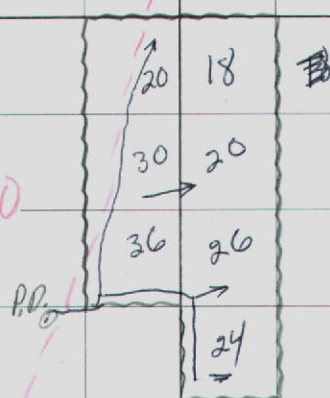


Rge. 19E.

Top. 14N.

10

11



Q measured _____

Q recommended _____

Volume _____

Acreage -

Found _____

recommended _____

Subdv. _____

Amendments

☐ None

☐ P.D.

☐ Place of use

☐ _____

Challis

0-1

**AFFIDAVIT
OF PUBLICATION**

RECEIVED
AUG 29 1966

State of Idaho,
County of Custer,

Department of Reclamation

I, Richard Swindell, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4.....
consecutive weeks, com-
mencing with the issue

dated July 28....., 19..66,
and ending with the issue

dated August 18....., 19.66.,

Richard Swindell

Subscribed and sworn to
before me this 23rd

day of August, 1966.

Merian Burdett
Notary Public, Residing at
Challis, Idaho.

My Commission expires

9-1-70

B 32501

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that on the 26th day of August, 1966, at Challis, County of Custer, State of Idaho, before J. Lessil Sharp, Notary Public, at Challis, Idaho, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of the waters of Springs, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32501, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Ethel B. Philips, Challis, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, Twp. 14 N., R. 19 E.B.M.

5. The place where said water is used is E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, and W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 11, Twp. 14 N., R. 19 E.B.M. Total 120 acres.

6. The date of priority which said user is prepared to establish is August 9, 1965.

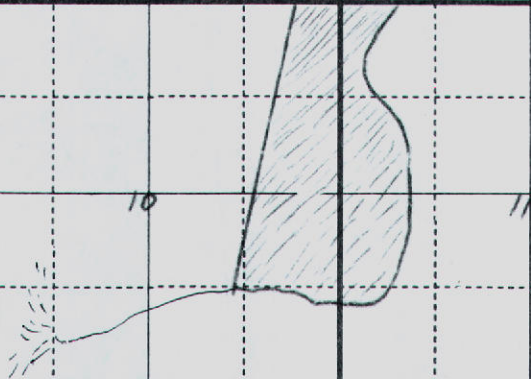
R. KEITH HIGGINSON
Deputy State

Reclamation Engineer
Pub. July 28, Aug. 4, 11, 18,
1966

NAME OF APPLICANT.....Ethel Philips.....

Form No. 0

Top. 14 N. R. 19 E. B.M.



Permit Map No. 32501
As Approved
CARL E. JOHNSON SEP 8 1965
State Reclamation Engineer

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32501/72-2134 Priority August 9, 1965 Amount 2.40 cfs

THIS IS TO CERTIFY, that ETHEL B. PHILPS
of Challis, Idaho, has complied with the terms and conditions of Permit
No. 32501/72-2134 issued pursuant to Application for Permit dated August 9, 1965,
and has submitted proof to the Department of Water Resources on August 26, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.39 cfs of water from unnamed springs,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>2.40</u> cfs and			<u>360 acre feet or</u>
			<u>3.0 af per acre</u>
from _____ to _____ at _____ cfs and			
from _____ to _____ at _____ cfs and			

(both dates inclusive)

Subject, however, to the condition that no more than 2.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
360 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10,
Twp. 14 N, Rge. 19 E, B. M. in the County of Custer

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	19 E	10	18			26									33				77
		11					6	19			14	4							43

Total number of acres irrigated 120

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
March, 19 75.

Director

Application For Permit

To Appropriate the Public Waters of the State of Idaho 72-

APPLICATION No. 40625
 PERMIT No. 32501
 DISTRICT No.

1. Name of Applicant: Ethel B. Philips

Postoffice address: Challis Box 8

County: Custer

State: Idaho

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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: Two and 4/10

cubic feet per second.

3. Source of water supply: Springs

which is a tributary of None

4. Location of point of diversion: 1200

feet distant from the SW

corner of Section 10, T. 14 N., R. 19 E., B.M., and is in the W¹/₂SW¹/₄

of section 10, T. 14 N., R. 19 E., B. M., County of Custer

5. Water is to be used for Irrigation

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

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

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

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

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

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

7. Estimated cost of works: \$ 100.00

8. Kind of works: Ditch

9. Height of dam none feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width None feet; height feet.

11. Ditch: Width at bottom Five feet; width at water line feet; depth of water feet;

dimensions of flume: None

Diameter of pipe None inches; length of conduit one half miles.

Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is None additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

89 inches of decreed water right of Challis Creek

16. (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 water of the State of Idaho as herein set forth.

s/ Ethel B. Philps *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A.M. August 9, 1965

Returned to applicant for correction: August 10, 1965

Corrected application received: August 30, 1965

Approval of State Reclamation Engineer

The number of this permit is 32501
Recorded in Book 114 Page 32501 Approved September 3, 1965
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 November 3, 1965 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 March 3, 1966
The whole of said work to be completed on or before September 3, 1966
Beneficial use of water appropriated in accordance herewith, to be made on or before September 3, 1966

WITNESS My hand this 3rd day of September, 1965
s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd day of September, 1965.
STATE OF IDAHO
Countersigned:
(SEAL) By s/ ARNOLD WILLIAMS Secretary of State.
By s/ ROBERT E. SMYLIE Governor.

REMARKS: The water increases from approximately 10 inches in the spring to approximately 120 inches in the fall, The main spring is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, Twp. 14 N., R. 19 E.B.M., but some water raises in portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 10, Twp. 14 N., R. 19 E.B.M.,
14. The waters from these springs have been used by the applicant for 50 years or more.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	19 E	10	18			26									33				77
"	"	11					6	19			14	4							43
Total number of acres to be irrigated																			120
AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS																			
I, HOWARD CAMERON, of Custer, County of _____, State of Idaho, do hereby certify that I am the owner of the land on which the spring mentioned in the application of Ethel Philps is located, to wit: A portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 10, Twp. 14 N. R. 19 E.B.M., and that I do hereby grant unto the said Ethel Philps permission to file on the said spring as set forth in the foregoing application.																			
s/ HOWARD CAMERON																			
STATE OF IDAHO) County of Custer) ss																			
On this _____ day of August, 1965, before me, a Notary Public for the State of Idaho, residing at Challis, Idaho, personally appeared Howard Cameron known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.																			
Witness my hand and seal, the day and year in this certificate first above written.																			
s/ J. LESSIL SHARP Notary Public																			
My commission expires March 17, 1967																			
(SEAL)																			

LICENSE ISSUED FOR 2,40 SEC. FT.
LICENSE PAG. NO.

March 10, 1975

Re: Permit No. 32501/72-2134

Ms. Ethel B. Philips
Challis,
Idaho 83226

Dear Ms. Philips:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

We are also enclosing Receipt No. 1845 in the amount of \$19.00 covering the licensing fee on this permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

February 28~~k~~, 1975

Ethel B. Philps
Challis,
Idaho 83226

Dear Ms. Philps:

A representative of this Department has made an examination of the works covered by your Permit No. 32501/72-2134 and has found the following:

Quantity of water diverted: 3.39 cfs Source: unnamed springs

Amount of water that can be recognized as beneficially used under Idaho Law: 2.40 cfs

The maximum quantity of water diverted shall not exceed 360 acre feet per season.

Beneficial use: For irrigation of 120 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 11; All in Twp. 14N, Rge. 19E

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 14N, Rge. 19E, B.M.

Priority date established: August 9, 1965

A fee totaling \$ 19.00 must be received within 30 days of the date of this letter in order that we can issue a water license as set forth above.

If you do not concur with these findings, please contact this office within the 30 day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

INTER-DEPARTMENT MEMO — 1

FROM Gary Funderburg

DATE 2-18-75

TO DARLENE R.

SUBJECT Field Exam Report for Permit No. 32501/72-2134

The point of diversion is indicated on the map of the old exam. The amount of acreages are listed also on the same map.

The exam does not list the 120 acres as you indicated on your memorandum. This is why I went ahead and made the exam out for 174 acres which would cover the lands they described on the old exam under Item No. 7.

If you have any further questions pertaining to this exam, please call me.

MICROFILMED

GF

SIGNATURE

RECEIVED

FEB 25 1975

Department of Resources
Southern District Office

MEMO

To: Southern District Office
Attn: Michael

From: Darlene Reich

Date: 2/12/75

Herewith forwarding field exam report for Permit No. 32501/72-2134

Cannot issue license until the following is determined:

- ☐ Amount of water measured
- ☒ Location of point of diversion Need p.d. pin-pointed to a 40-acre sub
- ☐ Place of use for domestic
- ☐ Place of use for stockwater
- ☒ Place of use for irrigation (number of acres in each 40-acre subdivision) Note that permit was issued for only 120 acres!
- ☐ Installation of measuring device
- ☐ Permit holder does not agree with findings of examiner, please re-examine
- ☐ Other

NOTED
FEB 25 1975

FIELD REPORT

Post office address Challis, Idaho Phone

Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Period of Use: from 4/1 to 11/1
(mo.-day) inclusive (mo.-day)

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

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

Other uses: _____

Max Rate of Diversion 2.4 cubic feet per second and annual volume _____ AF/Annum.

Township 14 N N/S, Range 19 E E/W, B.M., Section 10, Subdivision W¹/₂ SW 1/₄, Custer
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: Remarks (on permit): The water increases from approx. 10" in the spring to approx. 120" in the fall. The main spring is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, but some water rises in portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9 and the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10. The waters from these springs have been used by the applicant for 50 years or more. (August 9, 1965)

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TOTAL ACREAGE

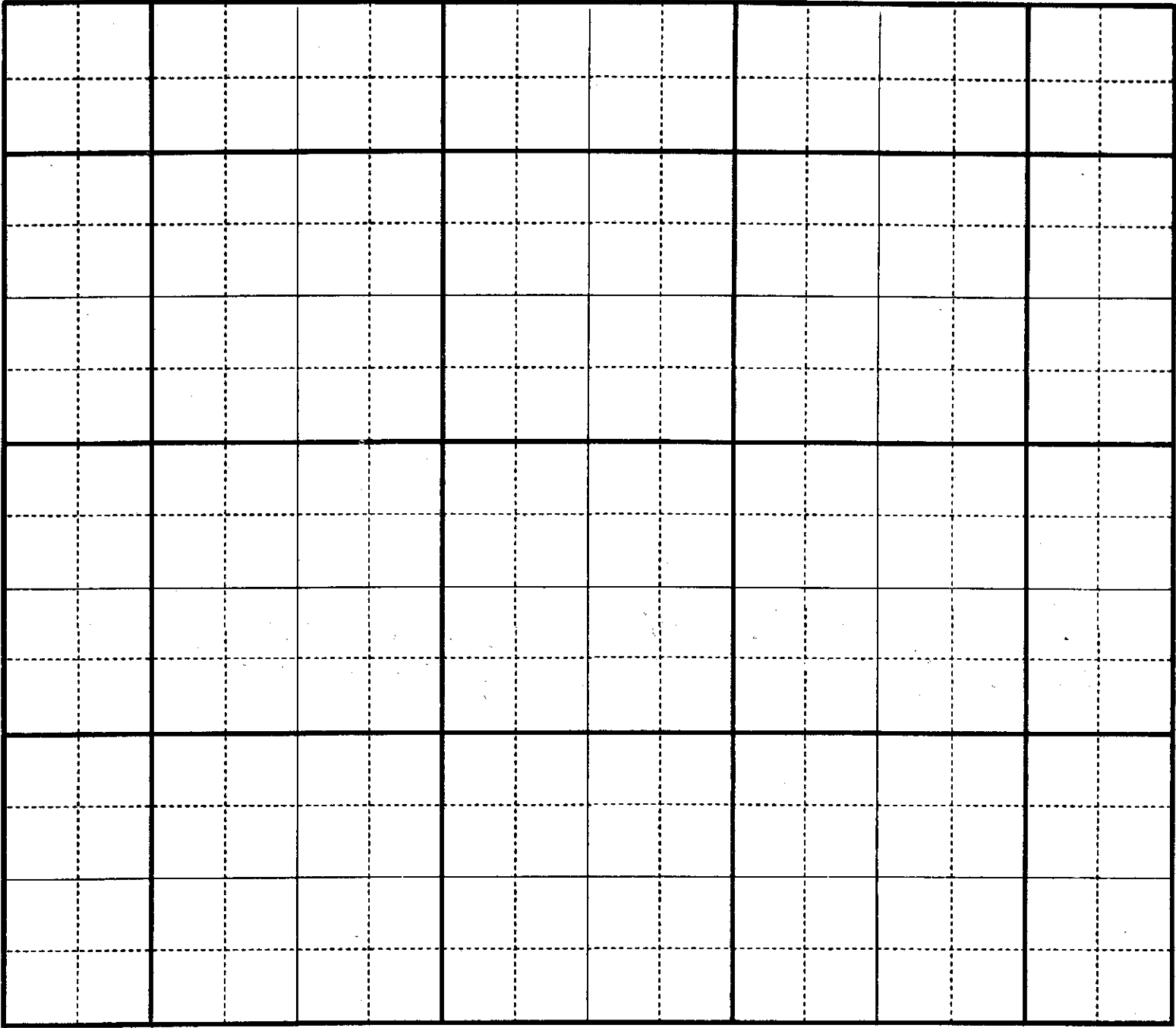


Diagram of System

DATE OF EXAM _____

ACREAGE

Found _____

Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County

Exchange? yes _____ no _____

Name source exchanged with: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County

Point of injection:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County

Point of exchange:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

REMARKS:

Examiner's Signature _____ Date _____

Checked by _____ Date _____

Approved by _____ Date _____

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 32501/72-2134

REPORT ON PROOF OF Completion of Works & Beneficial Use

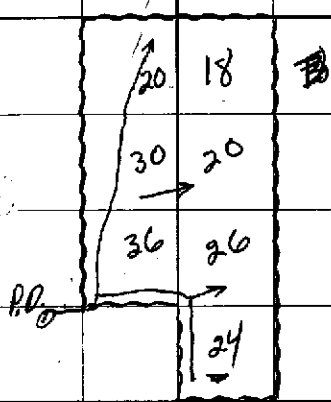
MICROFILMED

R1.11E

11

10

11



Q measured _____

Q recommended _____

Volume _____

Acreage -

Found _____

recommended _____

Subdv. _____

Amendments

☐ None

☐ P.D.

☐ Place of use

☐ _____

Chub

0

LJ-100
1-63

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date Philps, 19 R-792 DISCHARGE MEASUREMENT NOTES

River at R-792

A. coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
~~1.0~~	~~5~~	~~3~~	~~3~~								
0.5	5	4	4		150	48			3.63	.20	.726
2.0	5	4	4		150	55			2.65	.20	.53
0.5	5	3	3		150	52			2.80	.15	.42
3.0	5	3	3		60	40	dr		1.48	.15	.222
0.5	5	4	4		80	40			1.96	.20	.392
1.	5	4	4		80	40			1.96	.20	.392
0.5	5	3	3		80	49			1.61	.15	.241
5.	5	3	3		80	41			1.91	.15	.286
0.5	5	.25	25		80	52			1.52	.12	.182
6.0		.2									

Total = 3.391

This Water was
at its Highest
Flow

Chas. J. Kelly

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 32501/72-2134

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

1. Name of applicant Ethel B. Philps

2. Source of water supply: Springs

3. Location of point of diversion: Is in the W¹/₂SW⁴ of Section 10

T. 14 N R. 19 E, B.M. County of Custer

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

5. Water is used for: Irrigation

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

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

E¹/₂NE⁴, NE¹/₂SE⁴, S. 10, T. 14 N, R. 19 E, B.M.

W¹/₂NW⁴, W¹/₂SW⁴, S. 11, T. 14 N, R. 19 E, B.M.

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

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

Remarks:

This examination was made on the day of , 19

(Signed)

Examiner.

Michael L. Stoh

DATE 7-30-74 EXAMINATION RECORDS
Quantity Meas. 3.29 cfs See discharge Notes.
Q = 2.4 cfs
V = 522 AcFt/ANN by LF

Irrigation Requirement = 3.0 AcFt/ANN.
Acres Irr. 174.0 by:

Pygmy Meter to Meas.
the flow # R-292 by:

Gravity Flow Irrigation
by:

INSTRUCTIONS TO EXAMINERS

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

Ethel B. Philps ^{ditches from springs}
Box 8 ^{gravity flow}
Challis, Idaho 879-2353
Permit No. 32501 / 72-2134

Examination for Completion of Works & Beneficial Use

County Custer
Sec. 10 T. 14 N. R. 19 E, B.M.
Quantity: 2.4 c.f.s.

72-
Source: Springs

P.D.: W 1/2 SW 1/4, S. 10, T. 14 N, R. 19 E, B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: August 9, 1965

Due: September 3, 1966

Made August 26, 1966

1 white house to right
lower 2 acres

Howard Cameron
Rick Philps
879-2720

call first
of May

Charles Idaho

July 28-65

ALL R 1048

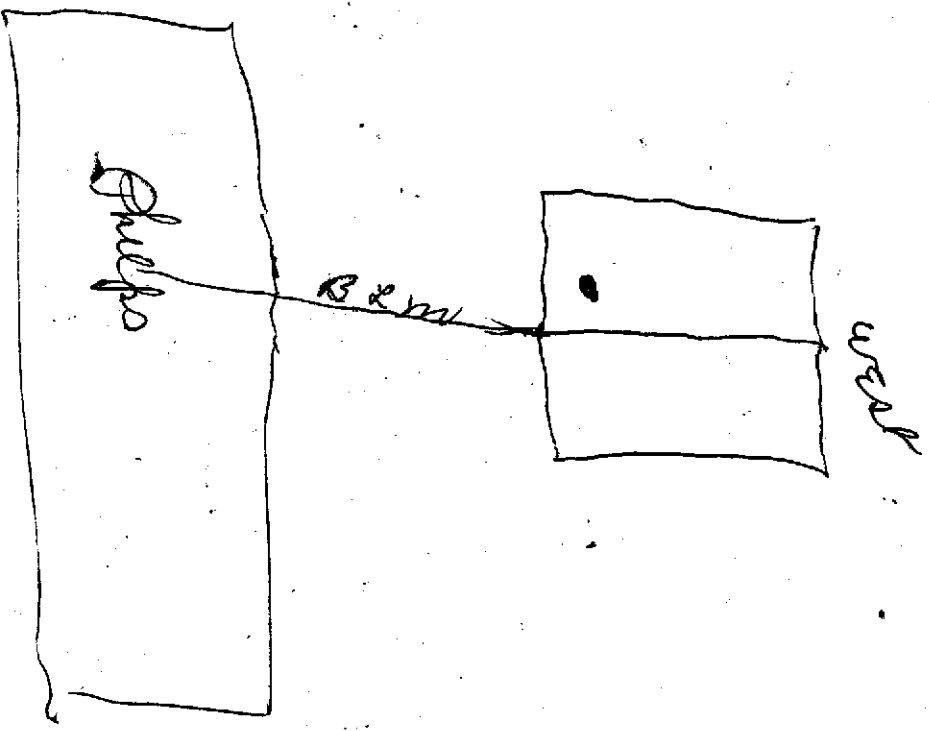
(Department of Reclamation)

Department of Reclamation

Dear Sirs I am writing
regarding a spring and
spring waters coming from
my property which I have
used for 50 years

The spring raised and
S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 9

T.P. 14 N. R. E.B. M owned
by Ethel B Phelps also spring
water from this ranch and
traveled joining belonging to
me this water runs
through a draw runs
the B. L. M belonging to
has recently sold to some
Eastern People I have reasons
to believe they will buy to
332501



b 33501

explain the water to pump
 up on the hill & down
 all the ground on both
 sides of this 40 and have
 need it on the lower
 ranch for years, had
 any one filed on this
 water? If not is it
 necessary for me to file
 the water rights and
 all the neighbors believe
 this water belongs to me
 please send me a check
 to fill out if necessary
 to file by return mail.
 and Oblique
 Ethel B. Quelbo
 Chelbo
 b 33501

This varies from a
 few inches to quite a
 distance in the season

September 5, 1967

Re: Permit 32501

Elmer Enderlin
Stanley, Idaho

Dear Mr. Enderlin:

In checking Mrs. Ethel B. Philips permit in which she claims water from a spring we find that she has permission to file on this spring. It seems this spring is located on a Mr. Howard Camerons property. He signed an affidavit stating this was a spring and that Mrs. Philips could file on it.

There is no law that states you cannot file on waste water. If the water is available and not being used beneficially then it can be filed on.

It seems, however, that this is water from a spring, and when our field engineer checks this permit he will check to see if it is a spring or waste water from up above. It is possible that the springs run this amount of water all year but that during the early part of the year it could sink rather than run down. After irrigation starts the land becomes saturated and the water no longer sinks.

If we can be of further help in this matter let us know. Your protest will be filed in Mrs. Philips permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:kd

832501

Stanley, Idaho
Aug 31, 67

RECEIVED

SEP 5 1967

Mr. R. Keith Higgins

Dept. Reclamation

State House, Room 707

Boise, Idaho

Department of Reclamation

Dear Mr. Higgins:

In regard to a water right which Mrs. Ethel Phillips Challis, Idaho is filing on.

This small creek is overflow water from irrigation above my property and runs across 1/8 mile of my property and I would like to contest this water right as I understand it is impossible to file on overflow water and I think I am entitled to use some

h 32501

of this water myself.
Her filing is under
permit # 32051
32501.

To prove this is not water
from Springs it is totally
dry in Spring of year until
they start irrigating above
my property.

Would like to have you
give me what information
you can on this and
what course I should take
to stop this water right.

Sincerely,

Elmer Enders
Stanley, Idaho

p 32501

September 15, 1966

Re: Permit No. 32501

Ethel B. Philips
Box 8
Challis, Idaho 83226

Dear Mrs. Philips:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the _____ all submitted in proof of completion of works and ~~beneficial use~~ on Permit No. 32501.

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

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

Very truly yours,

H. Russell Bosch
Office Manager

MRS:mv

B. 32501

**AFFIDAVIT
OF PUBLICATION**

AUG 29 1966

State of Idaho,
County of Custer, **Department of Reclamation**

I, Richard Swindell, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4 consecutive weeks, commencing with the issue

dated July 28....., 19..66, and ending with the issue

dated August 18....., 19.66.,

Richard Swindell

Subscribed and sworn to before me this 23rd

day of August, 1966.

Glenn Burdett
Notary Public, Residing at
Challis, Idaho.

My Commission expires

9-1-70

632501

NOTICE OF COMPLETION OF WORKS

APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that on the 26th day of August, 1966, at Challis, County of Custer, State of Idaho, before J. Lessil Sharp, Notary Public, at Challis, Idaho, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of the waters of Springs, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32501, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Ethel B. Philips, Challis, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10, Twp. 14 N., R. 19 E.B.M.

5. The place where said water is used is E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, and W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 41, Twp. 14 N., R. 19 E.B.M. Total 120 acres.

6. The date of priority which said user is prepared to establish is August 9, 1965.

R. KEITH HIGGINSON
Deputy State
Reclamation Engineer

Pub. July 28, Aug. 4, 11, 18, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32501

RECEIVED
AUG 29 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

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

ETHEL B. PHILPS Box 8 CHALLIS, IDAHO 83226

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

Ques. 3. State number, approval date of permit, and date of priority: 32501
September 3, 1965.

Ques. 4. State source of water supply: Springs
Give location of point of diversion, showing subdivision, section, township and range
1300 feet SWW from Southwest corner of Section 10, Twp. 14 N., Rge 19 E.B.M. in
the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Twp. 14 N., Rge. 19 E.B.M., Custer County, Idaho.

Ques. 5. Describe your works of diversion: Ditches from springs to lands irrigated.
_____; state amount of water they are capable of conveying from point of diversion to place of use: 150 miners inches; Give name of canal or ditch or other works by which water is conducted to such place of use: _____
_____; if a well, state depth of well _____; depth and size of casing _____; depth to water _____; if pump is used, state discharge of pump: _____; tell how it was measured or determined _____
_____; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ (18 acres), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (26), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (33), Section 10, T. 14 N., R. 19 E.B.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ (6), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (19), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (14), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (4), Twp. 14 N., R. 19 East, B. M.

D

32501

State nature of all improvements which have been made as a direct result of said use:
Have irrigated garden, trees, alfalfa and other crops, on said lands.

QUESTIONS TO BE ANSWERED

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: over 50 years ago - Time used since first use: _____
Every year for over 50 years.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____
Have some water from Challis Creek appurtenant to this and other lands, 89 inches.

(sign) Ethel B Phelps

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

Challis, County of Custer,
State of Idaho, on this 26th day of August, A. D. 1966.

My commission expires: March 17, 1967

J. Lessil Sharp
Notary Public for Idaho
Residing at Challis, Idaho

B32501

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32501

* * * * *

RECEIVED
MAY 29 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

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:

HOWARD A. BAXTER 46 Challis, Idaho 83226 Draft Board Clerk and

Title Man.

Ques. 2 Are you acquainted with ETHEL B. PHILPS, the holder of
Permit No. 32501 ☒ Yes ☐ No her

? How long have you known ~~him~~ and where does she reside?

approximately 40 years--She resides on ranch about 5 miles north of Challis.

Ques. 3. Have you read or heard said Permit No. 32501 ☒ read, and are you familiar
with its provisions and conditions: Yes ☒ X No. ☐

Ques. 4. State source of water supply: Springs in SW $\frac{1}{4}$ Sec. 10, T. 14 N., R. 19 E.B.M.

Give location of place of diversion, showing subdivision, section, township and range
in SW $\frac{1}{4}$ of Section 10, Twp. 14 N., R. 19 E.B.M. in Custer County, Idaho.

Describe works for conveying water to place of use: Gravity flow ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 350 or 400 miners inches. *Part was waste water from ranch above.*
How much water have you seen being so
conveyed? about 200 miners inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Approximately 18 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 26 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 33 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 10, Twp. 14 N., R. 19 E.B.M.; and 6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 19 acres in

SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 14 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, Twp. 14 N., R. 19

E., Boise Meridian.

32501

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

Clay loam with rather steep grade. It requires approximately 2 inches per acre for profitable irrigation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None whatsoever.

Ques. 10. When did you first see this water used? Been so long ago I have forgotten the actual first time, but I have seen it used for over 30 years that I remember. Other times you have seen such use: This year.

(Signed):

Howard A. Baxter

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

Challis, County of Custer, State of Idaho, on this 26th day of August, A. D. 1966.

J. Lessil Sharp

Notary Public for the State of Idaho
Residing at Challis, Idaho

My commission expires March 17, 1967.

632501

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
AUG 29 1966
Department of Reclamation

Permit No. 32501

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

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:

EVA MANN 43 CHALLIS, IDAHO Clerk of the District Court Challis
Idaho 83226

Ques. 2 Are you acquainted with Ethel B. Philps, the holder of

Permit No. 32501 ^{yes}? How long have you known him and where does he reside? all my

life. Resides on ranch about 5 miles North of Challis and $\frac{1}{2}$ mile from ranch of my
parents on which I was raised.

Ques. 3. Have you read or heard said Permit No. 32501 read, and are you familiar
with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: underground drainage and springs.

Give location of place of diversion, showing subdivision, section, township and range
in SW $\frac{1}{4}$ of Section 10, Twp. 14 N., R. 19 E.B.M. in Custer County, Idaho.

Describe works for conveying water to place of use: gravity flow ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: five or six How much water have you seen being so
conveyed? five or six second feet.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

all in Twp. 14 N., R. 19 E.B.M.: Section 10 has app. 18 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 26 acres
in SE $\frac{1}{4}$ NE $\frac{1}{4}$; and Section 11 has app. 6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 19 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 14 acres
in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$. Twp. 14 N. R. 19 E.

32501

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

clay loam, some gravel and shale rocks. It requires approximately 2 inches per acre for profitable irrigation by corrugations and gravity flow on ground irrigation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? no

Ques. 10. When did you first see this water used? first noticed about 20 years ago.

Other times you have seen such use: Always saw water running down the draw to Philips ranch. When I became aware of use of water for irrigation, I noticed it being used for that purpose. Saw it running this summer.

(Signed):

Eva B. Mann

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

Challis, County of Custer, State of Idaho, on this 26th day of August, A. D. 19 66.

J. Lessil Sharp

Notary Public for the State of Idaho

Residing at Challis, therein

My commission expires March 17, 1967.

h32501

THE CHALLIS MESSENGER

RICHARD SWINDELL, PUBLISHER

PRINTING, PUBLISHING, ADVERTISING

SINCE 1881

CHALLIS, IDAHO

July 18, 1966

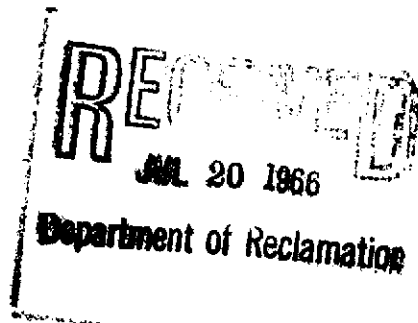
Department Of Reclamation
107 State House
Boise, Idaho

Dear Sirs:

Enclosed is a galley proof of a publication for Ethel B. Philps, Challis, Idaho, Permit No. 32501 to be published in the Challis Messenger for four (4) weeks, commencing witht the issue of July 28, 1966 and ending August 18, 1966.

Sincerely,

Richard Swindell
Richard Swindell



h32501

RECEIVED
JUL 11 1966

Department of Reclamation.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) JULY 8, 1966

(P. O.) CHALLIS, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the CHALLIS MESSENGER of
CHALLIS, IDAHO Published in
the county in which the works are situated.

Ethel B Phelps

(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

63250

RECEIVED

JUL 11 1966

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at ~~10:00~~ 10:00 A.M., on the 26TH day of AUGUST, 1966, at CHALLIS, County of CUSTER, State of Idaho, before J. LESSIL SHARP, Notary Public, at (address) CHALLIS, IDAHO, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of the waters of SPRINGS, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32501, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: ETHEL B. PHILPS, CHALLIS, IDAHO

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is IRRIGATION purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is IN THE W $\frac{1}{2}$ SW $\frac{1}{4}$, SEC. 10, TWP. 14 N., R. 19 E.B.M.

5. The place where said water is used is ~~THE E $\frac{1}{2}$ NE $\frac{1}{4}$, THE NE $\frac{1}{4}$ SE $\frac{1}{4}$, SEC. 10, AND~~
~~THE W $\frac{1}{2}$ NW $\frac{1}{4}$, THE W $\frac{1}{2}$ SW $\frac{1}{4}$, SEC. 11, TWP. 14 N., R. 19 E.B.M.~~

Total 120 acres.

6. The date of priority which said user is prepared to establish is JUNE 6, 1910.

August 9, 1965

State Reclamation Engineer

32501

Re: Permit No. 32501

July 11, 1966

Challis Messenger
Challis, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to August 26, 1966. The expense of the publication is to be paid by Ethel B. Philps of Challis, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

~~XXXXXXXXXXXX~~
~~CARL E. TAPPA~~
Deputy State Reclamation Engineer

RKH:mr

Enc. legal notice

32501

July 11, 1966

Re: Permit No. **32501**

Ethel B. Philips
Challis, Idaho

Dear Mrs. Philips:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **32501**. The proofs are to be made ~~at the place of work~~ on the **26th** day of **August**, 19 **66**, before **J. Lellil Sharp** Notary Public.

As of this date, we have mailed the Notice to the **Challis** **Messenger**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the **AFFIDAVIT OF PUBLICATION**

Very truly yours,

R. KNUTE HIGGINSON
Deputy State Reclamation Engineer

Encl.

cc: Notary

L 32501

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. **32501**

Date:

July 1, 1966

Ethel B. Philps
Box 8
Challis, Idaho

Dear **Mrs. Philps:**

Under the terms of your Permit No. **32501** you are required to make proofs of completion of works and application of water to beneficial use on or before **Sept. 28, 1966**

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper in the county.

We enclose Form 36-A in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated - - by legal description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 36-A

At the time we send the notice to the newspaper we will send you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by the field inspection to have been irrigated at the time of proof.

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc. **Form 36 A and 11**
cc:

32501

September 14, 1965

Re: Permit No. 32501

Ethel B. Philips,
Box 8,
Challis, Idaho.

Dear Mrs. Philips:

We enclose Permit No. 32501 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ We also enclose Departmental Receipt No. 32864 which was issued covering payment in the amount of \$ 5.50 for the filing fee of the above mentioned permit, ~~was mailed to~~ you with our letter of August 10, 1965.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

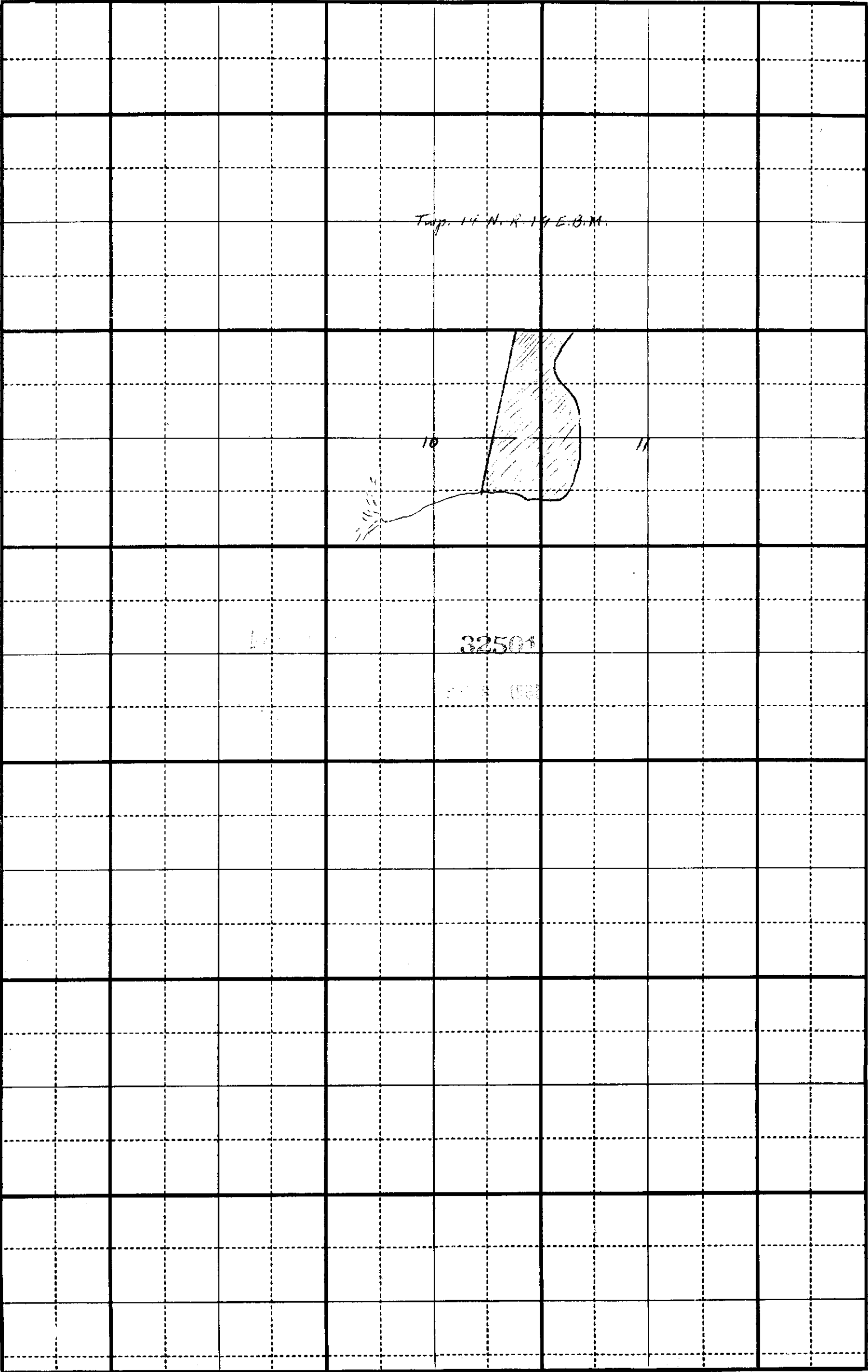
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

232501

NAME OF APPLICANT.....*Ethel Phillips*.....

Form No. 0



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

h 32501

August 3, 1965

Re: Application for Permit

Ethel B. Phelps
Box 8
Challis, Idaho

Dear Mrs. Phelps:

We received your letter of July 28th in regard to water from springs you have been using for many years. A "Use Right" such as you claim is a valid right to the water used beneficially, however it is not a recorded right and can only become a recorded right dating back to first use of the water by action in the District Court.

Your mention of eastern people buying the 40-acre tract through which part of the water flows reminds me that we sent an application form for water from such a stream to some eastern address, however I don't remember the location.

Your letter describes the land as S $\frac{1}{2}$ Sec. 9, T. 14 N. Rge ____ E. B. M. I checked ranges 18 and 19 East without finding any new permit issued for water from an unnamed stream.

You may file an application for permit on the enclosed form however the priority of any water right obtained will be date the acceptable application is filed in this office.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Encl. forms

63250

August 10, 1965

RE: Application No. 40625

Ethel B. Phelps
Box 8,
Challis, Idaho

Dear Mrs. Phelps:

Returned herewith is your application for permit with
attached Receipt No. 32864 for \$5.50 filing fee.

We know that the works are in place, however you should
complete No. 7, 8, and 10 describing the works. Also
some time must be shown under 12 or the proofs under the
permit would be over due before it could be delivered to
you.

Kindly show the location of the springs and the ditch
location on the maps; also the stream from the springs.

Possibly the answer under 4, location of point of diver-
sion should be changed to the W $\frac{1}{2}$ SW $\frac{1}{4}$, said Sec. 10.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. application, receipt

b 32501

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that on the 26th day of August, 1966, at Challis, County of Custer, State of Idaho, before J. Lessil Sharp, Notary Public, at Challis, Idaho, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of the waters of Springs, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32501, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Ethel B. Philps, Challis, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is in the $W\frac{1}{2}SW\frac{1}{4}$, Sec. 10, Twp. 14 N., R. 19 E.B.M.

5. The place where said water is used is $E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 10; and $W\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, Sec. 11, Twp. 14 N., R. 19 E.B.M. Total 120 acres.

6. The date of priority which said user is prepared to establish is August 9, 1965.

R. KEITH HIGGINSON
Deputy State
Reclamation Engineer

Pub. July 28, Aug. 4, 11, 18,
1966