

State of Idaho
License and Certificate of Water Right

Water License No. 18125

Amount 0.01 second foot

Water District No.

Priority July 25, 1935

THIS IS TO CERTIFY that EARL WHITELEY

of Oakley, Idaho , made application for a permit to appropriate the public waters of the State of Idaho, dated June 17 , 19 35 ; that Permit No. 18125 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.1 second feet, was issued thereunder on January 16 , 1941 , showing that said works were completed on the 1st day of July , 19 40 ; and that on the 29th day of July , 19 46 ,

of Oakley , State of Idaho , made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of springs
 , a tributary of - , for the purpose of watering livestock
 , under Use Permit No. 18125 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 4332 , on the 15th day of February , 1947 ;

The right hereby confirmed dates from July 25, 1935:

The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 35, Tp. 14 S., R. 22 E., B. M., Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.01 cubic feet per second.

Description and location of use:

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

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of February, 1947.

Mark R. Kulp
State Reclamation Engineer

(SRAL)

2102

APPLICATION FOR PERMIT

Application No. **25349**

Permit No. 18125

District No.

~~CONFIDENTIAL - SECURITY INFORMATION~~
~~CONFIDENTIAL - SECURITY INFORMATION~~

~~Classified, by order of~~
~~Minister of Reclamation~~
~~DEC 22 1945~~

1. Name of Applicant: **EARL WHITELEY**

Postoffice address: **Oakley**

County: **Cassia**

State: **Idaho**

- I. If applicant is a corporation, give:
- (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are:
- (b) Treasury stock:
- (d) Other resources:

- (a) Cash on hand:
(c) Bonds to be issued:

2. Quantity of water claimed: **0.1**

cubic feet per second.

3. Source of water supply: **Springs**

which is a tributary of **nothing so far as known.**

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section **35** , T. **14 S.** , R. **22 E.** , B. M., County of **Cassia**

5. Water is to be used for: **Watering livestock**

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: \$ 125.00

8. Kind of works: **Watering troughs and pipe lines**

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

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

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

- | | | | | |
|------------------------|---|---------------------------|------------------------------|-------------------|
| Diameter of pipe | 2 | inches; length of conduit | 50' of pipe from each spring | xxxxxx |
| 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 **6** additional years.

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

15. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Earl Whiteley *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: **11:30 A. M. June 17, 1935**

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **18125**
Recorded in Book **66** Page **18125** Approved **June 21, 1935**
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 **August 20, 1935** 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 **December 21, 1937**
The whole of said work to be completed on or before **June 21, 1940**
Beneficial use of water appropriated in accordance herewith, to be made on or before **June 21, 1946.**

Witness my hand this **21st** day of **June, 1935.**

R. W. FARIS
Commissioner of Reclamation.

Remarks: **Applicant proposes to develop springs by cleaning them out and piping the water from both of them a short distance to watering troughs for livestock.**

14. **Springs are located on unleased Government Land.**

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			STATE OF IDAHO DEPARTMENT OF RECLAMATION In the Matter of the Reinstatement) of Permit No. 18125 under the) Provisions of Section 41-311 I.C.A.) ORDER REINSTATING PERMIT. Whereas, Permit No. 18125 lapsed through failure of the holder to make satisfactory proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 21, 1940, ; and, Whereas, On the 3rd day of December, 1940 notice to show cause why said permit should not be canceled, under the provisions of Section 41-311 I.C.A., was duly served on the holder of said permit; and, Whereas, on the 13th day of January, 1941 affidavit of the holder was received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and, Whereas, after examination of the said affidavit the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18125, and that the holder has acted in good faith; IT IS, THEREFORE, Hereby Ordered that said Permit No. 18125 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 16th day of January, 1941. E. V. BERG. Commissioner of Reclamation. Permit No. 18125 CERTIFICATE OF COMPLETION OF WORKS.																
			TO ALL WHOM IT MAY CONCERN: This is to certify that Earl Whiteley of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. 18125, issued upon Application No. 25349 bearing date of priority of June 17, 1935, authorizing the diversion of 0.1 second feet of the waters of Spring County of Cassia, State of Idaho, for watering livestock purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.1 second feet of the waters of Springs that the point of diversion of said waters NW¼NW¼ of Section 35, Twp. 14 S., Rge. 22 E., B. M. in Cassia County, and that the lands proposed to be irrigated the use of said water are described as follows to wit: (none). Witness my hand this 16th day of January, A. D. 1941. E. V. BERG, Commissioner of Reclamation. Proof of Completion of Works: July 1, 1940. Certificate of Completion of Works: January 16, 1941.																

LICENSE ISSUED FOR 0.21 SEC
p. 4392

WATER RIGHT NUMBER 45-2192

OWNER LAST NAME - WHITELEY FIRST NAME - EARL ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - OAKLEY STATE - ID ZIP CODE - 83346
SOURCE - SPRINGS TRIBUTARY OF - SINKS
STAGE - LICENSE STATUS - PRIORITY - 07-25-1935 COUNTY - CASSIA TOTAL DIV. RATE - .0100 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWNW 35 14S 22E LOT REDIV - 272.0 430.0 2.6 0.0 0.0 0.0 0.0 0.0 0.0 0.0 5.2
FROM - TO - USE - STOCKWATER USE DIV. RATE - .0100 CFS USE DIV. VOLUME - .00 AFA
USE - PLACE OF USE - TWN RNG SEC DATE - TOTAL ACRES 0
DECREE NAME -
REMARKS - P/U INCOMPLETE. SEE FILE.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 18125
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

1985 APR 1

3/79

IDENT. NO. 45-2192

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

18125

Old No.

45

45-2192

New No.

Record

1. Original Owner:

Carl Whiteley

Present Owner:

2. Address:

3. City: Oakley

State: ID

Zip:

4. A. Source of Water:

Spring

B. Tributary of:

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

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

C. Priority Date: 7-25-1935

D. County: 31

E. Total Diversion Rate: 101

F. Total Diversion Volume:

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

H. Water District:

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

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

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
NW1/4	35	14S	22E		

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

from _____ to _____ for 1 purposes. Amount .01
(cfs or ~~AC~~-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

✓
C. A. Robins

February 20, 1947

Re: Permit No. 18125 and 18126

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

We enclose herewith, license and certificate of water right No. 18125 confirming your right to the use of 0.01 second feet of water from springs in the NW NW Section 35, Township 14 South, Range 22 East, B. M. in Cassia County for the purpose of watering livestock with priority of July 25, 1935.

We also enclose license and certificate of water right No. 18126 confirming your right to the use of 0.25 of second feet of water from Warm Springs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 14 South, Range 22 East, B. M.

We also enclose departmental receipt 19817 for the \$7 fees paid by you in connection with Beneficial Use Proof.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer
By

Chief Clerk

A:FA

18126

Oakley Idaho.
Feb 12, 1947

Dept of Reclamation.
Mark R Kulp Engineer

Sir: Complying with your
request of 11th you will find
enclosed my check for \$7.00
(5.00 and 2.00) fees resp - for
permits # 18125 and 18126

~~Very truly~~
Carl Whitely

18125



February 11, 1947

Re: Permits No. 18125 & 18126

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

We now have on file the report of our field engineer on examination for beneficial use under your Permits No. 18125 and 18126.

On Permit No. 18125 we can issue you a license for .01 of a second foot for watering livestock from springs. The statutory fee for which will amount to \$5.00.

On Permit No. 18126 we can issue you a license for .25 of a second foot from Warm Springs for irrigation and domestic use. The statutory fee for which will amount to \$2.00.

Upon receipt of these fees, licenses will be issued and sent to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPM

18126

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18125

This proof is for Beneficial use

In Water District No.

1. Name of applicant Earl Whiteley, Oakley, Idaho
2. Source of water supply: Springs
3. Location of point of diversion: Is in the NW¹/₄ NW¹/₄ of Section 35
T. 14 S. R. 22 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Two Small Springs,
the more Northerly of which has been developed somewhat, but was later
trampled by stock, and its flow nearly smothered; there was some live wa
water in evidence however.
5. Water is used for: Watering livestock
6. State whether or not water has been turned into works of diversion: Yes (see map sketch)
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):

(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: A sheet metal trough, and five lengths of pipe were on the ground
at the northerly spring.

*100 head @ 14 gpd
1400 g/day
= 19 gpm : 1/2 cfs
= .0022 cfs
allow .01 cfs
max*

This examination was made on the 8th. day of August, 1946.

(Signed)

Fred H. Lehman
Examiner.

18125

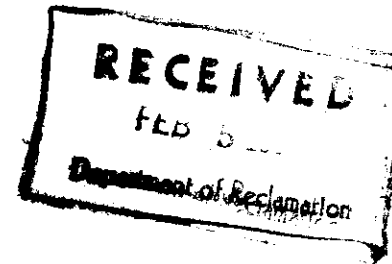
Earl Whiteley
Oakley, Idaho
Permit No. 18125

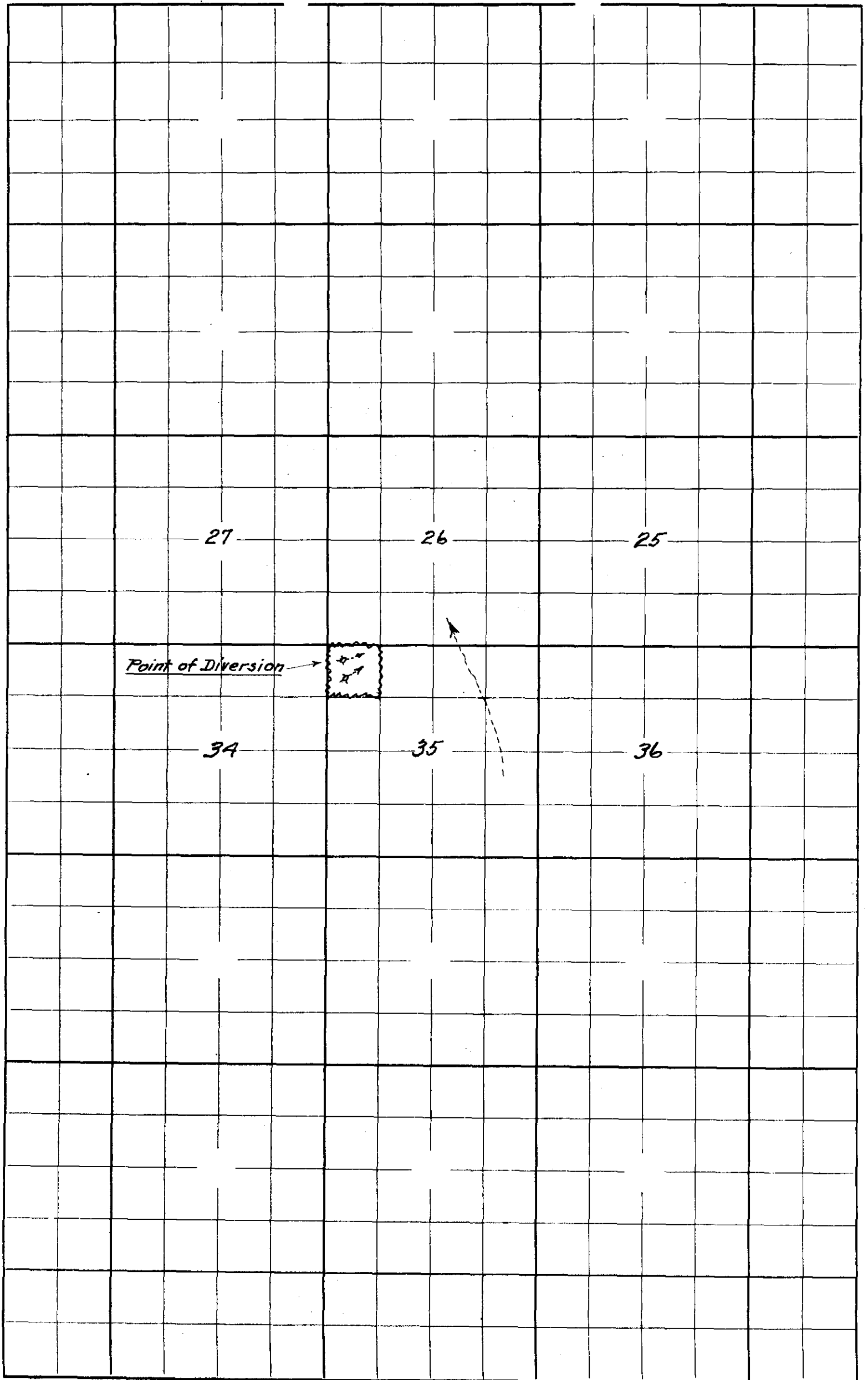
Examination for Beneficial use

County Cassia

INSTRUCTIONS TO EXAMINERS

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





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

18126

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18125

REPORT ON PROOF OF Beneficial use

01/2/80 2:14 PM

01/2/80
max

✓
July 31, 1946

Re: Permits Nos. 18125-18126

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavits of publication from the Oakley Herald, all in connection with beneficial use proof under the above numbered permits.

The permits themselves, which accompanied these proofs, are returned herewith for your own files.

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

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

18126

Affidavit of Publication

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 29th day of July, 1946, at Oakley, County of Cassia, State of Idaho, before Charles G. Larson, Notary Public, proof will be submitted of the application to beneficial use of 0.1 cubic feet per second of the waters of springs in accordance with the terms and conditions of Permit No. 18125 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Earl Whiteley, Oakley, Idaho.

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

The amount applied to beneficial use is 0.1 second foot.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name.

The right to take water from such works is based upon Permit No. 18125.

The source of supply from which such water is diverted is springs in the NW 1/4 NW 1/4 Section 35, Township 14 South, Range 22 East, B. M.

The date of priority which said user is prepared to establish is July 25, 1935.

MARK R. KULP
State Reclamation Engineer.

First publication June 27, 1946,
Fourth publication July 18, 1946

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which is a newspaper of general circulation in Cassia County, Idaho, and which has been continuously and uninterruptedly published at said place during a period of more than 78 consecutive weeks prior to the final publication of the notice

herein mentioned: that a notice

of which the attached clipping is a copy, was published in the regular issue of said newspaper for four (4)

June 27, July 4, 11, and 18

19 46..

Charles Brown

Subscribed and sworn to before me this 19th

day of, July, 19 46

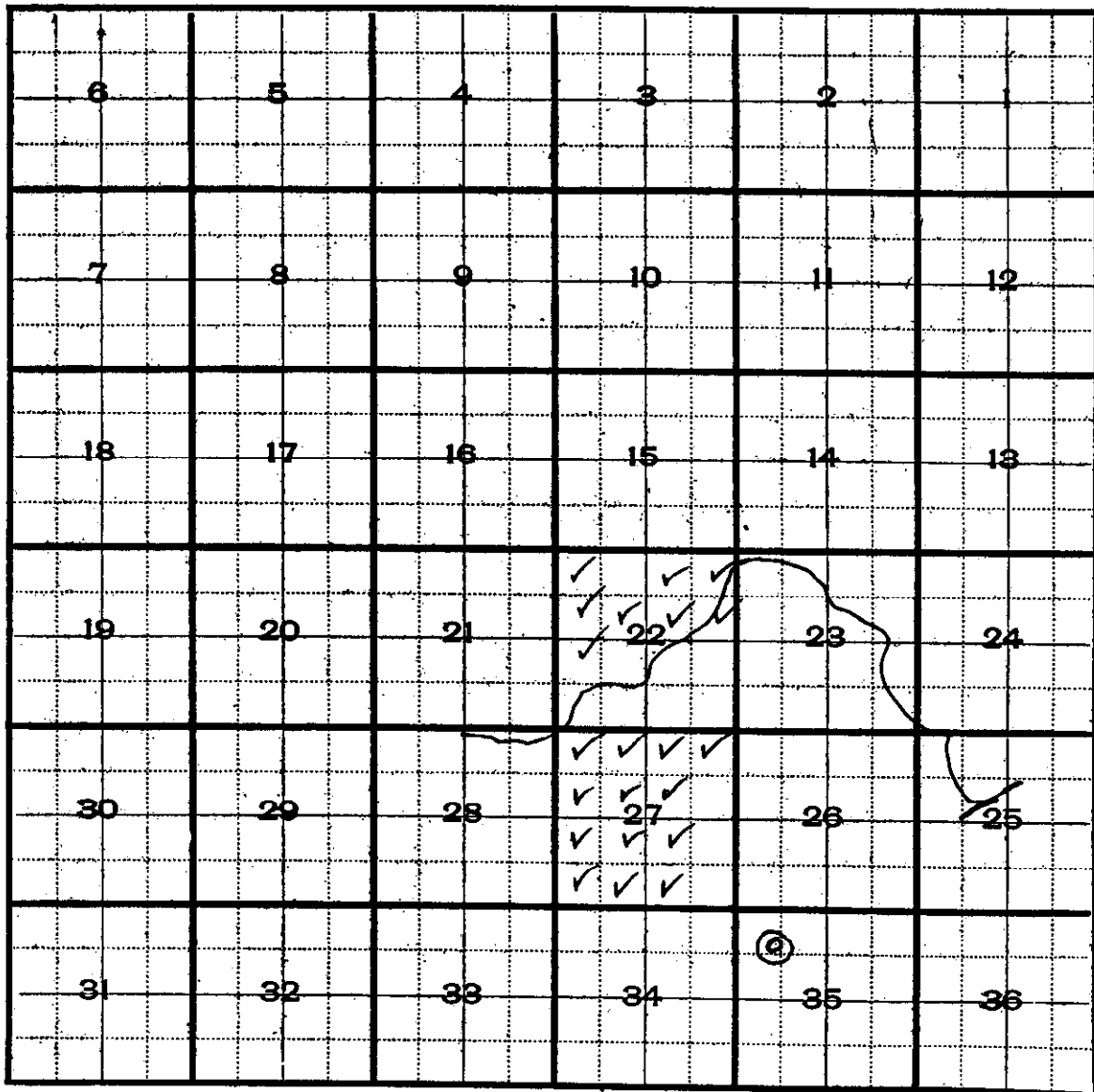
C. G. Larson

Notary Public.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho.
My Commission expires Dec. 26, 1948.

18125

Township No. 14 S. Range No. 22 E. B. Mer.



② Mountain Deep. NW 4 NW 4 Sec 35
 Open Public Land at time of filing
 ✓ Deeded Land of record.
 Earl Whitely
 Oakley Idaho.

43091

BLANK NO. 166—ARROW PRESS, 62 W. 2D SOUTH, SALT LAKE

July 29 = 1946

18126

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18125

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Earl Whiteley Oakley Idaho Farmer & Stock Raising
Oakley Cassia Co 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. Individual

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

Ans. Permit Number 18125 Dated June 21 1935 Priority date June 17, 1935

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

Ans. In the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35 Tp. 14 South Range 22 EBM.

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. Seep only. With lots of additional work may secure a little
water for Stock purposes

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. Seep only. Stock purposes

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

Ans. Watering of livestock only

18125

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

Ans. Limited number of Livestock.

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. Same individual to whom Permit 18125 was given

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

Ans. Watering few head Range animals

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. No other waters

(Sign)

Carl Whiteley

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 Oakley, County of Cassia,

State of Idaho, on this 29th. day of July, A. D. 19 46.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho.
My Commission expires Dec. 26, 1948.

My commission expires

G. H. Larson

18125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18125

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. Cyrus T. Hunter age 62 Farmer
Oakley Idaho

Ques. 2. Are you acquainted with Earl Whiteley, the holder of Permit No. 18125? How long have you known him and where does he reside?

Ans. Have known him for 37 years. His ranch and home is in
Oakley Cassia Co Idaho

Ques. 3. Have you read or heard read said Permit No. 18125, and are you familiar with its provisions and conditions?

Ans. Familiar - 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. Mountain Seep only

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. Mountain Seep only. Intended for watering of livestock

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. Seep only - Watering of Livestock

18125

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

Ans. Mountain seep.

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. Not for 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. No interest.

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

Ans. Have known of where seep is located. Recent inspection indicated that if Applicant gets any stock watering benefits he will have to spend more money and do a lot of additional hard work on this seep.

(Signed)

Cyrus R Hunter

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 Oakley, County of Cassia, State of Idaho, on this 29th day of July, A. D. 1948.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho.
My Commission expires Dec. 26, 1948.

My commission expires

EG Larson
Notary Public.

18125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18125

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. Fred Bedke 60. Oakley Idaho
Farmer & Stockraiser

Ques. 2. Are you acquainted with Earl Whiteley, the holder of Permit No. 18125? How long have you known him and where does he reside?

Ans. Have known him for 37 years. His ranch and home is in
Oakley Cassia Co Idaho

Ques. 3. Have you read or heard read said Permit No. 18125, and are you familiar with its provisions and conditions?

Ans. Familiar - 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. Mountain Seep only

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. Mountain Seep only. Intended for watering of livestock

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. Seep only - Watering of Livestock

18125

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

Ans. Mountain seep.

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. Not for 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. No interest.

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

Ans. Have known of where seep is located. Recent inspection indicated that if Applicant gets any stock watering benefits he will have to spend more money and do a lot of additional hard work on this seep.

(Signed) Fred Bedke.

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 Oakley, County of Cassia, State of Idaho, on this 29th day of July, A. D. 1946.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho.
My Commission expires Dec. 26, 1948.

E. G. Larson
Notary Public.

My commission expires.....

18125

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, July 19, 1946

Re: Permits Nos. 18125-18126
Earl Whiteley

Mr. Charles G. Larsen
Notary Public
Oakley, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18125-18126 - separate forms for each proof

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On July 29, 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 Oakley, Idaho before Charles G. Larsen, 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

18125

✓
December 26, 1946

Re: Permits Nos. 18125-18126

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

In reply to your postcard inquiry relative to cost of advertising final proof on the above numbered permits.

This should be paid by you directly to the Oakley Herald, as the matter of publication costs, and also Notary Public fees, are to be taken care of directly by the permit holder, and not through this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A

Chief Clerk

18126

NOTICE FOR PUBLICATION

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

Notice is hereby given that at 10:00 A. M. on the 29th day of July, 1946, at Oakley, County of Cassia, State of Idaho, before Charles G. Larson, Notary Public, proof will be submitted of the application to beneficial use of 0.1 cubic feet per second of the waters of springs in accordance with the terms and conditions of Permit No. 18125 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Earl Whiteley, Oakley, Idaho.

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

The amount applied to beneficial use is 0.1 second foot.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name.

The right to take water from such works is based upon Permit No. 18125.

The source of supply from which such water is diverted is springs in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 22 East, B. M.

The date of priority which said user is prepared to establish is July 25, 1935.

MARK R. KULP
State Reclamation Engineer.

First publication June 27, 1946,
Fourth publication July 18, 1946

NOTICE FOR PUBLICATION

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

Notice is hereby given that at 10:00 A. M. on the 29th day of July, 1946, at Oakley, County of Cassia, State of Idaho, before Charles G. Larson, Notary Public, proof will be submitted of the application to bene-

THURSDAY, JUNE 27, 1946

ficial use of 0.25 cubic foot per second of the waters of Warm Springs in accordance with the terms and conditions of Permit No. 18126 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Earl Whiteley, Oakley, Idaho.

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

The amount applied to beneficial use is 0.25 cubic foot per second.

The place where said water is used SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 14 South, Range 22 East, B. M.

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

The right to take water from such works is based upon Permit No. 18126.

The source of supply from which such water is diverted is Warm Springs, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 14 South, Range 22 East, B. M.

The date of priority which said user is prepared to establish is July 25, 1935.

MARK R. KULP
State Reclamation Engineer.

First publication June 27, 1946,
Fourth publication July 18, 1946

18126

Dep't of Reclamation:

Dec. 23, 1946.

In the matter of Submitting and
advertising final proof my Applications

Number 18125 ~~Ca~~ 18126

Oakley, Cassia Co Idaho I was led to believe
that the department would advise cost of adver-
tising etc. Shall I pay the local Editor of
the Oakley Herald and Mr. Larson?

Carl Whiteley
Oakley Idaho

18126

RECEIVED
DEC 26 1944
Department of Reclamation

THIS SIDE OF CARD IS FOR ADDRESS



State Engineer,
Department of Reclamation,
Boise Idaho

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permits Nos. 18125-18126

Date: June 26, 1946

The Oakley Herald

Oakley, Idaho

Gentlemen:

two

Enclosed you will find/notices for publication
once a week for four consecutive weeks prior to July 29,
1946 the date set for proof, the expense of the
publication to be paid by the applicant, Earl Whiteley
of Oakley, 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.

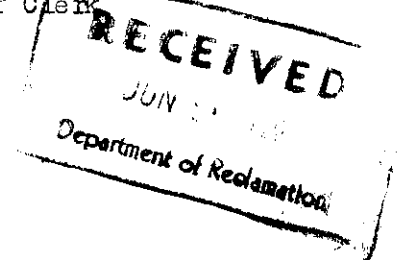
Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Jeannette L. Anderson
Chief Clerk



*Receipt Acknowledged
The Oakley Herald
by F.W. Glick*

18126

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permits Nos. 18125-18126

Date: June 26, 1946

The Oakley Herald

Oakley, Idaho

Gentlemen:

Enclosed you will find ^{two} notice for publication
once a week for four consecutive weeks prior to **July 29,**
1946 the date set for proof, the expense of the
publication to be paid by the applicant, **Earl Whiteley**
of **Oakley, 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 E. KULP

State Reclamation Engineer

By

Chief Clerk

18126

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

June 20, 1946

(P. O.)

Boise, 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

Oakley Herald

of

Oakley

, published in

the county in which the works are situated.

E. A. Whiteley

(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.

18125

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

Notice is hereby given that at 10:00 A. M. on the 29th day of July, 1946,
at Oakley, County of Cassia, State of Idaho, before
Charles G. Larson, Notary Public, proof will be submitted of the
application to beneficial use of 0.1 cubic feet per second of the waters of springs
in accordance with the terms and conditions of Permit No. 18125
heretofore issued by the Department of Reclamation of the State of Idaho.

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

Earl Whiteley, Oakley, Idaho

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

The amount applied to beneficial use is 0.1 second foot

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

The name of the canal or ditch or other works by which said water is conducted to such place of
use is No name

The right to take water from such works is based upon Permit No. 18125

The source of supply from which such water is diverted is springs in the NW¹ NW¹ Section 35,
Township 14 South, Range 22 East, B. M.

The date of priority which said user is prepared to establish is July 25, 1935

MARK A. KULP
State Reclamation Engineer.

18125

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 18125 Under the
Provisions of Section ~~41-311 I.C.A.~~
~~41-311 I.C.A.~~

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18125 ^{Satisfactory} ~~lapsed~~ through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 21, 1940; and,

WHEREAS, On the 3rd day of December, 1940 notice to show cause why said permit should not be canceled, under the provisions of Section ~~41-311 I.C.A.~~ ^{41-311 I.C.A.} ~~of the State of Idaho~~, was duly served on the holder of said permit; and,

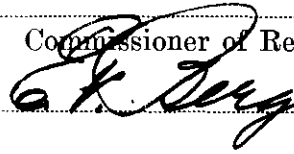
~~WHEREAS, On the 13th day of January, 1941 the holder~~
~~filed a certificate of completion of the works of diversion within the time required in the permit; and~~
~~the permit was fully completed within the time required; and~~

WHEREAS, On the 13th ^{affidavit} ~~was~~ day of January, 1941 ~~the holder~~ of the holder ~~received~~ ^{was} received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said ^{affidavit} ~~certificate~~ the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18125, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18125 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 16th day of January, 1941.

Commissioner of Reclamation
By  ~~18125~~

18125

January 16, 1941.

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley: Re: Permit No. 18125.

Dear Mr. Whiteley:

We are in receipt of your letter of January 9, 1940 enclosing your Proof of Completion of Works which the Commissioner has approved.

We enclose herein Certificate of Completion of Works issued under the above numbered permit to appropriate 0.1 second feet of water from Springs in the NW $\frac{1}{4}$ of Section 35, Twp. 14 S., Rge. 22 E., B. M., Cassia County, for watering stock.

The Department's Receipt No. 17692 for the \$5.00 fee you paid in connection with your Completion of Works Proof is also enclosed.

We are returning your letters of July 8th and August 17th and your diagram of new trough.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

By
Chief Clerk.

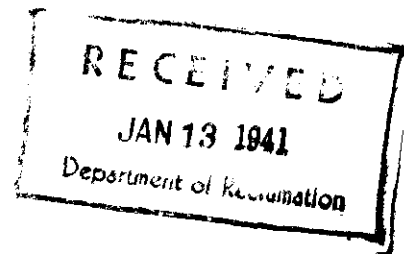
ml
incls.

14126

Oakley Idaho January 9, 1940.

James Spofford
Commission of Reclamation

B o i s e Idaho



Dear Sir:

In order to hold Permit 18125 and comply within the time specified in your notice of December 3, 1940 -

Work has been done and I have the following to offer:

On seep No. 2 (as described on diagram with filing) it was found that there was not sufficient water to justify piping to Spring No. 1 but there has been developed from Seep No. 1 a limited supply of water which has been piped 50 feet into drum container for stock watering purposes.

As the weather permits I expect to replace the present trough with a Cement Watering Trough, as per diagram herewith. The 6 foot length will be used.

I am therefore returning my previous remittance.

Any further requirements with reference to this permit will be met if I may have your direction.

Very truly,

Earl Whiteley - Oakley Idaho

Would you be kind enough to use the enclosed stamped envelope and return to me the Diagram for the new proposed trough.

18126

Permit No. 18125STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia } ss.

Earl Whiteley, 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. 18125 and that his postoffice address is Oakley
 State of Idaho

Second: That the name of the stream from which said water is to be directed is hillside - Deep development

Third: That the point of diversion of said water is in section 35 Tp 14 S. Range 22 E BM 320 feet East & 460 feet South from SE corner of Sec. 27 Tp 14 S. R. 22 E BM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 21, 19 40

Fifth: That the use for which said water is intended is Stock Purposes

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

1. Kind of works: Watering troughs
 (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 feet, height feet.

(d) Conduit width at bottom feet, width at water line
 (State whether ditch, flume or pipe.)
 feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use second feet of water. Limited supply for stock watering.

Eighth: That water appropriated under said permit is available for None acres of land described as follows:

Ninth: Remarks: That Wm. Spefferd: I make this filing of Proof subject to any consistent direction to come from the Taylor Grazing people.

Earl Whiteley
 (Sign here)

Subscribed and sworn to before me this 1st day of July, 19 40

My commission expires

E. J. Larson
 Notary Public.
 Notary Public in and for the State of Idaho
 Residing in Oakley, Cassia County, Idaho
 My Commission expires Jan. 8, 1941

18126

Earl Whiteley
Oakley Idaho

REGISTERED
212

Department of Reclamation,

State House

Mr. Dewey:

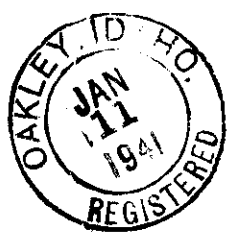
B o i s e

Idaho

2/2/81

28
10

28
///



RETURN RECEIPT

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

1 Carl Whiteley
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 12-25, 1940 . 18/26

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE

NO PAYMENT OF POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

POST OFFICE
BOISE, IDAHO

Return to

Dept. of Reclamation
State of Idaho - State House

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 87240
INSURED PARCEL

No.

BOISE,
IDAHO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

December 3, 1940

134

Re: Permit No. 18125

To Mr. Earl Whiteley

Oakley, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18125,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to proof of

Completion of works June 21, 1940

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 18125
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. 18125 claims the use of 0.1 cubic feet per second of the
waters of certain springs, with point of diversion located
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Twp. 14 S., Range 22 E., B.M., and
was approved June 21 1935.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this

3rd day of December, 1940

JAMES SPOTFORD

Commissioner of Reclamation.

By Harry Dewey Assistant.
Deputy Commissioner

18125

Reading

August 17, 1940

Re: Permit No. 18125

Mr. Earl Whitesley,
Oakley, Idaho.

Dear Mr. Whitesley:

We do not seem to have received a reply to our letter of July 28th, in which we returned your affidavit for proof of completion of works under Permit No. 18125, for correction.

We do not think it advisable to hold your check for the \$5.00 fee any longer, so are returning it to you herewith, and you may send a check with a later date when you return the corrected affidavit.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA
Encls.

Chief Clerk

18126

July 8, 1940

Re: Permit No. 18125

Mr. Earl Whiteley,
Oakley, Idaho.

Dear Mr. Whiteley:

We are returning your Affidavit for proof of completion of works under the above numbered permit, for the following corrections:

In Paragraph 2 show source of supply (Your permit shows springs)

In Paragraph 3, show point of diversion to nearest 40-acre subdivision.

In Paragraph 6, cross out either "were" or "were not"; also indicate if pipes were installed as shown on permit.

In Paragraph 7, show capacity.

We shall hold your check for the \$5.00 fee, awaiting return of the corrected proof.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Deputy Commissioner

D:A
Encls.

18126

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18125

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Earl Whiteley
Oakley, Idaho

Boise, Idaho, **April 2, 1940**

Dear Sir:—

Under the terms of your permit No. 18125 you are required to complete your diversion works on or before June 21, 1940. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation.

18125

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18125

Boise, Idaho, **June 21, 1935**

Dear Sir:

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

MR. EARL WHITELEY
Oakley,
Idaho

H. W. FARIS
Commissioner of Reclamation.

18126

Tp 14 South

North

Range 22 EBM

SEC. 30

SEC. 29

SEC. 28

SEC. 27

SEC. 26

Permit Map No. 18125

As Approved

JUN 24 1935

R. W. FARIS

Commissioner of Reclamation

SEC. 31

SEC. 32

SEC. 33

SEC. 34

SEC. 35

SEC. 36

SEC. 6

SEC. 5

SEC. 4

SEC. 3

SEC. 2

SEC. 1

Spring
Spring

The two Springs for which this filing is made are located
 1st 320 feet East and 460 feet South from the SW corner
 of Section 27 Tp 14 So. Range 22 EBM and 345 ft. South
 South