27912

72-2109

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

APPLICATION No. 35860
PERMIT No. 27912
DISTRICT No.

Idaho Land & Map Company
P. O. Box 2161
Boise, Idaho

1. Name of Applicant: BEN HOWARD

Postoffice address: Challis County: Custer State: Idaho

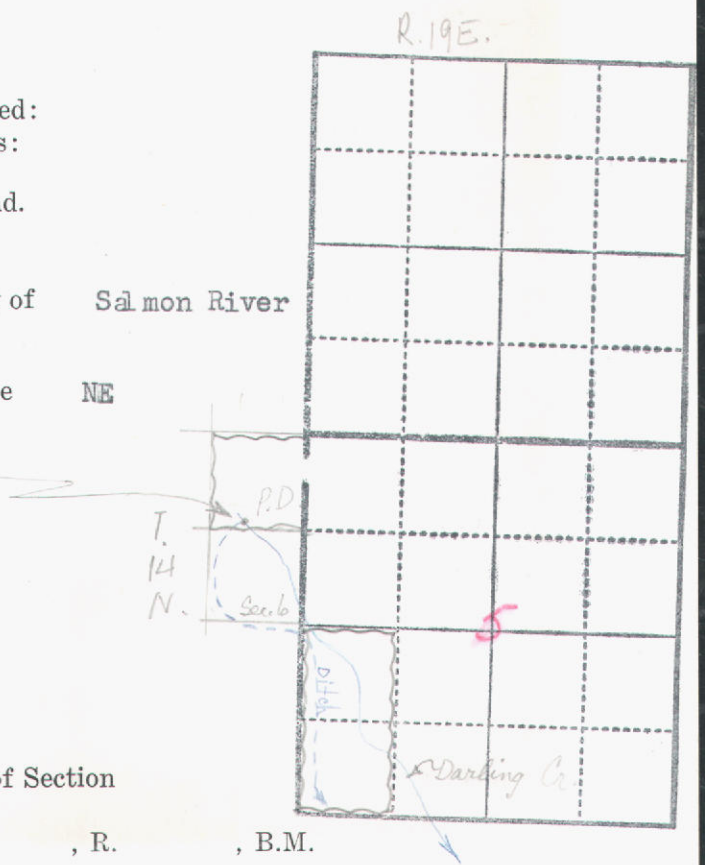
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

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: 2.4 cubic feet per second.

3. Source of water supply: Darling Creek which is a tributary of Salmon River

4. Location of point of diversion: 950 ' S. & 1200' west feet ~~distant~~ from the NE corner of Section 6, T. 14 N., R. 19 E., B.M., and is in the $NE\frac{1}{4}NE\frac{1}{4}$ of section 6, 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: $ 2,000

8. Kind of works: Headgate, main ditch

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 30" feet; height 5 feet.

11. Ditch: Width at bottom 2 fee; width at water line 3 feet; depth of water 18" feet; dimensions of flume:
Diameter of pipe inches; length of conduit 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 6 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

October 4, 1965

RE: Permit No. 27912

Ben Howard
Challis,
Idaho

Dear Mr. Howard:

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

Also enclosed is departmental receipt No. 32946 in the amount of $15.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

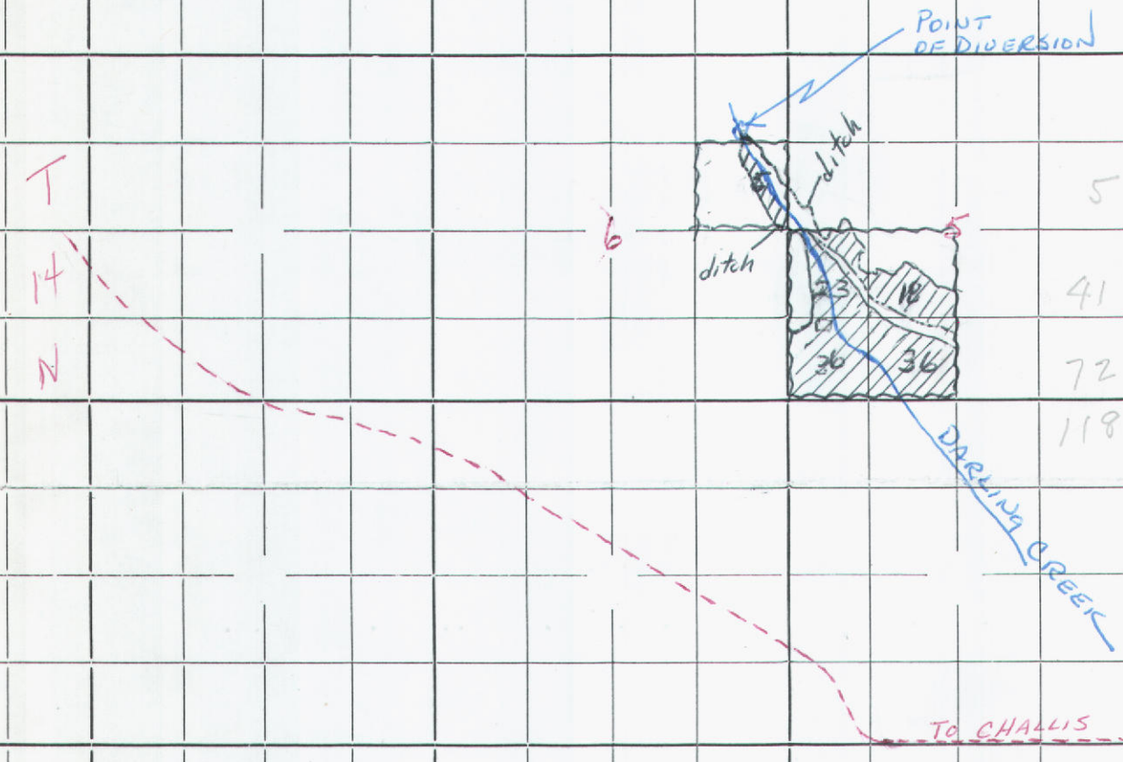
EPR:ejw

Encl: license
certificate
receipt

COPY

27912

R 19 E.



Subs - 5

Area - 118 Ac

Q - 2.36 CFS or 118"

SE¼NW¼ - 6	- 5	Acres
NW¼SW¼	- 5	23	"
SW¼SW¼	- 5	36	"
NE¼SW¼	- 5	18	"
SE¼SW¼	- 5	36	"
		Total 118	Acres

118 Acres

diversion 2.58 C.F.S. Meter R-440

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

279/2

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
JUL 19 1965
Department of Reclamation

OD Ditches + Ben Howard
Challis, Idaho
Jack B Feeny
att.
Challis, Ida

Permit No. 27912

Examination for Completion of Works and Beneficial Use

County Custer

Sec. 6 T. 14N R. 19 E

Quantity: 2.4

Source: DARLING CREEK

P. D.: NE NE SEC 6 T 14N Rge. 19E.

Use: IRRIGATION

Filed: 29 APRIL 59

Due: 4 MAY 1970

Extension: —

Protest: —

Completion of Works: —

Other Rights: NONE

27912

PREPARED BY
IDAHO LAND & APPRAISAL SERVICE
BOX 2161, BOISE, IDAHO
PLEASE NOTIFY OF ANY DECISIONS
OR IF FURTHER INFORMATION IS NEEDED

RECEIVED
APR 23 1964
Department of Reclamation

RECEIVED
APR 21 1964
Department of Reclamation

Application for Amendment to LAND LIST

Permit No. 27912

Comes now Ben Howard, and represents to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 27912, and requests that the list of lands to be irrigated, as described in said permit, be changed to include the following:

Township 14 North - Range 19 East, B.M., Section 5 - E½SW¼, W½SW¼;

Township 14 North - Range 19 East, B.M., Section 6 - SE¼NE¼.

, making a total of 200 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho this 20th day of April, 1964

Ben Howard

By Harley M. McDowell
Harley M. McDowell, Agent

Date of receipt at office of Department of Reclamation April 21, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy ~~GEO. DeCAREER~~, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 27912. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 98 of
Permits, at Page 27912
April 23, 1964

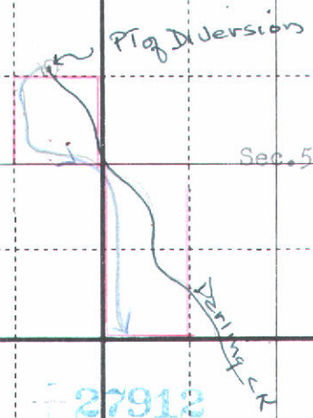
Ralph W. Thomas
Deputy
State Reclamation Engineer

27542

NAME OF APPLICANT Ben. Howard

Form No. 0

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



Permit Map No. 27912

As Approved MAY 4 1959

GEO. N. CARTER
State Reclamation Engineer

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

27912

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

NOTICE is hereby given that at 11 A.M., on the 25th day of May 1964, at Challis, County of Custer, State of Idaho, before Jack Furey, 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 Darling Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27912, 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: Ben Howard, 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 NE¼NE¼ of Sec. 6, T 14 N - R 19 E., B.M.

5. The place where said water is used is SE¼NE¼, Sec. 6, T 14 N - R 19 E., B.M.; SW¼, Sec. 5, T 14 N - R 19 E., B.M.

6. The date of priority which said user is prepared to establish is April 29, 1959.

CARL E. TAPPAN
State Reclamation Engineer

Pub. April 23, 30, May 7, 1964.

27[illegible]

State of Idaho
License and Certificate of Water Right

Water License No. 27912 Amount 2.36 c.f.s.

Water District No. Priority April 29, 1959

THIS IS TO CERTIFY that BEN HOWARD

of Challis, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 29, 19 59; that Permit No. 27912 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.4 second feet, was issued thereunder on October 4, 19 65, showing that said works were completed on the 25th day of May, 19 64; and that on the 25th day of May, 19 64, Ben Howard

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 Darling Creek, a tributary of the Salmon River, for the purpose of irrigation, under Use Permit No. 27912 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 13 of Licenses at page 8294, on the 4 day of October, 19 65;

The right hereby confirmed dates from April 29, 19 59;

The Point of Diversion is located

in the NE ¼ NE ¼, Sec. 6, 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 2.36 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	5	NE¼ SW¼	40	18
			NW¼ SW¼	40	23
			SW¼ SW¼	40	36
			SE¼ SW¼	40	36
		6	SE¼ NE¼	40	5
			Total number of acres to be irrigated:		118

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 4th day of October, 19 65.

S/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

72 2109

27912

72-2161

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

APPLICATION No. 35860
PERMIT No. 27912
DISTRICT No.

Idaho Land & Map Company
P. O. Box 2161
Boise, Idaho

1. Name of Applicant: BEN HOWARD

Postoffice address: Challis County: Custer State: Idaho

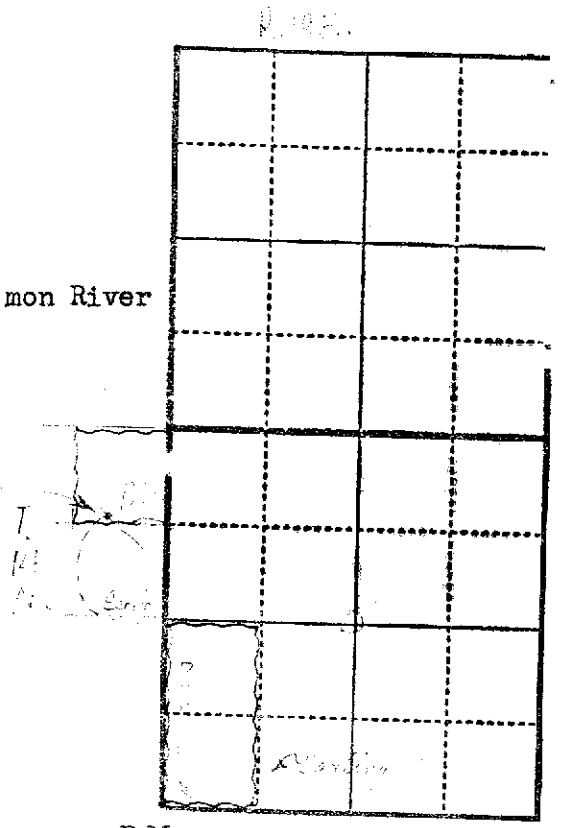
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

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: 2.4 cubic feet per second.

3. Source of water supply: Darling Creek which is a tributary of Salmon River

4. Location of point of diversion: 950 ' S. & 1200' feet ~~distant~~ west from the NE corner of Section 6, T. 14 N., R. 19 E., B.M., and is in the NE¼NE¼ of section 6, 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: $ 2,000

8. Kind of works: Headgate, main ditch

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 30" feet; height 5 feet.

11. Ditch: Width at bottom 2 fee; width at water line 3 feet; depth of water 18" feet; dimensions of flume:
Diameter of pipe inches; length of conduit 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 6 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? 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.

Ben Howard
Applicant.
/s/ Harley M. McDowell
By *Agent.*

Date of first receipt at Department of Reclamation: 8:00 A. M. April 29, 1959

Returned to applicant for correction:

Corrected application received:

DESERT ENTRY - Idaho Ser. No. _____

Allowed: _____

Approval of State Reclamation Engineer

The number of this permit is 27912
Recorded in Book 98 Page 27912 Approved May 4, 1959
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 July 4, 1959 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 November 4, 1961
The whole of said work to be completed on or before May 4, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1970

WITNESS My hand this 4th *day of* May, 1959

/s/ GEO. N. CARTER
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 4th day of May, 19 59.

STATE OF IDAHO

Countersigned:

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

By /s/ ROBERT E. SMYLIE
Governor.

REMARKS: This permit is to be used in connection with the irrigation of vacant federal land now under application in the Idaho District Land Office as a desert entry.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14 N.	19 E.	5									40	40							80
		6				40													40
																			120

Total number of acres to be irrigated - - -

Application for Amendment ✓
LAND LIST
Permit No. 27912

Comes now BEN HOWARD and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 27912, and requests that the list of lands to be irrigated, as described in said permit, be changed to include the following

Township 14 North - Range 19 East, B. M., Section 5 - E½SW¼, W½SW¼
Township 14 North - Range 19 East, B. M., Section 6 - SE¼NE¼, making a total of 200 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 20th day of April, 1964.

BEN HOWARD
By: Harley M. McDowell, Agent

Date of Receipt at office of Department of Reclamation April 21, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 27912. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar a s the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded: April 23, 1964

Permit No. 27912

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Ben Howard of Challis, County of Custer, and State of Idaho, the holder of Permit No. 27912 issued upon Application No. 35860 bearing date of priority of April 29, 1959, authorizing the diversion of 2.4 second feet of waters of Darling Creek 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 2.4 second feet of the waters of Darling Creek, a tributary of Salmon River, that the point of diversion of said waters NE¼NE¼, Section 6, T. 14 N., R. 19 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to wit: W½SW¼, E½SW¼, Section 5, SE¼NE¼ , Section 6, T. 14 N., R. 19 E., B.M.

Witness my hand this 4th day of October, A.D. 1965.

S/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made, May 25, 1964.

LICENSE ISSUED FOR 2.4 SEC. FT.
LICENSE PAGE NO. 5-24

WATER RIGHT NUMBER 72-2109

VERIFIED LGS

OWNER LAST NAME - HOWARD FIRST NAME - BEN ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - CHALLIS STATE - ID ZIP CODE -
SOURCE - CARLIN CREEK TRIBUTARY OF - SALMON RIVER
STAGE - LICENSE STATUS - PRIORITY - 04-29-1959 COUNTY - CUSTER TOTAL DIV. RATE - 2.3600 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 72C DLE/CARRY ACT - RIGHT BASIS -
DIVERSION POINT - NENE OF 14N 19E LOT REDIV - 272.0 92.0 387.0 2.0 0.0 0.0 0.0 0.0 0.0 0.0 1.1
FROM - TO - USE - IRRIGATION USE DIV. RATE - 2.3600 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 14N RNG 19E SEC 06 TRACT SENE LOT AC 05
USE - IRRIGATION PLACE OF USE - TWN 14N RNG 19E SEC 05 TRACT NESW LOT AC 18 TRACT NWSW LOT AC 23
TRACT SWSW LOT AC 36 TRACT SESW LOT AC 36

DECREE NAME - DATE - TOTAL ACRES 118
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLC NO. - 27912
PROOF MADE - FLD EXAM - CONC. OF APPROVAL -
DIVERSION MEANS -

IDENT. NO. 12-2109

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
AKO	12-22	Keypunched by State Office

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 27912 (Old No.) 172-2109 (New No.)

Record

1. Original Owner: Ben Howard

   Present Owner:

2. Address:
3. City: Challis State: ID Zip:
4. A. Source of Water: Darling Creek
   B. Tributary of: Salmon River
5. A. Stage (A,P,L,D,S,J): L
   B. Status (D,L,R,C,A,I,F - leave blank if valid):
   C. Priority Date: 4-29-1959
   D. County: 37
   E. Total Diversion Rate: 2.36
   F. Total Diversion Volume:
   G. Transfer/Amendment (P,T of A or blank):
   H. Water District: 72-C
   I. DLE/Carey Act (D,C or blank):
   J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	NENE	6	14N	19E		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 2.36 (cfs ~~or AC-FT/yr~~)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

AMD 6-26-79

8. Use Code: A

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14N	19E	5									18	23	36	36					113
		6				.5													5
																			118

9. A. Decree Name:

   B. Decree Date:

10. Remarks: A.
    B.
    C.
    D.
    E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

    B. Date Permit Approved or Denied:

    C. Protested Date:

    D. Hearing Date:

    E. Old Number: 27912

    F. Proof Made (P or blank):

    G. Field Exam Made (P,R,F or blank):

    H. Conditions of Approval: _____

    _____

14. Diversion Means (brief narrative):

A Personal Note...

May 1, 1973

FROM THE DESK OF

L. T. STEVENSON

Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Dear Sir:

Enclosed please find $.25 to cover the fee for information of Water License No. 72-2109.

Very truly yours,

L. T. Stevenson

LTS:lr

L. T. Stevenson
P.O. Box 367
Challis, Idaho 83226

Lost
Idaho

72 2109

SALMON RIVER
REALTY

L. T. Stevenson

SALMON RIVER REALTY

P.O. Box 367
Challis, Idaho 83226

CHALLIS, ID
MAY 1
PM
1973
83226

8c

Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

72 2169

April 30, 1973

L. T. Stevenson
P. O. Box 367
Challis, Idaho 83226

Dear Mr. Stevenson:

Enclosed herewith is a copy of Water License No. 72-2109 in the name of Ben Howard. The fee for this copy is $ .25 which you may remit at your earliest convenience.

If we can be of further assistance to you please feel free to contact this office.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

Enclosure

72 2109

SALMON RIVER REALTY
Phone 208-879-2225

RECEIVED

April 20, 1973

Water Resource Board
State House
Boise, Idaho

Dear Sirs:

Would you please send me the water rights for a 280 acre ranch located about five miles north of Challis?

The ranch belonged to Ben Howard for many years (1949-1968) then to a Richard Norris (1968 to present.)

I understand the water rights are recorded in your Books of records as follows:
Book 98, pp 27,912and Book 12, pp 4,380.
Pertaining to water from Darling Creek and Challis Creek, Custer County, Idaho.

The property is located in, SW¼, S½SE¼ of Sec. 5; and SE¼NE¼ of Sec. 6; Township 14 North, Range 19 East Boise Meridian.

I am thanking you in advance for this information.

Regards,

L. T. Stevenson

LTS:lr

L. T. Stevenson
P.O. Box 367
Challis, Idaho 83226

Member National Institute of Farm and Ranch Brokers

October 4, 1965

RE: Permit No. 27912

Ben Howard
Challis,
Idaho

Dear Mr. Howard:

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

Also enclosed is departmental receipt No. 32946 in the amount of $15.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ejw

Encl: license
certificate
receipt

July 19, 1965

COPY

RE: Permit No. 27912

Ben Howard
Challis, Idaho

Dear Mr Howard:

Our field engineer's report on his inspection of completion of works and application of water to beneficial use under the terms of Permit No. 27912 shows the ditches are capable of convey 118 miner's inches, or 2.36 c.f.s. of surface water for irrigation of 118 acres.

Upon receipt of the statutory fees, totaling $15.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right, with priority of April 29, 1959, to the use of 2.36 c.f.s. of surface water with the point of diversion in the NE¼NE¼, Sec. 6 from Darling Creek for irrigation of 118 acres in the SW¼, Sec. 5; SE¼NE¼, Sec. 6, T. 14 N., R. 19 E.,B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

27912

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 27912

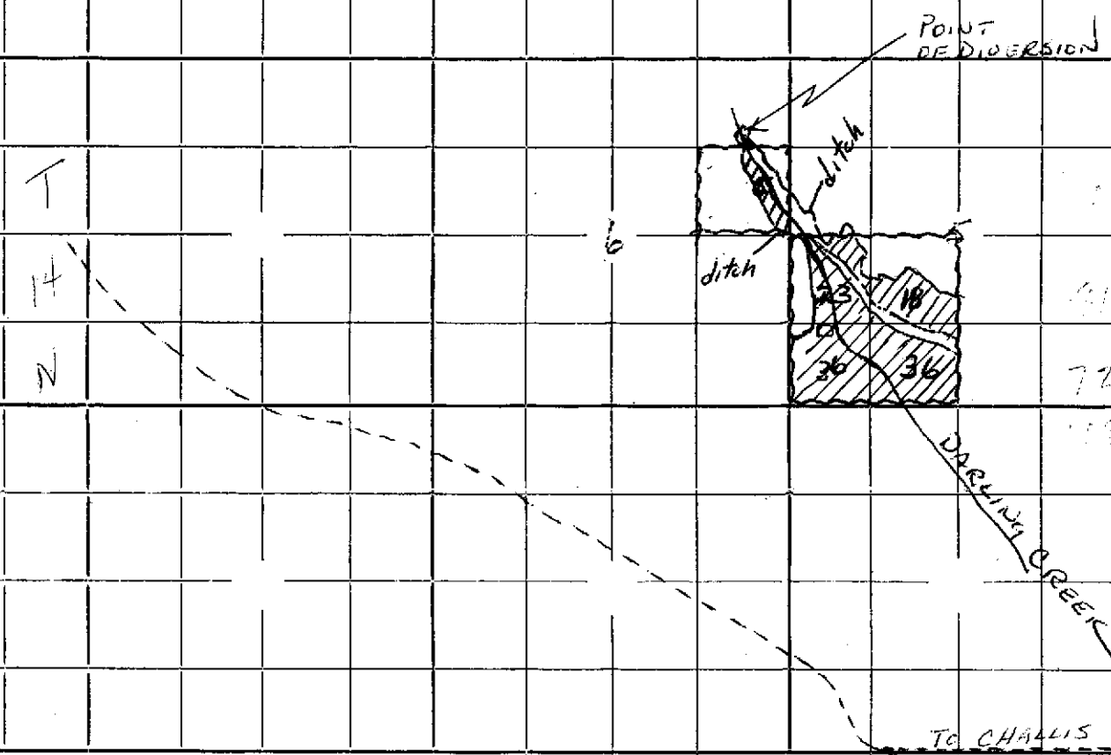
REPORT ON PROOF OF Completion of Works and Beneficial Use

Ben Howard
Challis, Idaho

27912

R 19 E.

T 14 N



	SE¼NW¼-6	-5	Acres
	NW¼SW¼	-5	23 "
	SW¼SW¼	-5	36 "
118 Acres	NE¼SW¼	-85	18 "
	SE¼SW¼	-5	36 "
		Total	118 Acres

diversion 2.58 C.F.S. Meter R-440

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

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 27912

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

1. Name of applicant Ben Howard
2. Source of water supply: Darling Creek
3. Location of point of diversion: Is in the NE¼NE¼ of Section 6
   T. 14 N R. 19 E County of Custer
4. Describe works as they exist, giving dimensions and capacities of same: Open ditches with No dam or structures divert from creek one ditch on the East side 2' bottom, 2½' Top, 1' deep. West ditch 1½' bottom 3' Top 1' deep. West ditch dry.
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):

E½SW¼, W½SW¼, Sec. 5; SE¼NE¼, Sec. 6, Twp. 14 N., Rge. 19 E.B.M.

SE4SW4-5 - 36 acres
NE4SW4-5 - 18 "
SW4SW4-5 - 36 "
NW4SW4-5 - 23 "
SE4NW4-6 - 6
118 Acres

} 14N - 19E

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

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

Remarks: Ditch to East irrigates ground on bench above creek bottom as well as creek bottom. West ditch irrigates land on in creek area. Went over ground with mr Howard.

This examination was made on the 15th day of July, 1965

(Signed) Robert W. Hamilton
Examiner.

27912

Ben Howard
Challis, Idaho

Permit No. 27912

Examination for Completion of Works and Beneficial Use

County Custer

Sec. 6 T. 14N R. 19 E

Quantity: 2.4

Source: DARLING CREEK

P. D.: NE NE SEC 6 T 14N Rge. 19E

Use: IRRIGATION

Filed: 29 April 59

Due: 4 May 1970

Extension: —

Protest: —

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
JUL 19 1965
Department of Reclamation

27912

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R-440

Date 7-15, 1965 **DISCHARGE MEASUREMENT NOTES**

Ben Howard River at at diversion of Eastside Ditch

Abutment	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or ----	Area	Discharge
EW	6.5	.25									
	7.0	.50	.22		80	40	2.02			.11	.22
	7.5	.50	.25		50	47	1.10			.13	.14
	8.0	.50	.40		50	45	1.15			.20	.23
	8.5	.50	.50		80	40	2.02			.25	.51
	9.0	.50	.50		80	40	2.02			.25	.51
	9.5	.50	.50		150	45	3.33			.25	.83
	10.0	.35	.20		80	42	1.93			.07	.14
EW	10.2	.10									2.58

No. 1 of 1 Sheets. Comp. by R. W Chk. by

D912

June 30, 1965

RE: Permit No. 27912
Ben Howard

Jack B. Furey
Attorney at Law
Challis, Idaho

Dear Mr. Furey:

The inspection on the above numbered permit will be made within the next two months. It is hard to tell the exact date at this time. We will try and notify you in advance of the date.

There is a possibility of an emergency trip to the area before a scheduled trip and the inspection can be made then.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Loy H. Johnson
Field Engineer

LHJ:mr

COPY

27912

LAW OFFICES
FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW

JACK B. FUREY
JAMES R. BENNETTS
CHALLIS, IDAHO

SHERMAN F. FUREY, JR.
SALMON, IDAHO

June 25, 1965

Mr. Carl Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Permit No. 27912
Ben Howard

Dear Sir:

Mr. Ben Howard, the holder of the above numbered permit was wondering how soon one of the engineers will be checking on the application of this water to beneficial use.

If this matter is on any schedule, could you let me know approximately what the date might be.

Thank you for your consideration.

Very truly yours,

FUREY, FUREY & BENNETTS

By Jack B. Furey
Jack B. Furey

JBF:cmh

27912

1M April 1962

August 11, 1964

Re: Permit No. 27912

Mr. Ben Howard,
Challis, Idaho.

Dear Mr. Howard:

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

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: pmk
cc: Harley McDowell
Box 2161
Boise, Idaho

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

NOTICE is hereby given that at 11 A.M., on the 25th day of May 1964, at Challis, County of Custer, State of Idaho, before Jack Furey, 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 Darling Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27912, 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: Ben Howard, 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 NE¼NE¼ of Sec. 6, T 14 N - R 19 E., B.M.

5. The place where said water is used is SE¼NE¼, Sec. 6, T 14 N - R 19 E., B.M.; SW¼, Sec. 5, T 14 N - R 19 E., B.M.

6. The date of priority which said user is prepared to establish is April 29, 1959.

CARL E. TAPPAN
State Reclamation Engineer

Pub. April 23, 30, May 7, 14, 1964.

AFFIDAVIT OF PUBLICATION

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

Richard Swindell

I, ~~Katsy McCarley~~, 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 April 23, 1964, and ending with the issue dated May 14, 1964.

Richard Swindell

Subscribed and sworn to before me this 25th day of May, 1964

Jack B. Furey
Notary Public, Residing at Challis, Idaho.

My Commission expires 4/4/65

77512

Form 16
1.5 M - 7-31-62

RECEIVED
JUL 24 1964
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. 27912

* * * *

RECEIVED
AUG 5 1964
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: BEN HOWARD, RESIDING: 5 miles North of Challis; occupation: rancher, P.O. Address: 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:

Not applicable

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; No. 27912; 5-4-59; 4-29-59.

Ques. 4. State source of water supply: Darling Creek
Give location of point of diversion, showing subdivision, section, township and range:

NE¼NE¼, Section 6, Township 14 North, Range 19 East of the Boise Meridian

Ques. 5. Describe your works of diversion: Gravity Flow ditches from Darling Creek ; state amount of water they are capable of conveying from point of diversion to place of use 120 miner's inches; Give name of canal or ditch or other works by which water is conducted to such place of use: unnamed ; 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: Agriculture (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 : SE¼NE¼, Section 6--10 acres irrigated; NW¼SW¼ of Section 5--20 acres irrigated; SW¼SW¼ of Section 5--35 acres irrigated; NE¼SW¼ of Section 5--20 acres irrigated; and SE¼SW¼ of Section 5--35 acres irrigated; all in 14N.-19EBM.

State nature of all improvements which have been made as a direct result of said use:

Land now produces hay and grain.

27912

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Not applicable.

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Not applicable.

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

At least one inch per acre.

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:

Not applicable.

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: Since 1913 on E½SW¼ and ~~xxxx

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27912

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. FLOYD C. BLACK, age 62, residing on ranch approximately 11 miles North of Challis, with occupation rancher, Water Master on Challis Creek Water District No. 3-C, with Post Office address at Challis, Idaho

Ques. 2. Are you acquainted with BEN HOWARD, the holder of Permit No. 27912? How long have you known him and where does he reside?

Ans. Yes. I have known him approximately 12 years and he resides on a ranch on Darling Creek approximately 5 miles North of Challis, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27912, 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. Source: Darling Creek; place of diversion: Northeast Quarter Northeast Quarter, Section 6, Township 14 North, Range 19 E.B.M.; ditches: gravity flow.

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. At least 2.4 cubic feet, and I have seen this much conveyed in the ditches.

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. Purpose: Agriculture; water is used on the property as follows: $SE\frac{1}{4}NE\frac{1}{4}$ of Section 6--10 acres irrigated; $NW\frac{1}{4}SW\frac{1}{4}$ of Section 5--20 acres irrigated; $SW\frac{1}{4}SW\frac{1}{4}$ of Section 5--35 acres irrigated; $NE\frac{1}{4}SW\frac{1}{4}$ of Section 5--20 acres irrigated; and $SE\frac{1}{4}SW\frac{1}{4}$ of Section 5--35 acres irrigated.

All is cultivated land; alfalfa and grain are produced on the land as a direct result of the water use.

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

Ans. Not applicable.

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. Loam and gravel and would require at least 1 inch to the acre.

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

Ans. No.

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

Ans. Have seen the water used on these lands since 1956 for irrigation to the extent of at least 1 inch to the acre in raising hay crops.

(Signed) Floyd C Black.

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 20th day of July, A. D. 19 64.

Notary Public.

My commission expires 4-4-65.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27912

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. J. J. SANDERSON, age 51, residing on a ranch 8 miles Northwest of Challis, P.O. Address, Challis, Idaho.

Ques. 2. Are you acquainted with BEN HOWARD, the holder of Permit No. 27912? How long have you known him and where does he reside?

Ans. I have known him 8 years and he resides on a ranch 5 miles North of Challis.

Ques. 3. Have you read or heard read said Permit No. 27912, 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. Source: Darling Creek; place of diversion: Northeast Quarter Northeast Quarter, Section 6, Township 14 North, Range 19 E.B.M.; ditches: gravity flow.

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. 2.4 sec. feet of water, and I have seen this much conveyed to place of use.

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

Ans. Irrigation; water is used on the property as follows: SE¼NE¼ of Section 6--10 acres irrigated; NW¼SW¼ of Section 5--20 acres irrigated; SW¼SW¼ of Section 5--35 acres irrigated; NE¼SW¼ of Section 5--20 acres irrigated; and SE¼SW¼ of Section 5--35 acres irrigated. Land is cultivated hay and grain ground, all of which are produced because of the use of this water.

27912

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

Ans. Not applicable.

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. Sandy-gravel, with some clay and some loam. This requires at least one inch to the acre.

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

Ans. No.

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

Ans. Have seen water on the property for at least 8 years, with at least one inch to the acre, and I have seen the water put to use on this land every irrigation season for 8 years.

(Signed) J J Sanderson

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 27th day of July, A. D. 19 64.

Jacqueline Turner
Notary Public.

My commission expires 4-4-65.

STATE OF IDAHO,)
: ss. A F F I D A V I T
County of Custer)

BEN HOWARD, FLOYD C. BLACK, J. J. SANDERSON, being first duly, generally and severally sworn, on their oaths, do depose and say:

That they are the Holder and Witnesses, respectively, relative to Proof of Application of Water to Beneficial Use under Permit No. 27912, records of the Department of Reclamation, State of Idaho;

That we did, on the 25th day of May, 1964, appear in the office of JACK B. FUREY, of FUREY, FUREY & BENNETTS, Attorneys at Law, at Challis, Idaho, and on that date and at 11:00 o'clock, a.m. thereof, did give our depositions under said water permit; that said depositions were read by us and were also read to us on said date of May 25, 1964, in the same, identical form as contained and appear in the formal depositions signed by us in said office on the dates following:

Deposition of Holder, BEN HOWARD: Notarized July 20, 1964;

Deposition of Witness, FLOYD C. BLACK: Notarized July 20, 1964; and

Deposition of Witness, J. J. SANDERSON: Notarized July 27, 1964.

That the reason said depositions were not notarized on May 25, 1964 is the fact that the Holder and Witnesses were, immediately following May 25, 1964 and thereafter, and until our signatures were notarized on the dates appearing above, involved in farming, ranching and riding for stock away from our ranch operations to such an extent that it was difficult to find a date mutually agreeable to Jack B. Furey, the taker of said depositions,

FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW
CHALLIS, IDAHO

and ourselves until the dates said depositions were actually notarized as above indicated;

That of our own knowledge, we state and affirm that no protestants appeared in opposition to the taking of said proofs on May 25, 1964 or on any date subsequent thereto and including the date of this Affidavit;

IN WITNESS WHEREOF, we have hereunto set our hands this 3rd day of August, 1964.

Ben Howard

Ben Howard

Floyd C. Black

Floyd C. Black

J. J. Sanderson

Subscribed and sworn to before me this 3rd day of August, 1964.

Bennett N. Rood

Notary Public for Idaho
Residing at Challis, therein
My Com. Expires:

FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW
CHALLIS, IDAHO

27912

LAW OFFICES
FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW

JACK B. FUREY
JAMES R. BENNETTS
CHALLIS, IDAHO

SHERMAN F. FUREY, JR.
SALMON, IDAHO

August 3, 1964

Mr. Carl Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Permit No. 27912
Ben Howard

Attention: (Mrs.) Edna P. Rule

Dear Mrs. Rule:

Pursuant to your letter of July 24, 1964, we are enclosing Affidavit, along with the depositions relative to the above permit.

Very truly yours,

FUREY, FUREY & BENNETTS

JBF:jab
Enclosures

By /s/ Jack B. Furey
Jack B. Furey

27912

July 24, 1964

RE: Permit # 27912
Ben Howard

Jack B. Furey
Attorney at Law
Challis, Idaho

Dear Mr. Furey:

Returned herewith Completion of Works and Beneficial Use Proofs under subject permit.

It is necessary that we receive an Affidavit, notarized before another Notary than yourself, stating why the proofs were not notarized on the advertized proof date of 5-25-64, and whether or not any protestant appeared on that date or in the period between 5-25-64 and the actual proof date of 7-20-64 to lodge a protest against the proofs.

Also, it appears that a second disinterested person could be found in case that the witness mentioned in your letter of 7-22 is unable to appear before you within a few days time.

In any case the second witness should also present a notarized affidavit stating the reason for not having made his deposition on the same date as the Holder and the first witness.

Kindly attend to the above corrections and return all documents promptly to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. PETRI
State Water Rights Clerk

HP:Ct

Enc. Permit 27912 proofs

27912

ROBERT E. SMYLIE
Governor

CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

July 19, 1965

RE: Permit No. 27912

Ben Howard
Challis, Idaho

Dear Mr Howard:

Our field engineer's report on his inspection of completion of works and application of water to beneficial use under the terms of Permit No. 27912 shows the ditches are capable of convey 118 miner's inches, or 2.36 c.f.s. of surface water for irrigation of 118 acres.

Upon receipt of the statutory fees, totaling $15.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right, with priority of April 29, 1959, to the use of 2.36 c.f.s. of surface water with the point of diversion in the NE¼NE¼, Sec. 6 from Darling Creek for irrigation of 118 acres in the SW¼, Sec. 5; SE¼NE¼, Sec. 6, T. 14 N., R. 19 E.,B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Edna P. Rule
(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enclosed you will find a $15.00 check for the amount you were to receive.

Thank You
Ben Howard.

27912

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee

☐ Show address where delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

Ben Howard By Mrs Ben Howard

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED	SHOW WHERE DELIVERED *(only if requested)*
9-1-64	

C55—16—71548-5—F GPO

7791 2

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF DELIVERING OFFICE

JL
1
964
11
AM
O

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN TO

REGISTERED NO.	NAME OF SENDER
	State Department of Reclamation
CERT[redacted] NO. 1097	STREET AND NO. OR P. O. BOX
	Room 107 Statehouse
INSURED NO.	CITY, ZONE AND STATE
	Boise, Idaho

POD Form 3811 Apr. 1962

C55—16—71548-5—F

2711-2.

2792

Form 24

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

June 26, 1964

Re: Permit No. 27912

To Ben Howard

Challis, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 27912 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of Works Proof which was due May 4, 1964

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 27912 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 27912 claims the use of 2.4 cubic feet per second of the waters of Darling Creek with point of diversion located NE¼NE¼ Sec. 6., Twp. 14 N., Rge. 19 E.B.M., and was approved May 4, 1959

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 26 th day of June, 1964

Carl L. Paffen

State Reclamation Engineer.

cc: Harley M. McDowell

By

Assistant.

April 23, 1964

Re: Permit No. 27912
Ben Howard

Mr. Harley M. McDowell
Idaho Land & Appraisal Service
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is an Application for Amendment to the land list issued on the above numbered permit, which has been recorded in this office.

Also enclosed is departmental receipt No. 32206, in the amount of $1.00 covering fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) EDNA P. RULE
Chief Clerk

EPR:ew

Enc. amendment
receipt

PREPARED BY
IDAHO LAND & APPRAISAL SERVICE
BOX 1021, BOISE, IDAHO
PLEASE NOTIFY OF ANY DECISIONS
OTHER INFORMATION IS NEEDED

RECEIVED
APR 23 196
Department of Reclam

1964

Comes now Ben Howard

to the STATE RECLAMATION ENGINEER of t

That he is the owner and holder of P the Public Waters of the State of Idaho, No. 27912, and reques of lands to be irrigated, as described in said permit, be changed llowing:

Township 14 North - Range 19 East, B. ½SW¼, W½SW¼;

Township 14 North - Range 19 East - SE¼NE¼.

, making a total of 200 acres.

That an additional amount of water is sked for and that the rights of others will not be adversely affected by such chan

Signed at Boise, Idaho this day of April, 196
Ben Howard

by Harley M. McDowell
Harley M. McDowell, Agent

Date of receipt at office of Department April 21, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy
~~Ed Carter~~, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for Amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 27 . This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 98 of
Permits, at Page 27912
April 23, 1964

Ralph W. Thomas
Deputy
State Reclamation Engineer

27912

Re: Permit No. 27912
Ben Howard

April 21, 1964

Mr. Jack Furey,
Attorney at Law,
Challis, Idaho.

Dear Mr. Furey:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 27912, in the name of Ben Howard. Final Proof is to be made before you, as Notary on the 25th day of May, 19 64, at 11:00 o'clock A.M., at Challis, Idaho.

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

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

27912

Re: Permit No. 27912
Ben Howard

Date: April 21, 1964

Challis Messenger,
Challis, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to May 25, 1964 the date set for proof; the expense of the publication is to be paid by the applicant Ben Howard of Challis, Idaho ; ~~xxxxxxxxxxxxxxxxxx~~ should be sent to Jack Furey, Attorney, Challis, Idaho, ~~xxxxxx~~ 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,

Carl E Tappan

CARL E. TAPPAN
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

cc: Ben Howard
Challis, Idaho

Form 36-A

RECEIVED
APR 21 1964

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

NOTICE is hereby given that at 11 A.M., on the 25th day of May 19 64, at Challis, County of Custer, State of Idaho, before Jack Fumey, 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 Darling Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27912, 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: Ben Howard, 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 ~~660' S. & 1200' W. from the NE corner, Sec. 6, T. 14 N., R. 19 E., B.M., in the~~ NE¼NE¼ of Sec. 6, T 14 N - R 19 E., B.M.

5. The place where said water is used is SE¼NE¼, Sec. 6, T 14 N - R 19 E., B.M.; SW¼, Sec. 5, T 14 N - R 19 E., B.M.

Total 200 acres.

6. The date of priority which said user is prepared to establish is April 29, 1959.

CARL E. TAPPAN

State Reclamation Engineer

Form No. 11
2M - 10/60

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
APR 21 1964
Department of Reclamation

(Date) April 7 1964

(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 Ida Custer published in the county in which the works are situated. Please send the statement of charges to Ben Howard, Challis, Idaho and the affidavit of publication to Jack Fury, Attorney-at-Law, Challis, Idaho.

x Ben Howard

(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.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho
March 13, 1964

Re: Permit No. 27912, Ben Howard

Harley E. McDowell
Idaho Land & Appraisal Service
Box 2161
Boise, Idaho

Dear Mr. McDowell:
Dear

Under the terms of your Permit No. 27912 you are required to complete your diversion works on or before May 4, 1964. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of $5.00, a Certificate of Completion will be issued to you.

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

Very truly yours,

State Reclamation Engineer

Enc. Form 6

cc: Ben Howard
Challis, Idaho

27912

IN REPLY REFER TO:
LO:CRK
Idaho 010128

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

OCT 1 1 1960

NOTICE OF ALLOWANCE

Ben Howard

Challis,

Idaho

Dear Sir:

Your Desert Land Entry, Serial No. Idaho 010128, Receipt No. 835218, for W½SW¼, Sec. 5, SE¼NE¼, , Section 6, Township 14 N., Range 19 E., Boise Meridian, Idaho, containing 120 acres, has this day been allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. In correspondence relating to this entry, always refer to the serial number shown above.

Allowance is subject to following stipulation: The owner of the fence which is located north of and runs parallel to the section line common to Sections 5 and 8, of the above township, is allowed a period of 60 days from date of this Notice to remove, relocate, or to dispose of said fence in any other manner mutually agreeable to the entryman of the lands herein described.

Sincerely yours,

Donald I. Bailey
Manager

cc: DM, ISA
LSM
Grant Dobbs, Challis
State Recl. Engr., Boise

A2 ILO-20
(Nov., 1958)

27912

May 8, 1959

Re: Permit Numbers

27911 - Floyd M. Landis
27912 - Ben Howard
27913 - Nils F. Osterhaut
27914 - Thomas E. Greer
27915 - James Sheral Johnston

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We enclose the above listed permits, 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. 29587, which was issued covering payment in the amount of $30.50, which includes the filing fees of the above mentioned permits, as follows: Permit No. 27911 - $5.50; Permit No. 27912 - $5.50; Permit No. 27913 - $6.50; Permit No. 27914 - $6.50 and Permit No. 27915 - $6.50.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

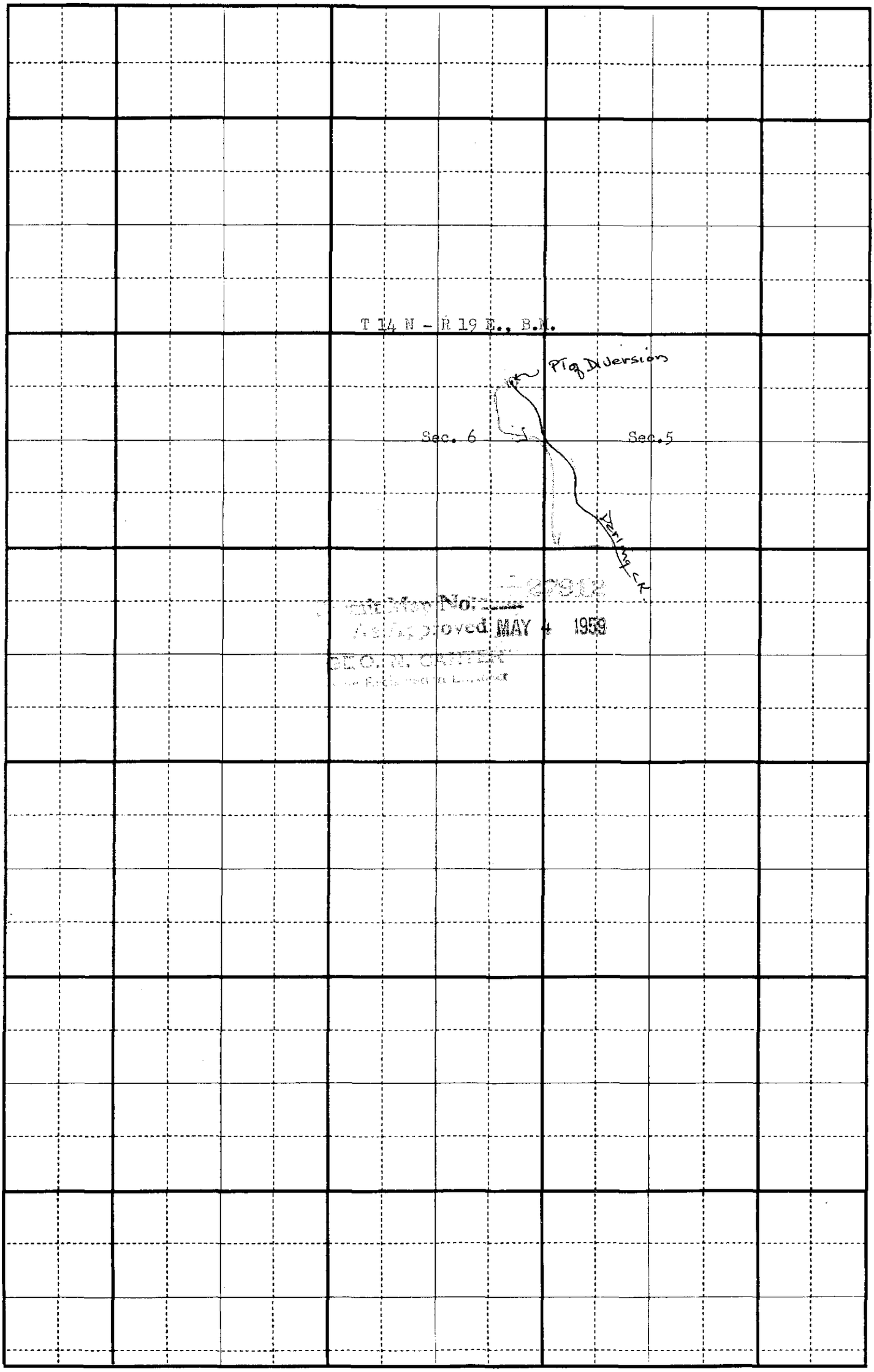
(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (5)
Departmental Receipt

27917

NAME OF APPLICANT Ben Howard

Form No. 0



Application No. 27918
Approved MAY 4 1959
GEO. B. CARTER
Chief Engineer

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

27917

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

NOTICE is hereby given that at 11 A.M., on the 25th day of May 1964, at Challis, County of Custer, State of Idaho, before Jack Furey, 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 Darling Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27912, 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: Ben Howard, 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 NE¼NE¼ of Sec. 6, T 14 N - R 19 E., B.M.

5. The place where said water is used is SE¼NE¼, Sec. 6, T 14 N - R 19 E., B.M.; SW¼, Sec. 5, T 14 N - R 19 E., B.M.

6. The date of priority which said user is prepared to establish is April 29, 1959.

CARL E. TAPPAN
State Reclamation Engineer

Pub. April 23, 30, May 7, 1964.

27?