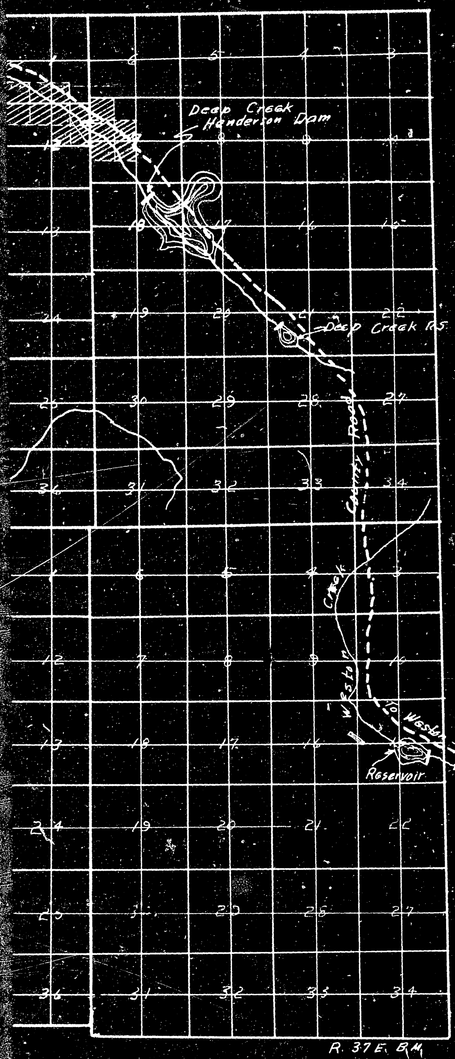



# MAP
# DEEP CREEK HENDERSON DAM
# SHOWING IRRIGABLE LAND
# ONEIDA COUNTY, IDAHO

TO ACCOMPANY APPLICATION FOR PERMIT

By: Wendell H. Smith – Engineer

Scale: 1" = 1 Mile

April 20, 1949

R.3E. B.M.
U.S. Hwy. 191
Devil Creek
Molad River
Holbrook
Pleasant Valley
T. 14 S.
T. 15 S.

There is a large map in this folder which is too large to microfilm.

S T A T E  O F  I D A H O

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION FOR PERMIT TO CONSTRUCT A RESERVOIR AND STORE AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED.

NOTICE IS HEREBY GIVEN That on the 25th day of April, 1948, Deep Creek Irrigation Company, of Malad, Idaho, made application for permit to construct a reservoir and store and appropriate 7,000 acre feet per annum of the waters of Deep Creek, a tributary of Malad River, for irrigation purposes.

That the outlet of the proposed reservoir is located in the SE¼ SW¼ Section 7, Township 14 South, Range 37 East, B. M.

That the lands to be irrigated are the lands within the boundaries of the Deep Creek Irrigation Company in Townships 14 and 15 South, Ranges 36 and 37 East, B. M.

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

Dated this 3rd day of May, 1948.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: June 12, 1948

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged, this ____ day of May, 1948.

DEEP CREEK IRRIGATION COMPANY

By _____

Its _____

P-830

DIRECTORS
JAMES T. JONES, President
GRIFF DAVIS, Vice-Pres.
~~M.X.LEWANS~~, Secretary
K.V.Hanson

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

DIRECTORS
NEPHI LEWIS
GEO C. TOVEY

April 22, 1948

Mr. Mark R. Kulp
Bureau of Reclamation
Boise, Idaho

Dear Sir,

We herewith submit to your office for approval an application for the construction of a dam and the storing of water for irrigation purposes; same to located on Deep Creek at the sight formerly recommended and sketched by the Bureau of Reclamation covered by the Ferris report.

Based on that report and subsequent investigation we feel sure that the storage of this water can be secured at a cost per acre foot that will make it highly feasible for the irrigators of this company.

Appreciating your early attention and approval of this application, we beg to remain,

Yours very truly,

Secy.

/kvh

P.S. We enclose filing fee to cover above.

RECEIVED
APR
9:30 am
Department of Reclamation

P-830

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 5, 1948

(P. O.) Malad City, Idaho

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

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached 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 IRRIGATION CO.

Fred Thomsen - Sec'y

(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.

P-530

S T A T E  O F  I D A H O

DEPARTMENT OF RECLAMATION

---

NOTICE OF APPLICATION FOR PERMIT TO CONSTRUCT A RESERVOIR AND STORE AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED.

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NOTICE IS HEREBY GIVEN That on the 26th day of April, 1948, Deep Creek Irrigation Company, of Malad, Idaho, made application for permit to construct a reservoir and store and appropriate 7,000 acre feet per annum of the waters of Deep Creek, a tributary of Malad River, for irrigation purposes.

That the outlet of the proposed reservoir is located in the SE¼ SW¼ Section 7, Township 14 South, Range 37 East, B. M.

That the lands to be irrigated are the lands within the boundaries of the Deep Creek Irrigation Company in Townships 14 and 15 South, Ranges 36 and 37 East, B. M.

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

Dated this 3rd day of May, 1948.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: June 12, 1948

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged, this 5th day of May, 1948.

DEEP CREEK IRRIGATION COMPANY

BY _____

Its _____

May 10, 1948

Re: Application No. R-28075

The Idaho Enterprise
Malad, Idaho

Gentlemen:

Enclosed please find copy of notice, for publication once a week, for three consecutive weeks, commencing with your next issue.

The cost of the publication is to be paid by The Deep Creek Irrigation Company, C/o K. V. Hansen, Secretary, Malad, Idaho, to whom please send affidavit of publication, when completed, together with statement of cost.

Please acknowledge receipt of this notice, and furnish this department with a copy of the first publication, so that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

Encl.

R-930

# The Idaho Enterprise

THE IMPORTANT NEWS OF IDAHO AND
ALL THE NEWS OF ONEIDA COUNTY

ESTABLISHED 1879 · MALAD CITY, IDAHO · TELEPHONE 40



RECEIVED
MAY 17 19[illegible]
Department of Reclamation


5-13-48

State Reclamation Engineer
Boise, Idaho

Dear Sir:-

Receipt is hereby acknowledged of Application of Deep Creek Irrigation Co. which will be published in issues of May 20, 27 and June 3. Copy of paper containing first publication will be sent.

Yours respectfully

THE IDAHO ENTERPRISE

Marion Hanson
Clyde Hanson, Pub.

By Marion Hanson

R-830

May 11, 1948

Re: Application No. R-28075

Mr. K. V. Hanson, Sec'y
Deep Creek Irrigation Company
Malad, Idaho

Dear Mr. Hanson:

We have sent to the Idaho Enterprise of Malad, Idaho, copy of notice in connection with your application for permit, with instructions to publish it once a week for three consecutive weeks and to send you the affidavit of publication together with statement of costs.

As you will note June 12, 1948 is the last date for protests, and if no protests are filed the application will be approved upon receipt of the affidavit of publication and the additional information referred to in office letter addressed you on May 3, 1948.

Should there be any protests you will be duly notified before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

R-830

aff R 28075

June 2, 1948

Mr. Khalil V. Hanson, Sec'y
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hanson:

We are in receipt of your letter of May 25, 1948, containing an informal application for assistance from this Department in the investigation and survey of your contemplated dam on Deep Creek.

This has been placed on file along with a number of other similar applications which we will have to take in turn.

Any assistance that we can give you will be preliminary only in regard to capacity, yardage, etc.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

F. A. Tolman
Field Engineer

FT/dm

R-P30

JAS. B. JONES, CASHIER

# J.N. IRELAND & COMPANY,

**BANKERS**

MEMBER FEDERAL RESERVE SYSTEM

RECEIVED
MAY 28 1948
Department of Reclamation

MALAD CITY, IDAHO.
May 27, 1948.

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

My dear Mr. Kulp:-

The enclosed notice was published in the local paper last Thursday. You will observe that the Deep Creek Board are laying the plans for the building of a reservoir on the Henderson Ranch site.

I should like to have your write me in detail as to the estimated cost of construction of a dam at this site according to the information in your possession. Also: the capacity of such a reservoir and wheather there is sufficient water over a ten year period to fill the contemplated dam. What is the greatest capacity of a dam with the water available over a ten year period?

Any information you can furnish me will be treated in strict confidence.

With kindest personal regards and best wishes,
I am

Sincerely yours,

G. L. Jenkins,
Box 155

What are the main measurements over a period of 10 years?

P-130

Mr. and Mrs. R. N. Hill of Salt Lake City were Malad visitors Friday.

## STATE OF IDAHO
### Department of Reclamation

**Notice of Application for Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, in Accordance with the Provisions of Section 41-203, Idaho Code Annotated.**

NOTICE IS HEREBY GIVEN That on the 26th day of April, 1948, Deep Creek Irrigation Company, of Malad, Idaho, made application for permit to construct a reservoir and store appropriate 7,000 acre feet per annum of the waters of Deep Creek, a tributary of Malad River, for irrigation purposes.

That the outlet of the proposed reservoir is located in the SE¼ SW¼ Section 7, Township 14 South, Range 37 East, B. M.

That the lands to be irrigated are the lands within the boundaries of the Deep Creek Irrigation Company in Townships 14 and 15 South, Ranges 36 and 37 East, B. M.

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

Dated this 3rd day of May, 1948.

MARK R. KULP,
State Reclamation Engineer

Date of first publication: May 20
Date of last publication: June 3
Last date for protest: June 12, 1948

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged, this 5th day of May, 1948.

DEEP CREEK IRRIGATION COMPANY
By Khalil V. Hanson, Secretary.

R 230

## NOTICE OF CREATION OF WEED EXTERMINATION AREA

In compliance with the

June 2, 1948

Re: Application No. R-28075

Mr. G. L. Jenkins
P. O. Box 155
Malad City, Idaho

Dear Mr. Jenkins:

In reply to your letter of May 27, 1948, enclosing clipping of notice of application of the Deep Creek Irrigation Company, we are enclosing a tabulation of the runoff in Deep Creek and also in Devil Creek as furnished by the U. S. Geological Survey, for the years 1932 to 1937 inclusive.

No estimates have been made on the costs or at least none are in our files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

F. A. Tolman
Field Engineer

FT/dm
Enc:

R-830

RUNOFF, POSSIBLE STORAGE SEASON (APPROX.) DEEP CREEK BELOW FIRST CREEK

| YEAR | (1931) Oct. Acre Ft. | Nov. A.F. | Dec. A.F. | Jan. A.F. | Feb. A.F. | Mar. A.F. | (1932) Apr. A.F. | May A.F. | June A.F. | Acre Feet Totals |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Month | | | | | | |
| 1932 | 61.0 | 81 | 82 | 156 | 170 | 302 | 1760 | 3150 | 1320 | 7082. |
| 1933 | 153. | 168. | 183. | 202. | 188. | 250. | 774. | 1560. | 1300. | 4625. |
| 1934 | 157. | 148. | 151. | 164. | 169. | 239. | 276. | 186. | 124. | 1614. |
| 1935 | 60. | 85. | 108. | 123. | 153. | 298. | 682. | 1220. | 875. | 3604. |
| 1936 | 110. | 110. | 101. | 117. | 144. | 273. | 3500. | 2740. | 1120. | 8215. |
| 1937 | 213. | 204. | 171. | 129. | 130. | 286. | 1420. | 2420. | 1190. | 6163. |

"DEEP CREEK BELOW FIRST CREEK"

R-830

RUNOFF, APPROX. STORAGE SEASON. (Devil Creek)

| YEAR | (1931,etc.)← Month →(1932, etc.) Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Acre Feet Totals |
|---|---|---|---|---|---|---|---|---|---|---|
| 1932 | 78. | 107. | 65. | 60. | 58. | 71. | 786. | 879. | 525. | 2629. |
| 1933 | 208. | 130. | 119. | 117. | 104. | 111. | 480. | 842. | 519. | 2630. |
| 1934 | 199. | 142. | 136. | 127. | 108. | 201. | 212. | 113. | 110. | 1348. |
| 1935 | 180. | 71. | 72. | 72. | 58. | 159. | 442. | 479. | 180. | 1713. |
| 1936 | 152. | 80. | 95. | 96. | 82. | 146. | 1100. | 910. | 509. | 3170. |
| 1937 | 278. | 179. | 188. | 188. | 157. | 181. | 683. | 1040. | 527. | 3421. |

"DEVIL CREEK BELOW PROPOSED RESERVOIR"

f. 53

November 22,1948

RECEIVED
NOV 23 19..
Department of Reclamation

Mr. Khalil V. Hanson,
Secretary of Deep Creek
Irrigation Company,
Malad City, Idaho.

Dear Mr. Hanson:

I am in receipt of your letter of November 17th and have taken the matter up with Mr. Kulp. He showed me a letter you had also written to him and he is going to investigate the status of the claim. I am sure you will hear from him in a few days.

Be assured, I will do everything I can, for I greatly appreciate the efforts you are making to store the water, that valuable and mighty asset, for the lands of Malad Valley.

Sincerely,

JDP gac

J. D. (CY) PRICE
Secretary of State

R. 830

Bob Abercrombie
Wrist
right
hand
Middle
finger
New Smell
Pupeth

P 830

RECEIVED
AUG [illegible]
Department of Reclamation

day.

**STATE OF IDAHO**
**Department of Reclamation**
**Notice of Application for Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, in Accordance with the Provisions of Section 41-203, Idaho Code Annotated.**

NOTICE IS HEREBY GIVEN:

That on the 26th day of April, 1948, Deep Creek Irrigation Company, of Malad, Idaho, made application for permit to construct a reservoir and store appropriate 7,000 acre feet per annum of the waters of Deep Creek, a tributary of Malad River, for irrigation purposes.

That the outlet of the proposed reservoir is located in the SE¼ SW¼ Section 7, Township 14 South, Range 37 East, B. M.

That the lands to be irrigated are the lands within the boundaries of the Deep Creek Irrigation Company in Townships 14 and 15 South, Ranges 36 and 37 East, B. M.

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

Dated this 3rd day of May, 1948.

MARK R. KULP,
State Reclamation Engineer

Date of first publication: May 20
Date of last publication: June 3
Last date for protest: June 12, 1948

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged, this 5th day of May, 1948.

DEEP CREEK IRRIGATION COMPANY
By: Khalil V. Hanson, Secretary.

# Affidavit of Publication

State of Idaho
County of Oneida } ss.

Sylvia Stratton being first duly sworn on h[illegible] oath, states: That he is Asst. 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, and that said paper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 3 successive weekly issues thereof the date of the first publication being the 20 day of May, 1948, the date of the last publication being the 3 day of June, 1948.

Sylvia Stratton

Subscribed and sworn to before me this 5 day of June, 1948.

E. R. Cummings
Notary Public, residing at Malad, Idaho

My Commission expires the 20 day of Jany 1951

COSTS 49 lines at 10c per line first insertion $ 4.90
5c per line each subsequent insertion $ 2.45
TOTAL $ 7.35

R-830

May 3, 1946

Re: Application No. R-28075

Mr. Khalil V. Hanson, Secretary,
Deep Creek Irrigation Company,
Malad, Idaho

Dear Mr. Hanson:

We acknowledge receipt of your letter of April 26th, enclosing application of the Deep Creek Irrigation Company, and we enclose Departmental Receipt # 20574 for the $11.75 filing fee.

In applications of this size the law requires publication once a week for three consecutive weeks in a county newspaper, and we enclose duplicate copies of such notice. Please acknowledge service on the original, and return to this Department, retaining the duplicate for your own files. Please also return Form 11, which is your authorization for us to have the notice published at your expense in the desiignated newspaper.

You will note that forty days are allowed for any possible protest, but before the application can be finally approved it will be necessary for us to have more complete information in regard to the project, including a tracing in accordance with the enc'osed regulations, and a detailed list of the acreage of the lands to be irrigated.

We are unable to find the report you refer to as the Bureau of Reclamation and Ferris report, which we presume means an investigation made by the Department of Reclamation under former Commissioner of Reclamation, Robert Faris.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

E:A
Encls.

R-530

August 18, 1948

Re: Application No. R-28075

Mr. Khalil V. Henson, Secretary
Deep Creek Irrigation Kompeny
Malad, Idaho

Dear Mr. Henson:

We have received the affidavit of publication from Idaho Enterprise in connection with the application of the Deep Creek Irrigation Company for permit to construct a reservoir and store and appropriate 7,000 acre feet of water from Deep Creek.

There have been no protests filed against this application and permit can be approved and sent you upon receipt of the tracing and print referred to in our letter of May 3.

We understand that this tracing has been prepared by Mr. Wendell H. Smith who has also prepared plans and specifications in connection with this permit.

Very truly yours,

MARK R. KUHP
STate Reclamation Engineer
By

Chief Clerk

A/gt

CC: Wendell H. Smith

R-830

DIRECTORS
GEO. C. TOVEY, President
KHALIL V. HANSON, Secretary

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

DIRECTORS
MORGAN W. TOVEY
ED PINGEL
THOS. CHIVERS

December 6, 1948

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen: Re. your letter of Dec. 2nd.

In regards to your letter of above instant we wish to advise that in checking with the Idaho Enterprise and they maintain that affidavit of publication in question was mailed to you on or about September 20th.

In regards to this matter we also call to your attention your letter received by us on or about Sept. 25th in which your state "Your application for storage of water on Deep Creek has been approved and plans accepte- same being subject to final inspection upon completion by our office. However if this proof of filing has been lost or misplaced we shall be glad to have the Idaho Enterprise furnish your office with another ~~x~~ proof of publication.

Thanking you for past considerations. We remain,

Yours very truly,

By (?) What's his name

/kvh

RECEIVED
Department of Reclamation

R-230

December 13, 1948

Re: Application No. R-28075

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hansen:

In reply to your letter of December 6, we find that the affidavit of publication was sent us direct from the Idaho Enterprise but had been misplaced.

However, we have not yet received the tracing referred to in our letter of May 3, and which we understand was to be furnished by Mr. Wendell H. Smith, who prepared your plans and specifications.

This tracing and also a print of same are required in accordance with the enclosed regulations. You should also furnish a detailed list of the lands to be irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Enc.

R-330

December 2, 1948

Re: Application No. R-28075

Mr. Khalil V. Hanson, Sec'y
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hanson:

Under date of July 16, 1948, we advised you that there had been no protests filed against the application of the Deep Creek Irrigation Company for permit to construct a reservoir, and that upon receipt of the affidavit of publication which the Idaho Enterprise was instructed to send you, the application would be approved and permit issued.

Please check this matter and see that the affidavit is transmitted to this Department at your earliest convenience.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

R-830

July 16, 1948

RE: Application No. R-28075

Mr. Khalil V. Hanson, Sec'y
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hanson:

There have been no protests filed against the application of the Deep Creek Irrigation Co. for permit to construct a reservoir No. R-28075.

Therefore, upon receipt of the affidavit of publication in the Idaho Enterprise, the application will be approved and permit issued, subject to approval of the plans before construction work is commenced.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

R-830

STATE OF IDAHO

OFFICE OF THE STATE AUDITOR

BOISE

N. P. NIELSON
STATE AUDITOR

R. W. MANNING
CHIEF ACCOUNTANT

January 5, 1949

Mr. Mark Kulp
State Reclamation Engineer
B U I L D I N G

Dear Mr. Kulp:

A letter from Khalil V. Hanson of Malad, Idaho, states that you, or your office, turned down their application for moneys for the investigation of the Deep Creek Dam.

The Board of Examiners would like a written statement from you regarding your recommendations concerning this project. I feel that this pertains to the cost and the exact reasons for the turndown.

Very truly yours,

STATE BOARD OF EXAMINERS

N. P. NIELSON, STATE AUDITOR
AND SECRETARY TO THE BOARD

NPN:mm

F 830

Asp. 28075

January 7, 1949

Mr. H. P. Nielson, State Auditor
Secretary of the Board of Examiners
Building

Dear Mr. Nielson:

I am attaching copies of correspondence with Mr. Khalil V. Hanson, Secretary of the Deep Creek Irrigation Company of Malad City, Idaho.

Nonapproval was based on the fact that no definite arrangements had been made to substitute other engineering service for that which would have been furnished by the Department.

Actually there is enough balance in the Small Irrigation Projects Fund to cover extraordinary claims such as that of the Deep Creek Irrigation Company, but I do no consider the Department authorized to make payments in such cases without approval of the Board of Examiners.

The project is a deserving one, and in the usual manner of investigatinn by the Department we would have spent $500.00 to $600.00 plus non distributed departmental overhead.

We would have furnished part of the engineering and most of the surveying, but none of the test holes without special authorization.

Funds are available and special authorization for 50% of the claim is recommended.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K/gt
Encls.

R-250

January 27, 1949

Deep Creek Irrigation Company
Malad, Idaho

Dear Sirs:

Attention: Khalil V. Hanson, Secretary

I am sending you herewith a miscellaneous expenditure voucher which has been prepared for payment on State funds under the Small Irrigation Projects appropriation. This covers the State's share of 50% of payment in the amount of $1,344.60 for the cost of the Henderson Reservoir Investigation as recommended by this Office and as approved by the State Board of Examiners at a meeting on January 20, 1949. This should be signed by the Secretary and returned to this Office and we will then complete the claim and put forward for payment through the State Auditor's Office.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

By

Secretary and Bookkeeper.

lt

Authorization from Board of Examiners for payment.
Paid under Small Projects Claim #175 - Filed with State Auditor's
File material - Auditor Secretary of the Board of Examiners.

R-930

DIRECTORS
GEO. C. TOVEY, President
KHALIL V. HANSON, Secretary

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

DIRECTORS
MORGAN W. TOVEY
ED PINGEL
THOS. CHIVERS

April 4, 1949

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen: Application # R28075

Reference your letter of 1st instant requesting a tracing and print showing the location of the reservoir and the land to be irrigated; we regret that this particular phase of our application has not been received by your office and wish to state that everything will be done to see that this phase of the application is taken care of.

On our original application we mailed a rough sketch of the irrigated lands under this project and the reservoir, same being a free hand drawing. Your office undoubtedly has maps for such a drawing and therefore if our original free hand sketch is not satisfactory we would appreciate receiving maps for the drawing of two townships to show this project. If these are not available please advise and we shall endeavor to prepare a sketch showing the desired information.

We also wish to take this means of extending to your office our appreciation for the 50% investigation grant recently paid to us and give you our best wishes for the continued success of your office.

May we hear from you at your earliest convenience. We remain,

Yours very truly,

By

/kvh

RECEIVED
APR
Department of Reclamation

R-830

April 11, 1949

Re: Application No. R-28075

Mr. Khalil V. Hanson, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hanson:

In reply to your letter of April 4, we enclose a pamphlet of regulations and instructions in regard to filing applications for water rights and direct your attention to Section B on page 4, thereof.

As you will note, where the amount exceeds 10 cubic feet per second, maps must be drawn by an engineer or draftsman and must be filed in duplicate, at least one of which must be a tracing.

The rough sketch furnished with your application obviously does not confirm with this requirement and we shall appreciate receiving a tracing and print as soon as possible, in order that your application may be approved and permit issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

R-830

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

April 23, 1949

RECEIVED
APR 25 1949
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

We submitted to your office today by registered mail the tracings called for in our permit for dam construction relative to irrigable lands under said project.

We trust that this will bring our file up to date as pertains to the permit issuance for dam construction.

We remain,

Khalil V. Hanson, Secy.

/kvh

RECEIVED
APR 25 1949
Department of Reclamation

R-130

April 25, 1949

Application No. 28075

Mr. Khalil V. Hanson, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hanson:

We acknowledge receipt of your letter of April 23, and also of a tracing, in connection with your Application for Permit to construct a reservoir and store 7,000 acre feet of water from Deep Creek.

In checking this tracing, we note that the outlet of your reservoir is located in the NW¼ NW¼, Section 18, Township 14 South, Range 37 East, B.M., whereas the application itself and the original rough sketch shows it in the SE¼ SW¼ of Section 7, Township 14 South, Range 37 East, B.M.

We assume that the engineer's tracing is correct and with your permission, will change the application accordingly.

As you will note from previous correspondence, one print is required in addition to the tracing. We can have a print made here, at a cost to you of fifty (.50) cents.

Please let us hear from you as to your wishes in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

E-130

Mr. and Mrs. R. N. [illegible] of Salt Lake City were Malad visitors Friday.

## STATE OF IDAHO

**Department of Reclamation**

**Notice of Application for Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, in Accordance with the Provisions of Section 41-203, Idaho Code Annotated.**

NOTICE IS HEREBY GIVEN That on the 28th day of April, 1948, Deep Creek Irrigation Company, of Malad, Idaho, made application for permit to construct a reservoir and store appropriate 7,000 acre feet per annum of the waters of Deep Creek, a tributary of Malad River, for irrigation purposes.

That the outlet of the proposed reservoir is located in the SE¼ SW¼ Section 7, Township 14 South, Range 37 East, B. M.

That the lands to be irrigated are the lands within the boundaries of the Deep Creek Irrigation Company in Townships 14 and 15 South, Ranges 36 and 37 East, B. M.

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

Dated this 3rd day of May, 1948.

MARK R. KULP,
State Reclamation Engineer

Date of first publication: May 20
Date of last publication: June 3
Last date for protest: June 12, 1948

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged, this 5th day of May, 1948.

DEEP CREEK IRRIGATION COMPANY
By Khalil V. Hanson, Secretary.

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

RECEIVED
MAY 2 19..
Department of Reclamation

April 30, 1949

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

We refer you to your letter of recent date acknowledging our submitting of tracing covering irrigable lands under our permit for dam construction.

As per your letter we hereby request that your office have a copy made as per instructions of this tracing and enclose our check in the amount of $3.50 to cover the cost of this copy as per your letter.

We extend to you our appreciation for your action in this matter.

Yours very truly,

By Khalil V. Hanson

Khalil V. Hanson, Secy.

/kvh

R. 830

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

C. A. ROBINS
GOVERNOR

BOISE

December 13, 1948

B-1

Re: Application No. R-28075

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hansen:

In reply to your letter of December 6, we find that the affidavit of publication was sent us direct from the Idaho Enterprise but had been misplaced.

However, we have not yet received the tracing referred to in our letter of May 3, and which we understand was to be furnished by Mr. Wendell H. Smith, who prepared your plans and specifications.

This tracing and also a print of same are required in accordance with the enclosed regulations. You should also furnish a detailed list of the lands to be irrigated.

Very truly yours,

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

A/gt
Enc.

RECEIVED
Department of Reclamation

Gentlemen:

Please refer to your files on the above material in question as all were furnished, however we would be glad to re-submit if these documents have been lost or misplaced

Sincerely, Mary Lou Lee 1-5-49

December 28, 1948

Re: Application No. R-28075

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hansen:

We have your reply to our letter of December 13 requesting tracing and print in connection with the application of the Deep Creek Irrigation Co. for storage permit.

We have rechecked our files and find that Mr. Wendell H. Smith furnished plans and specifications but we do not find a tracing or print showing the location of the reservoir, the lands to be irrigated and the ditches.

We do not think these have reached this Department, and we are wondering if you are thinking of the plans and specifications rather than the map of the project itself.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

R-830

April 1, 1949

Application No. R-28075

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hansen:

We remind you that we are still holding the application of the Deep Creek Irrigation Company, awaiting the receipt of the tracing and print, showing the location of the reservoir and the lands to be irrigated.

This matter has been pending for almost a year and it is important that it be concluded at an early date.

We shall therefore appreciate your furnishing us with the tracing and print at your earliest convenience.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

R-730

May 27, 1949

Re: Permit R-830

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Khalil:

We enclose Permit No. R-830, and direct your attention to the limitations and conditions as given on the 4th page under Approval of the State Reclamation Engineer.

You will note that one of these conditions is the filing of a surety bond in the sum of $1,000.00 on or before July 18, 1949, said bond to be conditioned on the faithful carrying out of the terms of the Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-830

UNITED STATES FIDELITY AND GUARANTY COMPANY
SALT LAKE CITY OFFICE
221 KEARNS BUILDING, SALT LAKE CITY 8, UTAH

E. A. BJORKLUND
MANAGER

TELEPHONE 4-5541

June 14, 1949

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

RE: Deep Creek Irrigation Co.

Dear Sir:

We have been requested by Mr. Khalil V. Nansen, Secretary of the Deep Creek Irrigation Company near Malad, Idaho to furnish a $1,000.00 bond in connection with their permit R-830 in accordance with the requirements of your department. In the past, we have observed that we need some detailed information which we would appreciate your providing us so that the bond may be correctly prepared. The Bond Forms ask the date upon which application for permit was filed. We would appreciate your giving us the number assigned to the application. We have the number of the permit but would appreciate your furnishing us the book number and page in which it is recorded.

Your courtesy in furnishing us with a half dozen bond forms, too would be appreciated.

Very truly yours,

ASSISTANT MANAGER

RRS/eb

RECEIVED
Jun 1
Department of Reclamation

U. S. F. & G.

S. L. 4 2-49

R-830

R-830

June 16, 1949

Mr. Robert R. Sonntag, Assistant Manager
United States Fidelity & Guaranty Company
221 Kearns Building
Salt Lake City 8, Utah

Dear Mr. Sonntag:

In reply to your letter of June 14, requesting information in regard to Deep Creek Irrigation Company's Permit No. R-830:

This is Application No. R-28075, filed April 26, 1948; Permit issued May 18, 1949, recorded in Volume 3 of Reservoir Permits at page 850.

We have no printed forms for Surety Bonds such as is now required, but for your guidence we enclose a form of personal Bond such as was formerly used in connection with water permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-830

Form No. 7

# State of Idaho

## DEPARTMENT OF RECLAMATION

BOISE

## INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Deep Creek Irrigation Co.
C/p Khalil V. Hanson, Secretary
Box # 666, Malad, Idaho

Boise, Idaho, March 1, 1951

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-830

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before May 18, 1951. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-830

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

April 10, 1951

RECEIVED
APR 13 1951
Department of Reclamation

State of Idaho
Dep't of Reclamation
Boise, Idaho

Gentlemen:

We refer to your letter of March 1st, 1951 regarding our publication of proof of completion of works under our permit No. R-830; stating that same must be made on or before May 18, 1951.

We are not quite clear on the exact implications of this form letter but are assuming that under our permit for reservoir construction that our works should be completed on or before May 18th in order to validate said permit. If this be the case, we advise herewith that at the present time our complete project contruction job under this permit is not yet finished and would be an impossibility to have it finished at or before this date.

We have completed the dam construction as per plans submitted to your office to a total height varying from eighty feet to eighty five feet; the construction we feel is very good in every respect, but because of our inability to secure adequate long term financing it was deemed advisable to forego immediate completion of the project for two or three years in order that the stockholders might have a chance to consolidate their assets before another assessment inasmuch as total construction to date in the amount of over $300,000.00 has been done by cash stock assessments on the stockholders.

We herewith petition your office to grant to our company an extension for final completion on the issued permit # R-830 for a period ending on or before May 18th, 1954. If this cannot be granted we would appreciate the longest time possible up to this requested date. We will appreciate your advising as to your action in this matter and to the procedure if necessary in order that this extension might be granted.

Yours very truly,

Khalil V. Hanson, Secy.

/kvh

R-830

April 13, 1951

Re: Permit No. R-830

Mr. Khalil V. Hanson, Secretary
Deep Creek Irrigation Co.
Malad, Idaho

Dear Mr. Hanson:

We are in receipt of your letter of April 10, and have noted the reasons why you have not been able to complete the construction of works described in Permit No. R-830.

The Statutes allow a maximum of five years within which to make such proof which would be to May 18, 1954, and you may make formal application for such extension on the form enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-830

Permit No. R-830

# Application for Extension of Time

FOR COMPLETION OF WORKS

Deep Creek Irrigation Co., of Malad City, Idaho
KHalil V. Hanson, Secy.

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

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. R-830

Under the terms and conditions of said permit, construction work thereunder was required to be completed by May 18th, 1951

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

Complete construction of proposed reservoir under said permit to a total height of seventy-six to eighty-five feet elevation, including riprapping and temporary spillway.

costing $337,572.96

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

Said construction is being done on strictly a stock assessment basis and because of the inability of the company to secure long-term financing the stockholders request an extension that they might consolidate their assets before the levy of another assessment for completion.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to May 18, 1954

Deep Creek Irrigation Co.
By Khalil V. Hanson, Secy.

Subscribed and sworn to before me this 20th day of April 1951

John W. McAllister
~~Notary Public~~ Clerk of the District Court

My commission expires Jan 10, 1955

Date of receipt at office of Department of Reclamation April 23, 1951

STATE RECLAMATION ENGINEER

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

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho No. R-830 to May 18, 1954

Witness my hand this 24th day of April, 1951

Mark R Kulp R-830
~~Commissioner of Reclamation~~
State Reclamation Engineer

April 24, 1951

Re: Permit No. R-830

Mr. Khalil V. Hanson, Secretary
Deep Creek Irrigation Company,
Malad, Idaho

Dear Mr. Hanson:

We enclose herewith the approval of the State Reclamation Engineer of your application for extension of time for completion of works under Permit No. R-830, to May 18, 1954.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

R-830

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

August 25, 1951

RECEIVED
AUG 28 1951
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Atten: Mark R. Kulp

Dear Sir:

We refer you to our permit #R-830 covering reservoir construction and the appropriation for storage of waters during the period October- to April of each year for irrigation purposes on the Deep Creek water-shed.

As per our application for a permit to build and store waters; it was noted thereon that the waters of Deep Creek were appropriated by a court decree of about the year 1910 which in substance was follows:

lst. 175" of Deep Creek decreed to be used in the City of Malad City, Idaho

2nd 400" of Deep Creek decreed to certain hayland owners consisting of lands in the sum of 400 acres for usage thereon over the period of each year from October 15th to May 15th.

3d. This decree for winter water usage also states that no reservoir should be constructed to retard any waters of said creek and that if the City of Malad did not use the lst 175" of water said waters would be turned to the haylands to make up the lst 400"

This is in general the contents of this decree which undoubtedly is on file in the State and in Oneida County Idaho. At the time that the company contemplated building a reservoir we called into meeting all the hayland decree owners and requested that they agree to forego any claims to winter water under the decree with the assurance that we would bypass water to be used on their lands as decreed from April lst until May 15th. They agreed to this setup but since that time and subsequent construction to the present height we have been approached and served notice that five decreed owners holding approximately 200 inches of decreed rights are going to demand that we give company stock to them in payment for water that we are storing during the winter period that they claim belongs to them under said decree.

We realize that this is probably a major legal question, however it is our understanding that under Idaho Code water cannot be claimed for irrigation purposes during the period October to April; that same is subject to storage except for culinary purposes. Would your office advise us as to the standing of your department in this regard? Can you give us any case such as ours or an opinion from the Attorney Generals office covering sugh a usage in favor of storage rather than the flagrant misuse of winter irrigation? Does your department recognize our right to store said waters and what would be the legal stand if any? We would appreciate any information that your might give us in this regard at your earliest possible convenience setting forth our right to said waters for storage purposes. May we hear from you immediately.

Yours very truly,
K.V.Hanson, Secy.

August 29, 1951

Mr. K. V. Hanson, Secretary
Deep Creek Irrigation Company
Malad City, Idaho

Dear Mr. Hanson:

I have your letter of August 25, and have looked over the Deep Creek Decree dated May 9, 1911, along with the findings of fact and conclusions of Law, and find your summary substantially correct.

While I can offer no legal opinion, I can state the general attitude of the department.

1. Permits are issued only for the appropriation of unappropriated water. Storage permits follow the rules of priority along with the direct flow permits. That is: They are good after all prior rights are filled. Direct flow irrigation permits are good during the irrigation season or when the water can be put to beneficial use. Generally, in a decree, the irrigation season is specified. A storage right may be good even in the irrigation season, if all prior rights are satisfied. A storage right differs only from a natural flow right in that it has no seasonal limitations.

2. The right to divert water under a decree, permit, or license right exists only when the water can be put to beneficial use. It is against public policy for an appropriator to demand water under a decree or license and run it to waste. Water not capable of being put to beneficial use should be left in the stream for subsequent appropriators. It is often difficult to determine just what constitutes beneficial use, but in this case it seems to be definite.

In the findings of fact, No. 16; "The court finds that in order to produce a crop of wild hay upon the lands of what are known as the hay-land claimants, that it is necessary that four hundred inches of water be permitted to flow down said Deep Creek upon said hay lands, between the 15th day of October, and the 15th day of the following May of each and every season, in order to produce a crop of hay and that said lands will not produce a crop of hay except they are so irrigated, and that a portion of said water is and has been used since the date of the appropriation thereof by said hay-land claimants for domestic, culinary and stock purposes, and that such use is and has been necessary and beneficial."

3. Water rights ordered and decreed by the courts can not be extinguished or superseded by an administrative act. Only the courts can nullify a court order.

If, for the purpose of administration of the waters of Deep Creek, a water district should be formed and a watermaster elected by the owners of decreed rights, and such watermaster qualified and instructed by the Department of Reclamation, the instructions would be to administer the decree as issued until such time as the court might amend the decree on account of changed conditions.

As you request an immediate answer, I am sending this letter before submitting it to the Attorney General.

I am submitting your letter and my answer to the Attorney General and if he should disagree with any of the statements, or suggest modification, I will notify you at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg

R-830

August 29, 1951

Honorable Robert E. Smylie
Attorney General
BUILDING

Dear Sir:

I am attaching a letter from the Deep Creek Irrigation Company of Malad City, Idaho, and my answer.

Please review my letter to the Deep Creek Irrigation Company for erroneous statements and make any suggestions you feel appropriate.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg

R-130

OFFICE OF THE

# Attorney General

STATE OF IDAHO

ROBERT E. SMYLIE, ATTORNEY GENERAL

Boise

RECEIVED
SEP 1 1951
Department of Reclamation

August 31, 1951

Mr. Mark R. Kulp
State Reclamation Engineer
B U I L D I N G

Dear Sir:

Your letter to the Deep Creek Irrigation Company, a copy of which together with a copy of Mr.K. V.Hanson's letter to yourself accompanied your letter to this office of August 29, has been read carefully. I have no suggestions to make in connection with it. So far as any controversy which may arise between Mr. Hanson and Associates on one hand and other water users on the other, is concerned, that of course would be a matter of their personal, private business, for which reason this office is in no position to advise either of said parties what may or can be done.

Very truly yours,

FOR THE ATTORNEY GENERAL

J. R. SMEAD,
Assistant Attorney General

JRS:bc

A 150

September 1, 1951

Mr. K. V. Hanson, Secretary
Deep Creek Irrigation Company,
Malad, Idaho

Dear Mr. Hanson:

I am enclosing herewith a copy of a letter just received from the Attorney General's office, which is self explanatory.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

Encl.

L-830

UNITED STATES FIDELITY AND GUARANTY COMPANY
SALT LAKE CITY OFFICE
221 KEARNS BUILDING, SALT LAKE CITY 8, UTAH

E. A. BJORKLUND
MANAGER

TELEPHONE 4-5541

RECEIVED
JUN 30 1950
Department of Reclamation

June 29, 1950

State of Idaho,
Dept. of Reclamation,
State House,
Boise, Idaho.

Re: Bond for Water Permit. Deep Creek Irrigation Company. Malad City, Idaho.

Gentlemen:

We have been advised that there is no further need for the bond as captioned above and accordingly we would appreciate it if you would favor us with evidence releasing us from any further liability thereunder.

We thank you in advance for your attention in this matter.

Yours very truly,

E. A. BJORKLUND, MGR.

By:

BEB/rm

C/N dues 5-14-51

U. S. F. & G.

S. L. 4 12-49

R-830

July 5, 1950

Mr. E. A. Bjorklund, Manager
U. S. Fidelity & Guarenty Company
221 Kearns Building
Salt Lake City 8, Utah

Re: Bond for Water Permit No. R-830
Deep Creek Irrigation Co.

Dear Mr. Bjorklund:

The above described bond was executed to cover faithful carrying to completion of the work required under said Permit.

To date, our Department records do not show completion of works and the bond can not therefore be released.

Very truly yours,

MARK R. NULL
State Reclamation Engineer

MRK:bh

R-830

UNITED STATES FIDELITY AND GUARANTY COMPANY
SALT LAKE CITY OFFICE
221 KEARNS BUILDING, SALT LAKE CITY 10, UTAH

E. A. BJORKLUND
MANAGER

TELEPHONE 4-5541

July 10, 1952.

RECEIVED
JUL 12 1952
Department of Reclamation

Department of Reclamation
State Capitol Building
Boise, Idaho

Re: No. 69118-12-599-49 -
Deep Creek Irrigation Company -
Malad City, Idaho

Gentlemen:

Under date of June 20th, 1949 this company executed what we term a Water Permit Bond in the amount of $1,000.00 for the purpose of permitting the above named company to construct a reservoir on Deep Creek. In our efforts to obtain our renewal premium since last June we are informed that the purpose for which the bond was filed has been entirely satisfied and is no longer required. We desire to confirm this information with your department since our obligation is to the state of Idaho and would appreciate your informing us if it is possible to close our file. If we have no further liability we would appreciate your customary letter of release.

Very truly yours,

Robert N. Lowry
ASSISTANT MANAGER

RBS:ac

613
830

July 12, 1952

RE: Permit No. R-830

Mr. Robert R. Sonteg, Assistant Manager
U. S. Fidelity and Guaranty Company
221 Kearns Building
Salt Lake City 10, Utah

Dear Mr. Sonteg:

Replying to your letter of July 10, 1952, in regard to bond in connection with Permit No. R-830 of the Deep Creek Irrigation Company.

The above described bond was executed to cover faithful carrying to completion of the work required under said Permit.

To date, our Department records do not show completion of works and the bond cannot therefore be released.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg

R-830

Box 332

Malad City, Idaho.
October 22, 1952.

RE: permit no. R-830

Department of Reclamation
Mr. Mark R. Culp, Reclamation Engineer.
Boise, Idaho

Dear Sir.

The Deep Creek Irrigation Company believe they have the Deep Creek Dam completed, and also the Spill-way is completed.

The Board asked the Engineer Mr. Wendell Smith to make an inspection today. Mr. Smith was at the Dam and examined the Spill-way and approved both the Dam & Spill-way.

Mr. Smith asked the Board of Directors to write your Office so the necessary examination could be made. Also to fill out the necessary forms.

We hope to see you when you make your examination.

Yours Truly.
Deep Creek Irrigation Co.
James W. Evans, Secretary

RECEIVED
OCT 24 1952
Department of Reclamation

R-830

November 3, 1952

RE: Permit No. R-830

Mr. James W. J. Evans, Secretary
Deep Creek Irrigation Company
Box 332
Malad City, Idaho

Dear Mr. Evans:

Thank you for your letter advising that your dam and spillway are now completed.

Regarding an inspection, it may not be possible to get over there before springtime, but will advise you at time inspection is made.

In next to the last paragraph, you speak of filling out the necessary forms; by that do you mean to make proof of completion of works? If so, we will send the necessary forms. However, it is not necessary to make such proof until May 18, 1954, as you had an extension of time.

Adding just a word of caution, be sure your works are completed before you make proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

Hfg

R830

November 23, 1953

RE: Permit No. R-830

Deep Creek Irrigation Company
Box 332
Malad, Idaho

Gentlemen:

On November 11, 1953, I was in Malad to inspect the St. John Dam. While there, I also drove by your dam on Deep Creek.

I found a situation in the spillway that was not good, and so am writing you regarding it. I tried to contact Mr. Evans by phone and advise your company in that manner, but was unable to contact him.

The floor of the spillway, a short distance before it breaks over the rocky point, has apparently settled so that the floor of said spillway is no longer on grade. This should be corrected by cutting down the rocky point so that water cannot pond up in the spillway.

If there comes a thaw with snow on the ground or rains enough to cause some run-off immediately above the spillway, the water will pond up and saturate the spillway at that point and could be serious enough to cause a section of the spillway to slough away.

It won't require much work with a pick and shovel to remedy the situation.

I am calling this to your attention because it is something that may not appear serious to you and could cause you considerable trouble and expense.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

R-830

November 23, 1953

RE: Permit No. R-830

Deep Creek Irrigation Company
Box 332
Malad, Idaho

Gentlemen:

On November 11, 1953, I was in Malad to inspect the St. John Dam. While there, I also drove by your dam on Deep Creek.

I found a situation in the spillway that was not good, and so am writing you regarding it. I tried to contact Mr. Evans by phone and advise your company in that manner, but was unable to contact him.

The floor of the spillway, a short distance before it breaks over the rocky point, has apparently settled so that the floor of said spillway is no longer on grade. This should be corrected by cutting down the rocky point so that water cannot pond up in the spillway.

If there comes a thaw with snow on the ground or rains enough to cause some run-off immediately above the spillway, the water will pond up and saturate the spillway at that point and could be serious enough to cause a section of the spillway to slough away.

It won't require much work with a pick and shovel to remedy the situation.

I am calling this to your attention because it is something that may not appear serious to you and could cause you considerable trouble and expense.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

E 850

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO
Dec. 21 1953

RECEIVED
DEC 23 1953
Department of Reclamation

RE : Permit No. R-830

State Reclamation Engineer
Mark R. Kulp.

Deputy State Reclamation Engineer
E.N. Humphrey.

Dear Sirs:

In answer to your letter of November 23, 1953. We wish to report that the Spillway has been repaired and is now on grade. We completed the work on December 3 1953.

After receiving your letter I secured the services of A S.C.S. Engineer who gave me the amount of the settling. Then I secured A tractor with a shovel and a scraper on it. We then filled this part of the floor ofm the spillway up to grade and then run the tractot over with the scraper blade down to level the floor of the spillway. Then we run the tractor over the fill for some time in order to pack the dirt as solid as possible.

We were unable to work that solid rock down at all. If we cut the rock ledge down we would have to blast and we were afraid to blast any more.

I hope this meets with your approval.

I wish to thank you very much for your information regarding the spillway.

Yours truly

Deep Creek Irrigation Co.
James W J Evans.
James W. J. Evans Secretary.

R-830

Form No. 7

# State of Idaho

## DEPARTMENT OF RECLAMATION

BOISE

## INSTRUCTIONS

### PROOF OF COMPLETION OF WORKS

Deep Creek Irrigation Company
Box 332
Malad, Idaho

Boise, Idaho, March 1, 1954

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. ~~R-830~~.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before ~~May 18, 1954~~. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

~~MARK R. KULP~~
State Reclamation Engineer

R-830

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

RECEIVED
MAR 6 1954
...ment of Reclamation

March 5, 1954

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

We are unable to locate duplicates of our application for permit to store water on Deep Creek, permit # 830.

Having changed officers several times the data appears to have been lost.

To make the necessary proof of completion of works we lack some information. Herewith, we are enclosing form # 8, recently received, and request that you fill in the blanks from information on file in your office.

Would it be better to supply us with a copy of the filing?

Any help you can give us will be much appreciated.

Very truly yours,

D. L. Evans Pres

D. L. Evans

E 530

March 6, 1954

RE: Permit No. 830

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

Dear Mr. Evans:

We have your letter of March 5 in reply to notice for completion of works proof on Permit No. R-830.

We cannot complete Form 8 as requested as we do not know the amount of water on which you are prepared to make proof. Nor do we know the name of the Notary Public before whom the proof is to be made, nor the date set for making proof.

For your information, we'll say the Permit No. R-830 is for the construction of a reservoir for the storage and appropriation of 7,000 additional acre feet of water from Deep Creek with outlet located in the NW¼ NE¼ Section 18, Township 14 South, Range 37 East B.M, the water to be used for the irrigation of lands within the irrigation system.

It might be well for you to have a copy of the permit since in making the proof your witnesses will be asked the question if they are familiar with the terms of the permit and the work done thereunder and we shall be glad to furnish you with a copy upon request. The fee for which amounts to $1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

R-830

April 19, 1954

RE: Permit No. R-830

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

Dear Mr. Evans:

We have sent to the Idaho Enterprise notice for completion of works to be made on Permit No. R-830 with instructions to publish it once a week for four weeks prior to May 18, 1954 and to send you the affidavit of publication together with statement of costs.

We have changed the notice in one respect in that it was not necessary to give a detailed description of the lands other than that they were located within the boundaries of the Deep Creek Irrigation Company. This will save you a little expense in publication costs.

We enclose the necessary forms of deposition to be used in making this proof and at the time set, a representative of the company together with two disinterested witnesses should appear before Mr. James B. Jones, Notary Public, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

R-830

Form No. 11

**NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE**

(Date) April 12, 1954

(P. O.) Malad City Idaho

**TO THE STATE RECLAMATION ENGINEER:**

Boise, Idaho.

Dear Sir:

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

Deep Creek Irrigation Company

By D. L. Edwards President

(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-230

FORM 8

# Notice for Publication

Notice is hereby given that at 10 A M., on the 18th day of May

193 54, at Malad, County of Oneida, State of Idaho,

before Jas. B. Jones, Notary public proof will be submitted of the completion of works

for storage and the diversion of 7000 ~~cubic feet per second~~ acre feet per annum of the waters of Deep Creek

in accordance with the terms and conditions of a

certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Deep Creek Irrigation Company

2. The postoffice address of such person or principal place of business of such corporation is

Malad, County of Oneida, State of Idaho.

3. The number of such Permit is R-830, and the date set for the completion of such work is

May 18, 1954

4. Said water is to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit is 7000 acre feet ~~cubic feet per second~~ per annum.

6. The amount of lands for which said water is available is 9240 acres, particularly described as follows:

~~Lands within the boundaries of the Deep Creek Irrigation Company.~~

MARK R. KULP

~~Commissioner of Reclamation~~

State Reclamation Engineer

R-830

FORM 8

# Notice for Publication

Notice is hereby given that at 10 A M., on the 18th day of May 193 54, at Malad, County of Oneida, State of Idaho, before Jas. E. Jones, Notary public proof will be submitted of the completion of works for storage and ~~for~~ the diversion of 7000 acre feet ~~cubic feet per second~~ per annum of the waters of Deep Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Deep Creek Irrigation Company

2. The postoffice address of such person or principal place of business of such corporation is Malad, County of Oneida, State of Idaho.

3. The number of such Permit is R-830, and the date set for the completion of such work is May 18, 1954

4. Said water is to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 7000 acre feet ~~cubic feet per second~~. per annum.

6. The amounts of lands for which said water is available is 9240 acres, particularly described as follows:

NW¼NW¼, S½NW¼, N½SW¼ Sec. 1; Tp. 14 S. R. 37 EBM;

SW¼SE¼, S½SW¼, Sec. 1; NE¼, N½NW¼ Sec. 12; S½ Sec. 2; NE½NE¼, W½NW¼ Sec. 11; SE¼, S½SW¼ Sec. 3; E½E½ Sec. 9; W½, NE¼, W½SE¼, NE¼SE¼ Sec. 10; W½ Sec. 15; E½ Sec. 16; W½ Sec. 22; E½ Sec. 21, W½ W½E½, SE¼SE¼ Sec. 27; Sec. 28; Sec. 33; Sec. 34; Tp. 14 S. R. 36 EBM; W½ Sec. 2; Sec. 3; E½, NE¼NW¼ Sec. 4; E½ Sec. 9; Sec. 10, W½ Sec. 11; Sec. 14; Sec. 15, E½ Sec. 16; Sec. 22; W½ Sec. 23, Tp. 15 S. R. 36 EBM

R-830

R-830

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. R-830

Date: April 17, 1954

Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 18, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Deep Creek Irrigation Company of Malad, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

R-830

The IDAHO ENTERPRISE

CLYDE & MARION HANSON, PUBLISHERS

PHONE 40 31 COURT ST.

MALAD CITY, IDAHO

4-20-54

Mrs. Jennie L. Anderson
Chief Clerk
Boise, Idaho

Dear Mrs. Anderson:-

Received the notice for Deep Creek Irrigation Co. It will be published April 22 and 29 and May 6 and 13. A copy of the issue of ~~May~~ April 22 will be sent to your office.

Respectfully,

Clyde Hanson

RECEIVED
APR 21 1954
Department of Reclamation

R-830

## NOTICE FOR PUBLICATION

Notice is hereby given that at 10 A.M., on the 18th day of May, 1954, at Malad, County of Oneida, State of Idaho, before Jas. B. Jones, Notary Public, proof will be submitted of the completion of works for the storage and diversion of 7000 acre feet per annum of the waters of Deep Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Deparment of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Deep Creek Irrigation Company.

2. The postoffice address of such person or principal place of business of such corporation is Malad, County of Oneida, State of Idaho.

3. The number of such Permit is R-830, and the date set for the completion of such work is May 18, 1954.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 7000 acre feet per annum.

6. The amount of lands for which said water is available is 9240 acres, particularly described as follows:

Lands within the boundaries of the Deep Creek Irrigation Company.

R-830

MARK R. KULP
State Reclamation Engineer

4_22 5-13 t4

4/22/54

Form 15-R

Permit No. R- 830

# Proof of Completion of Works

## DEPOSITION OF HOLDER

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

Ans. David L. Evans, Malad City, Idaho, farmer, P.O. Address Malad City, Idaho

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

Ans. Deep Creek Irrigation Co, Malad City, Idaho, president direction Board of Directors

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

Ans. Permit No. R-830, dated May 18, 1949, Claim 7000 acre feet for storage, source Deep Creek

Ques. 4. Under terms of permit construction was required to be completed by May 18 1951, extended to May 18, 1954

Ques. 5. Construction was actually completed on the date of May 18 1954

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

Ques. 7. Of what material was the dam built? Earth fill compacted ~~completed~~ in 6" layers

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

Ans. Yes on 5-1-1952, 60% of capacity

Ques. 9. The capacity of the reservoir is 7000 acre feet.

Ques. 10. The area of the high water line of the reservoir is 220 acres.

Ques. 11. The height of the dam above bottom of reservoir is 90 feet, above low water is ~~45~~ 5 feet.

Ques. 12. The dimensions of the spillway are 20' and the bottom of the spillway is 7 feet below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are 30" round

Ques. 14. Describe the gate and control unit.

Ans. gate is 30" non-rising stem, controlled from top of dam from 1½" shaft in well 5' in diameter

Ques. 15. The reservoir outlet is made of Reinforced concrete

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

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

Ans. ¼ ¼ Section, Twp. Range

R-830

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

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

.....

Ques. 20. Cost of constructing feeder canal? $..... Cost of reservoir? $300000—

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

Ans. Yes

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

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

Ans. Earth fill with two clay cutoff walls: 1300' long 20' wide Top: 90' high Slope 3-1 upstream, 2-1 down stream; 12" gravel and cobble stone up front

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

Ans. Irrigation; ~~land below the reservoir,~~ 9240 acres, described as follows:

.....

.....

.....

(Sign here) David 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, County of Oneida, State of Idaho, on this 18th day of May A.D. 19 54.

Jas. B. Jones
Notary Public

My commission expires Nov. 1, 1956

Form 14-R

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

Permit No. R-830

# Proof of Completion of Works

## DEPOSITION OF WITNESS

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

Ans. C. O. Nibert, Malad Cit, Idaho

Ques. 2. Are you acquainted with Deep Creek Irrigation Co., the holder of Permit No. R 830, authorizing the storage of 7000 acre feet of the waters of Deep Creek which is tributary to Malad River, in the County of Oneida, State of Idaho? How long have you known him, and where does he reside?

Ans. Yes, it is a corporation organized under the laws of Idaho

Ques. 3. Have you read or heard read said Permit? R-830 Are you familiar with its terms and conditions? Yes

Ques. 4. Of what material and how has the dam been constructed?

Ans. Earth fill compacted completed in 6" layers

Ques. 5. Is the reservoir fully constructed? Yes Has water been turned into it? Yes And to what extent? 60 percent of capacity

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. ¼ ¼ Section ....., Township ..... Range .....

Ques. 7. The outlet of the reservoir is located in the NE ¼ NE ¼ Section 18 Twp. 14S Range 37 EBM

Ques. 8. Describe the spillway.

Ans. 20' wide with 2-1 slope sides

Ques. 9. How much below the top of the dam is the bottom of the spillway? 7 Ft.

Ques. 10. State the dimensions of the outlet for the reservoir 30" round

Ques. 11. Of what material is the outlet made? Reinforced concrete

Ques. 12. How is the outlet gate operated? From 1½" shaft in well 5' in diameter

Ques. 13. Of what material has the dam been constructed? Earth fill with 2 clay cutoff wall walls

Ques. 14. Are the works from the reservoir to place of use fully completed? Yes

Ques. 15. Describe these works as they now exist, and give your estimate of their capacity.

Ans. three diversions along channel of Deep Creek consisting of concrete head gates and side gates

Ques. 16. For what purpose is the water to be used?

Ans. Irrigation

R-830

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? Yes
How much water is required for its profitable cultivation?

Ans 2 to 3 acre feet

Ques. 18. Give the legal description of the land to be irrigated, or the place of use.

NW¼NW¼, S½NW¼, N½SW¼, Sec. 7; Tp. 14 S. R. 37 EBM
SW¼SE¼, S½SW¼, Sec. 1; NE¼, N½SW¼, Sec. 12; S½ Sec. 2;
NE¼NE¼, W½NW¼, Sec. 11; SE¼, S½SW¼, Sec. 3; E½E½ Sec. 9;
W½, NE¼, W½SE¼, NE¼SE¼, Sec. 10; W½ Sec. 15; E½ Sec. 16;
W½ Sec. 22; E½ Sec. 21; W½, W½E½, SE¼SE¼, Sec. 27; Sec. 28
; Sec. 33; Sec. 34; Tp. 14 S. R. 36 EBM;
W½ Sec. 2; Sec. 3; E½, NE¼NE¼ Sec. 4; E½ Sec. 9; Sec. 10;
W½ Sec. 11; Sec. 14; Sec. 15,; E½ Sec. 16; Sec. 22;
W½ Sec. 23; Tp. 15 S. R. 36 EBM.

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 City, County of Oneida, State of Idaho, on this 18th day of May 19 54.

Jno. B. Jones
Notary Public

My commission expires Nov. 1, 1956

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? Yes
How much water is required for its profitable cultivation?

Ans 2 to 3 acre feet

Ques. 18. Give the legal description of the land to be irrigated, or the place of use.

Ans.

(Sign here) [signature]

---

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 City, County of Oneida, State of Idaho, on this 18th day of May 19 54.

[signature]
Notary Public

My commission expires Nov. 1, 1956

Form 14-R

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

Permit No. R- 830

# Proof of Completion of Works

## DEPOSITION OF WITNESS

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

Ans. Roland T. Evans, Malad City, Idaho

Ques. 2. Are you acquainted with Deep Creek Irrigation Co., the holder of Permit No. R 830, authorizing the storage of 7000 acre feet of the waters of Deep Creek which is tributary to Malad River, in the County of Oneida, State of Idaho? How long have you known him, and where does he reside?

Ans. Yes, it is a corporation organozed under the laws of Idaho

Ques. 3. Have you read or heard read said Permit? R-830 Are you familiar with its terms and conditions? ~~Yes~~

Ques. 4. Of what material and how has the dam been constructed?

Ans. Earth fill compacted ~~completed~~ in 6" layers

Ques. 5. Is the reservoir fully constructed? Yes Has water been turned into it? ~~Yes~~ And to what extent? 60 per cent of capacity

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. ¼ ¼ Section ....., Township ..... Range .....

Ques. 7. The outlet of the reservoir is located in the NE ¼ NE ¼ Section 18 Twp. 14 S. Range 37 EBM

Ques. 8. Describe the spillway.

Ans. 20' wide with 2-1 slope sides

Ques. 9. How much below the top of the dam is the bottom of the spillway? 7 Ft.

Ques. 10. State the dimensions of the outlet for the reservoir 30" round

Ques. 11. Of what material is the outlet made? Reinforced concrete

Ques. 12. How is the outlet gate operated? From 1½" ~~shafts in wall 5' in diameter~~

Ques. 13. Of what material has the dam been constructed? ~~Earth fill with 2 clay cutoff~~ walls

Ques. 14. Are the works from the reservoir to place of use fully completed? Yes

Ques. 15. Describe these works as they now exist, and give your estimate of their capacity.

Ans. three diversions along channel of Deep Creek consisting of concrete head gates and side gates

Ques. 16. For what purpose is the water to be used?

Ans. Irrigation

R-830

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? Yes

How much water is required for its profitable cultivation?

Ans 2 to 3 acre feet

Ques. 18. Give the legal description of the land to be irrigated, or the place of use

NW¼NE¼, S½NW¼, N½SW¼, Sec. 7; Tp. 14 S. R. 37 EBM
SW¼SE¼, S½SW¼, Sec. 1; NE¼, N½SW¼, Sec. 12; S½ Sec. 2;
NE¼NE¼, W½NW¼, Sec. 11; SE¼, S½SW¼, Sec. 3; E½E½ Sec. 9;
W½, NE¼, W½SE¼, NE¼SE¼, Sec. 10; W½ Sec. 15; E½ Sec. 16;
W½ Sec. 22; E½ Sec. 21; W½, W½E½, SE¼SE¼, Sec. 27; Sec. 28
; Sec. 33; Sec. 34; Tp. 14 S. R. 36 EBM;
W½ Sec. 2; Sec. 3; E½, NE¼NE¼ Sec. 4; E½ Sec. 9; Sec. 10;
W½ Sec. 11; Sec. 14; Sec. 15,; E½ Sec. 16; Sec. 22;
W½ Sec. 23; Tp. 15 S. R. 36 EBM

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 City, County of Oneida, State of Idaho, on this 18th day of May 19 54.

Jas. B. Jones
Notary Public

My commission expires Nov. 1, 1956

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

RECEIVED
MAY 22 1954
Department of Reclamation

May 21 1954.

Dept of Reclamation.

Statehouse

Boise,Idaho Re Permit No R-830.

Gentlemen:- Att Mr Culp.

We are enclosing herewith forms Nos 14-R and 15-R recently supplied us inconnection with compâetion of works on ablve permit.

The Deposition of Holder is by Mr D.L.Evans; that of the witnesses ar are by Mr C.O.Nibert and Mr Roland T Evans allof Malad City,Idaho.

We trust you will fônd them in proper order.

What further is necessary innconnection with the permit?

Very Truly

DEEP CREEK IRRIGATION CO.

By D L Evans Pres.

Dee Evans
Malad

R-830

May 22, 1954

RE: Permit No. R-830

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

Dear Mr. Evans:

We acknowledge receipt of your letter of May 21, 1954, enclosing depositions of yourself and two witnesses in proof of completion of works on Permit No. R-830 of the Deep Creek Irrigation Company.

The Idaho Interprise was instructed to send you the affidavit of publication, which is a necessary part of the proof. If you have not received it, we suggest that you get in touch with them at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

R-830

? What more is necessary?
Deep Creek Irrg Co
D L Evans

# ...rit of Publication

State of Idaho
County of Oneida } ss.

Sylvia Stratton ...being first duly sworn on h.. oath, states: That.. he is Principal 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 and that said paper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 4 successive weekly issues thereof the date of the first publication being the 22nd day of April 1954 the date of the last publication being the 13th day of May 1954.

Sylvia Stratton

Subscribed and sworn to before me this 14 day of May 1954.

J. D. Kay
Notary Public, residing at Malad, Idaho

My Commission expires the 25 day of June 1955

COST: 54 lines at 10c per line first insertion $ 6.00
6c per line each subsequent insertion $ 9.00
TOTAL $ 15.00

**NOTICE FOR PUBLICATION**

Notice is hereby given that at 10 A.M., on the 18th day of May, 1954, at Malad, County of Oneida, State of Idaho, before Jas. B. Jones, Notary Public, proof will be submitted of the completion of works for the storage and diversion of 7000 acre feet per annum of the waters of Deep Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Deparment of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Deep Creek Irrigation Company.

2. The postoffice address of such person or principal place of business of such corporation is Malad, County of Oneida, State of Idaho.

3. The number of such Permit is R-830, and the date set for the completion of such work is May 18, 1954.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 7000 acre feet per annum.

6. The amount of lands for which said water is available is 9240 acres, particularly described as follows:

Lands within the boundaries of the Deep Creek Irrigation Company.

MARK R. KULP
State Reclamation Engineer
4-22 5-13 t4

MAY 29 1954
Department of Reclamation

R-830

May 29, 1954

RE: Permit No. R-830

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

Dear Mr. Evans:

This mornings mail brings us the Affidavit of Publication in the Idaho Enterprise which completes proof of Completion of Works on Permit No. R-830 of the Deep Creek Irrigation Company.

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

We cannot say just when this examination will be made, but our field engineer will contact you or someone on the premises at the time he makes the examination in order that arrangements may be made to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

R-830

# Bond.

KNOW ALL MEN BY THESE PRESENTS, That DEEP CREEK IRRIGATION COMPANY of Malad City, Idaho, as principal, and UNITED STATES FIDELITY AND GUARANTY COMPANY, Baltimore, Maryland, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of ONE THOUSAND AND NO/100 - - - - - - - - - - - - - - ($ 1,000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 26th day of April, 1948, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. R-28075, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. R-830, a full, true and complete copy of which application No. R-28075 and permit No. R-830, is of record in the office of the Commissioner of Reclamation in Book 3 of Permits, at Page 830

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. R-28075 and permit No. R-830, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals, this 20th day of June, 1949

WITNESSES:

D. L. Evans

Bruce B. Madsen

Deep Creek Irrigation Co.

By [signature] Secy (SEAL)

UNITED STATES FIDELITY AND GUARANTY COMPANY (SEAL)

By [signature] (SEAL)

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

..... of ..... and

..... of ..... whose names are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn, upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named in said obligation, to wit, $....., over and above all his debts and liabilities, exclusive of property exempt from execution.

.....

.....

Subscribed and sworn to before me this ..... day of ....., 19.....

.....

R-830

# Deep Creek Irrigation Co.

MALAD CITY, IDAHO

July 5, 1949

Department of Reclamation
Boise, Idaho

Gentlemen:

Please find enclosed executed bond covering our faithful carrying out of the conditions of the permit for construction of a reservoir on Deep Creek below 1st Creek covered by permit #R830.

Yours very truly,

By

/kvh

R-830

July 19, 1940

Mr. Khalil V. Hansen, Secretary
Deep Creek Irrigation Co.
Malad City, Idaho

Dear Mr. Hansen:

We acknowledge receipt of your letter of July 5, enclosing bond in connection with Permit No. R-830, which has been duly placed on file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A+bh

R-830

UNITED STATES FIDELITY AND GUARANTY COMPANY
SALT LAKE CITY OFFICE
221 KEARNS BUILDING, SALT LAKE CITY 10, UTAH

ROBERT R. SONNTAG
MANAGER

TELEPHONE 22-0421

July 8, 1954

Department of Reclamation
State House
Boise, Idaho

Re: 69118-12-599-49
Deep Creek Irrigation Company
Bond for Water Permit

Gentlemen:

We have been informed that the captioned bond is no longer necessary. We as surety, therefore, request permission to cancel this bond in accordance with the terms thereof. Will you please indicate by a marginal notation on this letter a date by which we can be released? Your acknowledgment will be greatly appreciated.

Very truly yours,

ROBERT R. SONNTAG, MANAGER

By Keith V. Webb

KVW:jm

RECEIVED
JUL 19 1954
Department of Reclamation

U-3
U-30

July 16, 1954

RE: Permit No. R-830

Mr. Robert R. Sonntag, Manager
U. S. Fidelity and Guaranty Co.
221 Kearns Building
Salt Lake City 10, Utah

Dear Mr. Sonntag:

In reply to your letter of July 8 in regard to release of bond No. 69118-12-599-49 in connection with water Permit of the Deep Creek Irrigation Company.

We assume that you refer to a bond dated June 20, 1949 in the sum of $1,000.00 in connection with Permit No. R-830, although the bond itself does not bear any number.

If this is the bond referred to, it may be released from any further liability.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:hll

R830

August 30, 1954

RE: Permit No. R-830

Deep Creek Irrigation Company
Malad
Idaho

ATTENTION: D. L. Evans, President

Dear Mr. Evans:

I intend to make inspection in connection with Completion of Works for your reservoir under Permit No. R-830 on Wednesday morning September 1.

Please be prepared to accompany me on the inspection or have someone familiar with the works do so.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:br

R-830

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF ENGINEER

PERMIT NO. R-830

REPORT ON PROOF OF Completion of Works

DEEP CREEK IRRIGATION COMPANY, Malad, Idaho

R-830

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

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. R-830

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

1. Name of applicant Deep Creek Irrigation Co., D. L. Evans, President, Malad, Idaho

2. Source of water supply: Deep Creek

3. Location of point of ~~diversion~~ outlet: Is in the NW¼ NE¼ of Section 18

T. 14 S. R. 37 E. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

9240 acres within the boundaries of the Deep Creek Irrigation Co.

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

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

Remarks:

Capacity = 5400 acre feet (Given by Engr.)

Their old wing system is used for delivery.

This examination was made on the 1st day of Sept, 1934

(Signed) E. N. Humphreys
Examiner.

R-830

## INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Deep Creek Irrigation Company
D. L. Evans, Pres. Malad, Idaho

Permit No. R-830

Dep. Supt. Evans-Secy.

Examination for Completion of Works

County Oneida

18 - 14S - 37E.

Q = 7.00 Cu. ft.

S = Deep Creek

P.D. = NW, NE, Sec. 18, T. 14S, - R. 37E.

Use = Irrigation

Priority = Apr. 26, 1948

Due = Fin. extended to May 18, 1952

Permit No. R-830 File No. B-9
Name of Dam: Henderson Stream: Deep Creek by Malad

Name of Owner: Deep Creek Irrigation Co. Location: NW¼NE¼, S. 18, T. 14S., R. 37 E.

Condition of Spillway: Spillway is on the West end. Approx. 16'-20' x 125 yards long. Approx. 4 feet of freeboard. Spillway has been repaired.

Condition of Outlet Works: Sloping rack 5 W. over outlet. Concrete headwall. Covered with water, unable to see well. Lower end of outlet has a concrete headwall and side wall on the stream side of the canal for several feet. There is a check and drop in the canal approx. 200 feet down stream. See pictures for down stream outlet.

Condition of Slopes: Slopes are good. 3:1 and 2:1. There is a shoulder on the back slope where the newer portion of the dam begins. Dam was built in two sections. Top portion (20 to 22 feet was built in 1952). Water has never filled on the top portion yet due to a low water year. There is some rip rap but top portion does not look quite as well rip rapped with rock as the lower portion. Perhaps it will look better after the water has been up on it and separated the dirt from the rocks. No rip rap alone.

filled 1964

Seepage: Originally there was three or four boils down stream in the creek bed probably 300 to 400 feet below the dam but these seem largely to have disappeared. Otherwise seepage seems to be very light.

General Conditions: Dam is approx. 396 yards long x 20 feet wide on top. Top of the dam is approx. 70 feet above the top of the headwall on the upstream end of the outlet.

Dam is empty except for a small pond on this date.

Approx. 1 cfs. is flowing thru the outlet.

September 1, 1954

By E. N. Humphrey
Deputy State Reclamation Engineer

R. 830

NAME OF APPLICANT DEEP CREEK IRRIGATION Co. R-830

Form No. 0

R-36E. R-37E.

U.S. HWY. NO. 191

Deep Creek Henderson Dam

T. 14 S.

Malad

← TO Pleasant View

← To Holbrook

Deep Creek

Devil Creek

Malad River

U.S. HWY. No. 191

T. 15 S.

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Legend: ~~~ = Boundary of Dist.

September 18, 1954

RE: Permit No. R-830

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

Dear Mr. Evans:

The report of our field engineer on examination for completion of works on Permit No. R-830 shows that your works are capable of storing 5400 acre feet of water.

A Certificate of Completion of works can therefore be issued for that amount upon receipt of the statutory fee amounting to $8.30.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

R-830

Deep Creek Irrigation Co.

MALAD CITY, IDAHO

September 21, 1954

permit no. R-830

mr. mark R. Kulp
State Reclamation Engineer.
Boise, Idaho.

Dear mr. Kulp:

please find enclosed check for. $8.30. The Statutory Fee for the Completion Certificate.

We wish to thank you for all the interest you have shown the Deep Creek Irrigation Company while we were building the Reservoir.

Yours truly.
Deep Creek Irrigation Co.
James W. Evans Sec.

RECEIVED
SEP 24 1954
Department of Reclamation

R-830

October 2, 1954

Re: Permit No. R-830

Mr. James W. J. Evans, Secretary
Deep Creek Irrigation Company
Malad, Idaho

Dear Mr. Evans:

We enclose Certificate of Completion of Works issued on Permit No. R-830 for the storage of 5,400 acre feet of water from Deep Creek with point of outlet in the NW¼ NE¼ Section 18, Township 14 South, Range 37 East, B. M.

We also enclose departmental receipt No. 26942 for $8.30 paid in connection with Completion of Works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

R-830

9-230c
(Oct. 1951)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION



Monthly and annual discharge, in Acre-feet, of Deep Creek below First ~~River~~ Creek, near Malad City, Idaho
[Drainage area, _____ square miles]

14—20489-4 U. S. GOVERNMENT PRINTING OFFICE

| YEAR | OCT. | NOV. | DEC. | JAN. | FEB. | MAR. | APR. | MAY | JUNE | JULY | AUG. | SEPT. | ANNUAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1932 | 61 | 81 | 82 | 156 | 170 | 302 | 1,760 | 3,150 | 1,320 | 488 | 275 | 195 | 8,040 |
| 1933 | 153 | 168 | 182 | 202 | 188 | 250 | 774 | 1,560 | 1,300 | 567 | 195 | 159 | 5,700 |
| 1934 | 157 | 148 | 151 | 164 | 169 | 239 | 276 | 186 | 124 | 52 | 27 | 31 | 1,720 |
| 1935 | 60 | 85 | 108 | 123 | 153 | 298 | 682 | 1,220 | 875 | 594 | 222 | 93 | 4,510 |
| 1936 | 110 | 110 | 101 | 117 | 144 | 273 | 3,500 | 2,740 | 1,120 | 750 | 411 | 249 | 9,620 |
| 1937 | 213 | 204 | 171 | 129 | 130 | 286 | 1,420 | 2,420 | 1,190 | 918 | 704 | 154 | 7,940 |
| 1938 | 216 | 165 | 241 | 236 | 226 | 536 | 1,100 | 1,870 | 1,210 | 793 | 395 | 170 | 7,160 |
| 1939 | 219 | 225 | 211 | 193 | 173 | 597 | 976 | 803 | 725 | 485 | 117 | 110 | 4,830 |
| 1940 | 166 | 149 | 143 | 157 | 173 | 392 | 715 | 1,000 | 874 | 310 | 103 | 112 | 4,290 |
| 1941 | 126 | 119 | 128 | 162 | 255 | 513 | 873 | 1,910 | 1,140 | 758 | * 431 | 286 | * 6,700 |
| 1942 | 272 | 231 | 245 | 241 | 209 | 357 | 1,770 | 2,440 | 1,340 | 885 | 420 | 177 | 8,590 |
| 1943 | 278 | 198 | 216 | 233 | 427 | 1,010 | 2,600 | 1,640 | 1,190 | 907 | 435 | 194 | 9,330 |
| 1944 | 194 | 215 | 214 | 173 | 173 | 216 | 374 | 548 | 788 | 743 | 445 | 119 | 4,200 |
| 1945 | 122 | 177 | 190 | 171 | 226 | 387 | 637 | 1,580 | 1,810 | 859 | 661 | 488 | 7,300 |
| 1946 | 333 | 275 | 299 | 244 | 235 | 826 | 3,080 | 2,160 | 972 | 715 | 454 | 219 | 9,810 |
| 1947 | 337 | 282 | 274 | 212 | 348 | 557 | 924 | 946 | 745 | 662 | 241 | 168 | 5,300 |
| 1948 | 179 | 204 | 205 | 215 | 220 | 359 | 1,280 | 1,940 | 1,160 | 826 | 274 | 142 | 7,000 |
| 1949 | 177 | 173 | 134 | | | | | | | | | | |

R-230

* Revised.

UNITED STATES

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY
SURFACE WATER BRANCH
429 Federal Building, Boise, Idaho

Feb. 15, 1956

RECEIVED
FEB 16 1956
Department of Reclamation

Mr. A. H. Hadfield, Civil Engineer
President, Deep Creek Irrigation Co.
Malad, Idaho

Dear Mr. Hadfield:-

Mr. M. R. Kulp has referred your inquiry of February 9 to me for reply.

During 1931 and 1932 a number of temporary gaging stations were maintained in Malad Valley to assist in supplemental water investigations as a result of a special appropriation by the legislature. Thereafter records were continued which applied to the more promising reservoir sites or general requirements to inventory water supplies. When dams were authorized the inventory collections were dropped. The runoff records collected in Malad Valley to date have been paid for jointly by the State of Idaho and the Geological Survey and are published in Survey water-supply papers.

At the present time the cooperative gaging stations include Malad River at Woodruff, Little Malad River below Narrows and Devil Creek above Campbell Creek. Monthly measurements are made of Big Malad Springs, also.

Prior to the construction of the larger Deep Creek reservoir (and while the smaller units upstream were being rehabilitated and operated) a continuing cooperative gaging station was maintained on Deep Creek below First Creek at the Robt. Thomas Ranch. The station location was in sec. 7, T. 14 S., R. 37 E., and runoff records have been published October 1931 to December 1948. Summary sheet showing monthly and annual discharge for the 17-year period is inclosed for your information.

More than a year ago Mr. Nelson of the Soil Conservation Service asked this office to consider the installation and operation of a possible group of about 25 gaging stations on southern Idaho streams from which irrigation water is diverted to lands included in Soil Conservation districts. Continuous records were desired to show the total flow available for use and to furnish a basis for annual forecasts of quantity expected prior to planting crops.

f 130

The regular Idaho cooperative stream-gaging program could not be adjusted to absorb needed records of this type without substantial increases in appropriations. The Geological Survey could collect these records either through a similar matching arrangement (say with the County concerned) or through a reimbursement arrangement direct with the Soil Conservation Service. The cooperative arrangement seemed the best to meet local requirements of this kind.

At Mr. Nelson's suggestion, I talked with Mr. Dorius in December 1954 about Oneida County records. A gaging station on Deep Creek with continuing record of discharge was needed. For snow course forecasting a record of storage accumulation in the larger Deep Creek reservoir would be required, also. Holbrook Valley water users were said to be concerned about the effects of ground-water pumping on the flow of Holbrook springs. I suggested that we include monthly discharge measurements of that spring outlet. Rough estimates of cost of installation of the gaging station and its operation were given to Mr. Dorius, as I remember. Construction costs for the station facilities would depend on channel conditions, of course; the reservoir record, the Holbrook spring measurements and staff gages required at these points would be additional items.

My present situation is that the Geological Survey matching funds for the fiscal year ending June 30, 1956, had to be covered by contract agreements by November 1955. Earmarked funds reserved for this office (not contracted) were withdrawn in December. If Oneida County Commissioners were to authorize an advance to match Survey funds, if available, I am willing to make a special request to see if approval is possible after closing date or if it would be necessary to put it over until after June 30.

I believe that the best chance would be to supplement the State No. 2 agreement which is effective July 1, 1955, to June 30, 1957, (2-year period). In several other instances, Mr. Kulp has received advance payments and deposited them with the State Treasurer for the special purpose requested. An extension to the existing contract with the State is then forwarded to Washington, which carries a little more weight. Also, the charges for the work are vouchered through Mr. Kulp's office in accordance with State Regulations.

I cannot say in advance what the actual costs may be for the three items of work described. I suggest you consider the following as the approximate share to be provided from local sources. The recorder installation would be of the special type proposed for the Soil Conservation Service cooperative stations.

| Job | April - June 1956 | July 1956 to June 1957 |
|---|---|---|
| Construction Deep Creek recorder installation, instrument rental, measurements and computation of daily discharge record | $500 | $345 |
| Reservoir record, if satisfactory staff gage furnished by Company | 35 | 120 |
| Holbrook Springs, reference staff and monthly measurements | 65 | $160 |
| | $600 | $625 |

I am sending copy of this letter to Mr. Kulp so that he may know of the suggestion made and comment as he sees fit.

Very truly yours,

Thomas R. Mowell
Thomas R. Mowell
District Engineer

cc--M.R.Kulp

E-83

Deep Creek
Permits

R-830

R-830

August 16,1956

Re: Permit No. R-830

Lynn Alder , President
Deep Creek Irrigation Co.
Route #1
Malad, Idaho

Dear Mr. Alder:

We are sorry that you were unable to locate your Forms for taking your depositions in connection with Permit No. R-830.

Our file discloses that the Forms where mailed to the Deep Creek Irrigation Company on July 11,1956. However, we enclose additional Forms for your use.

Since your depositions were not taken on the day as stated in publication notice it will now be necessary that you furnish us an affidavit from a Notary that you appeared with your witnesses on the date set in the publication Notice, giving reasons why your depositions were not taken at that time and also stating that there were no protests filed in connection therwith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:vem
Enc.

R-830

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

Notice is hereby given that at 10:00 A.M. on the 15th day of August, 1956, at Malad, County of Oneida, State of Idaho, before Bill Fallis, Probate Judge, proof will be submitted of the application to beneficial use of 5400 acre feet per annum of the waters of Deep Creek & Storage Reservoir in accordance with the terms and conditions of Permit No. R-830 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Deep Creek Irrigation Company, Malad Idaho.

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

The amount applied to beneficial use is 5400 acre feet per annum.

The place where said water is used: 9240 acres, comprising lands within the boundaries of the Deep Creek Irrigation Company.

The name of the canal or ditch or other works by which said water is conducted to such place of use in Deep Creek channel, Two Mile Canal and distribution ditches.

The right to take water from such works is based upon Permit No. R-830.

The source of supply from which such water is diverted is Deep Creek and tributaries.

The date of priority which said user is prepared to establish is July 23, 1918.

R-830

MARK R. KULP
State Reclamation Engineer

7-19 8-2 t4

The IDAHO ENTERPRISE

Clyde & Marion Hanson, Publishers

PHONE 40 31 COURT ST.

MALAD CITY, IDAHO

July 16, 1956.

State of Idaho
Department of Publication
Boise, Idaho.

Gentlemen:

Regarding Permit No. R-830 for the Deep Creek Irrig. Co.: The notice has been received and will appear in our issues of July 19, July 26, Aug. 2 and Aug. 9, 1956. Copy of the first publication will be mailed to your office Friday, July 20th.

Very truly yours,

Marion Hanson

Marion Hanson
The Idaho Enterprise

R-830

Form 10

RECEIVED
JUL 10 1956
Department of Reclamation

NOTICE FOR PUBLICATION

# NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 15 th day of August, 19 56, at Malad, County of Oneida, State of Idaho, before Bill Fallis, Probate Judge, proof will be submitted of the application to beneficial use of 7000 ~~Cubic~~ Acre feet ANNUM per second of the waters of Deep Creek & Storage Reservoir in accordance with the terms and conditions of Permit No. R-830 heretofore issued by the Department ofReclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Deep Creek Irrigation Company , Malad, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is Entire flow from Deep Creek and Tributaries averaging 7000 acre feet per annum.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 9240 acres, comprising lands within the boundaries of the Deep Creek Irrigation Company.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Deep creek channel, Two Mile canal and distribution ditches

The right to take water from such works is based upon Permit No. R-830 and Decreed right.

The source of supply from which such water is diverted is Deep Creek and tributaries.

The date of priority which said user is prepared to establish is May 15, 1950.

Original Priority Date Aug 26 1905
Project Enlarged Application Priority Date Aug 2 1948

State Reclamation Engineer.

R-830

Form No. 11

**NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE**

RECEIVED
JUL 10 1956
Department of Reclamation

(Date) June 29, 1956

(P. O.) Hald, Idaho

**TO THE STATE RECLAMATION ENGINEER:**

Boise, Idaho

Dear Sir:

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

Lynn Alden
President.

(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.

[signature] C. E.
Engineer.

R 830

Form 10

NOTICE FOR PUBLICATION

# NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 15th day of August, 1956, at Malad, County of Oneida, State of Idaho, before Bill Fallis, Probate Judge, proof will be submitted of the application to beneficial use of 5400 ~~cubic~~ acre feet per ~~second~~ annum of the waters of Deep Creek & Storage Reservoir in accordance with the terms and conditions of Permit No. R-830 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Deep Creek Irrigation Company, Malad, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 5400 acre feet per annum

The place where said water is used ~~(If for irrigation, give full and accurate description of the lands irrigated)~~ 9240 acres, comprising lands within the boundaries of the Deep Creek Irrigation Company

The name of the canal or ditch or other works by which said water is conducted to such place of use is Deep Creek channel, Two Mile Canal and distribution ditches

The right to take water from such works is based upon Permit No. R-830

The source of supply from which such water is diverted is Deep Creek and tributaries

The date of priority which said user is prepared to establish is July 23, 1948

MARK R. KULP
State Reclamation Engineer.

R-830

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

RE: Permit No. R-830 Date: July 11, 1956

Idaho Enterprise
Malad
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 15, 1956 the date set for proof, the expense of the publication to be paid by the applicant, Deep Creek Irrig. Co. of Malad, Idaho , to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

R-830

July 11, 1956

RE: Permit No. R-830

Deep Creek Irrigation Company
Malad,
Idaho

Gentlemen:

We have your notice for beneficial use proof on Permit No. R-830 to be made August 15, 1956, before Mr. Bill Fallis, Probate Judge.

We are sending a copy of the notice to the Idaho Enterprise with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Fallis, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.
cc - Judge Bill Fallis
Malad
Idaho

P. S. We have changed the amount from 7000 acre feet per annum to 5400 acre feet since this is the amount your proof of completion of works states your works are adequate for storing and diverting.

R-830

S T A T E  OF  I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

**Deep Creek Irrigation Co.** **March 1, 1956**
**Box 666**
**Malad, Idaho**

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. **R-830**. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 **May 18, 1956**, and if proof is submitted later than 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 R. KULP

State Reclamation Engineer

R-830

RECEIVED
AUG 21 1956
Department of Reclamation

Rt. 1, Malad City, Idaho
August 20, 1956

Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp.

I am today handing you herewith the dispositions of Holder, and the the dispositions of the two disinterested witnesses.

I am also furnishing you with the affidavitt that you requested

Thank you.

Yours very truly,

Lynn C. Alder

Lynn C. Alder
President of
Deep Creek Irrigation Co

R-830

RECEIVED
AUG 21 1956
Department of Reclamation

State of Idaho,

County of Oneida,

Lynn C. Alder being first duly sworn desposes and says that he appeared with his witnesses, Mont A. Swenson and John H, McAllister on the date which was set in the publication of notice which was August 15, 1956; that the dispositions were not taken because I did not have the necessary forms to make proof of Application of Water to beneficial use, or that I could not locate them; and that their were no protests~~xxxx~~ filed in connection with the application for proof of application of water to beneficial use; and that appeared before Bill Fallis, Probate Judge on August 15, 1956 for the purpose of taking the dispositions of Holder, and disposition of Witnesses.

Lynn C Alder Prec.

Subscribed and sworn to before this 20th day of August, 1956.

Bill Fallis.
Probate Judge

R-130

RECEIVED
AUG 21 1956
Department of Reclamation

# Affidavit of Publication

State of Idaho
County of Oneida, ss.

Sylvia Stratton being first duly sworn on her oath, states: That she is principal 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 as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 4 successive weekly issues thereof the date of the first publication being the 19th day of July, 1956 the date of the last publication being the 9th day of August, 1956.

Sylvia Stratton

Subscribed and sworn to before me this 20 day of 1956.

Bill Fallis

Notary Public, residing at Malad, Idaho

My Commission expires the .... day of ....., 195...

Costs: 50 lines at ~~12~~ 13c per line first insertion $ 6.50
~~5~~ 10c per line each subsequent insertion $ 15.00

TOTAL ..... $ 21.50

R-830

5

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

Notice is hereby given that at 10:00 A.M. on the 15th day of August, 1956, at Malad, County of Oneida, State of Idaho, before Bill Fallis, Probate Judge, proof will be submitted of the application to beneficial use of 5400 acre feet per annum of the waters of Deep Creek & Storage Reservoir in accordance with the terms and conditions of Permit No. R-830 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Deep Creek Irrigation Company, Malad Idaho.

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

The amount applied to beneficial use is 5400 acre feet per annum.

The place where said water is used 9240 acres, comprising lands within the boundaries of the Deep Creek Irrigation Company.

The name of the canal or ditch or other works by which said water is conducted to such place of use in Deep Creek channel, Two Mile Canal and distribution ditches.

The right to take water from such works is based upon Permit No. R-830.

The source of supply from which such water is diverted is Deep Creek and tributaries.

The date of priority which said user is prepared to establish is July 23, 1948.

MARK R. KULP
State Reclamation Engineer
7-19 8-9 14

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 27 1956
Department of Reclamation

**Permit No.** R 830

# Proof of Application of Water to Beneficial Use

## Deposition of Holder

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

Ans. Lynn C. Alder, Rt. 1, Malad City, Idaho, Farmer

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

Ans. Deep Creek Irrigation Co., Malad City, Idaho

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

Ans. R 830, date of permit May 18, 1949, date of priority July 28, 1948.

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

Ans. The source of supply from which such water is diverted is Deep Creek and its tributaries. NW¼ of NE¼ of Section 18, Township 14 South, Range 37 E.B.M., County of Oneida is the exact location.

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

Ans. Deep Creek channel, Two Mile Canal, and distribution ditches. These works are capable of conveying approximately 25 seceond feet of water.

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

Ans. Irrigation of approximately 9240 acres of crop land with the boundaries of the Deep Creek Irrigation System; NW¼NW¼, S½NW¼, N½SW¼, Sec. 7; Tp. 14 S. R. 37 EBM SW¼SE¼, S½SW¼, Sec. 1; NE¼, N½S½, Sec. 12; S½ Sec. 2; NE¼NE¼, W½NW¼ Sec. 11; SE¼SW¼, Sec. 3; E½E½ sec. 9; W½, NE¼, W½SE¼, NE¼SE¼, Sec. 10; W½ Sec. 15; E½ sec. 16; W½ sec 22; E½ Sec. 21; W½, W½E½, SE¼SE¼, sec. 27; Sec. 28; Sec. 33; Sec. 34; Tp. 14 S. R. 36 EBM; W½ sec. 2; Sec. 3; E½, NE¼NE¼ sec. 4; E½ Sec. 9; Sec. 10; W½ Sec. 11; Sec. 14; Sec. 15; E½ sec. 16; Sec. 22; W½ Sec. 23; Tp. 15 S. R. 36 EBM.

R-830

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

Ans. For Irrigation Only. No power generated.

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

Ans. None

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

Ans. Representative of Deep Creek Irrigation Company

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

Ans. The water is used for beneficial use on diversived croplands from the 15th of May to the 15 October of each year. The amount of water used depends on the amount of water which is stored in the reservoir in any given year.

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

Ans. None.

(Sign) Lynn C. Glade
President of Deep Creek I.C.C.

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad City, County of Oneida, State of Idaho, on this 20th day of August, A. D. 1956,

Bill Fallis
Probate Judge

My commission expires .....

RECEIVED
Dep[illegible] of Reclamation

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R 830

# Proof of Application of Water to Beneficial Use

## Deposition of Witness

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

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

Ans. Mont A. Swenson, 42, 168 Bannock St., Malad City, Idaho, Manager Oneida County, A.S.C., USDA,

Ques. 2. Are you acquainted with Deep Creek Irrigation Co., the holder of Permit No. R 830 ? How long have you known him and where does he reside?

Ans. 15 years, Company doing bussiness at Malad City, Idaho

Ques. 3. Have you read or heard read said Permit No. R 830, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of supply from which such water is diverted is Deep Creek and its tributariess, Type of diversion: Regular Company system at various points

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

Ans. There distributiom system will safely convey 25 second feet.

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

Ans. Irrigation of diversived crops.within the boundaries of the Deep Creek Irrigation company comprising 9240 acres. $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec 7; Tp. 14 S. R. 37 EBM $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, Sec. 1; $NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 12; $S\frac{1}{2}$ Sec. 2; $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, Sec. 11; $SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, Sec. 3; $E\frac{1}{2}E\frac{1}{2}$ Sec. 9; $W\frac{1}{2}$, $NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 10; $W\frac{1}{2}$ Sec. 15; $E\frac{1}{2}$ Sec. 16; $W\frac{1}{2}$ Sec. 22; $E\frac{1}{2}$ Sec. 21; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$, $SE\frac{1}{4}SE\frac{1}{4}$; Sec. 27; Sec. 28; 33; 34; Tp. 14 S. R. 36 EBM; $W\frac{1}{2}$ Sec. 2; Sec. 3; $E\frac{1}{2}$, $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 4; $E\frac{1}{2}$ Sec. 9; Sec. 10; $W\frac{1}{2}$ Sec. 11; Sec. 14; Sec. 15; $E\frac{1}{2}$ Sec. 16; Sec 22; $W\frac{1}{2}$ Sec. 23; Tp. 15 S. R. 36 EBM

R-830

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

Ans. Irrigation only.

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

Ans. Character of the land clay loam. This development was to supplement the origional Deep Creek Irrigation Company System. Estimated amount of water required for profitable use: 2 acre feet per acre

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

Ans. No.

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

Ans. On various occasions I have observed the application of the above water to land within the Deep Creek Irrigation Company System. This water was applied to a diversivity of agricultural crops.

(Signed) Thomas Swenson

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, County of Oneida, State of Idaho, on this 20th day of August, A. D. 19 56.

Bill Hallis
Probate Judge ~~Notary Public~~

My commission expires _____.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 21 1956
Department of Reclamation

PERMIT NO. R 830

# Proof of Application of Water to Beneficial Use

## Deposition of Witness

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

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

Ans. John H McAllister, 53, 285 North 100 West, Malad City, Idaho, Oneida County Clerk.

Ques. 2. Are you acquainted with Deep Irrigation Company, the holder of Permit No. R 830? How long have you known him and where does he reside?

Ans. 30 years. Company doing business in Malad City, Idaho

Ques. 3. Have you read or heard read said Permit No. R 830, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of supply from which such water is diverted is Deep Creek and its tributaries. The type diversion is the regular company system at various points.

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

Ans. The Company's distribution will safely convey 25 second feet.

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

Ans. Irrigaton of diversived crops within the boundaries of the Deep Creep Irrigation Company, comprising 9240 acres. $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 7; Tp. 14 S., R. 37 EBM $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, Sec. 1; $NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 12; $S\frac{1}{2}$ Sec. 2; $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, Sec. 11; $SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, Sec. 3; $E\frac{1}{2}E\frac{1}{2}$ Sec. 9; $W\frac{1}{2}$, $NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 10; $W\frac{1}{2}$ Sec. 15; $E\frac{1}{2}$ Sec. 16; $W\frac{1}{2}$ Sec. 22; $E\frac{1}{2}$ Sec. 21; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$, $SE\frac{1}{4}SE\frac{1}{4}$, sec. 27; Sec. 28; Sec. 33; Sec. 34; Tp. 14 S. R. 36 EBM; $W\frac{1}{2}$ Sec. 2; Sec. 3; $E\frac{1}{2}$, $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 4; $E\frac{1}{2}$ Sec. 9; Sec. 10; $W\frac{1}{2}$ Sec. 11; Sec. 14; Sec. 15; $E\frac{1}{2}$ Sec. 16; Sec. 22; $W\frac{1}{2}$ Sec. 23; Tp. 15 S. R. 36 EBM

R-830

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

Ans. This reservoir is used for irrigation. No power is generated from it at all.

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

Ans. Character of the land is a clay loam. This development was to supplement the obigional Deep Creek Irrigation Company System. Estimated amount of water required for profitable use: 2 acre feet per acre.

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

Ans. No.

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

Ans. By observation and use.

(Signed) John H. McAllister

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, County of Oneida, State of Idaho, on this 20th day of August, A. D. 1956.

Bill C Fallis
Probate Judge ~~Notary Public~~

My commission expires _____.

August 31, 1956

Re: Permit No. R-830

Mr. Lynn C. Alder
President, Deep Creek Irrigation Co.
Route #1
Malad, Idaho

Dear Mr. Alder:

We acknowledge receipt of the depositions of yourself, acting in behalf of the holder and two witnesses, also affidavit of publication in The Idaho Enterprose, all submitted in proof of Beneficial Use on Permit No. R-830.

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

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

R-830

February 26, 1957

Re: Permit No. R-830
Deep Creek Irrigation Company

Mr. Lynn C. Alder
Route # 1
Malad City, Idaho

Dear Mr. Alder:

We now have the Report made by our Field Engineer for Beneficial Use in connection with Permit No. R-830 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho.

Upon receipt of the statutory fee of $5.00 we can now issued a License and Certificate of Water Right which will confirm the right to your use of 5400 acre-feet of the water from the reservoir located in channel of Deep Creek, with point of diversion in the NW¼NE¼ of Section 18, Township 14 South, Range 37 East B.M., with priority of July 28, 1948.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls

R 830

Enclosed

Please find check for $5.00 to cover fee to cover License and Certificate of Water Right to the Deep Creek Irrigation Co

RECEIVED
MAR 7 1957
Department of Reclamation

P 580

March 11, 1957

Re: Permit No. R-830
Deep Creek Irrigation Company

Mr. Lynn C. Alder
Route # 1
Malad City, Idaho

Dear Mr. Alder:

Enclosed is License and Certificate of Water Right issued under Permit No. R-830, in the name of Deep Creek Irrigation Company, confirming the right to the use of 5400 acre feet of water stored in reservoir from Deep Creek, with point of diversion in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 18, Township 14 South, Range 37 East B.M., with priority of July 28, 1948, to irrigate the land within the Company's Irrigation System.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enclosure (2)
P.S. Also enclosed is departmental receipt No. 28476 for $5.00 issued for the payment of the $5.00 License fee.

R-830

Sheep Lease

Grazing Fee

| | | Acres | |
|---|---|---|---|
| T 14S-R 36E- | Sec 1 SW¼, S½SE¼ | 6 | = 240 acres |
| " | 2 S½ | 8 | = 320 " |
| " | 3 S½SW¼ SE¼ | 6 | = 240 " |
| " | 9 E½E½ | 4 | = 160 " |
| " | 10 W½ SW¼ W½SE¼ | 14 | = 560 " |
| " | 11 NE¼NE¼ W½NW¼ | 3 | = 120 " |
| " | 12 NE¼ W½NW¼ | 6 | = 240 " |
| " | 15 W½ | 8 | = 320 " |
| " | 16 E½ | 8 | = 320 " |
| " | 21 E½ | 8 | = 320 " |
| " | 22 W½ | 8 | = 320 " |
| " | 26 SW¼SW¼ | 1 | = 40 " |
| " | 27 All except NE¼NE¼ | 15 | = 600 " |
| " | 28 All | 16 | = 640 " |
| " | 33 All | 16 | = 640 " |
| " | 34 All | 16 | = 640 " |
| " | 35 W½NW¼, NW¼SW¼, SE¼SW¼ | 4 | = 160 " |
| T. 15S.-R.36E | Sec. 2 W½ | 8 | = 320 " |
| " | 3 All | 16 | = 640 " |
| " | 4 E½, NE¼NW¼ | 9 | = 360 " |
| " | 9 E½ | 8 | = 320 " |
| " | 10 All | 16 | = 640 " |
| " | 11 W½ | 8 | = 320 " |
| " | 14 All | 16 | = 640 " |
| " | 15 All | 16 | = 640 " |
| " | 16 NE¼, N½SE¼ | 6 | = 240 " |
| " | 22 All | 16 | = 640 " |
| " | 23 W½ | 8 | = 320 " |
| T.14S.-R.37E | Sec. 6 SW¼SW¼ | 1 | = 40 " |
| " | 7 W½NW¼, SE¼NW¼, N½SW¼ | 5 | = 200 " |
| | | 280 | 11,240 Acres |

671
516
175

P-2885-327

T13S-44E Sec. 13 SE NW, NE SW, N½NW, SW NW
" " 11 SE SE,
" " 12 SW SW
" " 14 E½NE¼

| | | |
|---|---|---|
| 32.00 | 516 | 16.00 |
| 18.00 | | 8.00 |
| 5.00 | | 16.00 |
| 18.00 | 130 | 8.00 |
| 12.00 | 646 | 8.00 |
| 28.00 | 175 | 16.00 |
| 14.00 | 821 | 12.00 |
| 130.00 | | 32.00 |
| | | 24.00 |
| | | 8.00 |
| | | 16.00 |
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| | | 16.00 |
| | | 24.00 |
| | | 16.00 |
| | | 16.00 |
| | | 32.00 |
| | | 12.00 |

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF ENGINEER

PERMIT NO. R-830

REPORT ON PROOF OF Beneficial Use

Lynn C, Alder, Rt. #1, Malad City, Idaho

5400 Acre feet
max.

R-830

Decreed stream
no changes.

Q = 5400 acre feet.

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

Form 23

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. R-830

This proof is for Beneficial Use In Water District No.

1. Name of applicant Lynn C. Alder

2. Source of water supply: Deep Creek

3. Location of point of diversion: Is in the NW¼NE¼ of Section 18

T. 14 S. R. 37 E., B.M. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same:

Use of water is for irrigation. Water is diverted from the creek by means of a ditch.

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

9240 acres within the boundaries of the Deep Creek Irrigation Company.

Use is for irrigation of lands shown on plat.

This water is for lands of Deep Creek Irrig. Co.

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

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

Remarks:

See Decree #199
Frederickson et al
vs
Deep Creek Irrig Co.

This examination was made on the 15 day of February, 19 57

(Signed) E. N. Humphreys
Examiner.

R-830

1

## INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
FEB 20 1957
Department of Reclamation

Lynn C, Alder (Deep Creek Irrigation Co.)
Rt. #1, Malad City, Idaho

0782-R1

Permit No. R-830

Examination for Beneficial Use

County Oneida

18-14S-37E.

Q = 7,000 Acre Feet

S = Deep Creek

P.O. = NW. NE, Sec. 18, T. 14S. R. 37E. (Auxiliary)

Use = Irrigation

Lemmon, H. Arthur = Secretary.

Mont Lawson, R.S.C.

Field = April 26, 1948

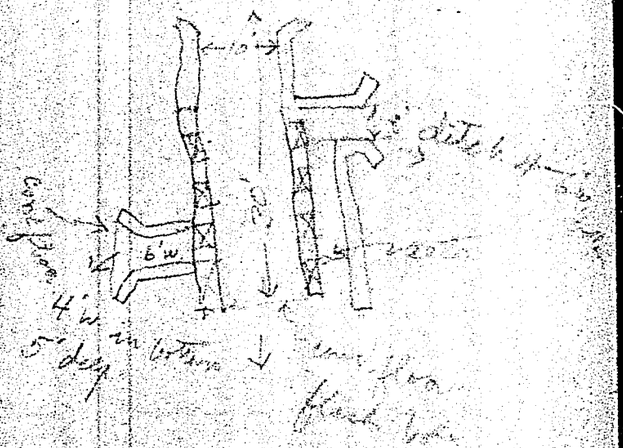
Due = May 18, 1956 (Extension)

Ltr = 10-1-54

10 a.m.

Concrete works at new diversion

Heavy concrete wall



NAME OF APPLICANT DEEP CREEK IRRIGATION Co. R-830 Form No. 0

R-36E

R-37E.

U.S. HWY. No. 191

Deep Creek Henderson Dam

T. 14 S.

Main Ditches head here

Malad

To Preston

View

To Holbrook

Grand River

Devil Creek

Deep

Malad

U.S. HWY. No. 191

T. 15 S.

SCALE: 1 Inch Equal 1 Mile. Draw Plan to Init.

Legend: ~~~ = Boundary of Dist

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

Notice is hereby given that at 10:00 A.M. on the 15th day of of Oneida, State of Idaho, bebore Bill Fallis. Probate Judge. proof will be submitted of the application to beneficial use of 5400 acre feet per annum of the waters of Deep Creek & Storage Reservoir in accordance with the terms and conditions of Permit No. R-830 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Deep Creek Irrigation Company, Malad Idaho.

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

The amount applied to beneficial use is 5400 acre feet per annum.

The place where said water is used: 9240 acres, comprising lands within the boundaries of the Deep Creek Irrigation Company.

R-830

The name of the canal or ditch or other works by which said water is conducted to such place of use in Deep Creek channel. Two Mile Canal and distribution [illegible].

The right to take water from [illegible] works is based upon Permit No. R-830.

The source of supply from which such water is diverted is Deep Creek and tributaries.

The date of priority which said user is prepared to establish is July 23, 1948.

MARK R. KULP
State Reclamation Engineer

7-19 8-9 t4

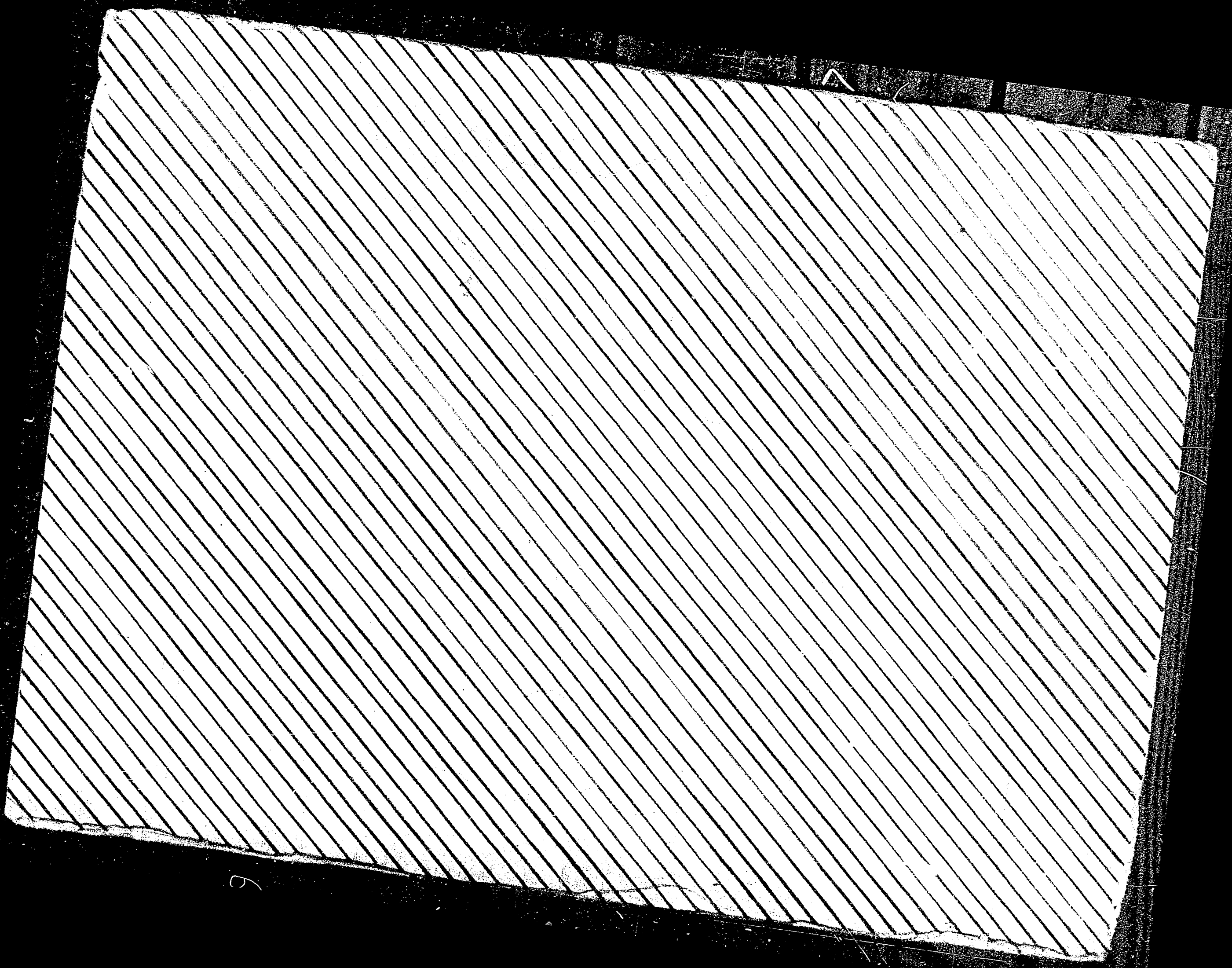
June
[redacted] 1967

N O T E

Plans, specifications, and drawings have been withdrawn from this file and entered into the Records of Dams file.

Permit No. R-830
KS

R 830



R-8330

Date of Notice 5-3 1948
Date of Publication 5-20 to 6-3 1948
Last Date for Protest 6-12 1948
IS PROTESTED

# APPLICATION FOR PERMIT

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

Application No. R 28075
Permit No. R 830

1. Name of Applicant: DEEP CREEK IRRIGATION COMPANY

Postoffice address: Box 666, Malad City County Oneida State Idaho

I. If applicant is a corporation, give:

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

(c) Amount paid in: $ 25,095.00 (d) Names and addresses of directors: Geo. Tovey, Pres.
Morgan W. Tovey, Ed H. Pingle, Thos. H. Chivers, Khalil V. Hanson, Secretary

II. The financial resources of the corporation are:

(a) Cash on hand: $ 3,353.81 (b) Treasury Stock: $

(c) Bonds to be issued: $ (d) Other resources: Reservoir & all property debt free

2. Quantity of water to be stored: 7,000 acre feet per annum.

3. Source of water supply is Deep Creek (Creek) (River) (Spring), a tributary of Malad River.

4. The outlet of the proposed reservoir is located (bearing) feet, distant from the corner of Section , Township , Range , B. M. and is in the NW ¼ of NE ¼ of Section 18 , 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 (Creek) (River).

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

6. (a) The area of the high water line of the reservoir is approximately 200 acres.

(b) The reservoir capacity is 7,000 acre feet.

7. Height of reservoir dam 90 feet, length at top 850 feet, length at bottom 500 feet, size of outlet feet by feet. The dam is to be constructed of materials as follows: Earth fill. Complete specifications will be furnished with construction application.

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

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Deep Creek (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Deep Creek (Creek,) (River,) a distance of miles to point of diversion located present company ditches (bearing) feet, distant from the corner of Section Township , Range , B. M., and in the ¼ of ¼ of Section , Township , Range B. M.

9. Amount of water claimed from Deep Creek (Creek) (River) (Spring) in addition to that stored in reservoir All waters w/ Hayland decree cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

(a) Point of use of water (bearing) feet, distant from Corner of Section , Township , Range B. M. and is in the ¼ of ¼ of Section , Township , Range , B. M.

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

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

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

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

14. Height of diversion dam: None 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: $ 135,000.00 Diversion Works: $

18. Time required for completion of work Two (2) years.

19. Time required for complete application of water to proposed beneficial use is Two (2) years.

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

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

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | Lands within the company's Irrigation system, as per attached map. | | | | | | | | | | | | | | | | |

Total Number of Acres to be Irrigated

Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are: All the waters of Deep Creek and tributaries from May 15th to October 15th and the first 175 inches and all over 575 inches measured at the company division gates during the months of October 15th to May 15th; however, the 400 inches involved above will be available for storage also, inasmuch as the Hayland decreed owners will agree to storage and pay their proportionate cost of storage in return for company stock, based on their storable water.

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 IRRIGATION CO. Applicant.

State Reclamation Engineer By Khalil V. Hanson, Agent.
Sec'y.

Date of first receipt at office of ~~Commissioner of Reclamation~~ 9:30 A. M. April 26, 1948

Returned to applicant for correction

Corrected application received

## APPROVAL OF STATE RECLAMATION ENGINEER ~~COMMISSIONER OF RECLAMATION~~

The number of this permit is R 830

Recorded in book R 3 , page 830 Approved May 18, 1949

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 $ 1,000 , to be filed on or before July 18, 1949

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

One fifth of the work above specified to be completed on or before May 18, 1950

The whole of said work to be completed on or before May 18, 1951

Beneficial use of water stored in accordance herewith, to be made on or before May 18, 1953

Witness my hand this 18th day of May , 1949.

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

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th day of May, 1949.

( S E A L )

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

STATE OF IDAHO
By C. A. ROBINS
Governor

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APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-830, to May 18, 1954.

Witness my hand this 24th day of April, 1951.

MARK R. KULP
State Reclamation Engineer.

---

Permit No. R-830
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEEP CREEK IRRIGATION COMPANY of Malad, County of Oneida and State of Idaho, the holder of Permit No. R-830, issued upon Application No. R-28075, bearing date of priority of April 26, 1948 authorizing the construction of a reservoir, with the right to appropriate and store 7,000 acre feet per annum of the waters of Deep Creek a tributary of Malad River, in the County of Oneida State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 5,400 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NW¼ of the NE¼ of Section 18, Township 14 S., Range 37 E., and that the place of use, or thelands proposed to be irrigated by the use of said water, are described as follows, to-wit: 9240 acres within the boundaries of the Deep Creek Irrigation Company.

Witness my hand this 1st day of October, 1954.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made May 18, 1954
Certificate of Completion of Works issued October 1, 1954

LICENSE ISSUED FOR 5400 Acre FT.
Page 5923

R-830

NOTICE OF WATER FILINGS UNDER
ACT OF LEGISLATURE ANNOTATED

Date of Notice 5-3 1948
Date of Publication 5-20 to 6-3 1948
Last Date for Protest 6-12 1948

IF PROTESTED

Protest Received ..... 19....
Hearing ..... 19....
Protest Withdrawn ..... 19....

# APPLICATION FOR PERMIT

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

Application No. R 28075
Permit No. R 830

1. Name of Applicant: DEEP CREEK IRRIGATION COMPANY

Postoffice address: Box 666, Malad City County Oneida State Idaho

I. If applicant is a corporation, give:

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

(c) Amount paid in: $ 25,095.00 (d) Names and addresses of directors: Geo. Tovey, Pres.
Morgan W. Tovey, Ed H. Pingle, Thos. H. Chivers, Khalil V. Hanson, Secretary

II. The financial resources of the corporation are:

(a) Cash on hand: $ 3,353.81 (b) Treasury Stock: $

(c) Bonds to be issued: $ (d) Other resources: Reservoir & all property debt free

2. Quantity of water to be stored: 7,000 acre feet per annum.

3. Source of water supply is Deep Creek (Creek) (River) (Spring), a tributary of Malad River.

4. The outlet of the proposed reservoir is located (bearing) feet, distant from the corner of Section , Township , Range , B. M. and is in the NW ¼ of NE ¼ of Section 18 , 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 (Creek) (River).

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

6. (a) The area of the high water line of the reservoir is approximately 200 acres.

(b) The reservoir capacity is 7,000 acre feet.

7. Height of reservoir dam 90 feet, length at top 850 feet, length at bottom 500 feet, size of outlet feet by feet. The dam is to be constructed of materials as follows: Earth fill. Complete specifications will be furnished with construction application.

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

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Deep Creek (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Deep Creek (Creek,) (River,) a distance of miles to point of diversion located present company ditches (bearing) feet, distant from the corner of Section Township , Range , B. M., and in the ¼ of ¼ of Section , Township , Range B. M.

9. Amount of water claimed from Deep Creek (Creek) (River) (Spring) in addition to that stored in reservoir All waters w/ Hayland decree cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

(a) Point of use of water (bearing) feet, distant from Corner of Section , Township , Range B. M. and is in the ¼ of ¼ of Section , Township , Range , B. M.

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

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

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

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

14. Height of diversion dam: None 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: $ 135,000.00 Diversion Works: $

18. Time required for completion of work Two (2) years.

19. Time required for complete application of water to proposed beneficial use is Two (2) years.

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

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

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| Lands within the company's Irrigation system, as per attached map. | | | | | | | | | | | | | | | | | | | |

Total Number of Acres to be Irrigated

~~Existing~~ rights and/or valid permits appurtenant to lands described in Sec. 20 are: All the waters of Deep Creek and tributaries from May 15th to October 15th and the first 175 inches and all over 575 inches measured at the company division gates during the months of October 15th to May 15th; however, the 400 inches involved above will be available for storage also, inasmuch as the Hayland decreed owners will agree to storage and pay their proportionate cost of storage in return for company stock, based on their storable water.

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 IRRIGATION CO. Applicant.

State Reclamation Engineer By Khalil V. Hanson, Agent.
Sec'y.

Date of first receipt at office of ~~Commissioner of Reclamation~~ 9:30 A. M. April 26, 1948

Returned to applicant for correction

Corrected application received

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## APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~ STATE RECLAMATION ENGINEER

The number of this permit is R 830

Recorded in book R 3, page 830 Approved May 18, 1949

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 $ 1,000, to be filed on or before July 18, 1949

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

One fifth of the work above specified to be completed on or before May 18, 1950

The whole of said work to be completed on or before May 18, 1951

Beneficial use of water stored in accordance herewith, to be made on or before May 18, 1953

Witness my hand this 18th day of May, 1949.

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

R-830

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th day of May, 1949.

( S E A L )

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

STATE OF IDAHO
By C. A. ROBINS
Governor

---

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-830, to May 18, 1954.

Witness my hand this 24th day of April, 1951.

MARK R. KULP
State Reclamation Engineer.

---

Permit No. R-830
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEEP CREEK IRRIGATION COMPANY of Malad, County of Oneida and State of Idaho, the holder of Permit No. R-830, issued upon Application No. R-28075, bearing date of priority of April 26, 1948 authorizing the construction of a reservoir, with the right to appropriate and store 7,000 acre feet per annum of the waters of Deep Creek a tributary of Malad River, in the County of Oneida State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 5,400 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NW¼ of the NE¼ of Section 18, Township 14 S., Range 37 E., and that the place of use, or thelands proposed to be irrigated by the use of said water, are described as follows, to-wit: 9240 acres within the boundaries of the Deep Creek Irrigation Company.

Witness my hand this 1st day of October, 1954.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made May 18, 1954
Certificate of Completion of Works issued October 1, 1954

LICENSE ISSUED FOR 5400 Acre FT.
Page 5923

# State of Idaho
# License and Certificate of Water Right

Water License No. R-830 Amount 5400 ac-ft

Water District No. Priority July 28, 1948

THIS IS TO CERTIFY that LYNN C. ALDER - DEEP CREEK IRRIGATION COMPANY of P. O. Box 666, Malad City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 26, 1948; that Permit No. R-830 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5,400 ~~second~~ acre feet, was issued thereunder on October 1, 1954, showing that said works were completed on the 18th day of May, 1954; and that on the 20th day of August, 1956, LYNN C. ALDER of Malad City, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Deep Creek, a tributary of Malad River, for the purpose of Irrigation, under Use Permit No. R-830 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 5923, on the 11th day of March, 1957;

The right hereby confirmed dates from July 28, 1948;

The Point of Diversion is located in the NW ¼ NE ¼, Sec. 18, Tp. 14 S., R. 37 E., B. M. County Oneida

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5400 ~~cubic feet per second~~ acre per annum

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|---|---|---|---|---|---|
| | FOR | IRRIGATION | OF LANDS WITHIN | THE COMPANY'S IRRIGATION | SYSTEM |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of March, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

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