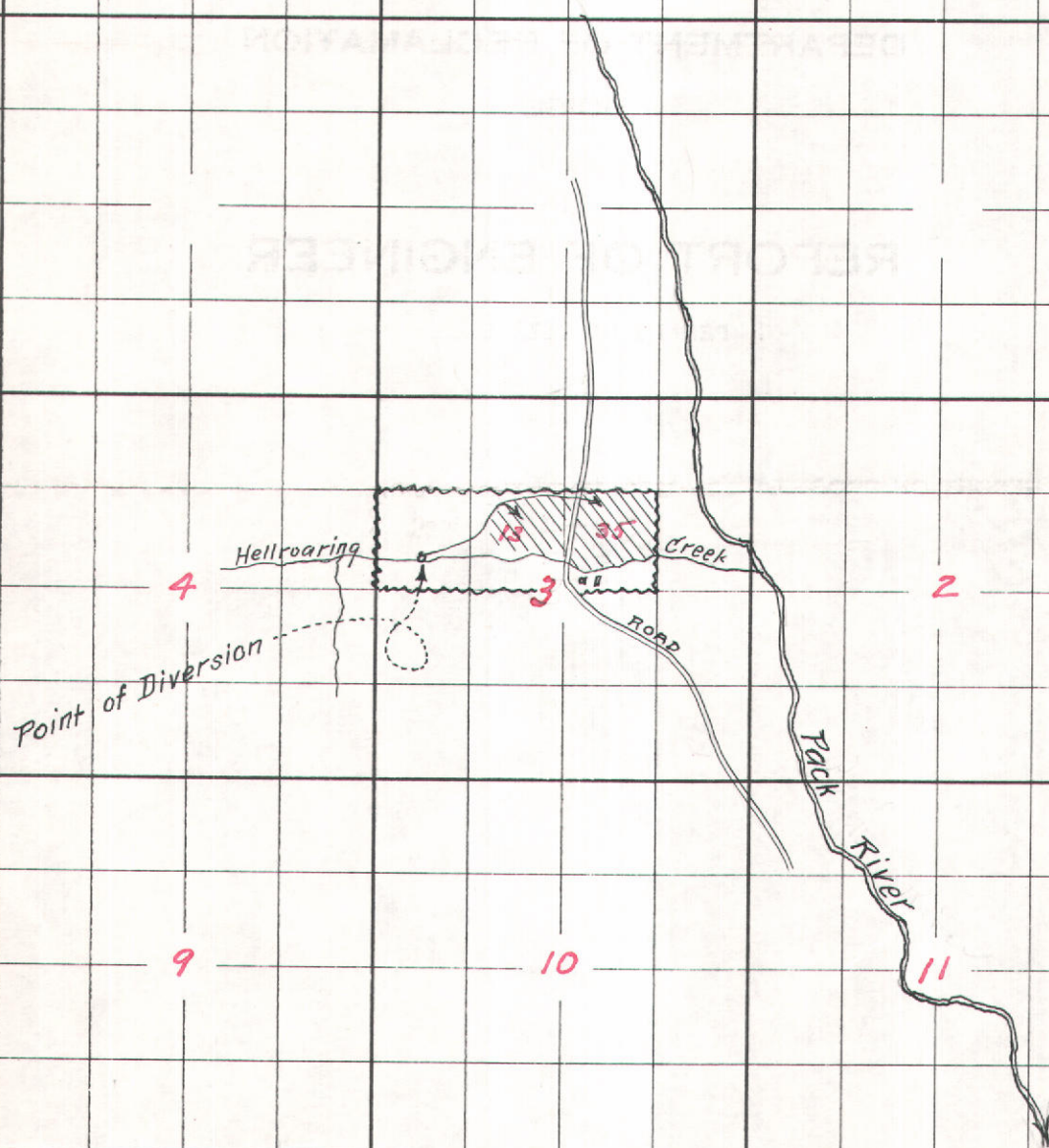




Sandpoint, Idaho
August 1941

Dear Mr. Berg:

This will acknowledge receipt of
R. G. McCall Notice which will appear in the
following issues: August 15, 22, 29--September 5.

Very truly yours,

NORTHERN IDAHO NEWS

Per

H. B. Tander

17349

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

Notice is hereby given that at 10:00 A. M. on the 5th day of Sept., 1941,
 at Sandpoint, County of Bonner, State of Idaho, before
Lynn Bandelin, Notary Public, proof will be submitted of the
 application to beneficial use of two cubic feet per second of the waters of Hellroaring Creek
Hellroaring Creek in accordance with the terms and conditions of Permit No. 17349
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

R. G. McCall, Box 469, Sandpoint, Idaho, purchaser under contract
from R. W. Shaner

The use to which said water has been applied is Domestic and irrigation

The amount applied to beneficial use is two cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) 100 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township
5S North, Range 2 West B.M.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is Private ditch - no name

The right to take water from such works is based upon Permit No. 17349

The source of supply from which such water is diverted is Hellroaring Creek

August 2

The date of priority which said user is prepared to establish is July 5, 1930

E. V. BERG.

Commissioner of Reclamation.

17349

October 5, 1933

Re: Permits No. 17349 & 17305

MR. R. CHANIER
Box 790
Thermopolis, Wyoming

Dear Sir:

Reference is made to your letter of September 22nd in which you ask for certain information relative to a permit issued by this department to Mr. Wade Simpson. The point of diversion as described in Mr. Simpson's permit is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 59 N., R. 2 W. Since Mr. Simpson has not made application to this department to change his point of diversion he has not been granted permission to do so. This department provides a regular form of application upon which any permit holder may make application for change of his point of diversion but any one who fills such application must state, under oath, that the said change will not be to the injury of any other right on the stream from which the water is being taken. Furthermore, Mr. Simpson is not authorized by his permit to go upon your land to build his ditches since a permit issued to appropriate water has nothing to do with right of way. This is a matter to be settled between the parties concerned.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

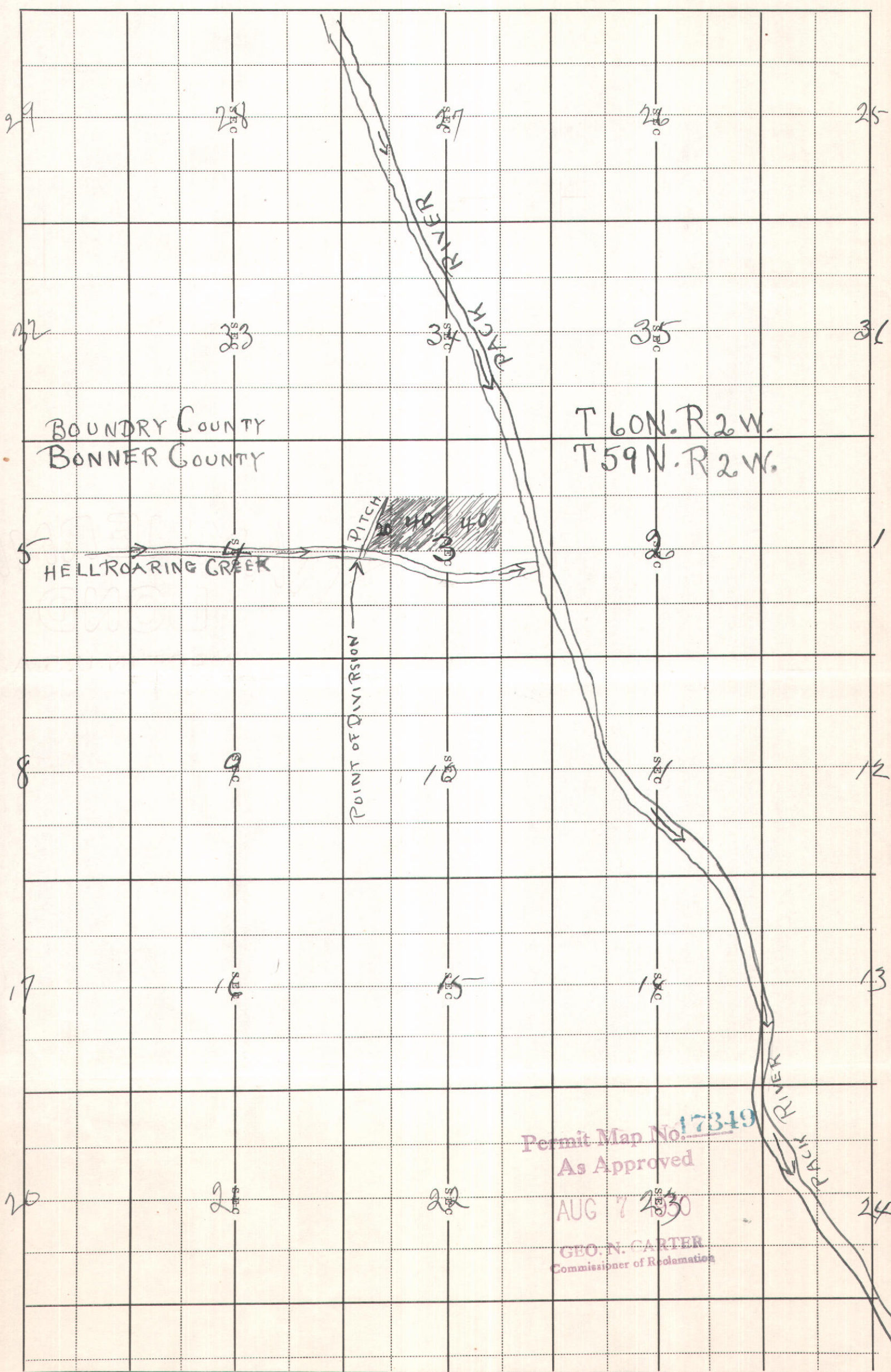
PEH:RG

17349

R. SWANER

NAME OF APPLICANT

Form No. 0



Permit Map No. 17349
As Approved
AUG 7 1930
GEO. N. CARTER
Commissioner of Reclamation

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

17349

appli 24374

July 9, 1930

MR. R. SHANER
Box 746
Thermopolis
Wyoming

Dear Sir:

This will acknowledge receipt of your letter of July 2, transmitting an application for permit to appropriate the public waters of the state for irrigation use.

You ask for about fifty cubic feet per second of the waters of Hellroaring Creek, in Bonner county, for the irrigation of only two hundred acres of land. The amount of water you have applied for appears to be excessively large. The statutes of this state limit the appropriation of water for irrigation purposes to one miner's inch per acre, which, for the two hundred acres partially described in your application, would limit the appropriation to four cubic feet per second. The fee you have enclosed, namely, \$5.90, is about right for four cubic feet per second -- to be exact, the fee will be \$5.75.

In your letter you ask a number of questions regarding the rights obtained by granting of permit to appropriate the public waters of this state; and also describe the conditions surrounding the place of appropriation.

You state that Hellroaring Creek rises on the Forest Reserve and flows directly from the reserve boundaries to your land without crossing any other premises, and ask if such condition would protect you as against other appropriators. Such would not be the case. Under the laws of this state, public waters are subject to appropriation at any point along their natural course, regardless of the nature of ownership of riparian lands. Riparian rights to water are not recognized by Idaho laws.

The permit, however, if approved, grants to you a prior right to the use of as much water as you have appropriated. Said permit, if and when approved, will allow you sixty days from date of approval within which to begin construction of the ditch, etc. It is observed that you have only asked for one year's time within which to complete the works contemplated and two years additional for complete application of water to beneficial use. Idaho statutes allow a maximum of five years for completion, but on account of the comparatively small size of this appropriation, I presume that one year will be sufficient.

17349

State of Idaho

License and Certificate of Water Right

Permit
Water License No. 17349

Amount .96 c. f. s.

Water District No.

Priority Aug. 2, 1930

THIS IS TO CERTIFY that R. SHANER
of Thermopolis, Wyo., made application for a permit to appropriate the
public waters of the State of Idaho, dated August 2, 1930; that Permit No. 17349
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on August 12, 1935, 19 , showing that said works
were completed on the 5th day of August , 19 35; and that on the 5th
day of September , 19 41 ,

R. SHANER

of Thermopolis , State of Wyo., made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Hellroaring Creek
, a tributary of Pack River , for the purpose of irrigation, domestic, power
for domestic use, under Use Permit No. 17349 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4086 , on the 16th day of January , 19 42 ;

The right hereby confirmed dates from Aug. 2, 19 42 ;

The Point of Diversion is located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3 , Tp. 39 N , R. 2 W , B. M. Bonner

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 .96
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
59N	2 W	3	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	35.00
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.00	
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	13.00
				100.00	48.00

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 16th day of January , 19 42

E. V. BERG.

Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 24374.
Permit No. 17349.
District No.

1. Name of Applicant: R. Shaner.

Postoffice address: Thermopolis, County: Hot Springs, State: Wyoming.

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2 cubic feet per second.

3. Source of water supply: Hellroaring Creek, which is a tributary of Pack River.

4. Location of point of diversion: about 2600 feet distant from the N. W. corner of Section 3, T. 59 N., R. 2 W., B. M., and is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 59 N., R. 2 W., B. M., County of Bonner.

5. Water is to be used for: Irrigation, domestic, and power for domestic use.

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

(a) Point of use of water: about 2600 feet distant from N. W. corner of Section 3 T. 59 N., R. 2 W., B. M., in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 59 N., R. 2 W., B. M.

(b) Amount of power generated: About 2 H. P., under 6 feet head.

(c) Water is to be returned to irrigation ditch at a point 2600 feet distant from the N.W. corner of Section 3, T. 59 N., R. 2 W., B. M., in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 59 N., R. 2 W., B. M.

7. Estimated cost of works: \$ approximately \$300.00.

8. Kind of works: Ditch, dam, flume.

9. Height of dam 3 feet; length of dam at top 10 feet; length of dam at bottom 10 feet; material used in dam: lumber, timber, rock.

10. Size of headgate: Width 2 feet; height 2 feet.

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 10 feet; dimensions of flume 1' x 2'

Diameter of pipe inches; length of conduit 1/4 miles.

Average grade per mile 1%. feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

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

15. (a) Is reservoir to be used? **No.** If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

R. Shaner, *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9 A. M., July 5, 1930. Aug. 2, 1930

Returned to applicant for correction: July 9, 1980.

Corrected application received: August 6, 1930.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17349.

Recorded in Book 62, Page 17349, Approved August 7, 1930.

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

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

Work to begin on or before October 6, 1930, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 7, 1933.

The whole of said work to be completed on or before August 7, 1935.

Beneficial use of water appropriated in accordance herewith, to be made on or before **August 7, 1941.**

Witness my hand this 7th day of August, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
59 N.	2 W.	3	40				20 40												100
PERMIT NO. 17349 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN: This is to certify that R. SHANER of Thermopolis, County of Hot Springs, and State of Wyoming, the holder of Permit No. 17349, issued upon Application No. 24374, bearing date of priority of July 5, 1930, authorizing the diversion of 2 second feet of the waters of Hellroaring Creek, County of Bonner, State of Idaho, for power, irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2 second feet of the waters of Hellroaring Creek; that the point of diversion of said waters is in the SW¼ NW¼ of Sec. 3, T. 59 N., R. 2 W., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 100 acres; SW¼ NE¼, SW¼ NW¼, & SE¼ NW¼ of Sec. 3, T. 59 N., R. 2 W., B. M. Witness my hand this 12th day of August, A. D. 1935. R. W. FARIS Commissioner of Reclamation Proof of completion of works made August 5, 1935. Certificate issued August 12, 1935. LICENSE ISSUED FOR 96 SEC. FT. JAN 15 1942 -# 4086																			

February 24, 1942

Re: 17349

Mrs. H.C. McCall
Box 469
Sandpoint, Idaho

Dear Mrs. McCall:

We are enclosing License and Certificate of Water
Right issued under date of January 16, 1942. Also receipt No.
16102 for the \$4.00 fee.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

ed.
encl.

17349

State of Idaho

DEPARTMENT OF RECLAMATION

Nº 18102

Boise, Idaho,

February 19, 1934

RECEIVED
FROM

Mrs R G McCall of Sandpoint Ida \$ 4.00
Four & no/100

DOLLARS

FOR

Carey Act Trust Fund - - - - \$

Application for Permit No. - - - - \$

Proofs B.N. 17349 - - - - \$

Certified Copy - - - - - \$

Recording Deed - - - - - \$

Certificate - - - - - \$

Total - - - - \$

4.00

4.00

E. V. BERG

Commissioner of Reclamation

By

Raymond Thompson

Sandpoint, Idaho,

February 14, 1942.

Re: 17349

Hon. E. V. Berg,
Commissioner of Reclamation,
Department of Reclamation,
Boise, Idaho.

RECEIVED

FEB 18 1942

Department of Reclamation

Dear Sir:

In accordance with your letter of February 11th,
I enclose check for \$4.00 to cover beneficial use fee
in connection with Water License to be forwarded to
us.

Thanking you for your information, I am

Very truly yours,

Bertha A. McCall

Mrs. R. G. McCall,
Box 469,
Sandpoint, Idaho.

17349

February 11, 1942

Re: 17349

Mrs. R. G. McCall
Box 469
Sandpoint, Idaho

Dear Mrs. McCall:

The license is issued in the name of Shaner, as the title still rests in that name on our records. Since you are the assignee and have completed the works and made the proof, you are entitled to the license. We suggest that you place it with your escrow papers.

If you have an assignment that is ready to be recorded forward same to this office and a record will be made of it. Upon receipt of the \$4.00 fee, the water License will be forwarded to you.

Very truly yours,
E. V. BERG,
Commissioner of Reclamation

BY: Chief Clerk.

mi.

*Office letter general.
H.R.*

17349

Sandpoint, Idaho,

February 8, 1942.

Hon. E. V. Berg, Commissioner of Reclamation,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

Reference is made to your letter of January 17th,
Re: 17349, written by your chief clerk. To us, this letter
is somewhat confusing as we do not know whether the license
will be forwarded to us or to Mr. Shaner upon payment of
the \$4.00 beneficial use proof fee, or in whose name the
license will be issued.

As we are contract purchasers of the property to which
this water right is appurtenant, we want to be assured of
receiving proper evidence of our payment of the above fee
and our interest in the property under said purchase.

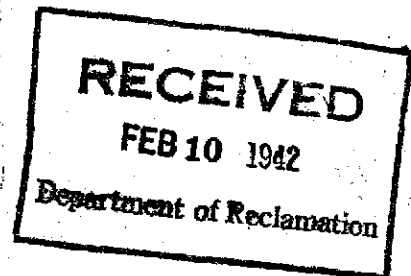
If you will kindly make the above points clear to us,
we shall remit the fee immediately. The delay in this
matter has been occasioned by the serious illness of
Doctor McCall.

Very truly yours,

Bertha H. McCall

Bertha H. McCall,
(Mrs. R. G. McCall)
Box 469,
Sandpoint, Idaho.

17349



January 17, 1942

Re: 17349

Mr. R. Shaner
Thermopolis, Wyo.

Dear Mr. McCall:

Our field engineer has filed his report on the above numbered permit in the name of R. Shaner. We have issued a License and Certificate of Water Right, which we are holding until we receive the \$4.00 beneficial use proof fee for the use of water on two forty acre subdivisions. This License will be forwarded as soon as we receive the \$4.00 remittance.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk

ml.
R. G. McCall, Box 469, Sandpoint, Idaho

17349

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17349

This proof is for Beneficial Use

In Water District No.

1. Name of applicant R. Shaner, Thermopolis, Wyo. (occupation rancher is R. G. McCall, Box 469, Sandpoint, Idaho)
2. Source of water supply: Hellroaring Creek, a tributary of Pack River.
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3
T. 59 N. R. 2 W. County of Bonner
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is made by a plank faced, log crib dam which is 40ft. long, X 6ft. high; a plank flume 3ft. wide X 1ft. deep, and a ditch 2-3 ft. wide X 1 ft. deep,
5. Water is used for: irrigation, domestic, and power for domestic use.
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 for other than irrigation): SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, 59 N, 2 W.

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

8. What large stream would the water here appropriated finally reach? Lake Pend O'Reille

Remarks: Part of the Flume and a portion of the ditch were washed out during high water of last spring.

This examination was made on the 17th. day of October, 1941.

(Signed) _____

Examiner.

R. Shaner, owner, Thermopolis, Wyo.
Occupation rancher, R. G. McCall, Box 469,
Sandpoint, Ida.
Permit No.....17349

Examination for Beneficial Use.....

County.....Bonner.

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 a 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.

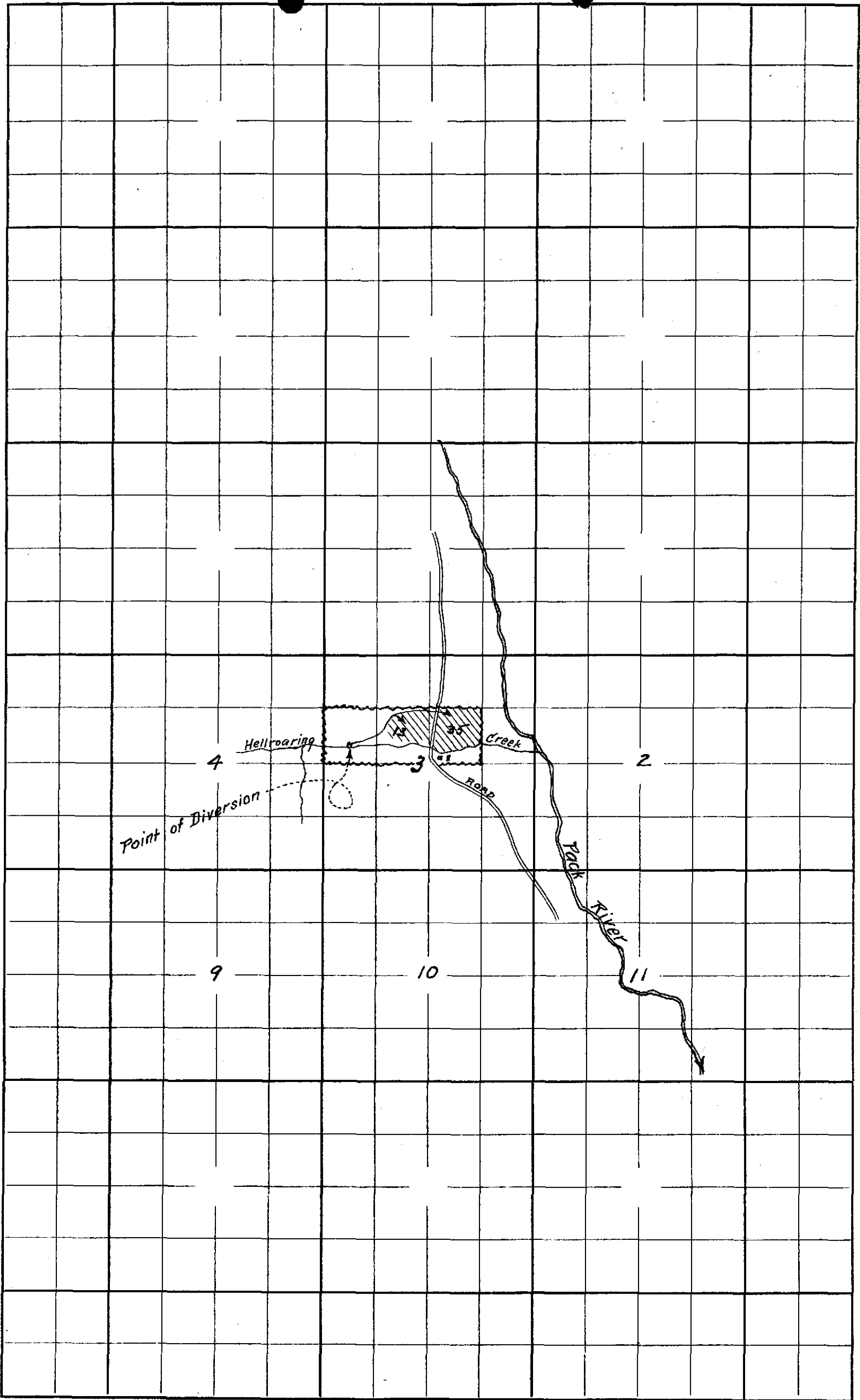
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17349

REPORT ON PROOF OF Beneficial Use

P. H. J. 94 C. J. A.
J. H. J. 94.00
J. H. J.



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

17349

October 1, 1941

Re: 17349

Mr. R. G. McCall
Box 469
Sandpoint, Idaho

Dear Mr. McCall:

We are in receipt of your depositions and the affidavit of publication from the Northern Idaho News, all in connection with the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, field engineer for the Department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

When the engineer's report is filed, you will be notified of the amount due for beneficial use proof and upon receipt of your remittance a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation.

ml.

BY: Chief Clerk.

17349

BANDELIN & BANDELIN
ATTORNEYS-AT-LAW

SANDPOINT, IDAHO

September 26, 1941

Maude Lile, Chief Clerk
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. ¹⁷³⁴⁹17549

Dear Madam:

Enclosed herewith are deposition of permit holder, signed by R. G. McCall, and depositions of Kenneth Tucker and M. D. Hart in support thereof.

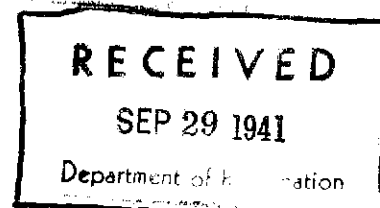
I have also enclosed affidavit of publication.

Very truly yours,


Glenn E. Bandelin

GEB:ef
Encls. 4

17349



AFFIDAVIT OF PUBLICATION

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

N. R. Standacher, being duly sworn, says that he is the Publisher of the NORTHERN IDAHO NEWS, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho, and that said newspaper during all the time herein mentioned is, and was, a newspaper of general circulation, published weekly for 78 weeks prior to January 1, 1941, and that the annexed is a true copy of the notice for publication in the case of

Notice for Publication

as it was published in the regular and entire issue of said paper for a period of four consecutive weeks, commencing on the 15 day of Aug 1941, and ending on the 5 day of Sept 1941, and that said notice was published in said newspaper proper, and not in supplement form.

N. R. Standacher

Subscribed and sworn to before me this 52 day of

Sept A. D., 1941

Vivian E. Shoemaker

NOTARY PUBLIC FOR IDAHO, EXPIRING AT SANDPOINT, IDAHO, COMMISSIONER'S OFFICE 12/29/44

NOTICE FOR PUBLICATION.

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10:00 a. m. on the 5th day of Sept., 1941, at Sandpoint, County of Bonner, State of Idaho, before Lynn Bandelin, Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of Hellroaring Creek, in accordance with the terms and conditions of Permit No. 17349, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. G. McCall, Box 469, Sandpoint, Idaho, purchaser under contract from R. W. Shaner.

The use to which said water has been applied is Domestic and Irrigation.

The amount applied to beneficial use is two cubic feet per second.

The place where said water is used, 100 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 59 North Range 2 West B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch—no name.

The right to take water, from such works is based upon Permit No. 17349.

The source of supply from which such water is diverted is Hellroaring Creek.

The date of priority which said user is prepared to establish is August 2, 1930.

E. V. BERG,
Commissioner of Reclamation.
Aug. 15-Sept. 5—41

17349

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17549

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. R. G. McCall, Box 469, Sandpoint, Idaho. Occupation, rancher;
residence, Bonner County, Idaho.

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. Acting individually.

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

Ans. No. 17549. Date, August 5, 1930. Date of priority, same.

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

Ans. Hell Roaring Creek in Bonner County, Idaho. One-quarter mile
due west from the center of Section 3, Township 59 North, Range 2 WBM.

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.

Ans. Eighty (80) ft. wooden flume from the northerly side of retention
dam, capable of conveying two second cubic feet.

Conveying canal has no name.

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 and domestic purposes. One Hundred (100) acres
in the North Half of Section 3, Township 59 North, Range 2 WBM.

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

Ans. Domestic use only, for house and livestock.

17349

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

Ans. Two cubic feet per second.

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. Permit originally issued to me.

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

Ans. Irrigation and domestic purposes.

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. No other waters.

(Sign)

R. Y. McCall

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 Sandpoint, County of Bonner, State of Idaho, on this 5th day of September, A. D. 19 41.

Henry B. Bunker

Notary Public in and for the State
of Idaho, Residing at Sandpoint.

My commission expires July 12, 1943

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17549

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. M. D. West 53 farmer
Sandpoint Id RR 1.

Ques. 2. Are you acquainted with R. G. McCall, the holder of Permit No. 17549? How long have you known him and where does he reside?

Ans. 2 years Sec 3-59-24 Br.

Ques. 3. Have you read or heard read said Permit No. 17549, 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. Hell Roaring Creek in Bonner County, Idaho. One-quarter mile due west from the center of Section 3, Township 59 North, Range 2 West, Boise Meridian. Eighty (80) ft. wooden flume from the northerly side of retention dam, capable of conveying two cubic feet per second.

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. Two cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes, for house and livestock located on one hundred (100) acres in the N $\frac{1}{2}$ of Section 3, Township 59 North, Range 2 West, Boise Meridian.

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

Ans. Used for domestic purposes, for house and livestock.

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. Cultivated meadow land; 2 cubic feet per second.

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. As County Commissioner of Bonner County, Idaho, I know of situation from investigation of roads and culverts.

(Signed) M D Hart

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Sandpoint, County of Bonner, State of Idaho, on this 5th day of September, A. D. 19 41.

Glenn E. Anderson
Notary Public.

My commjssion expires July 12, 1943.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17549

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. Kenneth Tucker; 22; Bonner County, Idaho; Farmer; 328 South
Florence Ave., Sandpoint, Idaho.

Ques. 2. Are you acquainted with R. G. McCall, the
holder of Permit No. 17549? How long have you known him and where does he reside?

Ans. Yes. Have known him 22 years. He resides at the Iron Gate
Ranch on Section 3, Township 59 North, Range 2 WBM.

Ques. 3. Have you read or heard read said Permit No. 17549, 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. Hell Roaring Creek in Bonner County, Idaho. One-quarter mile
due west from the center of Section 3, Township 59 North, Range 2 West
Boise Meridian. Eighty (80) ft. wooden flume from the northerly side
of retention dam, capable of conveying two second cubic feet.

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. Two cubic second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division 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 improvement which have
been made as a direct result of said use.

Ans. Irrigation and domestic purposes, for house and livestock located
on one hundred (100) acres in the North Half of Section 3, Township 59
North, Range 2 West, Boise Meridian.

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

Ans. Also used for domestic purposes, for house and livestock.

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. Cultivated meadow land. Two cubic feet per second.

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. Employed as manager of ranch

(Signed)

Kenneth Tucker

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 Sandpoint, County of Bonner, State of Idaho, on this 5th day of September, A. D. 19 41.

Reuben B. Bunker

Notary Public.

My commission expires July 12, 1943.

Sept. 19, 1941

Re: 17349

Mr. Lynn Bandelin
Sandpoint, Idaho

Dear Mr. Bandelin:

On the 5th of Sept., R. G. McCall and two witnesses were to have made proof of Beneficial Use before you. Please forward these depositions along with the affidavit of publication to this office.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: CHIEF CLERK

ML.

17349

State of Idaho

DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

Re : 17549

PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho,

August 25, 1941

Mr. Lynn Bandelin
Sandpoint, Idaho

Dear Sir:

R. G. McCall, Permit Holder.

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17549

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On Sept. 5, 1941, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Sandpoint, Idaho before Lynn Bandelin, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

E. V. BERG.

Commissioner of Reclamation.

17349

USE OF OUR A. JOAN ON
OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10:00 a. m. on the 5th day of Sept., 1941, at Sandpoint, County of Bonner, State of Idaho, before Lynn Bandelin, Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of Hellroaring Creek, in accordance with the terms and conditions of Permit No. 17349, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. G. McCall, Box 469, Sandpoint, Idaho, purchaser under contract from R. W. Shaner.

The use to which said water has been applied is Domestic and Irrigation.

The amount applied to beneficial use is two cubic feet per second.

The place where said water is used, 100 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 59 North Range 2 West B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private Ditch—no name.

The right to take water from such works is based upon Permit No. 17349.

The source of supply from which such water is diverted is Hellroaring Creek.

The date of priority which said user is prepared to establish is August 2, 1930.

17349 E. V. BERG,
Commissioner of Reclamation.
Aug. 15-Sept. 5—4t

Sandpoint, Idaho
August 1941

Dear Mr. Berg:

This will acknowledge receipt of
R. G. McCall Notice which will appear in the
following issues: August 15, 22, 29--September 5.

Very truly yours,

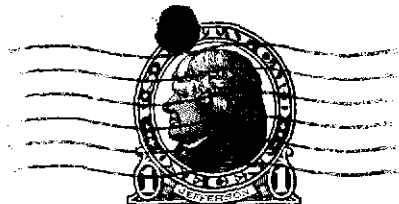
NORTHERN IDAHO NEWS

Per *H. B. Standish*

17349



THIS SIDE OF CARD IS FOR ADDRESS



E. V. Berg
Commissioner of Reclamation
Boise, Idaho

RECEIVED

AUG 11 1941

Department of Reclamation

August 7, 1941

Re: 17549

Mr. R. G. McCall
Box 469
Sandpoint, Idaho

Dear Mr. McCall:

We mailed your notice of Beneficial Use proof to the North Idaho News at Sandpoint yesterday. We selected the name of Lynn Bandelin as Notary Public and set the day for proof at 10:00 A. M. on the 5th of Sept. We don't know the address of Mr. Bandelin in Sandpoint, but it should be in the phone directory.

On the 5th appear with two witnesses before Mr. Bandelin and make your proofs. The depositions will be mailed to the Notary in plenty of time for your proof.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

ml.

P. S. Your priority date was changed from July 5, 1930 to August 2, 1930 because of the lateness of your notice for publication.

17349

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: 17549

Northern Idaho News
Sandpoint, Idaho

Date August 6, 1941

Dear Sir:

Enclosed you will find notice for publication once a week
for four consecutive weeks prior to Sept. 5, 1941, the date
set for proof, the expense of the publication to be paid by the appli-
cant, R. G. McCall, Box 469, Sandpoint, 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,

Very truly yours,

E. V. BERG.

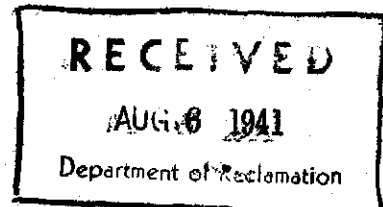
17349

Commissioner of Reclamation

Sandpoint Idaho

August 4, 1941.

Mr. E. V. Berg,
Commissioner of Reclamation,
Boise, Idaho.



Dear Mr. Berg:

Regarding the enclosed papers which were mailed to Mr. R. W. Shamer on June 20, 1941. These were forwarded to me by Mr. Shamer and did not reach me until August first, consequently, I ask your indulgence and the granting of whatever additional time is necessary to handle the matter.

I enclose Form 10 in duplicate, also Form 11, completed to the best of my ability and will await your further advice on whatever is necessary to accomplish this matter of final proof.

Very truly yours,

R. G. McCall
R. G. McCall,
Box 469
Sandpoint Idaho.

17349

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 4, 1941

(P. O.) Sandpoint Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

R. G. McCall

(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.

Lynn Baudelin

17349

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

Notice is hereby given that at ~~10:00~~ A. M. on the ~~5th~~ day of ~~Sept.~~, 19~~43~~,
 at ~~Sanpoint~~, County of ~~Banner~~, State of Idaho, before
~~Ivan Bendelin, Notary Public~~, proof will be submitted of the
 application to beneficial use of ~~two~~ cubic feet per second of the waters of ~~.....~~
~~Hellroaring Creek~~ in accordance with the terms and conditions of Permit No. ~~17349~~
 heretofore issued by the ~~Commissioner of Reclamation~~ of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

~~R. G. McGill, Box 468, Sanpoint, Idaho, purchaser under contract~~
~~from R. W. Shaner~~

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

The amount applied to beneficial use is ~~two cubic feet per second~~.....

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) ~~100 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township~~
~~5S. North., Range 2 West. B.M.~~.....

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is ~~Private ditch - no name~~.....

The right to take water from such works is based upon Permit No. ~~17349~~.....

The source of supply from which such water is diverted is ~~Hellroaring Creek~~.....

The date of priority which said user is prepared to establish is ~~August 2~~
~~July 5, 1930~~.....

E. V. BORG.

Commissioner of Reclamation.

17349

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

June 20, 1941

Re: 17349

R. Shaner
Thermopolis, #4 Wyo.

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 17349, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is Aug. 7, 1941, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,
E. V. BERG.

Commissioner of Reclamation

17349

Re Permit
17349

April 25, 1940

Mr. Everett E. Hunt,
Attorney at Law,
Sandpoint, Idaho.

Dear Mr. Hunt:

We have before us your letter of April 24th in regard to certain water filings in the name of R. Shaner on Hell Roaring Creek.

So far as Permit No. 17349 is concerned, which is for two (2) second feet of water from this stream, diverted in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 59 North, Range 2 West, E. M., for the irrigation of a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3. Beneficial Use proof can be made on that by either Mr. Shaner or Dr. McCall, as the present owner, and the necessary forms for making this proof will be furnished upon request.

However, on Permit No. 17361, for two (2) second feet of water, diverted in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, and to be used for the irrigation of the Southeast quarter of this section, and which was relinquished by Mr. Shaner on January 19, 1937, it is not possible to proceed further in making proof, as all rights under this permit were terminated by the relinquishment.

However, the laws of this state recognize two methods of securing a water right- one by the permit method as above, and the other by applying the water to beneficial use over a number of years; and a right to this water for the irrigation of this latter tract might be established by the use method, through the courts.

Or, a new application for permit could be made at this time by Dr. McCall, and a new permit issued, but in this case, of course, the priority would only date from the time the application is filed in this department. If you wish to obtain a new permit, we shall be glad to furnish the necessary application form and instructions upon request.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

JLA

Chief Clerk

17349

EVERETT E. HUNT
ATTORNEY AT LAW
SANDPOINT, IDAHO

April 24, 1940

Hon. James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Spofford: Re: Permit#17349

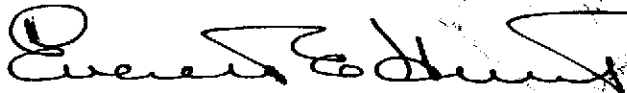
Thank you for your letter of
April 22nd concerning the above entitled permit.

The property in question described in your letter was sold by Mr. Shaner to Dr. R. G. McCall upon a real estate contract. This contract provided that all of the water rights should go with the land and of course were being purchased from Mr. Shaner by Dr. McCall. Even though the water right itself was relinquished by Mr. Shaner, nevertheless this water has continuously been used by Dr. McCall since prior to January 19, 1937, the day when the same was relinquished by Mr. Shaner.

Would it be proper for Dr. McCall to now make his proof of beneficial use and have the water right issued in his name, or could Dr. McCall now make the final proof and have the water right issued jointly to himself and Mr. Shaner? If this is possible, please send me the necessary forms for making final proof.

Thanking you for your many courtesies in this matter, I beg to remain,

Respectfully yours,



EVERETT E. HUNT

eeh:nb

17349

April 22, 1940

Re: Permit No. 17349

Mr. Everett E. Hunt,
Attorney at Law,
Sandpoint, Idaho.

Dear Mr. Hunt:-

In reply to your letter of April 19th, in regard to permit issued under Application No. 24,374.

This is Permit No. 17349, in the name of R. Shaner, filed July 5, 1930, for two (2) second feet of water from Hell Roaring Creek, with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 59 North, Range 2 West, B.M., for irrigation, domestic and power for domestic use; the lands to be irrigated being described as 100 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 59 North, Range 2 West, B.M.

Completion of works proof was made on August 3, 1935, and Certificate of Completion of Works issued. Beneficial Use proof is due on or before August 7, 1941.

We think this is the information which you seek, but for your further information will say that another permit was issued to Ritchey R. Shaner, No. 17631- filing date Feb. 23, 1932- for two (2) second feet from this same stream, point of diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3- for irrigation and domestic (stock)- on 100 acres in the SE $\frac{1}{4}$ of Section 3; This permit, however, was relinquished by Mr. Shaner on January 19, 1937.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

JLA

17349

EVERETT E. HUNT
ATTORNEY AT LAW
SANDPOINT, IDAHO

April 19, 1940

Hon. James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Spofford:

Thank you for your
letter of April 12th regarding Permit
No. 17305.

Apparently, in the
past two applications have been made for
water permits to serve one particular
ranch in this County. I now find that
the other permit was secured by Mr. R.
Shaner who now resides at Thermopolis,
Wyoming. Mr. Shaner sold this property
to Dr. R. G. McCall. That Permit or
that application number is 24,374, and
appropriates certain waters from Hell-
Roaring Creek for domestic use and
irrigation on Section 3, Twp. 59 North
Range 3, W.B.M.

I would greatly ap-
preciate it if you would advise me the
status of this particular application.

Thanking you for this
and past courtesies, I beg to remain,

Very respectfully,



EVERETT E. HUNT

17349
eeh:nb

May 29, 1937

Re: Permit No. 17349

CARL R. TIFFT
Sandpoint, Idaho

Dear Sir:

In reply to your letter of May 24, please be advised that at the present time, the only permit on Hell Roaring Creek, a tributary of Pack River, in Bonner County, that is in good standing is Permit No. 17349.

This right is held by R. Shaner. He filed on four (4) second feet of water, but offered proof of completion of works for only two (2) second feet. Consequently, the right would be limited to the latter figure. Final proof will not be due, under this right, until August 7, 1941.

Yours very truly,

Paul L. Henry
Deputy Commissioner

PLH/ci

17349

INSURANCE

FIRE
AUTOMOBILE
PUBLIC LIABILITY
PROPERTY DAMAGE
COLLISION
PLATE GLASS
BURGLARY
ACCIDENT & HEALTH

CARL R. TIFFT

REAL ESTATE - GENERAL INSURANCE

FARM LANDS A SPECIALTY

105 S. FIRST AVENUE

TELEPHONE 5

SANDPOINT, IDAHO

SURETY BONDS

May 24, 1937.

Dept. of Reclamation,
Bureau of Water Rights,
Boise, Idaho.

Gentlemen:

Kindly advise me what water rights if any
have been filed on Hell Roaring Creek in Sections
3, 4 & 5, Township 59 North, Range 2 W.B.M.

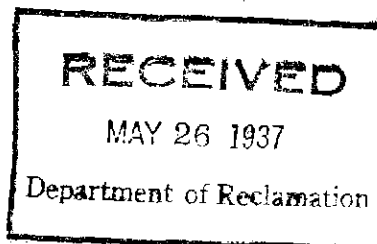
I am enclosing a stamped self addressed
envelop for early reply. Thanking you I am,

Very truly yours,


Carl R. Tift.

CRT:LT

17349



January 15, 1937

XXXXXXXXXX

Barzilla W. Clark

Re: Permits No. 17349 & 17631

R. SHANER
Samuels, Idaho

Dear Sir:

I have your letter of December 30th with regard to the above permits. Upon examination of the records, I find that proof of completion of works has been made and a certificate issued under the terms of Permit No. 17349. Beneficial use proof will not be due under this right until August 7, 1941.

The notice which you received recently was to the effect that proof of completion of works would be due under the terms of Permit No. 17631 on or before February 22, 1937. However, in view of the fact that you no longer care to proceed under the terms of this permit, I think that it would be well to relinquish it and we are accordingly enclosing the proper form for such relinquishment. When this instrument has been made a matter of record in this department, it will suffice to relinquish all of your right, title and interest in Permit No. 17631 back to the State, and thus clear the record.

Insofar as Permit No. 17349 is concerned, you may forget it until the time when you receive notice that proof of application of water to beneficial use is due, which will not be until sometime in 1941.

Very truly yours

Chief Clerk & Office Engineer

17349
PLH/cj

August 16, 1935

Re: Permit No. 17349

MR. R. SHANER
Thermopolis,
Wyoming

Dear Sir:

We are enclosing herewith Certificate of completion of works, issued under the above numbered permit, confirming the completion of your works of diversion to a capacity of 2 second feet, together with our office receipt for \$5.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17349

17349

Thermopolis ,Wyo.Aug.5,1935.

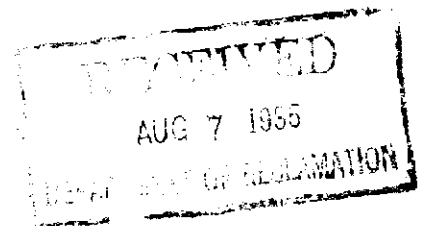
State Of Idaho.
Department of Reclamation.
Boise,Idaho.

Gentlemen.

I herewith inclose to you for,#6.proof
of completion of works of PERMIT No. 17349.also money
order to the amount of \$ 5.00 to cover same.

I remain yours very truly,


R. Shaner.
Thermopolis ,Wyoming.
Box 790



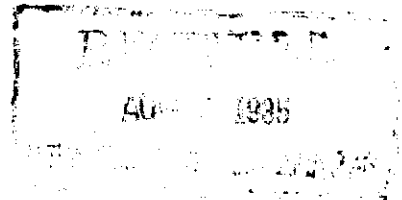
17349

Permit No. 17349

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of BONNER } SS

R. SHANER

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

First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 17349, and that his postoffice address is THERMOPOLIS State of WYOMING

Second: That the name of the stream from which said water is to be diverted is

HELLROARING CREEK

Third: That the point of diversion of said water is ABOUT 2600 FEET DISTANT FROM THE NW Cor. of SEC. 3, T 59N. R 2W. & is in the SW¹/₄ NW¹/₄ of said Bonner County Sec. 3

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Aug 7th, 1935

Fifth: That the use for which said water is intended is IRRIGATION AND DOMESTIC USE AND POWER FOR DOMESTIC USE

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(in)~~ ^{were completed} fully completed and consisted of the following:

I. Kind of works: DITCH, DAM AND FLUME.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 3' feet, length of dam at top 10' feet, length of dam at bottom 10' feet. Material used in construction LUMBER, TIMBER AND ROCK

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width 2' feet, height 2' feet.

(d) Conduit FLUME & DITCH at bottom 2' feet, width at water line 3' feet, depth of water 10" feet; diameter of pipe inches, average grade per mile is 1.0/0 feet. Length of conduit is 1/4 miles.

(State whether ditch, flume or pipe.)

Seventh: That said works are capable of conducting to the place of intended use 2 second feet of water.

Eighth: That water appropriated under said permit is available for 100 acres of land described as follows: SE ¹/₄ of NW¹/₄ and SW¹/₄ of NE ¹/₄ and ~~SW ¹/₄ of NW ¹/₄~~ of Sec 3 T59 N R 2 West, Bonner County, Idaho.

Ninth: Remarks: That

(Sign here)

Subscribed and sworn to before me this 5th day of August, 1935

My commission expires Jan 1938

Notary Public.

17349

July 24, 1935

Re: Permit No. 17349

MR. R. SHANER
Thermopolis,
Wyoming

Dear Sir:

In reply to your letter dated July 18th, we wish to advise you that you must either complete the works required under the above permit and offer proof by August 7th or file a new application for extension of time on the enclosed form, otherwise the permit will lapse on that date and become subject to cancellation. If it is possible to complete the works by the date when proof will be due, it would be wise for you to do so, rather than to make application for an extension of such a short length of time, since if you filed the application a publication would have to be made in connection therewith which will cost you about \$7.00 or \$8.00

However, if you are unable to complete the works within the time allowed, it would be well to file the application for such extension in ample time so that it will reach this office by August 7th, since if it comes in after that date it cannot be accepted.

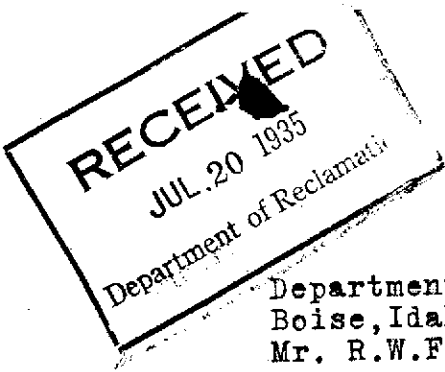
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PIH/rg
Encl.

17349



Thermopolis, Wyo. July 18, 1935.

Department of Reclamation.
Boise, Idaho.
Mr. R.W. Faris, Commissioner.

Dear Sir.

I received the blank forms to be filled out, PROOF OF COMPLETION OF WORKS and note this this work should be finished by Aug 7, 1935 for Permit 17349 and wish to advise that I have instructed my man there to go ahead with this work and try and have it done by that date, I have just returned from the ranch there where we expect to do this work, however a thirty day extension should be sufficient though we will try and have it done by the allotted time we have made ditches and have erected ditches and flumes every year for the last three years but the heavy run off of water and ice in the spring have taken out all our dams ect, we have been applying the water to the lands filed on for three year but have not cleared enough land to cover the entire eighty acres which was originally applied for.

The natural elements have altered the situation some since we first applied for permit, we will go up creek to apoint where we think a dam will stay put and the creek changes in width and course every year and we may be compalled to build the dam a little longer than 10' or it may have to be 20' and it also may have to be a little higher than 3' which was first stated in the papers when we applied for the permit 17349.

In filling in the form PROOF OF COMPLETION OF WORKS, shall we fill it in the exact dimensions of the dam which we will build or shall we fill it in in the same dimensions as the permit calls for.

Any suggestion you may offer will be appreciated.

I remain yours truly.

R. Shaner.

Thermopolis Wyoming.

Box 790

17349

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

R. SHANER
Thermopolis
Wyoming

Boise, Idaho, **June 10, 1935**

Dear Sir:—

Under the terms of your permit No. **17349**.....you are required to complete your diversion works on or before **Aug. 7, 1935**... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

R. W. FARIS
Commissioner of Reclamation.

17349

October 5, 1933

Re: Permits No. 17349 & 17305

MR. W. SHANER
Box 790
Thermopolis, Wyoming

Dear Sir:

Reference is made to your letter of September 22nd in which you ask for certain information relative to a permit issued by this department to Mr. Wade Simpson. The point of diversion as described in Mr. Simpson's permit is in the NW 1/4 of Section 4, T. 59 N., R. 2 W. Since Mr. Simpson has not made application to this department to change his point of diversion he has not been granted permission to do so. This department provides a regular form of application upon which any permit holder may make application for change of his point of diversion but any one who fills such application must state, under oath, that the said change will not be to the injury of any other right on the stream from which the water is being taken. Furthermore, Mr. Simpson is not authorized by his permit to go upon your land to build his ditches since a permit issued to appropriate water has nothing to do with right of way. This is a matter to be settled between the parties concerned.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PEH:RG

17349

October 31, 1931

Dear Sir:

The matter of right-of-way does not come under the jurisdiction of the Reclamation Department, except in a case of private waters. (Any lake not exceeding 5 acres in surface area at high-water mark, pond, pool or spring, which is located or situated wholly or entirely upon the lands of a person or corporation).

If Mr. SIMPSON wishes to divert water from any other point than the one described in his permit, it will be necessary for him to make application to the Department of Reclamation on the regular affidavit provided for change of point of diversion. He will have to state in his affidavit that such change will not be to the injury of anyone else.

Very truly yours,

By 22

PH/mt

Thermopolis, Wyo. Oct 25, 1931.

Mr. R. W. Faris, Commissioner.
Reclamation Dept.
Boise, Idaho.

R. SHANER. PERMIT MAP # 17349
APPLICATION NO. 24374.

Dear Sir.

Being the holder of an approved permit No 17349
On Hellroaring creek. Section #3 T 59 N. R 2 W. Bonner County, Idaho.
I am writing to you for information of another application supposed
to have been given on this same creek rendered to a Mr. Wade H. Simpson
for the purpose of using this water upon the lands adjoining as
his lands located in section .10. T 59 N. R 2 W. Bonner County.

In view of the fact that Mr Simpson did not make application
for a right of way from us to cross our land which I believe is the
requirements of the Reclamation department I am under the impression
that Mr Simpson intends to divert the water from Hellroaring creek
at a point farther up stream from our holdings, kindly advise me
in this respect.

Now in the event that Mr Simpson wishes to divert the water upon
our lands or take a ditch across our lands I presume that it will
be necessary to make amended application and permit, and according
to article 5571. page 220 of the fourth biennial report, where the
rights of others are adversely effected, as in our case, his permit will
date from the filing of the amended application, this will presume
will automatically place us in priority. Kindly advise me on this.

Further I wish to advise that I have made provisions to divert
the water from this creek and to carry it to lands to be irrigated
and have built dam and ditches per my obligations, there is not a
great deal further to do until I place the waters on the land to
irrigate which will be next spring or summer, however we are clearing
land as fast as possible preparatory to cropping and applying
the water.

Will clearing the land and leveling the land preparatory to
applying the water apply on the work set forth in the application
for the permit?

I expect to make additional application for water from Hellroaring
creek for the purpose of applying the water to additional land, taking
the water from the creek upon our own land and running it across our
own land, will it be necessary to have the point of diversion on the
creek indicated exactly to the foot the distance from a given point?

How near accurate is it necessary to describe the point of diversion
of the waters of the creek from a given point or corner?

Any information you may be able to render me will be most useful
and will be greatly appreciated.

I remain yours truly

R. Shaner.

RECEIVED

OCT 30 1931

DEPARTMENT OF RECLAMATION

Box 746

17349

September 30, 1931

Re: PERMIT No. 17549

Mr. R. SHANER
Thermopolis
Wyoming

Dear Sir:

A permit to appropriate the public waters of this state becomes an appurtenance to the land upon which it is to be used and follows any transfer of such land so that no transfer is necessary in your case.

We shall be very glad to have you call at our office with reference to any question on which you desire information.

Very truly yours,

Commissioner of Reclamation

17349

Thermopolis, Wyo. Sept. 28, 1931.

Mr. R.W. Faris,
Commissioner
Department of Reclamation.
Boise, Idaho.

Dear Mr. Faris.

Some time ago I wrote to you for application blanks for the purpose of applying for use of waters of the state I recieved these blanks for which I thank you.

I have permit No 17349 approved Aug 7, 1930. this permit was taken out in the name of R. Shaner who together with Dora Shaner his wife jointly purchased from the Humbird Lumber Co the tract of land to be irrigated and for which the application for the water was to be used now since this permit was issued the land upon which this water was to be used has been fully paid for and a deed issued to Dora Shaner R. Shaner not be known in the deed.

Shall it be necessary to have the application transferred and if so how much time is granted from the time the deed was made to Dora Shaner to have the Application Transferred?

It is our intentions to make additional application for use of waters of the state and with your permission may I appear in person at your office in Boise for this purpose in the near future?

I remain yours truly.

R. Shaner



Box 746

Thermopolis, Wyo.

17349

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17349

Boise, Idaho, **August 8, 1930.**

Dear Sir:

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

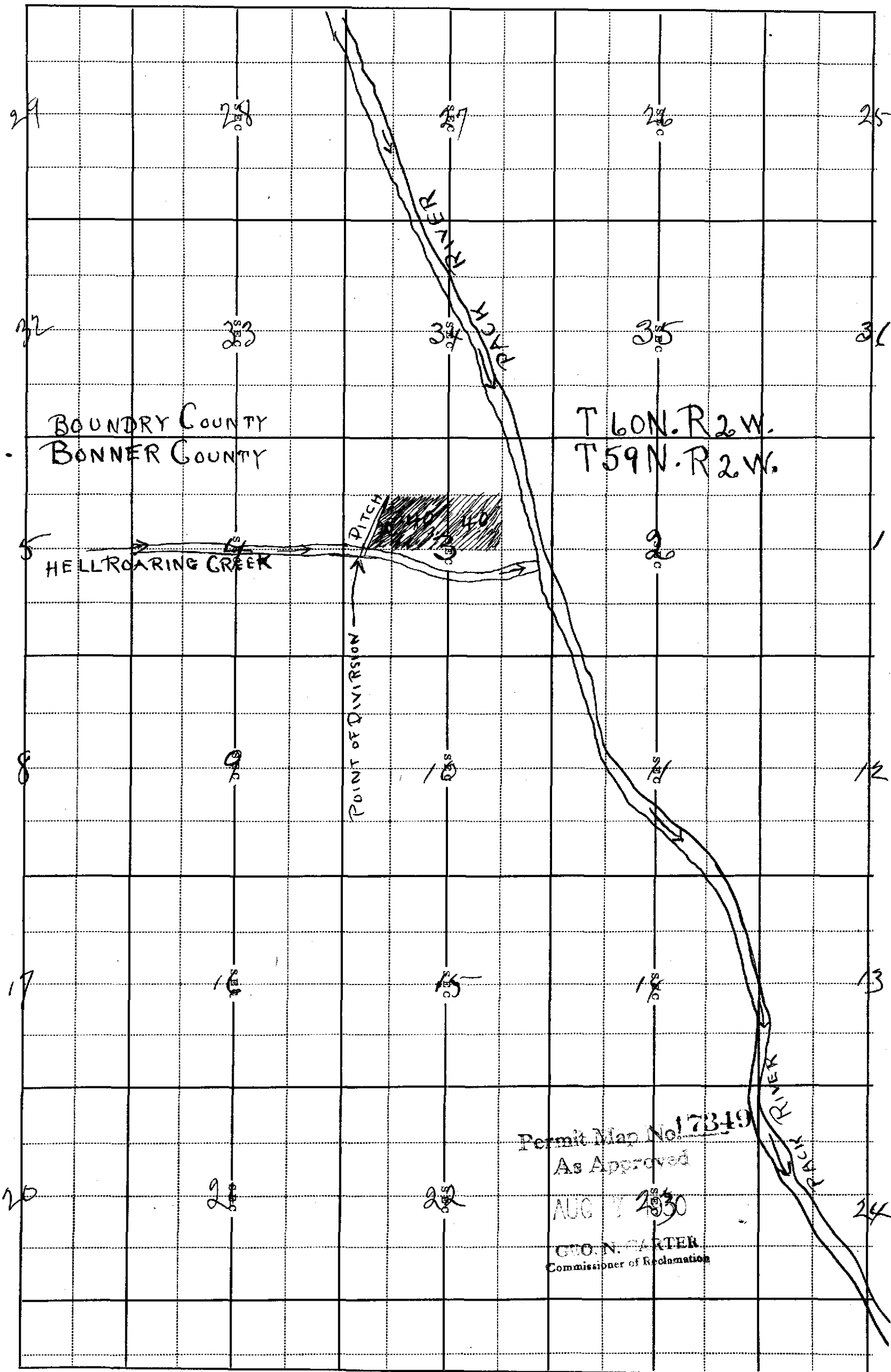
Mr. R. Shaner
Thermopolis, Wyoming

GEO. M. CARTER

Commissioner of Reclamation.

17349

R. SWANER.





BUREAU OF WATER RESOURCES
MYRON SWENDSEN
ASSISTANT COMMISSIONER

STATE OF IDAHO
H. C. BALDRIDGE, GOVERNOR
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, COMMISSIONER
BOISE

July 30, 1930

Re: Application for Permit No. 24374.

Mr. R. Shaner
Thermopolis, Wyoming

Dear Sir:

We are herewith returning your application for permit No. 24374 for signature of applicant.

The application is in good form, and upon receipt of it signed, it will be allowed to pass to permit.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

SL/co
Encl.

GENTLEMEN.

I herewith inclose the application for permit for the waters herein indicated and I have signed the permit herewith inclosed per your request, and thank you very much for your interest in the matter.

Yours truly

17349

July 30, 1930

Re: Application for Permit No. 24374.

Mr. R. Shaner
Thermopolis, Wyoming

Dear Sir:

We are herewith returning your application for permit No. 24374 for signature of applicant.

The application is in good form, and upon receipt of it signed, it will be allowed to pass to permit.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

SL/co
Encl.

Thermopolis, WYO. July, 26, 1930.

Re; Application No. 24374.

Mr. Geo N. Carter. Commissioner.
Department of Reclamation.
Boise, Idaho.

Dear Sir.

I recieved your letter of July 21st in reply to my letter of July 15 regarding my application No 24374 to appropriate the waters of Hellroaring creek. Sec 3 T 59 N .R 2 W . Bonner County Idaho

You suggest that I make application all in one form if physical conditions will permit for the use of the waters for irrigation, domestic use and for generateing power for domestic use , and in this I find that the physical conditions will permit and the one dam and one ditch will serve the purposes for the three uses, thus saving the extra expenses carrying the fileing through to final use.

Also you have granted me the time of five years for the completion of the work and Six years additional to put the water to beneficial use I have made out the papers for the application and have changed the period to Five years for completion of work and six years additions to put the waters to beneficial use ,with your permission, this is highly appreciated on accout of the obstacals encountered and expense in clearing the land of stumps and brush and the time permitted me for the completion os such work will be used to the utmost advantage in prepare the land in such shape for recieveing the waters for beneficial use.

In view of the fact that you have granted me the limit of time on such work as indictaed in the application I wish to advise that I have made some change in the discription of the land to be watered and have also cut down the amount ofma acreage to 100 acres . I have done this for the reason that the 100 acres in the report is the easiest to clear and will require less time to get in shape to recieve the water also I have reduced the acreage so I can be sure of meeting the obligations set forth and have the land ready for agriculture use .

Not being familiar with the requirements of the law in makeing the nessessary application for water my first papers were rather incomplete but I have tryed to to fill in a complete and proper form which I am herewith incloseing and please note that I have changed the discription of the acreage to be watered .

After this instrument and has been accepted as an application I presume that it will be necessary for me to begin some kind of work on the project within 60 days, this will necessitate me going to Idaho for the purpose of starting this work. I presume that I will be notified in time enough that I will be able to make the trip before the fall rains if my application is accepted or not.

Your interest and the assistance you have rendered me in this is appreciated very much.

I remain yours very truly

BOX 746

17349

R. SHANER

R. Shaner
Thermopolis
Wyo

July 21, 1930

Re: Application No. 24374

MR. R. SHANER
Box 746
Thermopolis
Wyoming

Dear Sir:

Reference is had to your letter of July 15, regarding your application No. 24374 to appropriate water from Hellroaring Creek.

You may change the application with reference to the time allowed for completion of works to five years, and likewise, for application of water to beneficial use, to six years, additional, if you so desire.

Referring to your second letter of the same date, in which you state you desire to file upon the waters of Hellroaring Creek for domestic and also for power purposes:

You suggest that you would like to take out all of these appropriations separately. If the physical conditions will permit, I see no reason why you could not make all of the appropriations in one application, specifying therein the three distinct uses to which you wish to put the water and the amount of water to be applied to each use. When I say if physical conditions will permit, I mean would it be possible to make the one diversion far enough upstream so that a part of the water could be used for irrigation, a part for power, and a part for domestic use, and all take out of the same ditch. It seems to me that this would simplify the procedure and would likewise reduce the cost and clerical work of carrying the filings through to final proof. However, if the point of diversion must necessarily be different for one or all of the three uses contemplated, then I think you should make separate applications. You may include only two under one application if desirable, and file a separate application for the other use. The fees will be considerably lessened by reason of combining all of the proposed uses into one permit; likewise, the fees for proof of completion of works and application of water to beneficial use.

17349

- 2 -

MR. R. SHAWER,

July 21, 1930

Enclosed you will find two additional application forms, accompanied by maps, in case it is necessary to make separate filings for each proposed use of water.

Yours very truly,

Commissioner of Reclamation.

GNC/eq
Encs.

17349

Thermopolis, Wyo. July 15.1930.

Mr. Geo N. Carter, Commissioner.
Department of reclamation.
Boise, Idaho.

Dear Sir.

I wish to advise that I have permitted parties to live upon the land owned by us ,sec 3 N 59N R 2W Bonner county and which streams known as Hellroaring creek and pack river cross a part of, these parties liveing upon this land are useing the waters of Hell-roaring creek for domestic purposes I wish to make the proper filing to appropriate these water for domestic to have legal right for the use of these waters for domestic use, I would expect to install a 2" pipe from this creek and extend it to the buildings and correls for domestic use. Please send to me the necessary papers for this purpose,

Also wish to advise that I expect to install a small water-wheel for the purpose of generateing power to be used for domestic use only on the lands above mentioned ,I would expect to take the wae-waters from Hell-roaring creek and run them through ditch and flume to water-wheel and return the waters back to the stream ,the waters could be diverted and returned at a point above where all irrigation water would be diverted from the stream or it could be taken and returned at a point below where all irrigation water would be diverted which ever the case would be adviseable to do to prevent and conflict which could or might arise in connection with any waters to be taken for irrigation ,the waters for the generateing of power would be only used and returned and not consumed as in the case of irrigation

The diverting of the water, the returning of the water and the utilizeing of the water for the generateing of power would all be preformed upon the lands owned by us, kindly advise what procedure necessary for applying for the above use. I would prefer to make all applications for the various uses of the waters of this creek under seperate application. Kindly advise me

Please send to me about Two more sets of blank maps and forms for the application of public waters .

I remain yours very truly

R. SHANER
THERMOPOLIS
WYOMING.



BOX 746

17349

Thermopolis, Wyoming. July, 15. 1930.

Mr. Geo N. Carter, Commissioner.
Department of Reclamation.
Boise, Idaho.

Dear Sir:-

I herewith acknowledge receipt of your letter of July 9 explaining further procedure necessary in filling out the balance of the application for permit No 24374 and I thank you for your interest in the matter.

In your letter you state that Idaho statutes allow a maximum of five years for the completion of the work set forth, but you state that you presume on account of so small an appropriation that you believe one year would be sufficient for the completion.

In regard to the time required for the completion of the work I would like to have had as much time for the completion as possible five years if possible, for this reason, I and my Wife purchased the piece of land in ~~question~~ from the Humbird Lumber Co for the purpose of settling there and improving the land and it was the benefit of the water located on the land and the use we could put the water to that appealed to us most, thus I felt it our duty to make the necessary filing for application to use this water to have the priority of right to protect our interests, there ~~are~~ many obstacles to be encountered in improving a piece of ground in the rough, this land is stump and brush and will require years of hard work to get in shape but once the ground is ready for crop it lays splendid for irrigation, I can of course complete the work of ditches ect, but could not apply the water to the ground filed upon to any beneficial use so far as growing crop if only granted one year to complete the work.

However I don't think it would be adviseable for me not to apply for permit and hold it in good standing for the reason that other parties below our land may go in from time to time and file and hold the priority of the water by first in time first in right, I would appreciate a suggestion in this respect.

I will complete the filling out of the application returned to me and forward to your office in the near future, I would be glad to have your opinion or suggestion of the time limit I will be allowed for the completion of the work and applying the water to the land. Thanking you again for your interest shown.

I remain yours truly.

R. SHANER
THERMOPOLIS, WYOMING

BOX 746

R. Shaner

17349

Thermopolis, Wyo /July 9, 1930.

The Commissioner
Department of Reclamation
Boise, Idaho.

Dear Sir.

I recently recieved copy of the laws the Fourth Biennial report of the Deptment of Reclamation for which I thank you very much, and after reading certain parts of the report regarding the fileing for the appropriation of waters I find that I have not made out the fileing papers correctly in the application I sent to your office July 2, 30. to apply for permit to appropriate the waters on section 3. T 59 N. R 2 W Bonner County Idaho.

I am very anxious to make the necessary fileing in order to have the priority as near as possible and first in time first in right being the case I would like to have the application filed to hold such priority as near as possible.

I presume that you will return such papers to me for correction in the event you find them to be wrong, also on account of Regulations changed by 1929 session laws I did not send the correct amount for fileing, awaiting your advise.

I remain yours very truly.

R. Shaner.



Box 746.

Thermopolis, Wyoming.

17349

July 9, 1930

MR. R. SHANER
Box 746
Thermopolis
Wyoming

Dear Sir:

This will acknowledge receipt of your letter of July 2, transmitting an application for permit to appropriate the public waters of the state for irrigation use.

You ask for about fifty cubic feet per second of the waters of Hellroaring Creek, in Bonner county, for the irrigation of only two hundred acres of land. The amount of water you have applied for appears to be excessively large. The statutes of this state limit the appropriation of water for irrigation purposes to one miner's inch per acre, which, for the two hundred acres partially described in your application, would limit the appropriation to four cubic feet per second. The fee you have enclosed, namely, \$5.90, is about right for four cubic feet per second -- to be exact, the fee will be \$5.75.

In your letter you ask a number of questions regarding the rights obtained by granting of permit to appropriate the public waters of this state; and also describe the conditions surrounding the place of appropriation.

You state that Hellroaring Creek rises on the Forest Reserve and flows directly from the reserve boundaries to your land without crossing any other premises, and ask if such condition would protect you as against other appropriators. Such would not be the case. Under the laws of this state, public waters are subject to appropriation at any point along their natural course, regardless of the nature of ownership of riparian lands. Riparian rights to water are not recognized by Idaho laws.

The permit, however, if approved, grants to you a prior right to the use of as much water as you have appropriated. Said permit, if and when approved, will allow you sixty days from date of approval within which to begin construction of the ditch, etc. It is observed that you have only asked for one year's time within which to complete the works contemplated and two years additional for complete application of water to beneficial use. Idaho statutes allow a maximum of five years for completion, but on account of the comparatively small size of this appropriation, I presume that one year will be sufficient.

17349

MR. R. SIAMER, #2,

July 9, 1930

While your application is in rather incomplete form, still it entitles you to a priority on four cubic feet per second and you will be given sixty days within which to complete the application without loss of priority.

If there are other appropriations of water from Hell-roaring Creek, obviously, such permits, if in good standing, must have prior rights over the one you are filing as of this date. However, should such prior appropriators find it necessary to cross your land in order to construct a ditch, the matter of right-of-way must necessarily be agreed upon between you and the appropriators of water.

Your permit, when approved, will grant to you a right to only four cubic feet of water in accordance with the date of your priority. Subsequent permits would, of course, be cut off if the stream supply would not supply your permit; and by the same line of reasoning, if prior appropriations exist, your permit, if approved at this time, must be subject to cut if it is necessary in order that an appropriation prior to yours must be supplied.

In order that your application may be deemed complete and subject to approval, you should fully answer paragraphs 7 to 13, inclusive, and return it to this office within sixty days.

Yours very truly,

Commissioner of Reclamation.

CNC/eq
Enc.

17349

Thermopolis, Wyo. July 2.1930.

To The Commissioner .
Department of Reclamation.
Boise, Idaho.

My Dear Sir.

I herewith am sending to you application with fees for the purpose of applying for the permit to use waters as indicated in the permit.

The waters I expect to use are from a creek which rises on the forest reserve and flows across same, This water does not flow across any individuals land, I own all of the land adjoining the forest reserve at the point where this stream enters my land and the object in me applying at this time is for the purpose of fileing before any one else can file and have first right to the water.

PLEASE advise me if this application will permit me to use this water in preference to any other parties who may have filed permit before me in view of the fact that this stream is located and flows through the center of my land after leaveing the forest reserve where it rises.

Also please advise me if my rights to use this permit will be cancelled in the event that I do not use this water in the time set forth in the application .

Will the permit I am sending to you be filed in order and held even though it is returned for correction.

If other parties have filed on this stream known as Hellroading creek tributary to Pack river what effect will it have on my rights to the water bearing in mind the facts that the stream crosses my land and that it would be necessary for any one else who aplys to cross my land in order to use the water .In fact have I any preferential right .

Of course if any one else would file I presume that they could file on the surplus water after I have filed.

If my rights hold good under the circumstances and I really have a preferential right regardless if any one else has filed befor me or after me why then I would not care to file at this time otherwise I wish to file and record made there-of even though my application was returned for correction.

I would like very much to have a copy of state laws on such matters and I will most certainly appreciate any help you may be able to render to me in this matter

I remain yours very truly

Box 746

17349

R. SHANKER



Thermopolis

WYOMING