosing a list of the lands to be irrigated under Permit No. R-808.

As stated in a previous letter, we shall have our field engineer make an inspection of your project the next time he is in your vicinity, and at that time he will confer with you in regard to the ditch problem you mention in your letter.

Very truly yours,

MARK R. KULP

State Reclamation Engineer.

By

Chief Clerk

R-808

INTER-DEPARTMENT MEMO--1

DATE April 26, 1951

FROM Chief Clerk

TO Deputy State Reclamation Engineer

SUBJECT Permit No. R-808, Sheep Creek Irrigation Co.

This permit is not sufficiently large to require an inspection under ordinary conditions. But the proof is so unsatisfactory that an inspection seemed to be indicated.

In the proof he does not include the 160 acres in Section 2- We have not called this to his attention, as it may be answered in Mr. Lloyd's letter, attached, in regard to ditch.

We have told him that you would make an inspection next time you are in that vicinity, and would then confer with him in regard to the ditch problem.

For your information, this permit is for 121.23 acre feet- and the dam is to be 15 feet high.

Jeanne L. Anderson
SIGNATURE

R-808

INTER-DEPARTMENT MEMO--1

DATE April 26, 1951

FROM Chief Clerk

TO Deputy State Reclamation Engineer

SUBJECT Permit No. R-808, Sheep Creek Irrigation Co.

This permit is not sufficiently large to require an inspection under ordinary conditions. But the proof is so unsatisfactory that an inspection seemed to be indicated.

In the proof he does not include the 160 acres in Section 2- We have not called this to his attention, as it may be answered in Mr. Lloyd's letter, attached, in regard to ditch.

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For your information, this permit is for 121.23 acre feet- and the dam is to be 15 feet high.

SIGNATURE

R-808

R-808

RECEIVED
APR 26 1951
Department of Reclamation

Montpelier Idaho
April 24, 1951.

Department of Reclamation

Gentlemen

We are Writing in regards to a ditch we have to cross through an other mans field where the original ditch ran but he has plowed part of the old ditch in and he refuses to let us rebuild it. he owned ¼ share of the water but refused to help build the dam so the rest of fork holders built the dam all he owns is ¼ of the water that runs in. this is Frank Miles. Is there any thing we can do or would it be possible that you could help us out.

Could we hear from you on this matter

Thanking You

We are Respectfully Yours

Sheep Creek Irrigation Co.

Ivan M. Lloyd

R-808

May 31, 1951

Re: Permit No. R-808

Mr. Ivan W. Lloyd, President
Sheep Creek Irrigation Co.
Montpelier, Idaho

Dear Mr. Lloyd:

Confirming our conversation of May 24, please keep the level of your reservoir regulated so that the level of the water is at least two feet below the level of the spillway, in order to reduce the hazards accompanying the very low freeboard which you had at the time of my visit.

Further, your Proof of Completion of Works cannot be accepted until the dam is completed by finishing the fill on the North end.

I am sure that you yourself realize the danger accompanying the high level of the water, as we found it on our visit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

R-808

√

R 808

December 21, 1954

Mr. W. N. Jibson
P.O. Box 413
Logan, Utah

Dear Mr. Jibson:

Sheep Creek Reservoir Permit No. R-808 is for 121 acre feet.

The Permit is in good standing.

Very truly yours,

MARK R. KELP
State Reclamation Engineer

K:Hll

R-808

October 22, 1962

Re: Permit No. R-808

Sheep Creek Irrigation Co.
Montpelier, Idaho

Gentlemen:

The last record we have of your storage permit is a letter sent to you May 31, 1951, signed by E. M. Humphrey, Deputy State Reclamation Engineer. The letter explained that the certificate of completion of works could not be issued until you had completed the fill on the north end of the dam.

Kindly advise this office of the condition of the dam and whether it is in use.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RTiew

R-8-2

January 21, 1965

RE: Permit No. R-806

Sheep Creek Irrigation Co.,
Montpelier, Idaho

Gentlemen:

Enclosed is a pre-cancellation notice allowing 40 days within which to show cause why the above noted Permit should not be cancelled.

Our record shows that you were notified by letter dated May 31, 1951 to maintain water level in storage at least 2 feet below spillway elevation. Also that the Proof of Completion of Works could not be accepted until the north end of the fill was finished.

Our record shows that you were sent a copy of the above mentioned letter on October 22, 1962 with request that this office be advised of the condition of the dam and whether it is in use.

We never received an answer.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:er

Encl. - pre-cancellation

R-806