

Don't

Could you
check this one?

They sent in an
App for extension
which was never
acted upon

h

R-603

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. R-603

Boise, Idaho, November 18, 1938

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

MR. D. L. EVANS, Agent
Deep Creek Irrigating Co.,
Malad, Idaho

R. W. FARIS
Commissioner of Reclamation.

R-603

Land described in decree of
1903 concerning Deep Creek
Feb 14, 1946 WDR

Alston

Red Check Mark indicates
land listed under

SCALE: ONE INCH TO ONE MILE

Township.....

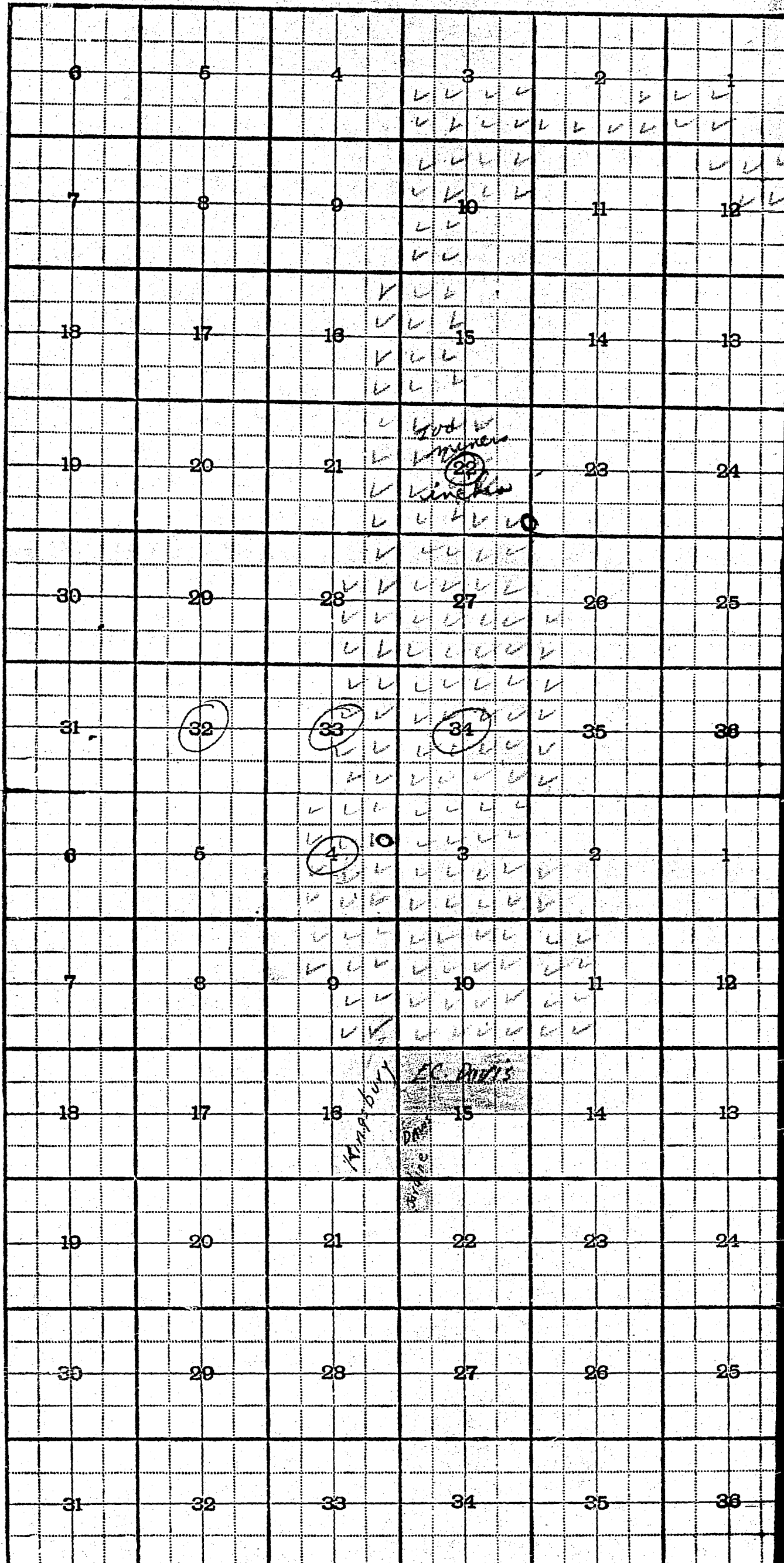
Range.....

36 E

Permit # R-603

Shaded in areas
+ section numbers
circled indicate
land described
in Decree of 1903
concerning Deep
Creek.

6.4
37
16
17
134
37
171
6800



Note - See Kingsbury
see duplicated

Note - See Decree of 1903
120 ac duplicated.

155

Note - See Davis - Duplication in
Sec. 15 - Total of 50 ac.

R-603

Feb 19, 1902
1000

SCALE: ONE INCH TO ONE MILE

Township..... Range *37 E*

6	5	4	3	2	1
<i>✓✓</i> <i>✓✓</i> 7	8	9	10	11	12
<i>✓✓✓</i> <i>✓✓</i>	<i>✓✓✓</i> <i>✓✓✓</i>				
13	17	16	15	14	13
	<i>✓✓✓</i> <i>✓✓✓</i>				
19	20	21	22	23	24
	<i>✓✓✓</i> <i>✓✓✓</i>				
30	29	28	27	26	25
31	32	33	34	35	36

6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



33
34

35
36

EVANS CO-OPERATIVE COMPANY, Inc.

SUCCESSORS TO MALAD CO-OPERATIVE COMPANY

DEALERS IN GENERAL MERCHANDISE

MALAD CITY, IDAHO NOV 8 1935.

Department of Reclamation.

Boise Idaho.

Gentlemen:- Att Mr Paul Henry,

I am returning herewith the application of the Deep Creek Irrigation Co for Water Storage Permit. I have filled in the needed information in pencil and suggest that you have it typed.

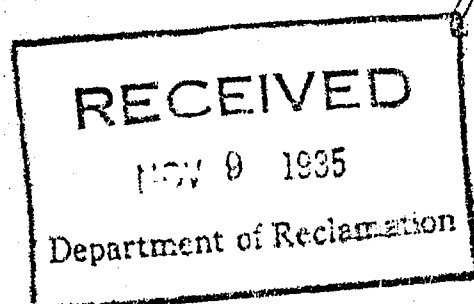
Under other cover I am also returning the two blue prints which you recently forwarded to me. I have spotted in ink the high water line and the feeder canal, also the point of diversion of the canal which, as you will note, comes from Third Creek.

I arranged with the WPA office thru Mr A.T. Springer to supply you with two prints showing the proposed construction. If, by any chance they have not been received please advise me and I will arrange for their delivery to your office.

If any additional information is needed to complete the application please advise me, and I will get it to you as soon as possible.

Very truly yours

D. L. Evans
Secy



R-603

R-603

October 24, 1935

Re: Application for Permit No. 25438
Deep Creek Irrigating Company

MR. D. L. EVANS,
Malld,
Idaho

Dear Sir:

In conformance with your verbal request of a few days ago, we are herewith submitting a new application in the name of the above company which has been prepared from the information contained in the application you prepared and from a permit on file in this office.

Under separate cover we are also mailing the prints which have been taken from the tracing filed under the permit above referred to, which with certain additions will serve to meet the map requirements under this application. You will note that I have struck out such data as does not apply to this case. Will you kindly show the high water line of the reservoir and also the feeder canal from Third Creek to the reservoir on these prints.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl. Application & Office Receipt
for \$5.75

R-603

October 23, 1936

Re: Permits No. 17605 & R-603

D. L. EVANS, Sec'y
Deep Creek Irrigation Co.
Malad, Idaho

Dear Mr. Evans:

Reference is made to your letter of October 19th. Permit No. 17605 covers a distinctly different matter than does Permit No. R-603. Application for the former permit was filed in this department on August 19, 1931, to appropriate 24 second feet of water per second from subterranean sources. Or, in other words, it was proposed to drill two wells with a view of obtaining 12 second feet of water from each of them.

Permit No. R-603 covers your right to construct a reservoir and store and appropriate 1,000 acre feet of water per annum from Deep Creek and Third Creek. Your application for this permit was not filed until October 17, 1935. Among other things, the Commissioner's approval provides that proof of completion of works will not be due under this right until November 13, 1940. Insofar as the reservoir permit is concerned, there is nothing to be done at this time.

However, Permit No. 17605 will lapse on November 15th, and if you still have any idea of developing the subterranean waters in question, it would be well for you to file a new application on or before that date so that in the event you do go ahead with this project, you will have some protection against subsequent appropriators.

If this does not answer your questions, we shall be glad to furnish any additional information.

Very truly yours,

Chief Clerk & Office Engineer

PLE/aj

R-603

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. R-603

INSTRUCTIONS

Deep Creek Irrigating Co.
C/O D. L. Evans,
Malad, Idaho

PROOF OF COMPLETION OF WORKS

Boise, Idaho, **September 9, 1940**

Dear Sir:—

Under the terms of your permit No. **R-603** you are required to complete your diversion works on or before **November 13, 1940**. 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,

JAMES SPOFFORD

Commissioner of Reclamation.

R-603

PERMIT OR LICENSE RIGHTS IN MALAD VALLEY

Permit No. 5617-	12-24-09	Martha J. Tovey	2 c.f.s.	Malad River
	C. W. issued-	B. U. not made		
Permit No. 13217-	9-10-17	Dan E. Jones	4 c.f.s.	"
	C.W. issued	B.U. made, but no license-	fees not paid	31"
Permit No. 16617-	12-11-26	Geo. R. Moss	3.2 c.f.s.	"
	C. W. issued-	B. U. not made		
Permit No. R-637-	8-25-37	Samaria Water & Irr. Co.	1000 a.f.	"
	C. W. issued-	B. U. not made		
	500 a.f.			
Permit No. 19072-	8-27-40	Samaria W. & I. Co.	22 c.f.s.	"
	All proofs made-	but no fees paid		
Permit No. 19645-	2-19-45	Malad Reservoir Co.	16 c.f.s.	"
	C. W. proof due	1950		
License No. 6443-	7-29-10	D. G. Ray	3.2 c.f.s.	Little Malad
Permit No. 14944-	9-9-20	F. M. Woodzley	0.5 c.f.s.	"
	C.W. issued-	B. U. not made		
Permit No. R-727-	1-26-42	Malad Reservoir Co.	15,330 a.f.	"
	C. W. proof extended to	1949		
Permit No. R-603-	11-9-35	Deep Creek Irr. Co.	250 a.f.	Deep Creek
			250 a.f.	Third Creek
	C. W. due 1940-	not made		
Permit No. R-682-	6-10-40	Malad Valley Irr. Co.	6000 a.f.	Devil's Creek
	C. W. extended to	1949		

R-603

Samoa Lake Mangrove Co
78

Amos Jones & Moore Bros
Oct 28 1890

Samoa Lake Mangrove Co

78

John Williams et al
Sept 7, 1900

Samoa Lake Mangrove Co

78

Dr. S. Williams
Sept 30 1895

Samoa Lake Mangrove Co

May 31 1897

Samoa Lake to Samoa Lake Mangrove Co

Confirms above

William St. to 86 miles from Middle Spring in Samoa

Samoa Lake Mangrove Co Dissolved

St. John's Insurance Co.
 vs
 Fred W. Thomas
 Dec. 20 1911

Onms & Controls waters of Little meadow & trib. 20 cfs maximum
 Sweetwaterland own 5000 acres

Springs in Sec 6 & 7 13 S 35 E Rainbow Creek

William H. Jones
 vs
 The St. John's Insurance Co.
 Dec. 22 1878

Jones entitled to water of Little meadow canal
 by a ditch 3' wide 1 1/2' deep 1 1/2" per acre

1 1/2 to 1 slope
 $n = .020$
 $A = 835$ $R = 1.05$
 $P = 5.7$ $R^2 = 1281$
 $S = .0076$ $V = 8.27$
 $Q = 68$ cfs

St. John's
 vs
 Thomas Daniel Jones
 Nov 13 1888

Daniels has water right to Meadow Creek
 St. John's for July 1 to Oct 31

Arthur Stuyvesant
 vs
 St. John's Ins Co
 Jan 28 1917

Stuyvesant has 1/10 cfs. Place of use SE 1/4 SW 1/4 24 14 S E 35 E
 1886

Daniel's Northw. Spring at head of Sheep Creek or Meadow Cr

D. T. T. T.

76

St. John's

July 19, 1913

St. John's to T. T. T.

2 3/4 3/4 3/4 1 3/4 3/4 3/4

Each part as 3/4 3/4 3/4

Sum

Oct 3, 1911

RECEIVED from **State Dept. of Reclamation**
 the following-described pieces of **registered (letter only)** mail.
 (Insert "Insured", "C. O. D.", or "Ordinary.")

NOTE:—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of 1 cent for each article listed on each additional copy of this bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

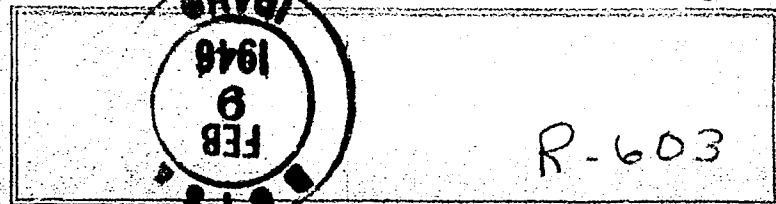
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	Postage (exclusive of other charges or fees)	Insurance or C. O. D. fee	Fee paid for return receipt	Special-delivery fee	*Special-handling charge	Amount due sender if C. O. D.	†Endorsement on article	Delivery restricted—Fee paid
1	Deep Creek Irrigating Co., C/o D. L. Evans								Remarks
2	Malad, Idaho	3	20	4					
3									
4									
5									

* Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.
 † Mark "F" if "Fragile", "P" if "Perishable", "E" if "Eggs", "EH" if "Eggs for Hatching", "B" if "Butter", "FL" if "Fragile—Liquid", and "FLU" if "Fragile—Liquid—This Side Up." Diagonal mark must be drawn through lines not used.

Total number of pieces listed by sender One (1)
 (Write number here in words)

Total number of pieces received at post office 1
 Postmaster, per Kavis
 (Name of receiving employee)

(Affix stamp and fee, if issued as a certificate of mailing)



(Postmark and date of receipt)

Post Office Department
OFFICIAL BUSINESS

UNITED STATES POSTAL SERVICE
1947-1948



Return to

Dept of Reclamation
(NAME OF ADDRESSEE)

Street and Number,
or Post Office Box,

State House

REGISTERED ARTICLE

No.

87403

INSURED PARCEL

BOISE,

IDAHO.

No.

Form 8511
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 _____
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 194 6

U. S. GOVERNMENT PRINTING OFFICE

16-12431

R-603

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 9

1946

Re: Permit No. R-603

To Deep Creek Irrigating Co.

C/o D. L. Evans

Malad, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. R-603
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works November 13, 1940

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. R-603

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-603 storage and Third Creek, and 250 acre feet
claims the use of 750 acre feet from cubic feet per second of the
waters of from Deep Creek outlet
with point of diversion located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Twp. 14 South, Range 37 East, B.M., and
was approved November 13, 1935

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

9th day of February, 1946.

Mark R. Kulp

State Reclamation Engineer.

By

Assistant.

R-603

DIRECTORS

JAMES T. JONES, President
GRIFF DAVIS, Vice-Pres.
D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO 2/11/46

DIRECTORS

NEPHI LEWIS
GEO. C. TOVEY

Department of Reclamation

State Capitol Bldg

Boise, Idaho.

Gentlemen:- Att Mr Mark R Culp.

Receipt is acknowledged of your letter dated 2/9/46 relative to cancellation of Permit No. R-603.

As you know, we have used this reservoir for several years, since 1935 to be exact, and have had it filled to present capacity each and every year since.

We have hoped to have it increased in capacity by raising the dam five or ten feet, but the war and scarcity of both men and materials has delayed the work.

Since we have a decreed right to all the waters of Deep Creek and its tributaries and own the land on which the dam rests, it has not been considered advisable to make proof of beneficial use of the water until the dam was raised to maximum capacity.

It is our intention to increase the capacity of the reservoir, in the not too distant future, by raising the dam five to ten feet. At least half of the necessary fill is already in place having been placed there in 1937.

I wish you would write me at your early convenience, any suggestions you may have as to how we should proceed, and if you think we should offer proof of completion of works to date, enclose the necessary forms and instructions on how we should proceed.

Hoping to hear from you regarding the matter, I remain

Very truly yours

D. L. Evans

D. L. Evans

Secty

RECEIVED

FEB 12 1946

Department of Reclamation

R-603

February 19, 1946

Re: Permit No. R-603

Mr. D. L. Evans, Secretary,
Deep Creek Irrigation Company,
Malad, Idaho

Dear Mr. Evans:

After reviewing Permit No. R-603 and the Deep Creek Decree (Peter Fredrickson, et al., vs. Deep Creek Irrigation Co., et al.), in connection with your letter of February 11, 1946, we are at a loss as to what should be done.

The question seems to be as to whether in any general adjudication of the waters of the Malad Valley you would rely solely on the Deep Creek Decree for your storage right or introduce proof of having stored and used winter and flood waters.

It is probable that the U. S. Bureau of Reclamation will look closely into existing water rights in any general development of the Malad Valley, and it would seem important to be able to support any vested and use rights now a matter of record.

Your attorney could probably express an opinion as to whether the blanket right to all the surplus water of Deep Creek as given in the decree would stand or not if attacked.

There seems little doubt that you could prove that you have stored and beneficially used the water claimed under Permit No. R-603, if proof should ever be required. The completion of the permit to license would be prima facie evidence of such right.

Completion of the terms of the permit would involve:

1. Proof by affidavit that the works were complete at the date set in the permit for completion of works; i. e., November 13, 1940.

2. Proof of application to beneficial use, which the permit requires shall be made on or before November 13, 1946, with priority of October 17, 1935. Or, if made later than the date set out in the permit, the priority will be as much later as the proof is past due.

The cost of a field examination for license would be at the rate of \$2.00 for each 40-acre subdivision of the land to which the stored water is appurtenant, with the possible exception of that part covered by the decree. There are 181 40-acre subdivisions, exclusive of the decree.

We would suggest that for the present you put the permit in good

R-603

Mr. D. L. Evans-
Re: Permit No. R-603
Feb. 19, 1946
Page 2

standing by supplying affidavits of the holder and two disinterested witnesses, on the forms enclosed, to the effect that the works were actually completed on the date set by the permit, namely, November 13, 1940.

If this is not done, the permit will be subject to cancellation.

Very truly yours,

MARK E. KULP
State Reclamation Engineer

K:A
Encls.

R-603

DIRECTORS

JAMES T. JONES, President

GRIFF DAVIS, Vice-Pres.

D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO May 30 1946

DIRECTORS

NEPHI LEWIS

GEO C. TOVEY

Mr Mark E Culp.

State Reclamation Engineer.

State Capitol

Boise, Idaho.

Dear Mr Culp.

Re: Permit No.R- 603

I am enclosing herewith the forms you forwarded us with your letter of Feb 19 1946.

I trust they will meet your requirements, so as to grant us the extension we have previously applied for. Should any additional information be needed please feel free to advise me and I shall try to get it.

Very truly yours

D. L. Evans
D.L.EVANS. Secty.

RECEIVED

MAY 31 1946

Department of Reclamation

R-603

PERMIT NO. R-603

Proof of Completion of Works

DEPOSITION OF HOLDER

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

D. L. Evans, Secretary

Ans. ~~Deep Creek Irrigation Company, a corporation, 222~~, ~~Malad, Idaho~~

Principal place of business and P.O. Address, Malad City, Idaho

Ques. 2. If acting in 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. Deep Creek Irrigation Company, Malad City, Idaho, I am the Secretary of said Company, appearing in its behalf by authority of Board of Directors

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. R-603, dated November 9, 1935, 1000 acre feet, source Third Creek 750 acre feet, ~~Deep Cree and tributaries~~ 250 acre feet, point of diversion

outlet of reservoir located 470 ft E and 350 feet N of NW Corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Tp. 14 S. R. 37 EBM

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation

Irrigation

NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7; NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 8; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20; S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 21; Tp. 14 S. R. 37 EBM; SW $\frac{1}{4}$ Sec. 1; S $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2; SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 10; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 15; E $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16; E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; W $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; W $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26; all of Sec. 27; NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 28; NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 32; all of Sect 34; W $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35; Tp. 14 S. R. 36 EBM; W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2; all of Sec. 3; NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4; NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9; all of Sec. 10; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 11, Tp. 14 S. R. 36 EBM, containing 9240 acres

particulars in which there is any variance.

Ans. dam completed to a height sufficient to impound 430 acre feet only in said reservoir

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam, Height 38 feet, length at top 650 feet, length at bottom 550 feet, size of outlet, two 10 in Cast iron pipe, dam constructed of materials as follows:

~~Earth filled with puddled cutoff trenches; upstream surface riprapped~~

Cost: \$

(Sign here.)

D. L. Evans

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 Malad City

Oneida

, State of Idaho, on this 26th

day of

April

A. D. 1945

My Commission expires January 20, 1947

L. E. Day
Notary Public.

R-603

PERMIT NO. R-603

Proof of Completion of Works

DEPOSITION OF HOLDER

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

D. L. Evans, Secretary

Ans. Deep Creek Irrigation Company, a corporation, age, Malad, Idaho

Principal place of business and P.O. Address, Malad City, Idaho

Ques. 2. If acting in 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. Deep Creek Irrigation Company, Malad City, Idaho, I am the Secretary of said Company, appearing in its behalf by authority of Board of Directors

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. During each irrigation season for the years 1935, 1936, 1937, 1938, 1939 and 1940

to the extent of 430 acre feet

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes, to the extent of 430 acre feet, and they comply with the terms of the permit in all respects

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. dam completed to a height sufficient to inundate 430 acre feet only in said reservoir

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam, Height 38 feet, length at top 650 feet, length at bottom 550 feet, size of outlet, two 10 in Cast iron pipe, dam constructed of materials as follows:

Earth filled with puddled cutoff trenches; upstream surface riprapped

Cost: \$

(Sign here.)

D. L. Evans

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, at Malad City

Oneida

State of Idaho, on this 26th

day of

April

A. D. 1946

My Commission expires Jan'y 20, 1947

L. J. Day
Notary Public.

R-603

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-603

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.
 Ans. George J. Williams, farmer, Malad City, Idaho

Ques. 2. Are you acquainted with Deep Creek Irrigation Co. a corporation, the holder of Permit No. R-603, authorizing the diversion of _____ second-feet of the waters of _____ Third Creek and tributaries, of Malad River for irrigation purposes? How long have you known him, and where does he reside?
 Ans. Yes, it is a corporation with its principal place of business at Malad City, Idaho, I have known it for 40 years last past, I also know D.L. Evans, its secretary for over 40 years, he resides at Malad, Idaho, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.
 Ans. Yes, Mountain loam requiring 2 1/2 acre feet of water per acre for its profitable irrigation

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?
 Ans. Yes, to the extent of 430 acre feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.
 Ans. Dam, height 38 feet, length at top 650 feet, length at bottom 550 feet, size of outlet, two 10 in Cast Iron pipe, dam constructed of following material: Earth filled with puddled cutoff trenches, upstream surface riprapped, and are of sufficient capacity to impound 430 acre feet of water

(Sign here.) *George J. Williams*

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, at my office in _____ Malad _____ County of _____ Oneida _____, State of Idaho, on this _____ 26th _____ day of _____ April _____, A. D. 19 _____ 46

[Signature]
 Notary public

R-603

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-603

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Leland Williams, farmer, Malad City, Idaho

Ques. 2. Are you acquainted with Deep Creek Irrigation Co., a corporation, the holder of Permit No. R-603, and D.L. Evans, its Secretary, authorizing the diversion of 1000 second-feet of the waters of Third-Creek & Deep Creek and tributaries of ~~at~~ Malad River for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, it is a corporation with its principal place of business at Malad City, Idaho, I have known it for 40 years last past, I also know D.L. Evans, its secretary, for over 40 years, he resides at Malad, Idaho.

Ques. 3. Have you read or heard read said Permit No. R-603, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation. Yes,

Ans. Mountain loam requiring 2½ acre feet of water per acre for its profitable irrigation

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes, to the extent of 430 acre feet

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Dam, height 38 feet, length at top 650 feet, length at bottom 550 feet, size of outlet, two 10 in Cast iron pipe, dam constructed of following material: Earth filled with puddled cutoff trench, upstream surface riprapped, and are of sufficient capacity to impound 430 acre feet of water

(Sign here.)

Leland Williams

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, at my office in Malad County of Oneida, State of Idaho, on this 26th day of April, A. D. 1946.

Notary public

R-603

June 3, 1946

Re: Permit No. R-603

Mr. D. L. Evans, Secretary,
Deep Creek Irrigation Co.
Malad, Idaho

Dear Mr. Evans:

We acknowledge receipt of your letter of May 30th,
enclosing depositions of yourself and two witnesses
in proof of completion of works under Permit No.
R-603.

These proofs are acceptable, and the permit will be
reinstated and Certificate of Completion of Works will
be issued upon receipt of the statutory fee, which
amounts to \$5.50.

Beneficial use proof under this permit will be due on
or before November 13, 1946, since that is the full
time allowed by statute, no extension can be allowed;
but proof can be made at a later date, the only effect
of the later proof being that your priority date will
be as much later than the original date of October 17,
1935, as this proof is past due.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A

R-603

DIRECTORS

JAMES T. JONES, President
GRIFF DAVIS, Vice-Pres.
D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO June 6 1946

DIRECTORS

NEPHI LEWIS
GEO C. TOVEY

Dept of Reclamation

Re: Permit No. R-603

State Capitol

Boise, Idaho

Gentlemen:-

Att Mr Marc R Culp.

As suggested in your letter of June 3 We are enclosing
our check for \$5.00 in payment of the statutory fee for
extention of the above numbered permit.

We shall carry on under this arrangement until such
time as we are able to obtain labor and materials to
raise the dam and so complete the works.

Thanking you for your assistance and kindly interest,
we remain

Very truly yours

Deep Creek Irrigation Co.



D.L. Evans Secty.

RECEIVED

JUN 7 1946

Department of Reclamation

R-603

June 7, 1946

Re: Permit No. R-603

Mr. D. L. Evans, Secretary,
Deep Creek Irrigation Company,
Malad, Idaho

Dear Mr. Evans:

We acknowledge receipt of your letter of June 6th, enclosing check for \$5.00 in payment of the statutory fee in connection with completion of works proof under Permit No. R-603.

We note that in this letter, and also in your letter of May 30th, enclosing the completion of works proofs, you refer to an extension, and you also state that as soon as you are able to obtain labor and material you expect to raise the dam and complete the works.

We think possibly there is some misunderstanding about this.

Your original application calls for 250 acre feet from Deep Creek, and 750 acre feet from Third Creek, or a total of 1000 acre feet, whereas the proofs now offered only show a reservoir capacity of 430 acre feet; and since a Certificate of Completion of Works issued at this time is final as to the amount, it will not be possible to make proof of further completion of works later on and obtain a Certificate of Completion of Works for a larger amount.

It might, therefore, be better for you to apply for the four years' extension provided under Senate Bill No. 13 of the 1945 legislature, by which time no doubt you will be able to proceed to raise the dam to a height sufficient to provide for the additional storage.

We enclose a summary of this bill, which you will note calls for publication once a week for two weeks in the county newspaper, after which, if there are no protests, the extension will be approved.

We shall await your further advice in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:1A

R-603

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Deep Creek Irrigation Co.
c/o Mr. D. L. Evans
Malad, Idaho

September 3, 1946

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. R-603. This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof, in order to allow time for the four weeks' publication required by law.

The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than November 13, 1946, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK E. KULP

State Reclamation Engineer

R-603

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. R-603 Under the
Provisions of Section ~~5594~~ Idaho
~~Compiled Statutes~~ 41-311, I.C.A.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. R-603 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: November 13, 1940; and,

WHEREAS, On the 9th day of February, 1946 notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ Idaho 41-311, ~~Idaho Code Annotated~~ Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 11th day of February, 1946 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 31st day of May, 1946 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and, State Reclamation

Engineer WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. R-603, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. R-603 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 6th day of September, 1946.

Mark R. Kulp

Commissioner of Reclamation
State Reclamation Engineer

By _____
Assistant

R-603

September 6, 1946

Re: Permit No. R-603

Deep Creek Irrigating Company
C/o Mr. D. L. Evans, Secretary,
Malad, Idaho

Dear Mr. Evans:

In accordance with proofs of completion of works submitted under this permit on May 30, 1946, this permit has been reinstated, and we enclose herewith certificate of completion of works issued thereunder.

We also enclose Departmental Receipt No. 19620 for the \$5.00 fee paid in connection with this proof.

Beneficial use proof will be due on this permit on or before November 13, 1946, as per notice sent you a few days ago.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl

R-603

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 8th, 1946

(P. O.) Malad City, Idaho

STATE RECLAMATION ENGINEER :
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
..... The Idaho Enterprise of Malad City, Idaho, published in
the county in which the works are situated.

Deep Creek Irrigating Company

D. H. Evans
.....
Secretary

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

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

.....
Engineer.

R-603

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____ November 30th 1946

(P. O.) _____ Malad City, Idaho

STATE RECLAMATION ENGINEER :
TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
_____ The Idaho Enterprise _____ of _____ Malad City, Idaho _____, published in
the county in which the works are situated.

Deep Creek Irrigating Company

Secretary

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

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

Engineer.

R-603

PERMIT NO. R-603

APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER SENATE BILL NO. 13, SESSION LAWS OF 1945.

STATE OF IDAHO)
(
County of Oneida)

D. L. Evans of Malad City, State of
Idaho, being first duly sworn, upon his oath deposes and says:
the Secretary of the Deep Creek Irrigating Company,
that he is the owner and holder of Permit No. R-603 to appropriate the
Public Waters of the State of Idaho, No. R-603

That under the terms and conditions of said Permit, completion
of works thereunder is required by November 13, 1940.

That he has heretofore in good faith performed the following
work and taken the following steps to bring about the completion of the
said works described under the said permit, to-wit:

have completed the work sufficient to impound 430 acre feet
in reservoir

That he is unable to complete the remainder of said works and
submit proof of completion of works within the required time, for the
following reasons, to-wit:

It has been impossible to secure either labor or material
to finish the work account of the war

Wherefore, he makes application to the State Reclamation Engineer
to extend the time for Completion of Works under the said permit to
November 13, 1950, pursuant to the provisions of Senate
Bill No. 13, Session Laws of 1945.

Subscribed and sworn to before me this 8th day of November, 1946

My commission expires

January 20, 1947

D. L. Evans
Notary Public for Idaho
Residing at Malad, Idaho

Date of receipt at office of Department of Reclamation Nov. 11 1946

R-603

DIRECTORS

JAMES T. JONES, President
GRIFF DAVIS, Vice-Pres.
D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO

DIRECTORS

NEPHI LEWIS
GEO C. TOVEY

November 8, 1946

The Department of Reclamation
State Capitol
Boise, Idaho

Re: Permit No. R-603

Gentlemen:

ATTENTION: Mr. Mark R. Culp

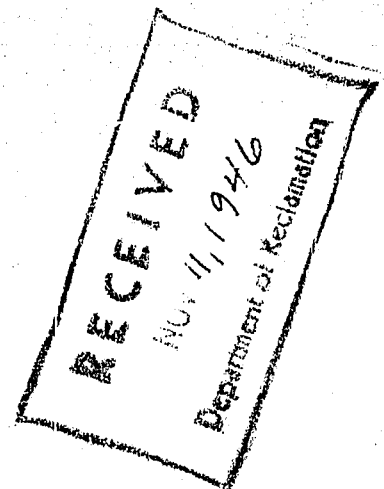
I am enclosing herewith an application for the extension of time for completion of works and two copies of Form No. 11 authorizing the publication of the notice.

I trust you will find the application in proper order and will advise us that an extension has been granted us.

Yours very truly,

Deep Creek Irrigating Co.

D. L. Evans
Secretary



R-603

November 15, 1946

Re: Permit No. R-603

Deep Creek Irrigating Company
C/o D. L. Evans, Secretary,
Malad, Idaho

Dear Mr. Evans:

We have your letter of November 8th, in which you have enclosed application for extension of time for completion of works on the reservoir constructed under this Department's Permit No. R-603.

As there seems to be some misunderstanding or confusion in your mind regarding the status of the Deep Creek Irrigating Company's water rights, I have been asked to check fully into the matter and write a letter giving you the full details regarding same.

A check of our records gives the following information:

Permit No. R-603

Date- November 13, 1935

Purpose- To store 750 acre feet from Third Creek and
250 acre feet from Deep Creek

Outlet from reservoir to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21,
Twp. 14 South, Range 37 East, B.M.

Completion of works proof due November 13, 1940

Application to beneficial use proof due November 13, 1946

You were advised that it was subject to cancellation on February
9, 1946.

You have also been advised that fees will be due on 181 40-acre
subdivisions, exclusive of any carrying earlier decrees.

In answer to our letter of February 9, 1946, you advised us as
follows:

1. That the dam impounds 430 acre feet of water, and that your district has had continuous use of same since 1935.
2. That you have been unable to increase the capacity due to the fact that the United States was at war,
3. That you have decreed right to all the waters of Deep Creek and its tributaries.
4. That you did not desire to make beneficial use proof until all was complete- that is, the dam was raised to its intended height to impound 1,000 acre feet of water.

On the 30th of May, 1946, you submitted proof of completion of works, stating that the dam had been completed to the extent of impounding 430 acre feet, before the date set for proof of completion of works, or the 13th of November, 1940.

R-603

Deep Creek Irrigating Co.
November 15, 1946
Page 2

You were advised on June 7, 1946, that perhaps it was best to wait, and change your decision to submit final proof of completion of works, and request an extension of time.

Inasmuch as no reply was received, and after waiting for some considerable time, your check which had been submitted on June 6th was cashed and Certificate of Completion of Works was issued on the 6th of September, 1946.

That, in effect, is the record in this department.

Inasmuch as the Certificate of Completion of Works has been issued, proof of beneficial use of the water became due on the 13th of this month. It will be completed at the time you submit final proof along with the fees for same. That will give you the right of storage for 430 acre feet, and your priority will be delayed to the full extent of the delay that your company makes in the final proof of beneficial use.

Regarding your desire to increase the height of your dam and impound an additional 570 acre feet, you can file a new application for permit for same, and carry that through as an operation separate and apart from the first.

In checking the records in our office we do not find any filings that would in any way conflict with the priority rights you would acquire for the same under a new permit.

If there is any question in your mind regarding this, or any points that you do not understand, do not hesitate to write us further, or better still call upon us in this office and we will attempt to clarify any such questions.

Very truly yours,

MARK E. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H: A

R-603

DIRECTORS

JAMES T. JONES, President

GRIFF DAVIS, Vice-Pres.

D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO

DIRECTORS

NEPHI LEWIS

GEO. C. TOVEY

November 20, 1946

The Department of Reclamation
State House
Boise, Idaho

Re: Permit No. R-603

ATTENTION: Mr. E. N. Humphrey, Deputy

I am in receipt of your letter of November 15 and agree with you that there is a misunderstanding.

We have endeavored to eliminate the necessity of making proof of beneficial use twice. First for the 430 acre feet and later for the 940 to 1000 acre feet as we desired to avoid the expense in connection with the double proof. We also desired to avoid payment of the fees charge the second time. I discussed the matter with Mr. Culp the latter end of May and it was his suggestion that we avail ourselves of the extension granted by the 1945 legislature.

Would it not be possible for your office to cancel the proof of beneficial use and grant us the extension asked for in our letter of November 8, 1946. I anticipate no difficulty from any source because it is generally recognized and understood that the Deep Creek Irrigation Company owns all the waters of Deep Creek. If anything can be done toward cancellation of the certificate of completion of works as of the 6th day of September, 1946. I wish you would write me what should be done.

During the period of the war and to date I have been kept too busy to give full and prompt attention to matters such as this but I am now in position to reply promptly to your correspondence.

Hoping to hear from you promptly regarding the matter I remain

Sincerely yours,

D. L. Evans
Secretary

DLE:dk

R-603

✓
November 22, 1946

Re: Permit No. R-603

Mr. D. L. Evans, Secretary,
Deep Creek Irrigating Company,
Malad, Idaho

Dear Mr. Evans:

We have your letter of November 20th in which you state that you do not desire to pay certain fees twice.

We quite agree with you in this matter, but wish to point out that the amount of fees to be paid twice will be very small, being only that due on another reservoir application for permit, which, in your case, if you do not increase the amount of water, and including the fee for completion of works proof, will amount to approximately little over \$10.00, and really nothing to worry over.

The fee for beneficial use proof, and I quote from the law, need not be paid twice. Section 41-815, Idaho Code Annotated, provides that

"In case of water used for irrigation, where the right sought is in addition to an existing water right, and where the Department of Reclamation is not required to make an examination of the ditches or the lands of the user in order to determine that the water has been applied to a beneficial use, no fee for examining the ditches or lands of the owner shall be paid to the Department; and this proviso shall apply to rights already initiated as well as rights to be hereafter acquired."

We do not find any provision in the laws for the cancellation of either proof of completion of works or proof of beneficial use, as per your request.

We are pleased to note that you do not anticipate any difficulties from any source in connection with your water rights. It thus makes it very easy for you to comply with all the statutes of the State of Idaho and still have the water right that you wish.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By
E. N. Humphrey
Deputy State Reclamation Engineer

H:A

R-603

DIRECTORS

JAMES M. JONES, President

GRIFF DAVIS, Vice-Pres.

D. L. EVANS, Secretary

Deep Creek Irrigation Co.

MALAD CITY, IDAHO Feb 25 1947

DIRECTORS

NEPHI LEWIS

GEO. C. TOVEY

Dept of Reclamation
State Capitol
Boise, Idaho

Dear Sir:- Att, Mr Culp.

Our board of directors has been considering the advisability of raising the Third Creek Dam an additional ten feet. Will it be necessary for us to obtain approval from your office before we proceed and if so what information will be required?

Does your office recognize our right to store all the water of Third Creek as provided by the Deep Creek Decree?

I understand that the Reclamation Service will soon make a filing on all the surplus waters of Malad Valley. Will such a filing include the Third Creek water in excess of the present capacity of our dam?

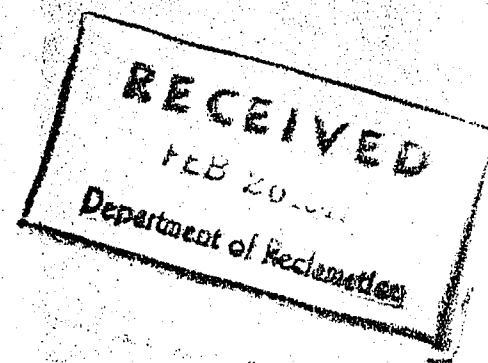
If we proceed with the work will your office be able to give us any assistance in surveying and design of necessary structures such as spillways etc?

At your convenience I shall be pleased to hear from you.

Very truly yours

D. L. Evans
D. L. Evans.

Secty



R-603

✓
R-603

Mr. D. L. Evans, Secretary,
Deep Creek Irrigation Company,
Malad, Idaho

March 12, 1947

Dear Mr. Evans:

Reference is made to your letter of February 25th, 1947.

The question of raising your Third Creek dam, which I assume is the dam on Deep Creek, built under Permit No. R-603, is rather perplexing.

Approval by this Department of plans and specifications of dams over 10 feet in height, or impounding more than 100 acre feet of water, is required by statute as a public safety measure.

The right to store water allotted under the Deep Creek decree is something I cannot determine.

The department issues permits for the appropriation of unappropriated water, and administratively cannot determine whether or not there is any unappropriated water.

We cannot give an unqualified answer to your question, "Does your office recognize our right to store all the water of Third Creek as provided by the Deep Creek decree?" We must recognize the decree of a court of competent jurisdiction, but if this question should arise in connection with any administrative action required of the department we would ask an opinion of the Attorney General, in view of the fact that in the thirty-six years since the decree only 430 acre feet of storage space has been provided and part of that space filled from Deep Creek direct.

The Bureau of Reclamation has estimated the amount of the surplus or unused water of all the creeks of the Malad Valley, and filed on this amount, and presumably would include any unused water from Third Creek as a tributary of Deep Creek.

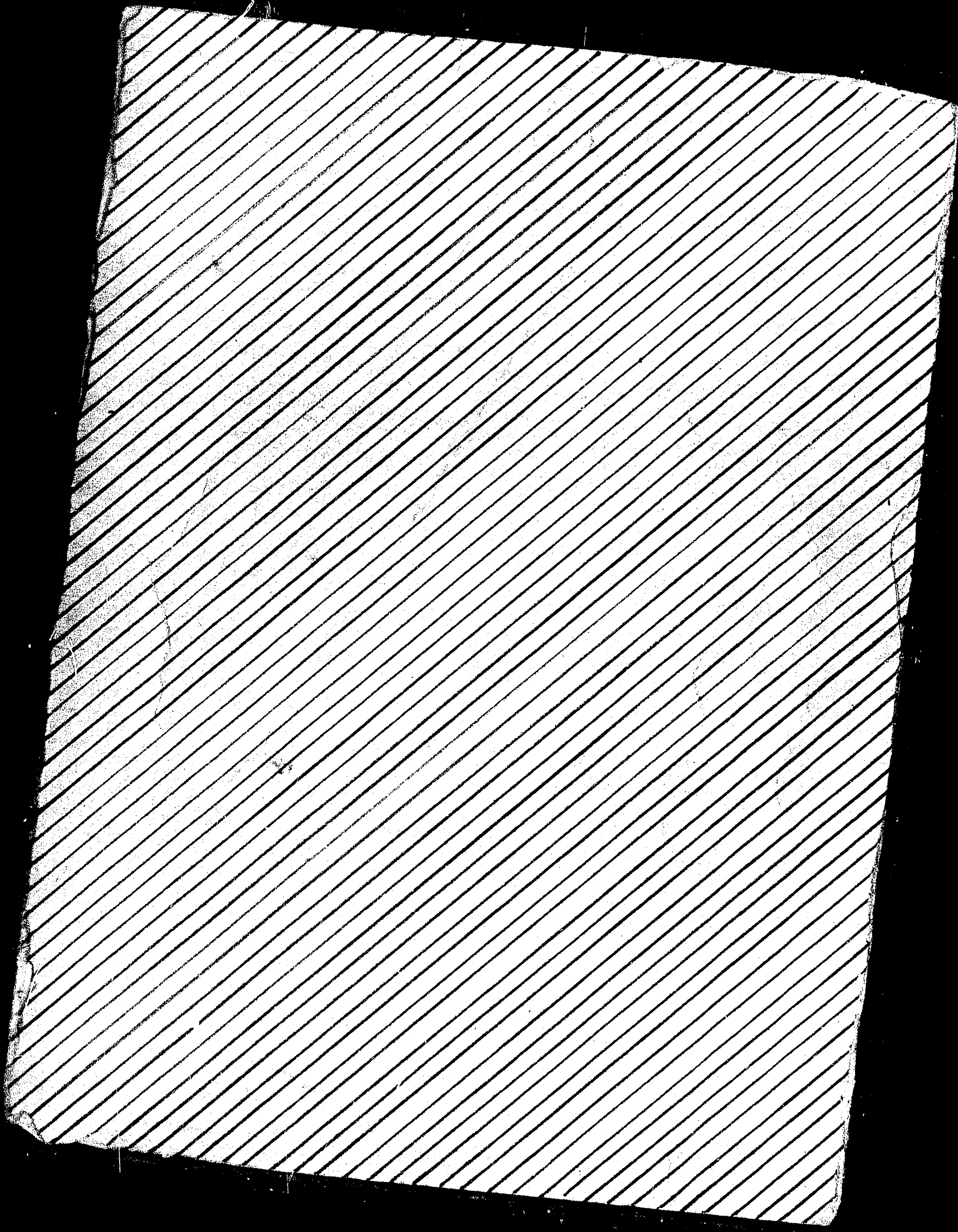
You may make application to the Department of Reclamation for aid in investigations, under the Small Irrigation Projects appropriation, and within our limitations as to time and personnel we will be glad to help you with your surveys and designs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:A

R-60



APPLICATION FOR PERMIT

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

Application No. R 25438
Permit No. R 603

1. Name of Applicant: DEEP CREEK IRRIGATING CO.

Postoffice address: Malad County Oneida State Idaho

I. If applicant is a corporation, give:

Idaho

(a) Date and place of incorporation: Jan. 22, 1889, Malad/ (b) Amount of Capital Stock: \$ 30,000.00

(c) Amount paid in: \$ 30,000.00

(d) Names and addresses of directors: James T. Jones, Pres.,
D. L. Evans, Sec'y., Nephi Lewis, Griff Davis, Geo. C. Tovey, all of Malad, Idaho

II. The financial resources of the corporation are:

(a) Cash on hand: \$ 5,000.00

(b) Treasury Stock: \$ none

(c) Bonds to be issued: \$ none

(d) Other resources: Water rights and diversion works,
\$50,000.00

2. Quantity of water to be stored: 1,000
Feet, Deep Creek-250 Acre Feet acre feet per annum.
3. Source of water supply is Third Creek-750 Acre-~~750 Acre~~ ~~tributaries of Malad~~ River.
550' N. corner of NW 1/4 SW 1/4
4. The outlet of the proposed reservoir is located 470' E. &/ feet, distant from the NW 1/4 corner of Section 21, Township 14 S.,
(bearing)
Range 37 E., B. M. and is in the SW 1/4 of NW 1/4 of Section 21, Township 14 S., Range 37 E., B. M. County of Oneida

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

(a) The reservoir is located in the channel of Deep (Creek) (River).
partially

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located 2440' N. & 300' W feet distant from
(bearing)
the SE corner of Section 21, Township 14 S., Range 37 E., B. M., and is in the NE 1/4 of SE 1/4 of
Section 21, Township 14 S., Range 37 E., B. M.; width at bottom 4 feet, width at top 8
feet, depth of water 3 feet; average grade per mile 25 feet; Capacity 25 cubic feet per second.

6. (a) The area of the high water line of the reservoir is 43.8 acres.

(b) The reservoir capacity is 942 acre feet.

7. Height of reservoir dam 48 feet, length at top 650 feet, length at bottom 550 feet, size of outlet 2 10"/
feet, cast iron pipe
by feet. The dam is to be constructed of materials as follows: Earth fill with puddled cutoff trenches. Upstream
surface will be riprapped.

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

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

Deep (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Deep (Creek,) (River,) a distance

of See Remarks miles to point of diversion located (bearing) feet, distant from the corner of Section

Township, Range, B. M., and in the 1/4 of 1/4 of Section, Township, Range
B. M.

9. Amount of water claimed from (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 1/4 of 1/4 of Section, Township, Range, B. M.

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

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet
distant from the corner of Section, Township, Range, B. M., in
the 1/4 of 1/4 of Section, Township, Range, B. M.

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

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

13. Kind of diversion works: Works have been constructed for several years.
(Dam, canal, flume, pipe, etc.)
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:

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

15. Size of headgate: Width feet, Height feet.
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume
Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
17. Estimated cost of Works: Storage Works: \$ 58,000.00 Diversion Works: \$
18. Time required for completion of work 5 years.
19. Time required for complete application of water to proposed beneficial use is 6 years.
20. The land to be irrigated is described in the following tabulation:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	37 E	7					40	40	40	40	40	40		40		40	40		360
		8									40		40	40	40	40	40	40	280
		17	40	40	40	40	40	40	40	40	40	40	40	40		40	40		560
		18	40	40	40	40									40				200
		20	40	40	40	40	40	40		40					40	40		40	400
	36 E	21							40	40	40	40	40	40					240
		1									40	40	40	40					160
		2											40	40	40	40	40	40	200
		3									40	40	40	40	40	40	40	40	320
		10	40	40	40	40	40	40	40	40	40	40	40	40					480
		12	40	40	40	40	40												200
		15					40	40	40	40	40	40	40	40					320
		16	40			40									40			40	160
		21	40			40									40			40	160
		22		40	40		40	40	40	40	40	40	40	40		40	40	40	520
		26										40	40						80
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40		40	40									40	40	40	40	290
		33	40	40	40	40									40	40	40	40	320
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35					40	40			40	40							160

(Continued on next page)

Total Number of Acres to be Irrigated

Remarks: Stored water will be diverted from Deep Creek at five different points through the present distribution system of the applicant. The waters herein claimed have been decreed to the applicant.

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.

Deep Creek Irrigating Co.

Applicant.

By

D. I. Evans

Agent.

Date of first receipt at office of Commissioner of Reclamation 4:00 P. M. October 17, 1935

Returned to applicant for correction

October 24, 1935

Corrected application received

November 9, 1935

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 603

Recorded in book R 2

, page 603

Approved November 13, 1935

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 January 12, 1936

and to continue diligently and

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before May 13, 1938

The whole of said work to be completed on or before November 13, 1940

Beneficial use of water stored in accordance herewith, to be made on or before November 13, 1946.

Witness my hand this 13th day of November

, 19 35

R. W. FARIS
Commissioner of Reclamation.

Twp. Range Sec.	NE ¹ ₄				NW ¹ ₄				SW ¹ ₄				SE ¹ ₄				Totals
	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	
15 S 36 E 2									40	40							80
3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
4	40	40	40	40	40			40	40			40	40	40	40	40	480
9	40	40	40	40	40			40					40	40	40	40	400
10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
11					40	40	40	40	40	40	40	40					320

Total Number of Acres to be Irrigated.....9,240

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. R-603,)
Under the Provisions of Section 41-311, I. C. A.) ORDER REINSTATING PERMIT

WHEREAS, Permit No. R-603 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit; to-wit November 13, 1940; and,

WHEREAS, On the 9th day of February, 1946, notice to show cause why said permit should not be canceled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and,

WHEREAS, On the 11th day of February, 1946, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 31st day of May, 1946, depositions of the holder and two witnesses were received at the Department of Reclamation, showing that the said works of diversion were completed as required under the terms of said Permit No. R-603; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. R-603, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. R-603 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 6th day of September, 1946.

(S E A L)

MARK R. KULP
State Reclamation Engineer

PERMIT NO. R-603
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that Deep Creek Irrigating Company, of Malad, County of Oneida, and State of Idaho, the holder of Permit No. R-603, issued upon Application No. R-25438, bearing date of priority of October 17, 1935, authorizing the construction of a reservoir and the right to store and appropriate 250 acre feet per annum from Deep Creek, and 750 acre feet per annum from Third Creek, County of Oneida, State of Idaho, for irrigation purposes, has complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit:

That said works include a dam of sufficient height to impound 430 acre feet of water, and a reservoir of an equal capacity;

That the point of outlet of said reservoir is located 470 feet East and 350 feet North from the Northwest corner of the NW¹₄ SW¹₄ Section 21, Township 14 South, Range 37 East, B.M.;

And that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit:

9240 acres within the boundary of the Deep Creek Irrigating Company, and located in the following sections:

Sections 7, 8, 17, 18, 20 and 21, Township 14 South, Range 37 East, B.M.
Sections 1, 2, 3, 10, 12, 15, 16, 21, 22, 26, 27, 28, 33, 34 and 35,
Township 14 South, Range 36 East, B.M.
Sections 2, 3, 4, 9, 10, & 11, Township 15 South, Range 36 East, B. M.

WITNESS MY HAND this 6th day of September, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR PERMIT

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

Application No. R 25438
Permit No. R 603

1. Name of Applicant: DEEP CREEK IRRIGATING CO.

Postoffice address: Malad County Oneida State Idaho

I. If applicant is a corporation, give:

Idaho

(a) Date and place of incorporation: Jan. 22, 1889, Malad/ (b) Amount of Capital Stock: \$ 30,000.00

(c) Amount paid in: \$ 30,000.00

(d) Names and addresses of directors: James T. Jones, Pres.,
D. L. Evans, Sec'y., Nephi Lewis, Griff Davis, Geo. C. Tovey, all of Malad, Idaho

II. The financial resources of the corporation are:

(a) Cash on hand: \$ 5,000.00

(b) Treasury Stock: \$ none

(c) Bonds to be issued: \$ none

(d) Other resources: Water rights and diversion works,
\$50,000.00

2. Quantity of water to be stored: 1,000 Feet, Deep Creek-250 Acre Feet acre feet per annum.

3. Source of water supply is Third Creek-750 Acre/tributaries of Malad River.
350' N. corner of NW 1/4 SW 1/4

4. The outlet of the proposed reservoir is located 470' E. &/ feet, distant from the NW 1/4 corner of Section 21, Township 14 S.,
(bearing)

Range 37 E., B. M. and is in the SW 1/4 of NW 1/4 of Section 21, Township 14 S., Range 37 E., B. M. County of Oneida

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

(a) The reservoir is located in the channel of Deep (Creek) (River).
partially

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located 2440' N. & 300' W feet distant from
(bearing)

the SE corner of Section 21, Township 14 S., Range 37 E., B. M., and is in the NE 1/4 of SE 1/4 of

Section 21, Township 14 S., Range 37 E., B. M.; width at bottom 4 feet, width at top 8

feet, depth of water 3 feet; average grade per mile 25 feet; Capacity 25 cubic feet per second.

6. (a) The area of the high water line of the reservoir is 43.8 acres.

(b) The reservoir capacity is 942 acre feet.

7. Height of reservoir dam 48 feet, length at top 650 feet, length at bottom 550 feet, size of outlet 2 10"/ cast iron pipe
feet.

by feet. The dam is to be constructed of materials as follows: Earth fill with puddled cutoff trenches. Upstream
surface will be riprapped.

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

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

Deep (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Deep (Creek,) (River,) a distance

of See Remarks miles to point of diversion located (bearing) feet, distant from the corner of Section

Township, Range, B. M., and in the 1/4 of 1/4 of Section, Township, Range

B. M.

9. Amount of water claimed from (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 1/4 of 1/4 of Section, Township, Range, B. M.

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

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet

distant from the corner of Section, Township, Range, B. M., in

the 1/4 of 1/4 of Section, Township, Range, B. M.

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

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

13. Kind of diversion works: Works have been constructed for several years.
(Dam, canal, flume, pipe, etc.)
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows:

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

15. Size of headgate: Width feet, Height feet.
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume
Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
17. Estimated cost of Works: Storage Works: \$ 58,000.00 Diversion Works: \$
18. Time required for completion of work 5 years.
19. Time required for complete application of water to proposed beneficial use is 6 years.
20. The land to be irrigated is described in the following tabulation:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	37 E	7					40	40	40	40	40	40		40		40	40		360
		8									40		40	40	40	40	40	40	280
		17	40	40	40	40	40	40	40	40	40	40	40	40			40	40	560
		18	40	40	40	40									40				200
		20	40	40	40	40	40	40		40					40	40		40	400
	36 E	21							40	40	40	40	40	40					240
		1									40	40	40	40					160
		2											40	40	40	40	40	40	200
		3									40	40	40	40	40	40	40	40	320
		10	40	40	40	40	40	40	40	40	40	40	40	40					480
		12	40	40	40	40	40												200
		15					40	40	40	40	40	40	40	40					320
		16	40			40									40			40	160
		21	40			40									40			40	160
		22		40	40		40	40	40	40	40	40	40	40		40	40	40	520
		26										40	40						80
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40		40	40									40	40	40	40	280
		33	40	40	40	40									40	40	40	40	320
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35					40	40			40	40							160

(Continued on next page)

Total Number of Acres to be Irrigated

Remarks: Stored water will be diverted from Deep Creek at five different points through the present distribution system of the applicant. The waters herein claimed have been decreed to the applicant.

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.

Deep Creek Irrigating Co.

Applicant.

By

D. L. Evans

Agent.

Date of first receipt at office of Commissioner of Reclamation 4:00 P. M. October 17, 1935

Returned to applicant for correction

October 24, 1935

Corrected application received

November 9, 1935

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 603

Recorded in book R 2, page 603

Approved November 13, 1935

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 January 12, 1936

and to continue diligently and

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before May 13, 1938

The whole of said work to be completed on or before November 13, 1940

Beneficial use of water stored in accordance herewith, to be made on or before November 13, 1946.

Witness my hand this 13th day of November

, 1935

R. F. FARIS
Commissioner of Reclamation.

Twp. Range	Sec.	NE ¹ ₄				NW ¹ ₄				SW ¹ ₄				SE ¹ ₄				Totals
		NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	
15 S	36 E									40	40							80
	3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	4	40	40	40	40	40			40	40			40	40	40	40	40	480
	5	40	40	40	40	40			40					40	40	40	40	400
	10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	11					40	40	40	40	40	40	40	40					320

Total Number of Acres to be Irrigated.....9,240

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. R-603,)
Under the Provisions of Section 41-311, I. C. A.) ORDER REINSTATING PERMIT

WHEREAS, Permit No. R-603 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit; to-wit November 13, 1940; and,

WHEREAS, On the 9th day of February, 1946, notice to show cause why said permit should not be canceled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and,

WHEREAS, On the 11th day of February, 1946, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 31st day of May, 1946, depositions of the holder and two witnesses were received at the Department of Reclamation, showing that the said works of diversion were completed as required under the terms of said Permit No. R-603; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. R-603, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. R-603 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 6th day of September, 1946.

(S E A L)

MARK R. KULP
State Reclamation Engineer

PERMIT NO. R-603
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that Deep Creek Irrigating Company, of Malad, County of Oneida, and State of Idaho, the holder of Permit No. R-603, issued upon Application No. R-25438, bearing date of priority of October 17, 1935, authorizing the construction of a reservoir and the right to store and appropriate 250 acre feet per annum from Deep Creek, and 750 acre feet per annum from Third Creek, County of Oneida, State of Idaho, for irrigation purposes, has complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit:

That said works include a dam of sufficient height to impound 430 acre feet of water, and a reservoir of an equal capacity;

That the point of outlet of said reservoir is located 470 feet East and 350 feet North from the Northwest corner of the NW¹₄ SW¹₄ Section 21, Township 14 South, Range 37 East, B.M.;

And that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit:

9240 acres within the boundary of the Deep Creek Irrigating Company, and located in the following sections:

Sections 7, 8, 17, 18, 20 and 21, Township 14 South, Range 37 East, B.M.
Sections 1, 2, 3, 10, 12, 15, 16, 21, 22, 26, 27, 28, 33, 34 and 35,
Township 14 South, Range 36 East, B.M.
Sections 2, 3, 4, 9, 10, & 11, Township 15 South, Range 36 East, B. M.

WITNESS MY HAND this 6th day of September, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

May 15, 1974

CERTIFIED MAIL

32089

Re: Permit No. R-603 (New No. 15-2073)

Deep Creek Irrigating Company
D.L. Evans, Sec.
Malad, Idaho 83252

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. R-603/15-2073 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 November 13, 1946, 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 No. R-603/15-2073 claims the use of 1,000 / ^{acre feet per annum} ~~XXXXXXXXXXXX~~ ^{cubic feet per} ~~XXXXXX~~ of water from Third Creek (750 af) and Deep Creek (250 af), the point of diversion was to be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21, Twp. 14 S, Rge. 37 E, B. M. and the permit was approved Nov. 13, 1935.

R. Keith Higginson
R. KEITH HIGGINSON
Director

MICROFILMED

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

REGISTERED NO. _____

CERTIFIED NO. 32089

INSURED NO. _____

DATE DELIVERED 5-16-74

RECEIPT

Received the numbered article described below

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

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

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

5-2073

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

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



Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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

RETURN
TO

PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

MAY 17 1974

PROFILMED

Department of Water Administration

RECEIVED

Department of Water Administration

Malad City, Idaho
May 23, 1974

State of Idaho
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Att: R. Keith Higginson
Director

Re: Permit No. R-603 (New No. 15-2073)

Dear Mr. Higginson:

The Deep Creek Irrigating Co. is interested in obtaining the License in connection with the above Permit.

Please advise as to the procedures necessary to accomplish this purpose and to satisfy your "Show-Cause" Order issued in connection therewith under date of May 15, 1974.

We of course are interested in costs to accomplish this end and would appreciate your review.

Also, as Officers of the Corporation, we are interested in your views as to the necessity of obtaining the license and what purpose it would serve.

Thank you very much for your courtesy here.

Very truly,

The Deep Creek Irrigating Co.

By

Quay Jones
President

INDEXED

August 22, 1974

Deep Creek Irrigating Company
Oren J. Jones, Pres.
Malad City, Idaho 83252

Re: Permit No. 15-2073 (R-603)

Dear Mr. Jones:

This office acknowledges receipt of your letter of May 23, 1974, in which you state that the Deep Creek Irrigating Company is interested in obtaining the license in connection with the above referenced permit.

Permit 15-2073 proposes a specific priority date, October 17, 1935, and in order for the permit to be perfected, Deep Creek Irrigating Company was required to make proof of beneficial use of water on or before November 13, 1946. Since this was not accomplished at that time, the permit is now subject to cancellation.

The permit can still be perfected and a water right license issued if the Company makes proof of beneficial use. We are enclosing a proof affidavit for your use in this matter. You should be aware, however, that the priority date of the permit will be advanced the same number of days that said proof is late.

There is no fee for filing the proof, but after proof is made, notice of the permit must be published for two consecutive weeks in a newspaper as prescribed by the Department at your expense. The publication cost should be around \$15.00. We have enclosed an advertising authorization to be submitted with the proof affidavit.

After proof has been submitted, the Department will conduct a field examination and issue a license based on these findings. A water right license serves as prima facie evidence of a water right and can only be lost by abandonment or forfeiture by five years of non-use.

Submission of proof will satisfy our order dated May 15, 1974. Since there has been a delay in answering your letter, we will withhold further action on the cancellation of this permit until October 1, 1974.

We have enclosed a copy of the permit for your review and assistance in completing the proof affidavit. In the event we should not hear from you by the October 1st date, we will assume you do not wish to complete the permit and proceed with the cancellation. If you have any questions regarding the above matters, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

bc: Eastern District Office

MICROFILMED

15-2023
Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
SEP 10 1935
Department of Water Resources

1. a) Name of Permit Holder DEEP CREEK IRRIGATING CO.
b) Post Office Address Malad City, Idaho 83252
2. Permit Number R 603
3. Date of Priority that you are prepared to establish November 13, 1935
4. a) Source from which water was appropriated Third Creek, Deep Creek; tributaries Malad River
b) Location of the point of diversion: SW 1/4 NW 1/4, Section 21
The outlet
Township 14 South, Range 37 East Boise Meridian, Other points of diversion: _____
(The application for Permit indicates the outlet of the reservoir
is 470' E. and 350' N. from the NW Corner of NW 1/4 SW 1/4 Sec. 21
Twp. 14 S., R. 37 EBM.)
5. a) The amount of water and use to which the water has been applied:
Amount 942 acre ft. for Irrigation Storage purposes from Sept. 1 to May 1 incl. Storage
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount 942 acre ft. for Irrigation purposes from May 1 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)
b) Total amount appropriated 942 acre ft. per annum 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: Capacity of Reservoir was determined by Company Engineer
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) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) The waters from the tributaries of Deep Creek in Oneida County, Idaho, are collected in the reservoir starting about Sept. 1st to May 1st, at which time the stored waters are released with the natural stream flow to the Company stockholders and users
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

c) Give well driller's name and address and the date the well was completed: 2 10" cast iron pipe outlet from the dam
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

MICROFILMED

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	37 E	7					40	40	40	40	40	40		40		40	40		360
		8									40	40	40	40	40	40	40	40	280
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		18	40	40	40	40									40	40	40	40	200
		20	40	40	40	40	40	40		40					40	40		40	400
	36 E	21							40	40	40	40	40	40					240
		1									40	40	40	40					160
		2										40	40	40	40				200
		3									40	40	40	40	40	40	40	40	320
		10	40	40	40	40	40	40	40	40	40	40	40	40					480
		12	40	40	40	40	40												200
		15					40	40	40	40	40	40	40	40					320
		16	40												40			40	160
		21	40												40			40	160
		22		40	40		40	40	40	40	40	40	40	40		40	40	40	520
		26									40	40	40						80
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40			40	40								40	40	40	40	280
		33	40	40	40	40									40	40	40	40	320
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35						40	40		40	40							160

(Continued on next page)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S	36 E	2									40	40							80
		3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		4	40	40	40	40	40			40	40			40	40	40	40	40	480
		9	40	40	40	40	40			40				40	40	40	40	40	400
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11					40	40	40	40	40	40	40						320

Total Number of Acres to be Irrigated.....9,240

The Deep Creek Irrigating Co.

September 7, 1974

(Date)

BY

[Signature]
Secretary
(Signature)

State of IDAHO)

County of ONEIDA) ss.

On this 7th day of September, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Malad, Idaho
My Comm. Exp. 5/19/75

My commission expires

RECORDED

X will be completed when
proof is received.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Deep Creek Irrigating Company, Malad City,
Idaho, has received an approved Permit No.
R-603/15-2073 issued by the Idaho Department of Water Resources auth-
orizing the ~~diversion~~ storage of 1,000 ~~acres feet per second~~ acre feet
per annum of water from Third Creek (750 af) and Deep Creek (250 af).
The priority to be established under this permit is X August 14, 1963
and the permit was approved November 13, 1935.

Water is to be diverted by reservoir
from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, Twp. 14 S, Rge. 37 E.B.M.,
Oneida County,
to be used for ~~irrigation~~ the irrigation of lands within the Company's
~~irrigation system~~

Proof of the application of the water to beneficial use was ~~is to be~~
submitted to the Department on ~~or before~~ X September 10, 1974. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho,
83720, within ten (10) days of the last date of publication of this notice ~~or~~
~~prior to the licensing of the permit. Licensing may commence prior to the date~~
~~beneficial use is due without further notice.~~

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise at Malad City, Idaho
on September 19 and September 26.

Permit No. 15-2073

Director:

You are hereby authorized to have the above notice published at my expense
in the Idaho Enterprise of Malad City, Idaho;
published in the county in which the works are situated.
DEEP CREEK IRRIGATING CO.

By [Signature] Malad City, Idaho
(Signature) Secretary (Address)

September 7, 1974
(Date)

MICROFILMED

September 12, 1974

Re: Permit No. R-603/15-2073 - Deep Creek Irrigating Company

Idaho Enterprise
P. O. Box 205
Malad City, ID 83252

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:

Deep Creek Irrigating Company
Malad City,
Idaho 83252

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

September 12, 1974

Re: Permit No. R-603/15-2073

Deep Creek Irrigating Company
Oren J. Jones, Pres.
Malad City, ID 83252

Dear Mr. Jones:

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 August 14, 1963.

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. The enclosed order modifies your permit to comply with these rules and regulations.

We have caused the legal notice for this permit to be published in the Idaho Enterprise on September 19, and September 26, 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. Upon receipt of the affidavit of publication we will then schedule a field examination. We have asked the newspaper to bill you direct.

If you have any questions concerning these matters, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: Order advancing priority
Modification Order

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-603/15-2073)
)
in the name of DEEP CREEK IRRIGATING CO.)
)

ORDER

WHEREAS, on October 17, 1935, Deep Creek Irrigating Co. applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 1,000 acre feet per annum of water from Third Creek(750 af) and Deep Creek(250 af) tributary to the Malad River, from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, Twp. 14S, Rge. 37E, B.M., Oneida County, to be used for irrigation purposes; and,

WHEREAS, on November 13, 1935, the Department approved said application and issued Permit No. R-603/15-2073 with the condition that one-fifth of the work be completed on or before May 13, 1938, that the whole of said work be submitted to the Department on or before November 13, 1940, and that proof of beneficial use of water be made on or before November 13, 1946; and,

WHEREAS, on September 6, 1946, proof of completion of works was made; and,

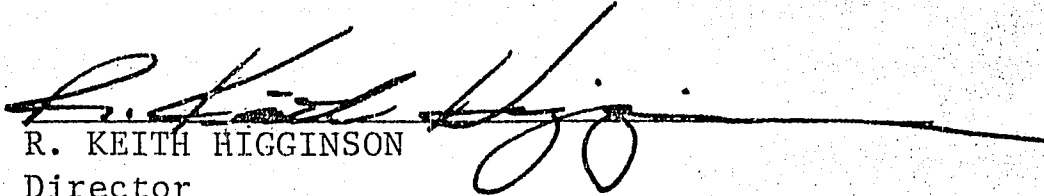
WHEREAS, on May 15, 1974, the Department notified the permit holder that Permit No. R-603/15-2073 was subject to cancellation for failure to submit proof of beneficial use of water on or before November 13, 1946; and,

WHEREAS, on September 10, 1974, the Department received the required proof of beneficial use; 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-603/15-2073 be advanced to August 14, 1963.

Dated this 12 day of September, 1974.


R. KEITH HIGGINSON
Director

DDR:JG

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-603/15-2073)

in the name of DEEP CREEK IRRIGATING CO.)

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 procedure to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

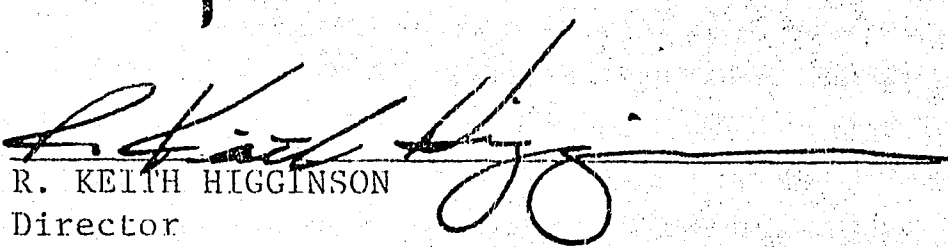
WHEREAS, on August 1, 1968, the Department of Water Resources (formerly the Department of Water Administration) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-603/15-2073 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 12 day of September, 1974.


R. KEITH HIGGINSON
Director

DDR:JG

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Deep Creek Irrigating Company, Malad City, Idaho, has received an approved Permit No. R-603/15-2073 issued by the Idaho Department of Water Resources authorizing the storage of 1,000 acre feet per annum of water from Third Creek (750 af) and Deep Creek (250 af). The priority to be established under this permit is August 14, 1933 and the permit was approved November 13, 1935.

Water is to be diverted by reservoir from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, Twp. 14 S, Rge. 37 E, B.M., Oneida County, to be used for the irrigation of lands within the Company's irrigation system.

Proof of the application of the water to beneficial use was submitted to the Department on September 10, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on September 19 and September 26.

MICROFILMED

RECEIVED

RECEIVED

(SEP 17 1964)

Department of Water Resources

October 17, 1974

Re: Permit No. R-603/15-2073

Deep Creek Irrigating Company
Oren J. Jones, Pres.
Malad City, ID 83252

Dear Mr. Jones:

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 in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

RECEIVED

OCT 7 1974

Department of Water Resources

**NOTICE OF EXISTING
WATER PERMIT**

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R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on September 19 and September 26.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Norma Beck being first duly sworn on her oath, states: That she is clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county; that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 19 day of Sept, 1974 the date of the last publication being the 26 day of Sept, 1974

Norma Beck
Subscribed and sworn to before me this 3 day of October, 1974

H. D. Taylor
Notary Public, residing at Malad, Idaho

My Commission expires the 10 day of Oct, 1977

Costs:

39 lines at 23c per line first insertion \$ 8.97

..... lines tabulated at 34 $\frac{1}{2}$ c per line \$

15c per line each subsequent insertion \$ 5.85

TOTAL \$ 14.82

(Rates for legal notices are fixed by Idaho law)

MICROFILMED

