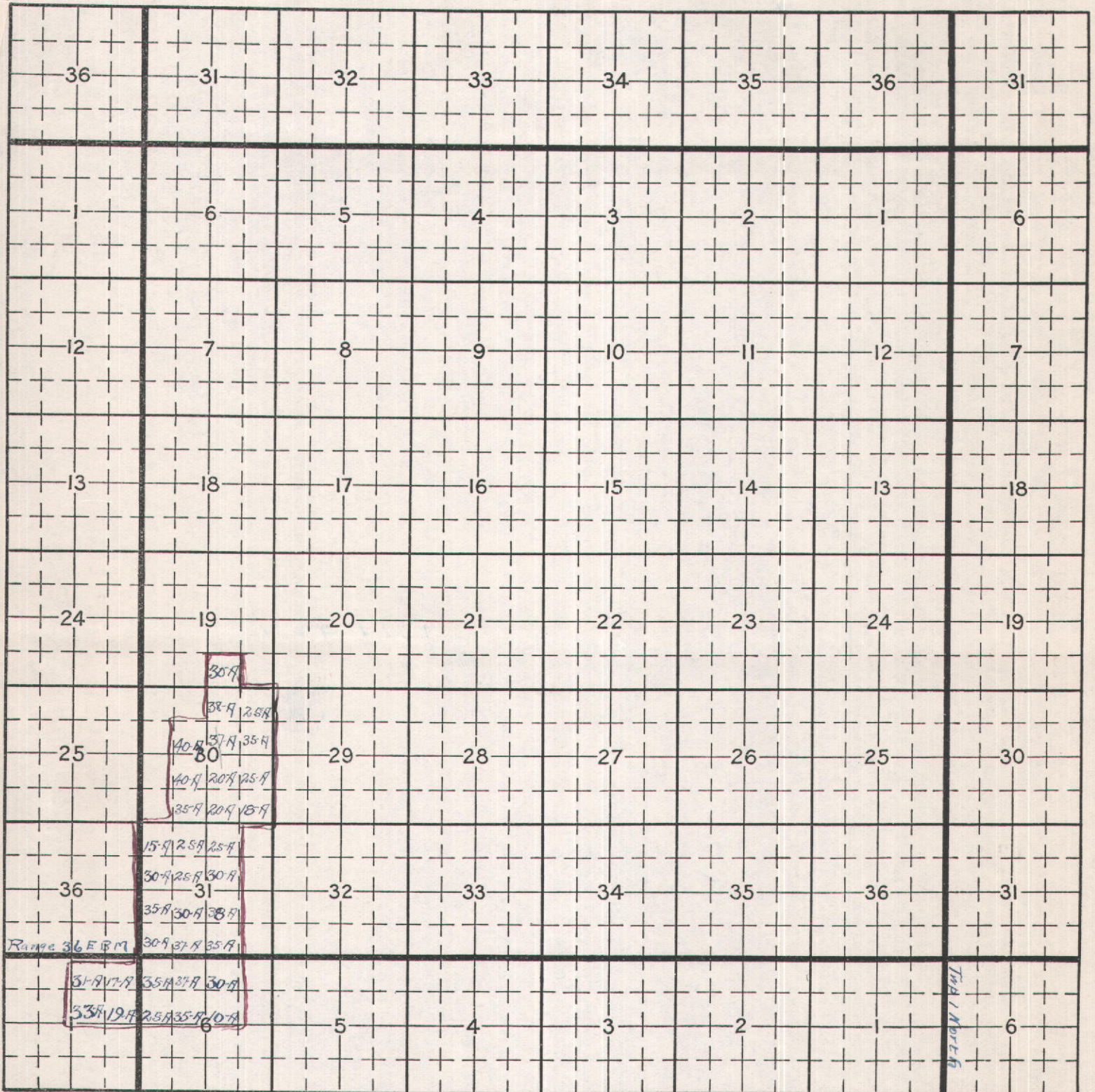


4-590^c

Township No. 2nd Part of No. 1 North Range No. 37th Part of 36 East Boise Mer.



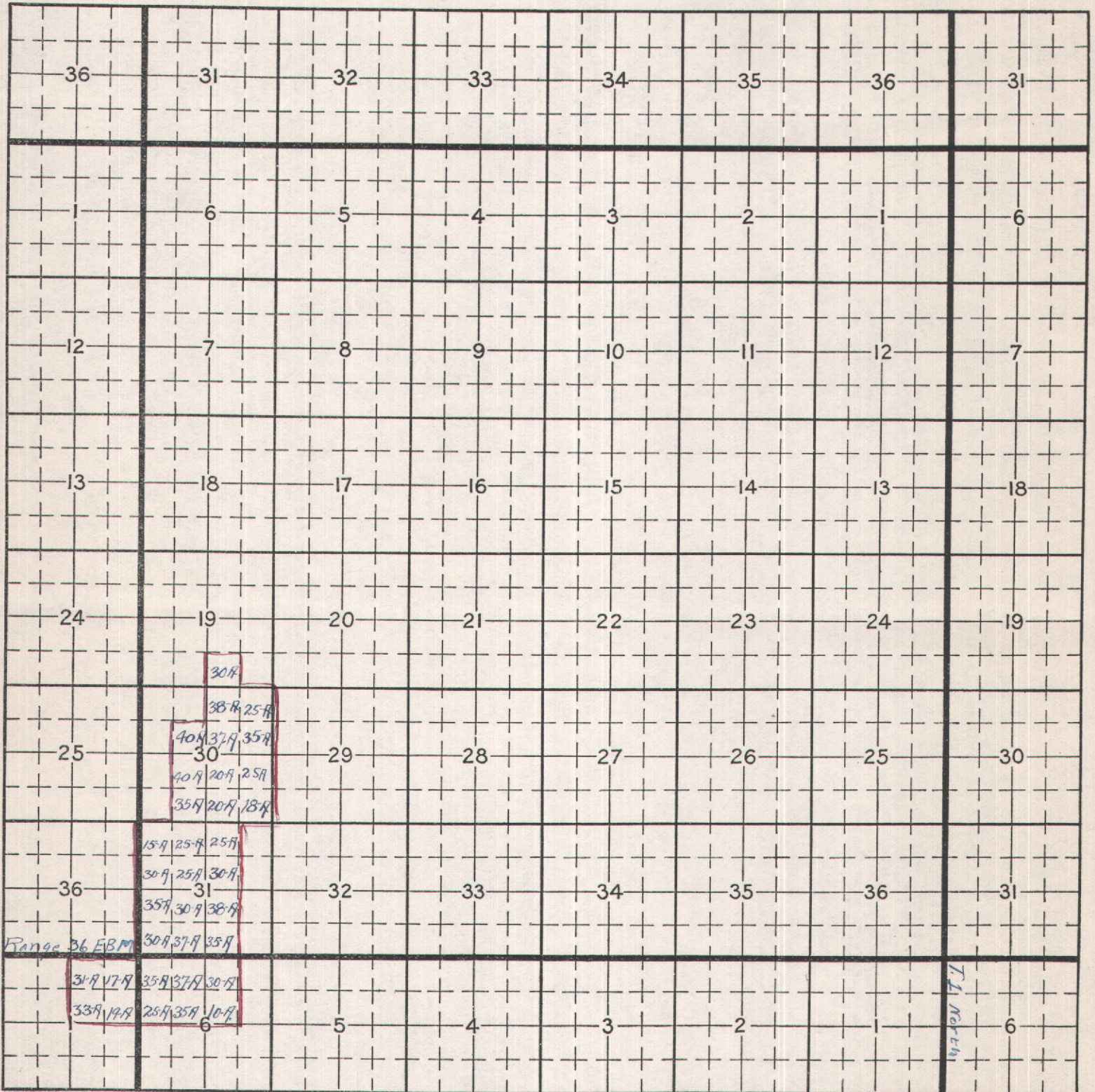
Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

14408

4-590^c

Township No. 2 North Part of 1 North Range No. 37 East, Boise Mer.



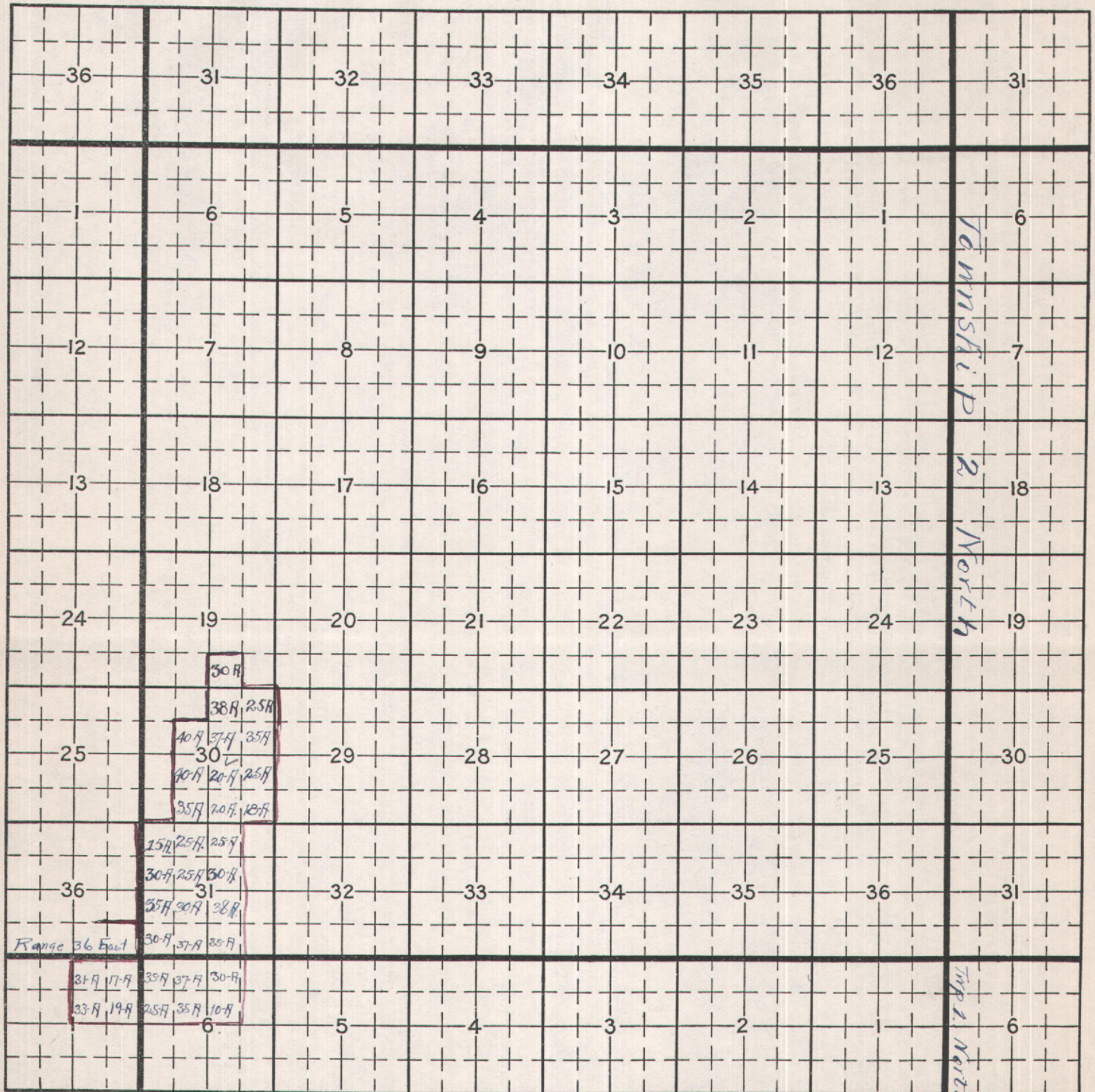
Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

14408

4-590c

Township No. 2 North ^{Part of 1 North} Range No. 37 East, Boise Mer.



Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

Note:

The heavy black horizontal line near the bottom of the map is the boundary line between townships 1 & 2 North. The heavy vertical lines are Range lines.

14408

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10:30 a. m. on the 12th day of September, 1927,
 at Idaho Falls,, County of Bonneville, State of Idaho,
 before Kenneth S. Mackenzie, proof will be submitted
 of the application to beneficial use of Twenty (20) cubic feet per second of the waters of
Snake River, in accordance with the terms and conditions of Permit No. 14408
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Capital Hill Ditch Company' Idaho Falls, Idaho
2. The use to which said water has been applied is Irrigation
3. The amount applied to beneficial use is Twenty (20) Cubic feet per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31,
 all in Township Two (2) North, Range 37 East Boise Meridian; NW $\frac{1}{4}$,
 W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, Twp 1 North, Range 37 EBM, and NE $\frac{1}{4}$ Sec. 1, Township 1 North,
 Range 36 East Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Great Western
 Canal and Capital Hill Ditch
6. The right to take the water from such works is based upon Permit No. 14408
7. The source of supply from which such water is diverted is Jackson Lake and Snake River
8. The date of the priority which said user is prepared to establish is November 15, 192x 1919.

WEWE - 35-44-37E
 Jeffers
 36 -

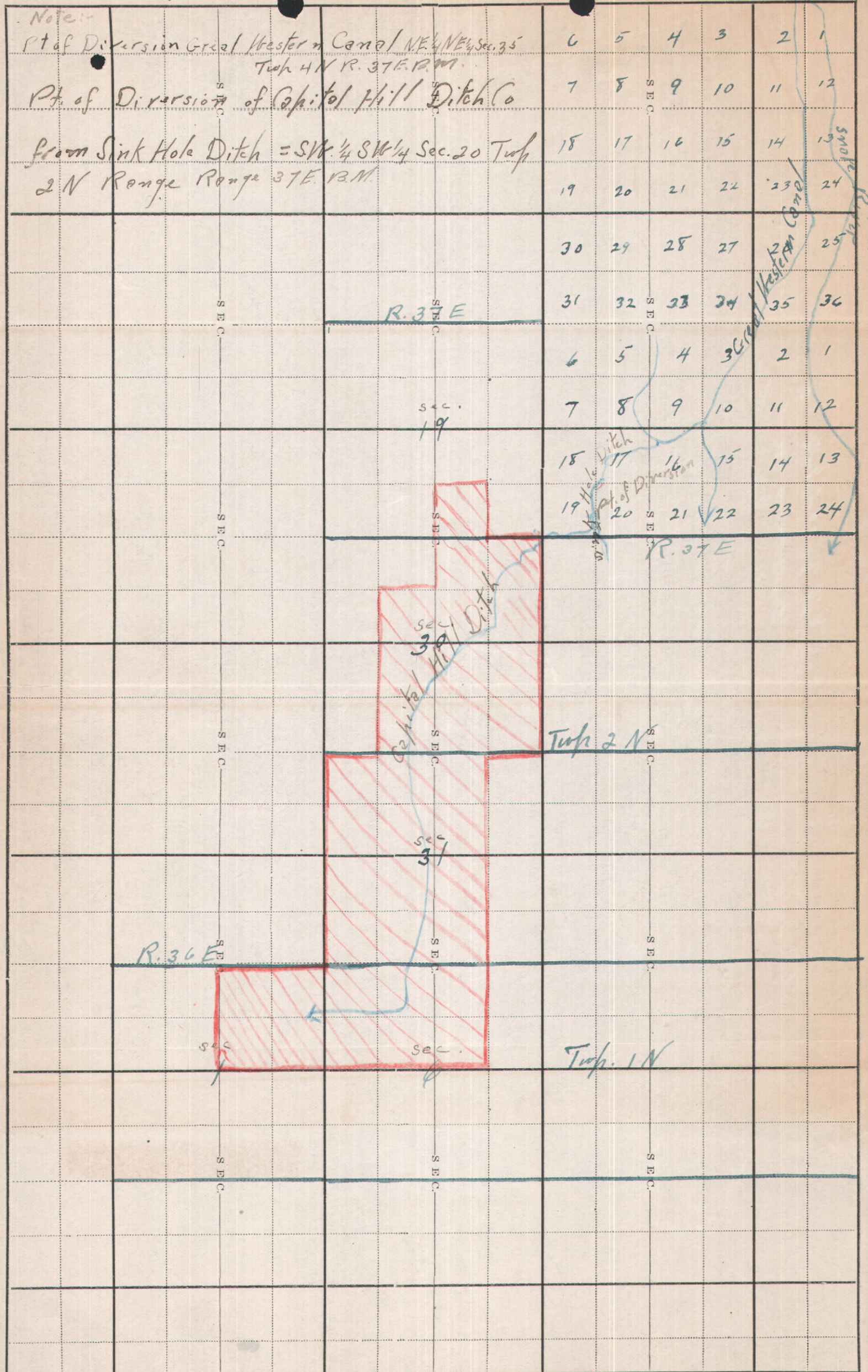
Geo. N. Carter,
 Commissioner of Reclamation.
 State Engineer.

14408

NAME OF APPLICANT

Capital Hill Ditch Co. Permit No 14408.

35 36



cm
November 6, 1922.

Re: Permit No. 14408. The Capital Hill Ditch Co.

Publisher, The Star,
Rigby, Idaho.

Dear Sir:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to the date set for proof, the expense of the publication to be paid by the holder, or its secretary, Mr. A. Bradenberg, R.R.#4, Idaho Falls, to whom you should furnish proof of publication on or before the date set for proof.

Please acknowledge receipt of the notice and furnish us with a copy of the first publication.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

12/9/22

14408

State of Idaho
License and Certificate of Water Right

Water License No. 14408 Amount 20 sec. ft.
Water District No. 36 Priority 11-15-1919.

THIS IS TO CERTIFY that Capital Hill Ditch Company,
of Idaho Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 15, 1919; that Permit No. 14408
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on June 7, 1923, showing that said works
were completed on the 15th day of December, 1922; and that on the 1st
day of September, 1927,

Capital Hill Ditch Company,
of Idaho Falls, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River
, a tributary of Columbia River, for the purpose of irrigation and
domestic use, under Use Permit No. 14408 of the Commissioner of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3483, on the 23d day of November, 1927;
The right hereby confirmed dates from November 15, 1919;

The Point of Diversion is located
in the NE ¼ NE ¼, Sec. 35, Tp. 4 N., R. 37 E., B. M. Jefferson County;

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 20
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-Acre Tract	No. Acres Described In Permit	No. Acres Actually Irrigated.
1 N.	36 E.	1	NE ¼ NE ¼	30	30
			SE ¼ NE ¼	40	40
			NW ¼ NE ¼	10	10
			SW ¼ NE ¼	40	40
1 N.	37 E.	6	NW ¼ NE ¼	40	40
			SW ¼ NE ¼	40	40
			NE ¼ NW ¼	40	40
			SE ¼ NW ¼	40	40
			NW ¼ NW ¼	37	37
			SW ¼ NW ¼	40	40
2 N.	37 E.	19	SW ¼ SE ¼	25	25
		30	NE ¼ NE ¼	25	25
			NW ¼ NE ¼	25	25
			SE ¼ NE ¼	10	10
			SW ¼ NE ¼	35	35
			NE ¼ SE ¼	1	1
			SE ¼ SE ¼	10	10
			SW ¼ SE ¼	10	10
			SE ¼ SW ¼	40	40
			NE ¼ SW ¼	40	40
			SE ¼ NW ¼	40	40
		31	NW ¼ NE ¼	15	15
			SW ¼ NE ¼	37	37
			NE ¼ NW ¼	15	15
			SE ¼ NW ¼	30	30
			NW ¼ NW ¼	15	15
			SW ¼ NW ¼	35	35
			NW ¼ SE ¼	40	40
			SW ¼ SE ¼	40	40
			NE ¼ SW ¼	40	40
			SE ¼ SW ¼	30	30
			SW ¼ SW ¼	35	35
			NW ¼ SW ¼	36	36
Total					986

2087
2074

State of Idaho
License and Certificate of Water Right

--	--	--	--	--	--

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 23d day of November , 1927.

GEO. N. CARTER.

Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 12015
Water District No.

Amount 2.9 sec. ft.
Priority 4-8-1916

THIS IS TO CERTIFY that C. M. Foley,
of Stanley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 8, 1916; that Permit No. 12015
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.0 second feet, was issued thereunder on February 24, 1921, showing that said works
were completed on the 22nd day of November, 1920; and that on the 6th
day of June, 1927,

C. M. Foley,
of Stanley, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Fourth of
July Creek, a tributary of Salmon River, for the purpose of irrigation and
domestic use, under Use Permit No. 12015 of the State Engineer,
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 6
of Licenses, at page 3484, on the 25th day of November, 1927;
The right hereby confirmed dates from April 8, 1916;

The Point of Diversion is located in the Northeast corner of
in the NW ¼ NE ¼, Sec. 15, Tp. 8 N., R. 14 E., B. M. Custer County;

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.9
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 N.	14 E.	9	NE ¼ SE ¼	37	34
			NW ¼ SE ¼	34	37
			SW ¼ SE ¼	40	40
			SE ¼ SE ¼	39	34
					Total 145

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 25th day of November, 1927.

GEO. N. CARTER.
Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT 35-2037

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 20498
Permit No. 14408
District No. 36-E

1. Name of Applicant: **Capital Hill Ditch Company.**

Postoffice address: **R. D. #4 Idaho Falls** County: **Bonneville** State: **Idaho.**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: **May 4th, 1919-Idaho Falls, Idaho.**
 (b) Amount of capital stock: **\$10,000.00**
 (c) Amount paid in: **6,240.00** **Gust. Stoneberg Idaho Falls, Idaho, R. D #4**
 (d) Names and addresses of directors: **Hugo Osterberg** " " " "
C. F. Lundblade " " " "

II. The financial resources of the applicant are: (a) Cash on hand: **\$301.25**
 (b) Treasury stock: **\$3,760.00** (c) Bonds to be issued: **None.**
 (d) Other resources: **Storage rights in Jackson Lake and canal system complete.**

2. Quantity of water claimed: **twenty (20)** cubic feet per second.

3. Source of water supply: **Snake River** which is a tributary of **Columbia River.**

4. Location of point of diversion: _____ feet distant from the
 corner of Section _____, T. _____, R. _____, B. M., and is in the **NE $\frac{1}{4}$** of the **NE $\frac{1}{4}$**
 of Section **35**, T. **4 N.**, R. **37 E.**, B. M., County of **Jefferson.**

5. Water is to be used for: **Irrigation and domestic purposes,**

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

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
 T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.

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

(c) Water is to be returned to _____ at a point _____ feet
 distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the
 of Section _____, T. _____, R. _____, B. M.

7. Estimated cost of works: **\$10,000.00**

8. Kind of works: **Gravity canal and distribution laterals.**

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

10. Size of headgate: Width **3.5** feet; height **2.5** feet.

11. Ditch: Width at bottom **6** feet; width at water line **10** feet; depth of water **2**
 feet; dimensions of flume _____

Diameter of pipe _____ inches; length of conduit **16** miles.

Average grade per mile **3** feet.

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

13. The time required for the complete application of the water to the proposed use is **five** additional years.

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

15. (a) Is reservoir to be used? **No.** If so, fill in (b) and (c) below.
(b) Name of reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Capital Hill Ditch Company Applicant.

By Gust Stoneberg Agent.
Chairman of Board of Directors.

Commissioner of Reclamation

Date of first receipt at office of ~~State Engineer~~ 10:15 A. M. Nov. 15, 1919.

Returned to applicant for correction

Corrected application received

COMMISSIONER OF RECLAMATION
APPROVAL OF ~~STATE ENGINEER~~

The number of this permit is 14408

Recorded in Book 51 Page 14408 Approved November 26, 1919.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before January 25, 1920 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 26, 1921.

The whole of said work to be completed on or before November 26, 1922.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 26, 1927.

Witness my hand this 26th day of November, 1919.

W. G. Swendsen.
~~State Engineer~~
Commissioner of Reclamation

Remarks:

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
2 N.	37 E.	19	C. J. Slifer												30				30	
2 N.	37 E.	30	25	38	37	35	Hugo Osterberg												135	
2 N.	37 E.	30	C. Jenkins				40												40	
2 N.	37 E.	30	O. Jenkins								40	35				25	20	20	18	158
2 N.	37 E.	31	25				25	S. V. Byers												50
2 N.	37 E.	31	J. Elg				15 30				35 30								110	
2 N.	37 E.	31	30				25 30				H. J. Hamfelt				38				85	
2 N.	37 E.	31	Gust Stoneberg																38	
2 N.	37 E.	31	C. F. Lundblade								37				35				72	
1 N.	"	6	30				37	C. F. Lundblade												67
1 N.	37 E.	6	10				25 35				Alvord Bros.								70	
1 N.	36 E.	1	17	31	33	19	C. Bro.												100	
1 N.	37 E.	6					35	A. Brandenburg												35
Total number of acres to be irrigated.....																	990			

The Capital Hill Canal was first built in 1911, but later was extended to include other lands, and water has been used through same each year since then. The lands served by the canal are fairly rough and there are a good many knolls which are too high for gravity irrigation, and very few of them are of sufficient extent to warrant pumping and such areas are deducted from the acreage given in the attached list.

Under a contract with the New Sweden Irrigation District the Co. flows its water through the Main Great Western Canal from its heading in Snake River to a point in the SW¼ of the SW¼ of Sec. 10, T. 2 N. R. 37 E. a distance of about 10 miles; thence through the Oakland Lateral, in a Westerly direction, about one mile; thence through the Sink Hole Ditch, in a South Westerly direction, for about two and one half miles to its point of diversion near the S.W. Cor. of Sec. 20, T. 2 N. R. 37 E. See map accompanying application for location of points mentioned.

Upon proper request of the holder of the above numbered Permit (No. 14408) I have this 13th day of November, 1922, extended the time for completion of worke to the 15th day of December, 1922.

W. G. SWENDSEN,
Commissioner of Reclamation
By Geo. N. Carter,
Assistant.

Proof of Completion of Works made December 15, 1922.
Certificate of Completion of Works issued June 7, 1923.

Permit No. 14408

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Capital Hill Ditch Company of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. 14408, issued upon Application No. 20498, bearing date of priority of November 15, 1919, authorizing the diversion of 20 second feet of the waters of Snake River, County of Jefferson, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 20 second feet of the waters of Snake River; that the point of diversion of said waters is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 4 North, Range 37 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, all in Township 2 North, Range 37 East, B. M.; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, Township 1 North, Range 37 East, B. M.; and NE $\frac{1}{4}$ Sec. 1, Township 1 North, Range 36 East, B. M.

Witness my hand this 7th day of June, A. D. 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

By: Geo. N. Carter,
Assistant

20
P. 3483

MEMORANDUM

TO: FILE 01-02074
FROM: VAULT
RE: TRANSFER # 69903
DATE: 5-28-2002

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 01-00035AF

November 25, 1927.

Re: Permit No. 14408.

Mr. Hugo F. Osterberg, Pres.,
Capital Hill Ditch Company,
Idaho Falls, Idaho.

Dear Sir:

We are mailing you herewith Water License
issued under the above numbered permit; also
receipt for fees paid.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation

By

Chief Clerk.

Enc.

14408

Idaho Falls, Idaho, Nov 21 1927

CAPITAL HILL DITCH COMPANY *R#4.*

To State Department of Reclamation Dr.
Geo. W. Carter, Com.

To _____ hours work single hand @ _____ cents

To _____ hours work with team @ _____ cents

Enclosed find Cashiers Check amounting to thirty three dollars (\$33.00) to cover charges for final proof on Capital Hill water right.

By W. S. Luntz
Secy

Capital Hill Ditch Co.
R#7 Box 107.

Hugo O. Stenberg
Pres.

Idaho Falls, Ida.

Received Payment in Warrant No. _____

14408

S

*

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60) 986* 19.7
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14408

October 10, 1927.

Re: Permit No. 14408

Mr. Hugo F. Osterberg,
Pres., Capital Hill Ditch Company,
Idaho Falls, Idaho.

Dear Sir:-

All the papers are now on file here in the matter of proof of beneficial use of water under the above permit. Upon receipt of fees in the sum of \$33.00, license will be granted.

The fees are based upon the number of legal subdivisions, or fraction thereof, under cultivation, allowing \$4.00 for each forty-acre tract or fraction.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

14408

PROOF OF PUBLICATION

STATE OF IDAHO, }
County of Bonneville, } ss.

I, W. S. Snyder, being first duly sworn, upon my oath say: That I am the manager of THE REGISTER PRINTING & PUBLISHING COMPANY, a corporation of Idaho Falls, Bonneville County, Idaho, the publisher of THE TIMES-REGISTER, a semi-weekly newspaper published on Tuesdays and Fridays, at Idaho Falls, Idaho; said THE TIMES-REGISTER being a consolidation of THE IDAHO FALLS TIMES, established in the year 1890 and THE IDAHO REGISTER, established in the year 1880, such consolidation having been made on the 17th day of September, 1920, and each of said newspapers having been published continuously and uninterruptedly, prior to such consolidation, for more than seventy-eight (78) weeks and said THE TIMES-REGISTER having been published continuously and uninterruptedly from the date of such consolidation, up to, and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said THE TIMES-REGISTER once a week for four consecutive weeks, and that such publications were made on the following dates, to-wit:

Aug. 28-16-23-1927

and that the said notice was published in the regular entire issue of said paper on the respective dates of publication, as aforesaid, and that such notice was published in the newspaper, and not in the supplement.

Subscribed in my presence and sworn to before me this 23rd day of August, 1927

Clerk of the District Court, Ninth Judicial District, Idaho.
Residing at Idaho Falls, Idaho.

By Harrison Dennis, Dep.

THE TIMES

NOTICE FOR PUBLICATION. NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE. Notice is hereby given that at 10:30 a. m. on the 1st day of September, 1927, at Idaho Falls, county of Bonneville, state of Idaho, before Kenneth S. Mackenzje, proof will be submitted of the application to beneficial use of twenty (20) cubic feet per second of the waters of Snake river, in accordance with the terms and conditions of permit No. 14408 heretofore issued by the state engineer of the state of Idaho. 1. The name and postoffice address of the person or corporation holding said permit is Capital Hill Ditch Company, Idaho Falls, Idaho. 2. The use to which said water has been applied is irrigation. 3. The amount applied to beneficial use is twenty (20) cubic feet per second. 4. The place where said water is used is SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 19; E $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, section 30; W $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{4}$ SE $\frac{1}{4}$, section 31, all in township two (2) north, range 37 east Boise meridian; NW $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, section 6, township 1 north, range 37 E. B. M., and NE $\frac{1}{4}$, section 1, township 1 north, range 36 east Boise meridian. 5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Great Western Canal and Capital Hill Ditch. 6. The right to take the water from such works is based upon permit No. 14408. 7. The source of supply from which such water is diverted is Snake river. 8. The date of priority which said user is prepared to establish is November 15, 1919. GEO. N. CARTER, Commissioner of Reclamation. Pub. T-R Aug. 2-9-16-23.

14408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 14408.

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. J.H.Patton, age 57, occupation, farmer, residence and P.O. Address
is Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Capital Hill Ditch Company, the holder of Permit No. 14408? How long have you known ^{it} ~~him~~ and where does he reside?

Ans. Since it's organization, which was about 1916, and the principal
place of business is Idaho Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 14408, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

The source of water supply is Snake River. The point of diversion
Ans. of the water from Snake River is in the NE¹/₄NE¹/₄ Sec. 35, Twp. 4 N., R.
37 East B.M., and this water is conducted thru the Great Western Canal and the
Sink Hole Ditch to a point about 200 yds North of SW corner of Sec. 20, Twp 2N.,
where it is diverted into the Capital Hill Ditch, which is owned by this company,
and by this ditch conducted to the place of use. The Capital Hill Ditch is about
2³/₄ miles long, about 12 ft. wide at the top, about 6 feet wide at the bottom, and
about 4 feet deep. It is constructed of earth. The head gate of this ditch is
made of concrete, with a 4 foot opening, with a sliding gate.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

It will safely conduct 30 Second Feet, and have seen this
Ans. much being conveyed thru the ditch, to the best of my judgment.

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

Ans. This water is used for irrigation, and on the land described and
checked and bounded with red ink on the accompanying map, and the acreage
specified thereon, in each sub-division respectively as indicated.

14408

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

Ans. -----

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land is all arid, and the soil is volcanic ash. The land requires the 20 second feet under this permit, and the 1000 acre feet of storage water they use under the Jackson Lake storage, and they could use more.

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

Ans. I have no interest in this matter whatever.

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

Ans. I have witnessed the continuous diversion of the 20 second feet used under the permit, and the application of the same to the lands described in the application for permit, for irrigation, each year since 1919.

(Signed)

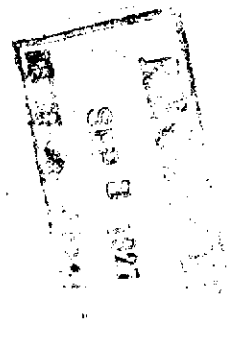
J. H. Patton

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 1st day of September, A. D. 1927.

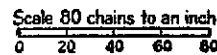
James S. MacKenzie
Notary Public, Residing at Idaho Falls, Idaho.

My commission expires April 30, 1927.

14408



Township No. 2 ^{1/2} Part of No. 1 North Range No. 37 ^{1/2} Part of 36 East Boise Mer.



14408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 14408

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Oscar E. Fast, age 63, occupation farmer, residence and P.O. Address
Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Capital Hill Ditch Company, the holder of Permit No. 14408? How long have you known him and where does he reside?

Ans. Since about 1916. The principal place of business is Idaho
Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 14408, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. ^{near Twp 4 N. Range 37 E. B.M.} The source of water supply is Snake River, ^{N.E.} in, and near the corner of Section 35, and from there the water is conducted thru the Great Western Canal and Sink Hole Ditch, and is diverted therefrom in Section 20, Twp. 2 N., Range 37 EBM, near the SW. Corner of said section, by the Capital Hill Ditch. The Capital Hill Ditch is $2\frac{1}{2}$ miles long, and is 10 ft wide at the top, 8 feet at the bottom, and about 5 feet deep. There is a headgate of concrete at the source, with a 4 ft. opening.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The ditch will carry about 30 second feet, and I have seen it carrying about that amount of water.

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

Ans. This water is used for irrigation in the amounts and on the sub-
divisions, as shown on the annexed map. The irrigated area is bordered in
red, on the map, and the amount of land irrigated is shown on each sub-
division. The land so irrigated is cultivated land, improved in the
regular manner, with good farm buildings and regular farm crops and improvem-
ments, all the result of irrigation.

14408

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

Ans. -----

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land reclaimed is arid land, with volcanic ash soil.

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

Ans. I have no such interest.

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

Ans. I have seen this water in approximately 20 second feet, in amount, go thru the Capital Hill ditch, and have seen it all applied to the land in question

(Signed) Oscar E. East

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, Idaho County of Bonneville State of Idaho, on this 1st day of September, A. D. 19 27.

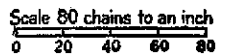
Emil S. Muckler
Notary Public, Residing at Idaho Falls, Idaho. Notary Public.

My commission expires April 30, 1928.

14408

1927
27

Township No. 2 North ^{2nd} Part of 2 North Range No. 32 ^{2d} Part of 36, East, Boise Mer.



14408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 14408

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Hugo F. Osterberg, 43 years of age, Idaho Falls, Idaho, RFD # 4
is my residence and P.O. Address; Occupation is farming.

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

Ans. Capital Hill Ditch Company, principal place of business, Idaho Falls,
Idaho; Hugo F. Osterberg is president of the corporation, and I appear in this mat-
ter by authority of the board of directors of such company.
Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. The number of permit is 14408, with date of priority of November 15,
1919.

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

Ans. The exact location of the point of diversion of the water from Snake
River is in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Twp. 4 North, Range 37 EBM,
and it is conducted thru the Great Western Canal and Sink Hole Ditch (owned by the
New Sweden Irrigation Co), to a point about 200 yds North of SW Corner Section 20,
Twp. 2 N., Range 37 EBM, where it is diverted into the Capital Hill Ditch, owned by
the Capital Hill Ditch Company.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. (See answer to 4) The Capital Hill Ditch, which diverts the water, is
approximately 2 $\frac{1}{2}$ miles long, 5 feet deep, 5 feet wide at the bottom and 10 feet
wide at the top. The banks are constructed of earth. The ditch will easily carry
20 Second Feet of water, to the place of use. The head gate, at the point of diver-
sion above mentioned (i.e. point of diversion of Capital Hill Ditch) is constructe
of cement, is 4 ft wide, and has a sliding gate of regular construction. This gate
is well set in the earth, and the gate was installed at a cost of \$300.00 or
a little more. There are other minor drops, gates etc lower down.

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

Ans. The water is used for irrigation on the following described lands,
to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19; E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, & SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31,
all in Twp. 2 N., R. 37 EBM; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 6, Twp., 1 North R. 37 EBM, and
NE $\frac{1}{4}$ Sec 1, Twp 1 N., R. 36 EBM, and the amount of land irrigated in each
sub-division of this land is set forth on the map enclosed herewith and made
a part hereof

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

Ans. _____

14408

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

Ans. Twenty Second Feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. This is the same corporation.

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

Ans. The entire acreage described in answer to question 6 has been irrigated with the water diverted under the above permit, since the permit was issued, beginning in 1919, and the total acreage was irrigated each year, using the entire amount each year, to-wit 20 Second feet.

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

Ans. 1000 acre feet of Jackson Lake Storage Water has been used upon the above described land, each year, since 1916. This water was purchased from the New Sweeden Irrigation Co. applied to irrigating said lands each year since 1916, and diverted thru the same works as those herein described. This right is evidenced by a contract with the New Sweeden Irrigation District, which obligates the latter to furnish this water to the Capital Hill Ditch Co perpetually. This right is fully paid for.

(Sign)

Hugo F. Osterberg

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville State of Idaho, on this 1st day of September A. D. 19 27.

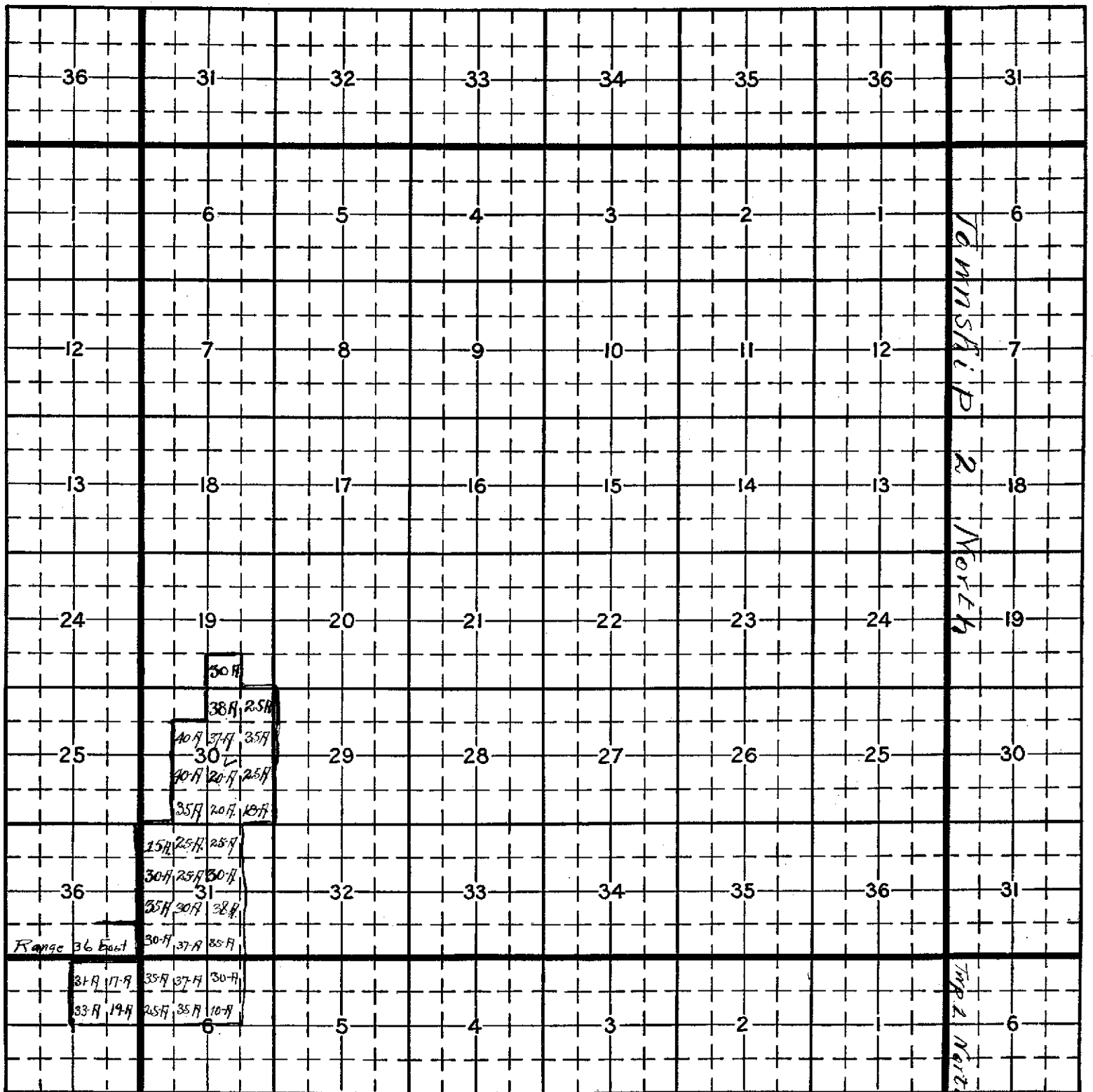
James H. Mearns
Notary Public, Residing at Idaho Falls, Idaho.

My commission expires April 30, 1928.

14408

4-5902

Township No. 2 North ^{Part of 1 North} Range No. 37 East, Boise Mer.



Showing adjoining sections

Scale 80 chains to an inch
0 20 40 60 80

Note:

The heavy black horizontal line near the bottom of the map is the boundary line between townships 1 & 2 North. The heavy vertical lines are Range lines.

14408

Kenneth S. Mackenzie
Attorney and Counselor at Law
Idaho Falls, Idaho

Sept. 1, 1927.

Geo. N. Carter, Esq.,
Commissioner of Reclamation,
Boise, Idaho,
Dear Sir:-

Enclosed you will please find proof of application of water to a beneficial use in the matter of the Capital Hill Ditch Company, together with proof of publication, as required by law.

For any further information, or concerning any matter pertaining to this proof, please address me.

I trust that you will find this proof satisfactory.

KSM/M.

Yours very truly



14408

STATE OF IDAHO DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 14408This proof is for Beneficial UseIn Water District No. 36

1. Name of applicant: Capital Hill Ditch Company
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the N¹/2 NW¹/4 of Section 35
T. 4 N R. 37 E County of Jefferson
4. Describe works as they exist, giving dimensions and capacities of same:

Note, Description already in, in Proof completion of works.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion:
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW¹/4 SE¹/4 Sec. 19; NE¹/4, E¹/2 SW¹/4 and SE¹/4 NW¹/4 Sec. 30; W¹/2, W¹/2 NE¹/4 & W¹/2 SE¹/4 Sec. 31; Twp. 2 N., R. 37 E., B. M.; NW¹/4, W¹/2 NE¹/4 Sec. 6, Twp. 1 N., R. 37 E., B. M.; and NE¹/4 Sec. 1, Twp. 1 N., R. 36 E., B. M.

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

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

Remarks: Lands in New Sweden District near Idaho Falls.

Nearly all in high state of cultivation and has been for several years.

Looked over land in company of Norman Lundback, Sec'y of Co. Estimated land that had been irrigated as closely as possible. Acres marked in each 40 acre subdivision.

Note: Non irrigable area in each 40 is high knolls, rocks etc generally scattered thru ground.

Note: Capital Hill ditch connects thru Great Western Canal with Snake River

This examination was made on the 14 day of August 1927

(Signed)



Examiner.

14408

Capital Hill Ditch Co.
Idaho Falls

Permit No. 14408

Examination for BEN. USE

County JEFFERSON

INSTRUCTIONS TO EXAMINERS

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

4N 37E

35

Rock River

T2N R37E

19

25

Collier Hill North

25

25

40

35

10

30

40

None

1

40

10

10

15

15

15

35

30

37

31

36

40

40

35

30

40

T. 1N R30E

10

30

37

40

40

40

40

40

20

40

1

6

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

August 23, 1927

Capital Hill Ditch Co.

c/o Kenneth S. Mackenzie,

Idaho Falls, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. **14408**

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On **September 1, 1927**, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at **Idaho Falls** before **Kenneth S. Mackenzie, notary public.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

GEO. N. CARTER,

Commissioner of Reclamation.

14408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date July 30, 1927

Publisher The Times-Register,
Idaho Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 1, 1927, the date set for proof, the expense of the publication to be paid by the applicant, by Attorney, Kenneth S. Mackenzie, of Idaho Falls, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

GEO. N. CARTER,

Commissioner of Reclamation.

12/30/27

14408

July 30, 1927

Re: Permit No. 14408.-Capital Hill Ditch Co.

Mr. Kenneth S. Mackenzie,
Attorney at law,
Idaho Falls, Idaho.

Dear Sir:-

In your letter of the 27th inst., received today, you set August 1st as the date for making proof under the above permit but, as this would not allow for the required publication of the notice, we take it you meant to say the first of September and we have filled in the notice accordingly and have today mailed a copy to the Idaho Falls Times-Register, per your request. If we are not right in this, please advise at once and make the necessary change in the date in the notice before published.

Very truly yours,
GEO. H. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

14408

Kenneth S. Mackenzie
Attorney and Counselor at Law
Idaho Falls, Idaho

July 27, 1927

Mr. Geo. N. Carter
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

You may set the date for fixing the final proof referred to in your letter of July 25 on the first of August. This proof is to be submitted before myself upon that date at Room 220, Shane Building, Idaho Falls, Idaho.

Please send the notices at once to the Times-Register, Idaho Falls, Idaho.

Very truly yours,

Kenneth S. Mackenzie
14408

KSM-S

July 25, 1927.

Re: Permit No. 14408.

Mr. Kenneth S. Mackenzie,
Attorney at law,
Idaho Falls, Idaho.

Dear Sir:-

We are today in receipt of your letter of the 22nd inst. enclosing notices for proof of beneficial use of water under the above numbered permit.

In looking over the notice we find that you have not given the date for making proof. As a date fixed by this office is not always convenient to the holder and witnesses, we prefer to have the date fixed by the holder. The proof is not required until November 26, 1927, but may be made at any time prior to said date, allowing time for five publications of the notice.

We are mailing you herewith three sets of deposition blanks for proof of beneficial use proof.

Very truly yours,
Geo. N. Carter,
Commissioner of Reclamation.

By _____
Chief Clerk.

Blanks under
separate cover

14408

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 22, 1927.

(P. O.) Idaho Falls, Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Times-Register, of Idaho Falls, Idaho, published in the county in which the works are situated.



(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

14408

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10:30 a. m. on the 12th day of September, 1927,
 at Idaho Falls, County of Bonneville, State of Idaho,
 before Kenneth S. Mackenzie, proof will be submitted
 of the application to beneficial use of Twenty (20) cubic feet per second of the waters of
Snake River, in accordance with the terms and conditions of Permit No. 14408
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Capital Hill Ditch Company, Idaho Falls, Idaho
2. The use to which said water has been applied is Irrigation
3. The amount applied to beneficial use is Twenty (20) Cubic feet per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, E $\frac{1}{2}$, T $\frac{1}{2}$ S $\frac{1}{2}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31,
 all in Township Two (2) North, Range 37 East Boise Meridian; NW $\frac{1}{4}$,
 W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, Twp 1 North, Range 37 EBM, and NE $\frac{1}{4}$ Sec. 1, Township 1 North,
 Range 36 East Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Great Western
 Canal and Capital Hill Ditch
6. The right to take the water from such works is based upon Permit No. 14408
7. The source of supply from which such water is diverted is Jackson Lake and Snake River
8. The date of the priority which said user is prepared to establish is November 15, 1919.

Geo. N. Carter,
 Commissioner of Reclamation.
~~State Engineer.~~

WE NE - 35-44-30 E
 36 -

14408

Kenneth S. Mackenzie
Attorney and Counselor at Law
Idaho Falls, Idaho

July 22, 1927.

State Engineer,
Boise, Idaho,
Dear Sir:-

Enclosed you will please find two notices containing the information required for proof of application of water to a beneficial use, by the Capital Hill Ditch Co. I do not have the proper blanks in my possession, on which to submit the sworn statements necessary, and I kindly ask that you forward to me such blanks by the next mail.

Thanking you, I am,

KSM/M.

Yours very truly

Kenneth S. Mackenzie

P.S.
Please send several of the blanks referred to
& also Champlot of Instructions furnished by
the Department.

14A. 22.

14408

June 12, 1923.

Re: Permit No. 14408.

Mr. A. Bradenberg, Secretary,
Capital Hill Ditch Co. Ltd.,
Idaho Falls, Idaho.

Dear Sir:

We are enclosing herewith Certificate of
Completion of Works, issued under the above numbered
Permit, together with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

Encls.

By

Chief Clerk.

14408



STATE OF IDAHO
RECLAMATION DISTRICT BOND COMMISSION
BOISE

May 22, 1923.

COMMISSIONERS
—
W. G. SWENDSEN
COMMISSIONER OF RECLAMATION
CHAIRMAN
—
E. W. PORTER
COMMISSIONER OF FINANCE
SECRETARY
—
A. H. CONNER
ATTORNEY GENERAL

Re: Permit No. 14408.

Mr. A. Bradenberg, Secretary,
Capital Hill Ditch Co., Ltd.,
Idaho Falls, Idaho.

Dear Sir:-

The report of our examining engineer for completion of works under the above permit has just been filed. Upon receipt of statutory fees in the sum of \$8.00, the certificate of completion of works will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By *Brown*,
Chief Clerk.

Mr. W. G. Swendsen
Commissioner of Reclamation

Dear Sir:-

Enclosed please find P. O. Money Order
to cover filing charges, \$8.00, for above men-
tioned Capital Hill Ditch Co.'s

May 28-1923

Yours very truly
Capital Hill Ditch Co
by *A. Bradenberg Secy*

14408

May 22, 1923.

Re: Permit No. 14408.

Mr. A. Bradenberg, Secretary,
Capital Hill Ditch Co., Ltd.,
Idaho Falls, Idaho.

Dear Sir:-

The report of our examining engineer for completion of works under the above permit has just been filed. Upon receipt of statutory fees in the sum of \$8.00, the certificate of completion of works will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

14408

REPORT OF ENGINEER

This proof is for Completion WorksIn Water District No. 36-E

1. State name of applicant and number of permit: The Capital Hill Ditch Co.-Permit 14408
2. State source of water supply: Snake River
3. Location of point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, Twp. 4 N., R. 37 E., B.M.

4. Describe works as they exist, giving dimensions and capacities of same: Water is taken from Snake R. thru Great Western Canal of New Sweden Irrigation Dist, Headgate of Capital Hill Ditch Co. being taken from what is known as Sink Hole Ditch, Headgate is wooden box 6' wide, 2' 10" deep 8' long, 4' side wings on upper & lower ends. Ditch at head, Bottom 8' top 12' Depth 2' 6" to 3', Flume 150 ft from head over Sink hole ditch, flume 32' L, W 4' 6", H 2', Ditch gradually gets smaller, about 1/4 mi down W. Bottom 6' Top 8' Depth 3', Ditch @ lower end W. Bottom 6' Top 8' Capacity @ intake est 30 sec. ft. lower end est 15 sec. ft. 12 laterals take aul from main ditch, all wooden headgates.

5. State whether or not water has been turned into works of diversion: Yes, but not this spring. Water has been used in part of this ditch for 10 or 12 yrs.

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 31, all in T. 2 N., R. 37 E., B.M.; The NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6, T. 1 N., R. 37 E., B.M. and NE $\frac{1}{4}$ Sec. 1, T. 1 N., R. 36 E., B.M.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? 12

9. Give names and amount of each right: shore = 1 inch. Gust Stenaburg 80, C.F. Lundblad 140, Herman Swanson 75, Orin Jenkins 100, S.F. Byers 60, Hugo Osterburg 100, Art Pickett 50, John Elg 105, A. Bradenbury 50, Alford Bras 70, AA-Sant 100, Cal Jenkins 40, S. J. Freed 30, Total 1000

10. What large stream would the water here appropriated finally reach? Snake R.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Snake R.

Remarks: These people pay the New Sweden Irri. Dist 135 per inch for carrying right thru their Canal system, also own supplementary right of 1000 A. F. Jackson Lake Storage.

This examination was made on the 20 day of May 1923

(Signed)

R. L. Sutcliffe

Examiner.

14408

Notary Public.

My commission expires

Subscribed and sworn to before me this _____ day of _____ 19____

statements contained in the within report are correct to the best of his knowledge and belief.

_____, being first duly sworn, deposes and says that the

STATE OF IDAHO,
County of _____
ss. }

(This report must be sworn to when not made by an attache of the office.)

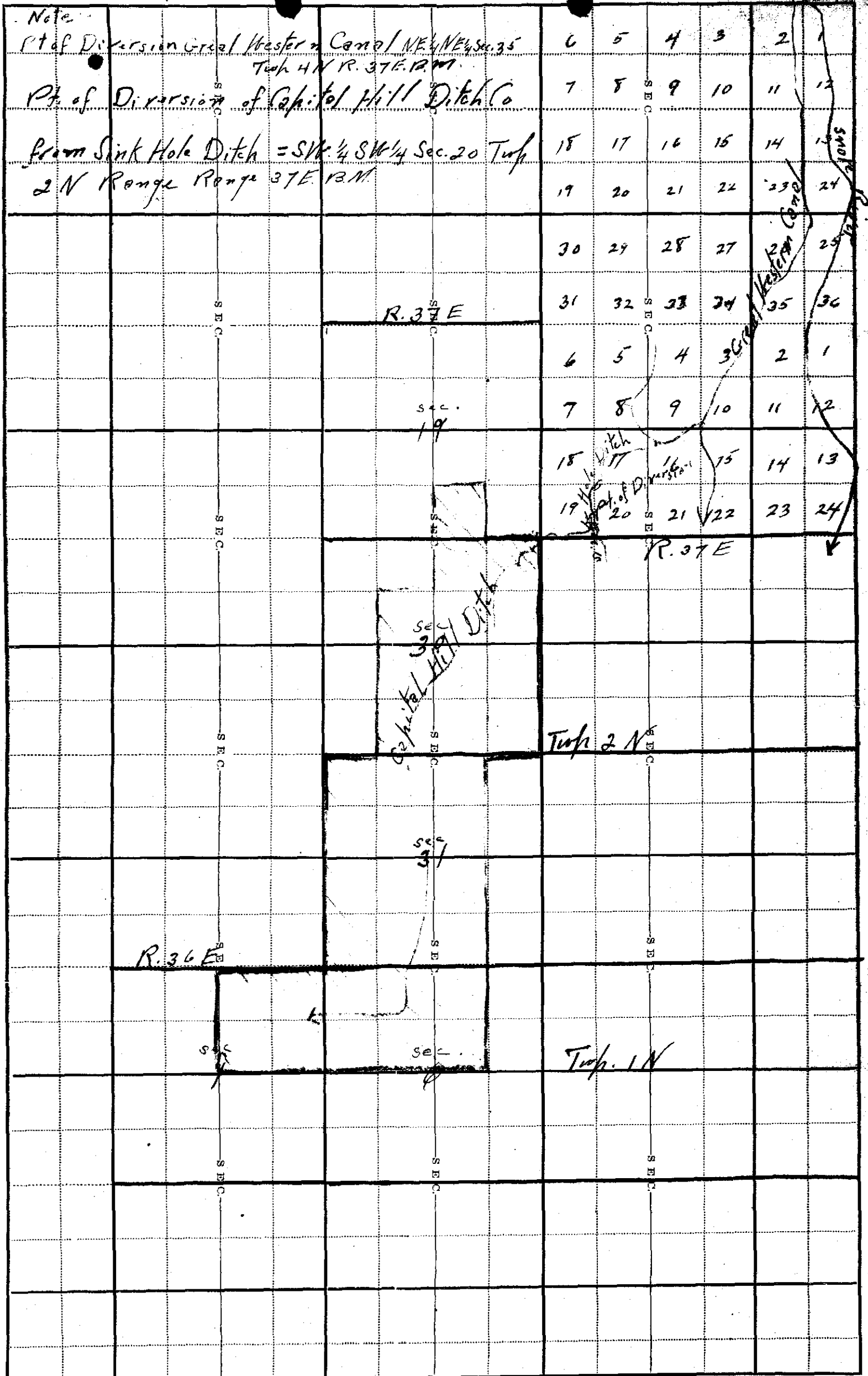
362

Capital Hill Oil Co
A. Bradenberg, Sec'y
R-4 - Delahoe Falls

Permit - 14408

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under re-marks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.



December 27, 1922.

Re: Permit No. 14408

Mr. A. Bradenberg, Secretary,
The Capital Hill Ditch Co., Ltd.,
Idaho Falls, Idaho.

Dear Sir:

We are in receipt of depositions and affidavit of publication for proof of completion of works under the above numbered Permit. These have been checked and are satisfactory. They will be placed on file pending the examination by our engineer later in the spring, after which you will be further advised as to fees due before issuing Certificate.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

CB:E

14408

December 27, 1922.

Re: Permit No. 14408.
Capital Hill Ditch Co.

Mr. A. V. Scott,
Idaho Falls, Idaho.

Dear Sir:

We are in receipt of depositions and affidavit of publication for proof of completion of works under the above numbered Permit. These have been checked and are in proper form. They will be placed on file pending the report by our engineer later in the spring, after which the applicant will be advised as to fees due.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By

Chief Clerk.

CB:M

14408

A. V. SCOTT
REAL ESTATE, FIRE AND PLATE GLASS
INSURANCE

ROOMS 1 AND 2, SCOTT BLOCK
SHOUP AVENUE

INVESTMENT
SECURITIES AND LOANS
NOTARY PUBLIC
SURETY BONDS

IDAHO FALLS, IDAHO, December 23, 1922.

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

In the matter of Proof of Completion of Works of
The Capital Hill Ditch Company, I herewith hand you papers,
as follows:

Affidavit of Gust Stoneberg for the holder
of Permit No. 14408.

Affidavit of Witness, S. A. Johnson.

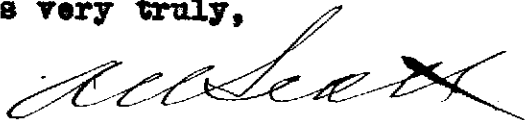
Affidavit of C. H. Abelson.

Affidavit of Publication.

There was some delay in sending these papers on
account of getting the affidavit from the publisher.

Hoping you will find everything in proper form,
I remain.

Yours very truly,



AVS/MH
Encl.

14408

Affidavit of Publication

STATE OF IDAHO,

County of Jefferson,

ss.

I, R. I. Jones, do solemnly swear that I am the manager of THE RIGBY STAR, a weekly newspaper of general circulation, published once each week at Rigby, Jefferson County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication was published in said newspaper four consecutive weeks; first publication having been made on the 9th day of Nov, 1922; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement; that said Rigby Star was published continuously and without interruption for more than 78 weeks prior to the first publication of this notice.

Subscribed and sworn to before me this 19th day of Dec A. D., 1922.

Publication Fee \$ 8.00

NOTICE FOR PUBLICATION.

Notice is hereby given that at 10 a. m. on the 9th day of December, 1922, at Idaho Falls, county of Bonneville, state of Idaho, before A. J. Booth, Notary Public, deed will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Snake river in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is The Central Hill Ditch Co.

2. The principal place of business of said corporation is Idaho Falls, Idaho, R. R. No. 1, county of Bonneville, state of Idaho.

3. The number of such Permit is 14408, and the date set for the completion of such work is Nov. 26th, 1922.

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 20 cubic feet per second.

6. The amount of lands for which said water is available is 990 acres, particularly described as follows:

The SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 19; E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20; W $\frac{1}{2}$ of NE $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, all in T. 3 N., R. 37 E. B. M.; the NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 6, T. 1 N., R. 37, E. B. M.; and the NE $\frac{1}{4}$ of Sec. 1, T. 1 N., R. 37, E. B. M.

W. C. SWENDSEN,
Commissioner of Reclamation.

R. I. Jones
Notary Pub. Rigby, Ida
My Comm. expires Jan 30-1926

14408

RECEIVED
DEC 20 1932
OFFICE OF THE
SHERIFF

A.V. Scott;
Idaho Falls,
Idaho

PERMIT NO. 14408

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Gus. Stoneberg; 36, Residence, Idaho Falls, Route 4
Bonneville County, Idaho; farmer by occupation

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. The Capital Hill Ditch Company, Principal place of business,
Idaho Falls, Idaho. My authority for appearing in behalf of the
Capital Hill Ditch Co., is by resolution of its Board of Directors

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Number 14408, dated Nov. 15, 1919

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. To be used for irrigation on 990 acres situate in sections
townships and ranges as described in the permit

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, June, 1920, 1921 and 1922, twenty(20) second feet

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. The works are fully completed and comply in all respects with
the terms of the permit

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. xx

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Main headgate in Great Western Canal and ditch leading to the
lands to be irrigated (described in permit) with a carrying capacity of
thirty(30) second feet of water

(Sign here.)

Gust Stoneberg

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Idaho Falls, Bonneville, County of

Idaho, State of Idaho, on this fifteenth day of

December A. D. 1922 That the time for making said proof was
 extended from Dec. 9th., 1922 to December 15th., 1922 by the Commissioner
 of Reclamation

[Signature]
 Notary Public.

My Commission expires June 16th., 1923

14408

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 14408

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. S. A. Johnson, age, 53 years, Route 7, Idaho Falls, Idaho, farmer
and reside about 2 miles west of Idaho Falls, Idaho

Ques. 2. Are you acquainted with The Capital Hill Ditch Co, the
holder of Permit No 14408, authorizing the diversion of twenty(20) second-feet of the waters of
Snake River, at a point on Great Wes-
tern canal about 5 miles west of Idaho Falls
for irrigation purposes? How long have you known him, and where does he reside?

Ans. About 6 years, resides, Idaho Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 14408, and are you familiar with its
terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of water
required for its profitable cultivation.

Ans. Yes, the land is somewhat rolling and some is above the ditch
for gravity irrigation, and more or less lava rocks are exposed in places
but the land that can be covered is good soil and productive and covers
an area of about 1000 acres. The amount of water required for proper ir-
rigation would be at least one inch to the acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire
amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Headgate in Great Western Canal; an open ditch leading to the
lands to be irrigated with a carrying capacity of thirty(30) second feet

(Sign here.)

S. A. Johnson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that
I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn
to before me, at my office in Idaho Falls, County
of Bonneville, State of Idaho, on this fifteenth day of

December A. D. 1922

That the time for making said proof
was extended from Dec. 9th., 1922 to
Dec. 15th., 1922 by the Commissioner.

W. Scott
Notary Public

14408

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 14408

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. C. H. Abelson, age 45 years, Route 7, Idaho Falls, about 4 and a quarter miles west of Idaho Falls; occupation is farming

Ques. 2. Are you acquainted with The Capital Hill Ditch Company, the holder of Permit No. 14408 authorizing the diversion of twenty (20) second-feet of the waters of Snake river at a point on Great Western canal about 5 miles west of Idaho Falls, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. About six (6) years, principal place of business, Idaho Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 14408, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is considered somewhat rough and rolling with lava rocks exposed in some places. The land that is irrigated is good, productive soil and requires at least an inch to the acre for proper irrigation

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Headgate to receive thirty (30) second feet of water from Great Western Canal and an open ditch with a carrying capacity of for that quantity of water

(Sign here.)

C. H. Abelson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville, State of Idaho, on this fifteenth day of

December A. D. 1922

That the time for making said proof was extended from Dec. 9th., 1922 to December 15th., 1922 by the Commissioner

W. Scott
Notary Public

14408

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

The Capital Hill Ditch Co.,
c/o A. V. Scott,
Idaho Falls, Idaho.

BOISE, IDAHO, **November 24, 1922.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. **14408.**

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On **December 9, 1922,** the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Idaho Falls, before A. V. Scott, notary public.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

W. G. SWENDSEN,
Commissioner of Reclamation.
-0000000000

14408

UNRECORDED

Permit No.

Application for Extension of Time

FOR COMPLETION OF WORKS

The Capital Hill Ditch Company, of Idaho Falls

State of Idaho, being first duly sworn, upon ^{its} ~~his~~ oath deposes and says:

~~He~~ ^{It} is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 14408

Under the terms and conditions of said permit, construction work thereunder was required to be completed by Nov. 26th, 1922

That he has heretofore performed the following work described under said permit. Viz. All of the work required under the permit, and that same has been in a completed state for upwards of two years, but that on account of delays in getting mail and having the blanks for proof properly executed the time limit in the permit was over-run.

costing \$ 4,000.00

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

See second paragraph above

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to Dec. 15th 1922

By Albin Bredenberg Secretary. The Capital Hill Ditch Co.

Subscribed and sworn to before me this 9th day of November, 1922

G. H. Bartlett

Notary Public.

My commission expires 9/11/26

Date of receipt at office of Department of Reclamation NOV. 13, 1922.

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 14408, to December 15, 1922.

Witness my hand this 13th day of November, 1922/

14408

By W. G. Swendsen Assistant Commissioner of Reclamation

November 6, 1922.

Re: Permit No. 14408. The Capital Hill Ditch Co.

Publisher, The Star,
Rigby, Idaho.

Dear Sir:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to the date set for proof, the expense of the publication to be paid by the holder, or its secretary, Mr. A. Bradenberg, R.R.#4, Idaho Falls, to whom you should furnish proof of publication on or before the date set for proof.

Please acknowledge receipt of the notice and furnish us with a copy of the first publication.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

18/9/22

14408

November 6, 1922.

Re: Permit No. 14408-Capital Hill Ditch Co.

Mr. A. Bradenberg, Secretary,
The Capital Hill Ditch Co., Ltd.,
R.R.#4, Idaho Falls, Idaho.

Dear Sir:-

At the request of Mr. D. G. Martin, we are writing you relative to proof of completion of works under the above permit, notice of which was received from Mr. Martin today.

Inasmuch as this proof is required, under the terms of the permit, to be made by November 26, it will be necessary for the holder to file an application for extension of time in order that this office may accept proof made at a later date. Application blank for such extension is herewith enclosed and should be filled out and returned to this office at the earliest date possible. Notice for publication has today been mailed to the Rigby Star in order that the required four weeks publication may be made prior to December 9, the date set for proof.

Deposition blanks, one for the holder and one each for two witnesses will be mailed to the notary public before whom proof is to be taken.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By
Chief Clerk.

F4

14408

Idaho Falls, Idaho. 11/4/1922.

Mr. W. G. Swendsen,
Com. of Reclamation,

Boise, Idaho.

Dear Sir:-

I hand you herewith the notices of publication for the Capital Hill Ditch Co's. proof of completion of works, which I trust will be found in correct form. They put the return of these off too late to get in before the date set for completion, so I have set the date ahead to the earliest date on which they could possibly make it, provided the first publication can be had on the 10th. Inst.

Any correspondence in this matter can be addressed to A. Bradenberg, Secretary of the Co. at Idaho Falls, Idaho., R-R. # 4.

Yours very truly,

D. G. Martin

14408

Notice for Publication

Notice is hereby given that at 10 A.M., on the ninth day of December, 1922, at Idaho Falls, County of Bonneville, State of Idaho, before A.V. Scott, Notary Public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is The Capital Hill Ditch Co.
2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls,
Idaho - I.R. # 4, County of Bonneville, State of Idaho.
3. The number of such Permit is 14408, and the date set for the completion of such work is Nov. 26th 1922
4. Said water is to be used for Irrigation and Domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 20 cubic feet per second.
6. The amount of lands for which said water is available is 900 acres, particularly described as follows:
The SW of SE - Sec. 19; E $\frac{1}{2}$ of SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 30; W $\frac{1}{2}$ of NE $\frac{1}{4}$ & W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31 all in T. 2N. R. 37E. B.M. The NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 6, T. 1N. R. 37E. B.M. and the NE $\frac{1}{4}$ of Sec. 1, T. 1N. R. 36E. B.M.

Commissioner of Reclamation.

36 - E
NE NE - 36 - 4N - 37 E

14408

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

Capital Hill Ditch Co.
Idaho Falls, Idaho.

Aug. 2, 1922.

DEAR SIR:

I enclose herewith blank Form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **14408**.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before **Nov. 26, 1922.** Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

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

Very truly yours,

W. G. SWENDSEN.

Commissioner of Reclamation.

14408

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 14408
Gust Stoneberg
R.F.D. #4 Idaho Falls,
Idaho.

Boise, Idaho,
Dec. 4, 1919.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

W. G. Swendsen,
Commissioner of Reclamation.

14408