

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 37023
PERMIT No. 29031
DISTRICT No.

Assigned to

*Willard Road
Challis - Idaho*

1. Name of Applicant **Dell Yant**Postoffice address: **Challis**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: **39 miner's inches. 0.78** cubic feet per second.3. Source of water supply: **an unnamed slough** which is a tributary of **Salmon River**

4. Location of point of diversion: **450** feet **east** distant from the **southeast**
corner of Section **26**, T. **14 N**, R. **19 E.**, B.M., and is in the **SE $\frac{1}{4}$ NW $\frac{1}{4}$**
of section **26**, 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: \$ **650.00**8. Kind of works: **Diversion from slough, ditch and pump**

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width **3** feet; height **2** feet.

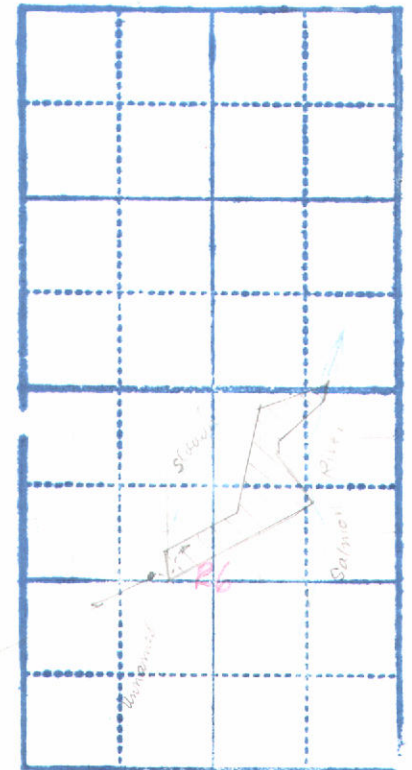
11. Ditch: Width at bottom **V-type** feet; width at water line **3** feet; depth of water **2** feet;
dimensions of flume:

Diameter of pipe inches; length of conduit **Ditch approx. 1/2** miles.

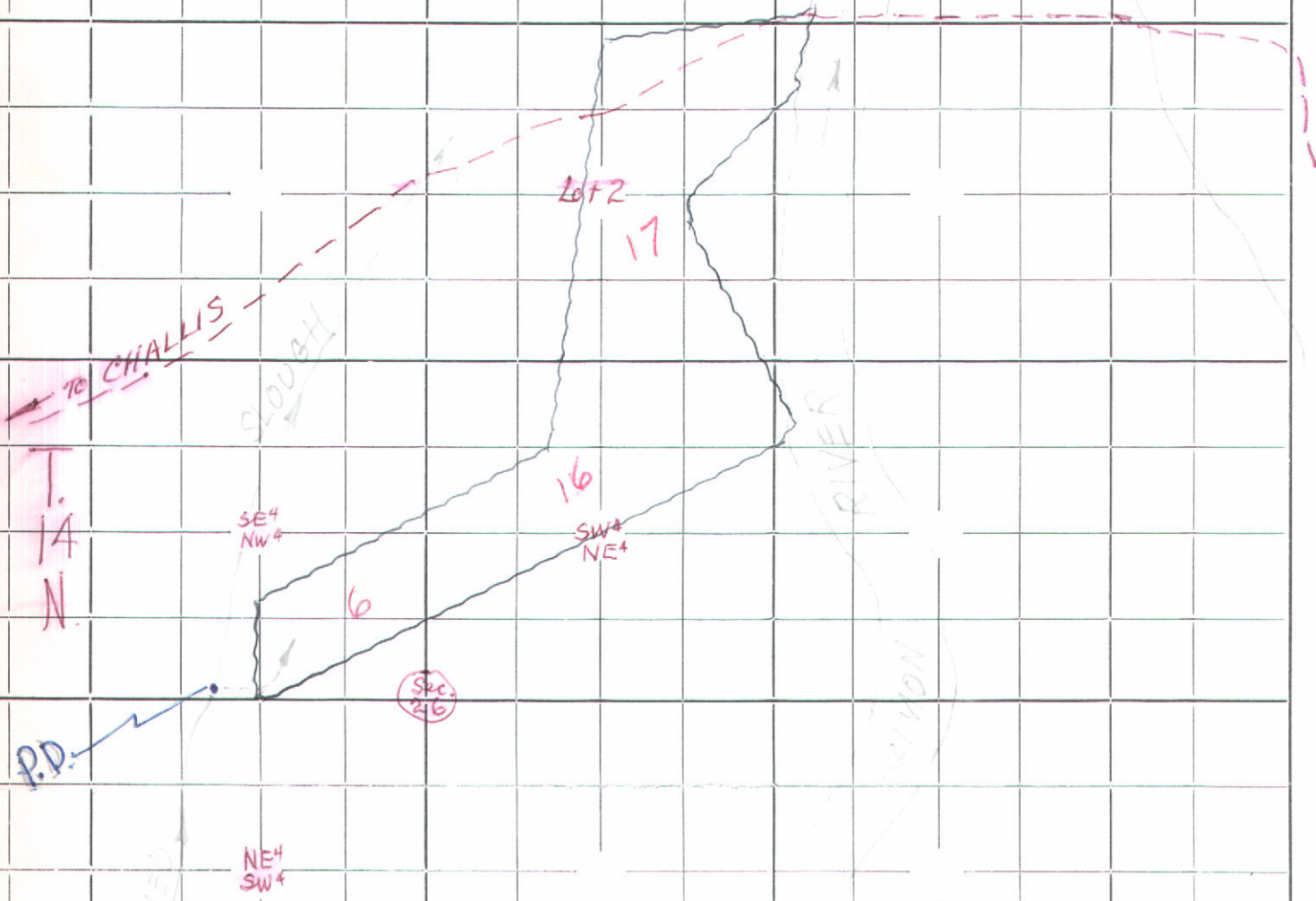
Average grade per mile feet.

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 **5** 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: **none**

R-19 E.



Subdivisions 3

area 39 acres

Allow Φ 0.78 CFS or 39 inches

RECEIVED

APR 16 1962

Department of Reclamation

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

NOTICE is hereby given that at 10 A. M., on the 13th day of April 1962, at Boise, County of Ada, State of Idaho, before Jack Furey, Notary Public, at (address) Challis, Idaho, proof will be submitted of the completion of works for the diversion of 78 cubic feet per second of the waters of an unnamed slough, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29031, 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: Dell Yant, 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 .78 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 .78 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida.

5. The place where said water is used is Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida. Total 39 acres.

6. The date of priority which said user is prepared to establish is 9/16/60.

GEO. N. CARTER

State Reclamation Engineer

Pub. March 15, 22, 29, April 5, 1962.

AFFIDAVIT OF PUBLICATION

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

Richard Swindell

I, ~~Halsey M. Givens~~, 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 March 15, 1962, and ending with the issue dated April 5, 1962.

Richard Swindell

Subscribed and sworn to
before me this 6th

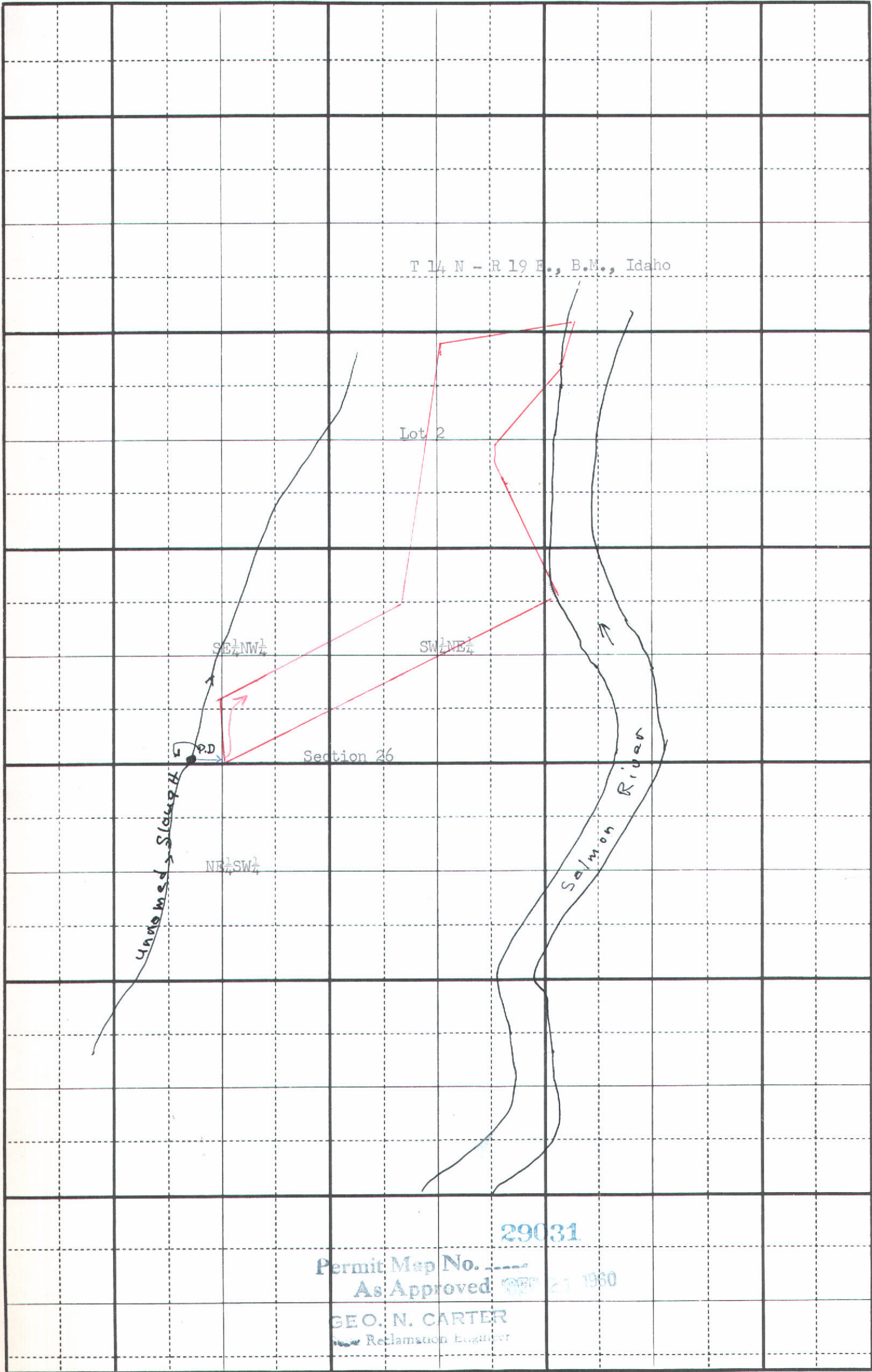
day of April, 1962

Bonnie N. Rood

Notary Public, Residing at
Challis, Idaho.

My Commission expires 7-14-64

29031



State of Idaho
License and Certificate of Water Right

Water License No. 29031

Amount 0.78 c.f.s.

Water District No.

Priority September 16, 1960

THIS IS TO CERTIFY that • DELL YANT - Assignee - WILLARD ROOD
of Challis, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 16, 1960; that Permit No. 29031
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.78 second feet, was issued thereunder on November 9, 1962, showing that said works
were completed on the 13th day of April, 1962; and that on the 13th
day of April, 1962, DELL YANT - Assignee - WILLARD ROOD

of Challis, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of unnamed slough
, a tributary of Salmon River, for the purpose of irrigation
, under Use Permit No. 29031 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7516, on the 9 day of November, 1962;
The right hereby confirmed dates from September 16, 1960;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 26, Tp. 14 N, R. 19 E, B. M. Custer County

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 0.78 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N	19 E	26	NW 1/4 NE 1/4 (Lot 2)	17	17
			SW 1/4 NE 1/4	16	16
			SE 1/4 NW 1/4	6	6
			Total number of acres to be irrigated:		39

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

9th day of November, 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 37023
PERMIT No. 29031
DISTRICT No.

72-2112
Yalland Head
Challis Idaho

1. Name of Applicant **Dell Yant**

Postoffice address: **Challis**

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: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:

2. Quantity of water claimed: **39 miner's inches. 0.78** cubic feet per second.

3. Source of water supply: **an unnamed slough** which is a tributary of **Salmon River**

4. Location of point of diversion: **450** feet **east** distant from the **southeast** corner of Section **26**, T. **14 N**, R. **19 E.**, B.M., and is in the **SE $\frac{1}{4}$ NW $\frac{1}{4}$** of section **26**, 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: \$ **650.00**

8. Kind of works: **Diversion from slough, ditch and pump**

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width **3** feet; height **2** feet.

11. Ditch: Width at bottom **V-type** feet; width at water line **3** feet; depth of water **2** feet;
dimensions of flume:

Diameter of pipe inches; length of conduit **Ditch approx. 1/2** miles.

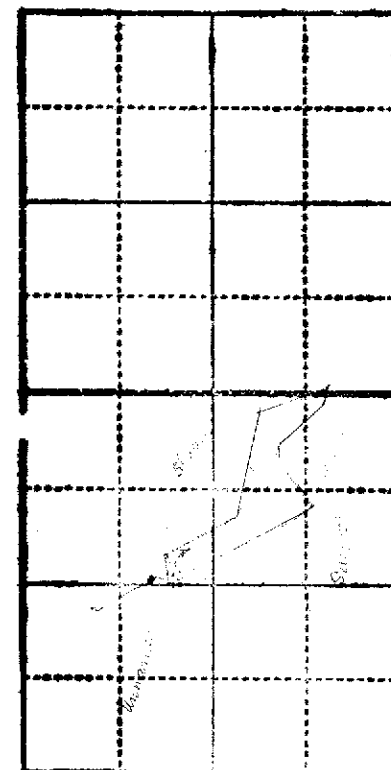
Average grade per mile feet.

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 **5** 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: **none**



16. (a) Is reservoir to be used? **none** 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.

Dell Yant *Applicant.*

By s/ Harley M. McDowell Agent.
B

Date of first receipt at Department of Reclamation: 3:00 P.M. September 16, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 29031

Recorded in Book 102 Page 29031 Approved September 21, 1960

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 21, 1960** 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 21, 1963**

The whole of said work to be completed on or before **September 21, 1965**

Beneficial use of water appropriated in accordance herewith, to be made on or before **September 21, 1970**

WITNESS My hand this 21st day of September, 1960

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE,.....ROBERT E. SMYLLIE....., 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 21st

day of September, 1960
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State.

By s/ ROBERT E. SMYLLIE Governor.

REMARKS:

14.

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	
14 N	19 E	26	L.2 17 16				6												39
<u>A S S I G N M E N T</u>																			
For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 29031 to Willard Rood of Challis, Idaho.																			
/s/ DELL YANT Permit Holder Widower																			
STATE OF IDAHO) : County of Custer)																			
On this 2nd day of Nov. 1962, before me, a Notary Public for the State of Idaho, residing at Challis, Idaho, personally appeared Dell Yant, a widower, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.																			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.																			
/s/ Beulah N. Rood Notary Public, Residing at Challis, Idaho																			
My commission expires 7-14-64																			
(SEAL)																			

Permit No. 29031
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that DELL YANT - Assignee - WILLARD ROOD of Challis, County of Custer, and State of Idaho, the holder of Permit No. 29031, issued upon Application No. 37023 bearing date of priority of September 16, 1960, authorizing the diversion of 0.78 second feet of waters of unnamed slough County of Custer, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.78 second feet of the waters of unnamed slough, tributary of Salmon River that the point of diversion of said waters SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 14 N., R. 19 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 39 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 14 N., R. 19 E., B.M.

Witness my hand this 9th day of November, A. D. 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: April 13, 1962

LICENSE ISSUED FOR 0.78 SEC. FT.
page 75/16

SALE AGREEMENT

THIS SALE AGREEMENT, Made and entered into this 12th day of September, 1961, by And between DELL TAYL, a widow, of Challis, County of Custer, State of Idaho, hereinafter known as "Seller", and WILLARD T. ROOD and BEULAH M. ROOD, husband and wife, of Challis, County of Custer, State of Idaho, hereinafter known as "Buyers";

W I T N E S S E T H:

That, for and in consideration of the covenants and agreements herein contained, Seller agrees to sell and convey unto Buyers and Buyers agree to purchase and pay for the following described real and personal property situate in the County of Custer, State of Idaho, to-wit:

REAL PROPERTY

Beginning at a point which is East 652 feet and South 15 feet from the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 14 North, Range 16 East of the Boise Meridian; thence North 64°28' East 2213.5 feet to the west bank of SALMON RIVER; thence North 10°29' West 280.7 feet along river bank; thence North 29°02' West 585.0 feet; thence North 10°47' West 194.9 feet; thence North 40°22' East 628.8 feet; thence North 11°29' East 279.5 feet to a point on HOT SPRINGS ROAD; thence South 81°43' West 796.0 feet along said road; thence South 06°46' West 1630.5 feet; thence South 63°35' West 1298.0 feet; thence South 07°21' East 380.0 feet to the place of beginning, containing approximately 39.85 acres.

Together with all water and water rights, ditch and ditch rights thereto belonging or in anywise appertaining.

PERSONAL PROPERTY

One small Case tractor with plow and leveler attachments
One two-wheel hay rack
One derrick
One hay boat

1. PURCHASE PRICE: It is understood and agreed that the total purchase price is EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00), of which Buyers have heretofore paid Seller the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), the receipt of which is hereby acknowledged by Seller. The balance of the purchase price of SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), without interest, Buyers agree to pay Seller as follows:

Two Thousand and No/100 Dollars (\$2,000.00) on September 12, 1962;

Two Thousand and No/100 Dollars (\$2,000.00) on September 12, 1963; and

Two Thousand and No/100 Dollars (\$2,000.00) on September 12, 1964.

All deferred payments are to be made to the Escrow Holder hereinafter named. It is expressly understood and agreed between the parties hereto that the Buyers will not prepay the above specified payments.

IT IS UNDERSTOOD AND AGREED, by and between the parties hereto, that in lieu of interest on the above set-out payments, Buyers hereby agree to pasture not to exceed two head of horses, belonging to Seller, on the above described real property, during the term of this Sale Agreement.

2. TAXES AND ASSESSMENTS: Seller agrees that he will pay all taxes and assessments for the year 1960 and prior years, and Buyers agree that they will pay all taxes and assessments for the year 1962 and subsequent years when due and before they become delinquent. The taxes and assessments for the year 1961 are to be prorated between Seller and Buyers with Seller paying nine months and Buyers paying three months thereof. All tax receipts are to be deposited with the Escrow Holder when paid. Seller shall pay all water assessments for 1961.

3. ABSTRACT OF TITLE: Seller agrees to furnish Buyers with an Abstract of Title to said property brought down to date for examination. Buyers shall have thirty (30) days from the receipt of said Abstract within which to have the same examined. It is understood and agreed that said Abstract is to show a merchantable title in Seller, clear and free from all liens and encumbrances. If there are objections to Seller's title, Buyers shall make the same known in writing wherein it is specified in what particulars and by what legal authority said title is not

Merchantable and Seller shall have a reasonable time, according to the nature thereof, within which to correct such objections. If no objections are made within the time and within the manner herein specified, then it shall be presumed that Buyers have accepted the title as merchantable. After the Abstract of Title has been examined, it shall be deposited with the Escrow Holder.

4. PARTIES NOT TO ENCUMBER: Seller and Buyers each agree that they will not record a copy of this Sale Agreement, it being understood and agreed that Buyers' possession of said premises is sufficient notice of their interest therein. Buyers and Seller each further agree that they will not do anything to encumber the title to said premises and that they will not allow any liens to be filed against said property, particularly liens for material furnished and labor performed in making improvements thereon.

5. POSSESSION, USE AND OCCUPANCY: It is understood and agreed that Buyers are to have possession of said premises on October 1st, 1961, and shall be entitled to remain in possession thereof for so long as they are not in default of any of the terms and conditions in this Sale Agreement contained. Buyers agree that they will not permit any waste nor allow anyone else to commit waste or destruction on said premises and that they will keep the improvements on said premises in good repair during the term of this Sale Agreement. In case of a default of this Sale Agreement occurring and a forfeiture being declared as hereinafter provided, then Buyers agree to immediately surrender possession of said premises to Seller in as good condition as they received the same, depreciation from the reasonable use and occupancy excepted.

6. ESCROW: Concurrent herewith the Seller shall execute a good and sufficient Warranty Deed conveying said premises to Buyers and a good and sufficient Bill of Sale conveying said personal property to Buyers and said Deed and Bill of Sale, to-

gether with the original of this Sale Agreement, and Abstract of Title, are to be placed in escrow with the Custer County Bank at Challis, Idaho, as the Escrow Holder. The parties hereto specifically authorize, empower and designate the CUSTER COUNTY BANK at Challis, Idaho, to act as such Escrow Holder under the terms and conditions of this Sale Agreement. Seller further authorizes said Escrow Holder to receive the payments due hereon and to credit the same upon this Sale Agreement and, upon full payment of the purchase price to deliver said Warranty Deed, Bill of Sale, Abstract of Title and such other papers as may be hereafter deposited with said Escrow Holder to Buyers. Should a default of this Sale Agreement occur and a forfeiture become effective as hereinafter set out, Buyers authorize said Escrow Holder to return to Seller all the papers held in escrow.

7. DEFAULT: Time and the prompt performance of each and every obligation of Buyers are agreed to be of the essence of this Sale Agreement and should Buyers fail or neglect to make any payments of principal, interest, taxes and assessments when due and before the same become delinquent, or fail or neglect to carry out any of the other terms or conditions of this Sale Agreement to be performed by them in this Sale Agreement, then this Sale Agreement shall be in default, and upon a default occurring, Seller or his authorized agent, may cause to be prepared a written notice in duplicate addressed to Buyers, calling attention to the matters then in default or on account of which a breach is claimed and said notices shall be delivered to the Escrow Holder who will mail one copy thereof by regular mail to Buyers at Challis, Idaho, or such other address as Buyers may hereafter leave with the Escrow Holder. Buyers shall have thirty (30) days from the mailing of said notice within which to make good any matters in default or of which a breach is claimed or to disprove the same.

8. **FORFEITURE:** In the event that Buyers fail or neglect to make good any matters of which they are in default within the time hereinbefore provided, then Seller may, without further notice, declare this Sale Agreement forfeited and upon a forfeiture being declared, Seller shall have the right to the immediate possession of said premises and Buyers agree that they will immediately surrender possession thereof to Seller in as good condition as they received the same, depreciation from reasonable use and occupancy excepted, and upon a forfeiture being declared and becoming effective, all moneys theretofore paid by Buyers to Seller may be kept and retained by Seller to apply on damages for the breach hereof, or for the value of the use and occupancy of the premises, but no provision contained in this Sale Agreement shall be construed as an election of any remedy which Seller might have for a breach hereof.

9. **FORBEARANCE:** It is further expressly understood and agreed that acceptance by Seller of any installment of the principal or interest or payment of any taxes after the same may have been past due or after Buyers may have defaulted under this Sale Agreement in any particular whatever or any forbearance of any kind that may be granted or allowed by Seller to Buyers under this Sale Agreement shall not in any manner nor in any wise be deemed or construed or considered as waiving or surrendering any of the conditions or covenants of this Sale Agreement or of any subsequent default that may be made by Buyers.

10. **REVENUE STAMPS:** Seller hereby authorizes the Escrow Holder to deduct from the final payment on this Sale Agreement an amount sufficient to put proper revenue stamps on the Warranty Deed to Buyers and to charge the cost thereof to Seller's account.

11. **SUCCESSION:** It is further understood and agreed that this Sale Agreement herein contained shall be binding upon and inure to the benefit of the heirs, executors, administrators and

assigns of all the parties hereto.

IN WITNESS WHEREOF, The parties hereto have herunto set their hands in triplicate, the day and year first above written, the original of this Sale Agreement, acknowledged by Seller and Buyers, to be placed with the Escrow Holder, and Seller and Buyers each to have a signed copy not acknowledged.

2
2
2

Seller

Buyers

STATE OF IDAHO,)
) ss.
County of Custer)

On this 13th day of September, 1961, before me, the undersigned, a Notary Public in and for said State, personally appeared DELL YANT, a widower, and WILLARD T. ROOD and BEULAH N. ROOD, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.

2

Notary Public for Idaho
P.O. Address: Challis, Idaho
My Com. Expires: 4-4-65

November 9, 1962

RE: Permit No. 29031

Willard Rood
Challis, Idaho

Dear Mr. Rood:

Enclosed are Assignment of Permit, Certificate of Completion of Works, and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. 31306 in the amount of \$11.50 covering the fees for the certificates and for recording the assignment.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

WPR:mr

Enc. license
certificate
assignment
receipt

29031

WILLARD T. ROOD
BEULAH N. ROOD

PHONE TR 9-2801
OR TR 9-2061
BOX 102

*R*ood
eally
ealtors

Challis, Idaho

November 2, 1962

MEMBERS OF:

IDAHO ASSOCIATION
OF REALTORS

NATIONAL ASSOCIATION
OF REAL ESTATE
BOARDS

NATIONAL INSTITUTE
OF REAL ESTATE
BOARDS

NOTARY PUBLIC

*Mr. Ralph W. Thomas
Deputy State Reclamation Engineer
107 State House
Boise, Idaho*

*Re: Dell Yant--Permit No. 29031
Assignment to Willard Rood*

Dear Mr. Thomas:

Mr. Yant has been out of town and just today brought me your letter of the 12th of October. I am enclosing my check in the amount of \$11.50 to cover the \$11.00 statutory fees and the 50¢ recording fee for the assignment. If this is not correct, please let us know.

Will you please make the certificates in the name of Willard Rood? I am enclosing the executed assignment.

Thank you.

Very truly yours,

Beulah N. Rood

Beulah N. Rood

Enc. 2

29031

October 12, 1962

RE: Permit No. 29031

Dell Yant
Challis, Idaho

Dear Mr. Yant:

Our field engineer's report on his inspection of the proof of completion of works and application of water to beneficial use under the terms of Permit No. 29031 shows the ditch is capable of conveying 39 miner's inches, or 0.78 c.f.s. of water for irrigation of 39 acres.

Upon receipt of the statutory fees totaling \$11.00, Completion of Works fee \$5.00, and License and Certificate of Water Right fee \$6.00, based at the rate of \$2.00 for each 40-acre subdivision, we will issue the Certificate of Completion of Works and License and Certificate of Water Right confirming the right, with priority of September 16, 1960, to the use of 0.78 second feet of surface water with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26 from an unnamed slough for irrigation of 39 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 14 N., R. 19 E., B.M.

Enclosed is a form for assignment of permit. We will issue the certificates of water right in your name, or you may complete the assignment of the permit to Mr. Rood and file it in this office with the \$0.50 recording fee and the certificates will be made in the name of Mr. Rood.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

REF:mr

29031

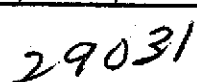
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 29031

REPORT ON PROOF OF Completion of Works & Beneficial Use

Dell Yant, Challis, Idaho



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 29031

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

1. Name of applicant Dell Yant

2. Source of water supply: an unnamed slough

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26

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

4. Describe works as they exist, giving dimensions and capacities of same: The source of this water comes from springs 50% waste water and the salmon river. There is approx. 1000 inches of water in the slough (it is more like a man made canal) the diversion is all gravity flow. The canal or slough is about 1 1/2 miles long.

5. Water is used for: irrigation

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

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

17 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 16 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26., Twp. 14 N., Rge. 19 E.B.M. Making a total of 39 acres

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

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

Remarks: Mr. Willard Good along

this acreage now belongs to Willard Good of Challis

Measurement was made with Cippolletti weir
45 over 2' weir = 101 inches

This examination was made on the 17th day of August, 1962

(Signed) Ron Hebeig Examiner.

29031

Dell Yant
Challis, Idaho

Permit No. 29031

Examination for Completion of Works & Beneficial Use

County Custer

Sec. 26 T. 14 N R. 19 E.B.M.

Quantity: 0.78 c.f.s.

Source: Unnamed slough

P.D.: SE. NW, Sec. 26, T. 14 N. - R. 19 E.

Use: Irrigation

Filed: Sept. 16, 1960

Due: Sept. 21, 1970

Extension: —

Completion of Works: —

Other Rights: none

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 27 1962

Department of Reclamation

April 17, 1962

Re: Permit No. 29031

Dell Yant
Challis, Idaho

Dear Mr. Yant:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Challis Messenger, all submitted in proof of completion of works and beneficial use on Permit No. 29031.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Jack B. Furey
Challis, Idaho

29031

RECEIVED

APR 18 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 29031

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.

Ans. Dell Yant, Challis, 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.

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

Ans. Permit No. 29031, September 21, 1960.

9-16-60

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

Ans. An unnamed slough which is a tributary of Salmon River. Point of Div. 50 feet distance from the SE corner of SE1/4 NW1/4, Sec. 26, Twp. 14 N. R. 19 E., B.M.

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

Ans. Construction of one-half mile of ditch (V-type-3 feet at water-line-- 2 ft. depth. Conveys 39 Miner's inches.

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. Used for irrigation on 39.60 acres of cultivated ground described as: Tract No. 954 of SE1/4 NW1/4, Lots 2 and 3 of NE1/4, Sec. 26, Twp. 14 N., R. 19 E., B.M.

S.W.A.E.

29031

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

Ans. _____

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

Ans. 39 Miner's inches

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. _____

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

Ans. Every irrigation season since the spring of 1950, when said ditch was completed, I have run at least 39 miner's inches of water through said ditch to irrigate the above described land.

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

Ans. None

(Sign) Bill Gant

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 13th day of April, A. D. 1962.

My commission expires 4-4-65

James B. Durey
Notary Public for Idaho

P.O. Address: Challis, Idaho

29031

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 19 1982

Department of Reclamation

PERMIT NO. 29031

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. Mike Gini, 56, Challis, Idaho, Rancher

Ques. 2. Are you acquainted with Dell Yant, the holder of Permit No. 29031? How long have you known him and where does he reside? Yes. I have known him for 45 years and he resides at Challis,
Ans. Idaho.

Ques. 3. Have you read or heard read said Permit No. 29031, 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. An unnamed slough which is a tributary of Salmon River. Div. Point: .50 feet distance from the SE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 14 N., R. 19 E., B. M. Construction of one-half mile of ditch (V-type--3 feet at water-line--2 ft. depth.

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. 39 Miner's inches.

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

Ans. Used for irrigation on 39.00 acres of cultivated ground described as: Tract No. 954 of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2 and 3 of NE $\frac{1}{4}$, Sec. 26, Twp. 14 N., R. 19 E., B. M.

29031

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

Ans. _____

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. Medium heavy soil--some gravel. Was undeveloped dry-grazing ground
Will require at least one inch to the acre for irrigation.

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. Every irrigation season for the past eleven years I have seen
water put through this ditch to irrigate the above described ground.

(Signed)

Mike Lini

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 13 day of April, A. D. 19 62.

My commission expires 4-4-65

Just B. Jurey
Notary Public.
P.O. Address: Challis, Idaho

29031

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

Department of Reclamation

PERMIT NO. 29031

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. Daniel William Maag, age 60, Challis, Idaho,
City Sept.

Ques. 2. Are you acquainted with Dell Yant, the holder of Permit No. 29031? How long have you known him and where does he reside?

Ans. Yes. I have known him for 15 years and he resides at Challis, Idaho.

Ques. 3. Have you read or heard read said Permit No. 29031, 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. An unnamed slough which is a tributary of Salmon River. Div. Pt.: .50 feet distance from the SE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, Twp. 14 N., R. 19 E., B.M. Construction of one-half mile of ditch (V-type--3 feet at water-line--2 ft. depth.

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. 39 miner's inches.

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

Ans. Used for irrigation of 39 acres of cultivated land described as: T-954 of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2 and 3 of NE $\frac{1}{4}$, Sec. 26, Twp. 14 N., R. 19 E., B. M.

29031

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

Ans. _____

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. Reclaimed from undeveloped, dry-grazing ground. Soil is Medium heavy with some gravel. It will require at least an inch of water to the acre to properly irrigate it.

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. During midsummer, early spring, and sometimes fall, 1960 and 1961 water filled ditch and was being used for purposes of irrigating the land.

(Signed) Daniel William May

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 13 day of April, A. D. 19 62.

Jacob B. Jurey
Notary Public.
P.O. Address: Challis, Idaho

My commission expires 4-4-65

29031

RECEIVED

APR 16 1962

Department of Reclamation

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

NOTICE is hereby given that at 10 A. M., on the 13th day of April 1962, at Boise, County of Ada, State of Idaho, before Jack Furey, Notary Public, at (address) Challis, Idaho, proof will be submitted of the completion of works for the diversion of 78 cubic feet per second of the waters of an unnamed slough, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29031, 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: Dell Yant, 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 78 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 78 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida.

5. The place where said water is used is Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida. Total 39 acres.

6. The date of priority which said user is prepared to establish is 9/16/60.

GEO. N. CARTER

State Reclamation Engineer
Pub. March 15, 22, 29, April 5, 1962.

AFFIDAVIT OF PUBLICATION

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

Richard Swindell

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 March 15, 1962, and ending with the issue dated April 5, 1962.

Richard Swindell

Subscribed and sworn to before me this 6th

day of April, 1962

Bonnie N. Rood

Notary Public, Residing at
Challis, Idaho.

My Commission expires 7-14-64

29031

RECEIVED
APR 16 1962

LAW OFFICES
FUREY & FUREY
ATTORNEYS AT LAW
April 13, 1962

JACK B. FUREY
CHALLIS, IDAHO

Department of Reclamation

SHERMAN F. FUREY, JR.
SALMON, IDAHO

Department of Reclamation
Room 107, State House
Boise, Idaho

Attention: Edna P. Rule
Re: Permit No. 29031--Dell Yant

Dear Mrs. Rule:

I am enclosing the following instruments with regard
to the above entitled matter:

Deposition of Holder, Dell Yant
Deposition of Witness, Mike Gini
Deposition of Witness, Dan Maag
Affidavit of Publication, Challis Messenger.

Very truly yours,

Enc. 4
JBF:br

Jack B. Furey

29031

THE CHALLIS MESSENGER

RICHARD SWINDELL, PUBLISHER

PRINTING, PUBLISHING, ADVERTISING
SINCE 1881

CHALLIS, IDAHO

Department of Reclamation
Room 107, State House
Boise, Idaho

Dear Sir:

Enclosed is a copy of Notice Of Proof Of Completion
Of Works And Application Of Water To Beneficial Use,
Permit No. 29031, Dell Yant, to be published in the
Challis Messenger on March 15, 22, 29, April 5, 1962.

Very truly yours,
Richard Swindell
Richard Swindell

29031

March 6, 1962

Re: Permit No. 29031

Dell Yant,
Challis, Idaho.

Dear Mr. Yant:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 29031. The proofs are to be made at 10:00 o'clock A.M., on the 13th day of April, 1962, before Jack Furey, Challis, Idaho, Notary Public.

As of this date we have mailed the Notice to the Messenger Challis, Idaho, 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,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

29031

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

NOTICE is hereby given that at 10 A M., on the 13th day of April 1962, at Boise, County of Ada, State of Idaho, before Jack Furey, Notary Public, at (address) Challis, Idaho, proof will be submitted of the completion of works for the diversion of .78 cubic feet per second of the waters of an unnamed ~~creek~~ [✓] stream, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29031, 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: Deil Yant, 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 .78 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 .78 cubic feet per second.

4. The point of diversion of said water is SW 1/4, Sec. 26, T14N-R19E, B.M., Ida.

5. The place where said water is used is SW 1/4, Lot 2, SW 1/4, Sec. 26, T14N-R19E, B.M., Ida.

Total 39 acres.

6. The date of priority which said user is prepared to establish is 9/16/60

Deil Yant
State Reclamation Engineer

29031

[Handwritten signature]

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 29031
Dell Yant

Date: March 6, 1962

The Messenger,
Challis, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to April 13, 1962 the date set for proof; the expense of the publication is to be paid by the applicant

Dell Yant

of

Challis, 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 or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER

State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

29031

RECEIVED
MAR 8 1962

Division of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1962

(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

Messenger of Challis, Idaho published in

the county in which the works are situated.

Carter Co.

W. Bell Yant

(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.

29031

September 29, 1960

Re: Permit No. 29031
Dell Yant

Mr. Harley M. McDowell,
Idaho Land & Map Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. 29031 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30281 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

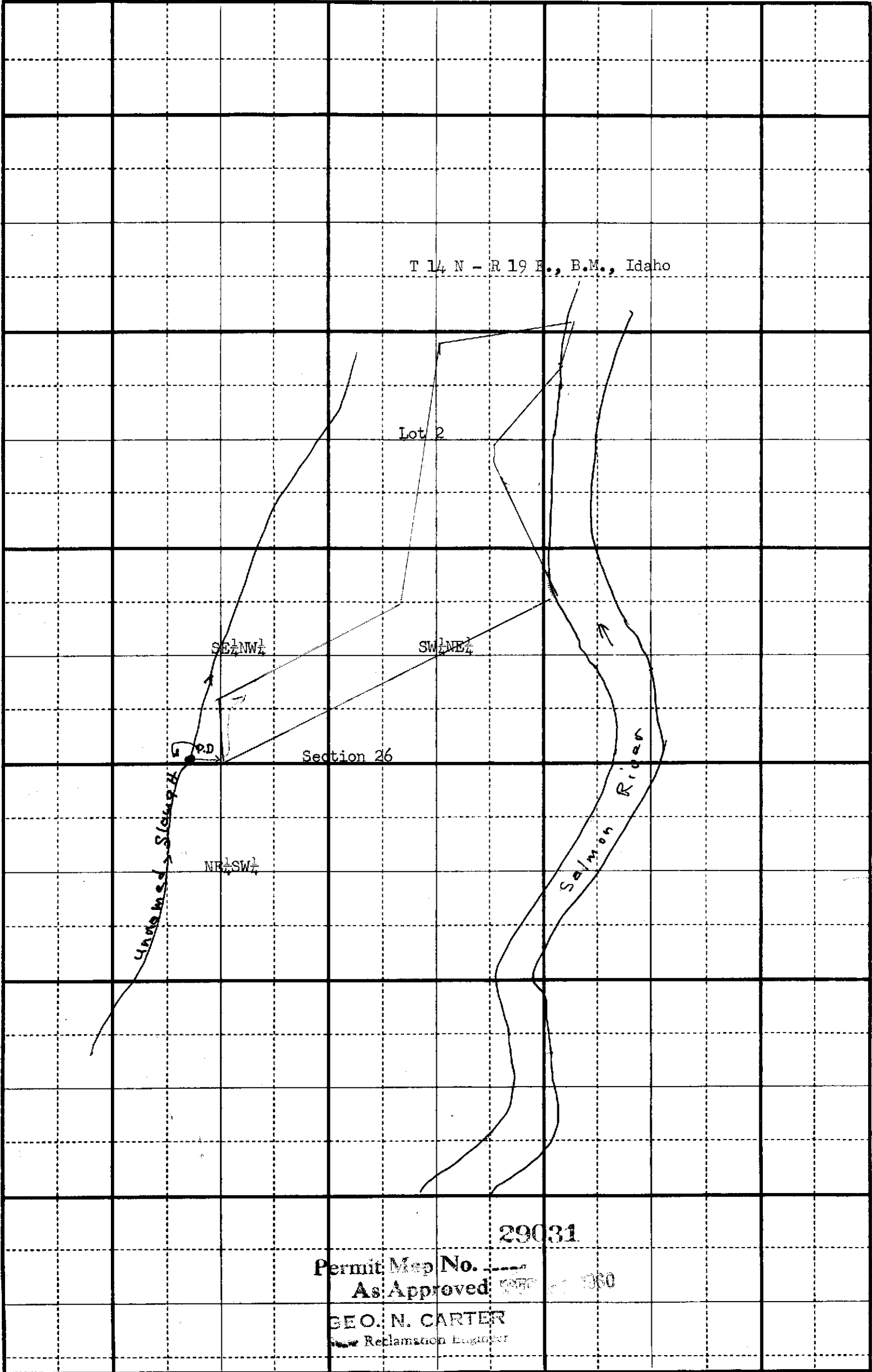
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk
cc: Dell Yant
Challis, Idaho

29031



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

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1. The name and postoffice address of the person or corporation holding said permit is: Dell Yant, 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 .78 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 .78 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida.

5. The place where said water is used is Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 26, T14N-R19E., B.M., Ida. Total 39 acres.

6. The date of priority which said user is prepared to establish is 9/16/60.

GEO. N. CARTER
State Reclamation Engineer
Pub. March 15, 22, 29, April 5, 1962.