

State of Idaho
License and Certificate of Water Right

Water License No. 18934

Amount 15 second feet

Water District No.

Priority November 18, 1939

THIS IS TO CERTIFY that A. F. BAUMHOFF
of Centerville, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 18, 1939; that Permit No. 18934
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on January 3, 1944, showing that said works
were completed on the 8th day of June, 1943; and that on the 9th
day of June, 1944,

A. F. BAUMHOFF

of Centerville, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Thorn Creek & North fork of
Thorn Creek, a tributary of Moore's Creek, for the purpose of mining

, under Use Permit No. 18934 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume

7 of Licenses at page 4299, on the 6th day of June, 1946;

The right hereby confirmed dates from November 18, 1939;

are
The Point of Diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, and
in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Tp. 5 N., R. 5 E., B. M. Boise 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 15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 20; and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19; Township 5 North, Range 5 East, B.M.		

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 State Reclamation Engineer, affixed at Boise, Idaho, this
6th day of June, 1946.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

Application No. 27184
Permit No. 19653
District No.

1. Name of Applicant: J. C. BUTLER

Postoffice address: Albion 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: Six inches or 0.12 cubic feet per second.

3. Source of water supply: Spring, commonly called Walton Spring, which is a tributary of any stream, as it dries up before it reaches a stream.

4. Location of point of diversion: 400 feet distant from the Northwest corner of Section 8, T. 12 S., R. 25 E., B. M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 12 S., R. 25 E., B. M., County of Cassia

5. Water is to be used for Watering stock pastured upon the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Twp. 12 S., Range 25 E., B. M.

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: \$ None- Cattle drink from the spring itself.

8. Kind of works:

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

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

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

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is None years.

13. The time required for the complete application of the water to the proposed use is None additional years.

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

15. (a) Is reservoir to be used? 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.

J. C. BUTLER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:15 P. M. June 29, 1945

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19653

Recorded in Book 71 Page 19653 Approved July 9, 1945

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 _____ Completed _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

	Completed
One-fifth of the work above specified to be completed on or before _____	Completed

The whole of said work to be completed on or before October 9, 1945

Beneficial use of water appropriated in accordance herewith, to be made on or before October 9, 1945

Witness my hand this 9th day of July, 1945.

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, CHARLES C. GOSSETT, Governor of the State of Idaho.

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th

day of July, 19 45.

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By CHARLES C. GOSSETT

Governor

Secretary of State.

Remarks: Applicant J. C. Butler is the owner of an undivided $1/4$ interest in and to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 8, Twp. 12 S., R. 25 E., B.M.; that his mother, Allie L. Butler, is the owner of an undivided $3/4$ interest in and to said property; that for 6 years last past the above described property was owned by Frank G. Butler and the said spring water was used to water the cattle pastured on the above described premises; that Mr. Frank G. Butler is now deceased, and this applicant and his

(Continued be

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
REMARKS (Continued) mother, Allie L. Butler, through the Probate Court of Cassia County, Idaho, has received the interest in said Frank G. Butler in and to the above described real estate; that the said spring is located 434 feet south of the north boundary line of the said NW¹/₄ NE¹/₄ and 73 feet east of the west boundary line of the NW¹/₄ NE¹/₄; that said spring is of sufficient volume to be used for irrigation purposes; that for the past thirty years it has been used for water for livestock pastured on the above described real estate located in Cassia County, Idaho. <u>AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS</u> I, Allie L. Butler, of Albion, County of Cassia, State of Idaho, do hereby certify that I am the owner of a 1/4 interest in the land on which the spring mentioned in the application of J. C. Butler is located, to-wit: NW¹/₄ NE¹/₄ Sec. 12 S., R. 25 E., B.M., and that I do hereby grant unto the said J. C. Butler permission to file on said spring as shown on the foregoing application. STATE OF IDAHO) County of Cassia) ss. On the 25th day of June, 1945, before me, a Notary Public for the State of Idaho, residing at Burley, Idaho, I appeared Allie L. Butler, known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged that she executed the same. Witness my hand and seal, the day and year in this certificate first above written. (SEAL) My commission expires Feb. 20, 1946. A. H. Nielson Notary Public.																			

P E R M I T N O . 19653
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that J. C. BUTLER, of Albion, County of Cassia, and State of Idaho, the holder of Permit No. 19653, issued upon Application No. 27184, bearing date of priority of June 29, 1945, authorizing the diversion of Six inches or 0.12 second foot of the waters of a spring, commonly called Walton Spring, County of Cassia, State of Idaho, for stock watering 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 0.12 second foot of the waters of said Walton Spring; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 12 South, Range 25 East, B.M.; and that the place of use of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 12 South, Range 29 East, B. M.

Witness my hand this 14th day of August, A. D. 1945.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made August 9, 1945.

Certificate of completion of works issued August 14, 1945.

WATER RIGHT NUMBER 45-2210

OWNER LAST NAME - BUTLER FIRST NAME - J. C. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - ALBION STATE - ID ZIP CODE - 83311
SOURCE - WALTON SPRING TRIBUTARY OF - SINKS
STAGE - LICENSE STATUS - PRIORITY - 06-29-1945 COUNTY - CASSIA TOTAL DIV. RATE - .0300 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWNE 08 12S 25E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - TO - USE - STOCKWATER USE DIV. RATE - .0300 CFS USE DIV. VOLUME - .00 AFA
USE - STOCKWATER PLACE OF USE - TWN 12S RNG 25E SEC 08 TRACT NWNE LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 19653
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

102 131123V

IDENT. NO. 45-2210

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 19153 / 45-2210
 OTd No. New No.

Record

1. Original Owner: J.C. Butler

Present Owner: _____

2. Address:

3. City: Albion State: SD Zip:

4. A. Source of Water: Walton Spring

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-29-1945

D. County: 31

E. Total Diversion Rate: .03

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NW NE</u>	<u>8</u>	<u>12S</u>	<u>25E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for \$ purposes. Amount .03
 (cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: S

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 191053

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

8.11.79
⑥

June 14, 1946

Re: Permit No. 19653

Mr. Jack C. Butler
Albion, Idaho

Dear Mr. Butler:

We enclose herewith License and Certificate of Water Right confirming your right to the use of 0.025 of a second foot of the waters of Walton Spring, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 12 South, Range 25 East, Cassia County, for stock watering purposes, with priority of June 29, 1945.

We also enclose Departmental Receipt No. 19483 for the \$5.00 fee paid by you in connection with this final proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19653

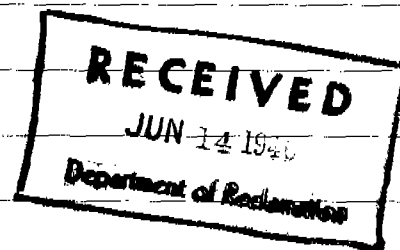
Albion, Idaho,
June, 11, 1946

Department of Reclamation,
Bose, Idaho,

Gentleman:

I am enclosing a Check of
\$5.00 Requested to Clear up my
debt to the Wallen Spring.

Respectfully yours,
Jack C Butler.



19653

✓
May 6, 1946

Re: Permit No. 19653

Mr. J. C. Butler
Albion, Idaho

Dear Mr. Butler:

We now have on file the report of our Field Engineer on examination for beneficial use under the above numbered permit.

This report shows that you are using 0.025 of a second foot of water from Walton Spring- and therefore upon receipt of the statutory fee of \$5.00 a license will be issued for that amount, for stock watering purposes.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A

19653

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19653

This proof is for Beneficial use In Water District No.

1. Name of applicant J. C. Butler, Albion, Idaho

2. Source of water supply: Walton Spring

3. Location of point of diversion: Is in the NW¹ NE¹ of Section 8

T. 12 S. R. 25 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: A "Spring" consists of rising water in the bed of a draw immediately below a small earth dam.

The "Spring" flows only in the early summer season.

A one inch pipe line leads across the road to the place of use.

5. Water is used for: Stock watering

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): Place of use is NW¹ NE¹ Section 8, Twp. 12 South, Range 25 East, 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? None

Remarks: The "Draw" is evidently a former overflow channel of Bruin Creek,

This examination was made on the 17th. day of October, 1945

(Signed)

Fred A. Johnson

Examiner.

83
J. C. Butler
Albion, Idaho

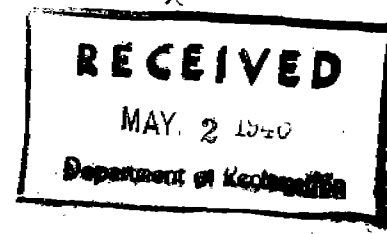
Permit No. 19653

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.
-



(ALBION)

6

5

4

Place of Use

Point of Diversion

7

9

Highway

Cr.

18

17

16

Brvin

Creek

Tose

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19653

REPORT ON PROOF OF Beneficial use

0.12 cfs.

0.25 cfs max

✓
September 18, 1945

Re: Permit No. 19653
J. C. Butler

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We acknowledge receipt of your letter of September 15th, enclosing depositions of the holder and two witnesses, also affidavit of publication from the Burley Bulletin, all in proof of beneficial use under the above numbered permit.

Before final action can be taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will try to contact Mr. Butler at the time he makes the examination, so that he may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19653

October 16, 1945

Re: Permit No. 19653

The Burley Herald-Bulletin
Burley, Idaho

Gentlemen:

Reference is made to your statement amounting to \$11.00 for publication of notice of proof of beneficial use under Permit No. 19653 on Walton Spring- from August 16 to September 6, inclusive.

As you will note by referring to departmental letter of August 13th enclosing this notice, the expense of publication is to be paid by the applicant, J. C. Butler, of Albion, Idaho.

We are, therefore, forwarding the statement to Mr. Butler, through his attorney, Mr. A. H. Nielson, of Burley, and no doubt the matter will be attended to promptly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A
CC to A. H. Nielson

Chief Clerk

19653

**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**

Notice is hereby given that at ten A. M. on the 8th day of September, 1945, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the application to beneficial use of .12 cubic feet per second of the waters of Walton Spring in accordance with the terms and conditions of Permit No. 19653 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. C. Butler, Albion, Cassia County, Idaho.

The use to which said water has been applied is watering of livestock.

The amount applied to beneficial use is .12 cubic feet per second.

The place where said water is used for the watering of animals is located in the Northwest Quarter of the Northeast Quarter, Section Eight, Township Twelve South, Range Twenty-five, East Boise Meridian, in Cassia County, Idaho.

The right to take water from such works is based upon Permit No. 19653.

The source of supply from which such water is diverted is Walton Spring, in the NW 1/4 NE 1/4, Section 8, Twp. 12 S., Range 25 E., B. M. The date of priority which said user is prepared to establish is June 29, 1945.

MARK R. KULP,
State Reclamation Engineer.
First publication in the Burley Herald August 16, 1945; final publication September 6, 1945.

AFFIDAVIT OF PUBLICATION

COUNTY OF CASSIA } ss.
STATE OF IDAHO }

Alson W. Dawson, first being duly sworn, deposes and says: That he is the publisher of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspapers at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Aug. 16, 1945, and ending with the issue dated Sept. 6, 1945.

Subscribed and sworn to before me this 7th day of August, 1945.

Mark W. Branch
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

19653

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19653

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. W. E. Mahoney, 49 years of age, residing at Albion, Cassia
County, Idaho; farmer.

Ques. 2. Are you acquainted with J. C. Butler, the
holder of Permit No. 19653? How long have you known him and where does he reside?

Ans. I am acquainted with J. C. Butler. I have known him for 33
years; that during that time he has resided at Albion, Cassia
County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19653, and are you familiar
with its provisions and conditions?

Ans. Yes. Water is a spring commonly called the Walton Spring
(Continued in next Question)

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. located approximately 400 feet distance in a southeasterly
direction from the northwest corner of the NE $\frac{1}{4}$ of Sec. 8, Twp. 12 S.,
R. 25, E.B.M.; that the water from said spring is used to water live-
stock in a hole dug by said spring; that there are no works conveying
the same from the said spring.

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. .12 CFS of water and, in the fall of the year, approximately
between 4 to 5 inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision 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. Said water has been used for the watering of livestock.

19653

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. _____

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. During the last 25 years or so I have observed numerous times each year that the water from the said spring has been used to water livestock; that there is not sufficient water to be used for agricultural purposes.

(Signed)

W. E. McPherson

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 Burley, County of Cassia, State of Idaho, on this 8th day of September, A. D. 1945.

P. V. McPherson

Notary Public.

My commission expires February 20, 1946



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19653

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. Jay P. Mahoney, 28, Burley, Cassia County, Idaho, school-
teacher and farmer.

Ques. 2. Are you acquainted with J. C. Butler, the
holder of Permit No. 19653? How long have you known him and where does he reside?

Ans. I have been acquainted with J. C. Butler for 25 years; that
during that time he has resided at Albion, Cassia County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19653, 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 is a spring commonly called the Walton Spring located approxi-
mately 400 feet distance in a southeasterly direction from the northwest
corner of the NE $\frac{1}{4}$ of Sec. 8, Twp. 12 S., R. 25, E.B.M.; that the water
from said spring is used to water livestock in a hole dug by said spring;
that there are no works conveying the same from the said spring.

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. 12 CFS of water and, in the fall of the year, approximately be-
tween four to five inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision 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. Said water has been used for the watering of livestock

19653

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. _____

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. During the last 15 years or so I have observed numerous times each year that the water from the said spring has been used to water livestock; that there is not sufficient water to be used for agricultural purposes.

(Signed)

Gay B. Mahoney

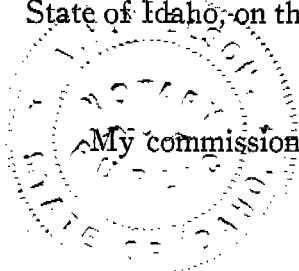
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia,

State of Idaho on this 8th day of September, A. D. 19 45

A. H. Nielson

Notary Public.

My commission expires February 20, 1946



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19653

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. J. C. Butler, Albion, Cassia County, Idaho; farmer.

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. Acting only for and on behalf of myself.

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

Ans. Permit #19653, October 9, 1945; priority June 29, 1945

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

Ans. Approximately 6 inches from Walton Spring, located 400 feet in a south-easterly direction from the NE corner of the NE $\frac{1}{4}$ of Sec. 8, Twp. 12 S., R. 25, E.B.M., located in Cassia County, Idaho.

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. Water is not diverted from said spring ut a hole dug at said spring supplies water for the watering of livestock pastured in the vicinity of said spring.

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. Water used to water livestock and there not being sufficient water to be used for irrigation.

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

Ans. _____

19653

J. C. Butler

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

Ans. Approximately four 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. That for more than six years last past the undersigned has used in watering livestock the flow of water from the said Walton Spring, which this affiant believes to be approximately six inches (.12 CFS) of water.

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. The water from said Walton Spring has been used for 30 years or more, to the knowledge of this affiant, for the watering of livestock; that this affiant and his mother, Allie L. Butler, are the owners of the real estate surrounding said spring, and for the past 6 years affiant, his mother and now deceased father, Frank G. Butler, have used the water of said spring to water their livestock pastured on the real estate surround said spring; that so far as this affiant knows, no other applications have been filed to appropriate said water and no other (Sign) J. C. Butler
persons claim any interest in said water.

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 Burley, County of Cassia,

State of Idaho on this 8th day of September A. D. 1945.

[Signature]
Notary Public

My commission expires February 20, 1946

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

September 15, 1945

Mr. Mark R. Kulp
State Reclamation Engineer
State of Idaho
Boise, Idaho

Re: Permit No. 19653
J. C. Butler
Albion, Idaho

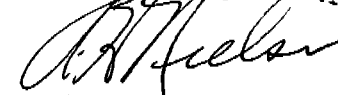
Dear Mr. Kulp:

In the above entitled matter, I am sending an affidavit of publication of notice of proof of application of water to beneficial use, the affidavits of Jay P. Mahoney, W. E. Mahoney and J. C. Butler.

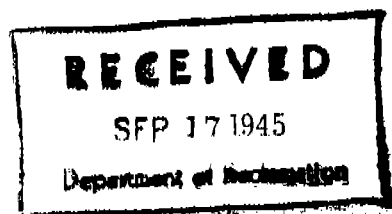
These three persons appeared before me and at their dictation I had written into their affidavits the evidence they gave me.

If there is any other or further information you wish in this matter, I would be pleased to supply you with whatever I can.

Very truly yours,


A. H. Nielson

AHN:ws
Encs.



19653

September 15, 1945

Re: Permit No. 19653
J. C. Butler

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

On August 10th, 1945, you sent this department notice of beneficial use proof to be made under the above numbered permit on September 8th, with authorization to have the notice published in the Burley Herald-Bulletin.

We acknowledged this letter under date of August 14th, and enclosed the forms necessary for making these proofs, consisting of a deposition for the permit holder and one for each of two disinterested witnesses, and advising that the depositions, as well as the affidavit of publication from the newspaper, were to be transmitted to this department.

To date these have not been received, and we are writing to inquire if the depositions were taken, as advertised.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

CC to J. C. Butler

19653

August 14, 1945

Re: Permit No. 19653

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We enclose herewith certificate of completion of works issued under the above numbered permit, in the name of J. C. Butler, for the appropriation of 0.12 second feet of water from Walton Spring, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Twp. 12 S., Range 25 E., B.M., for stock watering purposes; also Departmental Receipt # 19159 for the \$5.00 fee in connection with this completion of works proof.

The notice in connection with beneficial use proof has been corrected as to the priority date to be established under this permit, which must be June 29, 1945, the date the application was filed in this department. Any earlier priority, through possible use, would have to be established through the district court.

A copy of the notice has been sent to the Burley Herald-Bulletin, with instructions to publish once a week for four consecutive weeks, commencing with this week's issue, so as to complete publication prior to September 8, the date set for proof.

We enclose forms of deposition, consisting of one for the holder and one for each of two disinterested witnesses to be executed by Mr. Butler and his two witnesses, before you, as Notary Public, on the date set.

These depositions, and also the affidavit of publication from the newspaper, to be transmitted to this department.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19653

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at ten A. M. on the 8th day of September, 1945,
at Burley, County of Cassia, State of Idaho, before
A. H. Nielson, a Notary Public,, proof will be submitted of the
application to beneficial use of .12 cubic feet per second of the waters of Walton Spring
in accordance with the terms and conditions of Permit No. 19653
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____

J. C. Butler, Albion, Cassia County, Idaho.

The use to which said water has been applied is watering of livestock.

The amount applied to beneficial use is .12 ^{cubic feet} ~~cfs~~ per second.

The place where said water is used (if for irrigation, give full and accurate description of the
~~lands irrigated~~) for the watering of animals is located in the Northwest
Quarter of the Northeast Quarter, Section Eight, Township Twelve South,
Range Twenty-five, East Boise Meridian, in Cassia County, Idaho.

~~THE RIGHT TO TAKE WATER FROM SUCH WORKS IS BASED UPON PERMIT NO. 19653~~
~~XXXX~~

The right to take water from such works is based upon Permit No. 19653

The source of supply from which such water is diverted is located on the above
described real estate in Cassia County, Idaho Walton Spring, in the NW 1/4
Section 8, Twp. 12 S., Range 25 E., B.M.

The date of priority which said user is prepared to establish is June 25, 1933 June 29, 1945

MARK E. KULP

State Reclamation Engineer.

19653

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: August 13, 1945

Re: Permit No. 19653

The Burley Herald-Bulletin

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to September 8,
commencing with your issue of this week
1945, the date set for proof, the expense of the
publication to be paid by the applicant, J. C. Butler
of Albion, 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,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19653

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 9, 1945

(P. O.) Burley, Idaho

STATE RECLAMATION ENGINEER :
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 Herald-Bulletin of Burley, Idaho, published in
the county in which the works are situated.

J. C. Butler

(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.

19653

Permit No. 19653STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO }
County of Cassia } ss.

J. C. Butler, 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. 19653, and that his postoffice address is Albion, State of Idaho

Second: That the name of the stream from which said water is to be directed is Water not diverted from stream but from Walton Spring.

Third: That the point of diversion of said water is Water not diverted used in pond at the spring for watering cattle.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 9, 1945.

Fifth: That the use for which said water is intended is watering animals.

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: Keeping spring dug out so that there is a pond for
(Reservoir, dam, ditch, flume, pipe or otherwise) animals to drink

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

(State whether ditch, flume or pipe)

 feet, depth of water feet; diameter of pipe inches, average grade

per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use spring second feet of water. Do not conduct water to any place but water used at the /

Eighth: That water appropriated under said permit is available for acres of land described as follows: Not sufficient water to irrigate land

Ninth: Remarks: That a spring commonly called Walton Spring located 434 feet south of the north boundary line of the NW 1/4 of Sec. 8, Twp. 12 S., R. 25 E. B.M. located in Cassia County, Idaho, and 75 feet east of the west boundary line of said section of land has for more than 6 years been used by the applicant and his father to water animals pastured on surrounding property. Said spring does not flow sufficient water for irrigation.

J C Butler
(Sign here)

Subscribed and sworn to before me this 9th day of August, 1945

My commission expires February 20, 1946

D. Wilson

Notary Public.

19653

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

August 10, 1945

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mark R. Kulp, State Reclamation Engineer

Dear Sir: Re: Permit No. 19653
 J. C. Butler

As requested in your letter of July 14, 1945, I am enclosing Form 6, two copies of Form 10, and one copy of Form 11 in the above matter, together with J. C. Butler's check to your Department in the amount of \$5.00.

The only paper in Burley is the Burley Herald-Bulletin.

I have checked the dates and believe that the date set would be sufficient time to allow you to get the notice to the publisher.

The hearing can be held at my office and proofs taken here.

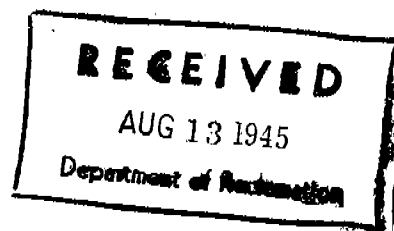
If there is any other or further information, I would be pleased to submit to you what I have.

Very truly yours,



A. H. Nielson

AHN:ws
Encs.



19653

July 14, 1945

Re: Permit No. 19653- J. C. Butler

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We enclose herewith Permit No. 19653, and also Departmental Receipt No. 18915 for the \$5.00 filing fee.

You will note that we have allowed three months, or until October 9th, 1945, within which to make the proofs required to complete this water right.

Form No. 6, enclosed, is to be used for making the completion of works proof- and returned to this department with the statutory fee of \$5.00, upon receipt and approval of which a certificate of completion of works will be issued.

Form No. 10 is to be made out in duplicate, giving notice of intention to make final or beneficial use proof- and Form No. 11 is authorization for us to have this notice published, at applicant's expense, in a newspaper designated by him. Form No. 10 should set the time and place, and name the Notary Public before whom the proof is to be made- and the date should be set sufficiently far ahead to allow for the four weeks' publication.

Both copies of Form 10, together with Form 11, to be returned to this department, and we shall send one copy of the notice, with instructions in regard to publishing, to the designated newspaper. And depositions to be executed by the permit holder and two witnesses will be sent to the Notary Public so that he will have them in ample time for the proof.

Very truly yours,

MARK A. KJLP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19653

Sec 8 - Twp 12 S. Rg 25
Spring

8

Spring Located
434 feet north and
73 feet East in
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec
8 Twp 12 S. Rg. 25
Spring located on
point of dot above
434 feet from North
boundary line and
73 feet from West
boundary line.

Hermit Map No. 19653

As Approved

JUL 9 1945

MARK R. KULP

State Reclamation Engineer

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

June 26, 1945

Commissioner of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

I am sending application for permit signed by J. C. Butler of Albion, Idaho. I believe the application is self explanatory. It is to appropriate water to be used for watering cattle that are pastured.

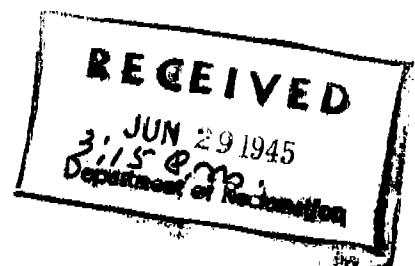
I have not been able to find any record here that any previous filings have been made on this spring. It may be that your office has some record of a prior filing or application. In that event it may be best to hold up this application until it can be determined whether or not the prior application or permit has been abandoned.

I am sending my check for \$5 in payment of the same.

Very truly yours,


A. H. Nielson

AHN:ws
Enc.



19653