

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

Application No. 26758
Permit No. 19271
District No.

1. Name of Applicant: REUBEN D. BUTTARS
Postoffice address: Weston County: Franklin 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: 1.0 cubic feet per second.
3. Source of water supply: from Weston Village Drain and from/ seepage of Block No. 1, Block No. 2, Block No. 7 and Block No. 8, of Weston Village, Idaho which is a tributary of
4. Location of point of diversion: 15 rods South foot distant from the NW $\frac{1}{4}$ corner of Section 13, T. 16 S, R. 38 E, B. M., and is the NW $\frac{1}{4}$ of Section 13, T. 16 S, R. 38 E, B. M., County of Franklin
5. Water is to be used for: irrigation purposes
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.
(b) Amount of power generated: H. P., under feet head.
(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 500.00
8. Kind of works: small reservoir, dam, and diversion ditches
9. Height of dam 6 feet; length of dam at top 75 feet; length of dam at bottom 50 feet; material used in dam: dirt and riprap
10. Size of headgate: Width 20" feet; height 20" feet.
11. Ditch: Width at bottom 12" feet; width at water line 18" 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 5 years.
13. The time required for the complete application of the water to the proposed use is 0 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? Yes If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit: Buttars Reservoir
 (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.

Reuben Butters
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: March 23, 1942, 9:00 A. M.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19271

Recorded in Book 70 Page 19271 Approved March 27, 1942

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 May 26, 1942

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 Sept. 27, 1944

The whole of said work to be completed on or before March 27, 1947

Beneficial use of water appropriated in accordance herewith, to be made on or before March 27, 1947

Witness my hand this 27th day of March, 1942

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 27th day of March 19 42

Countersigned:

STATE OF IDAHO

(SEAL

By

GEO. H. CURTIS

Secretary of State.

By

CHASE A. CLARK

Governor.

Remarks:

Application for storage to be considered a part of this application, or this application is also application for the storage of said waters.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16 S	38 E	13					10 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)												10
							PERMIT NO. 19271 CERTIFICATE OF COMPLETION OF WORKS												
			TO ALL WHOM IT MAY CONCERN:																
			This is to certify that REUBEN D. BUTTARS of Weston, County of Franklin, and State of Idaho, the holder of Permit No. 19271, issued upon Application No. 26758 bearing date of priority of March 23, 1942, authorizing the diversion of second feet of the waters of Weston Village Drain and from seepage of Blocks Nos. 1, 2, 7 and 8 of Weston Village County of Franklin, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; works are adequate for diverting and conveying to the place of intended use One (1) second feet of the waters of said seepage that the point of diversion of said waters is 15 rods South from the Northwest corner of Section 13, Township 16 South, Range 38 East, B.M., and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; and that the lands proposed to be irrigated by said water are described as follows, to-wit: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 16 South, Range 38 East, B.M.																
			Witness my hand this 6th day of February, A. D. 1947.																
			Proof of completion of works made January 4, 1947. Certificate of completion of works issued February 6, 1947.												MARK R. KULP State Reclamation Engineer				

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19271

Date April 4, 1942

Dear Sir:

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

Reuben D. Butters
Weston, Idaho

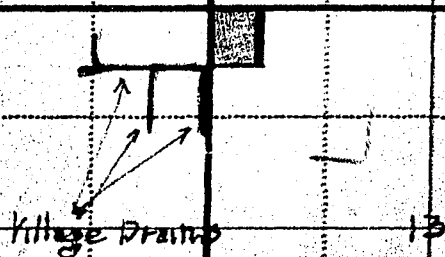
E. V. BERG
Commissioner of Reclamation.

19271

NAME OF APPLICANT

Rauben Butters

FORM No. 0



Permit Map No. 19271

As Approved
MAY 27 1925

E. V. BERG

County Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Mr. Reuben D. Butters

January 2, 1947

Weston, Idaho

Dear Sir:

Under the terms of your permit No. 19271 you are required to complete your diversion works and make proof of beneficial use on or before March 27, 1947.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public of Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (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 March 27, 1947, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19271

Preston, Idaho
January 24, 1947

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

Dear Sir:

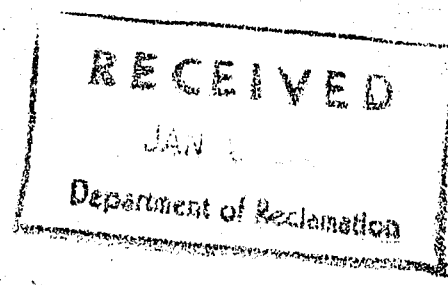
Under the terms of my permit No. 19271, I am required to complete diversion work and make proof of beneficial use on or before March 27, 1947.

Due to an agreement made subsequent to the date of the permit, it is unnecessary to construct a reservoir and dam as indicated in the permit, the diversion ditches being the only constructions necessary for the beneficial use of this water. These diversion ditches have been constructed, and the water has been put to beneficial use.

Will you kindly advise me the proper procedure in the "kind of works" necessary for the use of the water? If it is possible to do so, I would like to continue with the proof under this bases.

Yours very truly,

Reuben Butters
Reuben Butters
Weston Idaho



✓
January 27, 1947

Re: Permit No. 19271

Mailed to
Preston

Mr. Reuben D. Buttars
Preston, Idaho

Dear Mr. Buttars:

Reference is made to your letter of January 24th, in regard to proofs to be made under the above numbered permit, in which you state that you have not found it necessary to construct the dam and reservoir as described in your original application and permit, but that you have completed the ditches, etc., which are all that is necessary for the diversion and use of the water.

You may therefore make your proofs accordingly, setting forth under "Remarks" in the affidavit for completion of works proof, the reasons why a dam and reservoir were not necessary, as outlined in your letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

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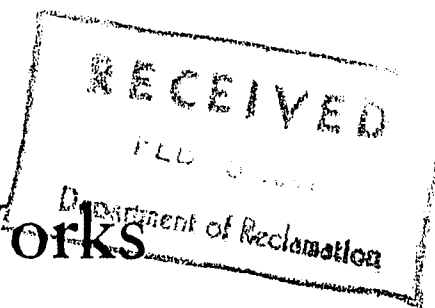
19 271

Permit No. 19271

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER



STATE OF IDAHO

County of Franklin

ss.

Reuben D. Buttars

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19271, and that his postoffice address is Preston, Franklin State of Idaho

Second: That the name of the stream from which said water is to be directed is Weston Village Drain, and Seepage of Block 1, 2, 7, and 8 of Weston Village, Ida.

Third: That the point of diversion of said water is 15 rods south from the NW corner of Sec. 13, T. 16 S.R. 38 EBM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 27, 1947, 19.

Fifth: That the use for which said water is intended is irrigation

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

I. Kind of works: Diversion ditches were completed. (See below)

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 1 feet, height 1 feet.

(d) Conduit Ditch width at bottom 12" feet width at water line 18 in.

(State whether ditch, flume or pipe)

feet depth of water 8 in. feet; diameter of pipe 12 in. inches, average grade per mile is 4 feet. Length of conduit is 1980 ft. miles.

Seventh: That said works are capable of conducting to the place of intended use 2 1/2 second feet of water.

Eighth: That water appropriated under said permit is available for ten acres of land described as follows: The northwest quarter of the northwest quarter of the northwest quarter of Section 13, Township 16 South, Range 38 East of the Boise Meridian.

Ninth: Remarks: That The dam and reservoir shown in the original permit were not necessary to be constructed for the beneficial use of this water; the diversion works consisting of the ditch and the small dam is all that is necessary to convert the water to beneficial use.

Reuben D. Buttars
(Sign here)

Subscribed and sworn to before me this 4th day of January, 1947

My commission expires

1-21-49

Notary Public.

19271

8714.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 5, 1947

(P. O.) Preston, 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
Preston Citizen of Preston, Idaho, published in
the county in which the works are situated.

Reuben D. Butters

(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.

1927



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

CHARLES C. BOGGETT
GOVERNOR
C. A. Robins
ARNOLD WILLIAMS
GOVERNOR

February 7, 1947

Re: Permit No. 19271

Mr. C. L. Swenson
Notary Public
Preston, Idaho

Dear Mr. Swenson:

We enclose herewith Certificate of Completion of Works issued under the above numbered permit in the name of Reuben D. Buttars, of Weston, to appropriate One (1) second foot of water from Weston Village Drain and from seepage of Blocks 1, 2, 7 and 8 of Weston Village, Idaho, with priority of March 23, 1942, for the irrigation of ten acres of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 16 South, Range 38 East, S.M.

We also enclose Departmental Receipt # 19795 for the \$5.00 fee in connection with this proof.

Notice of beneficial use proof to be made under this permit on March 27th, before you as Notary Public, has been sent to the Preston Citizen, with instructions to publish it once a week for four consecutive weeks prior to that date, and to send the affidavit of publication to Mr. Buttars, together with statement of publication costs.

We enclose herewith the forms of deposition to be used in making this proof, consisting of one for Mr. Buttars and one for each of two witnesses.

At the time set, Mr. Buttars should appear before you, with two disinterested witnesses, who are familiar with the terms of the permit, and the work done thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By *Jeannie L. Anderson*
Chief Clerk

A
Encls.

19271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: February 7th, 1947

Re: Permit No. 19271

The Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to March 27,
commencing with your issue of February 20th
1947 the date set for proof, the expense of the
publication to be paid by the applicant, Reuben D. Buttars
of Weston, Idaho, to whom
you should furnish affidavit 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

19271

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

10

27th

March

47

Preston

Franklin

Notice is hereby given that at..... A. M. on the..... day of....., 19....
C. L. Swenson

at....., County of....., State of Idaho, before
 one **Weston Village**
Drain and from Seepage of Block 1, 2, 7, and 8, proof will be submitted of the
Weston Village, Ida. 19271

application to beneficial use of..... cubic feet per second of the waters of.....
 Department of Reclamation
 in accordance with the terms and conditions of Permit No.....

heretofore issued by the..... of the State of Idaho.
Reuben D. Butters, Weston, Idaho

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

..... one cubic foot per second
 The use to which said water has been applied is

The amount applied to beneficial use is
The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 13, T. 16 S. R. 38 EBM.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated)

.....
 unnamed

The name of the canal or ditch or other works by which said water is conducted to such place
 19271
 of use is

The right to take water from such works is based upon Permit No.....
Weston Village Drain,
and from Seepage of Block 1, 2, 7, and 8 of Weston Village, Idaho
 The source of supply from which such water is diverted is

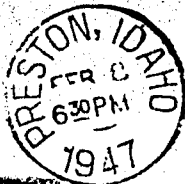
March 27, 1942
 23

The date of priority which said user is prepared to establish is.....

MARK R. KULP

19271

Commissioner of Reclamation.



THIS SIDE OF CARD IS FOR ADDRESS

RECEIVED

Mark K. Kulp
Department of Reclamation
Boise
Idaho

Just A Short Message From The Preston Citizen

Preston, Idaho

Feb. 8, 1947

This is to acknowledge receipt of NOTICE OF
PROOF APPLICATION OF WATER TO BENEFICIAL USE
for Reuben D. Buttars of Weston, Idaho.

Thank you,
The Preston Citizen
Preston, Idaho

1927

April 16, 1947

Re: Permit No. 19271

Mr. C. L. Swanson
Notary Public
Preston, Idaho

Dear Mr. Swanson:

Please advise us if Proof of Beneficial Use under Permit No. 19271 has been made by Mr. Reuben C. Batters, of Weston, Idaho on March 24, 1947, as advertised.

To date, these proofs have not been received in this Department.

Very truly yours,

Mark A. Tulp
State Reclamation Engineer
By

Chief Clerk

A:FA

C.C. to Reuben D. Batters

19271

FRANKLIN

COUNTY ■ STATE OF IDAHO

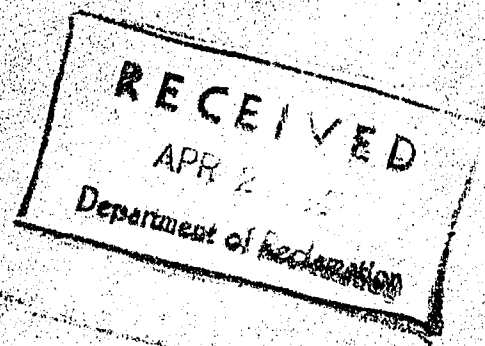
C. L. SWENSON, C. P. A.

CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER
CLERK OF BOARD OF COMMISSIONERS

PRESTON, IDAHO
April 19, 1947

BOARD OF COMMISSIONERS

ISAAC M. EVANS, CHAIRMAN
PRESTON, IDAHO
WALLACE B. OLSEN, COMMISSIONER
FRANKLIN, IDAHO
D. ARIEL MASH, COMMISSIONER
WESTON, IDAHO



Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

I am enclosing Deposition of Holder, and
Deposition of Witness effecting Permit No. 19271.

Yours very truly,

C. L. Swenson
C. L. Swenson

CLS:lp

19271

in app. file.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19271

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Reuben D. Buttars, Weston, Idaho. Occupation: Farmer; Weston, Idaho

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

Ans. _____

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

Ans. Permit No. 19271, Date: ^{Mar. 23 1942} Water has been used since May 1941. Date of
Permit is March 27, 1942.

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

Ans. Water is from Weston Village Drain and from seepage of Blocks No. 1, 2, 7, and
8 of Weston Village, Idaho. Point of Diversion is 15 rods South from the NW corner of
Section 13, T. 16 S. R. 38 EBM, and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13.

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. Ditch is completed is a minimum of 12 in. in width at the bottom, 18 in. at the
water line and of a depth of a minimum of 12 in. And is about 400 feet in length.
The ditch is unnamed. Ditch is capable of conveying at least one second foot of
water to point of use.

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 is used for irrigation. And is used on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13, T. 16 S.
R. 38 EBM. Land is good crop land suitable for grain or hay. Improvements have
been to materially increase amount of produce of land.

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

Ans. _____

19271

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. All water available during irrigation season. Approximately one second foot.

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. Water has been used to water crops during irrigation season. Water has been used to irrigate all crops which can be raised upon the land described.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. Have used some water from Twin Lakes Canal to supplement the water available under this permit.

(Sign)

Reuben D. Butters

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 Preston, County of Franklin, State of Idaho, on this 27th day of March, A. D. 1947.

My commission expires Jan. 21, 1949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19271

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. Earl S. Buttars, Age 39; Residence: Weston, Idaho. Farmer, Weston, Ida.

Ques. 2. Are you acquainted with Reuben D. Buttars, the holder of Permit No. 19271? How long have you known him and where does he reside?

Ans. Have known Reuben D. Buttars during my entire Lifetime. Weston, Idaho

Ques. 3. Have you read or heard read said Permit No. 19271, 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.

The source of the water is from the Weston Village Drain, and from seepage from
Ans. Blocks Nos. 1, 2, 7 and 8, of Weston Village, Idaho

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. Works will carry about two second feet of water; about one second foot has been seen 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. Water is used for irrigation. The NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13, T. 16 S.R. 38 EBM

19271

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

Ans. None

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. Hay land and grain land, of about ten acres in extent. Will require all water available in this diversion works to cultivate profitably.

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. Water has all been used during irrigation season.

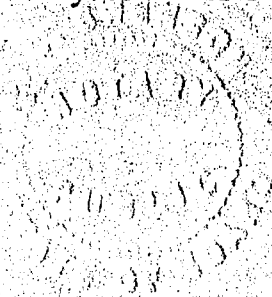
(Signed)

Carl J. Butters

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 Preston, County of Franklin, State of Idaho, on this 27th day of March, A. D. 19 47

My commission expires Jan. 21, 1949

[Signature]
Notary Public.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19271

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. Jesse W. Griffiths, Age 55, Weston, Idaho. Farmer.

Ques. 2. Are you acquainted with Reuben D. Buttars, the holder of Permit No. 19271? How long have you known him and where does he reside?

Ans. Have known him all his life. Lives at Weston, Idaho

Ques. 3. Have you read or heard read said Permit No. 19271, 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 from Drain waters of Weston Village Drain, and from seepage of Blocks Nos. 1, 2 7 and 8 of Weston Village, Idaho

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. Approximately one second foot.

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. Water is used for irrigation on the NW¹/₄ NW¹/₄ of Sec. 3, T. 16 S. R. 38 EBM.

19271

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

Ans. Water is used for irrigation.

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 crop land suitable for grain, hay, etc., and all of the water is necessary for the profitable irrigation of this land during the irrigation season.

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. Water has been used during the irrigation season on the land described.

(Signed) Jesse W. Griffiths

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 Preston, County of Franklin, State of Idaho, on this 27th day of March, A. D. 1947

My commission expires Jan. 21, 1949

[Signature]
Notary Public.

C. A. Robins

April 26, 1947

Re: Permit No. 19271

Mr. C. L. Swenson
Preston, Idaho

Dear Mr. Swenson:

We acknowledge receipt of your letter of April 19, enclosing the depositions of Reuben D. Butters and two witnesses in Proof of Beneficial Use under Permit No. 19271.

However, we have not yet received the affidavit of publication which is a necessary part of these proofs.

affidavit Possibly the Preston Citizen has sent this application to Mr. Butters and we are sending a copy of this letter to Mr. Butters in order that he may transmit same to this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FA

C. C. to Reuben D. Butters

19271



C. A. ROBINS
GOVERNOR

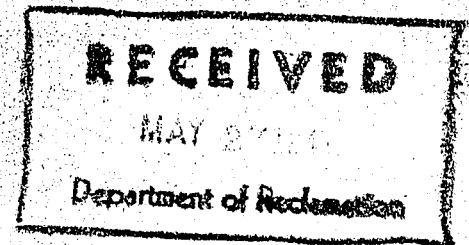
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 23, 1947

Re: Permit No. 19271



The Preston Citizen
Preston, Idaho

Gentlemen:

In February of this year, we sent you a notice for publication "Proof Application of Water to Beneficial Use" for Reuben D. Buttars.

We have not received the affidavit of publication from Mr. Buttars and we would appreciate it if you would send such affidavit to this Department in order to complete Mr. Buttars proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:FA

C. C. to C. L. Swenson

19270

NOTE: We have billed Mr. Buttars several times for charges on publishing the notice mentioned above, but he has not settled the account.

The Preston Citizen

✓
May 27, 1947

Re: Permit No. 19271

Mr. Reuben D. Butters
Weston, Idaho

Dear Mr. Butters:

We have written you several times in regard to affidavit of publication from the Preston Citizen, which is necessary to complete your proofs of Beneficial Use under Permit No. 19271 but have had no reply.

We are now advised by the Preston Citizen that the reason that this affidavit has not been sent you, is that you have not yet paid the publication costs.

It is important that you give this matter your prompt attention, if your Beneficial Use Proofs are to be approved.

Very truly yours,

MARK R. HULF
State Reclamation Engineer
By

Chief Clerk

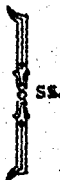
A:FA

C. C. to C. L. Swenson.

19271

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,



County of Franklin

Clara E. Smith, being duly sworn,

deposes and says:

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

Such notice was published in the issue beginning with
Feb. 20 1947, and ending
with the issue of March 13 1947

Clara E. Smith

Fees \$ 12.75

Subscribed and sworn to before me this 31 day

of May 1947

Notary Public, Residing at Preston, Idaho

My Commission Expires 1/21/49 1949

Legal Notices

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICA- TION OF WATER TO BEN- EFICIAL USE

Notice is hereby given that at
10 a. m. on the 27th day of March
1947, at Preston, County of Frank-
lin, State of Idaho, before C. L.
Swenson, proof will be submitt-
ed of the application to beneficial
use of one cubic feet per second
of the waters of Weston Village
Drain and from Seepage of Block
1, 2, 7, and 8 of Weston Village,
Idaho, in accordance with the
terms and conditions of Permit
No. 19271 heretofore issued by
the Department of Reclamation
of the State of Idaho.

The name and postoffice address
of the person or corporation hold-
ing said permit are Reuben D.
Buttars, Weston, Idaho.

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

The amount applied to benefi-
cial use is one cubic foot per sec-
ond.

The place where said water is
used (if for irrigation, give full
and accurate description of the
lands irrigated) The NW $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 13, T.
16 S. R. 38 EBM.

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

The right to take water from
such works is based upon Permit
No. 19271.

The source of supply from which
such water is diverted is Weston
Village Drain, and from Seepage
of Block 1, 2, 7, and 8 of Weston
Village, Idaho.

The date of priority which said
user is prepared to establish is
March 23, 1942.

51 lines Mark R. Kulp
State Reclamation Engineer.
8-9-10-11

RECEIVED

JUN 2

Department of Reclamation

1927A

June 3, 1947

Re: Permit No. 19271

Mr. Reuben D. Batters
Preston, Idaho

Dear Mr. Batters:

We have received from the Preston Citizen, affidavit of publication in connection with final proof under your Permit No. 19271.

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

We can not say 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 and contact you at the time he makes the examination so that you may show him over the grounds.

Very truly yours,

MARK R. EDLP
State Reclamation Engineer
By

Chief Clerk

A:FA

19271

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19271

This proof is for Beneficial use

In Water District No.

1. Name of applicant Reuben D. Buttars, Weston, Idaho
2. Source of water supply: Weston Village Drain and seepage from Blocks 1, 2, 7 & 8 Weston Village
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13
T. 16 S. R. 38 E. County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same:
Diversion is from the outlet of a village drainage system which discharges into a road gutter, and is diverted thence by piped underpass across the road to small distribution ditches.
5. Water is used for: Irrigation
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 other than irrigation):
NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Twp. 16 South, Range 38 East, B.M.

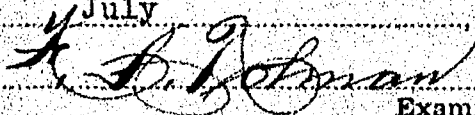
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks:

This examination was made on the 9th day of July, 1947

(Signed)



Examiner.

February 13, 1948

Re: Permit No. 19271

Mr. Reuben D. Batters
Weston, Idaho

Dear Mr. Batters:

We now have on file the report of our Field Engineer
on examination for beneficial use under your Permit No. 19271.

This report shows that you have irrigated 9 acres in
the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 18 S., Range 38 E. B. M.

Therefore, upon receipt of the statutory fee of \$2.00
a license will be issued for .18 of a cubic foot per second or 9 inches
of water from Weston Village Drain and Seepage.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A. Jm

19271

Weston, Idaho

March 2, 1948

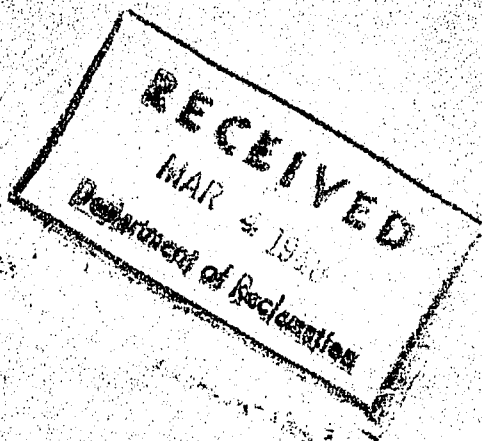
Dept. of Reclamation
Boise Idaho.

Mark R. Kulp:

Dear Sir:

Enclosed please find
two dollars (\$2.00) to pay
the license fee on Permit
No. 19271 for use of seepage
water from Weston Sillage.

Very truly yours,
Ruben Butters



19271

March 8, 1948

Re: Permit No. 19271

Mr. Reuben D. Butters:
Weston, Idaho

Dear Mr. Butters:

We enclose License and Certificate of Water Right issued under Permit No. 19271, confirming your right to the use of 0.18 second feet of water from Weston Village Drain and Seepage from Blocks 1, 2, 7 and 8 of Weston Village, with priority of March 23, 1942, for the irrigation of 9 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 16 S., Range 58 E. B.M.

We also enclose Departmental Receipt No. 20421 for the \$2.00 fee paid in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

19271

Weston, Idaho

Oct. 15, 1954

Mark R. Kulp

Boise, Idaho

Dear Sir:

I would like some information regarding a water right. This right was issued to me under Permit no. 19271, March 23, 1942.

I have a neighbor who would like to buy half-interest in this right, and together we could build a reservoir, store the water, and use it to a better advantage for irrigation.

There are times, during a rainy season, or when I have grain on my land that I do not use all this water, and I was wondering if I could sell him part interest in this water.

Thanking you for this information.

I am sincerely yours,

RECEIVED
OCT 16 1954

Department of Reclamation

Ruben Brittan

19271

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222 -

October 16, 1954

RE: Permit No. 19271

Mr. Ruben Butters
Weston
Idaho

Dear Mr. Butters:

Reference is made to your letter of October 15 in regard to selling a half interest in the above numbered Permit to a neighbor and together building a reservoir.

The License issued under Permit No. 19271 is for 18 Second foot or 9 inches of water for use on nine acres in the NW¹/₄ NW¹/₄ Section 13, Township 16 South, Range 38 East B.M. There would be no objection to your selling a half interest in this water right but if it is to be used on other land, it would be necessary to apply to this department for a transfer of place of use, a form for which would be sent you upon request. This would require publication of a notice once a week for two weeks in a county newspaper and if there were no protests, the portion of water so sold to your neighbor could be used on the other land.

In order to build a reservoir and store water, an application for such Permit must be filed and approved in this department, in connection with which a storage permit may be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

19271

RECEIVED
NOV 5 1958

Department of Reclamation

November 3, 1958

Department of Reclamation
Boise, Idaho

Dear Sir:

I would like some information concerning my water rights . I have two water rights. One was decreed to me March 23, 1942, permit No. 19271, and the other was with the place when I bought it.

I have been using most of this water on my place, but at times there has been some water that I haven't used, so Nov. 19, 1952, Dewey Campbell filed on my wast water, and was granted permit No. 23254, February 7, 1953, which made him a junior partner.

Now I have been thinking of putting my entire farm into soil bank, for a ten year period, and I think Mr. Campbell is soil banking his farm too; but I still want to keep my water rights. What can I do to protect these water rights? Can I lease this water to another party or parties? Are there any provisions in this soil bank program to protect water rights? What are other people in this program doing about their water rights? It looks to me like it will become a state problem. Is there a way to keep these water rights, or must I forget the soil bank and still go on farming in order to maintain my water rights?

An immediate reply would be appreciated. Thank you.

Sincerely,

Ruben Buttars
Weston, Idaho

19271

November 5, 1958

Re: Permit No. 19271

Mr. Eben Butters
Weston
Idaho

Dear Mr. Butters:

Water License No. 19271 is appurtenant to your land and the use of that water on other land for ten years may be a basis for someone to contest your right by claiming abandonment. Your other water right may be represented by shares in an irrigation company. Such shares of water can generally be moved to other ground by lease. If that other water right is appurtenant to your ground, it would be the same as the License right.

Your water rights can be transferred to other lands, provided there are no valid protests, through an application for transfer and publication of a notice of such transfer in a local paper. We can send you the form for application at your request.

The contract for soil banking land has certain requirements which may require a certain amount of irrigation to control weeds. The use of your water rights at least once a year would probably be sufficient to prove you are not abandoning the rights.

You should obtain advice from an attorney as to how you could best protect your rights.

Very truly yours,

Geo. N. Carter
State Reclamation Engineer

BT/nls

19271

13-2145

State of Idaho

License and Certificate of Water Right

Water License No. 19271

Amount 0.18

Water District No.

Priority March 23, 1942

THIS IS TO CERTIFY that REUBEN D. BUTTARS

of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 23, 1942; that Permit No. 19271 was issued under said application; that Certificate of Completion of works, with a carrying capacity of One second feet, was issued thereunder on February 6, 1947, showing that said works were completed on the 4th day of January, 1947; and that on the 27th day of March, 1947,

REUBEN D. BUTTARS

of Weston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Weston Village Drain Block 1, 2, 7 and 8 of Weston Village & Seepage of, a tributary of, for the purpose of irrigation

, under Use Permit No. 19271 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 4400, on the 5th day of March, 1948;

The right hereby confirmed dates from March 23, 1942;

The Point of Diversion is located

in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Tp. 16 S., R. 38 E., B. M. Franklin County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.18 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	38 E.	13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10	9

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

5th day of March, 1948.

MARK R. KULP

State Reclamation Engineer

(SEAL)

13 2145

