

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 18th day of March, 1929,
at Arco, County of Butte, State of Idaho,
before Jo G. Martin, notary public, proof will be submitted
of the application to beneficial use of 0.8 cubic feet per second of the
waters of Big Lost River in accordance with the terms and conditions of
Permit No. 16458 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

C. A. Bottolfsen, Arco, Idaho

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

The amount applied to beneficial use is 0.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SE 1/4, Sec. 34, Twp. 5 N., 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 Moore Canal and Island ditch.

The right to take water from such works is based upon Permit No. 16458

The source of supply from which such water is diverted is Big Lost River

The date of the priority which said user is prepared to establish is April 10, 1926.

Geo. N. Carter,

Commissioner of Reclamation.

58524-4-57-268
Butte

16458

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PHONE 320

OFFICE 202-3-4 CARLSON BLDG.

WYMAN I. NIELSEN
Civil, Mining and Irrigation Engineer
POCATELLO, IDAHO

Moore, Idaho July 19, 1928

Geo N. Carter
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

In your letter of July 17 you stated that
C. H. Bottolfsen on April 20 1928, filed an
affidavit for change of point of diversion of his
permit made April 10, 1926.

Does the filing of an affidavit give Mr Bottolfsen
the legal right to change his point of diversion?
The water master is now delivering water
under the permit at the new point of diversion
to the injury of my permit No 16735 which
was filed prior to the affidavit made by
Mr Bottolfsen asking for change of his point of
diversion.

I take it that there should be a hearing on this
matter before a change of the diversion point is
allowed.

Kindly advise if objection should be made to
you or to Mr Brandt who is the court commissioner
in charge of Big Lost River

Yours very truly
W. I. Nielsen

16458

WYMAN I. NIELSEN
Civil, Mining and Irrigation Engineer
POCATELLO, IDAHO

Moore, Idaho July 15 1928

Geo W. Carter
Commissioner of Reclamation
Pocatello Idaho

Dear Sir,

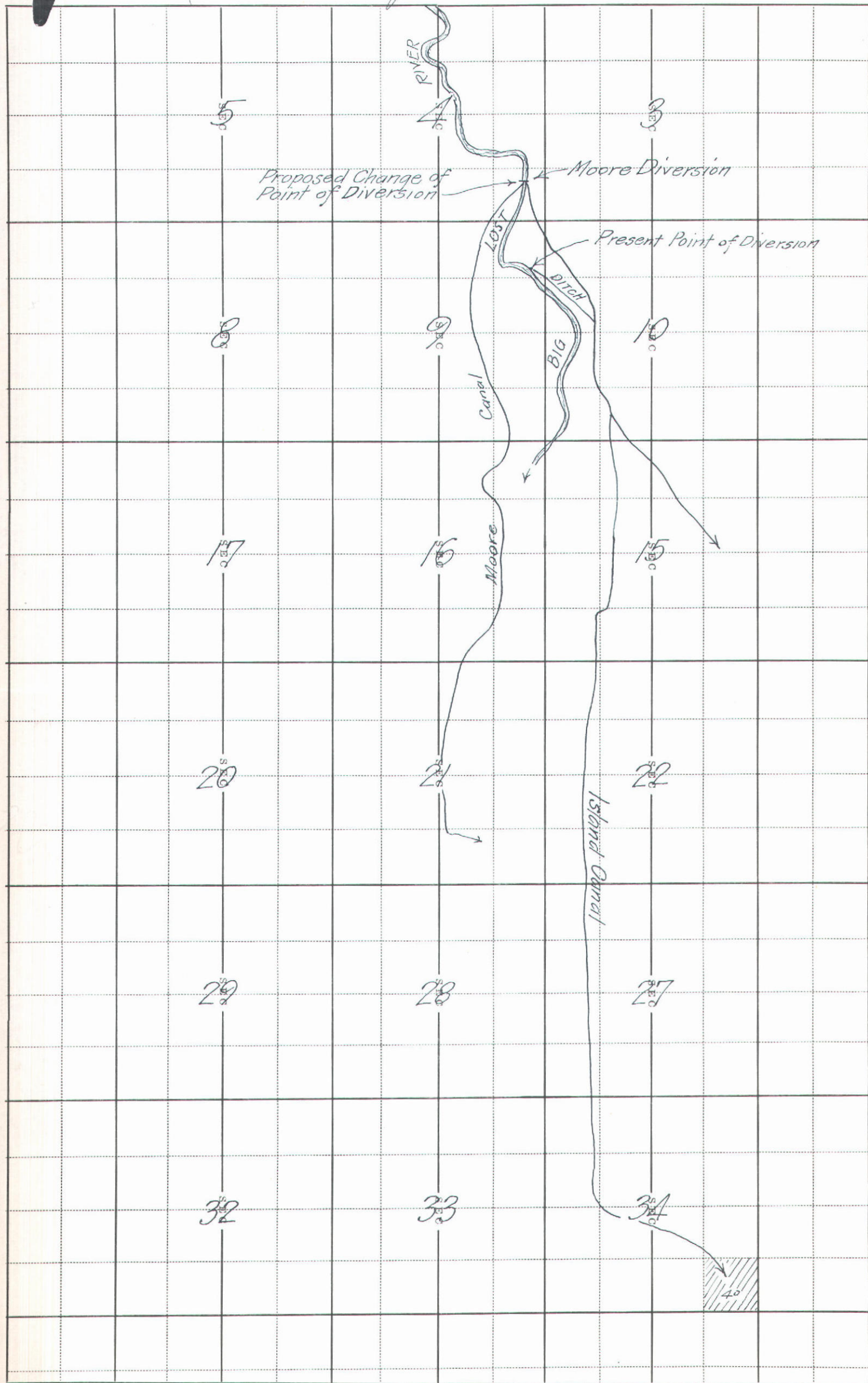
Kindly advise me if C. F. Botholfson
has changed the point of diversion of a certain
water right filed on Big Lost River near Moore
in about 1924.

This change has been made since last year
if at all. Give the date of hearing in the matter
and also the date and name of the paper in
which the transfer was advertised.

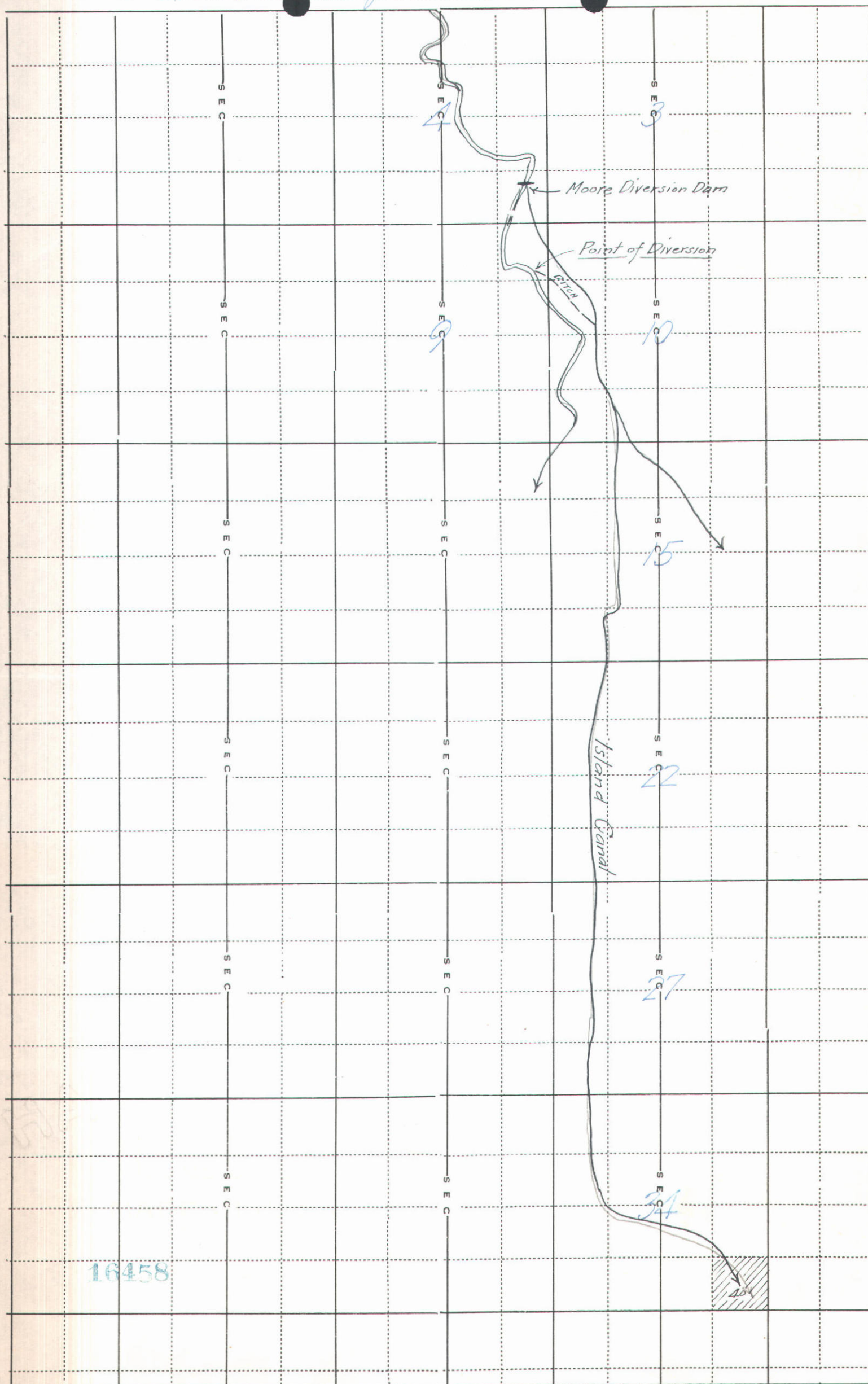
Yours very truly
W. I. Nielsen

16458

C. A. Bottolfson



L. A. Battalfeun



3373

State of Idaho
License and Certificate of Water Right

Water License No. 16458

Amount 0.8 sec. ft.

Water District No. _____

Priority 4-10-1926

THIS IS TO CERTIFY that C. A. Bottolfsen,
of Arco, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 10, 19 26; that Permit No. 16458
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on May 1, 19 29, showing that said works
were completed on the 18th day of March, 19 29; and that on the 18th
day of March, 19 29,

C. A. BOTTOLFSEN
of Arco, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Big Lost River
, a tributary of no stream, for the purpose of irrigation and
domestic pur-^{poses} under Use Permit No. 16458 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3578, on the 1st day of May, 19 29;

The right hereby confirmed dates from April 10, 19 26;

The Point of Diversion is located
in the SE ¼ SE ¼, Sec. 4, Tp. 5 N., R. 26 E., B. M.

Butte 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 0.8
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>5 N.</u>	<u>26 E.</u>	<u>34</u>	<u>SE ¼ SE ¼</u>	<u>40</u>	<u>40</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 1st day of May, 19 29.

GEO. N. CARTER

Commissioner of Reclamation

(SEAL)

34 2252

State of Idaho

License and Certificate of Water Right

Water License No. 8811

Amount 0.8 sec. ft.

Water District No.

Priority 3-11-1923

THIS IS TO CERTIFY that **Crosby Brewer**,
of **Warren, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **October 11**, 1912; that Permit No. **8811**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.5 second feet, was issued thereunder on **August 11**, 1917, showing that said works
were completed on the **24th** day of **October**, 1913; and that on the **26th**
day of **March**, 1924,

Crosby Brewer
of **Warren**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed
stream, sometimes called **Deer Creek**, **River**,
a tributary of **S.Fk. of Salmon**, for the purpose of irrigation and
domestic use, under Use Permit No. **8811** of the **State Engineer**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **6**
of Licenses, at page **3579**, on the **16th** day of **May**, 1929;

The right hereby confirmed dates from **March 11**, 1923;

The Point of Diversion is located about **1/2** mile up said stream from confluence
in the **1/4** **1/4** Sec. with **South Fork of Salmon River**, **P.M.**

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 **0.8**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
21 N	7 E	10	SE $\frac{1}{4}$ SE $\frac{1}{4}$		5
		15	NE $\frac{1}{4}$ NE $\frac{1}{4}$		15
			NW $\frac{1}{4}$ NE $\frac{1}{4}$		15
			SW $\frac{1}{4}$ NE $\frac{1}{4}$		5
			Total 40 acres		

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 **16th** day of **May**, 1929.

GEO. N. CARTER
Commissioner of Reclamation

(SEAL)

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

34-2252

Application No. 23304
Permit No. 16458
District No.

1. Name of Applicant: C. A. Bottolfsen

Postoffice address: Arco

County: Butte

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: eight tenths (0.8) cubic feet per second.

3. Source of water supply: Big Lost River which is a tributary of

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 9 , T. 5N , R. 26E , B. M., County of Butte

5. Water is to be used for: Irrigation 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: Brush and rock dam, 1/4 mile of ditch

9. Height of dam one feet; length of dam at top fifty feet; length of dam at bottom fifty
feet; material used in dam: brush, gravel and rock

10. Size of headgate: Width three feet; height two feet

11. Ditch: Width at bottom two feet; width at water line three feet; depth of water one
feet; dimensions of flume
Diameter of pipe inches; length of conduit one miles.
Average grade per mile seven feet

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

13. The time required for the complete application of the water to the proposed use is six 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.

C. A. Bottolfsen Applicant.

By R. L. Sutcliffe Agent.

Date of first receipt at Department of Reclamation. 9 A. M., April 10, 1926

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16458

Recorded in Book 59 Page 16458 Approved April 14, 1926

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 **June 14, 1926** 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 October 14, 1928

The whole of said work to be completed on or before **April 14, 1937**
Beneficial use of water appropriated in accordance herewith, to be made on or before **April 14, 1937**

Witness my hand this 14th day of April, 1926

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks:

By GEO. N. CARTER
Assistant

14 Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	26E	34	40 40 Total No. of acres to be irrigated 40 Ditch to be constructed is one-fourth mile long and will discharge into the Island Canal thru which the water will be conveyed to the land. ----- AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT Permit No. 16458 ----- STATE OF IDAHO,))SS. County of Butte.) C. A. Bottolfsen, being first duly sworn, deposes and says: That his postoffice address is Arco, Idaho, That he is the owner of and using a certain water right of 0.8 cubic feet per second of the water of Big Lost River, County of Butte, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No.16458, issued by the Commissioner of Reclamation, dated April 14, 1926, bearing date of priority of April 10, 1926, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. _____, in the County of Butte and State of Idaho, to-wit:																

SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, Twp. 5 N. R. 26 E.B.M.

and is the person to whom such right was so issued.

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9, Twp. _____, Range _____, and conducted to the above described lands through the _____ ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 4, Twp. 5 N., Range 26 E.,

and thereafter conduct same to the above described land through the Island ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: By making change from former point of diversion, to present location and conducting water by exchange with Moore Canal to Island Ditch, a substantial saving of water is affected.

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

C. A. Bottolfsen,
Affiant.

Subscribed and sworn to before me this 18th day of April, 1928.
(SEAL)

Jo G. Martin,
Notary Public,
Arco, Idaho.

Received and filed for record in the Department of Reclamation at Boise, Idaho,
at 9.00 A. M. Apr. 20, 1928.

GEO. N. CARTER,
Commissioner of Reclamation
C.B.

Proof of Completion of Works made March 18, 1929
Certificate of Completion of Works issued May 1, 1929.

Permit No. 16458

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that C. A. Bottolfsen, of Arco, County of Butte, and State of Idaho, the holder of Permit No. 16458, issued upon Application No. 23304, bearing date of priority of April 10, 1926, authorizing the diversion of 0.8 second feet of the waters of Big Lost River, County of Butte, 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 0.8 second feet of the waters of Big Lost River; that the point of diversion of said waters is in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4, Twp. 5 N., 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: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Twp. 5 N., R. 26 E., B. M.

Witness my hand this 1st day of May, A. D. 1929.

GEO. N. CARTER
Commissioner of Reclamation

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Page 3578

May 1, 1929

Re: Permit No. 16458

HON. C. A. BOTTOLPSEN
Arco
Idaho

Dear Sir:

We are enclosing herewith Certificate
of Completion of Works and Water License, issued un-
der the above numbered Permit, together with receipt
for fees.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By
Chief Clerk

Encs.

16458

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 16458This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: G. A. Bottolfsen
2. Source of water supply: Big Lost River
3. Location of point of diversion: Is in the SE1/4 of Section 4
T. 5 N R. 26 E B M County of Butte

4. Describe works as they exist, giving dimensions and capacities of same: Gravel & earth dam approx 3' high and 75' wide diverts water into ditch, on H. G., 2' to 2 1/2' wide on bottom, 2 1/2' to 4' deep, capacity est 250 inches approx 3/4 mi long, and empties into Moore Canal.
Part of dam has to be renewed each year.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes, not this year as yet.
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): SE1/4 Sec. 34, T. 5 N. R. 26 E., B.M.

40 acres

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

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

Remarks: This water is seepage water below the Moore and Island ditch diversion dam, in low water season it would sink away and be lost. Mr. Bottolfsen and another user Mr. T. Young, divert this water, empty it into the Moore Canal, and an equivalent amount is then allowed them by Mr. Candell the W.M. to be turned down the Island ditch, an old ditch of several thousand inch capacity and down thence and its lateral out to land is question. This land now has decreased right there said Island ditch and this water is used during low water season when decree is cut off.

This examination was made on the 29 day of April 1929(Signed) R. L. Buttolph16458

Engineer

G. A. Bettolfsen

Permit No. **16458**

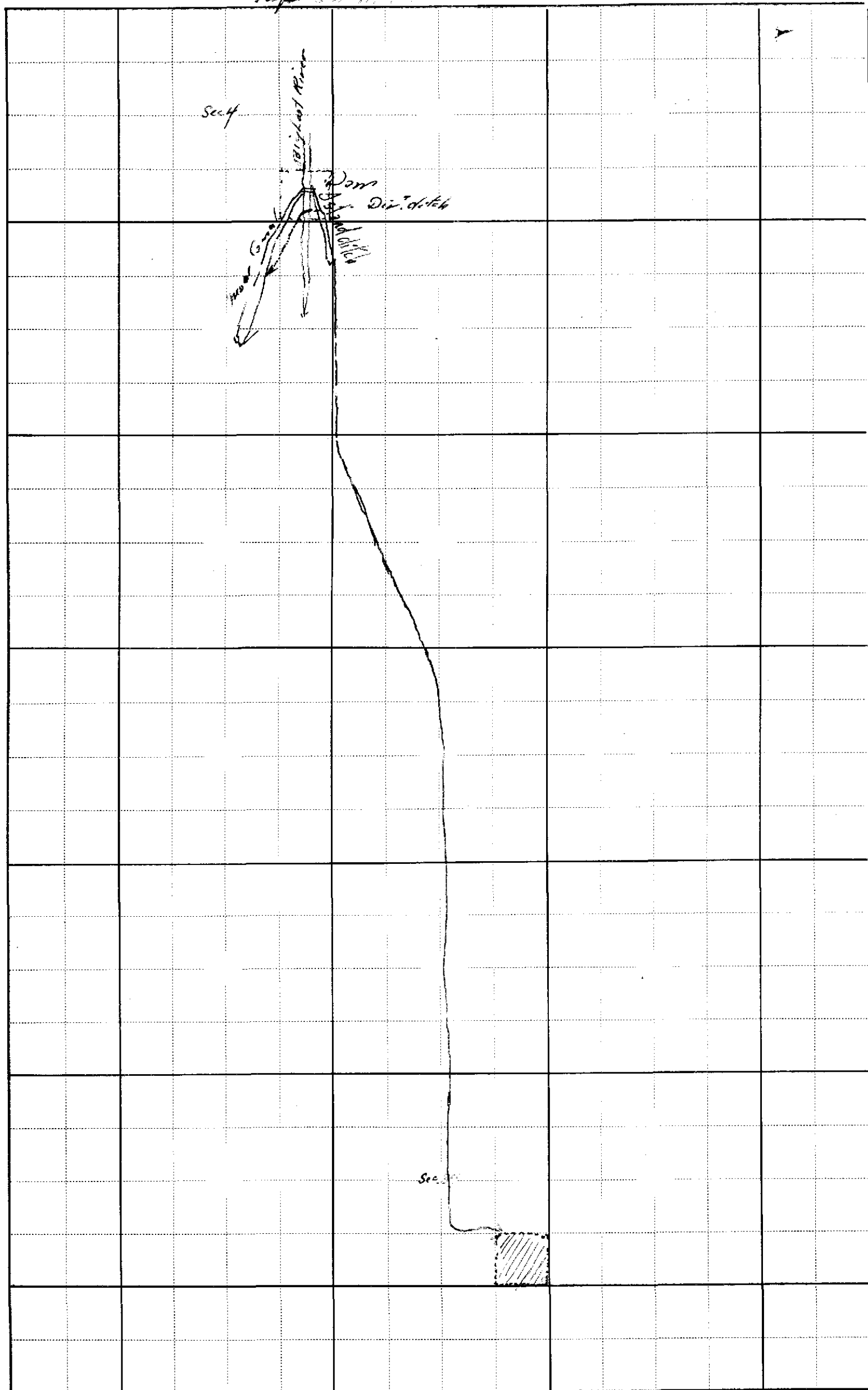
Examination for **BEN. USE**

County **BUTTE**

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.
-
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Top of R. 10. 10. 10.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16458

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

April 11, 1929.

Re: Permit No. 16458.

MR. C. A. BOTTOLFSSEN
Arco, Idaho.

Dear Sir:-

We are today in receipt of your letter enclosing fees for proof of completion of works and beneficial use of water under the above permit. As soon as Mr. Sutcliffe's report has been received, the certificate and license will be mailed to you.

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

By _____
Chief Clerk.

16458

THE ARCO ADVERTISER

C. A. BOTTOLFSEN, EDITOR & PUBLISHER

ALL THE NEWS OF THE LOST RIVER COUNTRY
CENTRAL IDAHO'S BEST ADVERTISING MEDIUM

FIRST CLASS JOB DEPARTMENT IN CONNECTION

ARCO, IDAHO

April 10, 1929.

Dept. of Reclamation,
Boise, Idaho.

Attention: Mrs. Brown.

Dear Mrs. Brown:

Pardon me for neglecting to send the enclosed check sooner. Your letter of March 22nd was filed for future reference--and then I overlooked it until this morning.

Very truly,

C. A. Bottolfsen
C. A. Bottolfsen.

16458

March 22, 1929.

Re: Permit No. 16458.

Mr. C. A. Bottolfsen,
Arco, Idaho.

Dear Sir:-

We are today in receipt of your affidavit for proof of completion of works, together with depositions of yourself and two witnesses and the affidavit of publication for proof of beneficial use of water under your above permit. These are in proper form and will be held without further action until the report of the examining engineer has been made. We are today mailing the papers for such examination to Mr. Sutcliff.

The fees due before issuing the certificate and license will amount to \$7.00, being \$5.00 for proof of completion of works and \$2.00 for proof of beneficial use of water.

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

By _____
Chief Clerk.

16458

Affidavit of Publication.

G. W. VINCENT, FOREMAN

I, ~~C. A. Bottolfsen~~, publisher of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four

consecutive weeks, commencing with the issue dated February 15, 1929, and ending with the issue dated March 8, 1929.

G. W. Vincent

Subscribed and sworn to before me this 20th day of March, 1929.

Jo G. Martin

Notary Public.

Residence: Arco, Idaho. My commission expires

Aug 14, 1929.

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 18th day of March, 1929, at Arco, County of Butte, State of Idaho, before Jo G. Martin, notary public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of Big Lost River in accordance with the terms and conditions of Permit No. 16458 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 C. A. Bottolfsen, Arco, Idaho.

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

The amount applied to beneficial use is 0.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, Twp. 5 N., 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 Moore Canal and Island ditch.

The right to take water from such works is based upon Permit No. 16458.

The source of supply from which such water is diverted is Big Lost River.

The date of the priority which said user is prepared to establish is April 10, 1926.

GEO. N. CARTER,
Commissioner of Reclamation.
(F 15 M 8-4t)

16458

**Affidavit
of Publication.**

**THE ARCO ADVERTISER
ARCO, IDAHO.**

Publication:

Plaintiff,

vs.

Defendant.

Filed, _____ day of
_____, 192__.

FILED
JUN 10 1922
CLERK OF DISTRICT COURT
IDAHO

Permit No. 16458

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Butte } SS

C. A. Bottolfsen

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. 16458, and that his postoffice address is Arco
State of Idaho

Second: That the name of the stream from which said water is to be diverted is
Big Lost River

Third: That the point of diversion of said water is in the SE¹/₄ of SE¹/₄ of Sec. 4
Twp. 5 N., R. 26 E., B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 14, 1931.

Fifth: That the use for which said water is intended is 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: See Remarks
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: See Remarks 50
(a) Height of dam 4 feet, length of dam at top feet, length of dam at bottom 60 feet. Material used in construction earth

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

(b) Capacity of reservoir acre feet.

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

(d) Conduit ditch width at bottom 3 feet, width at water line 3'-6"
(State whether ditch, flume or pipe.)
feet, depth of water 1 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 0.8 second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: SE¹/₄ of SE¹/₄, Sec. 34, Twp. 5 N., R. 26 E., B.M.

Ninth: Remarks: That Dam across Big Lost River raises seepage water into ditch. The seepage water is that which flows underground from beneath the Moore Diversion Dam. The earth dam washes out in high water seasons and must be renewed each year.

Subscribed and sworn to before me this 18th day of March 1929

My commission expires 8/14-32

Res: Arco, Idaho. Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.PERMIT NO. 16458

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C. A. Bottolfsen, Age 39, Publisher and Farmer, Post
office address, Arco, Idaho.

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

Ans. ---

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

Ans. 16458. Date ---, Priority of April 10, 1926.

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

Ans. Big Lost River. in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 4, Twp. 5 N. 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 of earth approximately 50 ft. long across Big Lost River
below the Moore Diversion Dam raises the water so as to be con-
veyed by a ditch approx. 3 ft. in width, approx. 2 $\frac{1}{2}$ ft. in depth
to the land upon which it is used for irrigation

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. Irrigation of grain and hay upon the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34
Twp. 5 N. R. 26 E.B.M. On all of the subdivision. Crops of grain
and hay have been raised upon all of said land during the farm-
ing seasons of 1926 and 1927 as a result of said use.

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

Ans. ---

16458

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 1 inch to acre. Should have 1 1/2 inches.

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. -----

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

Ans. 1926 and 1927 farming seasons has been used on above land to full extent of 0.8 c.s.f.

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.

Decreed right with priority of 1896, 40 inches is appurtenant to
Ans. and is used upon this land when available but in low water seasons it is uncertain and insufficient. The full 40 inches is usually used at the first of the season but is usually cut off in favor of prior decrees early in the season.

(Sign)

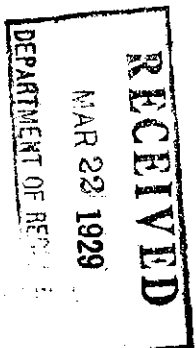
W. B. Batterson

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 Arco, County of Butte

State of Idaho, on this 18th day of March, A. D. 1929.

J. L. Martin
Notary Public.
Res: Arco, Idaho.

My commission expires 8/14-32.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16468

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. Andrew F. King, 45, Moore, Idaho, Farmer

Ques. 2. Are you acquainted with C. A. Bottolfsen, the holder of Permit No. 16468? How long have you known him and where does he reside?

Ans. Yes. 20 years. Arco, Idaho.

Ques. 3. Have you read or heard read said Permit No. 16468, 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. Water supply is from Big Lost River and consists of seepage water from beneath the Moore diversion dam. The permittee has constructed a dam in the river to raise the water into a ditch of ample size to convey it to the land. The dam has to be renewed each year.

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. Will convey 150 inches of water. Have seen 150 inches so conveyed.

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

Ans. Used for irrigation of cultivated lands on SE $\frac{1}{4}$ Sec. 34, Twp. 5 N., R. 26 E.B.M., 40 acres. Crops of grain and alfalfa were grown by using this water in the season of 1928.

1645-8

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

Ans. _____

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

Ans. The land is ordinary loam of good quality for raising of crops;
it has some gravel and should have 1 1/2 inches to the acre for proper
cultivation. Crops can be raised with 1 inch water to the acre.

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

Ans. _____ No _____

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

Ans. Saw the water used upon the land all during the season of 1928.
It was used to irrigate all the acreage mentioned in the permit.

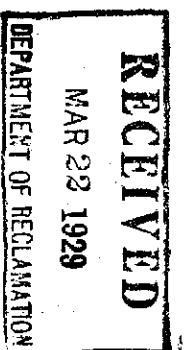
(Signed) Andrew H. King

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 Arco, County of Butte,
State of Idaho, on this 18th day of March, A. D. 1929.

My commission expires August 14, 1932.

J. L. Martin
Notary Public.

Res. Arco, Idaho



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16458

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. T. C. Young, 45, Moore, Idaho, farmer, P.O. Address, Moore, Idaho.

Ques. 2. Are you acquainted with C. A. Bottolfsen, the holder of Permit No. 16458? How long have you known him and where does he reside?

Ans. 12 years. Arco, Idaho.

Ques. 3. Have you read or heard read said Permit No. 16458, 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. Big Lost River. Diverted in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T.5 N. R. 26 E.B.M.

An earthen dam across Big Lost River below the Moore Diversion Dam raises the seepage water which runs underground from beneath the diversion dam into a ditch which conveys it to the land irrigated. The ditch is about 3 feet wide and 2 $\frac{1}{2}$ ft. deep, and the earth dam is about 50 feet long.

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. 3 second feet. Have seen conveyed about 2 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 improvements which have been made as a direct result of said use.

Ans. Irrigation of grain and hay. Used on all of subdivision of 40 acres described. Have seen crops of grain and hay growing upon said subdivision over practically all the acreage thereof by the results of such use, seasons of 1926 and 1927 and 1928.

16458

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

Ans. -----

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

Ans. Usual sandy loam soil suitable for crop cultivation. Should have $1\frac{1}{2}$ inches to acre, but can raise crops with 1 inch to acre.

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

Ans. -----

No.

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

Ans. Have seen crops of grain and hay raised on land under said permit during seasons of 1926, 1927 and 1928.

(Signed)

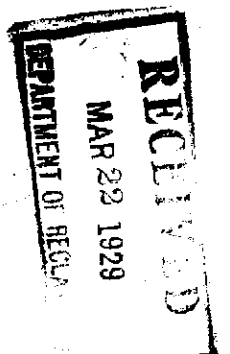
T. C. Young

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 Arco, County of Butte, State of Idaho, on this 18 day of March, A. D. 1929.

J. L. Norton
Notary Public,

Res. Arco, Idaho.

My commission expires 8/14-'32.



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

March 7, 1929

C. A. Bottolfson

c/o Jo G. Martin
Arco, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. **16458**

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 **March 18, 1929**, 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 **Arco** before **Jo G. Martin, Notary Public.**

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

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

Yours truly,

GEO. H. CARTER

Commissioner of Reclamation.

16458

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 12, 1929

(P. O.) Arco, 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
ADVERTISER of Arco, published in
the county in which the works are situated.

C. A. BOTTOLFSEN

(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.

16458

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 18th day of March, 1936,
at Arco, County of Battle, State of Idaho,
before Jo G. Martin, notary public, proof will be submitted
of the application to beneficial use of 0.8 cubic feet per second of the
waters of Big Lost River in accordance with the terms and conditions of
Permit No. 16458 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

C. A. Bettelheim, Arco, Idaho.

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

The amount applied to beneficial use is 0.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SW 1/4, Sec. 34, Twp. 5 N., R. 20 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 Moore Canal and Island ditch.

The right to take water from such works is based upon Permit No. 16458

The source of supply from which such water is diverted is Big Lost River

The date of the priority which said user is prepared to establish is April 18, 1936.

Geo. H. Carter,

Commissioner of Reclamation.

SESCY-4-54-268
Battel

16458

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date Feb. 12, 1929.

THE ADVERTISER

Arco, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 18, 1929, the date set for proof, the expense of the publication to be paid by the applicant, A. G. Bottolfson, of Arco, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. W. CARTER

Commissioner of Reclamation.

16458

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date Feb. 12, 1929.

THE ADVERTISER

Arco, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 18, 1929, the date set for proof, the expense of the publication to be paid by the applicant, G. E. Bottolfsen, of Arco, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation.

Arco, Ida., 2/13/29

Order received, and same will appear in Advertiser Feb 15-22 and Mar. 1-8.

*Truly yours
Advertiser,*

E. K. Abbott, Mgr

16458

July 25, 1928

Re: PERMIT No. 16458

RECEIVED JUL 27 1928

W. I. NIELSEN,
Moore,
Idaho.

Dear Sir:

Reference is had to your letter of July 19 regarding the right of a permit-holder to change a point of diversion.

The Idaho statute provides for this procedure in Section 5563 but goes so far only to state that a point of diversion may be changed if others are not injured thereby. In an opinion of the Supreme Court (23 I. 296) it was held "a change made without the approval of the State Engineer does not forfeit the right."

The ordinary procedure through this office is to file an affidavit of notice of intention to change the point of diversion which is recorded; no action is taken by this office other than to notify the watermaster in the District of the change.

It is, therefore, my understanding that a change of point of diversion may be made merely upon notice and if others feel themselves damaged by such change their proper recourse is an appeal to the Court.

In this particular case you might refer the matter to Lynn Crandell, Commissioner representing the United States Court in that territory.

Very truly yours,

16458

GHC/tp

Commissioner of Reclamation

16092 16458
PHONE 320

OFFICE 202-34 CARLSON BLDG.

WYMAN I. NIELSEN
Civil, Mining and Irrigation Engineer
POCATELLO, IDAHO

Moore, Idaho July 19, 1928

Geo N. Carter
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

In your letter of July 17 you stated that
C. H. Bottolfsen on April 20 1928, filed an
affidavit for change of point of diversion of his
filing made April 10, 1926.

Does the filing of an affidavit give Mr Bottolfsen
the legal right to change his point of diversion?

The water master is now delivering water
under the permit at the new point of diversion
to the injury of my permit No 16735 which
was filed prior to the affidavit made by
Mr Bottolfsen asking for change of his point of
diversion.

I take it that there should be a hearing in the
matter before a change of the diversion point is
allowed.

Kindly advise if objection should be made to
you or Mr Brandt who is the Court Commissioner
in charge of Big Lost River

Yours very truly
W. I. Nielsen

16458

July 17, 1928

Permit 16458
Re: ~~Water Rights~~

Mr. W. I. Nielson
Calrson Building
Pocatello, Idaho

Dear Sir:

Referring to your letter of the 15th inst., would say that the permit issued to C. A. Bottolfsen in 1924 for 0.8 second feet of the waters of Big Lost River lapsed through failure of the holder to make proof of completion of works, and was cancelled.

On April 10, 1928, a new filing was made by Mr. Bottolfsen for 0.8 second feet of the waters of Big Lost River. The point of diversion given in the later application was the same as in the application filed in 1924, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, Twp. 5 N., R. 26 E., B.M. On April 20, 1928, the holder filed an affidavit for change of point of diversion to the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 5 N., R. 26 E., B.M.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

CB:oo

16458

WYMAN I. NIELSEN
Civil, Mining and Irrigation Engineer
POCATELLO, IDAHO

Moore, Idaho July 15 1928

Geo. H. Carlson
Commissioner of Reclamation
Pocatello Idaho
Dear Sir:

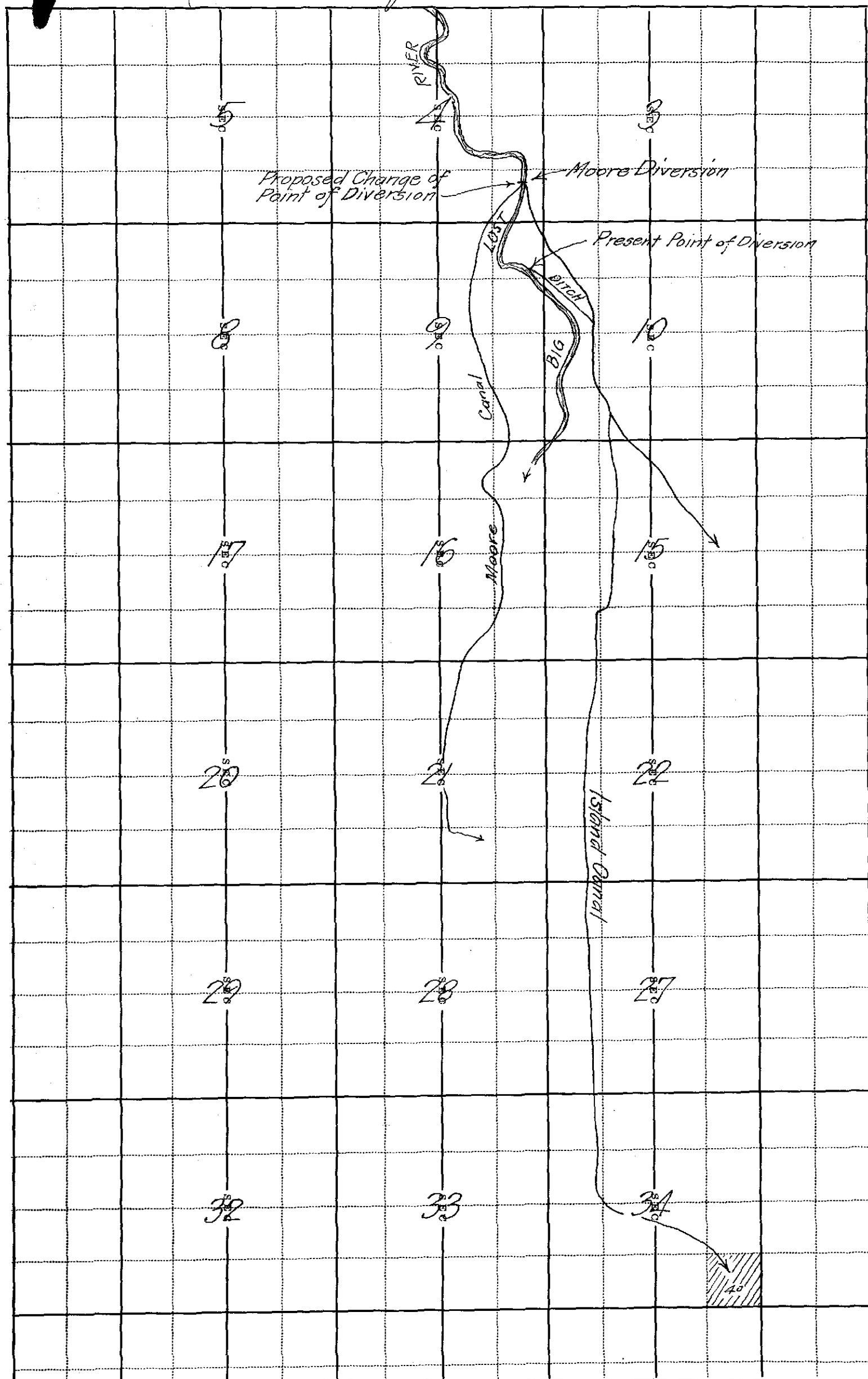
Kindly advise me if C. F. Bottolfsen
has changed the point of diversion of a certain
water right filed on Big Lost River near Moore
in about 1904.

This change has been made since last year
if at all. Give the date of hearing in the matter
and also the date and name of the paper in
which the transfer was advertised.

Yours very truly
W. I. Nielsen

1645-8

C. A. Bottolfson



Affidavit for Change of Point of Diversion of Water Right

Permit No. 16458

STATE OF IDAHO, }
County of Butte } ss.

C. A. Bottolfson, being first duly sworn, deposes and says: That his postoffice address is Arco, Idaho. That he is the owner of and using a certain water right, for 0.8 cubic feet per second of the water of Big Lost River, County of Butte, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 16458, issued by the Commissioner Reclamation, dated April 14, 1926, bearing date of priority of April 10, 1926 for the purpose of irrigating the following described lands, situate, lying and being in Water District No. _____, in the County of Butte and State of Idaho, to-wit: SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 34, Twp. 5 N. R. 26 E. B. M.

and is the person (~~or representative of the person or persons~~) to whom such right was so issued, (~~or has become the owner thereof in the following manner:~~)

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9, Twp. _____, Range _____, and conducted to the above described lands through the _____ ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 4, Twp. 5N, Range 26 E., and thereafter conduct same to the above described land through the Island ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: change from By making/former point of diversion, to present location and conducting water by exchange with Moore Canal to Island Ditch, a substantial saving of water is affected.

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

C. A. Bottolfson
Affiant.

Subscribed and sworn to before me this 18th day of April, 1928.

J. G. Martin
Notary Public
Arco, Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

16458

Received and filed for record in the Department
of Reclamation at Boise, Idaho, at

Joe R. M. Apr. 22-1928
Geo. N. Baxter
Commissioner of Reclamation

Recorded in Book 59 of Permits

Page 16458.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16458

Boise, Idaho,

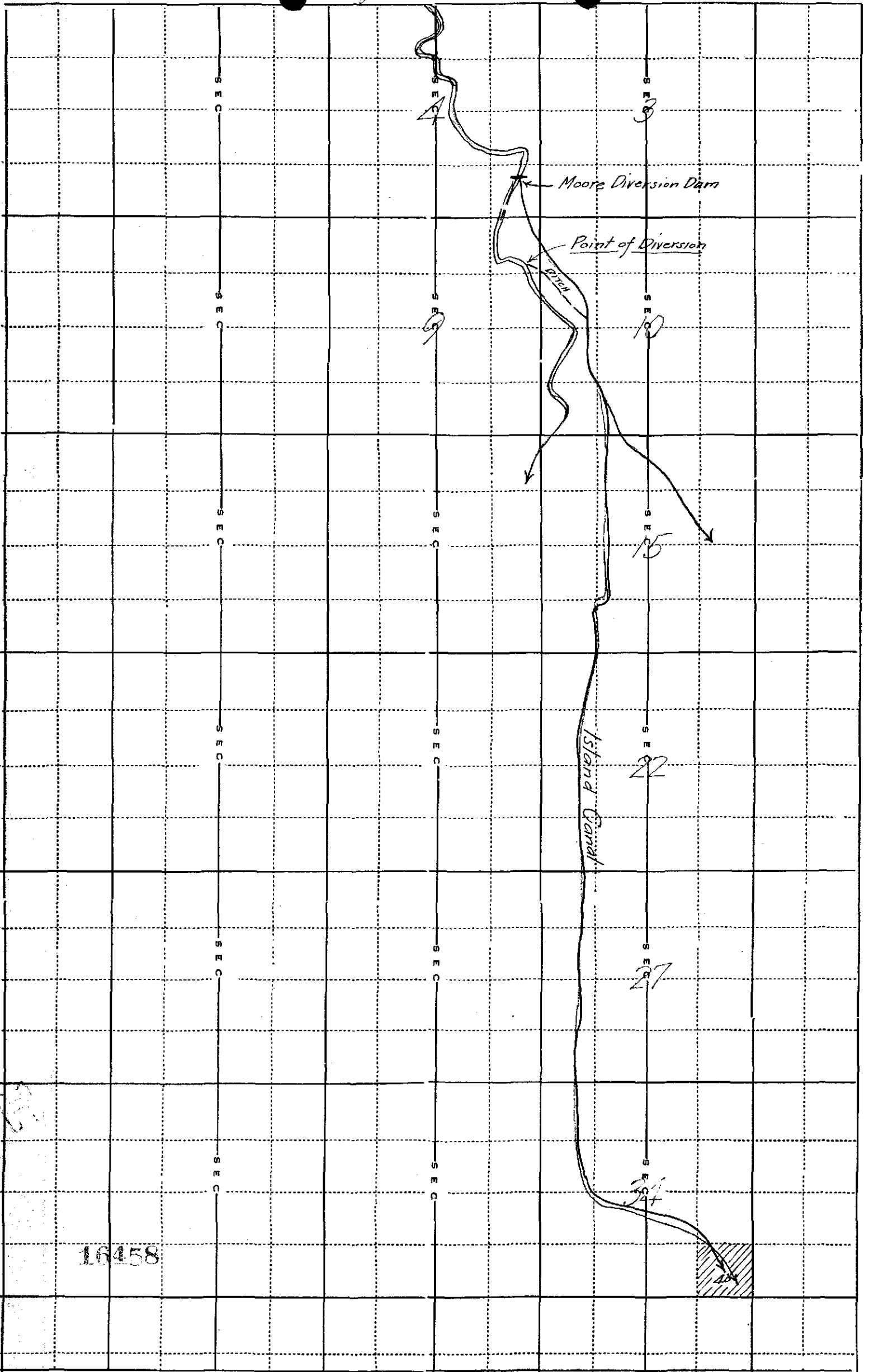
Dear Sir:

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.

W. G. SWENDSEN
Commissioner of Reclamation.

16458

L. A. Battolfeun



16458

16458