

No Color
Documents
In File

State of Idaho

License and Certificate of Water Right

Water License No. 17659

Amount 1.8 sec. ft.

Water District No.

Priority May 6, 1932

THIS IS TO CERTIFY that ALBERT J. COTTLE
 of Malta, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated May 6, 1932; that Permit No. 17659
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 4.0 second feet, was issued thereunder on August 10, 1932, showing that said works
 were completed on the 6th day of August, 1932; and that on the 7th
 day of August, 1936,

ALBERT J. COTTLE

of Malta, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Parke Creek
 , a tributary of South Fork of Cassia Creek for the purpose of irrigation and
 domestic use, under Use Permit No. 17659 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 7
 of Licenses, at page 3864, on the 3rd day of March, 1937;

The right hereby confirmed dates from May 6, 1932;

The Point of Diversion is located
 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Tp. 13 S., R. 26 E., B. M. Cassia 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 1.8
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	26 E.	21	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	15
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	15
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	35	5
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	10
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20
					<u>90</u>

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 3rd day of March, 1937

R. W. FARIS

Commissioner of Reclamation

(SEAL)

43 3864

State of Idaho
License and Certificate of Water Right

Water License No. 17512.....

Amount 0.02 sec. ft.

Water District No.

Priority August 4, 1931

THIS IS TO CERTIFY that RAYMOND L. PASCOE
of Bellevue, Idaho , made application for a permit to appropriate the
public waters of the State of Idaho, dated August 4 , 1931 ; that Permit No. 17512
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.02 second feet, was issued thereunder on August 12 , 1935 , showing that said works
were completed on the 7th day of August , 1935 ; and that on the 28th
day of July , 1936 ,

RAYMOND L. PASCOE

of Bellevue, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of) springs
, a tributary of no stream, for the purpose of domestic use and stock
watering, under Use Permit No. 17512 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 7
of Licenses, at page 3863, on the 3rd day of March, 1937;

The right hereby confirmed dates from August 4, 1931 ;

The Point of Diversion is located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 1 N., R. 20 E., B.M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 3rd day of March, 1937

R. W. FARIS

Commissioner of Reclamation

(SEAL)

43-2271

Albert J. Cottle
Malta, Cassia County, Idaho

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 24777
Permit No. 17659
District No.

1. Name of Applicant: Albert J. Cottle
- Postoffice address: Malta County: Cassia State: Idaho
- I. If applicant is a corporation, give:
- (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
- II. The financial resources of the applicant are:
- (a) Cash on hand:
 - (b) Treasury stock
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: Four (4) cubic feet per second.
3. Source of water supply: Parke Creek which is a tributary of Cassia Creek, South Fork
4. Location of point of diversion: feet distant from the corner of Section , T. , R. , B. M., and is in the SW¹₄SW¹₄ of Section 33 , T. 13 S. , R. 26 E. , B. M., County of Cassia
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: \$ 100.00
8. Kind of works: Dam and ditch
9. Height of dam 3 feet; length of dam at top 15 feet; length of dam at bottom 12 feet; material used in dam: rock, brush and dirt
10. Size of headgate: Width 4 feet; height 2 feet.
11. Ditch: Width at bottom 3 feet; width at water line 6 feet; depth of water 1½ feet; dimensions of flume: Diameter of pipe inches; length of conduit Two miles. Average grade per mile 100 feet.
12. The time required for the completion of such work is Ninety days --years.
13. The time required for the complete application of the water to the proposed use is 4 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.

Albert J. Cottle

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P. M., May 6, 1932

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17659

Recorded in Book **64** Page **17659** Approved **May 7, 1932**

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

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

Work to begin on or before July 6, 1932

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 June 21, 1932

The whole of said work to be completed on or before August 7, 1932

Beneficial use of water appropriated in accordance herewith, to be made on or before August 7, 1936

Witness my hand this 7th day of May, 1932

R. W. FARIS
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	
13 S.	26 E.	21 28	20								25 40 30				35 30 40 40				260 40
															Total				300

PERMIT NO. 17659
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Albert J. Cottle of Malta, County of Cassia, and State of Idaho, the holder of Permit No. 17659, issued upon Application No. 24777 bearing date of priority of May 6th, 1932, authorizing the diversion of Four (4) second feet of the waters of Parke Creek, County of Cassia, 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 Four (4) second feet of the waters of Parke Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33 T. 13 S., R. 26 E.B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 300 acres as follows: 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 13 S., R. 26 E.B.M.; and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 13 S., R. 26 E.B.M.

Witness my hand this 10th day of August, A. D. 1932.

R. W. FARIS
Commissioner of Reclamation

Proof of Completion of Works made August 6th, 1932
Certificate of Completion of works issued August 10, 1932

LICENSE ISSUED FOR 1.8 SEC. FY.

P. 3864 Val 7.

March 4, 1937

~~XXXXXXXXXX~~

Barzilla W. Clark

Re: Permit No. 17659

ALBERT J. COTTLE
Malta, Idaho

Dear Sir:

You will find enclosed herewith, License and Certificate of Water Right which has been issued under the terms of the above permit for 1.8 cubic feet per second of the waters of Parke Creek, in Cassia County.

We are also enclosing our office receipt No. 16125 in the amount of \$12.00 covering fee remitted by you in connection with beneficial use proof.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by

Ass't Chief Clerk

cj
encl

17659

Malta Idaho

February 23, 1937

Dept. of Reclamation, FEB 25 1937

Boise Idaho

Department of Reclamation

Dear Sir, - Received your letter dated Feb. 19. in regards to making final proof on the Parke Creek water Permit No. 17659. and you stated that I owed the Dept. \$2.00 and upon receipt of same you would issue a license to me for 1.8 second fcd of water from Parke Creek.

Inclosed you will find check for amount stated - \$2.00. Kindly issue the license and mail same to me. Very truly yours,

Albert J. Cottle

17659

February 19, 1937

XXXXXXXXXX

Barzilla W. Clark

Re: Permit No. 17659

ALBERT J. COTTLE
Malta, Idaho

Dear Sir:

Upon checking the engineer's report covering his examination of the lands you have irrigated with the water claimed under Permit No. 17659, with respect to final proof, we find that he gives you credit for having irrigated a total of ninety acres situated in six different subdivisions in Sec. 21, T. 13 S., R. 26 E., B. 11.

The statutory fee due in connection with this matter is \$2.00 per subdivision. You therefore owe the department a total of \$12.00 and upon receipt of this amount, we shall issue a license to you for 1.8 second feet of the waters of Parke Creek.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

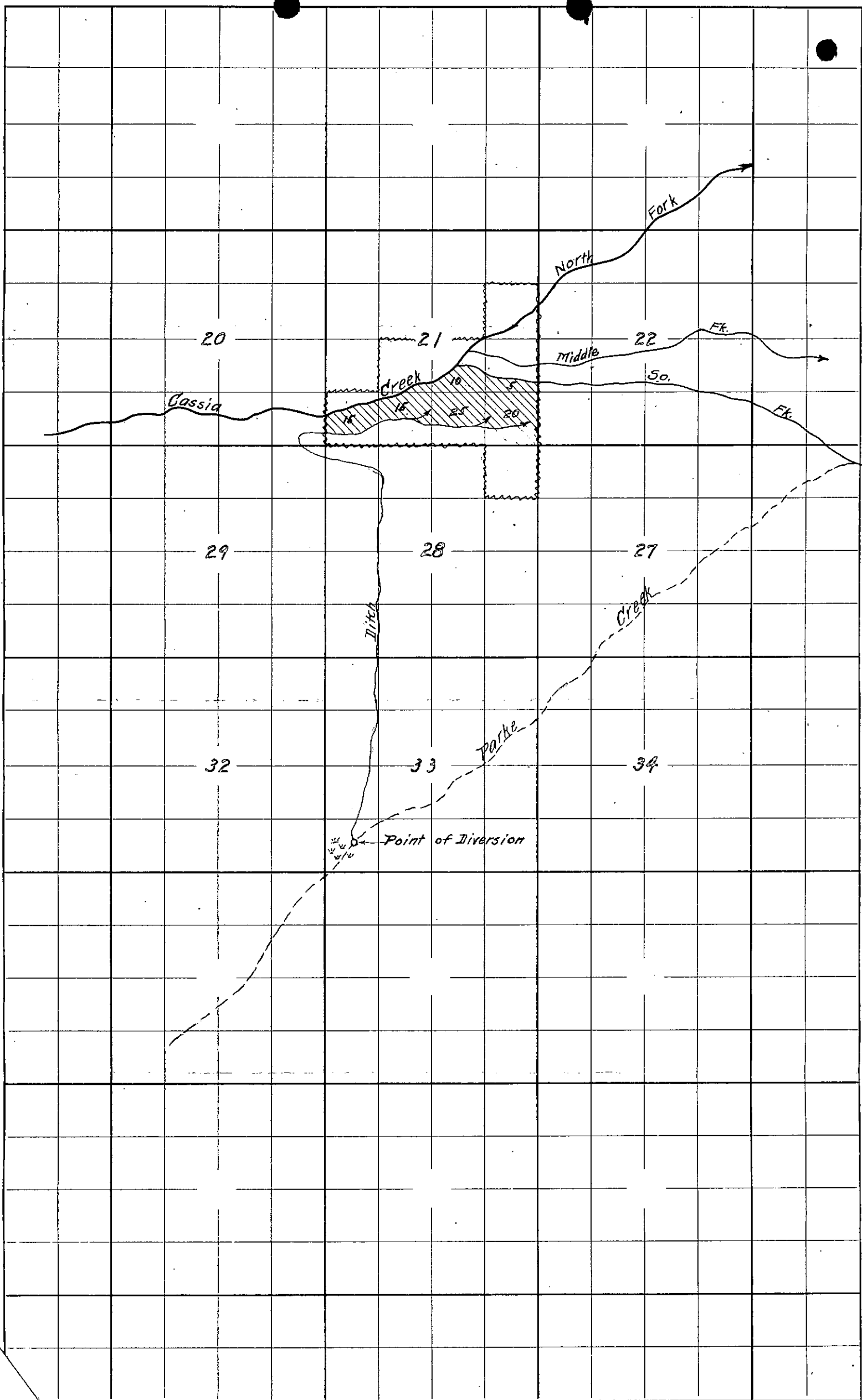
17659

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17659

REPORT ON PROOF OF Beneficial Use



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17659

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Albert J. Cottle

2. Source of water supply Parke Creek

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33

T. 13 S. R. 26 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion dam of pole brush and earth 20 ft long, 6 ft high. Ditch 3 ft wide and 1 ft deep*

5. Water is used for: Irrigation and domestic use

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23; all in T. 13 S., R. 26 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? *So. Fk. Cassia Creek and Raft River*

Remarks: *Parke Creek is tributary to Raft River only during high water portion of season. It is stated that flow ceased upon July 17th this year (at point of diversion)*

This examination was made on the 24th day of August, 1936

(Signed)

Edw. J. Johnson
Examiner.

Albert J. Cottle
Lata, Idaho 59

Permit No. 17659

Examination for Beneficial Use

County Cassia

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.

August 14, 1936

Re: Permit No. 17659

ALBERT J. COTTLE
Malta, Idaho

Dear Mr. Cottle:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees due before the issuance of your license.

Very truly yours

Chief Clerk & Office Engineer

FLH/cj

17659

AFFIDAVIT OF PUBLICATION

County of Cassia }
State of Idaho, } ss.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 2:00 p. m. on the 7th day of August, 1936, at Malta, County of Cassia,

State of Idaho, before Frank Riblett, Notary Public, proof will be submitted of the application to beneficial use of Four cubic feet per second of the waters of Park Creek in accordance with the terms and conditions of Permit No. 17659 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Albert J. Cottle, Malta, Cassia County, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is Four second-feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 300 acres as follows. 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 13 S., R. 26 E. B. M.; and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 13 S., R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Cottle Ditch.

The right to take water from such works is based upon Permit No. 17659.

The source of supply from which such water is diverted is Parke Creek, Cassia County, Idaho.

The date of the priority which said user is prepared to establish is May 6, 1932.

R. W. FARIS,
Commissioner of Reclamation.
June 18-25, July 2-9, 2

Henry C. Dworshak, being first duly sworn, deposes and says that he is the publisher of The Burley Bulletin, which is a newspaper printed regularly, issued and published weekly at Burley, in Cassia County, Idaho, and having a general circulation therein, and which has been continuously and uninterruptedly so printed and published as a weekly newspaper in said city and county during the period of 18 months prior to the first publication of said notice hereto attached, and at all times since, and during the period of more than 78 consecutive weeks prior to said publication and that the notice of which the annexed is a true copy, was published in the regular edition of said Burley Bulletin for four consecutive weeks, the first publication having been made on the 18th day of June, 1936, and the last publication on the 9th day of July, 1936.

Henry C. Dworshak

Subscribed and sworn to before me this 11th day of July, 1936.

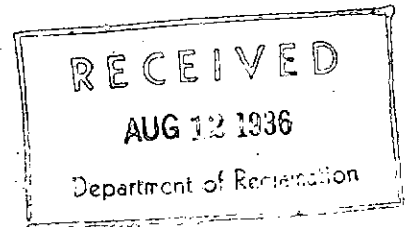
F. B. Lotson

Notary Public for Idaho,
Residing at Burley, Idaho.

My commission expires Jan. 16, 1939

17659

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17659

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Albert J. Cottle -- Malta, Cassia County, Idaho is the residence and post-office address - Occupation farming and stockraising

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. No corporation.

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

Ans. No. 17659 -- Date May 7, 1932. -- Date of Priority - May 6, 1932.

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

Ans. Parke Creek, - Cassia County, Idaho, Location of point of diversion is on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, - Tp. 13 S.R. 26 E.B.M.

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

Ans. Dam and ditch - Dam 3 ft. high, - Top length 15 feet. - bottom length, - 12 feet, - built of rock, brush and dirt. - head gate - width 4 feet, - height 2 feet, - The ditch being 3 feet wide at the bottom 6 feet wide at water line and 1 1/2 feet deep about two miles in length with grade of 100 feet to the mile. -- Capacity more than four Second feet of water. Called Cottle Ditch.

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. Assisted in improving production on about 50 acres of cultivated alfalfa and grain land and 250 acres of natural meadow land distributed as follows, to-wit: - 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, - 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, - and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, - Twp. 13 S.R. 26 E.B.M. - All for irrigation.

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

Ans. No other purposes.

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

Ans. One inch measured under a four inch pressure-Miner's
measurement to the acre.

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

Ans. Permit issued to me.

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

Ans. The said amount of water has been used and even more. varies
somewhat but averages about 60 days. from about the First of

April to along about the middle of June most years that is any
ordinary year. Runs a big stream for about 2 weeks then gradually slacks

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. Have 200 inches measured under a four inch pressure Miner's
measurement under the Cassia Creek Decree an old water right used
on said lands.

(Sign) Albert J. Gottle

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 Malta, County of Cassia, State of Idaho, on this 7th. day of August, A. D. 1936.

Frank Riblett

(Frank Riblett) Notary Public

for State of Idaho

My commission expires March 26, -1938.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17659

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. Walter Wheeler - 51 years of age-- Residence and post-office address- Malta, Cassia County, Idaho - occupation farming.

Ques. 2. Are you acquainted with Albert J. Cottle, the holder of Permit No. 17659? How long have you known him and where does he reside?

Yes.
Ans. Over twenty years. - Malta, Cassia County, Idaho

Ques. 3. Have you read or heard read said Permit No. 17659, 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. Parke Creek, Cassia County, Idaho, Point of diversion on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 13 S.R. 26 E.B.M.--Works; a dam and a ditch. The dam about 3 feet high and 15 feet long of rock, brush and dirt. The ditch from 4 to 5 feet wide- and about a foot and a half deep about 2 miles long and grade 100 feet to the mile or more. Capacity should say at least 1000 inches of water under a four inch pressure for I have seen that much being safely conveyed through it and used on the said land. although that is for a short time. Called Cottle Ditch.

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. See answer to question No. 4. Some years for a long time runs from 6 to 8 second feet.

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 improvement which have been made as a direct result of said use.

Ans. All for irrigation and has assisted in increasing production on about 50 acres of cultivated grain and alfalfa land and on 250 acres of natural meadow land scattered as follows, to-wit: 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, - 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, - Twp. 13 S.R. 26 E.B.M.

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

Ans. Used for irrigation only.

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. Excellent bottom loam. - Estimate minimum quantity of water required for profitable cultivation one inch to the acre under a four inch pressure, Miner's measurement.

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

Ans. Not interested.

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. Generally for about 60 days, from about the First of April to about the middle of June, that is in ordinary years. Runs a great a great amount of water for about 2 weeks, then slacks up-sometimes running 6 to 8 sec.ft. for a while, then some less, by flooding all that runs over the land previously mentioned.

(Signed)

Walter Wheeler

I hereby certify that the foregoing testimony was read to the above subbcriber 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 Malta, County of Cassia, State of Idaho, on this ~~xxxx~~ 9th. day of August, A. D. 1936.

Frank Pibbott

Notary Public.

My commission expires March 26, 1938.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17659

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. Charles S. Gamble -- age 59 years. -- Residence and post-office address- Malta, Cassia County, Idaho. -Occupation farming and stockraising.

Ques. 2. Are you acquainted with Albert J. Cottle--, the holder of Permit No. 17659? How long have you known him and where does he reside?

Yes.

Ans. Over twenty years -- Resides at Malta, Cassia County, Idaho

Ques. 3. Have you read or heard read said Permit No. 17659, 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. Parke Creek, -Cassia County, Idaho. -Diversion point on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 13 S. R. 26 E. B.M. There is a dam and ditch.

The dam is about 3 feet high. -- and about 15 feet long made of rock brush and dirt. -- and the ditch about 4 feet wide and 12 feet deep about 2 miles and grade cannot be less than 100 feet to the mile - Called Cottle Ditch Capacity far in excess of four second feet.

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

Ans. At times as much as one thousand inches measured under a four inch pressure Miner's measurement but some years for long intervals of time 6 to 8 second feet--

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 improvement which have been made as a direct result of said use.

Ans. All for irrigation and has increased production on about 50 acres of cultivated alfalfa and grain land and 250 acres of natural meadow land scattered as follows, t-wit :- 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, - 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, - 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, - 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, - 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, - 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Twp. 13 S. R. 26 E. B.M.

17659

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

Ans. Not used for any other purpose.

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. Very good land. -Amount of water required for profitable cultivation.

not less than one inch to the acre measured under a four inch pressure
miner's measurement.

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

Ans. No. Not interested.

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. Generally not less than 60 days from April 1st. to June 15th.

in ordinary years. Will run a big stream for about two weeks then slacks
up. Generally for most of the time 6 to 8 sec. ft. ~~xxxxxx~~ getting less to
wards the end. saw it all used during the running over the said lands
by flooding.

(Signed)

Charles S. Gamble

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 Malta, County of Cassia, State of Idaho, on this ~~xxxxx~~ 7th. day of August, A. D. 1936.

Frank Riblett

Notary Public.

My commission expires March 26, 1938.

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

NO.	CASH OR CHG.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

AUGUST 6, 1936

Permit 17659

FRANK RIBLETT
MALTA IDAHO

TAKE PROOF AS ADVERTISED STOP MAIL THIS OFFICE STOP LETTER FOLLOWS

DEPARTMENT OF RECLAMATION

Chg State Dept. of Reclamation

17659

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and this company as follows:

1. The company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued*; nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.

2. In any event the company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one percent of the amount by which such valuation shall exceed five thousand dollars.

3. The company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

5. No responsibility attaches to this company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the company's messengers, he acts for that purpose as the agent of the sender.

6. The company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.

7. It is agreed that in any action by the company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 2:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The stand-

ard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

No employee of the Company is authorized to vary the foregoing.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be in language of country of origin or of destination, or in French. This class of service is in effect with most European countries and with various other countries throughout the world. Full particulars supplied on application at any Western Union Office.

CABLE LETTERS

For plain-language communications. The language of the country of destination may be employed, if the Cable Letter service is in operation to that country. Subject to delivery at the convenience of the Company within 24 hours if telegraphic delivery is selected. Delivery by mail beyond London will be made if a full mailing address is given and the words "Post London" are written after the destination. Rate is approximately one-third of the full rate; minimum 20 words.

WEEK-END LETTERS

Similar to Cable Letters except that they are accepted up to midnight Saturday for delivery Monday morning, if telegraphic delivery is selected. Rate is approximately one-quarter of the full rate; minimum 20 words.

August 6, 1936

Re: Permit No. 17659

FRANK RIBLETT
Malta, Idaho

Dear Mr. Riblett:

This will acknowledge receipt of your letter of August 4th and also Bertha M. Wickel's letter of August 1st addressed to you. No doubt you will have taken the proof in connection with beneficial use under the above permit by the time you receive this letter, as per our telegram of this date.

It appears that Mrs. Wickel is unduly alarmed over this situation since regardless of anything that might be done in connection with the permit right, her decree would in no way be affected. In other words, a decree takes precedent over any kind of a right that might be acquired under a permit. Therefore, I can see no reason why she should be particularly concerned over Mr. Cottle's desire to obtain a license under his permit since in any case, he could not hope to take any water from superior rights.

Insofar as your extending the time for hearing is concerned, please be advised that a Notary Public or any other official taking one of these proofs, has no authority in the matter except to receive the testimony of the permit holder and his witnesses. After doing this, his only responsibility is to submit them to this office.

Thus the procedure can not properly be termed a hearing. This may seem unfair to persons desiring to protest the statements of the parties executing the depositions. In reality, it is not, since anyone wishing to file a protest may do so with this department, providing such protest is filed on or before the date that proof is to be offered.

Trusting that this explanation will suffice to clear up this matter, I remain

Very truly yours

Chief Clerk & Office Engineer

PLH/cj
cc Bertha M. Wickel

17659

Malta, Cassia Co. Idaho.

xxx August 4th. 1936.

Permit No. 17659

Hon. R.W. Faris
Commissioner of Reclamation
Boise, Idaho.

Dear Sir :-

I enclose a letter from Mrs. Bertha M. Wickel of Twin Falls Idaho which is self explanatory. Shall I go ahead with the hearing and take down the testimony. Mr. S.I. Lowe of Burley, Idaho may be here to represent Mrs. Wickel. I understand that it being examined by an engineer afterwards together with governing conditions and circumstances that --- the hearing shall be vital- Will postpone if you think best to enable an engineer to be at the hearing or Mrs. Wickel for that matter. --

Sincerely Yours,

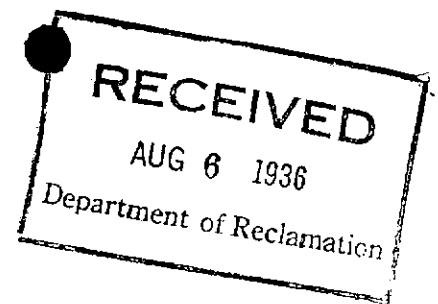
Frank Riblett
(Frank Riblett) Notary Publ

RECEIVED

AUG 6 1936

Department of Reclamation

17659



Twin Falls, Idaho
August 1, 1936

Mr. Frank B. Riblett
Malta, Idaho

Dear Mr. Riblett:

I was greatly surprised that Mr. Cottle, after knowing the facts as he does, should feel that he has some interest or could obtain some interest in the Parke Creek water. I still own the ranch on Parke Creek and I am myself vitally interested in it. I lately spent quite a bit of time and money perfecting the water right to all my holdings along the creek and I thought that it had been settled once and for all.

You have given us your personal interest in this whole matter, and I feel that you will continue to do so, Mr. Riblett.

I have the entire right to all of the flow of Parke Creek for all portions of the year, and nobody should be given any kind of a right whatever.

In the first place, many years ago Lem and I had a lawsuit with the Marshalls and the Parkes, which we considered at the time we lost, and under which there was decreed to the Parkes all of the water of Parke Creek so long as any portion of the unobstructed flow should reach the holdings of Parke. By this decree also there was given to Lem and me all of the flow of Parke Creek when the unobstructed flow of the Creek failed to reach the holdings of Parke.

In the second place, we purchased from Marshall all of the water right that was acquired through the earlier lawsuit.

In the third place, a couple of years ago I went before the Commissioner of Reclamation in Boise and had the water transferred according to the old decree and according to our purchase of the water. This transfer had been neglected for years and before the transfer was completed a notice was given to all interested parties, including Mr. Cottle. In the meantime I had acquired legal title to the lower end of our old ranch, which Ronald Bailey homesteaded and proved up on. We had used it for a while, thinking that it was part of our own entries, but later

17659

Mr. Riblett--2

August 1, 1936

survey showed we did not own it. And so when I had the transfer completed in Boise, I was careful to see that the entire flow of Parke Creek during all seasons of the year was transferred to all of my holdings, which included both our own original homestead and the homestead of Ronald Bailey. Mr. Cottle was advised of this in every detail.

In the fourth place, in order to finally and absolutely settle the matter, there was a suit filed to quiet title, and Mr. Cottle was given notice of that suit. My intention was very plain to claim the entire flow of Parke Creek for all seasons of the year, and the suit to quiet title went through on that basis, and the court gave me an absolute and clear right. Mr. Cottle had an opportunity for a day in court and I understand that he looked into the matter and concluded that he had no rights to stand on and so did nothing about it.

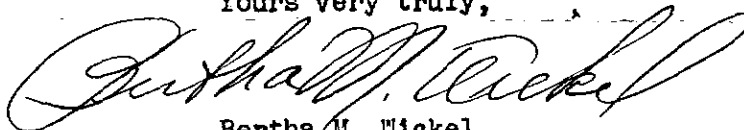
I now feel that he should not be granted any kind of a right whatever that will in anywise jeopardize any of my interests. Probably never will the water escape from my present ranch holdings on Parke Creek.

Of course, I have no concern as to what happens to the water after it runs down the creek below that portion of my ranch which I now call the Bailey Homestead, but if Mr. Cottle is granted any right to this flow, which shall in some imaginary wet year develop below the lower end of my ranch, the point of diversion should very plainly be placed below that part of the ranch which I call the Bailey Homestead.

I cannot possibly get down there on August 5 when the matter is up for a hearing, but if anything at all transpires that is at all adverse to my interests, I greatly hope you will postpone the hearing to another time so that I may be present personally and protect my interests.

Assuring you of my good will, I am

Yours very truly,



Bertha M. Wickel

BMW
sp

1765-9

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

July 27, 1936

FRANK RIBLETT
Notary Public
Malta, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17659

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 August 7, 1936, 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 Malta, Idaho before Frank Riblett, 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.

R. W. FARIS

Commissioner of Reclamation.

17659

June 12, 1936

Re: Permit No. 17659

Albert J. Cottle
Malta, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Burley Bulletin, Burley, Idaho, all in connection with Permit No. 17659.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to August 7th, 1936. About ten days prior to this date, depositions consisting of one for the holder and one each for two witnesses will be mailed to Frank Riblett, Notary Public, Malta, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Frank Riblett's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

17659

THE BURLEY BULLETIN

HENRY C. DWORSHAK, Publisher

Date June 19, 1936.

Mr. R. W. Farris,
Commissioner of Reclamation,
Boise, Idaho.

We are sending you herewith proof of legal notice, which you have ordered published in The Burley Bulletin, as it appears in first publication. If there are any errors, will you kindly advise us at once?

We thank you for this business.

Very truly yours,

THE BURLEY BULLETIN.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 2:00 p. m. on the 7th day of August, 1936, at Malta, County of Cassia, State of Idaho, before Frank Riblett, Notary Public, proof will be submitted of the application to beneficial use of Four cubic feet per second of the waters of Park Creek in accordance with the terms and conditions of Permit No. 17659 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Albert J. Cottle, Malta, Cassia County, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is Four second-feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 300 acres as follows. 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 13 S., R. 26 E. B. M.; and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 13 S., R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Cottle Ditch.

The right to take water from such works is based upon Permit No. 17659.

The source of supply from which such water is diverted is Parke Creek, Cassia County, Idaho.

The date of the priority which said user is prepared to establish is May 6, 1932.

R. W. FARIS,
Commissioner of Reclamation.
June 18-25, July 2-9, 2

RECEIVED

JUN 20 1936

Department of Reclamation

17659

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date..... June 12, 1936

Re: Permit No. 17659

Burley Bulletin
Burley, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 7, 1936, the date set for proof, the expense of the publication to be paid by the applicant, Albert J. Cottle
Malta, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17659

Form No. 9

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE
June 3, 1936

Albert J. Cottle
Malta, Idaho

Dear Sir:—

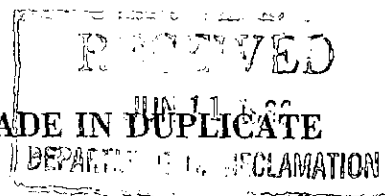
I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17659, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Aug. 7, 1936, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS
~~RECEIVED~~
Commissioner of Reclamation.

17659

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE



(Date) This 9th day of June 1936

(P. O.) Malta, Cassia County, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Bulletin of Burley, Idaho, published in
the county in which the works are situated.

Albert J. Gottle

(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.

17659

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 p. m. on the 7th day of August, 1936,
at Malta, County of Cassia, State of Idaho,
before Frank Riblett Notary - Public, proof will be submitted
of the application to beneficial use of Four cubic feet per second of the
waters of Park Creek in accordance with the terms and conditions of
Permit No. 17659 heretofore issued by the ~~R. W. Faris~~ Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Albert
J. Cottle, Malta Cassia County, Idaho.

The use to which said water has been applied is Irrigation and domestic purposes

The amount applied to beneficial use is Four second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands
irrigated) 300 acres as follows: 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 25 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
40 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 30 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 30 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
40 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, Twp. 13S., R. 26 E. B. M.;
and 40 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 13S., R. 26 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is Cottle Ditch.

The right to take water from such works is based upon Permit No. 17659

The source of supply from which such water is diverted is Park Creek, Cassia County,
Idaho.

The date of the priority which said user is prepared to establish is May 6, 1932

R. W. FARIS

Commissioner of Reclamation.

17659

August 11, 1932

MR. ALBERT J. COTTLE
Malta, Idaho

Dear Sir:

We are herewith enclosing your certificate of Completion of Works under Permit No. 17659 and also your office receipt in the amount of \$5.00 in payment of Completion of works fee.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Clerk

Encl.

17659

Permit No. 17659

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Cassia } ss

Albert J. Cottle, 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. 17659, and that his postoffice address is Malta, Cassia County, Idaho.

Second: That the name of the stream from which said water is to be diverted is Parke Creek, Cassia County, Idaho.

Third: That the point of diversion of said water is in the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Section 33, Tp. 13 S.R. 26 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 7, 1932.

Fifth: That the use for which said water is intended is Irrigation and domestic purposes.

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: Dam and ditch.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 3 feet, length of dam at top 15 feet, length of dam at bottom 12 feet. Material used in construction rock, brush and dirt.

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir None acre feet.

(c) Size of headgate: Width 4 feet, height 2 feet.

(d) Conduit ditch width at bottom 3 feet, width at water line 6 feet, depth of water 1 $\frac{1}{2}$ feet; diameter of pipe _____ inches, average grade per mile is 100 feet. Length of conduit is Two miles.

Seventh: That said works are capable of conducting to the place of intended use more than 4 second feet of water.

Eighth: That water appropriated under said permit is available for 300 acres of land described as follows: SE $\frac{1}{4}$ NE $\frac{1}{4}$ (20 acres), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (25 acres), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (30 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (35 acres), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (30 acres), SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, N E $\frac{1}{4}$ N E $\frac{1}{4}$ Section 28, Tp. 13 S.R. 26 E.B.M.

Ninth: Remarks: That

Albert J. Cottle
(Sign here)

Subscribed and sworn to before me this 6th day of August, 1932.

My commission expires March 26, 1934.

Frank Riblett
Residing at Malta, Idaho, Notary Public.

17659

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 32330

INSURED PARCEL

No. _____

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

POSTMARK OF DELIVERING
OFFICE

MALT
JUN 14
1932
DATE OF DELIVERY

COMMISSIONER OF RECLAMATION

Return to _____

(NAME OF SENDER)

St. _____ and Number, }
or Post Office Box, }

BOISE,

IDAHO.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Albert G. Bottle

(Signature or name of addressee.)

Mrs. Bert Bottle

(Signature of addressee's agent.)

Date of delivery, _____, 193

Form 3

7659

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Albert J. Cottle
Malta, Idaho

Boise, Idaho,

June 11, 1932

Dear Sir:—

Under the terms of your permit No. ~~17659~~..... you are required to complete your diversion works on or before ~~August 7, 1932~~..... I enclose herewith 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.

Yours truly,

R. W. FARIS
Commissioner of Reclamation.

17659

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17659

May 7, 1932
Boise, Idaho,

Dear Sir:

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

Albert J. Cottle
Malta, Idaho

17659
Commissioner of Reclamation.

Name of Applicant

Albert J. Gottle
Malta, Cassia Co. Idaho

17659

As Approved

MAY 7 1932

R. W. FARIS

Commissioner of Reclamation

Township 13 North - Range 16 East of Boise Meridian

North

West

East

SEC. 19

SEC. 20

SEC. 21

SEC. 22

SEC. 23

SEC. 24

SEC. 30

SEC. 29

SEC. 28

SEC. 27

SEC. 26

SEC. 25

SEC. 31

SEC. 32

SEC. 33

SEC. 34

SEC. 35

SEC. 36

NOTE -
Ground is the same as old
survey marked the same

Main Ditch

Ditch

Water
Creek
Data in and
Point of Survey

South

February 20, 1932

2

Mr. C. H. STEWART,
1002 N. 18th St.,
Boise, Idaho

Dear Sir:

In accordance with Chapter 212, 1929 Session Laws, you will find enclosed notice, in duplicate, of the application of C. H. Stewart to appropriate 1.2 cubic feet per second of subterranean waters, for irrigation, domestic and power purposes.

Please acknowledge service on both copies and return them to this Department for posting. After the 60-day period has elapsed, if there are no protests filed the application will pass to permit.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By _____
Chief Clerk

PH/mt
Enc.

17654