

State of Idaho
License and Certificate of Water Right

Water License No. 18947 Amount 1 second foot
Water District No. Priority June 3, 1941

THIS IS TO CERTIFY that MARION PIPE LINE COMPANY
of Oakley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 23, 1940; that Permit No. 18947
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1 second feet, was issued thereunder on November 6, 1941, showing that said works
were completed on the 28th day of October, 1941; and that on the 6th
day of December, 1941,

MARION PIPE LINE COMPANY
of Oakley, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Bates
Spring, a tributary of, for the purpose of stock and domestic
use, under Use Permit No. 18947 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer
of Licenses, at page 4158, on the 15th day of March, 1943;
The right hereby confirmed dates from June 3, 1941;

The Point of Diversion is located 730 ft. distant from SE corner Section 3, Twp. 14 S., Range 21 E.,
in the SE 1/4 SE 1/4, Sec. 3, Tp. 14 S., R. 21 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 One (1)
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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 15th day of March, 1943

(SEAL) JAMES SPOFFORD
State Reclamation Engineer

45 2187

State of Idaho
License and Certificate of Water Right

Water License No. 18847 Amount 1 second foot
Water District No. Priority August 7, 1939

THIS IS TO CERTIFY that A. M. JENSEN
of Triumph, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 7, 1939; that Permit No. 18847
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on August 23, 1941, showing that said works
were completed on the 15th day of August, 1941; and that on the 29th
day of November, 1941,

A. M. JENSEN
of Triumph, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of three springs (see
below), tributary of, for the purpose of domestic use
, under Use Permit No. 18847 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer
Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4159, on the 17th day of March, 1943;
The right hereby confirmed dates from August 7, 1939;
The Point of Diversion is located (See below)
in the 1/4 1/4 Sec., Tp., R., B. M. Blaine 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 One (1)
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Spring No. 1			is located on Triumph No. 14, Unpatented Lode Mining Claim, in the NE 1/4 NE 1/4 Section 27, Twp. 4 North, Range 18 East, B. M.		
Spring No. 2			is located on Triumph No. 13, Unpatented Lode Mining Claim, in the SE 1/4 NE 1/4 Section 27, Twp. 4 North, Range 18 East, B. M.		
Spring No. 3			is located on Caroline, Unpatented Lode Mining Claim, in the SW 1/4 NW 1/4 Section 26, Twp. 4 North, Range 18 East, B. M.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 17th day of March, 1943

(SEAL)

JAMES SPOFFORD
Commissioner of Reclamation
State Reclamation Engineer

Nº 18947
45-2187

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

Application No. 26354
Permit No. 18947
District No.

1. Name of Applicant: MARION PIPE LINE COMPANY
Postoffice address: Oakley County: Cassia State: Idaho
I. If applicant is a corporation, give:
(a) Date and place of incorporation: February, 1925- Oakley, Idaho- Reinstated February, 1940
(b) Amount of capital stock: 43,000.00
(c) Amount paid in: \$43,000.00
(d) Names and addresses of directors: Ivan W. Holt, W. B. Whiteley, Eugene Pickett, S. B. Crane, Keith Cranney; All of Oakley, Idaho
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 cubic feet per second.
3. Source of water supply: T. 14 S., R. 21 E., B.M.
Bates Spring- SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3/ which is a tributary of Does not reach any stream
4. Location of point of diversion: 730 ft. (at spring) feet distant from the SE corner of Section 3, T. 14 S., R. 21 E., B. M., and is the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T. 14 S., R. 21 E., B. M., County of Cassia
5. Water is to be used for: Stock and domestic
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: \$ 50,000 (new work)
8. Kind of works: Settling tank and domestic pipe line
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 6 inches; length of conduit 11.6 miles.
Average grade per mile 100 feet.
12. The time required for the completion of such work is One and one-half years.
13. The time required for the complete application of the water to the proposed use is None additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

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

MARION PIPE LINE CO.

Applicant.

By Ivan W. Holt, Pres.

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. February 25, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18947

Recorded in Book 69 Page 18947 Approved February 26, 1940

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 April 26, 1940 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 November 26, 1940

The whole of said work to be completed on or before August 26, 1941

The whole of said work to be completed on or before August 25, 1941

Beneficial use of water appropriated in accordance herewith, to be made on or before August 26, 1941

Witness my hand this 26th day of February, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSEN 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 26th day of February 19 40

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLESEN

Governor.

Remarks: Point of diversion is also the location of the spring.

The Marion Pipe Line Company has appropriated all the water from this spring for the past twenty years.

14. The spring is located on Taylor Grazing land and not on land owned by the Company.

(See below)

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Permit No. 18947																
REMARKS(Continued)			The old system is in operation at the present time. The storage and desilting tank, together with 7 1/2 miles of pipe line, are ready for replacement.																
			CERTIFICATE OF COMPLETION WORKS.																
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that MARION PIPE LINE COMPANY of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. 18947 issued upon Application No. 26354 bearing date of priority of Febr. 23, 1940, authorizing the diversion of 1.0 second feet of the waters of BatesSprings , County of Cassia, State of Idaho, for stock and domestic purposes, has fully complied with the provision 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 pe that said works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the water of Bates Spri that the point of diversion of said waters is in the SE1/4SE1/4 of Sec. 3, Twp. 14 S.Rge. 21 E. B. M.																			
Witness my hand this 6th day of November, 1941.																			
			E. V. BERG. COMMISSIONER OF RECLAMATION.																
			BY: ROY W. THOMPSON, DEPUTY COMMISSIONER.																

Completion Made: Oct. 28, 1941. Certificate issued: Nov. 6, 1941																			
LICENCE ISSUED FOR 1 SEC. FT. P. 4158																			

WATER RIGHT NUMBER 45-2187

OWNER LAST NAME - MARION PIPE LINE CO. FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - OAKLEY STATE - ID ZIP CODE - 83346
SOURCE - BATES SPRING TRIBUTARY OF - SINKS
STAGE - LICENSE STATUS - PRIORITY - 06-03-1941 COUNTY - CASSIA TOTAL DIV. RATE - 1.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SESE 03 14S 21E LOT REDIV - 272.0 430.0 2.0 1.6 0.0 0.0 0.0 0.0 0.0 0.0 1.3
FROM - TO - USE - STOCKWATER USE DIV. RATE - 1.0000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - DOMESTIC USE DIV. RATE - .0000 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. - 18947
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

VERIFIED

IDENT. NO. 45-2187

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. 18947 / 45-2187
Old No. New No.

Record

1. Original Owner: Marion Pipe Line Co.

Present Owner: _____

2. Address: _____

3. City: Oakley State: ID Zip: _____

4. A. Source of Water: Bates Spring

B. Tributary of: _____

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

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

C. Priority Date: 6-3-1941

D. County: 31

E. Total Diversion Rate: 1

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): _____

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SESE</u>	<u>3</u>	<u>14A</u>	<u>21E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from _____ to _____ for 8 purposes. Amount 1.
(cfs or AC-FT/yr)

from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code:

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. P/4 incomplete, See file.
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 18947

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

C2A 5-11-19 -

See letter of March 16, 1943, transmitting License
in 18946 folder

18947

C. A. Bottolfson
XXXXXXXXXXXX

~~XXXXXXXXXXXXXXXXXXXX~~
James Spofford, State Reclamation Engineer

February 26, 1943

Re: Permits Nos. 18946 & 18947

Marion Pipe Line
Oakley, Idaho

Gentlemen:

We have received the report of our Field Engineer on examination for beneficial use under the above numbered permits.

Our engineer found that the works in connection with Permit No. 18946 would be capable of conducting to the place of use one (1) second foot of water from Simmons Spring; and under Permit No. 18947 one (1) second foot of water from Bates Spring.

The statutory fee in each case amounts to \$5.00- and upon receipt of \$10.00 to cover same, licenses will be issued.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

18947

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18947

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Marion Pipe Line Co., Oakley, Idaho
2. Source of water supply: Spring (Bates)
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3
T. 14 S. R. 21 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: A Concrete Header Box 6' long, 3' wide, 4' deep; thence via 6" concrete pipe laid in 12" X 12" boxing three miles to a reinforced concrete reservoir 20ft. wide X 40ft. long, X 12ft. deep; thence by cast iron pipe approximately 8 miles, Diameter of the iron pipe is from 8 inches down to two inches, with various service laterals taking off along the line.
5. Water is used for: stock and domestic
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(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 is a first rate installation and requires a high duty of water.

This examination was made on the 4th day of June, 1942

(Signed)

Heard T. Palmer

Examiner.

18947

Marion Pipe Line Co.
Oakley, Idaho

Permit No. 18947.....

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.
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18947

REPORT ON PROOF OF Beneficial Use

1 copy
\$5.00 fee

18947

Marion Pipe Line Co.
Oakley, Idaho

Gentlemen:

This will acknowledge receipt of the depositions of the holder, depositions of two witnesses, and the affidavit of proof of publication from the Oakley Herald, all in connection with beneficial use proof under the above numbered permits.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to 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 the department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

When the engineer's report is filed, you will be notified of the amount due for beneficial use proof and upon receipt of your check, a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: CHIEF CLERK.

ml.

18947

Affidavit of Publication

RECEIVED

DEC 10 1941

Department of Reclamation

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 4 consecutive weeks, to-wit, on

Nov. 13, 20, 27, Dec. 4,
1941.

Charles Brown.

Subscribed and sworn to before me this 6th
day of Dec., 1941.

E. J. Larson

Notary Public.

Notary Public for and for the State of Idaho
Residing in Oakley, Cassia County, Idaho
My Commission expires Jan. 6, 1946

18947

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

Notice is hereby given that at 2:00 P. M. on the 6th day of Dec., 1941, at Burley, County of Cassia, State of Idaho, before George J. McGeonigal, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Bates Springs in accordance with the terms and conditions of Permit No. 18947 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 Marion Pipe Line Company, Oakley, Idaho.

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

The amount applied to beneficial is One cubic foot per second.

The place where said water is used: Incidental garden and lawn—primarily stock and domestic use.

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

The right to take water from such works is based upon Permit No. 18947.

The source of supply from which such water is diverted is Bates Spring.

The date of priority which said user is prepared to establish is June 3, 1941.

E. V. BERG,

Commissioner of Reclamation.

First publication November 13, 1941,

Fourth publication December 4, 1941

Affidavit of Publication

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 73 consecutive weeks prior to the final publication of the notice

herein mentioned; that a

of which the attached clipping is a copy, was published in the regular issue of said newspaper for 4 consecutive weeks, to-wit, on

Nov. 13, 20, 27, Dec. 4, 1941

1941

Charles Brown

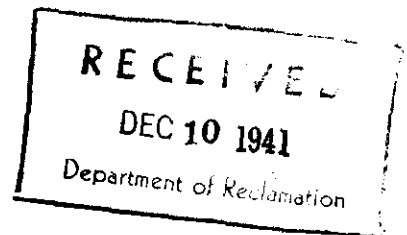
Subscribed and sworn to before me this

day of Dec., 1941

1941

Notary Public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 18947

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. B. Whiteley and Orvil B. Adams, residence Oakley, Idaho, post office address, Oakley, Idaho, both farmers.

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. Marion Pipe Line Co., an Idaho Corporation, Oakley, Idaho. W. B. Whiteley, President, Orvil B. Adams, Secretary.

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

Ans. No. 18947, Feb. 23, 1940.

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

Ans. Bates Springs. Diversion point is in the SE $\frac{1}{4}$ Sec. 3, Tp. 14 S., R. 21 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Concrete gather basin at springs, piped in 6 inch concrete pipe for a distance of 3 miles to a concrete settling tank which is 20 by 40 feet and 12 feet deep; taken from such settling basin in a cast iron pipe for a distance of 7.75 miles, such pipe starting with an eight inch pipe and ending with a two inch pipe, distribution being made by numerous consumers lines taking off along such 7.75 miles of iron pipe. $1\frac{1}{2}$ cubic feet per second. Marion Pipe Line.

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. Used for garden and domestic purposes. Used for domestic and garden purposes on practically all farms located in Sections 5 and 6, Tp. 14 S., R. 22 E. B. M., Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32 in Tp. 13 S., R. 22 E. B. M. and in Sections 29, 30, 31 and 32 in Tp. 12 S., R. 22 E. B. M. All lands served are irrigated from the Oakley Canal Co. System and are highly cultivated, the Marion Pipe Line company having been organized to deliver domestic water from such pipe line to these farms. All water delivered is piped to the homes in iron pipe and metered to users.

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

Ans. Used for domestic purposes. Piped to homes and metered to users. Not used for generating power.

18947

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

Ans. One cubic foot per second.

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. Original applicant.

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

Ans. Used in its entirety prior to and at all times subsequent to date of application for permit. Water has been used since 1919.

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 water has been used for domestic purposes on the lands served by the Marion Pipe Line Co.

(Sign) *H. B. Whitely* Pres.

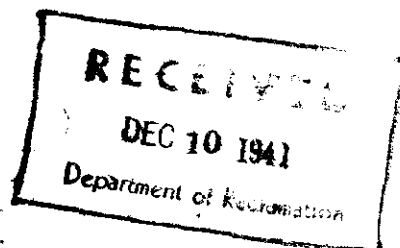
(Sign) *Orvil B. Adams* Sec.

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 6th day of December, A. D. 1941.

Geo. J. McGowan
Notary Public

My commission expires Feb. 27, 1942.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18947

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. Eugene Pickett, 55 years of age, residence and postoffice address, Oakley, Idaho. Occupation farming and sheep raising.

Ques. 2. Are you acquainted with Marion Pipe Line Company, the holder of Permit No. 18947? How long have you known him and where does he reside?

Ans. Since 1919, Oakley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18947, 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. Bates Spring. Place of diversion in SE $\frac{1}{4}$ Sec. 3, Tp. 14 S., R. 21 E.B.M. Works consist of concrete gather basin; 3 miles of 6 inch concrete pipe, a settling basin 20 by 40 feet, 12 feet deep; Cast iron pipe starting at 8 inches and decreasing to 2 inches for a distance of 7.75 miles. Individual take-off lines to numerous consumers.

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. 1 $\frac{1}{2}$ cubic feet per second.

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

Ans. Used for domestic purposes on practically all farms located in Sections 5 and 6, Tp. 14 S., R. 22 E.B.M., Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32 in Tp. 13 S., R. 22 E.B.M., Sections 29, 30, 31 and 32 in Tp. 12 S., R. 22 E.B.M. All such farms so served are highly cultivated and irrigated from the Oakley Canal Co. system. All lands served are highly improved.

18947

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

Ans. Used for domestic purposes. Piped to each individual home and metered to users. Not used for generating power.

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, but for domestic purposes.

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

Ans. Farmer and land owner being served by the Marion Pipe Line Co.

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 delived from this system since 1919. Entire flow of spring has been used and diverted into the Marion Pipe Line system and used continuously.

(Signed)

Eugene Pickett

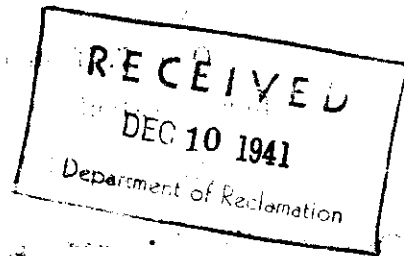
I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of Dec. 6th, A. D. 1941

My commission expires Feb. 27, 1942

Geo. J. McFadgal
Notary Public.

18947

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18947

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. Keith Cranney, Age 56 years, Residence and postoffice address, Oakley, Idaho.
Occupation, Farming.

Ques. 2. Are you acquainted with Marion Pipe Line Company, the holder of Permit No. 18947? How long have you known him and where does he reside?

Ans. Since 1919, Oakley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18947, 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. Bates Spring. Place of diversion in SE 1/4 Sec. 3, Tp. 14 S., R. 21 E.B.M.
Works consist of concrete gather basin; 3 miles of 6 inch concrete pipe, a settling basin
20 by 40 feet, 12 feet deep; Cast iron pipe starting at 8 inches and decreasing to 2
inches for a distance of 7.75 miles. Individual take-off lines to numerous consumers.

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. 1 1/2 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.)

State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Used for domestic purposes on practically all farms located in Sections 5 and 6,
Tp. 14 S., R. 22 E.B.M., Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32 in Tp.
13 S., R. 22 E.B.M., Sections 29, 30, 31 and 32 in Tp. 12 S., R. 22 E.B.M. All such
farms so served are highly cultivated and irrigated from the Oakley Canal Co. system.
All lands served are highly improved.

18947

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

Ans. Used for domestic purposes. Piped to each individual home and metered to users. Not used for generating power.

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, but for domestic purposes.

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

Ans. Farmer and land owner being served by the Marion Pipe Line Co.

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 delivered from this system since 1919. Entire flow of spring has been used and diverted into the Marion Pipe Line system and used continuously.

(Signed)

Keith Cranney

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of Dec. 6th, A. D. 1941.

My commission expires Feb. 27, 1942

Geo. J. McFarquhar
Notary Public.

18947

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: 18946 and 18947

Mr. Geo. J. McConnigal
Burley, Idaho

Boise, Idaho,

November 26, 1941

Marion Pipe Line Co.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18946 & 18947

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 Dec. 3, 1941, 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 Burley, Idaho before George J. McConnigal, 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,

E. V. BEIG

Commissioner of Reclamation.

18947

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

DATE Nov. 7, 1941

Re: 18946 & 18947
Oakley Herald, Oakley, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to Dec. 6, 1941, the date set for proof, the expense of the publication to be paid by the applicant, Marion Pipe Line Company, Oakley, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

E. V. BERO.

Commissioner of Reclamation.

18947

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

Notice is hereby given that at... **2:00 P/** M. on the... **6th** day of... **Dec.**....., 19. **41**
 at..... **Burley**, County of..... **Cassia**, State of Idaho, before
 **George J. McGeonigal**, proof will be submitted of the
 application to beneficial use of... **1.0** cubic feet per second of the waters of... **Bates**
 ... **Springs** in accordance with the terms and conditions of Permit No. **18947**
 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.....

..... **Marion Pipe Line Company, Oakley, Idaho**

The use to which said water has been applied is ~~irrigation~~ **stock and domestic use**

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

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~) **Incidental garden and lawn - primarily stock and domestic use**

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is **Marion Pipe Line**

The right to take water from such works is based upon Permit No. **18947**

The source of supply from which such water is diverted is

..... **Bates Spring**

The date of priority which said user is prepared to establish is..... **June 3, 1941**

.....
 Commissioner of Reclamation.

18947

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oct. 28th 1941

(P. O.) Oakley, Ida.

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

or

Oakley, Ida.

, published in

the county in which the works are situated.

Marion Pipe Line Co.
By. Orvil B. Adams, Sec.

(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.

18947

Permit No. 18947

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

} ss.

Marion Pipe Line Company by
Orvil Adams, Secretary

, 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. 18947, 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 Bates Spring

Third: That the point of diversion of said water is SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Twp. 14 S., Rge. 21 E., Cassia County

Fourth: That under the terms and conditions of said permit, construction thereunder was ~~completed~~ completed by Aug. 26, 1941

Fifth: That the use for which said water is intended is Ordinary Stock & domestic

Sixth: That on the date above mentioned, the works constructed under said permit were (~~completed~~) fully completed and consisted of the following:

I. Kind of works: Pipe line
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: 7-3/4 miles of pipe

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

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

(b) Capacity of reservoir 52,000 ~~acres~~ feet. gallons

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

(d) Conduit pipe width at bottom feet, width at water line feet, depth of water feet; diameter of pipe 8", 6", 4", 3" inches, average grade per mile is 20 feet. Length of conduit is 7-3/4 miles.

Seventh: That said works are capable of conducting to the place of intended use 1.0 second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: Incidental lawn and garden use. Primarily for stock and domestic use.

Ninth: Remarks: That

Marion Pipe Line Co
By Orvil B. Adams, Sec.
(Sign here)

Subscribed and sworn to before me this 28 day of Oct, 1941

C. G. Larson
Notary Public.

My commission expires
Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho
My Commission expires Jan. 6, 1946

18947

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Oct. 3, 1941, 194

Re: Permit No. 18947

To Marion Pipe Line Co.
Oakley, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18947, to appropriate the Public Waters of the State of Idaho, have not been complied with as to completion of works on Aug. 26, 1941

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 18947 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. 18947 claims the use of 1.0 cubic feet per second of the waters of Bates Spring, with point of diversion located SE 1/4 Sec. 3, Twp. 14 S., Rge. 21 E., Cassia County, and was approved Febr. 26, 1940

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

3rd day of October, 1941

I. V. BERG.

Commissioner of Reclamation.

By _____
Assistant.

18947

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE.
June 20, 1941

RE: 18947

Marion Pipe Line Co.
Oakley, Idaho
Dear Sir:

Under the terms of your permit No. 18947 you are required to complete your diversion works and make proof of Beneficial Use on or before Aug. 26, 1941.

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 of Works will be issued to you.

I 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 AUG 26, 1941, 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.

Yours truly,
E. V. BERG.

Commissioner of Reclamation.

18947

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18947

Boise, Idaho, **February 29, 1940**

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~~ ^{fourth} page.

Marion Pipe Line Company
Oakley, Idaho
Enc. Receipt # 17321

JAMES SPOFFORD

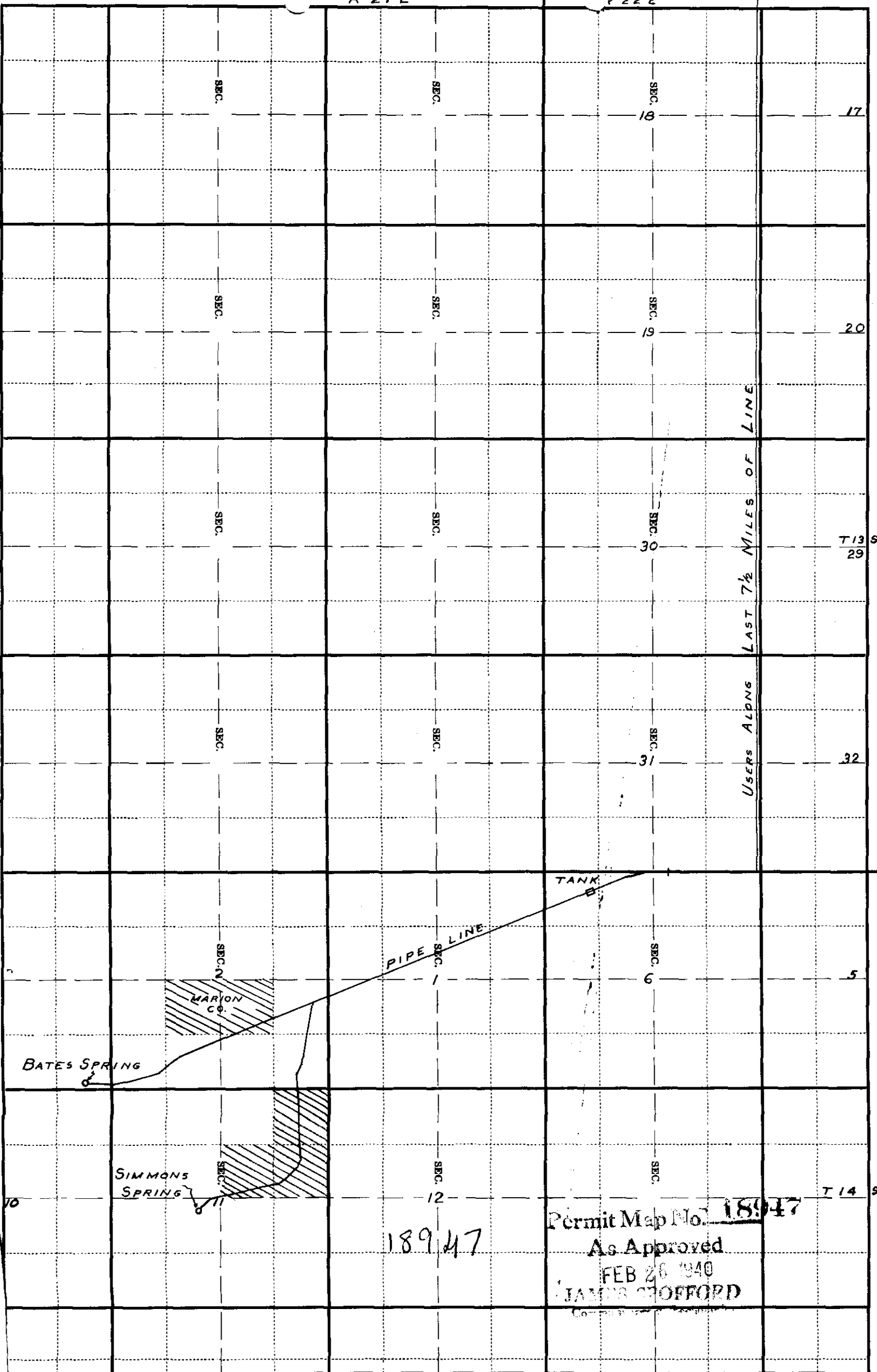
Commissioner of Reclamation.

18947

18947

SEE FILE NO. 18946

18947



NOTICE FOR PUBLICATION

**N DE \ PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2:00 P. M. on the 6th day of Dec., 1941, at Burley, County of Cassia, State of Idaho, before George J. McGeonigal, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Bates Springs in accordance with the terms and conditions of Permit No. 18947 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 Marion Pipe Line Company, Oakley, Idaho.

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

The amount applied to beneficial is One cubic foot per second.

The place where said water is used Incidental garden and lawn--primarily stock and domestic use.

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

The right to take water from such works is based upon Permit No. 18947.

The source of supply from which such water is diverted is Bates Spring.

The date of priority which said user is prepared to establish is June 3, 1941.

E. V. BERG,
Commissioner of Reclamation.

First publication November 13, 1941,
Fourth publication December 4, 1941