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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4968
WATER RIGHT NO(S). 72-00239/72-04010

This is to certify that: **CLIFF M HANSEN**
BONNIE LEE HANSEN
HC 64 BOX 9910
STANLEY ID 83278

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 72-00239 :			
IRRIGATION	04/15 to 10/15	12.93 CFS	1022.0 AF
Priority: 06/01/1890			
Right No. 72-04010 :			
IRRIGATION	04/15 to 10/15	14.00 CFS	1022.0 AF
Priority: 04/01/1929			
	TOTAL:	26.93 CFS	* 1022.0 AF

SOURCE

SALMON RIVER

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNE), Sec. 32, Township 13N, Range 19E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N	19E	35	NENE 41	Lot 1(NWNE) 18	SWNE 13	
			SENE 41	NESE 12	NWSE 2	127
		36	NENW 33	NWNW 40	SWNW 40	
			SENW 32	NESW 8	NWSW 12	165
				Total number of acres irrigated:		* 292

MICROFILMED
AUG 11 1993

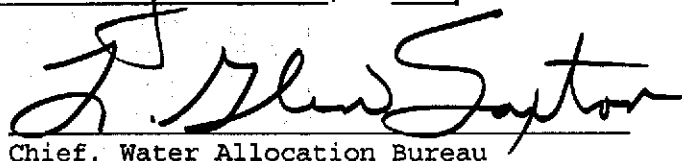
TRANSFER NO. 4968
WATER RIGHT NO(S). 72-00239/72-04010

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 5. Rights 72-00239 and 72-04010 when combined shall not exceed a total annual maximum diversion volume of 1022.0 af at the field headgate and the irrigation of 292.0 acres.
6. Approval of Transfer 4968 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Dated this 24th day of

May, 1999


Chief, Water Allocation Bureau

MICROFILMED
AUG 11 1999

Identification No. _____

Claim No. 72-4010

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant BEN HOWARD

post office address Box 303, Challis, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 16 Township 13N

Range 19E B.M. located on Salmon River

(name of source)

tributary to _____ in ~~Lemhi~~ Custer County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

4/1/1929 amount: 14.0 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from 4-1 to 11-1 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate material is composed of gravel

_____ ; length is 400 feet; height is 4-5 feet;

width at bottom is ~~10~~ 40 feet; width at top is ~~10~~ 50 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped XX ; depth of well is

XX feet; diameter of well is XX inches; type of pump is XX

capacity of pump is XX g.p.m.; name and address of well driller is XX

attach well logs if available; has there been any change in pump or motor since well was first completed
 _____; if so, give dates and explain XX

- c. Conveying works: length of ditch to place of use is 5 miles; width of ditch at top is 20 feet;
 width of bottom of ditch is 16 feet; depth of water is 3 feet; grade of ditch per 1000
 feet is _____ feet; material through which ditch passes is various types;
 maximum length of pipe line to first place of use is XXXX feet; diameter of pipe line is XXX inches;
 type of pipe XXXX; grade of pipe per 1000 feet is XXXXXX

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir None;
 total capacity of reservoir is XX acre feet; active capacity of reservoir is XX acre feet;
 year construction commenced XX; year completed XX; date first used XX
 period of storage is from XX M to XX; is reservoir drained each year XX;
 is reservoir on or off stream XX explain XX

if feeder canal is used give maximum carrying capacity XX c.f.s.; if reservoir is off stream, describe
 location of reservoir by 40-acre subdivisions XX

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and
 describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	35	40	30	40	40									10	10			170
14N	19E	36					40	40	40	40	10	10							180

Total number of acres to be irrigated 350

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch Upper McGowan ditch. The other users and their respective interests in the ditch are (if known) Lynn Johnson }
Golden Westergard } 2/3
Gaith Chivers }

6. Where water is used for stock watering, give number of each kind of stock watered XX

7. Where water is used for domestic or municipal purposes give number of families served XX
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities None

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

June, 1972
(Date)

Ben Howard
(Signature of Claimant)

State of Idaho
County of Custer } ss.

On this 28 day of June 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Benedict M. Rood
Notary Public residing at Challis, Idaho

My commission expires 7-14-72

ala 7-5-72 For Department Use Only
Received by ef Date 6-29-72 Exception filed by: _____ Forwarded to claimant by: _____ Date: _____
Prelim. check by D Date 6-29-72 _____
Fee received by ef Date 6-29-72 Fee \$ 10.00 _____
Approved for publication by YH _____
Published in Challis Messenger Dates 7-20 & 7-27-72 alw 72 4010

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Not present address

RECEIVED

AUG 1 1972

Department of Water Administration
Southern District Office

**AFFIDAVIT
OF PUBLICATION**

State of Idaho, }
County of Custer, } ss:

I, Louis Kristan, publisher
of The Challis Messenger, a
weekly newspaper, publish-
ed at Challis, Idaho, do sol-
emnly swear that the notice
hereto attached and made a
part hereof, was published
in the regular and entire
issue of The Challis Messen-

ger for Two
consecutive weeks, com-
mencing with the issue
dated July 20, 1972,
and ending with the issue
dated July 27, 1972,

Louis Kristan

Subscribed and sworn to
before me this 31st
day of July, 1972

James R. Bennett
Notary Public, Residing at
Challis, Idaho.

My Commission expires

12-13-74

PUBLIC NOTICE

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 72-4010

Notice is hereby given that
Ben Howard Box 303, Challis,
Idaho has filed a claim to a wa-
ter right established by diver-
sion and application to benefi-
cial use of 14.0 cubic feet per
second of water from The Sal-
mon River with point of diver-
sion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16,
T. 13N, R. 19E, B.M. Custer
County.

The water is claimed to be
used from April 1 to Nov. 1 for
the irrigation of 350 acres with
a priority of April 1, 1929; the
place of use is within the NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; NW $\frac{1}{4}$, N $\frac{1}{2}$ -
SW $\frac{1}{4}$, Sec. 36, T. 14N, R. 19E,
B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho, 83707, on or before
August 7, 1972.

R. KETH HIGGINSON
Director

Published in the The Challis
Messenger, Challis, Idaho on
July 20, and July 27, 1972.

72 4010

MEMORANDUM

TO: Files 72-00239 & 72-04010

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 4968

DATE: May 11, 1999

Transfer 4968 changes the point of diversion under Rights 72-00239 and 72-04010. The applicant is changing the point of diversion and consolidating delivery with the Challis Irrigation Company canal system. The transfer approval is based on the rights as recommended in the SRBA.

Season of use and diversion volume was adjusted to current standards. The place of use was modified to reflect the SRBA recommendation of 292.0 acre common place of use. Other recommended conditions include combined right limits, right-of-way, future measuring & annual reporting, irrigation overlap and standard transfer conditions.

MICROFILMED
AUG 11 1999

MEMORANDUM

TO: FILE 72-4010

FROM: PAM SKAGGS

RE: TRANSFER # 4968

DATE: 11-29-96

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 72-00239.

REFILMED

11 1999

August 9, 1972

Re: Claim to a Water Right No. 72-4010 - Ben Howard

Ben Howard
Box 303
Challis, Idaho 83226

Dear Mr. Howard:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Copy of claim

72 4010

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301
(208) 734-3578

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

July 13, 1972

Re: Claim Nos. 72-4010 - Ben Howard
72-4011 - Walter Dean

The Challis Messenger
P. O. Box 97
Challis, Idaho 83226

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct,
that the amount claimed is legally due, after allowing all just
credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Legal Notices (2)

Bill submitted

8-1-72

alw

72 4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 72-4010

Notice is hereby given that Ben Howard

Box 303, Challis, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 14.0 cubic feet per second ~~more than~~ of water from The Salmon River

with point of diversion in the SW $\frac{1}{4}$, Sec. 16, T. 13N, R. 19E, B.M.

Custer County.

The water is claimed to be used from April 1 to Nov. 1

for the irrigation of 350 acres

with a priority of April 1, 1929;

the place of use is within the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 36,

T. 14N, R. 19E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before August 7, 1972.

R. KEITH HIGGINSON

Director

Published in the The Challis Messenger, Challis, Idaho

on July 20 and July 27, 1972.

72 4010

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 72-4010

Notice is hereby given that Ben Howard Box 303, Challis, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 14.0 cubic feet per second of water from The Salmon River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 13N, R. 19E, B.M. Custer County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 350 acres with a priority of April 1, 1929; the place of use is within the NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 36, T. 14N, R. 19E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before August 7, 1972.

R. KEITH HIGGINSON
Director

Published in the The Challis Messenger, Challis, Idaho on July 20, and July 27, 1972.

*K
slw
7-18-72*

72
4010

July 7, 1972

Re: Claim No. 72-4010 - Ben Howard

Ben Howard
Box 303
Challis, Idaho 83226

Dear Mr. Howard:

Attached herewith is your Receipt No. 9682 in the amount of \$10.00 for the above reference Claim to a Water Right which was received in our office June 29, 1972.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Receipt No. 9682

72 4010