

State of Idaho
License and Certificate of Water Right

Water License No. 19130

Amount 6 second feet

Water District No.

Priority March 25, 1941

THIS IS TO CERTIFY that BUTTE & MARKET LAKE CANAL COMPANY, A Corporation,
of Roberts, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 25, 1941; that Permit No. 19130
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6 second feet, was issued thereunder on September 15, 1947, showing that said works
were completed on the 30th day of March, 1946; and that on the 30th
day of March, 1946,

BUTTE & MARKET LAKE CANAL COMPANY, A Corporation,
of Roberts, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
slough, West of a tributary of Roberts, Idaho, for the purpose of irrigation and
domestic use, under Use Permit No. 19130 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 4369, on the 15th day of September, 1947;

The right hereby confirmed dates from March 25, 1941;

The Point of Diversion is located 1320 ft. N. 22°54' West from East 1/4 cor. Sec. 36, and
in the NE 1/4 NE 1/4, Sec. 36, Tp. 5 N., R. 36 E., B. M. Jefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed Six(6) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	36 E.	1	All	640	
		2	East half	320	
		11	All	640	
		12	North half	320	
		14	All	640	
		23	All	640	
		24	All	640	
		25	All	640	
		26	All	640	

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
15th day of September, 1947.

MARK R. KULP
State Reclamation Engineer

(SEAL)

31-2266
35-2927

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

31-2266
Ralph L. Albaugh
Box 428, Idaho Falls, Ida.

Application No. 26566
Permit No. 19130
District No.

1. Name of Applicant: BUTTE & MARKET LAKE CANAL COMPANY, a corporation.
Postoffice address: Roberts County: Jefferson State: Idaho
 I. If applicant is a corporation, give:
 - (a) Date and place of incorporation: Roberts, Jefferson County, Idaho
 - (b) Amount of capital stock: 18,000.00
 - (c) Amount paid in: 18,000.00
 - (d) Names and addresses of directors: Wm. Stibal Jr., Anton Poitevin, Bert Higgins, and John Connell, all of Roberts, Idaho.
 II. The financial resources of the applicant are:
 - (a) Cash on hand: 6,000.00
 - (b) Treasury stock:
 - (c) Bonds to be issued: none
 - (d) Other resources: 18,000 inches of water from Snake River with a decreed priority of 1890.
2. Quantity of water claimed: 25 cubic feet per second.
3. Source of water supply: unnamed slough, running west from/ Roberts, Jefferson Co. Idaho. which is a tributary of no stream.
4. Location of point of diversion: N 1320', N22° W 540' feet distant from the East Quarter corner of Section 36, T. 5 N, R. 36 E, B. M., and is the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T. 5 N, R. 36 E, B. M., County of Jefferson, Idaho
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: \$ 3500.00
8. Kind of works: Canal and electrically driven pump; water to be lifted 13 feet.
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 6 feet; width at water line 10 feet; depth of water 2 feet; dimensions of flume:
 Diameter of pipe inches; length of conduit 0.07 miles.
 Average grade per mile 4 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 no 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. BUTTE & MARKET LAKE CANAL COMPANY, a corporation

Applicant.

A. W. STIBAL

Agent.

William Stibal, Jr., President.

By

Date of first receipt at Department of Reclamation: 11:00 A. M., March 25, 1941.

Returned to applicant for correction: March 31, 1941.

Corrected application received: April 19, 1941.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19130

Recorded in Book 69 Page 19130 Approved April 28, 1941.

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 27, 1941

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 28, 1941

The whole of said work to be completed on or before April 28, 1946

Beneficial use of water appropriated in accordance herewith, to be made on or before April 28, 1946

Witness my hand this 28th day of April, 1941.

E. V. BERG.

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of April 19 41

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By CHASE A. CLARK.

Governor.

Remarks: This is a secondary water right and is supplemental to the decreed rights of the Buttee & Market Lake Canal Co., which decreed rights are from Snake River as follows:

2.30 cubic feet per second, priority June 4, 1884

14. 366.40 cubic feet per second, priority date October 16, 1890.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	36 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40			40	40			40	40			40	40			40	320
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40			40	40			40	40			40	40			320
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
																		5120	

PERMIT NO. 19130

Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that BUTTE & MARKET LAKE CANAL COMPANY, A Corporation, of Roberts, County of Jefferson, and State of Idaho, the holder of Permit No. 19130, issued upon Application No. 26566, bearing date of priority of March 25, 1941, authorizing the diversion of 25 second feet of the waters of an unnamed slough, West of Roberts, Idaho, County of Jefferson, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Six (6) second feet of the waters of said unnamed slough; that the point of diversion of said waters is in the NE¼NE¼ Section 36, Township 5 North, Range 36 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All of Sections 1, 11, 14, 23, 24, 25 and 26; E½ Section 2; N½ Section 12; All in Township 5 North, Range 36 East, B.M.

Witness my hand this 15th day of September, A. D. 1947.

Proof of completion of works made March 30, 1946

Certificate of completion of works issued September 15, 1947

MARK R. KULP

State Reclamation Engineer

LICENSE ISSUED FOR 6 SEC. FT.

P. 4369

June 8, 1956

RE: Permit No. 19130

Butte and Market Lake Canal Co.
C/o Oliva H. Johnson, Secretary
Roberts, Idaho

Gentlemen:

In answer to your letter of June 4, 1956, requesting additional information on the waters known as drain ditch or Taylor Slough, west of Roberts and requesting if there are any Permits filed or Licenses issued on the waters of this slough.

We have checked our records and we find no other filings on said slough in this Department except Permit No. 19130 in the name of the Butte and Market Lake Canal Company with the Point of Diversion in Section 36, Township 5 North, Range 36 East.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu

19130

BUTTE AND MARKET LAKE
CANAL CO.

ROBERTS, IDAHO

June 4, 1956

RECEIVED
JUN 6 1956
Department of Reclamation

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

Dear Mr. Kulp:

Your letter of May 28th, 1956, at hand.
We want additional information on the waters known as
drain ditch or Taylor slough, west of Roberts.

Are there any permits on this body of
water that have a priority over the permit, license
no 19130, recorded in Volume 7, page 4369 issued for
6 cubic feet, on Sept., 15, 1947., belonging to
Butte & Market Lake Canal Co.,

Thanking you for an early reply.

Very truly yours.

A. W. Stibal

A. W. Stibal, President

Oliva H. Johnson

By Oliva H. Johnson, Secretary.

19130

May 28, 1956

Re: Permit No. 19130

Mr. A. W. Stibal, President
Butte and Market Lake Canal Co.
Roberts, Idaho

Dear Mr. Stibal:

We acknowledge receipt of your letter of May 25, 1956, re the status of the above captioned Permit.

We find your Permit No. 19130 in good standing as proof for completion of works was made March 30, 1945 and the Certificate for same was issued September 15, 1947. License No. 4369 was issued for 6.0 cfs on September 15, 1947.

Lowell C. Moore was issued a Permit on 15.0 cfs of water from a drain ditch and Taylor slough but on November 22, 1955 was cancelled for not having made proof of completion of works on or before July 6, 1955.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

19130

BUTTE AND MARKET LAKE
CANAL CO.

ROBERTS, IDAHO

May 25, 1956

RECEIVED
MAY 28 1956
Department of Reclamation

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

Dear Mr. Kulp:

We would like information from your office in regard to License and Certificate of Water Right No. 19130, issued upon application No. 26566, March 25, 1941. We have not been using this for the last few years, and would like to know if this permit is in good standing, and if not, what action we would have to take to put it in good standing.

We would also like to know the amount of sec. ft., that Lowell C. Moore has on this same slough or body of water.

Thanking you, we remain.

Very truly yours,

A. W. Stibal

A. W. Stibal, President.

Oliva H. Johnson

By Oliva H. Johnson, Secretary.

19130

✓
September 16, 1947

Re: Permit No. 19130

Messrs. Albaugh, Bloem & Hillman
Suite 201-205 Rogers Building
Idaho Falls, Idaho

Attention- Mr. John L. Bloem

Dear Sirs:

We enclose herewith Certificate of Completion of Works, also License and Certificate of Water Right, issued under Permit No. 19130, in the name of the Butte & Market Lake Canal Company, a corporation, confirming their right to the use of Six (6) cubic feet per second of the waters of an unnamed slough West of Roberts, Idaho, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 5 North, Range 36 East, B.M., and priority of March 25, 1941. Said waters to be used for irrigation and domestic purposes on lands in Sections 1, 11, 12, 2, 14, 23, 24, 25 and 26, Township 5 North, Range 36 East, B.M.

We also enclose Departmental Receipt No. 20141, for the \$5.00 fee paid in connection with these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A
Encls.

Chief Clerk

19130

LAW OFFICES OF
ALBAUGH, BLOEM & HILLMAN
SUITE 201-B ROGERS BUILDING
IDAHO FALLS, IDAHO

September 8, 1947

Re: Permit No. 19130

DEPARTMENT OF RECLAMATION
Boise
Idaho

Gentlemen:

Pursuant to your letter of September 4th, addressed to Mr. Albaugh, we enclose herewith our check for \$5.00, statutory fee for issuing Certificate of Completion of Works and License.

Kindly mail the Certificate and License to this office.

Very truly yours,

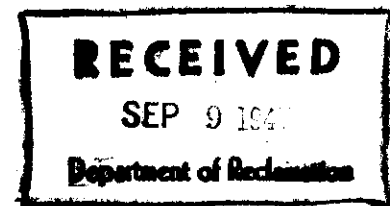
ALBAUGH, BLOEM & HILLMAN

JLB:s
Enc-1

By

John L. Bloem

John L. Bloem



19130

✓
September 4, 1947

Re: Permit No. 19130

Mr. Ralph L. Albaugh
Earl Building
Idaho Falls, Idaho

Dear Mr. Albaugh:

We have on file the report of our
Field Engineer on examination for completion of
works and beneficial use under Permit No. 19130
in the name of the Butte & Market Lake Canal
Company.

Therefore, upon receipt of the statutory
fee of \$5.00, a Certificate of Completion of Works
and License will be issued for six (6) cubic feet
per second of water from an unnamed slough west of
Roberts, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19130

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19130

REPORT ON PROOF OF Completion of works and Beneficial use

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19130

This proof is for Completion of works and Beneficial Use In Water District No.

1. Name of applicant Butte & Market Lake Canal Co., Roberts, Idaho

2. Source of water supply: Unnamed slough west of Roberts, Idaho

3. Location of point of diversion: Is in the NE¹₄ NE¹₄ of Section 36

T. 5 N. R. 36 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: A Motor driven Layne

Bowler Pump; Discharge pipe of 12 inch diameter, and a vertical lift of 12 feet.

The Main Canal is 6 feet wide, and approximately 2 feet deep.

Capacity of works exceeds 25 Sec.Ft.

5. Water is used for: Irrigation and domestic purposes Yes

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): All of Sections 1, 11, 14, 23, 24, 25 & 26;

East half Section 2;

North half Section 12;

All in Township 5 North, Range 36 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:

This examination was made on the 29 day of August, 191946

(Signed)

[Signature]
Examiner.

Note: - The Merrill Pump
abandoned and 10 shares
of B. & M. L. C. Co bought
and used instead of
pumped Hw. drain water

T1N-R37E
T5N-R37E

Merrill Pump

10

11

12

15

14

13

22

23

24

26

25

Canal

Canal

6/11/11
Checked

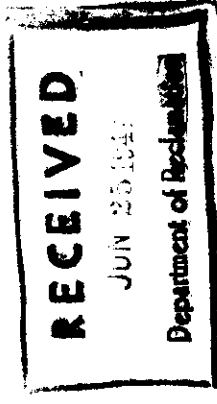
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36

Butte & Market Lake Canal Co.
Roberts, Idaho
Permit No. 19130

Examination for Completion of works
and Beneficial use

County.....Jefferson



INSTRUCTIONS TO EXAMINERS

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

✓
April 6, 1946

Re: Permit No. 19130

Mr. Ralph L. Albaugh
P. O. Box 428
Idaho Falls, Idaho

Dear Mr. Albaugh:

We have received from Mr. John L. Bloem, Notary Public, the depositions of the holder and two witnesses, in proof of completion of works and beneficial use under the above numbered permit, in the name of the Butte & Market Lake Canal Co.

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, will try and contact a representative of this company at the time he makes the examination, so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

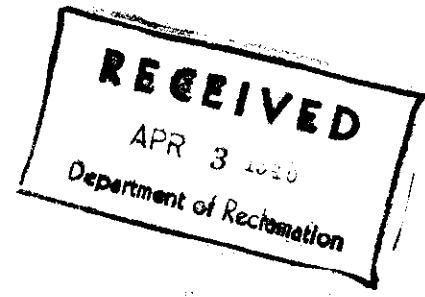
19130

LAW OFFICES OF
RALPH L. ALBAUGH
JOHN L. BLOEM

IDAHO FALLS, IDAHO

April 1, 1946

Re: Permit No. 19130
Butte & Market Lake Canal Co.



MR. MARK R. KULP
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

In the above matter, I enclose herewith the Affidavit of Publication of Notice, from the Rigby Star, and also the Depositions of Permit Holder and two witnesses for proof of completion of works and of beneficial use of water.

The depositions were taken Saturday, March 30th, at 2:00 o'clock P.M., with no one appearing to contest the application.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Bloem". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

John L. Bloem

JLB:s
Encls

19130

Affidavit Of Publication

The Rigby Star

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

I, R. I. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, in Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for four consecutive issues thereof; first publication having been made on the

28th day of Feb, 1946

and last publication on the

21st day of March, 1946

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this 22d day of March, 1946, 1946
(SEAL)

Hope B Jones

Notary Public for the State of Idaho, residence and post office address: Rigby, Idaho.
My Commission expires January 30th., 1946.

Publication Fee \$_____

19130

NOTICE OF PROOF OF COMPLETION OF WORK and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 o'clock p. m. on the 30th day of March, 1946, at Idaho Falls, County of Bonneville, State of Idaho, before John L. Bloem, Notary Public, proof will be submitted of the completion of works for the diversion of six (6) cubic feet per second of the waters of an unnamed slough west of Roberts, Idaho and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 19130 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Butte & Market Lake Canal Company, Roberts, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is six (6) cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is Six (6) cubic feet per second.

4. The place where said water is used is All of Sections 1, 11, 14, 23, 24, 25 & 26, E½ Section 2, and N½ Section 12; all in Township 5 North, Range 36 East, B. M.

5. The date of priority which said user is prepared to establish is March 25, 1941.

MARK R. KULP,
(16-19) State Reclamation Engineer.

PERMIT NO. 19130

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. A. W. Stibol, age 46 years, residing at Roberts, Idaho, by occupation farmer and stock raiser; P.O. Address: Roberts, Idaho.

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

Ans. Butte & Market Lake Canal Company, Roberts, Idaho; I am President of the corporation, and acting under authority of the Board of directors.

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

Ans. Permit 19130, dated April 28, 1941, for diversion of six (6) cubic feet per second of waters of unnamed slough west of Roberts, Idaho.
~~Pt. of diversion: N. 1320', W. 220' from E. Quarter corner Sect. 36, Twp. 5 N.R. 36 EBM, in NE 1/4 said Section, Jefferson County, Idaho.~~

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

Ans. Supplemental water for irrigation of 5120 acres and domestic purposes. All Sections 1, 11, 14, 23, 24, 25 and 26, E 1/2 Section 2, and N 1/2 Section 12, all in Township 5 North, Range 36, East B.M., Jefferson County, Idaho.

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

Ans. Water has been completely turned into works of diversion, beginning in 1941.

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

Ans. They are fully completed in complete compliance with terms of Permit.

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

Ans. ---

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

Ans. Electrically driven turban pump (capacity 6 cfs) pumps water from slough with 13 foot life, through conduit approximately 0.07 miles to existing Bell and Larsen ditch, which conveys water to lands. Conduit is 24" pipe, and ditch is capable of handling over 6,000 inches.

(Sign here.)

A. W. Stibol

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of March A. D. 1946

My Commission expires Nov. 9, 1947.

Residing at: Idaho Falls, Idaho.

John T. Breen
Notary Public.

19130

1946

Permit No. 19130

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. G. W. Rossback, residence: Roberts, Idaho; occupation: Bee keeper; and P.O. Address: Roberts, Idaho.

Ques. 2. Are you acquainted with Butte & Market Lake Canal Company, the holder of Permit No. 19130, authorizing the diversion of six second-feet of the waters of Unnamed Slough lying West of Roberts, Idaho, at Roberts for irrigation purposes? How long have you known him, and where does he reside?

I have known of this corporation for over 35 years, its principal place of business is Roberts, Jefferson County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19130, and are you familiar with its terms and conditions?

Ans. I have read it, and am familiar with its terms and conditions.

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

Ans. Yes. All of Sections 1, 11, 14, 23, 24, 25, and 26, E $\frac{1}{2}$ Sect. 32, N $\frac{1}{2}$ Section 12, Twp 5 N.R. 36, E.B.M., this is all now under cultivation, and is arid without irrigation; water in excess of 100 cfs. could be used thereon for its profitable cultivation.

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

Ans. Yes.

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

Ans. A pump is located at the slough, lifting the water approximately 13 feet into a 24" conduit, which carries the water to what is known as the Bell and Larsen Ditch, which is part of the irrigation system of the Butte & Market Lake Canal Company. The pump, conduit, and ditch are all capable of carrying and pumping at least 6 cfs. of water, and the ditch can handle at least 120 cfs. 6 cfs of water are now being pumped and used.

(Sign here.)

G. W. Rossback

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1946.

NOTARY PUBLIC, in & for said State
Residing at: Idaho Falls, Idaho

My Com. Expires: 11-9-47

19130

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

Permit No. 19130

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Errol H. Hillman, residing at Idaho Falls, Idaho, by occupation Attorney at Law, with P.O. Address: Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Butte & Market Lake Canal Company, the holder of Permit No. 19130, authorizing the diversion of six second-feet of the waters of Unnamed Slough West of Roberts, at Roberts for irrigation purposes? How long have you known him, and where does he reside?

Ans. Have known of this corporation for 15 years, its principal place of business has always been at Roberts, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19130, and are you familiar with its terms and conditions?

Ans. Yes, and I am familiar with its terms and conditions.

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

Ans. Yes. All Sections 1, 11, 14, 23, 24, 25, and 26, $\frac{1}{2}$ Section 2, and $\frac{1}{2}$ Section 12, all in Twp. 5 N.R. 36, East B.M., being 5120 acres of cultivated lands, arid in character; an excess of 300 cfs could be profitably used thereon for its profitable cultivations.

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

Ans. Yes.

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

Ans. A turban-type pump has been installed near the slough, which lifts the water approximately 13 feet, into a 24" pipe, which conveys the water to the Bell and Larsen ditch, which is a part of the irrigation system of the Butte & Market Lake Canal Company; the pump is a type capable of lifting 6 cfs of water the required distance, and the pipe is sufficient to carry it. The ditch will carry up to 120 inches cfs, but now conveys, including this water, about 86 cfs. 6 cfs of water are now pumped and diverted.

(Sign here.) Errol Hillman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls
 County of Bonneville, State of Idaho, on this 30th
 day of March, A. D. 1946.

Notary Public, in & for Idaho
 Residing at: Idaho Falls, Idaho

My Com. Expires: 11-9-47.

19130

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19130

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. A. W. Stibal; Roberts, Jefferson County, Idaho; farming and stockraising; and postoffice address is Roberts, 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. Butte & Market Lake Canal Company, Roberts, Idaho; I am President and acting under authority of Board of Directors.

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

Ans. Permit #19130, dated April 28, 1941; priority date March 25, 1941.

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

Ans. Unnamed Slough running West from Roberts, Jefferson Co., Idaho; point of diversion is N. 1320', N. 22° W 540' from East quarter corner of Section 36, Twp. 5 N.R. 36, E.B.M., in the NE-NE-1/4 said Section, Jefferson 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. Electrically driven turban pump lifts water from slough about 12 or 13 feet, into the Bell and Larsen Ditch, through a conduit 0.07 miles, more or less. The Bell and Larsen Ditch is a part of Irrigation system of applicant; the pump will handle 6 cfs of water up to a 20-foot lift, and the conduit is 24 inch and capable of carrying the water to the ditch; ditch will handle over 120 cfs of water.

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. This diversion is to supplement Decreed rights held to irrigate 5120 acres of cultivated ground, described as: All of Sections 1, 11, 14, 23, 24, 25 and 26, E-1/2 Section 2, N-1/2 Section 12, all in Township 5 North, Range 36, East Boise Meridian, Jefferson County, Idaho, and for domestic purposes for the users thereof. Decreed rights now held are from Snake River as follows: 2.30 cfs, priority June 4, 1884; 366.40 cfs priority October 16, 1890, of which approximately 82 cfs irrigate above land.

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

Ans. ---

19130

Barth

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

Ans. 102 cfs.

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 was issued to this corporation.

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

Ans. Drag line work began March 25, 1941, and work continued steadily thereafter; work was over 1/5 completed on or before October 28, 1941, and is now entirely completed. All waters pumped (6 cfs) are conveyed to and used on the lands described; waters have been pumped since fall of 1941.

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. This is a secondary water rights and is supplemental to decreed rights of the applicant as diverted from the Snake River as follows: 2.30 cubic feet per second, priority June 4, 1884; and 366.40 cubic feet per second, priority October 16, 1890. Approximately 82 cfs of decreed water is now, and for many years last past have been used upon the lands described through said Bell & Larsen Ditch.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville,

State of Idaho, on this 30th day of March, A. D. 1946

Notary Public, in & for said State

My commission expires Nov. 9, 1947

Residing at: Idaho Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19130

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. G. W. Rossback, age 61, residence, Roberts, Jefferson County, Idaho; occupation: bee-keeper; P.O. Address: Roberts, Idaho.

Ques. 2. Are you acquainted with Butte & Market Lake Canal Company, the holder of Permit No. 19130? How long have you known him and where does he reside?

Ans. I have known of this corporation for over 35 years; its main office and place of business is Roberts, Jefferson County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19130, and are you familiar with its provisions and conditions?

Ans. I have read it and am familiar with its provisions and conditions.

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. From an unnamed slough lying west of Roberts, Jefferson County, Idaho; point of diversion is in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Twp. 5 N.R. 36, EBM, described as being N. 1320', N. 22° W. 540' from the East Quarter Corner of said Section.

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. More than 6 cfs. I have seen 6 feet so conveyed.

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. Irrigation and Domestic Purposes. This water supplements decreed water owned by the corporation for the irrigation of Sections 1, 11, 14, 23, 24, 25, and 26, E $\frac{1}{2}$ Section 2, N $\frac{1}{2}$ Section 12, Twp. 5 N.R. 36, EBM, containing 5120 acres. All of this land is cultivated, and the application of this additional 6 cfs provides a more adequate supply for the proper irrigation thereof.

19130

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. Land is arid in character, and has heretofore been irrigated with decreed water decreed to Butte & Market Lake Canal Company; Land (5120 acres) has previously had about 82 cfs decreed water, and could use up to 100 ~~XXXXXX~~ cfs for entire profitable irrigation.

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

Ans. None

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. Since March, 1941, I have watched work on this diversion at the Slough. Pumping of water from the slough began in 1941, and the waters conveyed to the Bell & Larsen ditch where it was carried to the lands described, and used in the irrigation of such lands. I have been near this slough and pass by every few days, and know that the water has been diverted and used, and is now diverted at the rate of at least 6 cfs.

(Signed) J. G. Raschke

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of March, A. D. 19 46.

My commission expires November 9, 1947

John L. Blum
Notary Public.

Residing at: Idaho Falls, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19130

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. Errol H. Hillman; age 45 years; by occupation Attorney at Law, and P.O. Address: Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Butte & Market Lake Canal Company, the holder of Permit No. 19130? How long have you known him and where does he reside?

Ans. I have been acquainted with this corporation over 15 years; its principal place of business is Roberts, Jefferson County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19130, and are you familiar with its provisions and conditions?

Ans. I have read it, and am familiar with its provisions and conditions.

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

Water is from unnamed slough lying west of Roberts, Idaho; place of diversion is N. 1320', N. 22° W. 540' from East Quarter corner of Section 36, Twp. 5 N.R. 36, E.B.M., and is in NE¼, said Section, Jefferson County, Idaho. Works for conveyance are pump, 24" conduit, and large irrigation ditch. Pump will handle 6 cfs, as will conduit, and ditch is capable of carrying in excess of 120 cfs; ditch carries this and other water to place of use.

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. In excess of 6 feet; I have seen 6 cfs so conveyed.

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. Irrigation and Domestic Purposes. This is supplemental to other waters to irrigate all of Sections 1, 11, 14, 23, 24, 25, and 26, E½ Section 2, N½ Section 12, Twp. 5 N.R. 36, EBM, containing 5120 acres. All of this is now under cultivation, and the addition of this six feet provides a more adequate supply for the profitable irrigation thereof.

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 arid in character, and in excess of 100 cfs could be used profitably in the irrigation thereof.

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

Ans. None

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. In my legal practice I have clients at and around Roberts, Idaho, some of whom divert water through the Bell and Larsen Ditch. In the fall of 1941 my attention was called to a new pump and conduit, by a client. At that time I examined the pump and found it, as above described, pumping waters into the Bell and Larsen Ditch. Since I have passed the location of the pump on numerous occasions and have seen it working, and have watched diversion from this ditch onto the farms of many ditch users.

(Signed)

Ernest H. Hillman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of March, A. D. 1946.

John L. Blom

Notary Public.

My commission expires November 9, 1947. - Res. at: Idaho Falls, Idaho

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 19130
Butte & Market Lake Canal Co.

Boise, Idaho, March 19, 1946

Mr. Ralph L. Albaugh
201-205 Rogers Bldg.
Idaho Falls, Idaho

Dear Sir:

completion of works and

I enclose herewith the following forms to be used in connection with proof of ~~the~~ beneficial use of water under Permit No. 19130

Deposition of Permit Holder, **one for each proof**
Depositions of Two Witnesses. **one each for each proof**

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 30, 1946, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Idaho Falls, Idaho before John L. Bloom, 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,

MARK R. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

19130

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: February 25, 1946

Re: Permit No. 19130

The Rigby Star

Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to March 30,
1946, the date set for proof, the expense of the
publication to be paid by the applicant, Butte & Market Lake Canal Co.
of Roberts, 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

19130

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 o'clock P. M. on the 30th
day of March, 1946, at Idaho Falls ^{M.} County of
Bonneville State of Idaho, before John L. Bleem, Notary Public,
proof will be submitted of the completion of works for the diversion of six (6)
cubic feet per second of the waters of an unnamed slough west of / Roberts, Idaho and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. 19130 heretofore issued by the State
Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Butte & Market Lake Canal Company, Roberts, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
ducting to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is six (6) cubic feet per second.

3. The use to which said water has been applied is irrigation and
domestic purposes, and the amount applied to beneficial use is
Six (6) cubic feet per second.

4. The place where said water is used is All of Sections 1, 11, 14,
23, 24, 25 & 26, E $\frac{1}{2}$ Section 2, and W $\frac{1}{2}$ Section 12; all in Township 5 North, Range
36 East, B.M.

5. The date of priority which said user is prepared to establish is
March 25, 1941

MARK R. KULP

State Reclamation Engineer

19130

February 14, 1946

Re: Permit No. 19130
Butte & Market Lake Canal Co.

Mr. Ralph L. Albaugh
201-205 Rogers Bldg.
Idaho Falls, Idaho

Dear Mr. Albaugh:

We are in receipt of your letter of February 11th, and note that the land description as given on the sketch map is the correct description of the lands to be irrigated under the above numbered permit.

We shall therefore correct the notice accordingly, and shall send it to the Rigby Star in ample time to allow for the statutory four consecutive publications prior to March 30th, the date set for proof.

About ten days prior to that date we shall send to you the necessary forms of deposition, consisting of one for the permit holder and one for each of two witnesses. We usually send these to the Notary Public, but as we do not have Mr. Bloem's address, we shall send them to you instead.

At the time set a representative of the Butte & Market Lake Canal Company, together with two disinterested witnesses, should appear before Mr. Bloem, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

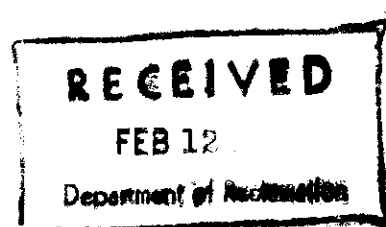
Chief Clerk

A

19130

RALPH L. ALBAUGH
LAWYER
201-205 ROGERS BLDG.
IDAHO FALLS, IDAHO

January 11, 1946.



State Reclamation Engineer,
State House,
Boise,
Idaho.

In re Permit No. 19130- Butte & Market Lake
Canal Co.

Dear Sir:

I did not have a copy of the map which accompanied this Permit when I forwarded to you the notice a few days ago and therefore copied the description off the Permit. The land shown on the sketch map is the correct description. Will you kindly correct the notice accordingly before you publish same.

Thanking you for your courtesy in this matter,

I am,

Very truly yours,

Ralph L. Albaugh.

RLA:HR.

19130

February 9, 1946

Re: Permit No. 19130
Butte & Market Lake Canal Co.

Mr. Ralph L. Albaugh
201-205 Rogers Building
Idaho Falls, Idaho

Dear Mr. Albaugh:

We acknowledge receipt of your letter of February 9th, enclosing duplicate notice of proofs to be made under the above numbered permit, and also your authorization to have the notice published in the Rigby Star.

There appears to be some discrepancy in the land description in the notice with the description in the permit, and also between the description under Question 14 in the permit, and the sketch map which accompanied same. This should be clarified before the notice is published.

All three descriptions agree in describing all of Sections 1, 11, 14, 23, 24, 25 and 26.

The permit describes the $N\frac{1}{2} N\frac{1}{2}$, and $N\frac{1}{2} S\frac{1}{2}$ of Section 12, whereas the sketch map shows the $N\frac{1}{2} N\frac{1}{2}$, and $S\frac{1}{2} N\frac{1}{2}$, which would seem to be correct as this is a compact body of land, whereas the two tracts described in the permit are a quarter of a mile apart.

Also the permit describes the $E\frac{1}{2} E\frac{1}{2}$ and $E\frac{1}{2} W\frac{1}{2}$ Section 2, whereas the sketch map shows the $E\frac{1}{2} E\frac{1}{2}$ and $W\frac{1}{2} E\frac{1}{2}$, which would also seem to be correct, for the same reason as above.

The notice does not describe any land in Section 2, but does describe the $E\frac{1}{2} E\frac{1}{2}$ and $E\frac{1}{2} W\frac{1}{2}$ Section 36, but neither the permit nor the sketch map describe any land in Section 36.

Please check this carefully, and advise the correct description of the land which is being irrigated under this permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

P. S. For your convenience, we enclose a township plat on which we have checked these several descriptions.

19130

RALPH L. ALBAUGH
LAWYER
201-205 ROGERS BLDG.
IDAHO FALLS, IDAHO

February 7, 1946.

State Reclamation Engineer,
Boise,
Idaho.

In re Permit No. 19130,
Butte & Market Lake Canal Co.

Dear Sir:

Enclosed you will find in duplicate Notice of
Completion of Works and Application of Water to Beneficial
Use under the above-numbered Permit. Kindly publish this
Notice as soon as possible.

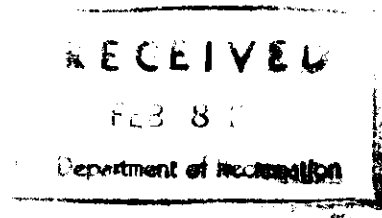
Very truly yours,



Ralph L. Albaugh.

Encls.

RLA:HR.



19130

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 6, 1946

(P. O.) Roberts, 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
The Rigby Star of Rigby, Idaho, published in
the county in which the works are situated.

BUTTE & MARKET LAKE CANAL COMPANY,
a corporation,

By

A. J. Stibaf

President.

(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.

19130

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 o'clock P.M. on the 30th day of March, 19 46, at Idaho Falls, ^{M.} County of Bonneville State of Idaho, before John L. Bloom, a Notary Public, proof will be submitted of the completion of works for the diversion of six cubic feet per second of the waters of unnamed slough West of / ^{Roberts, Idaho} and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 19130 heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Butte & Market Lake Canal Company, Roberts, Idaho.

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

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is six cubic feet per second.

4. The place where said water is used is All of Sections 1, 11, 14, 23, 24, 25 & 26, E $\frac{1}{2}$ of E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 36, N $\frac{1}{2}$ of N $\frac{1}{2}$ and N $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 12, all in Township 5 North, Range 36 East Boise Meridian.

5. The date of priority which said user is prepared to establish is 3-22-41
April 28, 1941

State Reclamation Engineer.

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

Boise, February 1, 1946

Butte & Market Lake Canal Co.
C/o Mr. Ralph L. Albaugh
Earl Building
Idaho Falls, Idaho
Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. 19130 This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof.

The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is April 28
1946, 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 is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19130

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19130

Boise, Idaho,

Dear Sir:

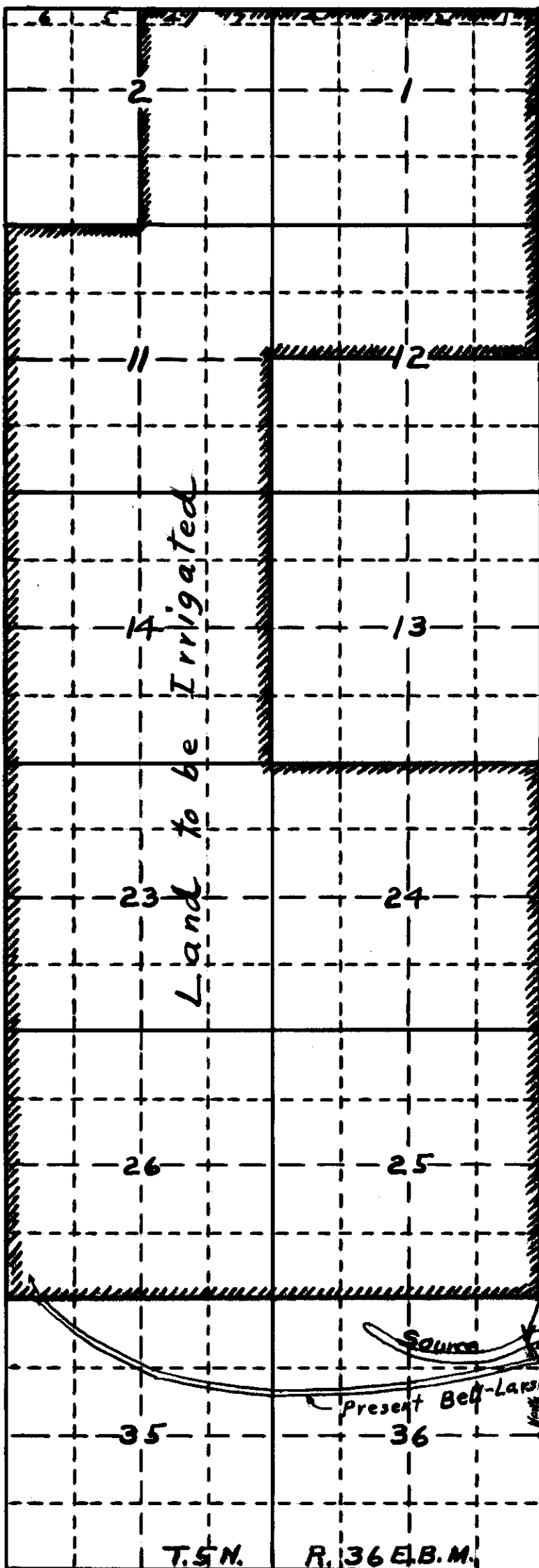
April 30, 1941

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~~
fourth page.

Mr. Ralph L. Albaugh
Earl Bldg.
Idaho Falls, Idaho
R#15761, ~~##999~~ \$11.00.

E. V. BERG.
Commissioner of Reclamation.

19130

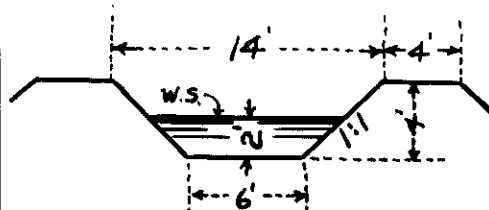


Sec. 1.

Lot 1 12.33 Acres
 Lot 2 12.28 "
 Lot 3 12.22 "
 Lot 4 12.17 "

Sec. 2

Lot 4 8.46 "
 Lot 7 13.20 "



TYPICAL CANAL SECTION

Sta. 0+00 - 3+91

Inside Slopes 1:1

S. = 0.0008

A. = 16

R. = 1.40

V. = 1.70

Q. = 27.2 s.f.

LEGEND:

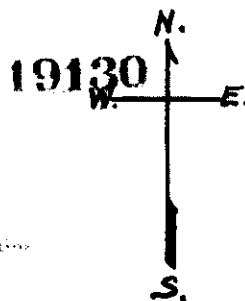
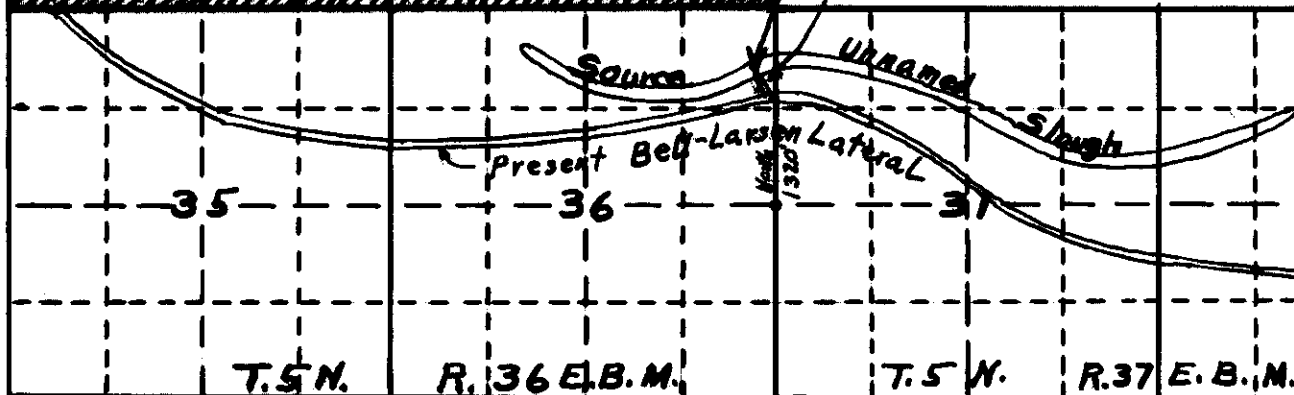
Boundary of Land to be irrigated.

Maximum Lift 13'

POINT OF DIVERSION

Which is North 132° and N. 22° W. 540' from the East Quarter Corner Sec. 36.

NEW CANAL S. 19° 42' E. 391'



MAP OF CANAL

To Accompany Application For Permit
 By Butte and Market Lake Canal Co.

Survey March 21, 1941, and, Roberts, Idaho, April 17, 1941.
 This map made Apr 17, 1941.

Scale 1 inch = 1/2 mile.

By Milton Christensen
 Licensed Civil Engr.
 Idaho Falls, Idaho.

COPIED AS ORDERED
 AS ORDERED
 APR 25 1941
 E. V. PERG
 Commissioner of Public Utilities

April 21, 1941

Re: 26566
Butte-Market Lake Canal Co.

Mr. Ralph L. Albaugh
Earl Bldg.
Idaho Falls, Idaho

Dear Mr. Albaugh:

We are in receipt of your letter of April 18th enclosing application for permit and a request that we advise you concerning a filing ~~in~~ the name of Moore on the same slough as the Butte & Market Lake Canal Company's filing.

No valid filing has been recorded on this unnamed slough. Also, there has not been a filing in that vicinity in the name of "Moore".

If the Slough had a name-as a Creek- then, there would be a chance of a filing. However, in this case, we would need the name of the stream or the name of the applicant in order to find the filing in our index book.

Very truly yours,

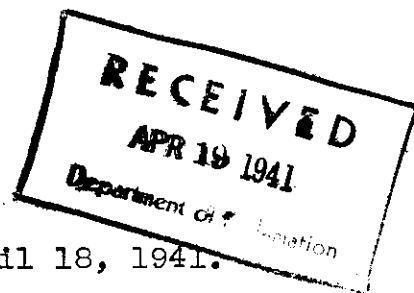
E. V. BERG.
Commissioner of Reclamation.

BY: ROY W. THOMPSON.
Deputy Commissioner.

RWT:ml.

19130

RALPH L. ALBAUGH
LAWYER
212-13-14 EARL BUILDING
IDAHO FALLS, IDAHO



April 18, 1941.

Mr. E. V. Berg,
Commissioner of Reclamation,
Boise,
Idaho.

Dear Sir:

I am returning to you herewith application No. 26566 for permit, with maps accompanying same. I believe this permit and maps contain sufficient information to comply with the statute.

I am informed that a party by the name of Moore had a filing two or three years ago on this same slough. Will you kindly advise me by return mail the date of this filing and the amount thereof.

Thanking you in advance for your courtesy in this matter, I am,

Very truly yours,


RALPH L. ALBAUGH.

RIA:HR.

ENCL.

19130

app. Butte & Market Lake
Canal Co.
26566

April 4, 1941

Mr. Otto E. McCutcheon
Attorney at Law
Suite 207-209 Salisbury Building
Idaho Falls, Idaho

Dear Mr. McCutcheon:

We wish to acknowledge receipt of your letter of April 3, relative to application for permit filed in this office by the Butte and Market Lake Canal Company.

The application has been returned to applicant for corrections, therefore we cannot supply all the information requested. However, I will give you all the information on hand.

Applicant: Butte and Market Lake Canal Co., Inc.
Amount of water filed on: 25 second feet
Source: Unnamed slough running west from Roberts
Purpose: Irrigation and domestic
Location of point of diversion: N. 1320', N. 22°
W. 540' distant from the East Quarter of Section 36, and is in the NE 1/4, Section 36, T. 5 N., R. 36 E.B.M., Jefferson County.
Received: March 25, 1941 at 11 A.M.
Returned for corrections: March 31, 1941.

We will be pleased to furnish you with additional information as requested as soon as the application is returned for permit.

Very truly yours,

E. V. HERG
Commissioner of Reclamation

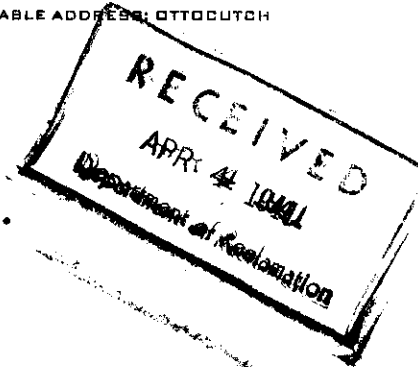
BY: ROY W. THOMPSON
Deputy Commissioner

RWT:dbj

19130

OTTO E. McCUTCHEON
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 207-209 SALISBURY BUILDING
IDAHO FALLS, IDAHO

WESTERN UNION CODE
CABLE ADDRESS: OTTMCUTCH



April 3d 1941.

Hon. E. V. Berg,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Berg:

First let me congratulate you upon your appointment to the office of Commissioner of Reclamation. I feel sure that you will make a fine record.

Some clients of mine at Roberts have asked me to inquire of you for the date of a filing for water appropriation made some time ago by the Butte and Market Lake Canal Company, a corporation. The waters intended to be appropriated are probably described as flowing in the Roberts and Market Lake slough just east of the Village of Roberts in Jefferson County. As they recall, the heading was somewhere in Township 5 North, Range 37 E. B. M., but they have no other information about the appropriation than is given here. With this small amount of material available will it be possible for you to identify the filing or appropriation and give me the data disclosed by the application in respect to date of priority, amount of water claimed, and the dates when the works will be completed and the final date when the water is to be applied to beneficial use?

With kind regards.

Very truly yours,

Otto E. McCutcheon

M:LK

19130

March 31, 1941

Application No. 26566

Mr. Ralph L. Albaugh, Atty.
Idaho Falls, Idaho

Dear Mr. Albaugh:

We are returning herewith application for Permit
in the name of Butte and Market Lake Canal Company, as applicant,
for the following information:

Regulations call for maps to accompany applications.
You will find requirements in the enclosed form entitled "Regulations
and Instructions".

Please state in "remarks" on the application if this
is a secondary right or not, if so, supplemental to what other right
or rights.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

By: Roy W. Thompson
Deputy Commissioner.

RWT:ml.

19130

RALPH L. ALBAUGH
LAWYER
212-13-14 EARL BUILDING
IDAHO FALLS, IDAHO

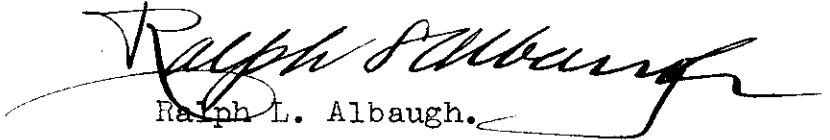
March 24, 1941.

E. V. Berg,
Commissioner of Reclamation,
Boise,
Idaho.

Dear Sir:

Enclosed you will find application of
Butte & Market Lake Canal Company for a permit to
divert 25 cfs of water out of an unnamed slough near
Roberts, Idaho; also my check to your order for \$11.00
to cover filing fees.

Very truly yours,


Ralph L. Albaugh.

Encls.

RLA:HR.

19130