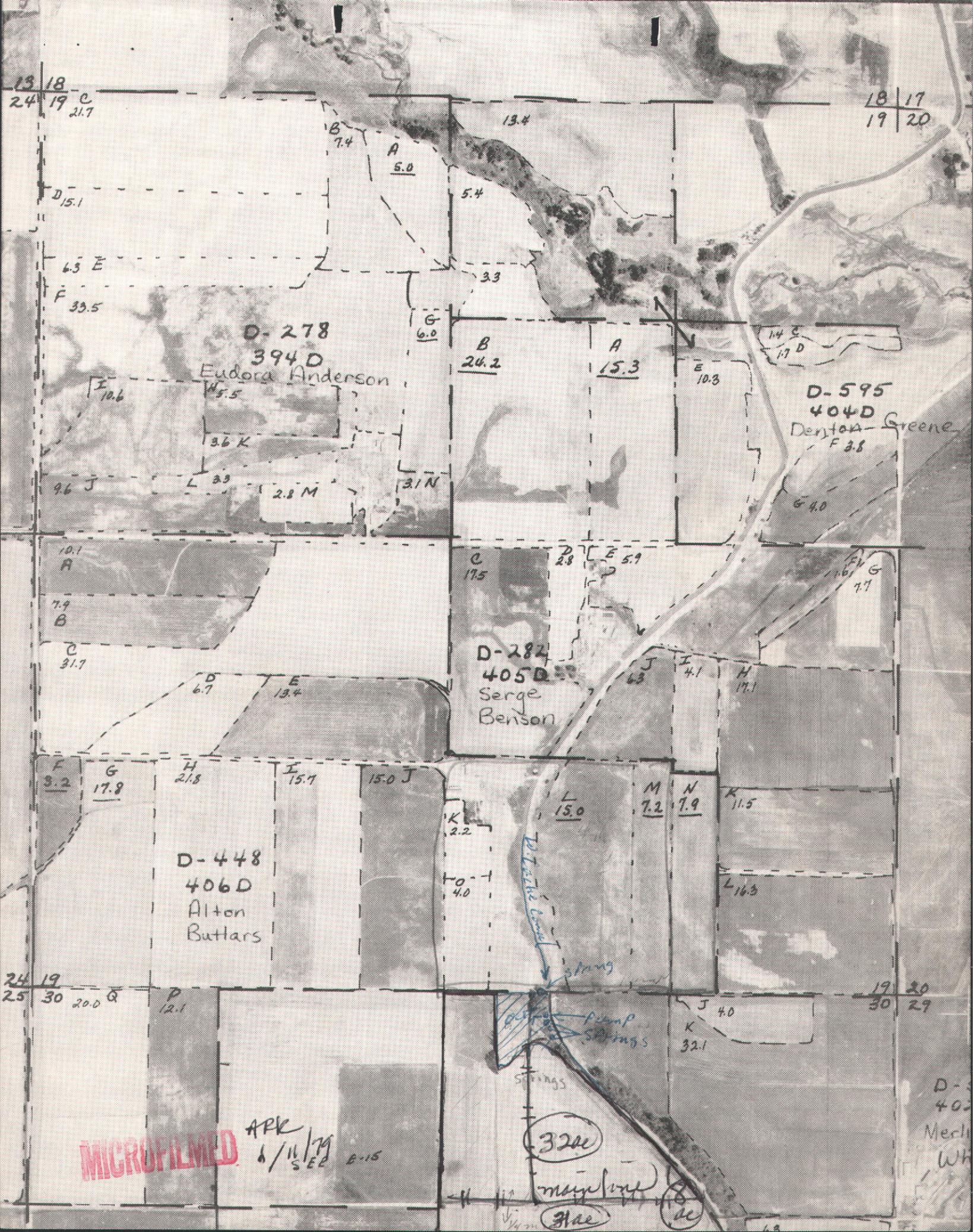




13 18
24 19 C
21.7

18 17
19 20

D-278
394 D

Eudora Anderson

D-595
404 D

Denton Greene

D-282
405 D

Serge Benson

D-448
406 D

Alton Butlars

MICROFILMED

APK
6/11/74
S.E.C. B-15

32ae

mainline

31ae

D-5
402
Merle
Wh

RECEIVED

AUG 12 1975

Phone _____
Department of Water Resources
Phone _____
Eastern District Office

3. Water will be used for the following purposes:

Other uses: _____

- County

Other Points of Diversions: _____

Description of diverting works: pump from canal thru steel pipeline

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

Application for Amendment

RECEIVED
JUN 7 1965

POINT OF DIVERSION

Department of Reclamation

Permit No. 28742

Comes now Chester J. Butters and
represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. 28742.

That the point of diversion is described in said Permit as being located:

SW 1/4 Sec 19, Twp 16 SR 39 E1M

That he now requests that the point of diversion be changed to a point
located: NW 1/4 Sec 30 Twp 16 SR 39 E1M

That the reason for desiring to make such change is as follows:

Original point of diversion made in error and discovered later.

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Preston, Idaho, this 3rd day of June 1965

Chester J. Butters

Date of Receipt at Department Of Reclamation: June 7, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

CARL E. TAPPAN

I, ~~Chester J. Butters~~ State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to Appropriate the Public
Waters of the State of Idaho, No. 28742. This approval constitutes a new
permit and is issued as an amendment to the original permit, to which it refers and of
which it becomes a part, and said application is approved only insofar as the rights of
others will not be adversely affected thereby.

Recorded in Book 101 of
Permits, at Page 28742
June 8, 1965

Carl E. Tappan
State Reclamation Engineer

28742

*
Spring Location -
North Approx. 1300' from S E Corner
Section 19 - Thence west Approx. 2150'

*
Land irrigated: Approx 71 Acres located
in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 19 R 39 E
+ T 16 S And in NW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec 20 T 16 S + R 39 E
and the remainder of the 71 acres
is in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec 20 T 16 S R 39 E.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-2207 Priority June 23, 1968 Amount 0.16 cfs
(late proof)

THIS IS TO CERTIFY, that C. J. BUTTARS
of Cornish, Utah, has complied with the terms and conditions of Permit
No. 13-2207 issued pursuant to Application for Permit dated May 26, 1970,
and has submitted proof to the Department of Water Resources on June 24, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.16 cfs of water from an unnamed springs,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.16</u> cfs and	<u>68 acre feet</u>
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.2</u> cfs and	<u>0.2 acre feet</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.16 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
68.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 16S,
Rge. 39E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NEW				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 $\frac{1}{4}$	
16S	39E	30		2	3	8													71

Total number of acres irrigated 71

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
December, 19 79.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 30 1979

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now C. J. BUTTARS

of (address) Box 15, Cornish, Utah 84308, 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. 13-2207, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 16S, Range 39E, B.M.,
County of Franklin. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.16 for Irrigation purposes from April 1 to November 1 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.02 for Stockwater purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

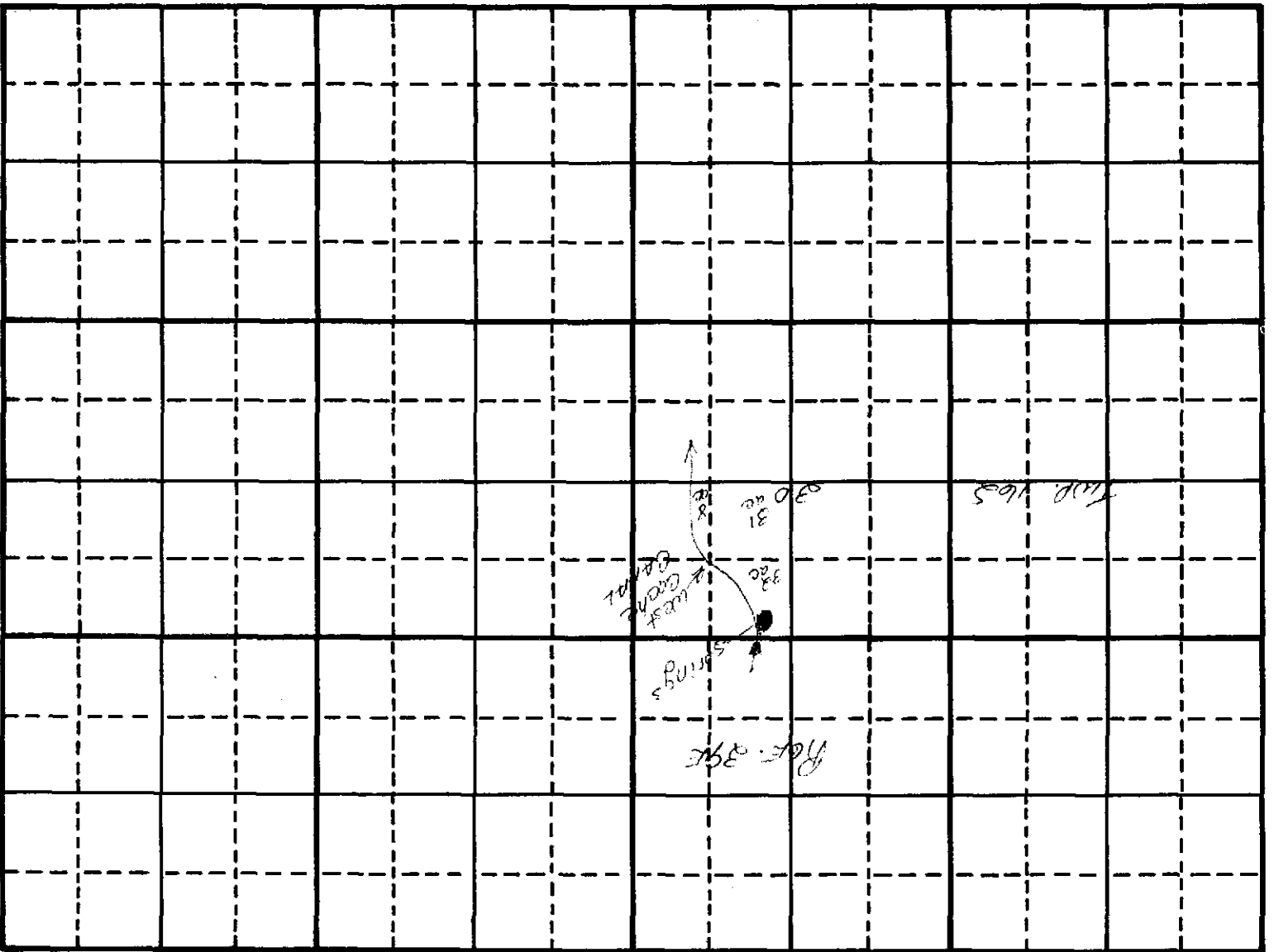
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	39E	30		32	31	8													71

Total number of acres to be irrigated = 71

4. a. Who owns the property at the point of diversion? C. J. Buttars
b. Who owns the land to be irrigated or the place of use? C. J. Buttars
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Cornish, Utah, this 28 day of Nov, 19 79.

(Signature)

[Handwritten Signature]

FOR DEPARTMENT USE ONLY

#15713

Preliminary check by _____ Fee = \$20.00

Received by *[Signature]* Date 12/4/79

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced Application for Amendment of Permit No. 13-2207

Witness my hand this _____ day of _____

December

19

Director

[Handwritten Signature]

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Walter Ross

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 18, 19 *74*, and ending

with the issue of *July 25*, 19 *74*

Fees, \$ *17.02*

Subscribed and sworn to before me this *28* day

of *August*, 19 *74*.

William D. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that C. J. Buttars, P. O. Box 15, Cornish, Utah has received an approved Permit No. 28742 13-2207 issued by the Idaho Department of Water Administration authorizing the diversion of 1.42 cubic feet per second of water from springs, tributary to West Cache Canal. The priority to be established under this permit is June 23, 1968 and the permit was approved May 27, 1968.

Water is to be diverted by pump from canal through steel pipeline from a point within the NW 1/4 NE 1/4, Sec. 30, Twp. 16S, Rge. 39E, B.M., Franklin County to be used for irrigation, culinary, and livestock purposes in the SW 1/4 SE 1/4, Sec. 19, N 1/2 NE 1/4, Sec. 30, Twp. 16S, Rge. 39E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on June 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

B. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on July 18 and July 25.
Legal No. 2694 — Pub. July 18, 25, 1974.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 28742/13-2207)
IN THE NAME OF C. J. BUTTARS)
_____)

ORDER

WHEREAS, on May 26, 1960, C. J. Buttars applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 1.42 cubic feet per second of water from springs, tributary to the West Cache Canal, from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Twp. 16S, Rge. 39E, B.M., Franklin County, to be used for irrigation, culinary, and livestock purposes; and,

WHEREAS, on May 27, 1960, the Department approved said application and issued Permit No. 28742/13-2207 with the condition that one-fifth (1/5) of the work be completed on or before November 27, 1962, that the whole of said work be completed on or before May 27, 1965, and the proof of beneficial use of water be made on or before May 27, 1966; and,

WHEREAS, on May 27, 1965, the Department received the required proof of completion of works; and,

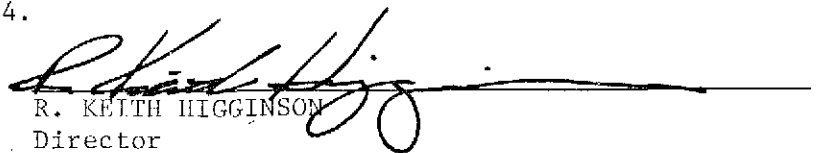
WHEREAS, on May 15, 1974, the Department notified the permit holder that Permit No. 28742/13-2207 was subject to cancellation for failure to submit proof of beneficial use on or before May 27, 1966; and,

WHEREAS, on June 24, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 28742/13-2207 be advanced to June 23, 1968.

Dated this 26 day of June, 1974.


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 28742/13-2207)

IN THE NAME OF C. J. BUTTARS)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

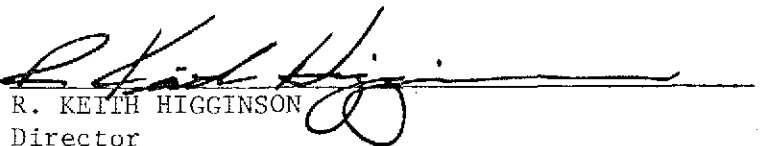
WHEREAS, on August 1, 1968, the Department of Water Administration (formerly the Department of Reclamation) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 28742/13-2207 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.

Dated this 26 day of June, 1974.


R. KEITH HIGGINSON
Director

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

APPLICATION No. **36724**
 PERMIT No. **28742**
 DISTRICT No.

13-2207

1. Name of Applicant: **C. J. Butters**

Postoffice address: **Cornish**

County: **Cache**

State: **Utah**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **1.42**

cubic feet per second.

3. Source of water supply: **Springs**

which is a tributary of **West Cache Canal**

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the **SW 1/4 SE 1/4**

of section **19** , T. **16 S** , R. **39 E** , B. M., County of **Franklin**

5. Water is to be used for **Irrigation, culinary, livestock**

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

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

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

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

7. Estimated cost of works: \$ **8,000**

8. Kind of works: **Pump from canal thru steel pipeline**

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 feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
 dimensions of flume:

Diameter of pipe **8** inches; length of conduit **1600'** miles.

Average grade per mile feet.

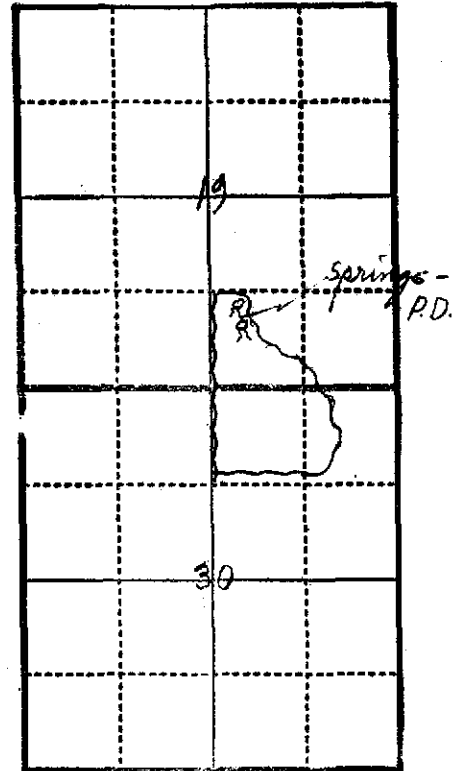
12. The time required for the completion of such work is **5** years.

13. The time required for the complete application of the water to the proposed use is **1** additional years.

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

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

**West Cache Canal -
 55 shares**



a part, and said application is approved only insofar as the rights of other will not be adversely affected thereby.

Recorded June 8, 1965

s/ CARL E. TAPPAN
State Reclamation Engineer

Permit No. 28742 ✓
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that C. J. Buttars of Cornish, County of Cache, and State of Utah, the holder of Permit No. 28742, issued upon Application No. 36724 bearing date of priority of May 26, 1960, authorizing the diversion of 1.42 second feet of waters of Springs, County of Franklin, State of Idaho, for irrigation, culinary & livestock 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 1.42 second feet of the waters of Springs, tributary West Cache Canal that the point of diversion of said waters NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16S., R. 39E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, T. 16S-R. 39 E., B.M.

Witness my hand this 8th day of June, A.D. 1965.

/s/ CARL E. TAPPAN
State Reclamation Engineer

Proof of Completion of Works Made: May 27, 1965



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

December 28, 1979

C. J. Buttars
P.O. Box 15
Cornish, UT 84308

Dear Mr. Buttars:

RE: Permit No. 13-2207

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 15713 in the amount of \$20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 14, 1979

Mr. C. J. Buttars
P.O. Box 15
Cornish, Utah 84308

Dear Mr. Buttars,

RE: Permit No. 13-2207

A representative of this Department made an examination of the works covered by your Permit No. 13-2207 on June 29, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.16 cfs Source: unnamed springs

The maximum quantity diverted shall not exceed 68.2 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 16S, Rge. 39E, B.M.

Beneficial use: Irrigation of 71 acres and stockwater use within the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, Twp. 16S, Rge. 39E.

Priority date established: June 23, 1968

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

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OCT 31 1979

Department of Water Resources

M E M O R A N D U M

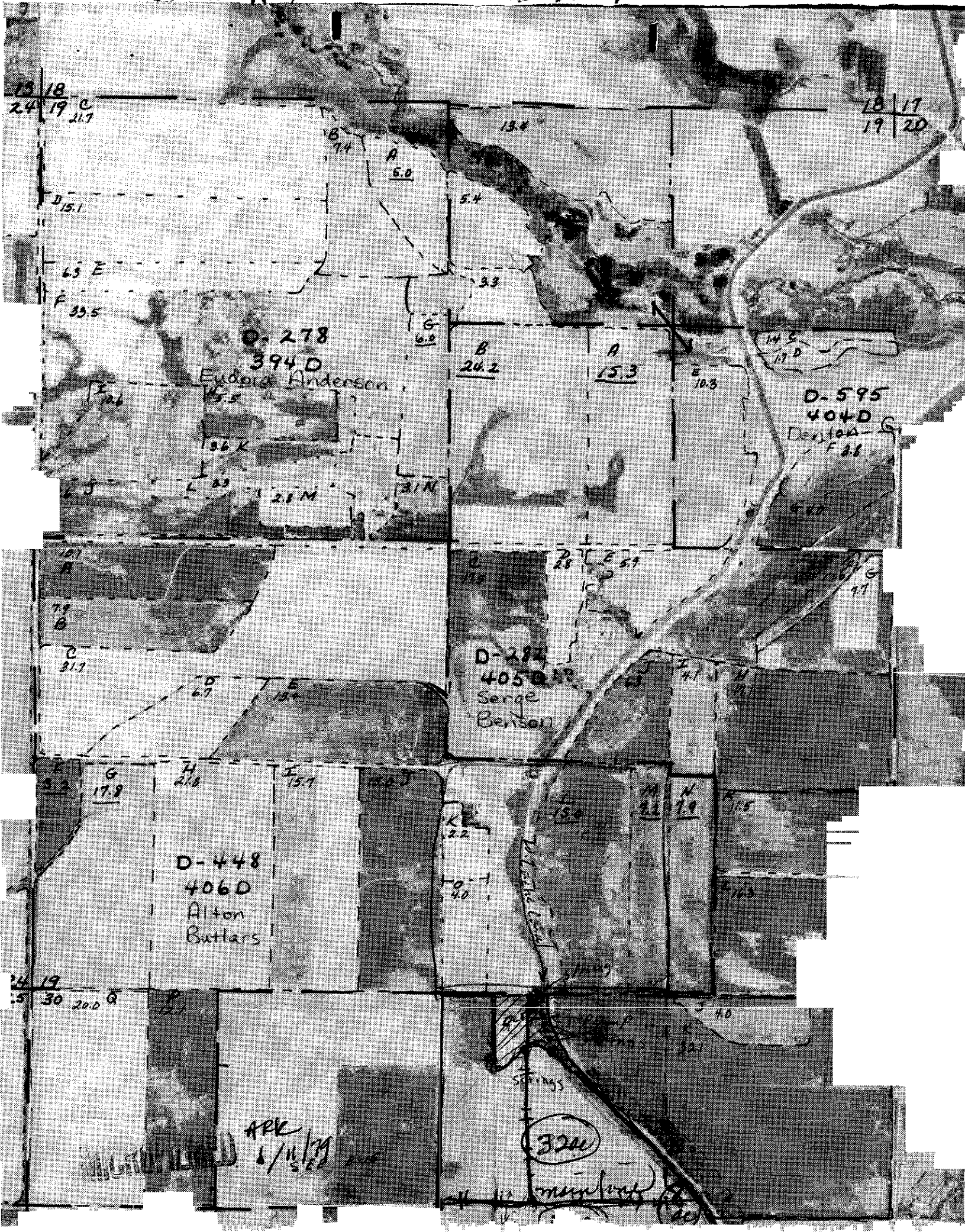
TO: Jan Grover
FROM: Bill Rhoads
RE: Permit No. 13-2207
DATE: October 30, 1979

Without providing you with a sales pitch or all of the irrigation details, I would like to ask that you issue this license as soon as it is convenient.

This office has made numerous measurements and other contact with Mr. Butters and the West Cache Canal Company. Apparently issuance of a license from this Department will smooth out the relationship that continually causes this region at least an annual visit to solve a delivery problem.

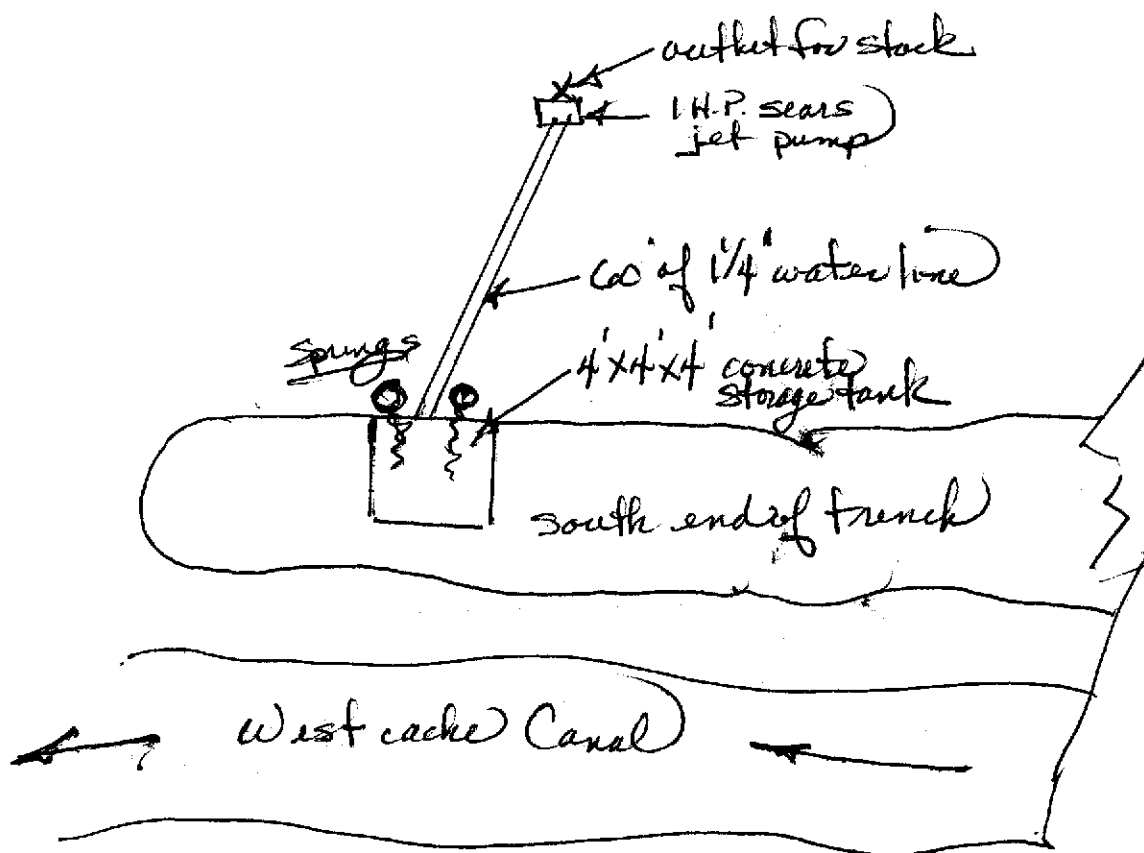
RECEIVED

13-2207



stockwater diversion

13-2207 | C.J. Butters



ARK
1/11/1979

MICROFILMED

RECEIVED

MAY 9 1977

Department of Water Resources
Eastern District Office

P. O.
Cornish, ID
May 5, 1977

1-801-258-2759

RE: Permit No. 2874/13-2207

Mr. Bill Rhoads
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Rhoads:

The water from the springs on my property runs into the West Cache Canal, and I pump it back onto my property for irrigation purposes. There isn't room between the springs and the canal to make a reservoir. The canal company has denied me the right to pump the water back out of the canal.

Can I get some support from you to get the West Cache Irrigation Company to let me pump my water back onto my property?

Yours truly,

C. J. Butters
C. J. Butters

Chambers, Ferris Pres.
Elton Butters Mgr

Allen Jenkins — 563-5113
Lytle Colley 563-5277

MICROFILMED

753-3661

P. O. Box 15
Cornish, Utah 84308
January 22, 1975

RECEIVED

JAN 23 1975

Department of Water Resources
Eastern District Office

RE: Permit No. 28742/13-2207

Mr. Bill Rhoads
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Rhoads:

Regarding your letter of January 9th, I do not know what information you have on my water system, but it isn't a well, it is springs that I have filed on that run into the West Cache Canal.

When the West Cache Canal is operating at full capacity it would be much harder to determine the full amount of water that these springs contribute to the irrigation stream. In order to see the full capacity of the springs, 1.42 second feet of water, it would almost be necessary to see it before the water is back in the canal, which is around April 1st.

If you wait to come until after the water is in the canal, I am afraid you won't see what you are coming to see.

Yours truly,

C. J. Butters
C. J. Butters

ls

Note: measure ~~the~~ spring discharge (if possible), Mandatory to measure H₂O pumped from W. Cache Canal.

MICROFILMED

Check → co-mingled H₂O

WR.

when water out of canal.

January 9, 1975

RE: Permit No. 28742/13-2207

Mr. C. J. Buttars
P.O. Box 15
Cornish, Utah 84308

Dear Mr. Buttars:

Thank you for your interest in getting the water right examination done. However, it will be necessary to wait until the irrigation season commences before an accurate examination can be done.

The items required for completing an exam are the point of diversion, rate of diversion, place of use, and period of use. Obviously, all of these items cannot be completed at this time.

Please contact me as soon as your irrigation system is operating at full capacity. I will then set aside a specific time to meet with you at the well site.

Very truly yours,

BILL RHOADS
Water Resource Specialist

BR:CW

cc: IDWR - State Office

MICROFILMED

RECEIVED
AUG 8 1975

Department of Water Resources
Eastern District Office

P. O. Box 15
Cornish, Utah 84308
August 6, 1975

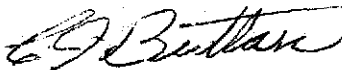
RE: Permit No. 2874/13-2207

Mr. Bill Rhoads
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Rhoads:

On January 9th you wrote to me regarding a water right examination on my property. I would like this done as soon as possible. Please let me know when this examination can be made. The irrigation system is operating at full capacity.

Yours truly,



C. J. Buttars

MICROFILMED

RECEIVED

DEC 4 1974

Department of Water Resources
Eastern District Office

P. O. Box 15
Cornish, Utah 84308
December 3, 1974

Re: Permit No. 28742/13-2207

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho

Gentlemen:

I am writing to ask if you can hurry up the field examination so that
I can get my permit.

Please let me know the date you will be coming to make the examination.

Yours truly,



C. J. Butters

MICROFILMED

P. O. Box 15
Cornish, Utah 84308
September 7, 1974

Re: Permit No. 28742/13-2207

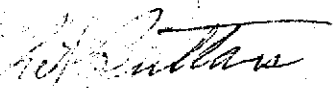
State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho

Gentlemen:

I have been informed that a field examination must be made by your department in connection with my permit.

I am writing to suggest that a more thorough examination can be made after October 15th when the water is turned down in the West Cache Canal.

Yours truly,


M. J. Butters

RECORDED

RECEIVED

AUG 12 1975

Post office address Box 15, Cornish, Utah 84308

Phone _____
Department of Water Resources
Phone _____ Eastern District Office

Person to contact 801 - 258 - 2159

2. Source of water supply: Groundwater ☐ Surface water ☒ springs (name spring, stream, etc.)
 Remarks on Back Tributary to West Cache Canal

3. Water will be used for the following purposes:

Amount 1.42 c.f.s. for Irrigation, culinary, stockwater
 AF/Annum (nature of use)

Period of Use: from April 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum _____ (nature of use) _____

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

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

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

Other uses: _____

Permit No. 13-2207

Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1.42 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 16S N/S, Range 39E E/W, B.M., Section 30, Subdivision NW 1/4 NE 1/4, Franklin
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County _____

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

Other Points of Diversions: _____

Description of diverting works: pump from canal thru steel pipeline

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

Exam done 5/18/77 L.H.

Pump: Cornell Rain Flow $7\frac{7}{8}$ "

Model 3YB50-2 SCL-13926

Motor: GE Model 5K 324YAM101

ser - DF-1422438 50 H.P.

Mainline pipe embedded in concrete slab
dated Oct. 16, 1959

Measurement (5 part flow)

1) 2.5 gal / 17 sec	}	$12.5 \text{ gal} / 8.35 \text{ min} = .0186$	$+ .088$		$.1066$
2) 2.5 gal / 90 sec					
3) 2.5 gal / 49 sec					
4) 5.0 gal / 5'45 sec					
5) $H = .26 = .088 \text{ of } 5 \text{ (weir)}$					

= .12 Total

On Jan 18, 1977 I telephoned Mr Butters to make him aware that a field examination needs to be completed. Since a preliminary exam was made by Bell & Loren, Mr Butters has taken a Backhoe and dug a trench & catch basin to collect the flow of water from the springs. He has also tapped some new spring flows and he claims that he now has twice the flow previously measured.

We need to remeasure the isolated flow of spring waters & also the diversion of coningled water from the spring & the canal. Subtracting his canal or Bear River water right from the measure of coningled flows will yield the beneficial use of the water from the springs.

Potential Problem: This permit should have never been issued in the first place. This water rightfully belongs to the Canal Co. as it has historically discharged into the canal and has been used by the Canal Company. More than likely W. Caine canal will file a claim & the matter could go for court for resolution. Be sure the exam is done accurately & correctly. AHC Jan 19, 1978

DATE OF EXAM 6/29/78

ACREAGE

Found 71 ac
Recommended 11 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE

Irrigation Q = .16 c.f.s. V = 68.23 AF/Ann. from April 1 to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .02 c.f.s. V = .20 AF/Ann. from April 1 to Nov 1

Q total = .16 cfs V tot = 68.43 AF/yr

Is water co-mingled? yes X no

Name source: water from springs are comingled with deuced water in the West Cache
twp. 16S N/S, Rge 39E E/W, B.M., Sec. 30 Sub. NW 1/4 NE 1/4 Franklin County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured .16 cfs Method of measurement Bucket & stopwatch

Total Q recommended .16 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 68.43 AF/yr

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

(Sum of 3 - measurements)
measurement #1 - measured 2.5 gal in 4.5 sec. Q = 33.33 gpm
measurement #2 - measured 2.5 gal in 5 sec Q = 30.00 gpm
measurement #3 - measured 2.5 gal in 22.5 sec, Q = 6.76 gpm
Q total = 70 gpm
= .16 cfs

$V = 71 \text{ ac} \times 3.5 \text{ AF/Ac/yr} = 248.5 \text{ AF/yr}$
 $.16 \text{ cfs} \times 1.9835 \times 215 \text{ dy} = 68.23 \text{ AF/yr}$
stock Q = .02 cfs by assignment. Stock V = .2 AF/yr from table

SYSTEM DESCRIPTION:

Springs water is collected in a man-made trench adjacent to the West Cache Canal. This water can be comingled with deuced water diverted into the trench via culvert & headgate. The comingled water is lifted into a pressurized sprinkler system consisting of a 36" diam vertical culvert sump well. Water is lifted by means of a 50 H.P. General Electric rugged induction motor, m/n. 5K324 XAH101, SA-DEF422438 & by a Runflow centrifugal pump.

REMARKS: 71 ac are irrigated by 1 handline sprinkler consisting of 62 jets 3/4" in diam.

* System shown, operated, & described by C. S. Baltus
No domestic use of water
NO CONFLICTING RIGHTS

Examiner's Signature Anthony R. Kozlowski Date 1/11/79

Checked by Rodney A. Parker Date 1/12/79

Approved by Date

See enclosure for diagram of stockwater diversion
Approx 50 head of sheep are watered from this source.

January 9, 1975

RE: Permit No. 28742/13-2207

Mr. C. J. Buttars
P.O. Box 15
Cornish, Utah 84308

Dear Mr. Buttars:

Thank you for your interest in getting the water right examination done. However, it will be necessary to wait until the irrigation season commences before an accurate examination can be done.

The items required for completing an exam are the point of diversion, rate of diversion, place of use, and period of use. Obviously, all of these items cannot be completed at this time.

Please contact me as soon as your irrigation system is operating at full capacity. I will then set aside a specific time to meet with you at the well site.

Very truly yours,

BILL RHOADS
Water Resource Specialist

BR:CW

cc: IDWR - State Office

RECEIVED
JAN 14 1975

RECEIVED

DEC 4 1974

Department of Water Resources
Eastern District Office

P. O. Box 15
Cornish, Utah 84308
December 3, 1974

Re: Permit No. 28742/13-2207

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho

Gentlemen:

I am writing to ask if you can hurry up the field examination so that I can get my permit.

Please let me know the date you will be coming to make the examination.

Yours truly,



G. J. Butters

September 3, 1974

Re: Permit No. 28742/13-2207

C. J. Buttars
P. O. Box 15
Cornish, Utah 83308

Dear Mr. Buttars:

We acknowledge receipt of the affidavit of publication submitted in connection with 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 concerning the field exam, please contact our Eastern District Office at 1515 Lincoln Road, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

August 23, 1974

Re: Permit No. 28742/13-2207

C. J. Buttars
P. O. Box 15
Cornish, Utah 84308

Dear Mr. Buttars:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit.

We cannot schedule a field examination, or issue a license until this affidavit of publication is received.

Please submit the affidavit within 10 days in order that this permit may remain in good standing with our office.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

July 8, 1974

Re: Permit No. 28742/13-2207

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by: C. J. Buttars
P. O. Box 15
Cornish, Utah 84308

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

RECEIVED
JUL 11 1974
WATER RIGHTS DIVISION

July 8, 1974

Re: Permit No. 28742/13-2207

C. J. Buttars
P. O. Box 15
Cornish, Utah 89308

Dear Mr. Buttars:

We have caused the legal notice for the above referenced permit to be published in the Preston Citizen on July 18, and July 25, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication, we will schedule a field examination.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
~~DDR~~

MICROFILMED

RECEIVED

JUL 5 1974

NOTICE OF EXISTING WATER PERMIT

Department of Water Resources

Notice is hereby given that C. J. Buttars, P. O. Box 15, Cornish, Utah

has received an approved Permit No.

28742/13-2207 issued by the Idaho Department of Water Administration authorizing the diversion ~~storage~~ of 1.42 cubic feet per second ~~one foot~~ ~~PER SECOND~~ of water from springs, tributary to West Cache Canal.

The priority to be established under this permit is June 23, 1968

and the permit was approved May 27, 1960.

Water is to be diverted by pump from canal through steel pipeline from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 16S, Rge. 39E, B.M., Franklin County

to be used for irrigation, culinary, and livestock purposes

in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; NE $\frac{1}{4}$, Sec. 30, Twp. 16S, Rge. 39E, B.M.

Proof of the application of the water to beneficial use was ~~submitted~~ submitted to the Department on ~~or before~~ June 24, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice ~~or prior to the licensing of the permit, whichever is later, and no later than the date of publication of this notice.~~ ~~to the date of publication of this notice.~~

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho on July 18 and July 25.

Permit No. 28742/13-2207

Director:

You are hereby authorized to have the above notice published at my expense in the Preston Citizen of Preston, Idaho; published in the county in which the works are situated.

C. J. Buttars
(Signature)

Cornish, Utah
(Address)

July 2, 1974
(Date)

June 27, 1974

Re: Permit No. 28742/13-2207

C. J. Buttars
P. O. Box 15
Cornish, Utah

Dear Mr. Buttars:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority for this permit to June 23, 1968.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed Order modifies your permit to comply with these rules and regulations.

As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will sign and return the enclosed advertisement authorization, we will cause the notice to be published.

If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: Order advancing priority
Modification Order
Advertising authorization
w/instructions

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

late
Department of Water Administration jg

1. a) Name of Permit Holder C. J. Butters
b) Post Office Address P.O. Box 15 Cornish, Utah
2. Permit Number 13-2207
3. Date of Priority that you are prepared to establish Dec. 10, 1959
4. a) Source from which water was appropriated Spring
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 19
Township 16 S, Range 39 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 1.42 for irrigation purposes from April 15 to Oct 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.42 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: engineer working for Fitcher Pump & Pipe - that engineered the project -

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) springs run into West Cache Canal. Water is pumped from the canal 50 hp. electric motor and pump
b) Describe the type and size of measuring device which you have installed at your point of diversion: no measuring gauge - they go by hours
c) Give well drillers name and address and date the well was completed _____

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place

of use Turkey - sheep - cattle - horses on my farm where spring is located

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

sion:

71 A.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 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	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			165	39E	19																		31
			30	8	32																		40
																							71

Total number of acres irrigated

71

10. Remarks:

I wish to obtain a water license for the water on my property so that it will stay with the property

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

(Date)

June 21, 1974

(Signature)

Charles D. Berlan

State of

Utah

County of

Cache

On this 21st day of June, 1974, personally appeared before me the

signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

William Larry McKnight
Panguitch, Utah

My commission expires

8-4-76

June 12, 1974

Re: Permit No. 13-2207

C. J. Buttars
Cornish,
Utah 84308

Dear Mr. Buttars:

Pursuant to your letter received on June 10, 1974, we are enclosing the Department's Proof of Application of Water to Beneficial Use form for your use in connection with the above referenced permit.

Also enclosed for your review is a copy of the permit. You will note that the permit covers irrigation, culinary and stockwatering purposes.

Please submit the required proof to this office on or before June 24, 1974 to avoid the cancellation of this permit. If you should have any further questions regarding this matter, please advise.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:jfr

Enclosure: Proof affidavit
Copy of Permit

RECORDED

RECEIVED

JUN 29 1974

Department of Water Administration

P. O. Box 15
Cornish, Utah 84308
May 23, 1974

Mr. R. Keith Higginson, Director
State of Idaho
Department of Water Administration
614 State Street
Statehouse--Annex 2
Boise, Idaho 83720

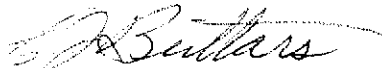
Dear Sir:

Regarding Permit No. 28742 (New No. 13-2207) and your letter of May 15. This spring is on my property. My father purchased this property on November 10, 1941 and I purchased it from him on December 10, 1959.

Since 1941 the water from this spring has been pumped to water turkeys and livestock. The power for the pump is furnished by Utah Power & Light at Preston, Idaho. If you need proof of the use of this pump, you can check with them.

I want this water for cullinary purposes as well as watering livestock.

Yours truly,


C. J. Buttars

CJB:ls

MICROFILMED

May 15, 1974 CERTIFIED MAIL

#32073

*Certified Card
not returned
ds*

Re: Permit No. 28742 (New No. 13-2207)

C. J. Buttars
Cornish,
Utah 84308

Dear Mr. Buttars:

It appearing to the Department of Water Administration that the terms and conditions of Permit 28742/13-2207 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on May 27, 1966, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 28742/13-2207 claims the use of 1.42 cubic feet per second of water from Springs tributary to West Cache Canal, the point of diversion was to be located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 30, Twp. 16 S, Rge. 39 E, B. M. and the permit was approved May 27, 1960.

/s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

REPROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 28742

Date:

March 4, 1966

C. H. Buttars
Cornish, Utah

Dear Mr. Buttars:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 28742 is due not later than **May 27, 1966**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

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

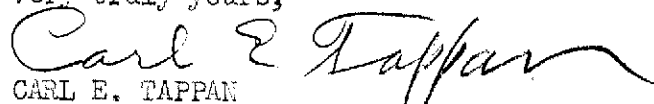
We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

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

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

Very truly yours,


CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 10 and 11

28742

August 23, 1965

RE: Permit No. 28742

Chester J. Buttars
Cornish, Utah

Dear Mr. Buttars:

In checking your permit which shows irrigation of 31 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 16 S., Rge. 39 E., B.M., I found a description of your land on the proof of completion of works which shows you own 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 31 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16 S., R. 39 E., B.M.

You amended your point of diversion from a spring in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19 to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30.

You should be sure of the land to be irrigated before making proof of beneficial use of the water or you may have to readvertise the legal notice at your expense.

Enclosed is a form to amend the land list. There is a fee of \$1.00 for recording an amendment to a permit.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. amendment form

28742

June 8, 1965

Re: Permit No. 28742

Mr. C. J. Buttars
Cornish, Utah

Dear Mr. Buttars:

Enclosed is the Amendment to the point of diversion on the above numbered permit, and the Certificate of Completion of Works.

Also enclosed is departmental receipt No 32795, in the amount of \$5.00 covering fee for certificate and receipt No. 32801, in the amount of \$1.00 for amendment.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ev

Ecn. certificate
amendment
receipt

Application for Amendment

RF

VEC

JUN 7 1965

POINT OF DIVERSION

Department of Reclamation

Permit No. 28742

Comes now Winchester J. Butters and
represent s to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. 28742.

That ~~the~~ point of diversion is located as being located:

SW 1/4 Sec 34, Twp 14 N, R 30 W

That he now requests that the point of diversion be changed to a point
located: SW 1/4 Sec 30 Twp 14 N, R 30 W

That the reason for desiring to make such change is as follows:

Original point of diversion was in error and discovered later.

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Idaho, this 3rd day of June 1965

Winchester J. Butters

Date of Receipt at Department Of Reclamation: June 7, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

CARL E. TAPPAN

I, ~~Winchester J. Butters~~ State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. 28742. This approval constitutes a new
permit and is issued as an amendment to the original permit, to which it refers and of
which it becomes a part, and said application is approved only insofar as the rights of
others will not be adversely affected thereby.

Recorded in Book 101 of
Permits, at Page 28742
June 8, 1965

Carl E. Tappan
State Reclamation Engineer

28742

STATE OF IDAHO
Department of ReclamationRECEIVED
JUN 7 1965

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

ss.

Chester J. Buttars, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 28742, and that his postoffice address is Cornish, Utah
State of UtahSecond: That the name of the stream from which said water is to be diverted is Three unnamed springsThird: That the point of diversion of said water is 30 rods E and 15 rods S of the NW 1/4 NE 1/4 Section 30 Twp 16 SR 39 EBMFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 27, 1965Fifth: That the use for which said water is intended is Culinary, Domestic and Irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Catch Basin, Pump and piping

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use One-half second feet of water.Eighth: That water appropriated under said permit is available for 71 acres of land described as follows: Commencing at a point 16 rods N of the SW corner of the NE 1/4 of Section 30, Twp 16 SR 39 EBM, and running thence N 1 1/2 rods; thence E 80 rods; thence S 1 1/2 rods; thence W 80 rods to the place of beginning. Less right of way of the West Cache Canal.NE 1/4 NE 1/4, NW 1/4 NE 1/4, Sec 30SW 1/4 SE 1/4, Sec 19 T 16S - 39E

Ninth: Remarks:—That _____

Chester J. Buttars
(SIGN HERE)Subscribed and sworn to before me this 27th day of May, 19 65Red B. Larson
NOTARY PUBLICMy commission expires May 12, 1966

28742

June 2, 1965

RE: Permit 28742

C
O
P
Y

Chester J. Butters
Cormish,
Utah

Dear Mr. Butters:

Returned herewith is your proof of completion of works on the above numbered permit. You list the point of diversion as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T16S-R39E, while the permit has it listed as the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, 16S-P39E. If the point of diversion has been changed we require an amendment prior to accepting the proofs. Also you list the land as surveyed not as required by government land descriptions such as: 8 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T16S-R39E.

Please make the required amendment and/or corrections and return promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct
Enc. P.D. amendment, proofs

P. S. The fee for recording an amendment is \$1.00.

28742

5/27/65

Please send forms for
proof of beneficial use of the
water.

C. A. Butts

RECEIVED
JUN 1 1965

Department of Reclamation

Springs

SW 1/4 SE 1/4 - 19 - 16 S - 39 E

28742

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

March 1, 1965

Re: Permit No. 28742

C. J. Buttars
Cornish, Utah

Dear Mr. Buttars:

Under the terms of your Permit No. 28742 you are required to complete your diversion works on or before May 27, 1965. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Very truly yours,

State Reclamation Engineer

Enc. Form 6

Note: Failure to pay the \$5.00 statutory fee makes this permit subject to cancellation

28742

June 5, 1962

Re: Permit No. 28742

C. J. Butters
Cortish, Idaho

Dear Mr. Butters:

We have received your letter of June 4th in regard to completion of works under your permit to divert water from springs on your land.

You must make proof of completion of works on forms supplied by this office, on or before May 27, 1965. You must also make proof of beneficial use of the water on or before May 27, 1966, all as shown on page 4 of the permit.

Proof of completion of works requires answering questions on a form describing the works, the form to be signed before a Notary Public. The completed form with \$5.00 should be sent to this office and the Certificate of Completion of Works can be issued.

Proof of use of the water requires a legal notice to be published in four successive weekly issues of a paper published in the County wherein your land is located and subsequent depositions by the holder and two witnesses of the use of the water before a Notary Public.

Both proofs can be made at the same time with one set of forms similar to the proof of beneficial use of the water, which is the easiest way. We assume that you will have developed complete use of the water prior to May 27, 1965.

Kindly notify this office which proofs you desire to make when you request the forms.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

28742

RECEIVED

JUN 5 1962

Department of Reclamation

Cornish, Utah
June 4, 1962

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 28742

Gentlemen:

On June 6, 1960 you wrote to me regarding the time limit for completion of the work on the springs located on my land.

This letter is to inform you that I am now pumping water from this spring to water my turkeys, cattle, and irrigate on my farm.

Please inform me if there are any other requirements for the completion of this work.

Yours truly,



C. J. Buttars

q/w due - 5-27-65

BU " 5-27-66

28742

June 6, 1960

Re: Permit No. 28742

Mr. C. J. Butters,
Cornish, Utah.

Dear Mr. Butters:

We enclose Permit No. 28742 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30134 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

You will note, under Question 12, that we have changed the required time for completion of works to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

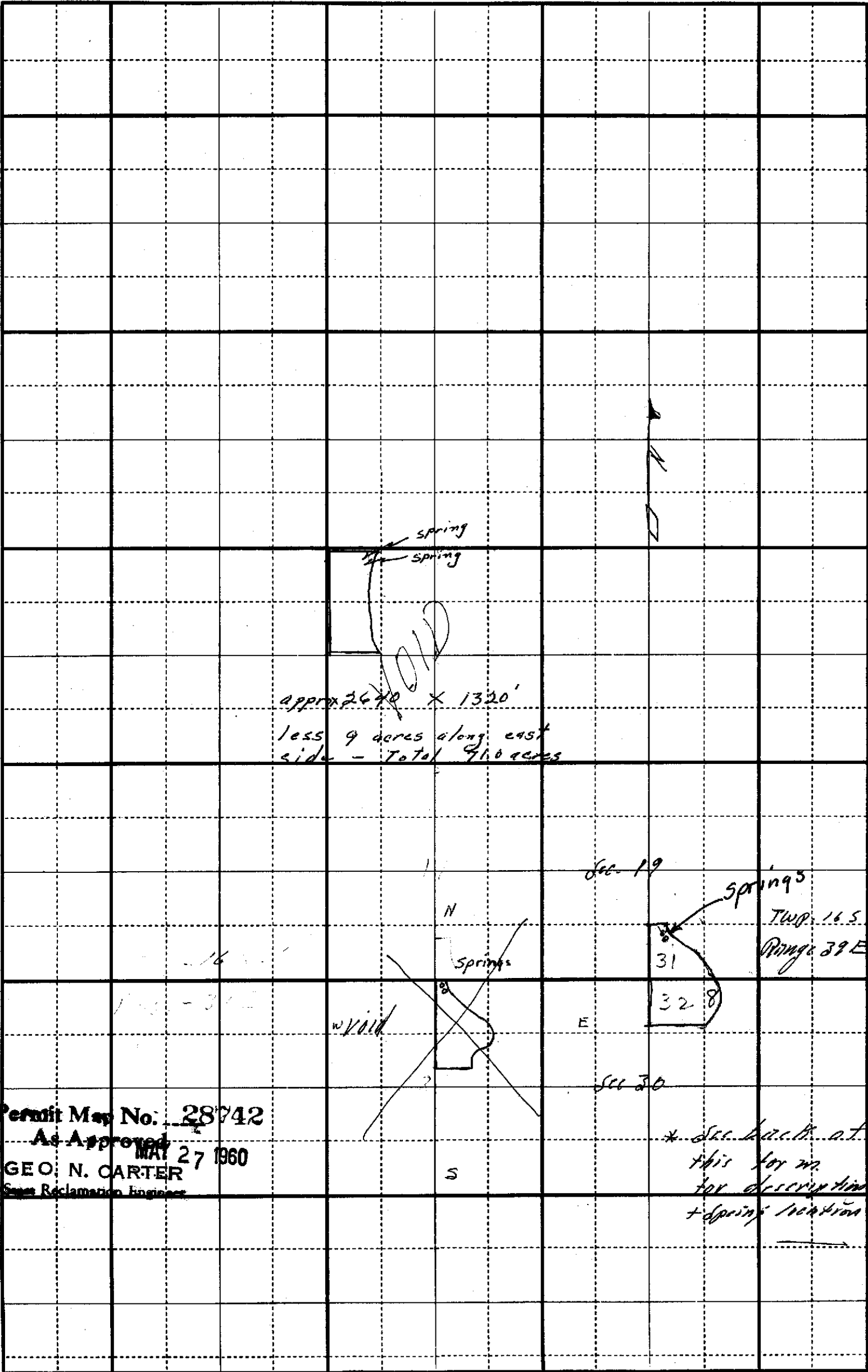
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak

28742



Permit Map No. 28742
As Approved
MAY 27 1960
GEO. N. CARTER
State Reclamation Engineer

* See back of this for m. for description + spring location

Spring location.

North approx. 1300' from S E corner
Section 19 - Thence west approx. 2150'

Land irrigated: Approx. 71 Acres located

in SW 1/4 of SE 1/4 of Sec 19 R 29 E
+ T 16 S And in NW 1/4 of NE 1/4
of Sec 20 T 16 S + R 29 E
and the remainder of the water
is in the NE 1/4 of NE 1/4
of Sec 20 T 16 S R 29 E

April 28, 1960

Re: Application for Permit

Mr. C. J. Butters
Cornish, Utah

Dear Mr. Butters:

Returned herewith is your application for permit with the attached check for \$5.25 filing fee.

We are further confused as to the location of your point of diversion and the land to be irrigated. The figures you give under Question I do not identify any place. The original sketch has been marked void and a new sketch below without showing the section, township or range number. If the scale is 2 inches equal one mile, the area enclosed appears to be less than 50 acres. The sketched area is moved from the NW of the section to the NE of the section.

Kindly get some one familiar with the task to plat your land on the form, show the location of the springs and the pipe line and/or the ditch used to distribute the water, and complete Question II. Or you may send us the description of your land and describe the location of the springs so we can make the map.

Very truly yours,

Geo. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Kule
Chief Clerk

RT:EPR:ew

28742
25

December 15, 1959

RE: Application for Permit

C. J. Butters
Cornish, Utah

Dear Mr. Butters:

Enclosed is the application for permit you submitted, with the attached check for \$5.00.

The amount of water claimed is 1.42 cubic feet per second, and the filing fee is \$5.25, being \$5.00 for the first cubic foot, and \$0.25 for an extra fractional part of a second foot.

The point of diversion under 4 is not clear. Kindly complete, showing the 40-acre subdivision which appears to be the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 16 South, Range 39 East in Franklin County.

On second page under 14 you show 40 acres under NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 31 acres under NW $\frac{1}{4}$ SW $\frac{1}{4}$. The map shows W $\frac{1}{2}$ NW $\frac{1}{4}$ and we have penciled 31 under SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Instructions, copy enclosed, shows you should show under Remarks the ownership of the land where the springs are located. We assume from the map that the springs are on your land, however you should so state under Remarks on page 3.

Show the section, township, and range on the map with arrow indicating north if north is not at top of map.

Kindly show corrections and additions and return to this office within 60 days.

Yours very truly,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:mr
Enc. application
check
instructions

28742
RT