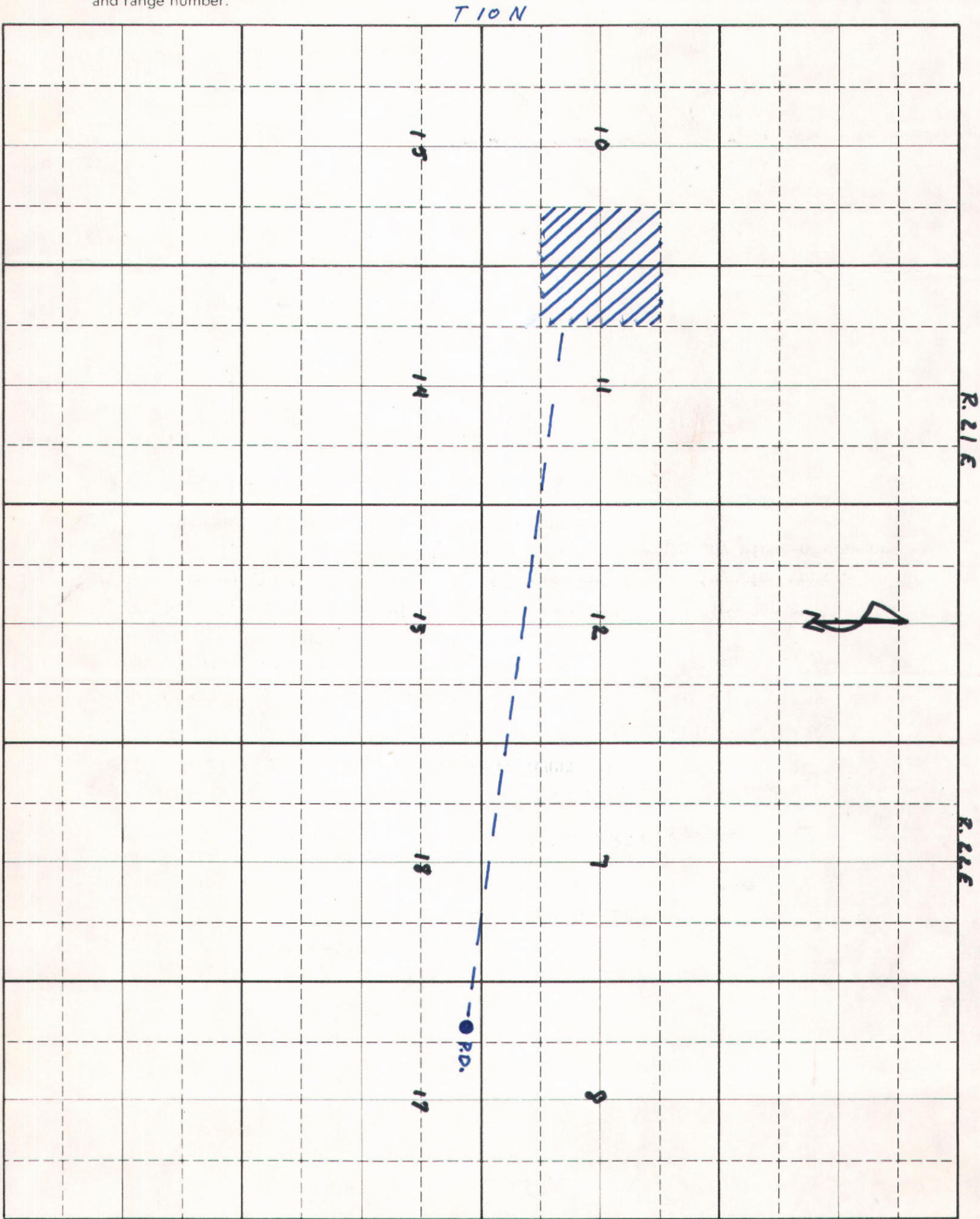


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Feb 4th 76

Ben Howard
(Applicant)

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS
Publisher 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 2
consecutive weeks, commencing with
the issue dated FEB 19,
1976 and ending with the issue
dated FEB 26, 1976.

Margaret Parks
Subscribed and sworn to before
me this 28 day of Feb,
1976.

Janette Pura
Notary Public, residing at Challis,
Idaho. My commission expires on
10-10-79

RECEIVED

MAR 1 1976

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

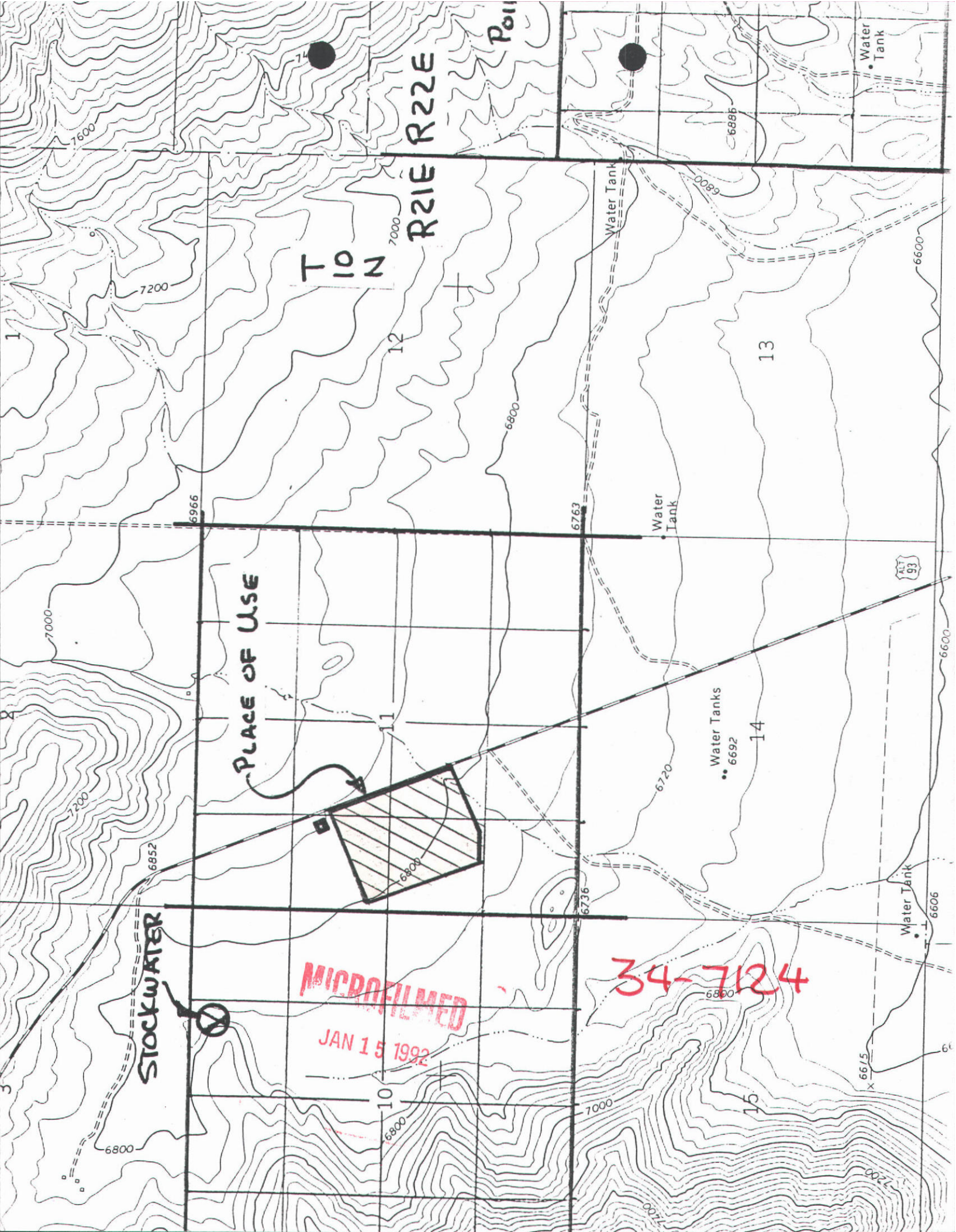
Notice is hereby given that Ben Howard, Challis, Idaho has on 2-09-76 submitted Application No. 34-7124 for a permit to appropriate 1.10 cubic feet per second of water from Poison Creek by means of pipe and inlet structure within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 10N, R. 22E, B.M., Custer County; to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres, and from May 1 to Dec. 31 for stockwatering purposes for 300 head of cattle; all uses within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 10N, R. 21E, B.M.

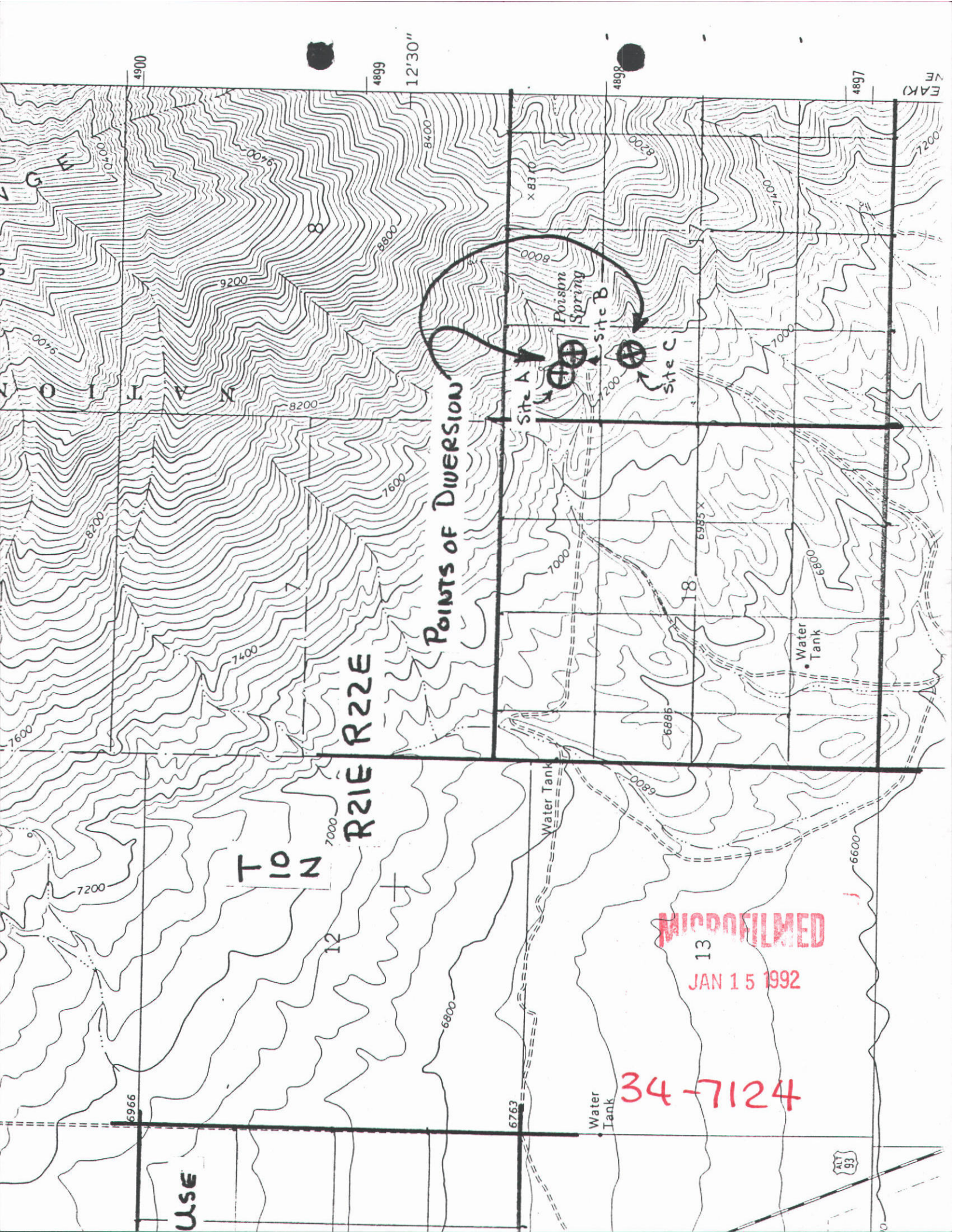
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 8, 1976.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho on February 19 and February 26, 1976.

MICROFILMED





Points of Diversion

Poison Spring

Site A

Site B

Site C

Water Tank

Water Tank

Water Tank

MICROFILMED

13

JAN 15 1992

34-7124

93

USE

T 10 N

R 21 E

R 22 E

12

18

12'30"

4899

4898

4897

4900

NE (AK)

STOCKWATER
Place of Use

NOT

R21E

32
10 11



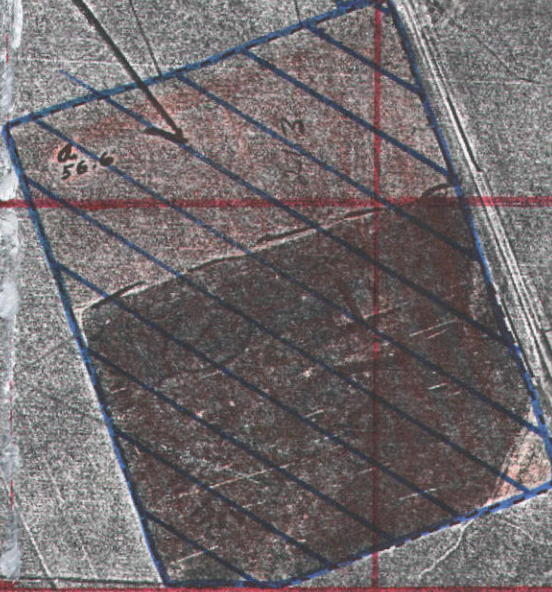
CRESTED BUTTE
CROSSING

②

95.5

③

DOMESTIC
Place of Use



PLACE OF USE
IRRIGATION

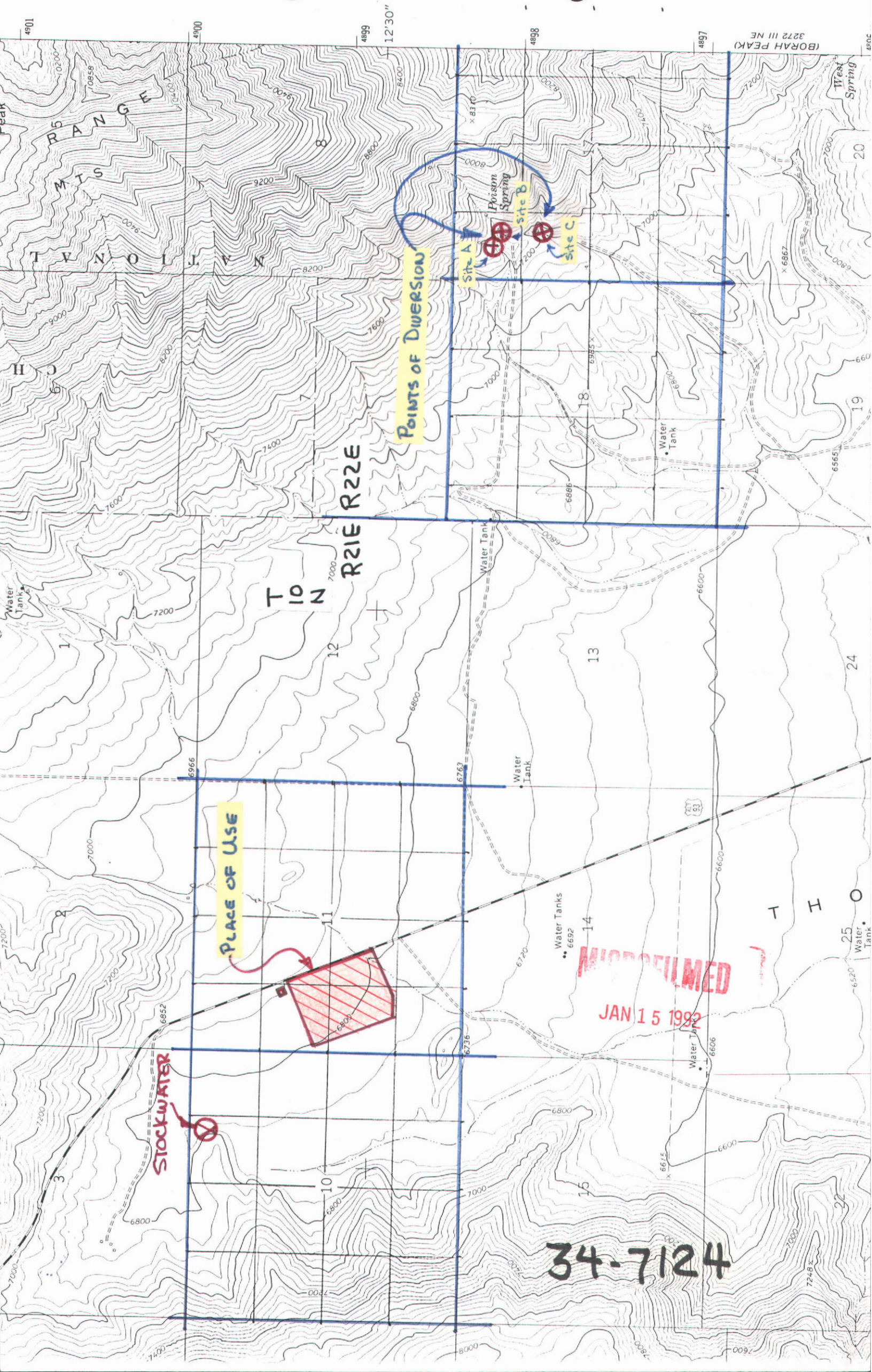
PRODUCED

JAN 15 1992

10 11

15 14

34-7124



Place of Use

Points of Diversion

MICROFILMED

JAN 15 1992

34-7124

Stockwater

BORAH PEAK (3272 III NE)

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

Water Tank

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Water Tank

Water Tank



POINT OF DIVERSION

34-7124 / 7407



← Source "A"
Unnamed spring

Water from Source "B"
Poison Spring

MICROFILMED

JAN 15 1992

34-7124 / 7407



Source "B"

Poison Spring



Water from Source "A"

Unnamed Spring

Water from Poison Spring

RECORDED

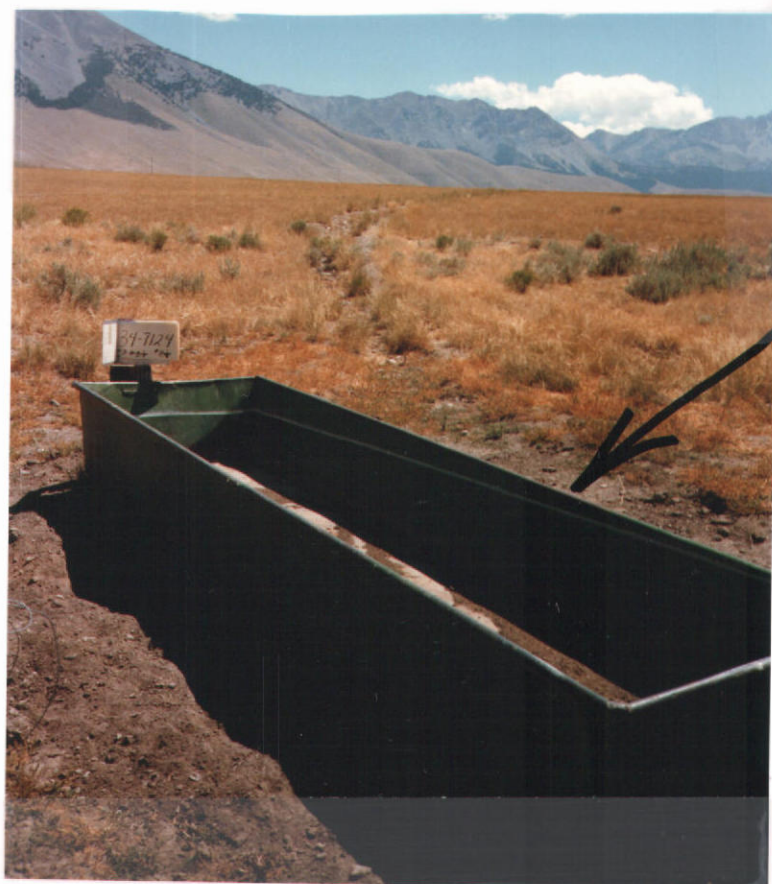
JAN 15 1992

34-7124/7407



Source "C"
Unnamed spring

Domestic at Place of Use
↓



Stock tank

34-7124/7407

RECORDED
JAN 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

(SEE RE-EXAM dtd
30 OCT 1990)

A. GENERAL INFORMATION

Permit No. 34-7124

1. Owner: BEN HOWARD

Phone No. 845-2649

Current Address: BRUNEAU, Idaho

2. Accompanied by: OWNER

PARTIAL: 8-3-88

EXAM. DATE: _____

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: POISON CREEK tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: 34-7407

☐ Copies Attached

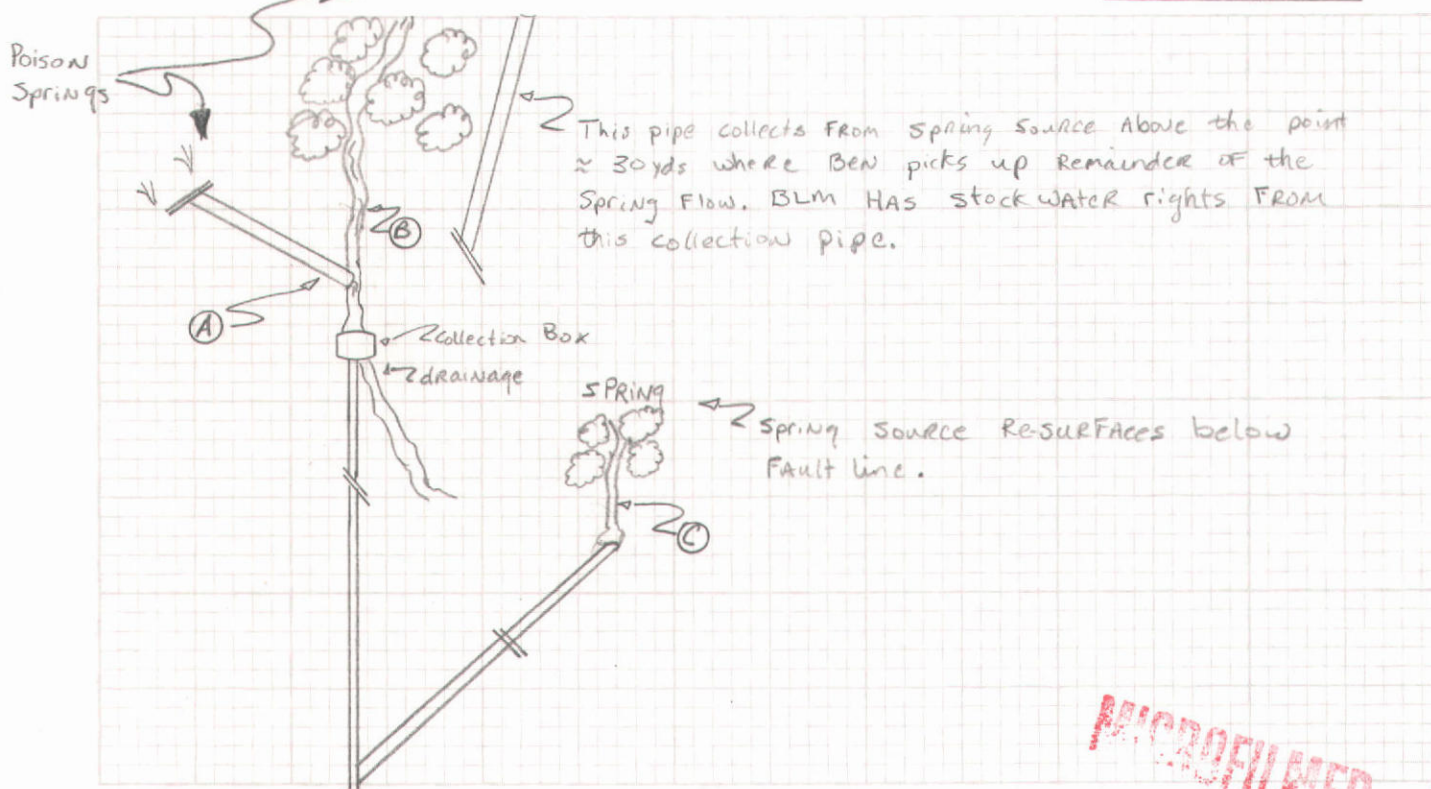
2. Other water rights with same point of diversion: 34-7407

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

MICROFILMED
JAN 15 1992

487c

Howe

32
1011

STOCKWATER

Original AERIAL PHOTO - SEE
RE-EXAM For Corrections.

DB

HOME -

TMP

Robert Howard

40 AC
29 AC

32 AC

18

JAN 15 1982

IN THE MATTER OF: Right of use of)
Poison Creek, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.)
17, T. 10N, R. 22E, BM. Water)
for Stock watering purpose for)
Francis Smith of Mackay, Idaho)
State of Idaho)
County of Custer)

AFFIDAVIT

RECEIVED
MAR 8 1976

Department of Water Resources
Eastern District Office

I, Ferry Larter, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 65 years of age, born October 11, 1911 and raised
on the Larter Ranch which has used this cattle range and water
continually in conjunction with the Fulton and Smith Ranches.

I have known of the use of Poison Creek for drinking water for
200 head cows and a similar number of calves of Francis Smith from
May 15th to September 15th each year from before 1926 to recent years.

I know that in 1950 Francis Smith and Dave Fulton built
and in dry years have maintained ponds on the Poison Creek Channel
for stock water. They are about one half mile down stream from
the spring head. xxxxxxxxxxxxxxxxxxxx

Ferry Larter
(signature)

Subscribed and sworn to before me this 4th day of March 19 76.

Rita M. Lundy
(notary public)

Residing at Mackay, Id.
My commission expires 3/15/1977

RECORDED

P. O.

FEB 26 1976

26-1976 APPLICATION FOR PERMIT

Department of Water Resources
Eastern District Office

Eastern District Office

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES

Application No. D.....41.....50.....

Permit No. D.....50

District No. #4 G-111 Chilly No. 98 Poison Spring.

1. Name of Applicant GRAZING SERVICE UNITED STATES DEPARTMENT OF INTERIOR P. L. L.
2. Post Office Address Box 723, Pocatello, Idaho
3. Quantity of water claimed 25 CPM
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion S 59°47' E, 1468' feet distant from the NW corner of Section 17
Twp. 10 N, Rge. 22 E, B. M., and is in the NW 1/4 of the NW 1/4 of Section 17, Twp. 10 N, Rge. 22 E, B. M.
in the County of Custer
6. Location of point of use _____ feet distant from the _____ corner of Section _____
Twp. _____, Rge. _____, B. M., and in the _____ 1/4 of the _____ 1/4, Sec. _____, Twp. _____, Rge. _____
7. Water to be used for watering livestock
8. Estimated cost of works \$1629.62
9. Kind of works spring, metal troughs
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size _____
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use 4 months (completed)
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam _____ feet: Length at top _____ feet.
- (b) Material from which dam is constructed _____
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located _____ feet from the _____ corner of _____
Section _____, Twp. _____, Rge. _____, B. M.

REMARKS:

8: *Passer Spring*

Applicant: GRAZING SERVICE, U.S. DEPT. OF INTERIOR Agent: GEORGE E. TUCKER, Improvement Supervisor

S 59°47' E 1468'

Tw. 10 N., Rge. 22 E.

50 - 1.1

[illegible]

Poison spring

G-111-98

Approval of Commissioner of Reclamation

The number of this permit is D. 50

Recorded in Book D Page D 50 Approved July 28, 1941

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:

Work to begin on or before Sept. 26, 1941 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before Oct. 28, 1941

Witness my hand this 28th day of July 19 41



Commissioner of Reclamation.

Charles C. Gossett,

IN TESTIMONY WHEREOF, We, ~~Charles C. Gossett~~ Acting Governor of the State of Idaho,

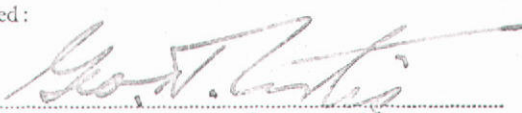
and Geo. H. Curtis Secretary of State of the State of Idaho, have caused this instrument to

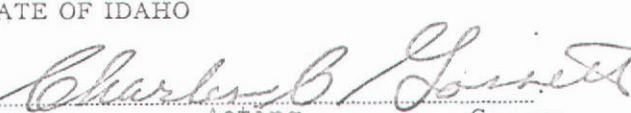
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day

of July 19 41

Countersigned:

STATE OF IDAHO

By  Secretary of State.

By  Acting Governor.

No. D. 50	PERMIT	Date of first receipt at office of Commissioner of Reclamation June 26, 1941	Returned to applicant for correction	Corrected application received	Fees \$	STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	Water License No. D.	TO	Source of Supply	Amount	Sec. Feet	Place of Use	Purpose	Date of Priority	Recorded	In Book of Licenses, Page
-----------	--------	--	--------------------------------------	--------------------------------	---------	---	----------------------	----	------------------	--------	-----------	--------------	---------	------------------	----------	---------------------------

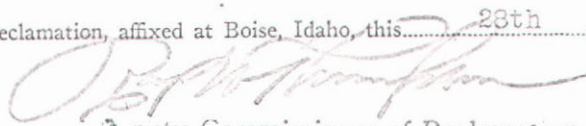
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 50 Priority June 26, 1941 Amount 25 G.P.M. .00557 sec. ft

This is to certify that U.S. Grazing Service of Box 728, Pocatello, Idaho made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of spring under Use Permit No. D. 50, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume D. 50 of Licenses, at page D. 50, on the 28 day of July 19 41

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

WITNESS THE SEAL and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 28th day of July 19 41



Deputy Commissioner of Reclamation
Commissioner of Reclamation.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 34-07124

Priority: February 9, 1976

Maximum Diversion Rate:

0.12 CFS

Maximum Diversion Volume:

46.1 AF

This is to certify, that BEN HOWARD

HC 85 BOX 119

BRUNEAU ID 83604

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 9, 1976; and has submitted Proof of Beneficial Use on November 4, 1981. An examination indicates that the works have a diversion capacity of .120 cfs of water from:

POISON SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.12 CFS	42.0 AF
STOCKWATER	05/01 to 12/31	0.07 CFS	4.1 AF
	Totals	0.12 CFS	46.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWNW , Sec. 17, Township 10N, Range 22E
SENWNW , Sec. 17, Township 10N, Range 22E
NESWNW , Sec. 17, Township 10N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	21E	11		SWNW 12		12
Total number of acres irrigated:						12

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
10N	21E	10
NWNE		

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

MICROFILMED

JAN 15 1992

State of Idaho
Department of Water Resources

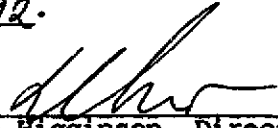
WATER RIGHT LICENSE

WATER RIGHT NO. 34-07124

CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater is for 300 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5
day of January, 1992.


for R. Keith Higginson, Director

RECORDED

JAN 15 1992

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
DEC 10 1991

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07124

Department of Water Resources

Date of Priority: February 9, 1976

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume:¹ 55.0 AF

Comes now
~~P.O. BOX 303~~
CHALLIS ID 83226

BEN HOWARD
HC 85 Box 119
Bruney, ID 83604

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 34-07124, and requests that the permit be changed as follows:

Source: POISON SPRING

tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.12 CFS	50.7 AF
STOCKWATER	05/01 to 12/31	0.07 CFS	4.1 AF
	Totals	0.12 CFS	55.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 17, Township 10N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N 21E 11	SWNW 14	SENW 3	NESW 12	
	NWSW 29			58
				Total number of acres irrigated: 58

PLACE OF USE: STOCKWATER

<u>TWN RGE SEC</u>	
10N 21E 10	NWNE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Bruney, Id, this 1st day of December, 1991.

APPROVED

Ben Howard
(Signature)

JAN 15 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07124

FOR DEPARTMENT USE ONLY

#C022589

Preliminary check by SL Fee - \$20.00 Received by [Signature] Date 12-10-91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 34-07124 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Stockwater is for 300 range cattle.

Witness my hand this 5 day of January, 1992.

[Signature]
for R. Keith Higginson, Director

[Stamp]

JAN 15 1992

RECEIVED

SEP 16 1986

For Office Use Only

Fee Received 50.00

Date 9-15-86

Receipt # 39888

Receipt by MW

Sent to S.O. 9-17-86

RECEIVED

SEP 15 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED

SEP 10 1986

1. Permit No. 34-7124

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Ben Howard

3. Post Office Address: HC 01 BOX 109 WHITEBURD, I.D.A.
Telephone No. 839-~~7222~~ 2232

4. Source of Water: Spring or 839-2419

5. Extent of Use:
Domestic 1 (No. of households) Stockwater 250 (No. and type of stock)
Irrigation 80 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 1.10 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
1977

8. Person to contact to accompany the department representative during the field examination:

Les Hatch (Name)

C. A. Harris (Address) Id. (Telephone Number) 879-4237

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 8/22/86 Signature of Permit Holder (and title, if appropriate) Ben Howard

copy retained for file

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 34-7124)
_____)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

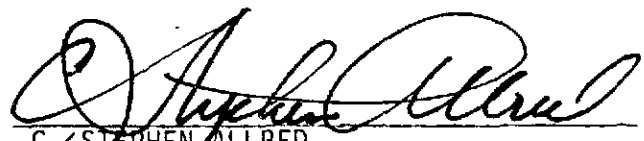
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Identification No. 31-133

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1 Name of applicant Ben Howard Phone 879-2321
post office address P.O. Box 303, Challis, Idaho 83226

2 Source of water supply Poison Spring which is a tributary of _____

3 a Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 10N
Range 22E B M Custer County; additional points of diversion if any _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____

4 Water will be used for the following purposes:
Amount 1.0 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .10 for stockwater purpose from May 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5 Total quantity to be appropriated
a 1.10 cubic feet per second and/or
b _____ acre feet per annum.

6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc inlet structure and pipe

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo Day) (Mo Day)

c Proposed well diameter is _____ inches, proposed depth of well is _____ feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years

b Estimated construction cost is \$ 10,000.00

8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water

SE	NE
NE	SE
SW	NW
NW	SW

 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 10 Township 10N
Range 21E B M _____ 11 10N
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered 300 head of cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	21E	11							40				40						80
		10				40									40				80

Total number of acres to be irrigated 160

c Describe any other water rights used for the same purposes as described above None

9 a. Who owns the property at the point of diversion B.L.M.

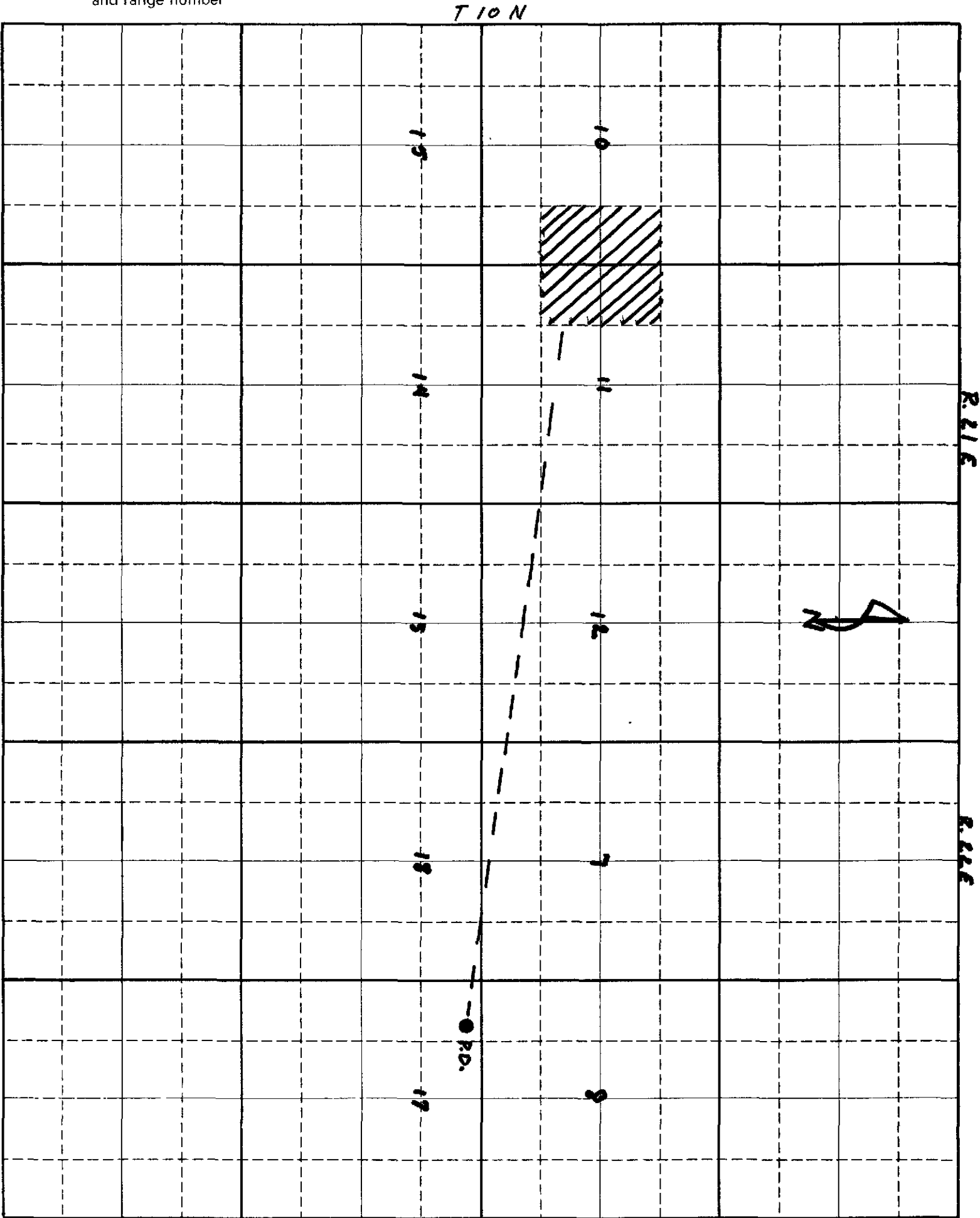
b. Who owns the land to be irrigated or place of use Applicant

c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

The have 560 acres on Yellow Creek Summit. The have stock water 3" until June 10th then the water right is shut off until the 15th of Sept at which time we get the 3" again till freeze. But in the heat of the summer we have to truck the water for the cattle. I drilled a well 300 ft deep trying to get water but have a dry hole. So I used this water real bad. This poison spring has B.L.M. pipe line out of it but only 2 1/2" pipe line out of it. But the rest 50" or more run a little ways & then sinks into the ground. I also have B.L.M. range right adjoining ranch for 131 head of cattle which needs some of this water as no water anywhere available. We haul 6,000 gals of water everyday for stock. Glen Hunt Soil conservation man measured the water last fall & come up with 50" and more. If you wish please call him & he will verify this statement. Also the water fall is 500' from the spring to the ranch. The stock water from June 10th until the 15th of Sept is all hauled in a 1500 gal tank on a truck.

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number



Scale. 2 inches equal 1 mile

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

Feb 4th 76

Bess Howard
(Applicant)

Proposed Priority 2-09-76

Received by me Date 2-09-76 Time 10:35 a.

Preliminary check by RDC Fee \$ 35.00

Receipted by me Date 2-09-76 # 15613

Publication prepared by me Date 2-10-76

Published in The Challis Messenger

Publication dates 2-19-76 + 2-26-76

Publication approved me Date 3-02-76

Priority reduced to _____ Reason _____

Protests filed by: Salmon BLM, Frances,
R. Smith, Sheldon Sutton, Jerry, Harder,
Wesley Smith,

Copies of protests forwarded by BW 3-02-76 - 3-10-76

Hearing held by _____ Date _____

Recommended for approval denial by BDE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

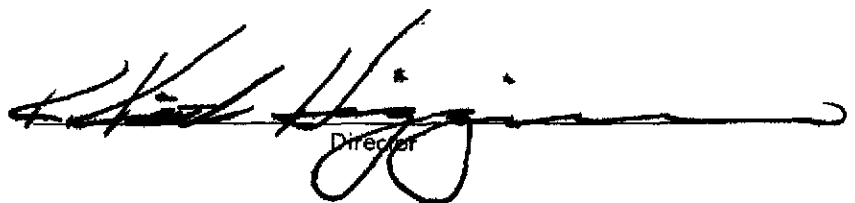
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 34-7124, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 81.
- c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.
2. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 2 day of December, 19 76.


Director

RECEIVED

MAR 1 1976

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS...

Publisher 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 2

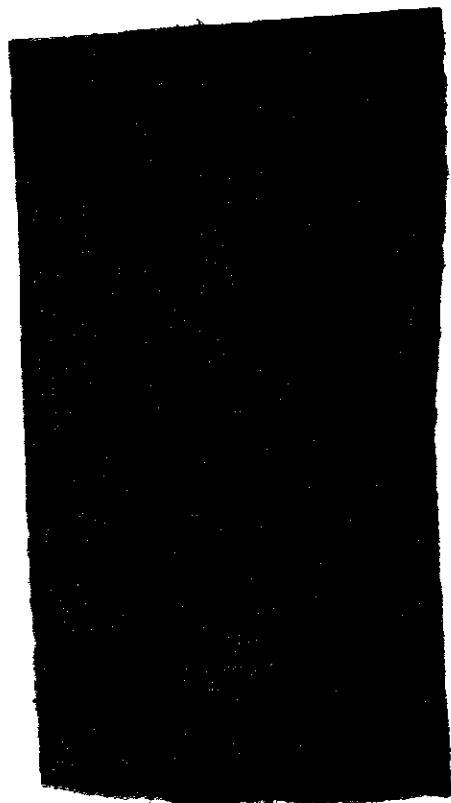
consecutive weeks, commencing with
the issue dated FEB 19...
1976 and ending with the issue
dated FEB 26... 1976.

Margaret Parks.....

Subscribed and sworn to before
me this 28 day of Feb...
1976.

Jeanette Purn.....

Notary Public, residing at Challis,
Idaho. My commission expires on
10-10-77.....



MICROFILMED

January 12, 1992

BEN HOWARD
HC 85 BOX 119
BRUNEAU ID 83604

RE: WATER RIGHT NO. 34-07124

Dear Water Right Holder(s):

Enclosed is a copy of your water right license along with a copy of the approved application for amendment you had submitted.

This right is included in the Snake River Basin Adjudication and you will be receiving further information regarding this in the near future.

If you have any questions, let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED
JAN 15 1992

December 10, 1991

BEN HOWARD
HC 85 BOX 119
BRUNEAU ID 83604

RE: WATER RIGHT NO. 34-07124

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment. If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:blm

Enclosure

JAN 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
100 North Orchard Street
Boise, Idaho 83706-2237

SECRET

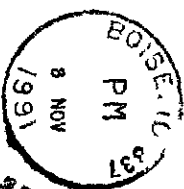
CONFIDENTIAL

BEN HOWARD
BOX 111

Box 628

~~BRUNEN ID 83604-0628~~

CREA
 Declared
 Unknown
 Insufficient address
 Moved, Left no address
 No such office in state
 Do not remail in this envelope

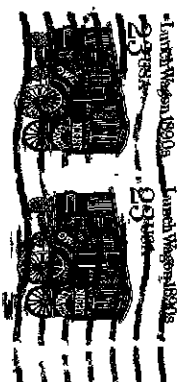


RECEIVED
JAN 15 1967

RECEIVED
NOV 14 1991
JAN 15 1992

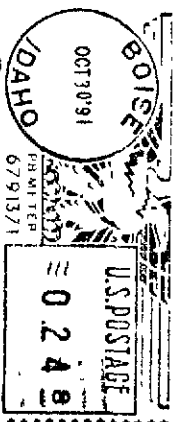
Department of Water Resources

34-7124-42
34-7407
11-22-91
Resent
Again to
HC 85
BOX 119



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

PRESORTED
FIRST CLASS



RECEIVED
NOV 04 1991

Department of Water Resources

RECEIVED
JAN 15 1992

*He send
to Box 141
White Bird
83554*

October 29, 1991

BEN HOWARD
P.O. BOX 303
CHALLIS ID 83226

RE: WATER RIGHT NO. 34-07124

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee by November 7, 1991.

If you do not concur with these findings or if you have any questions, please contact us immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MAILED

JAN 15 1992

RE-EXAM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
RE-EXAM
JUL 03 1991

A. GENERAL INFORMATION

Department of Water Resources
Permit No. 3-1124

1. Owner: BEN HOWARD

Phone No. 845-2153/2649

Current Address: P.O. Box 628, Bruneau, Id. 83604

2. Accompanied by: BEN HOWARD

EXAM. DATE: 30 Oct 1990

Address: same

Phone No. 845-2153/2649

Relationship to Permit Holder: Owner

3. Source: Poison Spring / UNNAMED Springs tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: 34-7407

☐ Copies Attached

2. Other water rights with same point of diversion: 34-7407

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

SEE ORIGINAL EXAM 8-3-88

MICROFILMED
JAN 15 1992

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Poison Spring & two unnamed springs are collected into a collection box and conveyed $\approx 3\frac{1}{2}$ miles to the place of use. Irrigation is by one $\frac{1}{4}$ mile wheel line. Domestic use is for a house trailer. Stockwater

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
A		NE	NW	NW	17	10N	22E	Custer	USGS MAP / ON SITE INSPECTION
B		SE	NW	NW	17	10N	22E	"	" "
C		NE	SW	NW	17	10N	22E	"	" "

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10N	21E	10		S															
		11							14	3	12	29							58
																			58

Do not use this space

APPROVED

JAN 15 1992

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

RE-EXAM

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
55 gal Drum						
STOPWATCH						

2. Measurements: Taken at place of use

55 gal 61 1/2 sec

55 gal 60 sec

55 gal 62 1/2 sec

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 0.12 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 58 \times 3 \text{ afa} = 174 \text{ afa}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.12(214)(1.9835) = 50.9 \text{ afa}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 50.9 \text{ afa}$$

2. Volume Calculations for Other Uses:

$$\text{Stockwater 300 range cattle } V_{STOCK} = 4.1 \text{ afa}$$

MICROFILMED

JAN 15 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afs)
	From	To		
Irrigation	4/1	11/1	0.12	50.9
Stockwater	5/1	12/31	0.07	4.1
Totals:			0.12	55.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

MIDDELL MED

JAN 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RE-Exam

34-7124
Permit No.

RE-Exam

Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

MEASUREMENT EQUIPMENT: 55 gal Drum & Stopwatch

MEASUREMENTS:

55 gal - 61½ sec

55 gal - 60 sec

55 gal - 62.5 sec

184.0 sec

Average diversion 55 gal - 61.3 sec

$$Q_{\text{AVG}} = \left(\frac{55 \text{ gal}}{61.3 \text{ sec}} \right) \left(\frac{60 \text{ sec}}{\text{min}} \right) = 53.8 \text{ gpm} = 0.119 \text{ cfs}$$

$$Q = 0.12 \text{ cfs}$$

MICROFILMED

JAN 15 1992

Keith C Wilson
4-22-91

RECOMMENDATIONS: IDENT.NO 34-07124/7407

21 JUNE 1991

34-7124-----

RECOMMEND: IRRIGATION @ 0.12 CFS FOR 58 ACRES 4/1 TO 11/1
STOCKWATER @ 0.07 CFS FOR 300 RANGE CATTLE 05/01
TO 12/31

NOTE: 1. ACCORDING TO MR. HOWARD THE PERIOD OF USE FOR
STOCKWATER IS FORM 5/1 TO 12/31.

2. FROM STOCKWATER CHART 300 RANGE CATTLE REQUIRE 4.1
AFA AT A DELIVERY RATE OF 0.07 CFS. AT 0.07 CFS THE
REQUIRED 3600 GAL/DAY CAN BE DELIVERED IN 2 HOURS, AND
THE 4.1 AFA IN 29.5 DAYS.

34-7407 -----

RECOMMEND: CHANGE NATURE OF USE FROM IRRIGATION TO DOMESTIC
OF 0.02 CFS.

NOTE: 1. MR. HOWARD INFORMED ME THAT THE WATER FOR THE
TRAILER IS ALSO SUPPLIED BY POISON SPRING FOR DOMESTIC
PURPOSES.

2. SUFFICIENT WATER (0.07 CFS) FOR ALL 300 RANGE
CATTLE CAN BE SUPPLIED BY 34-07124.

FOR 34-7407

IF THE APPLICANT DOES NOT WANT TO FILE AN AMENDMENT THEN I
RECOMMEND:

34-7124 - LICENSE FOR - 0.12 CFS FOR IRRIGATION OF 58 ACRES
- 0.07 CFS FOR STOCKWATER 5/1 - 12/31
0.12 CFS TOTAL

34-7407 - RECOMMEND CANCELLATION OF PERMIT - NO ADDITIONAL
WATER FROM THE SOURCE HAS BEEN DEVELOPED.


KEITH C. WILSON

MINUTEMED

JUN 15 1992

RECOMMENDATIONS: IDENT.NO 34-07124/7407

21 JUNE 1991

THE QUESTION ARISES ABOUT THE DROUGHT HAVING AN AFFECT ON THE WATER SUPPLY OF THIS SOURCE. RICHARD LENNON CONDUCTED AN EXAM ON AUGUST 3, 1988. DURING THIS EXAM HE WAS ABLE TO MEASURE EACH OF THE THREE SOURCES.

SOURCE A: 1 GAL/8 SEC, 1 GAL/9 SEC.
 $Q = (1 \text{ GAL}/8.5 \text{ SEC})(60 \text{ SEC}/\text{MIN}) = 7.06 \text{ GPM}$
SOURCE B: 2 GAL/4 SEC, 2 GAL/5 SEC, 2 GAL/3 SEC
 $Q = (2 \text{ GAL}/4 \text{ SEC})(60 \text{ SEC}/\text{MIN}) = 30.0 \text{ GPM}$
SOURCE C: 1 GAL/6 SEC, 1 GAL/4.5 SEC, 1 GAL/5.3 SEC
 $Q = (1 \text{ GAL}/5.3 \text{ SEC})(60 \text{ SEC}/\text{MIN}) = 11.4 \text{ GPM}$
 $Q = 7.06 \text{ GPM} + 30.0 \text{ GPM} + 11.4 \text{ GPM} = 48.46 \text{ GPM} =$

$Q = 0.1079 \text{ CFS} = \underline{0.11 \text{ CFS MEASURED 08/02/88}}$

MEASUREMENT: 30 OCTOBER 1990, OF ALL THREE SOURCES COMBINED.

$Q = 55 \text{ GAL}/61.5 \text{ SEC}, 55 \text{ GAL}/60 \text{ SEC}, 55 \text{ GAL}/62.5 \text{ SEC}$
 $Q = (55 \text{ GAL}/61.3 \text{ SEC})(60 \text{ SEC}/\text{MIN}) = 53.8 \text{ GPM} =$

$Q = 0.1199 \text{ CFS} = \underline{0.12 \text{ CFS MEASURED 10/30/90}}$

IT WOULD APPEAR THAT IF THE DROUGHT HAD HAD AN AFFECT THE FLOW OF THE SOURCE WOULD HAVE BEEN MORE THAN 0.012 CFS (5.38 GPM). THE INCREASE OF 0.012 CFS COULD BE ACCOUNTED FOR BY THE FACT THAT, ACCORDING TO MR. HOWARD, THE SPRING COMES UP BETTER IN THE FALL OF THE YEAR.


KEITH C. WILSON
SENIOR RESOURCE AGENT

RECEIVED
JAN 15 1992

IDENT.NO. 34-07124/7407

25 APRIL 1991

ANALYSIS: IRRIGATION REQUIREMENTS

FIND: DETERMINE IF SOURCE IS SUFFICIENT FOR IRRIGATION.

GIVEN: CFS = Q = 0.12 CFS - FROM FIELD EXAM.
ACRES IRRIGATED = 58 ACRES - FROM FIELD EXAM.
CONSUMPTIVE IRRIGATION REQUIREMENT FOR ALFALFA
MACKAY AREA IS 16.3 AC-IN = 1.358 AF = 1.4 AF.
(TABLE 6) (MOST WATER DEPENDENT CROP)
VOLUME = CFS X DAYS X FACTOR =
(0.12) (214) (1.9835) = 50.9 AFA

CALCULATIONS:

IRRIGATED ACRES = TOTAL VOLUME / CONSUMPTIVE VOLUME =
= 50.9 AFA / 1.4 AF = 36.4 ACRES

THE SOURCE CAN PRODUCE THE CONSUMPTIVE IRRIGATION REQUIREMENT SUFFICIENT FOR 36.4 ACRES OF ALFALFA. HOWEVER, IF A LESS WATER DEPENDENT CROP, SUCH AS NATIVE GRASSES, WERE IRRIGATED FOR PASTURE, THE DIVERSION RATE OF 0.12 CFS MAY BE ABLE TO DELIVER THE NECESSARY CONSUMPTIVE IRRIGATION REQUIREMENT FOR ALL 58 ACRES.

34-7124 -----

RECOMMEND: IRRIGATION @ 0.12 CFS FOR 58 ACRES 4/1 TO 11/1
STOCKWATER @ 0.07 CFS 300 RANGE CATTLE 5/1 - 12/31

NOTE: AS PER MR. HOWARD STOCK USE IS 5/1 TO 12/31

34-7407 -----

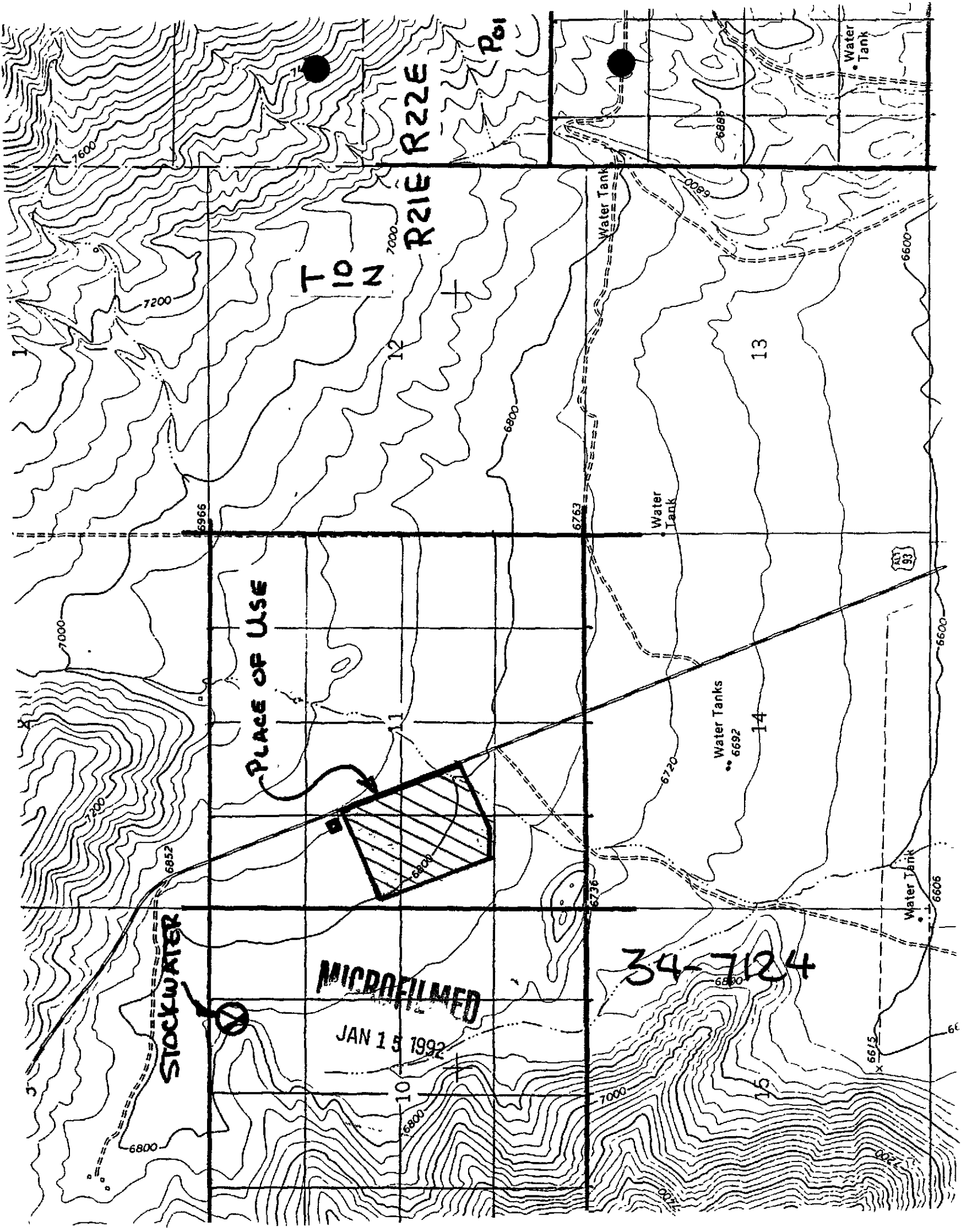
RECOMMEND: CHANGE NATURE OF USE:
0.02 CFS FROM IRRIGATION TO DOMESTIC

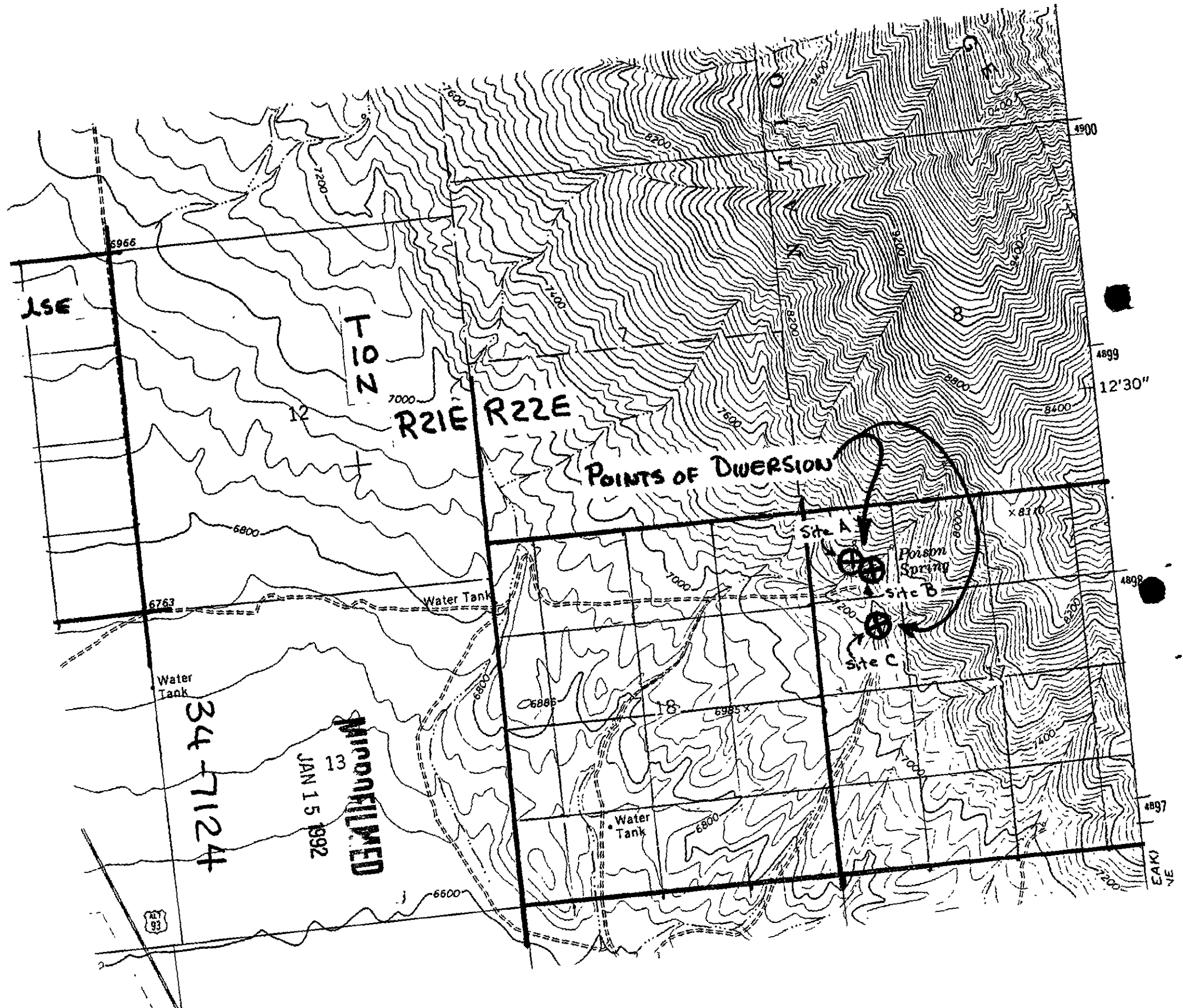
NOTE: 1. SUFFICIENT WATER FOR 300 RANGE CATTLE CAN BE
DELIVERED UNDER 34-07124.

2. AS PER MR. HOWARD THE SOURCE SUPPLIES THE TRAILER
WITH DOMESTIC WATER.

RECORDED
JAN 15 1992


KEITH C. WILSON
SENIOR RESOURCE AGENT





LSE

LON

R21E R22E

POINTS OF DIVERSION

Site A

Poison Spring

Site B

Site C

Water Tank

Water Tank

Water Tank

34-7124

RECORDED
JAN 15 1992

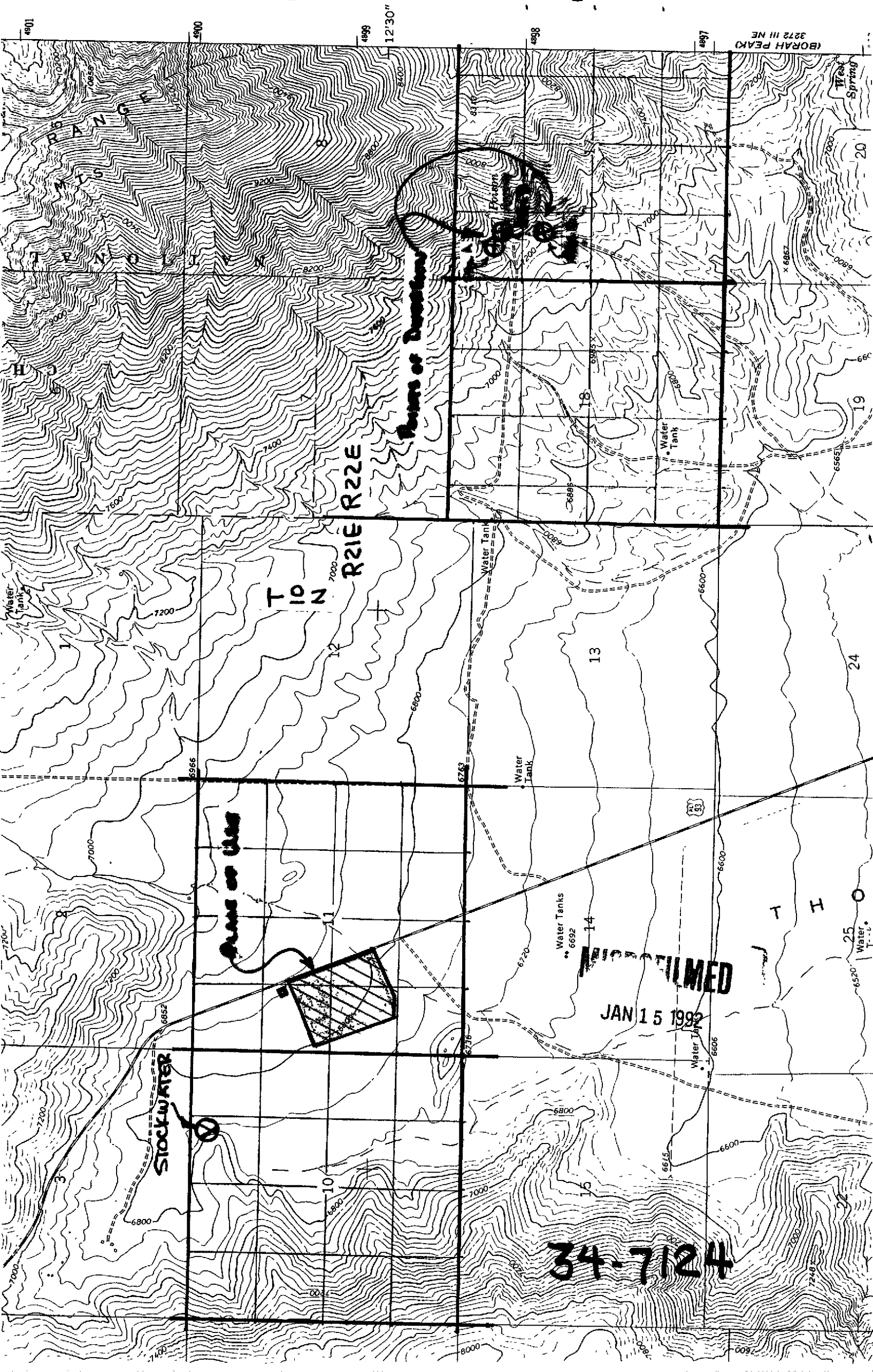
AL 93

EAK NE

Place of use

1954

+



T 10 N

R21E R22E

Points of Interest

FILMED

JAN 15 1992

34-7124

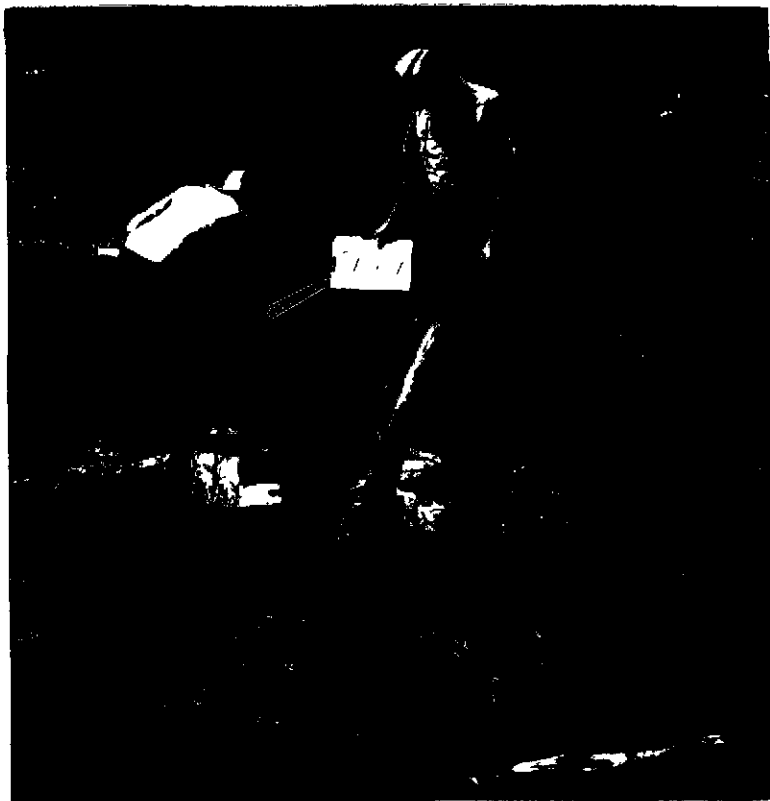
Stockwater

Plum on line

BORAH PEAK
3272 III NE

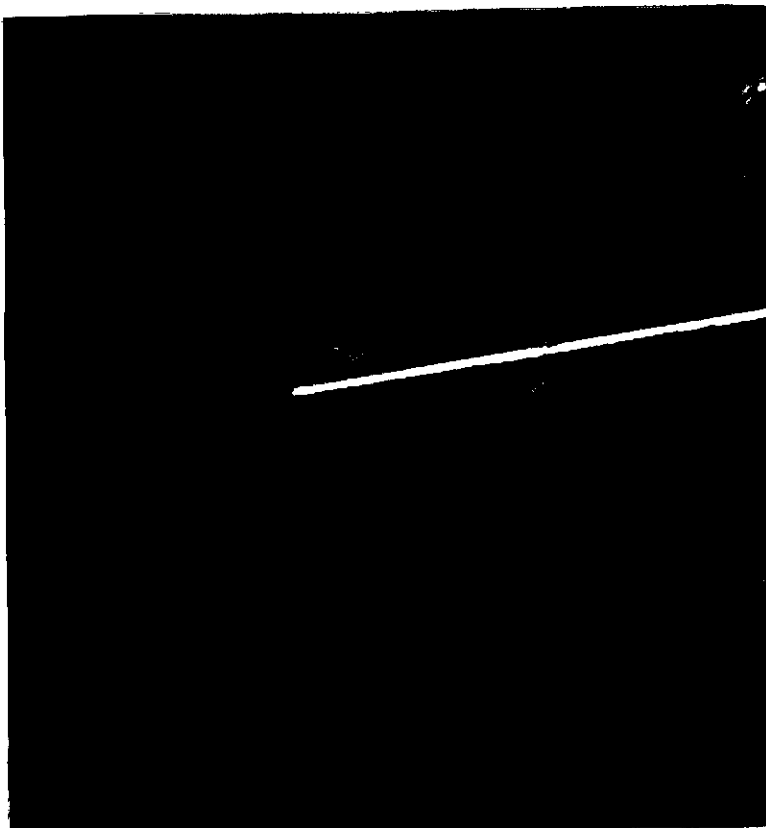
T 25 N

R21E R22E



POINT OF DIVERSION

34-7124/7407



← Source "A"
unnamed spring

← Water from Source "B"
Poison Spring

RECEIVED

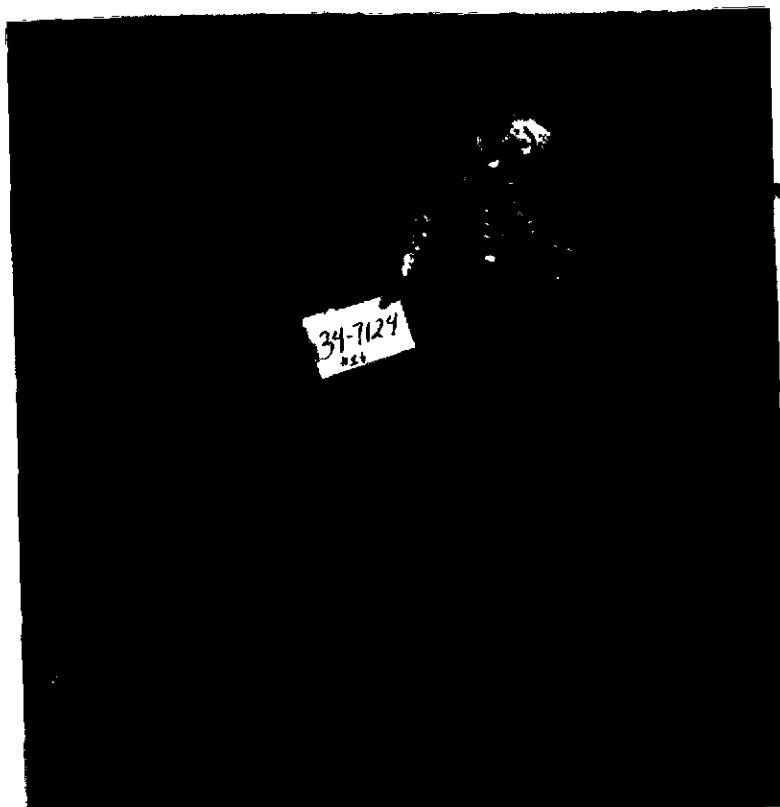
JAN 15 1992

34-7124/7407



Source "B"

Poison Spring



Water from
Source "A"

Unnamed Spring

Water from Poison Spring

MICRO

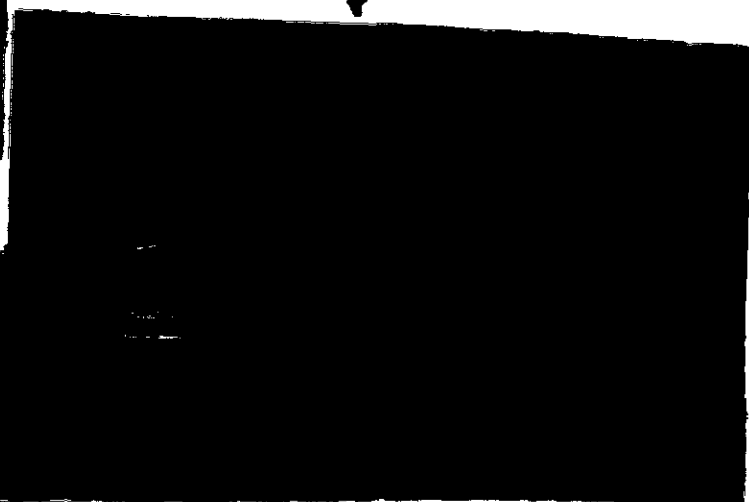
JAN 15 1992

34-7124/7407



Source "C"
Unnamed spring

Domestic at Place of Use "



Stock tank

34-7124/7407
MICROFILMED
JAN 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

(SEE RE-EXAM dtd
30 OCT 1990)

A. GENERAL INFORMATION

1. Owner: BEN HOWARD Permit No. 34-7124
Current Address: BRUNEAU, Idaho Phone No. 845-2649
2. Accompanied by: OWNER PARTIAL: 8-3-88
Address: _____ EXAM. DATE: _____
Relationship to Permit Holder: _____ Phone No. _____
3. Source: POISON CREEK tributary to SINKS

B. OVERLAP REVIEW

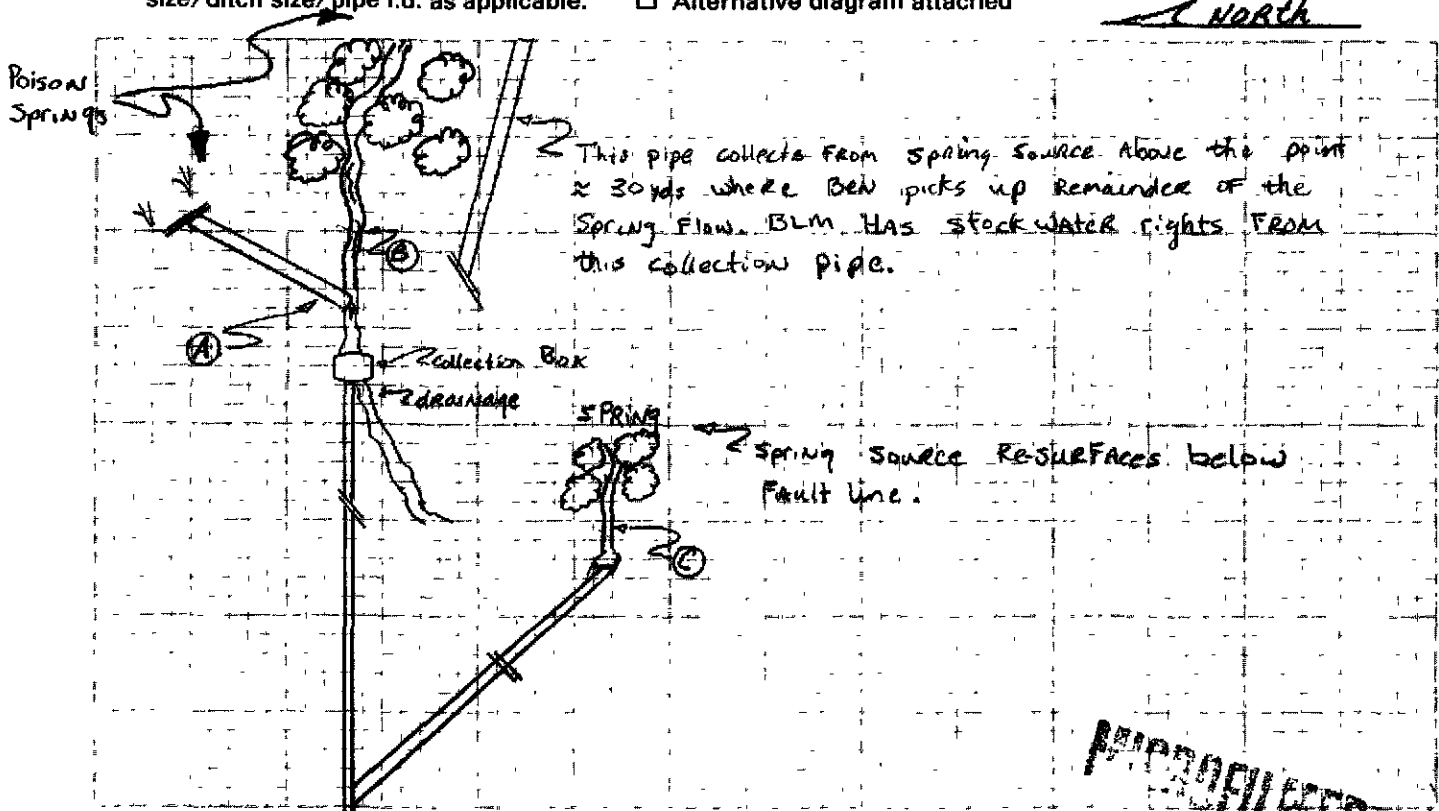
1. Other water rights with same place of use: 34-7407

☐ Copies Attached
2. Other water rights with same point of diversion: 34-7407

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: ~~X~~ = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

RECORDED
JAN 15 1992

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Poison Springs Flow From mountain side into a collection box where the water is transported through a 4" P.V.C. pipe 3 1/2 miles to the Place of Use.

Just South/West of Poison Springs another spring source (unnamed) bubbles up below earthquake Fault line and Flows NATURALLY to a point where it is collected in a 4" P.V.C. pipe which is interconnected to the 4" main from Poison Springs and then Flows to same Place of Use.

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	—	—	—	—	—

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
~~A~~		NE	NW	NW	17	10N	22E	Custer	map & on site inspection
~~B~~		SE	NW	NW	17	10N	22E	"	" "
~~C~~		SE	NE	NE	18	10N	22E	"	" "
C		NE	SW	NW	17	10N	22E	Custer	ON site inspection / USGS Quad Map

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	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	
10N	22E	10													29				29
10N	22E	11									10	30							50
Kew	10N	21E							4	3	12	29							58
		10		S															
																			79

RECORDED

JAN 15 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket / stopwatch						
Pitot gauge		Ashcroft			160 psi	

2. Measurements: SEE ATTACHED RE-EXAM MEASUREMENTS

Ⓐ: 1 gpm = 8 sec, 1 gpm = 9 sec.

Ⓑ: 2 gpm = 4 sec, 2 gpm = 5 sec, 2 gpm = 3 sec.

Ⓒ: 1 gpm = 6 sec, 1 gpm = 7.5 sec, 1 gpm = 5.3 sec.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

RE-EXAM
See Measurement Calculations
dated 10-30-90

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1), Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

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JAN 15 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

At the place of use water is used for domestic (1-blue mobile home), stock water for 250-300 cows, and irrigation on 80 acres with 1-1/4 mile wheel line and a few hand line sections.

Note: Poison springs are at these peaks around the first of September.

The main line that belongs to Blm runs west then turns south towards Dickey. The water flows continuously to various stock troughs and ponds which were not being used at this time.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Totals:				

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

PARTIAL

J. AUTHENTICATION

Field Examiner's Name _____

Signature _____

Certification Date _____

Field Report Preparation Date _____

PARTIAL
Richard Lenson
Richard Lenson
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECORDED

JAN 15 1992

00

Section 101.101 - General Provisions



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

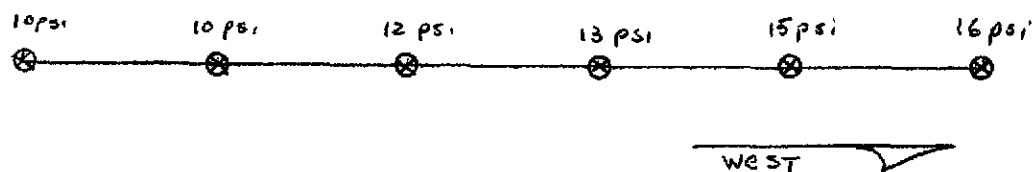
34-7124

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Measurement taken on the 1-1/4 mile wheel line located at the place of use. There were shut off valves on every sprinkler head on wheel line.

Model 30WS Rainbird with 5/32" nozzles



15 sprinkler heads were in operation.

$$P_{AVE} = \frac{76 \text{ psi}}{6} = 12.67 \text{ psi}$$

$$Q = AV = \left(\frac{\pi (5/32")^2}{4} \right) \sqrt{64.4 \times 2.308 \times 12.67 \text{ psi}} = 0.0057 \text{ c.f.s./hd.}$$

$$Q_T = 15 \text{ hd} \left(\frac{0.0057 \text{ c.f.s.}}{\text{hd.}} \right) = 0.0867 \text{ c.f.s.} = 0.09 \text{ cfs}$$

JAN 15 1992

Measured 8-3-88
Richard Lenon



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

34-7124
HOWARD, BEN
P.O. BOX 303
CHALLIS, ID 83226

Mailing address:
Statehouse
Boise, Idaho 83720

0013467

JUL 30 1986

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

JAN 15 1992

MICROFILMED

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD; THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JAN 15 1992

June 5, 1985

Ben Howard
HC 63, Box 1765
Challis, ID 83226

Dear Mr. Howard:

Re: Permit No. 34-712~~4~~ and 34-7407

Returned is the Proof of Beneficial Use (Form A) which was submitted to the Department on May 16, 1985 in connection with Permit No. 34-7124. The proof is not applicable to this permit, since proof has already been submitted for it. The source of water for this permit is Poison Spring.

In checking our water right records, however, I note that Permit No. 34-7407 is also in your name. Proof of beneficial use has not yet been submitted for this permit. The source of water for this permit also is a spring and is located in NWNW, Sec. 17, Twp. 10N, Rge. 22E. If development under this permit is also complete, you should fill out and return the enclosed Proof of Beneficial Use form. If development is not complete, the Department will notify you when it is due.

If you have questions, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED

JAN 15 1992



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

December 18, 1981

RE: Permit No. 34-7124

Ben Howard , Box 303
Challis
Idaho 83226

Dear Mr. Howard:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

BOBBIE R. STEPHENS
Principal Clerk

cc: IDWR - State Office

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 34 7124

Name(s) of Permit Holder Ben Howard

Post Office Address. Challis Ida. Box 303

Tel. No. 879 2321

Source of Water: Poison Spring

Extent of Use:

☐ Domestic

(number of households)

☒ Stockwater

Cattle 200

(number and type of stock)

☒ Irrigation

(acres)

☐ Other

Measuring Device:

Required?

☐ Yes

☐ No

Installed?

☒ Yes

☐ No

Access Port:

Required?

☒ Yes

☐ No

Installed?

☒ Yes

☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

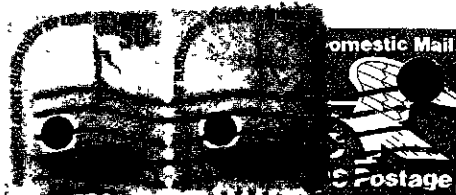
Oct 27 1981

Date

Ben Howard

Signature of Permit Holder

Ben, Howard
Challis Ida
Boy 303



Idaho Department of Water
Resources
State House

RETURN RECEIPT
REQUESTED

CERTIFIED

P 327 089 415

MAIL

Boise

Idaho
83720

RECEIVED

NOV 4 1981

Department of Water Resources

I called Water Resource
Department about measuring
They said they would
have measure But
would be next Summer
as they were then
measuring until next
Summer and would
get a date and let me
know. My spring
doesnt flow good until
in August each year
if this is not satisfactory
please notify me

Sincerely yours
Ben Howard
Challis Ida.
Box 303

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138778

HOWARD, BEN
P.O. BOX 303
CHALLIS, ID 83226

SEPTEMBER 30, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 34-7124 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 22, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P.E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

RECEIVED
DEC 23 1980
WATER RESOURCES

DEC 7 1976

Department of Water Resources
Eastern District Office

Box 303
Halls, Idaho
Dec. 6, 1976

Dear Sirs:

I am writing concerning my recently approved water application, permit no. 34-7124.

I agree to install a stock water tank for Fulton & Harters cattle & a reasonable ~~at~~ amount of maintenance on the tank which will be installed at the first salt ground below the source of the water on Porson Spring.

RECEIVED

DEC 8 1976

Department of Water Resources

Sincerely,
Ben Howard

RECEIVED

Mackay, Idaho
November 10, 1976

NOV 12 1976

Department of Water Resources
Eastern District Office

Ronald D. Carlson
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit No. 34-7124 Ben Howard.

Dear Mr. Carlson;

Thank you for informing me of the progress of this permit. I have not contacted Mr. Howard for any agreement pertaining to this permit as I am not at the present time directly involved except for his water line to cross our BLM range which is a direct problem of the BLM.

I would refer back to my letter of protest to the recommendations as to priority of the permits.
#1 first right for the present BLM diversion.
#2 second right for a recorded gallonage flow in a pipeline or the creek bed as you determine as being most reasonable for Fulton and Larter Cattle.
#3 third right to Ben Howard.

I will state my concerns and try to explain them for you. The area to be served by proposed #2 right was also our range until 5 years ago. We are in a trial allotment division which can be cancelled by the BLM if its not satisfactory in its usage. Our cattle could end up on the original unit. If Fulton or Larter range units are for sale in the future, I am definately interested in trying to buy them. I have seen dry years in the past during the grazing season when the total water in the creek would not fill 3 seperate 1½" water lines for stock water. I feel it is necessary to have in writing, the specifications of the pipeline and trough and heading that Mr. Howard is to install for Fulton and Larter, and also the same on Mr. Howards line to his property, such as p.s.i., diameter of pipe, depth of line bury, quality of trough and gallon capacity and etc.

My reasons for this suggestion:

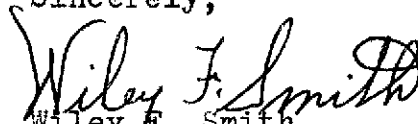
I have a binding contract to deliver 3 inches of water for a number of days in the spring and fall to a given point in our field where Mr. Howard is to furnish a locked box to measure his delivery. To date we have furnished the box which has been allowing 3½ inches of water to pass through and to date I have not been able to hold him down to the contract amount. I have also let some waste water flow across the hiway to his stock ponds which can be diverted another direction if I wish.

Mr. Howard does not know that Dad hid in the brush and watched him bend the metal plate down and put the water over the top to go his direction. He also ask us to remove our concrete and metal unit so he could install a wood headgate that he could adjust. I am not telling you these things ~~in~~ in petty spite or narrow mindedness but so you will understand why I feel every thing should be written in detail. I am in favor of you giving a permit to Mr. Howard as a 3rd priority with written conditions.

If you would like further discussion or would like to inspect the area and conditions, I will offer to assist you in locating the area or what ever you wish and will not influence you with opinion but show you the things that have been referred to.

Thank you for your time and consideration.

Sincerely,


Wiley F. Smith
Mackay, Idaho 83251

December 2, 1976

Re: Permit No. 34-7124

Den Howard
P.O. Box 303
Challis, ID 83226

Dear Mr. Howard:

Enclosed is a copy of your approved Application for Permit No. 34-7124 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 25, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Wiley F. Smith
Mackay,
Idaho 83251

Dear Mr. Smith:

Enclosed you will find a letter we recently received from the District Manager of the Bureau of Land Management recommending the approval of the above referenced application for permit.

The Department has resumed the processing of this application pursuant to the agreement reached at the conference held on April 7, 1976. If you have reached any agreement with Mr. Howard relating to this matter, we would like to have a copy of this agreement for our files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 25, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Gordon Fulton
Mackay,
Idaho 83251

Dear Mr. Fulton:

Enclosed you will find a letter we recently received from the District Manager of the Bureau of Land Management recommending the approval of the above referenced application for permit.

The Department has resumed the processing of this application pursuant to the agreement reached at the conference held on April 7, 1976. If you have reached any agreement with Mr. Howard relating to this matter, we would like to have a copy of this agreement for our files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 25, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Francis L. Smith
Mackay,
Idaho 83251

Dear Mr. Smith:

Enclosed you will find a letter we recently received from the District Manager of the Bureau of Land Management recommending the approval of the above referenced application for permit.

The Department has resumed the processing of this application pursuant to the agreement reached at the conference held on April 7, 1976. If you have reached any agreement with Mr. Howard relating to this matter, we would like to have a copy of this agreement for our files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 25, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Ferry Larter
Mackay,
Idaho 83451

Dear Mr. Larter:

Enclosed you will find a letter we recently received from the District Manager of the Bureau of Land Management recommending the approval of the above referenced application for permit.

The Department has resumed the processing of this application pursuant to the agreement reached at the conference held on April 7, 1976. If you have reached any agreement with Mr. Howard relating to this matter, we would like to have a copy of this agreement for our files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



United States Department of the Interior

2800

BUREAU OF LAND MANAGEMENT

P.O. Box 430
Salmon, Idaho 83467

SEP 23 1976

September 21, 1976

Department of Water Resources
Eastern District Office

Ronald D. Carlson
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit No. 34-7124

After considerable study and weekly water flow measurements made on Poison Springs, as well as the resources of the immediate vicinity, the Salmon office of the Bureau of Land Management recommends approval of Ben Howard's application for permit No. 34-7124.

The Bureau of Land Management (then U.S. Grazing Service) was granted a permit to appropriate 25 gallons per minute on July 28, 1941 from this same spring. A pipeline system with 15 troughs was constructed, utilizing this water in 1941 and it has been maintained in excellent condition. This water for the BLM pipeline is being diverted above the proposed Ben Howard diversion. In no way does the BLM want its watering system to be jeopardized by this proposed permit if it can be stipulated so. Also, livestock of Fulton and Larter depend on the present excess of water flow for watering purposes. It would be in the BLM's and the grazing licensee's best interest if a short pipeline and trough be constructed by Mr. Howard to maintain this watering source. Mr. Howard has agreed to do this verbally, but a stipulation to that effect seems reasonable.

If you have any questions concerning the BLM's interest in this matter, please feel free to contact this office. Thank you for allowing our interests to be dealt with in this matter.

Sincerely,

Harry R. Finlayson
Harry R. Finlayson
District Manager





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Francis L. Smith
Mackay,
Idaho 83251

Dear Mr. Smith:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Gordon Fulton
Mackay,
Idaho 83251

Dear Mr. Fulton:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Wiley F. Smith
Mackay,
Idaho 83251

Dear Mr. Smith:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Ben Howard
P.O. Box 203
Challis, Idaho 83226

Dear Mr. Howard:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Ferry Larter
Mackay,
Idaho 83251

Dear Mr. Larter:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

March 8, 1976

RECEIVED
MAR 8 1976

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Sirs;

In regard to the application for a water filing on Feb. 9, 1976 by Ben Howard of Challis, Idaho, # 34-7124 for water from Poison Creek (known as Poison Springs).

I do oppose this filing as filed. Being a Co-owner and resident, I am quite concerned for the livestock and wildlife.

Last year was one of the very highest water years on this creek that I have seen in 43 years. The water is always quite low in the spring, April, May, June and July and along about the last of August or first of September it begins to raise. I always figured the water must come through the mountain from the other side as there is hardly any water shed in the draw above the spring. The water raises real consistant as to the time of year.

On most years the present pipeline requires most of the water at the head of the spring. If the spring should fail, the stock in the area would have no water with the creek dried up.

In 1950 Dave Fulton and I built ponds on the creek channel and through the dry years these ponds were maintained for stock water. In low water, these ponds would fill at night and the heat of the day would cause the creek water to shrink back.

The first half mile of the creek has always been a favorite place for the antelope and sage chickens to water and it would be bad to dry this area up, I therefore feel the stream should be left in the creek channel to the ponds.

I venture to say that if you were able to collect 5 to 15 inches of water and pipe it through June and July and the rest of it as it raises, you would dry the creek up. I'd like to see the Department of Water Resources make a few years study of it and I believe you will find my thinking and statements reliable.

My reason for late filing is because I just returned from a couple weeks in Portland.

Yours truly,



Francis L. Smith
Mackay, Idaho 83251



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 13, 1976

RE: Application for Permit No. 34-7124 BEN HOWARD

Mr. Harry R. Finlayson
District Manager
Salmon Bureau of Land Management
P.O. Box 430
Salmon, Idaho 83467

Dear Mr. Finlayson:

Please find enclosed a copy of the stipulation and agreement reached at the conference held in Arco, Idaho, April 7, 1976.

The Department will take no further action on this application until October 20, 1976, by which time we expect to either have notice that an agreement has been reached by the applicant and the Bureau of Land Management or a letter from the applicant withdrawing his application.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

34-7124 - Ben Howard

Courtroom, Memorial Building, Arco, Idaho

April 7, 1976 - 3:00 p.m.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
GRANT HARPOUR	SALMON	BLM
Ferry Porter	Mackay	
David Galt	Mackay	
Ben Howard	Challis Ids.	
Fred Smith	SALMON	- Ben Howard
Wiley F Smith	Mackay	
Francis Smith	mac pass.	
Larry L. Wilkin	Mackay	Fish & Game

IN THE MATTER OF)
PROTESTS AGAINST) STIPULATION
THE APPROVAL) AND
OF 34-7124) AGREEMENT
BEN HOWARD)

ALL OF THE INFORMATION
PRESENTED AT THE CONFERENCE
HELD IN ARCO, IDAHO ON APRIL 7, 1976
INDICATE THE WATERS OF POISEN
SPRING ARISE ON PUBLIC PROPERTY
ADMINISTERED BY BLM AND NEVER
LEAVE SAID PROPERTY. SINCE
A PERMIT FROM THE DEPT. OF WATER
RESOURCES DOES NOT GRANT A RIGHT-OF-
WAY OR EASEMENT TO THE LANDS
OF ANOTHER IT IS NECESSARY
FOR THE APPLICANT TO OBTAIN
PERMISSION TO ENTER BLM PROPERTY
TO APPROPRIATE REQUESTED WATER
IT IS THEREFORE AGREED THAT
THE APPLICANT AND THE BUREAU
OF LAND MANAGEMENT WILL, WITHIN
THE NEXT 160 DAYS, ATTEMPT TO
REACH AN AGREEMENT THAT WILL
RESULT IN THE NECESSARY EASEMENT.
IF SUCH AN AGREEMENT CAN BE
REACHED THE DEPARTMENT OF WATER
RESOURCES SHOULD DISREGARD THE
PROTESTS AGAINST APPROVAL OF THIS
APPLICATION. IF NO AGREEMENT CAN
BE REACHED THE APPLICANT HEREBY
AGREES TO WITHDRAW HIS APPLICATION

#2 OF 2

STIPULATION
AND
AGREEMENT

SIGNED AT ARCO, IDAHO THIS
7th DAY OF APRIL, 1976

Francis Smith -
By Howard
Dana Smith
Jerry Foster
R. Grant Harbour
Jerry L. Williams
Wiley F. Smith

- **SENDER** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Mrs. Kerry Larter

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

19

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE



Addressee



Authorized agent

4. *Mrs. Kerry Larter*
DATE OF DELIVERY

4-2-76

5. **ADDRESS** (Complete only if requested)

POSTMARK

2
1976

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S
INITIALS

L. W.

71-124

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

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



RETURN
TO



RECEIVED

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

APR 5 1976

Department of Water Resources
Eastern District Office

- **SENDER** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Ben Howard

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. CERTIFIED NO. INSURED NO.

20

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE

☒ Addressee

☐ Authorized agent

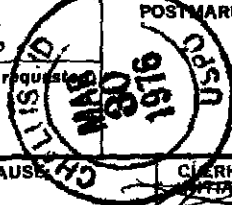
Robert Fisher

4.

DATE OF DELIVERY

3-30-76

POSTMARK



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

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



RETURN



RECEIVED TO

MAR 31 1976

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

- **SENDER** Complete items 1, 2, and 3.
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1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Harry A. Kulaizon

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO
	18	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ Addressee ☐ Authorized agent

Edgar A. Kulaizon
C. Kulaizon Clerk

4. DATE OF DELIVERY

5. ADDRESS (Complete only if registered)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
 MAR 30 1976

MAR 30 1976
 USPO

INITIALS
[Signature]

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

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



RETURN

RECEIVED

MAR 31 1976

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Department of Water Resources

Eastern District Office

- **SENDER** Complete items 1, 2, and 3.
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☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Gordon Fulton

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

17

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ Addressee ☐ Authorized agent

Margery Fulton

4.

DATE OF DELIVERY

4-5-76

5. ADDRESS (Complete only if requested)

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POSTMARK

MINNAPOLIS

APR

5

1976

6. UNABLE TO DELIVER BECAUSE:

CLERK'S

INITIALS

JS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

34-1-100

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO
RECEIVED

APR 6 1976

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Wiley J. Smith

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. CERTIFIED NO. INSURED NO.

FE2

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ Addressee ☐ Authorized agent

Wiley J. Smith

Wiley J. Smith

4. **DATE OF DELIVERY**

04-01-76

POSTMARK

1976 APR 1

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

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



RETURN

TO

RECEIVED

APR 5 1976

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

- **SENDER.** Complete items 1, 2, and 3.
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☐ **RESTRICTED DELIVERY.**
 Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Frances L. Smith

3. **ARTICLE DESCRIPTION:**

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

21

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Frances L. Smith
Kathryn Smith

4.

DATE OF DELIVERY

APR 11 1976

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE**

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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



RETURN
RECEIVED

APR 5 1976

**Department of Water Resources
Eastern District Office**

**DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Eastern District Office

1515 Lincoln Road • Idaho Falls, Idaho

83401

Returned Receipts

March 30, 1976

Mr. William G. Carlson
Memorial Building
Drawer 804
Arco, Idaho 83213

Dear Mr. Carlson:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on April 7, 1976 at 3:00 p.m., and April 8, 1976 at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

RECEIVED
MAY 11 1976
FBI - ARCO

Name and
Address
of Sender

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED
C.O.D.
☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional
copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	17 Gordon Fulton, Niagara Falls, N.Y.	13	30	15				34-7124
2	18 Harry Vinbergson, Selkirk, Idaho	13	30	15				"
3	19 Lewis L. Lister, Packard, Idaho	13	30	15				"
4	20 Ben Howard, Chester, Idaho	13	30	15				"
5	21 Frances Smith, Tinsley, Idaho	13	30	15				"
6	22 Walter D. Smith, Tinsley, Idaho	13	30	15				"
7	23 William J. Adams, Boise, Idaho	13	30	15				34-7119
8	24 Frank Daniels, Washington, Idaho	13	30	15				34-71218, 7080 34-7118+4
9	25 A. Bruce Lister, 24 146, Reno	13	30	15				34-7118
10	26 Fred A. McArthur, Washington, Idaho	13	30	15				34-71214
11								34-7080
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20								

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if international

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 34-7124
in the name of BEN HOWARD

NOTICE OF CONFERENCE
AND/OR HEARING

On February 9, 1976, Ben Howard filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On February 26, 1976, the Department received a protest against approval of said application from the Bureau of Land Management. On March 5, 1976, the Department received additional protests from Ferry Larter, Gordon Fulton and Wiley F. Smith. On March 8, 1976, another additional protest was received from Francis L. Smith.

The Department has set the matter of protests for conference and/or hearing for Wednesday, April 7, 1976, at 3:00 p.m., in the Courtroom of the Memorial Building, Arco, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 29th day of March, 1976.


RONALD D. CARLSON

Supervisor, Eastern Region



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 10, 1976

RE: Application for Permit No. 34-7124

Mr. Ferry Larter
Mackay, Idaho 83251

Dear Mr. Larter:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 10, 1976

RE: Application for Permit No. 34-7124

Mr. Francis L. Smith
Mackay, Idaho 83251

Dear Mr. Smith:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 10, 1976

RE: Application for Permit No. 34-7124

Mr. Gordon Fulton
Mackay, Idaho 83251

Dear Mr. Fulton:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 10, 1976

RE: Application for Permit No. 34-7124

Mr. Wiley F. Smith
Mackay, Idaho 83251

Dear Mr. Smith:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

March 10, 1976

RE: Application for Permit No. 34-7124

Mr. Ben Howard
P.O. Box 303
Challis, Idaho 83226

Dear Mr. Howard:

Please find enclosed copies of additional protests filed against the above referenced application for permit.

If you have any questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

cc: IDWR - State Office

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IN THE MATTER OF: Right of use of
Poison Creek, NW1/4NW1/4, Sec.
17, T. 10N, R. 22E, BM. Water)
for Stock watering purpose for)
Francis Smith of Mackay, Idaho)
State of Idaho)
County of Custer)

AFFIDAVIT

I, Ferry Larter, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 65 years of age, born October 11, 1911 and raised
on the Larter Ranch which has used this cattle range and water
continually in conjunction with the Fulton and Smith Ranches.

I have known of the use of Poison Creek for drinking water for
200 head cows and a similar number of calves of Francis Smith from
May 15th to September 15th each year from before 1926 to recent years.

I know that in 1950 Francis Smith and Dave Fulton built
and in dry years have maintained ponds on the Poison Creek Channel
for stock water. They are about one half mile down stream from
the spring head. xxxxxxxxxxxxxxxxxxxx

Ferry Larter
(signature)

Subscribed and sworn to before me this 4th day of March 19 76.

John W. Lundberg
(notary public)

Residing at Mackay, Id.
My commission expires 3/12/1977



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

Department of Fish and Game
Eastern District Office
REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

March 8, 1976

Mr. Ronald D. Carlson, Supervisor
Department of Water Resources
Eastern District
1515 Lincoln Road
Idaho Falls, Idaho

Dear Ron:

Re: Apl #34-7124
Ben Howard

We have reviewed the application for water from Ben Howard for 1.10 cfs of water from Poison Spring in Custer County. We understand the Salmon District of the Bureau of Land Management has a pipe and water system developed for stock watering at the present time. It is also our understanding that the volume of this spring is less than the amount Mr. Howard requested, not taking into account the present BLM use.

There is a number of antelope and sage grouse, plus numerous small non-game birds and animals that use this spring and the small creek below the spring for the entire distance of the creek.

We request that whatever development takes place on this spring, an appropriate amount of water be left for wildlife at the spring and along the course of the creek.

Thank you for the opportunity to review this application.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

A handwritten signature in cursive script, appearing to read "Tom Reinecker".

Tom Reinecker, Supervisor
Region 6

TR/gb
cc: Bureau of Environmental
Services
Sherwood
Bodie
Dunbar

EQUAL OPPORTUNITY EMPLOYER

RECEIVED

MAR 5 1976

Department of Water Resources
Eastern District Office

Eugene H. Gabert
Watermaster, Dist #34
Mackay, Idaho
March 4, 1976

State of Idaho
Department of Water Resources
Eastern District Office

On March 3, 1976 I measured the flow
of Poison Spring Application #34-7124
1st measurement - Approx. 50' below Spring box
Gage .12 over 2' erpolletti Weir. .28 C.F.S., 126 g.p.m.
2nd measurement - Approx. 500' below spring outlet
Gage .14 over 2' erpolletti Weir
.353 C.F.S. 157 g.p.m.
Poison Spring Canyon does not appear to have
snow runoff potential.

Eugene H. Gabert

Notary Public G. M. Lundy
Residing at Mackay, Idaho
Commission expires 3/4/1977

MICROFILMED

IN THE MATTER OF: Right of use of
Poison Creek, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17)
T..10N.R.22E 8M water for Stock
watering purpose for Gordon Fulton of
Mackay, Idaho 83251)

State of Idaho)

County of Custer)

RECEIVED

MAR 5 1976

AFFIDAVIT
Department of Water Resources
Eastern District Office

I, Ferry Larter, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 65 years of age, born October 11, 1911 and
raised on the Larter Ranch which has used this cattle range and water
continually in conjunction with the Fulton and Smith Ranch's.

I have known of the use of the Poison Creek surface drinking
water for 110 head cows and 110 head calves for 3/4 mile down stream
and of the use of the pipeline water for 110 head cows and 110 head of
calves from May 15th to October 15th each year for the Fulton Ranch on
this range from before 1926 to the present time.

High water flow on this spring is during September, October and
November each year and the low point of flow is April, May and June of
each year. This creek is running as high as I can remember this time
of year apparently due to the general high water table and late fall
precipitation of 1975.

On dry years, when we turn the 1 $\frac{1}{4}$ dia..pipeline on, it will take
approximately one half of the water in the creek. On dry years after
the pipeline is turned on, the creek flows an approximate distance of
550 feet during low flow and an approximate distance of 2800 feet during
high flow. On wet years the creek flows an approximate distance of
2600 feet during low flow and an approximate distance of up to 1.5 mile
during high flow.

Ferry Larter
(signature)

Subscribed and sworn to before me this 4th day of March 19 76.

Lita M. Lundy
(notary public)

Residing at Mackay, Id
My commission expires 3/12/1977

RECEIVED

MAR 5 1976

AFFIDAVIT
Department of Water Resources
Eastern District Office

IN THE MATTER OF: Right of use of)
Poison Creek, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17,)
T. 10N. R. 22E. 8M water for Stock)
watering purpose for Ferry)
Larter of Mackay, Idaho 83251)

State of Idaho)

County of Custer)

I, Wiley F. Smith, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 37 years of age, born August 22, 1938 and have
lived on this Smith Ranch since 1939 which has used this cattle range
and water continually in conjunction with the Fulton and Larter Ranch's.

I have known of the use of the Poison Creek surface drinking
water for 135 head of cows and 135 head of calves for $\frac{3}{4}$ mile down
stream and of the use of the pipeline water for 135 head cows and 135
head calves from May 15th to October 15th each year for the Ferry
Larter Ranch on this range from 1939 to the present time.

High water flow on this spring is during September, October and
November each year and the low point of flow is April, May and June of
each year.. This creek is running as high as I can remember this time
of year and is apparently due to the general high water table and late
fall precipitation of 1975..

On dry years, when we turn the $1\frac{1}{4}$ dia. pipeline on it will take
approximately one half of the water in the creek and the remaining
water will flow an approximate distance of 550 feet during low flow and
an approximate distance of 2800 feet during high flow.. On wet years the
creek flows an approximate distance of 2600 feet during low flow and an
approximate distance of up to 1.5 mile during high flow..

Wiley F. Smith
(signature)

Subscribed and sworn to before me this 4th day of March 1976.

Rita M. Lundy
(notary public)

Residing at Mackay, Id.
My commission expires 3/15/1977.

RECORDED

IN THE MATTER OF: Right of use of)
Poison Creek, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17 T)
10N, R. 22E. BM water for Stock
watering purpose for Wiley F.)
Smith of Mackay, Idaho 83251)

State of Idaho)

County of Custer)

RECEIVED

MAR 5 1976

AFFIDAVIT
Department of Water Resources
Eastern District Office

I, Ferry Larter, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 65 years of age, born October 11, 1911 and
raised on the Larter Ranch which has used this cattle range and water
continually in conjunction with the Fulton and Smith Ranch's..

I have known of the use of the Poison Creek pipeline water for
200 head cows and 200 head calves from May 15th to October 15th
each year for the ^{WA}Smith Ranch on this range from before 1926 to the
present time.

High water flow on this spring is during September, October and
November eacy year and the low point of flow is April, May and June
of each year.. This creek is running as high as I can remember this time
of year apperently due to the general high water table and late fall
precipitation of 1975.

Ondry years when we turn the 1 $\frac{1}{4}$ dia.. pipeline on it will take
approximately one half of the water in the creek and the remaining water
will flow an approximate distance of 550 feet during low flow and an
approximate distance of 2800 feet during high flow. On wet years the
creek flows an approximate distance of 2600 feet during low flow and an
approximate distance of up to 1.5 mile during high flow.

Ferry Larter
(signature)

Subscribed and sworn to before me this 4th day of March 1976.

Rita M. Lundy
(notary public)

Residing at Mackay, Id
My commission expires 3/15/1977

RECEIVED

MAR 5 1976

Department of Water Resources
AFFIDAVIT
Eastern District Office

IN THE MATTER OF: Right of use of)
Poison Creek, NW 1/4 NW 1/4, Sec. 17 T.)
10N.R.22E 8M for Stock water-)
ing purpose for David & Karl)
Smith of Mackay, Idaho 83251)

State of Idaho)

County of Custer)

I, Ferry Larter, Mackay, Idaho 83251 being first duly sworn,
deposes and says: I am 65 years of age, born October 11, 1911 and
raised on the Larter Ranch which has used this cattle range and water
continually in conjunction with the Fulton and Smith Ranch's.

I have known of the use of the Poison Creek pipeline water for
260 head cows and 260 head calves from May 1st to November 1st each
year for the Karl and David Smith Ranch on this range from July 1961
to the present time.

High water flow on this spring is during September, October and
November each year and the low point of flow is April, May and June
of each year. This creek is running as high as I can remember this
time of year apparently due to the general high water table and late
fall precipitation of 1975.

Ferry Larter
(signature)

Subscribed and sworn to before me this 4th day of March 1976.

Rita M. Lundy
(notary public)

Residing at Mackay, Id.
My commission expires 3/15/1977

March 4, 1976

RECEIVED

MAR 5 1976

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401
To Whom It May Concern;

Department of Water Resources
Eastern District Office

At the present time there is .353 cubic feet per second or 6 miners inches of water flowing in the creek.

High water flow on this spring is during September, October, and November each year and the low point of flow is April, May, and June of each year. This creek is running as high as I can remember this time of year and is apparently due to the general high water table and late fall precipitation of 1975.. On dry years, when we turn the 14" dia. pipeline on, it will take approximately one half of the water in the creek, and the remaining water will flow an approximate distance of 550 feet during low flow and an approximate distance of 2800 feet during high flow. On wet years the creek flows an approximate distance of 2600 feet during low flow and an approximate distance of 1.5 mile during high flow.

I was born on my Ranch in 1911 and ranched with my father, Claude Larter and am now the present owner. I have 135 head cow and 135 head of calves range right depending on water in the creek bed for 3/4 mile down stream and 135 head cows and 135 head calves depending on water in the pipeline from May 15th to October 15th each year. There are deer, antelope, sage grouse and many small forms of wildlife depending on the stream bed water.

I would like to ask that the Department of Water Resources in their judgement of the division of this water bear in mind that the AUM's on this range are at the lowest in number since the start of grazing on this unit. In the early 1960's the permittees received a 62% reduction in AUM's with the agreement that the BLM and permittee's work toward rebuilding the range and regaining some of the lost AUM's. which would again require the water at this spring, which we cannot at the present time claim. I realize this is speculation, but I am wondering if part of the application could be classed as speculative also and would like to invite the Department to make a personal inspection of the land and conditions.

At the present time there are 826 head of cow and 826 head calf range right or a total head count of 1652 allowed and using water from Poison Springs. With no restriction on minimum allowed stream flow and no minimum distance established from spring head down stream to proposed inlet structure, this creek bed could be completely dried up from April 1st to December 31st each year by the applicant as there is only one spring feeding this creek.

I am therefore against appropriation of the full amount applied for. If the Department of Water feels this permit must be issued, I would ask for these restrictions.. #1 priority be to existing stock water pipeline system. #2 priority be for about .03 cfs or 1.5 miners inches of water be allowed to flow past point of diversion of #3 priority. #3 priority be made with the stipulations of #1&2 prioritys and that the point of diversion be approximately 550 feet down ~~down~~ stream from the spring head and near the CCC concrete diversion.

Sincerely submitted,

Ferry Larter
Ferry Larter
Mackay, Idaho 83251

March 4, 1976

RECEIVED

MAR 5 1976

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

To Whom it may concern;

This letter of protest is filed in reference to Application for Water Permit # 34-7124 of February 9th, 1976 submitted by Ben Howard of Challis, Idaho.

At the present time there is .353 cubic feet per second or 17.5 miners inches of water flowing in the creek.

High water flow on this spring is during September, October, and November each year and the low point of flow is April, May, and June of each year. This creek is running as high as I can remember this time of year apparently due to the general high water table and late fall precipitation of 1975. On dry years, when we turn the 1½ inch dia. pipeline on, it will take approximately one half of the water in the creek. On dry years the creek flows an approximate distance of 550 feet during low flow and an approximate distance of 2800 feet during high flow. On wet years the creek flows an approximate distance of 2600 feet during low flow and an approximate distance of 1.5 mile during high flow.

From the spring head to approximate 550 foot point the creek falls approximate 30 feet per 100 running feet, which makes it hard for cattle to follow up for water because of the steepness and heavy brush cover.

I have been on this range with my father, Francis Smith since 1939 and am now the owner at the present time. I have 200 head cows with 200 calf range right depending on water in the pipeline from May 15th to September 20th each year. We are presently on private allotment. Before the range division, our cattle depended on surface water in the creek. If the present ~~division~~ division, which is not permanent does not work out, we will again be depending on surface water in the creek as well as the pipeline for our cattle. There are deer, antelope, sage grouse and many form of wildlife depending on the streambed water.

With no restriction on minimum allowed stream flow and no minimum distance established from spring head down stream to proposed inlet structure, this creek bed could be completely dried up from April 1st to December 31st each year by the applicant as there is only one spring feeding this creek.

I am therefore against appropriating the full amount applied for. If the Department of Water Resources feels this permit must be granted, I would wish to ask for the considerations.

1 priority be to the existing stock water pipeline system.

2 priority be for .03cfs or 1.5 miners inches of water be allowed to flow past point of diversion of #3 priority.

#3 priority be permit application #34-7124 with the stipulations of # 1&2 priority and that the point of diversion be at least 550 feet down stream or near the old CCC concrete diversion.

Sincerely submitted,
Wiley F. Smith
Wiley F. Smith
Mackay, Idaho 83251

th

March 4, 1976

MAR 5 1976

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401
To Whom It May Concern;

Department of Water Resources
Eastern District Office

This letter of protest is filed in reference to Application for Water Permit # 34-7124 of February 9th, 1976 submitted by Ben Howard of Challis, Idaho

At the present time there is .353 cubic feet per second or 17.5 miners inches of water flowing in the creek.

High water flow on this spring is during September, October, and November each year and the low point of flow is April, May, and June of each year. This creek is running as high as I can remember this time of year and is apparently due to the general high water table and late fall precipitation of 1975. On dry years, when we turn the 1 1/2" dia. pipeline on, it will take approximately one half of the water in the creek, and the remaining water will flow an approximate distance of 550 feet during low flow and an approximate distance of 2800 feet during high flow. On wet years the creek flows an approximate distance of 2600 feet during low flow and an approximate distance of 1.5 mile during high flow.

From the spring head to approximate 550 foot point the creek falls approximate 30 feet per 100 running feet, which makes it hard for cattle to follow up for water because of the steepness and heavy brush cover.

I have been on this range with my father, David Fulton since 1948 and am now the owner at the present time. I have 110 head cows and 110 head calves range right depending on water in the creek bed for 3/4 mile down stream and 110 head cows and 110 head calves depending on water in the pipeline from May 15th to October 15th each year. There are deer, antelope, sage grouse and many small forms of wildlife depending on the streambed water.

With no restriction on minimum allowed stream flow and no minimum distance established from spring head down stream to proposed inlet structure, this creek bed could be completely dried up from April 1st to December 31st each year by the applicant as there is only one spring feeding this creek.

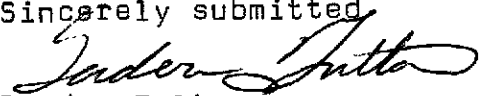
I am therefore against appropriation of the full amount applied for. If the Department of Water Resources feels this permit must be granted, I would ask for these considerations.

#1 priority be to the existing stock water pipeline system.

2 priority be for .03 cfs or 1.5 miners inches of water be allowed to flow past point of diversion of # 3 priority.

#3 Priority be to permit application # 34- 7124 with the stipulations of #1&2 priority and that the point of diversion be at least 550 feet down stream from the spring near the CCC concrete diversion.

Sincerely submitted


Gordon Fulton
Mackay, Idaho 83251



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 2, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

Mr. Ben Howard
P.O. Box 303
Challis, Idaho 83226

Dear Mr. Howard:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 34-7124. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 2, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Mr. Harry R. Finlayson, District Manager
Salmon Bureau of Land Management
P.O. Box 430
Salmon, Idaho 83467

RE: Application for Permit No. 34-7124

Dear Mr. Finlayson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALMON DISTRICT OFFICE
P.O. Box 430
Salmon, Idaho 83467

RECEIVED
IN REPLY REFER TO

FEB 26 1976

Department of Water Resources
Eastern District Office

February 25, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R. Keith Higginson
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Higginson:

We are filing a protest against issuing a water permit to Ben Howard (34-7124) for water from Poison Creek in Custer County.

Enclosed is a copy of the permit issued in 1941 to the Grazing Service for development of Poison Spring. Presently five livestock operators graze 826 cattle that are dependent on Poison Spring for water during the spring and summer. The BLM has constructed approximately 15 miles of pipeline and installed 13 livestock watering troughs. We protest any additional development that will interfere with the BLM investment and management of the land.

Sincerely yours,

Harry R. Finlayson
Harry R. Finlayson
District Manager

Encl.



P. O.

FEB 26 1975

Department of Water Resources
Eastern District Office

Eastern District Office

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES

Application No. D 21 50

Permit No. D. 50

District No. 4, G-III, Chilly, No. 90 Poison Spring.

1. Name of Applicant GRADING SERVICE UNITED STATES DEPARTMENT OF INTERIOR Pt L A
2. Post Office Address Box 723, Pocatello, Idaho
3. Quantity of water claimed 25 CPM
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion S 59°47' E, 1468' feet distant from the NW corner of Section 17
Twp. 10 N, Rge. 22 E, B. M., and is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Twp. 10 N, Rge. 22 E, B. M.
in the County of Custer
6. Location of point of use _____ feet distant from the _____ corner of Section _____
Twp. _____, Rge. _____, B. M., and in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$, Sec. _____, Twp. _____, Rge. _____
7. Water to be used for watering livestock
8. Estimated cost of works \$1629.62
9. Kind of works spring, metal troughs
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size _____
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use 4 months (completed)
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam _____ feet: Length at top _____ feet
- (b) Material from which dam is constructed _____
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located _____ feet from the _____ corner of _____
Section _____, Twp. _____, Rge. _____, B. M.

REMARKS:

Applicant GRANT, G.S. CIVIL, U.S. DEPT. OF JUSTICE Agent ON, RICH E. Title TECHN. Improvement Supervisor
 S 550-21 5 12831

[illegible]

50 - 11

Pollen spring

G-111-98

Approval of Commissioner of Reclamation

The number of this permit is D 50

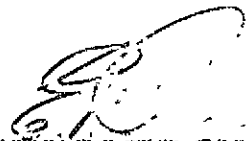
Recorded in Book D Page D 50 Approved July 20, 1941

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

Work to begin on or before Sept. 20, 1941 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before Oct. 20, 1941

Witness my hand this 23th day of July 19 41



Commissioner of Reclamation

Charles C. Gossett,

IN TESTIMONY WHEREOF, We, Charles C. Gossett Acting Governor of the State of Idaho,

and Geo. A. Curtis 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 23th day

of July 19 41

Countersigned:

STATE OF IDAHO

By Geo. A. Curtis Secretary of State.

By Charles C. Gossett Acting Governor.

No D. 50	PERMIT	Date of first receipt at office of Commissioner of Reclamation <u>June 25, 1941</u>	Returned to applicant for correction	Corrected application received	Fees \$	STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	Water License No. D	Source of Supply	Amount Sec Feet	Place of Use	Purpose	Date of Priority	Recorded	In Book of Licenses, Page
							10							

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No D 50 Priority June 26, 1941 Amount 25 C.P.F. 00557 sec. ft

This is to certify that U.S. Grazing Service of Box 728, Pocatello, Idaho

made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of SPRINGS

under Use Permit No D 50 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and

entered of record in Volume D 50 of Licenses, at page D 50 on the 20 day of July 19 41

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

WITNESS THE SEAL and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 23th day of July 19 41

Charles C. Gossett
Commissioner of Reclamation.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

LH 2-9-76

Application No. _____

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) " "

In form to receipt Yes

(2) " "

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☒ Bureau of Land Management

(3) " "

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) " "

In form for advertising Yes

(5) _____

Platted on Map No. _____

(6) " "

NA Located within Water District No. _____

(7) " "

NA Critical groundwater area: yes _____ no _____

(8) " "

NA Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) " "

Other rights on the same place of use NO

(10) " "

Comments: Applicant must get easement from BLM

(11) lw 3-01-76

Affidavit of Publication received(date) 3-01-76

(12) RDC 10/22/76

Final date for protests March 8, 1976
Protests received: yes _____ no _____

(13) ll ll

All requested information received from agencies or applicant: yes _____ no _____

(14) ll ll

Action recommended:

☒ Approve _____ Deny

2/9/76 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District E By RDC Date _____

Notice

Approval does not constitute a r/w or easement across land of another person.
Therapist must

2-11-76
Sut
BPP

February 12, 1976

RE" Application for Permit No. 34-7124

The Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Please be advised that the above referenced application for permit has been filed by Ben Howard. He has indicated that the point of diversion is located on B.L.M. land, and is aware that he must obtain a Right-of-Way Easement from your office.

If you have any further questions in regards to this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

February 10, 1976

RE: Application for Permit No. 34-7124

The Challis Messenger
P.O. Box 405
Challis, Idaho 83226

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-10-76 by Dev

RDC:ME

Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Ben Howard, Challis, Idaho has on 2-09-76 submitted Application No 34-7124 for a permit to appropriate 110 cubic feet per second of water from Poison Creek by means of pipe and inlet structure within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 10N, R. 22E, B.M., Custer County, to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres, and from May 1 to Dec. 31 for stockwatering purposes for 300 head of cattle, all uses within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 10N, R. 21E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 8, 1976.

R KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho on February 19 and February 26, 1976.

February 9, 1976

RE: Application for Permit No. 34-7124

Ben Howard
P.O. Box 303
Challis, Idaho 83226

Dear Mr. Howard:

Attached herewith is Departmental receipt No. 15613 in the amount of \$35.00 for the above referenced application for permit.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

RECEIVED

FEB 2 1976

Department of the Interior
Eastern District Office

Jan 30, 76
Challis Idaho

I contacted the BLM and he said that they prefer I file on the water first then when filing was received they would work easement later as it has to be surveyed by a surveyor. This land wish to exogate is of good soil no rock the man Francis Smith across the Road grows a good crop of alfalfa & also raised his winter potatoes

Ben Howard
no 4 applicatin you change date to nov 1 will try over

● and explain ● wish to
run water all winter,
and let ice accumulate
So would like April 1 on
No 4 #



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 4, 1976

Ben Howard
Box 303
Challis, Idaho 83226

Dear Mr. Howard:

Again we find it necessary to return your application for permit and check No. 92-297 in the amount of \$35.00. We have also, once again, retyped the application from the information you provided.

The Department cannot consider diverting water during the winter to build up a layer of ice on a field as a beneficial use without adequate justification that this is a reasonable allocation of a natural resource.

As long as water is available that is not going to fill prior water rights, it is unlikely that you would be prevented from diverting water on your fields during the winter. If you feel you can justify continuous diversion as a beneficial use, you may submit your evidence to the Department. But it appears to me that the Department would be reluctant to consider continuous diversion to be a beneficial use.

I have left the .10 c.f.s. for stock watering purposes, which still may be slightly high, but considering the distance that the water must be transported, it may be reasonable. The primary reason that it was necessary to return this application was because it lacked the necessary signature. Please make certain before returning the new application that you have signed it.

If you have additional questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

Enclosures

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Ben Howard,

Challis, Idaho

has on 2-09-76 submitted Application No. 34-7124

for a permit to appropriate 1.10 cubic feet per second ~~acre feet per annum~~

of water from Poison Creek

by means of pipe and inlet structure

within the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 17, T. 10N, R. 22E, B.M., Custer County;

to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres, and from
~~for~~ May 1 to Dec. 31 for stockwatering purposes for 300 head of cattle; all uses

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 10N, R. 21E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before March 8, 1976.

R. KEITH HIGGINSON

Director

Published in the Challis Messenger, Challis, Idaho

on February 19 and February 26, 1976.

copy must.

Mr. A