

License and Certificate of Water Right

Amount 1 second foot
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. 18946
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, Idaho, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Simmons
Springs, a tributary of _____, for the purpose of stock and domestic
use, under Use Permit No. 18946 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 the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4157, on the 15th day of March, 1945;
The right hereby confirmed dates from June 3, 1941;

The Point of Diversion is located 2045 ft. distant from the West $\frac{1}{4}$ corner Section 11,
in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, Tp. 14 S., R. 21 E., B. M. Cassia County

That the amount of water to which each 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

JAMES SPOFFORD

~~CONFIDENTIAL - SECURITY INFORMATION~~
State Reclamation Engineer

(SEAL)

45 2187

Nº 18946
45-2186

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

Application No. 26353
Permit No. 18946
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: Feb. 1935- 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: 1.0 cubic feet per second.
T. 14 S., R. 21 E., B.M.
3. Source of water supply: Simmons Springs, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, /-which is a tributary of- Does not reach any stream
4. Location of point of diversion: 2045 Dt. (at spring) feet distant from the West $\frac{1}{4}$
corner of Section 11, T. 14 S., R. 21 E., B. M., and is the NE $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 11, 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: \$ 50,000.00 (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 ☐ Yes 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, President

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. February 23, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is . 18946

Recorded in Book 69 Page 18946 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

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. BOTTOLFSEN

Governor.

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

The Marion Pine Lumber Company has appropriated all of 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.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
REMARKS (Continued)			The old system is in operation at the present time. The storage and desilting tank, together with 7½ miles of pipe line, are ready for replacement.																

			Permit No. 18946																
			CERTIFICATE OF COMPLETION OF 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. 18946, issued upon application number 26353 bearing date of priority of Febr. 23, 1940, authorizing the div of 1.0 second feet of the waters of Simmons Springs, County of Cassia, State of Idaho, for stock and domestic purposes, has full complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 1.0 second the waters of Simons springs, that the point of diversion of said waters NE¼SW¼, Sec. 11, Twp. 14 S., Rge. 21 E. B. 111.																
Witness my hand this 6th day of November, 1941.																			
			E. V. BERG., Commissioner of Reclamation																
			By: ROY W. THOMPSON, Deputy Commissioner.																

Completion made: Oct. 28th, 1941																			
Certificate issued: Nov. 6, 1941																			
LICENSE ISSUED FOR 1 SEC. FT.																			
8.4157																			

WATER RIGHT NUMBER 45-2186

OWNER LAST NAME - MARION PIPE LINE CO.

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CAKLEY

STATE - ID ZIP CODE - 83346

SOURCE - SIMMONS 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. -

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 11 14S 21E LOT REDIV -

272.0 430.0

2.0

1.8

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.5

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. - 18946

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

100 000000

IDENT. NO. 45-2186

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 18946 145-2186
 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: Simmons Springs

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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESW</u>	<u>11</u>	<u>148</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 20 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: 1

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: *P/H Incomplete. See file.*
A.
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 18946

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

QJH 5-11-79

C. A. Bottolfson
XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX
James Spofford, State Reclamation Engineer

March 16, 1943

Re: Permit No. 18946 & 18947

Marion Pipe Line Company
Oakley, Idaho

Gentlemen:

We are enclosing herewith Licenses and Certificates
of Water Right, issued under the above numbered
Permits.

License No. 18946 confirms your right to use One (1)
second foot of the waters of Simmons Springs; and
License No. 18947 confirms your right to use One (1)
second foot of the waters of Bates Spring; both with
priority date of June 3, 1941, for stock and domestic
use.

The Department's Receipt No. 19037, for the \$10.00
fees paid in connection with beneficial use proofs,
is also enclosed.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

18946

C. A. Bottolfsen
XXXXXXXXXXXXXXX

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

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18946

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Marion Pipe Line Co.
2. Source of water supply: Simmons Spring
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{2}$ of Section 11
T. 14 S R. 21 E County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: A Concrete Box at point of diversion 2' wide, 3' long, & 3' deep discharges into 4" tin lined concrete flume leading to junction with waters of Bates Spring, and thence by 6" concrete pipe to a reinforced concrete reservoir (20' wide X 40' long X 12' deep) and thence by approximately 8 miles of cast iron pipe and various laterals to the points of beneficial use.
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: An excellent installation

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

18946

(Signed)

Fred S. Tolman
Examiner.

2
Marion Pipe Line Co.
Oakley, Idaho

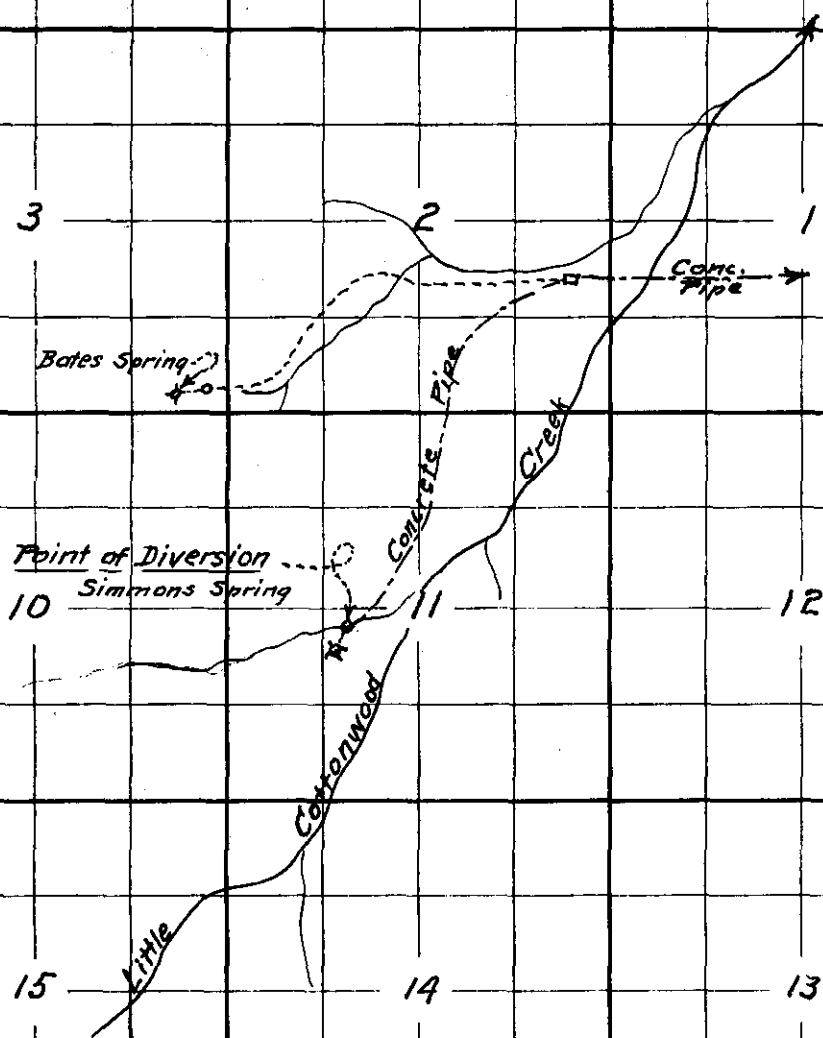
Permit No. 18946

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.
-



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18946

REPORT ON PROOF OF Beneficial Use

1 of
1500 per

December 15, 1941

Re: 18946 ✓
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.

18946

Affidavit of Publication 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

RECEIVED
DEC 10 1941
Department of Reclamation

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.

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Charles Brown

Subscribed and sworn to before me this 6th

day of, Dec., 1941

C. G. Larson
Notary Public.

18946

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho
My Commission expires Jan. 6, 1945

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 Simmons Springs in accordance with the terms and conditions of Permit No. 18946 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 use 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. 18946.

The source of supply from which such water is diverted is Simmons Springs.

The date of priority which said water 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

Department of Reclamation
Bureau of Reclamation
Washington, D. C.

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.

193

Charles Brown

Subscribed and sworn to before me this 6th

day of Dec. 1941

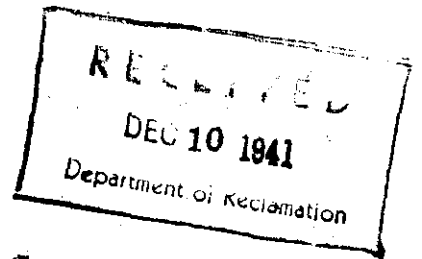
E. H. Larson

Notary Public.

Notary Public for the State of Idaho
My commission expires Dec. 1, 1942

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 18946

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 and postoffice address, Oakley, Ida.
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., Oakley, Idaho, an Idaho co-operative non-profit corporation.
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. 18946, dated Feb. 23, 1940

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

Ans. NE 1/4 Sec. 11, Tp. 14 S., R. 21 E. B. M., Cassia County, Idaho.

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

Ans. Concrete gathering basin at springs, taken from such point in a four inch concrete pipe line for a distance of 2 1/2 miles, to a concrete settling basin 20 by 40 ft by 12 ft deep, then taken in a cast iron pipe line for a distance of 7.75 miles, such pipe line starting with an eight inch pipe and ending with a 2 inch pipe, distribution being made by numerous consumers lines taking off along such 7.75 miles of iron pipe. 1 1/2 cubic ft. 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 irrigation and domestic use. 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 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 the homes and metered to users. Not used for generating power.

18946

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 1934

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. Whiteley Pres.
(Sign) Orvil B. Adams Sec.

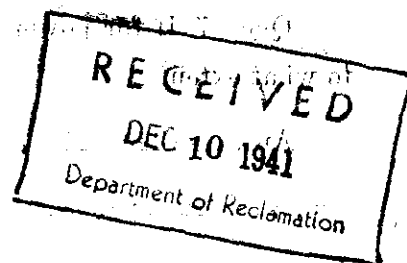
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 6th day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

Geo. J. McFadden
Notary Public.

My commission expires Feb. 27, 1942.

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18946

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.
Farming.

Ques. 2. Are you acquainted with Marion Pipe Line Company, the holder of Permit No. 18946? 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. 18946, 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. Source, Simmons Springs. NE 1/4 Sec. 11, Tp. 14 S., R. 21 E., B. M., Cassia County, Idaho. System consists of concrete gathering basin at springs, two miles of four inch concrete pipe, a concrete settling basin 20 by 40 feet by 12 feet deep, 7.75 miles of cast iron pipe, starting with an eight inch pipe and ending with a two inch pipe, distribution to individual consumers by numerous individual connections to such 7.75 miles of pipe line.

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 66, 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 lands served are irrigated from the Oakley Canl Co. system and are highly improved and cultivated, the Marion Pipe Line Co. 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.

18946

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. Not used for power. Entire flow of Spring has been used continuously since 1934.

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 used for irrigation. Lands supplied being furnished with irrigation water by the Oakley Canal Co. which does not furnish domestic water.

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

Ans. Land owner and user from system.

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. Entire flow of spring has been used continuously since 1934. Have seen fifty inches being used from this spring.

(Signed)

Keith Crumney

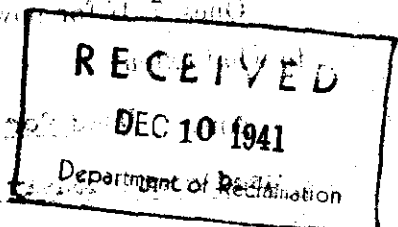
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of Dec. 6, 1941 A. D. 19

My commission expires Feb. 7, 1942

Geo. J. McFarland
Notary Public.

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18946

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, Age 55. Residence and postoffice address Oakley, Idaho.

Farming and sheep raising.

Ques. 2. Are you acquainted with Marion Pipe Line Company, the holder of Permit No. 18946? 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. 18946, 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. Source, Simmons Springs. NE 1/4 Sec. 11, Tp. 14 S., R. 21 E. B. M., Cassia

County, Idaho.

System consists of concrete gathering basin at springs, two miles of four inch concrete pipe, a concrete settling basin 20 by 40 feet by 12 feet deep, 7.75 miles of cast iron pipe, starting with an eight inch pipe and ending with a two inch pipe, distribution to individual consumers by numerous individual connections to such 7.75 miles of pipe line.

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 66, Tp. 14 S., R. 22 E. B. M., Sections 3, 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 lands served are irrigated from the Oakley Canl Co. system and are highly improved and cultivated, the Marion Pipe Line Co. 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.

18946

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. Not used for power. Entire flow of Spring has been used continuously since 1934.

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 used for irrigation. Lands supplied being furnished with irrigation water by the Oakley Canal Co. which does not furnish domestic water.

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

Ans. Land owner and user from system.

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. Entire flow of spring has been used continuously since 1934. Have seen fifty inches being used from this spring.

(Signed)

Eugene Dickett

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 Barlog County of Cassia,

State of Idaho, on this day of

Dec. 6, 1941

A. D. 19

C. 25

My commission expires

Feb. 7, 1943

Joe J. McFarland
Notary Public.

18946

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: 18946 and 18947

Boise, Idaho,

November 26, 1941

Mr. Geo. J. McGeonigal
Barley, Idaho

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. 6, 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 Barley, Idaho before George J. McGeonigal, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

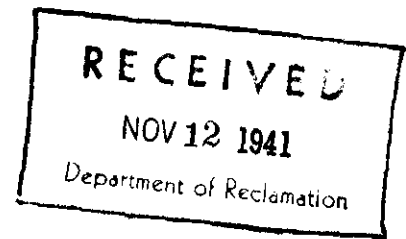
When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

E. V. BERG

Commissioner of Reclamation.

18946



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: 18946 & 18947

DATE Nov. 7, 1941

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. BERG.

Commissioner of Reclamation.

The foregoing received.

Charles Brown.
Charles Brown

The Oakley Herald

November 10, 1941

18946

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

Notice is hereby given that at ~~2:00 P.M.~~ **2:00 P.M.** on the **6th** day of **Dec.**, 19**41**,
 at ~~Carney~~ **Burley**, County of **Cassia**, State of Idaho, before
George J. McGeonigal, proof will be submitted of the
 application to beneficial use of ~~500~~ **1.0** cubic feet per second of the waters of **Simmons**
Springs in accordance with the terms and conditions of Permit No. **18946**
 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. **18946**.....

The source of supply from which such water is diverted is **Simmons Springs**

~~Marion Pipe Line Co., Inc., 21 E.~~

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

18946

E. V. BERG.
 Commissioner of Reclamation.

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: 18946

Oakley Herald
Oakley, Idaho

DATE Nov. 7, 1941

DEAR SIR:

Enclosed you will find notice for publication once a week
for four consecutive weeks prior to Dec. 8, 1941, the date
set for proof, the expense of the publication to be paid by the
applicant, Marion Pipe Line Co., 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. BERG.

Commissioner of Reclamation.

18946

November 7, 1941

Re: 18947
18946

Marion Pipe Line Co.
Oakley, Idaho

Gentlemen:

We are enclosing certificates of completion of works proof on the above numbered permits for 1.0 sec. ft. of the water of Bates Spring and 1.0 sec. ft. of the waters of Simmons Springs for domestic and stock uses with a priority date of February 23, 1940.

You did not send us the name of a Notary Public, and as we could not find one listed for Oakley, we selected Geo. J. McGeonigal of Burley, Idaho for Dec. 6, 1941 at 2:00 P. M. Be there with two witnesses who are familiar with the works.

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

BY: Chief Clerk.

ml.

18946

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oct. 28th 1941
(P. O.) Oakley Idaho.

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, Ida., published in
the county in which the works are situated.

Marion Pipe Line Co.
By Orvil B. Adams

(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.

18946

Permit No. 18946

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. 18946, and that his postoffice address is OakleyState of IdahoSecond: That the name of the stream from which said water is to be directed is Simmons SpringsThird: That the point of diversion of said water is NE 1/4 SW 1/4, Sec. 11, Twp. 14 S.,
Rge. 21 E., Cassia Co.Fourth: That under the terms and conditions of said permit, construction thereunder was ~~completed~~
completed by Aug. 26, 1941Fifth: That the use for which said water is intended is Stock & Domestic CulinarySixth: That on the date above mentioned, the works constructed under said permit were ~~(completed)~~
fully completed and consisted of the following:1. 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 ~~xxx feet~~ gallons(c) Size of headgate: Width feet, height feet.(d) Conduit Pipe width at bottom feet, width at water line
(State whether ditch, flume or pipe.)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 0.8
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 Both proofs due Aug 26, 1941Marion Pipe Line Co
By Orvil B. Adams, Sec.
(Sign here)Subscribed and sworn to before me this 28 day of Oct, 1941C. J. 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, 1945

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Oct. 3, 1941, 194

Re: Permit No. 18946

To Marion Pipe line company
Oakley, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18946, to appropriate the Public Waters of the State of Idaho, have not been complied with as to completion of work

on Aug. 26, 1941

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 18946 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. 18946 claims the use of 1.0 cubic feet per second of the waters of Simmons Springs, with point of diversion located NE 1/4, Sec. 11, Twp. 14 S., Rge. 31 E., Cassia Co. and was approved Febr. 23, 1940

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 3rd day of Oct., 1941

E. V. BERG.

Commissioner of Reclamation.

By _____ Assistant.

18946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE.
June 20, 1941

RE: 18946

Marion Pipe Line Co.
Oakley, Idaho

Dear Sir:

Under the terms of your permit No. 18946 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. BEGG.

Commissioner of Reclamation.

18946

March 1, 1940

Mr. A. W. McCulloch,
District Engineer S. C. S.,
No. 228 E. Center Street,
Pocatello, Idaho.

Dear Mr. McCulloch:-

In accordance with your verbal request of March 1st, 1940, we beg to advise that the following permits have been issued to the Marion Pipe Line Company:

Permit No. 18946, approved February 26, 1940, for one (1) second foot of the waters of Simmons Spring.

Permit No. 18947, approved February 26, 1940, for one (1) second foot of the waters of Bates Spring.

No showing will have to be made to this department until proof of completion of works is due, August 26, 1941, although for his own protection the applicant should comply with the statutes as to starting work within sixty days, and completing one-fifth of the work in one-half the time allotted.

Plans and specifications are required only on storage permits where the dam is over ten feet in height, or the reservoir is over 100 acre feet in capacity. It is not necessary to submit plans and specifications on the aforementioned permits.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

D:A



Deputy Commissioner

18946

Post Office Department

PENALTY FOR PRIVATE USE

FOR PAYMENT OF POSTAGE, \$300

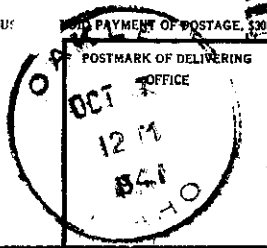
OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 8772

INSURED PARCEL

No.



Return to Dept. of Reclamation

State of Idaho State House
Street and Number, }
or Post Office Box, }

BOISE,

IDAHO.

18946

RETURN RECEIPT

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

Whitcomb Pipe Line Co
(Signature or name of addressee)

J. B. Whitcomb Pres
(Signature of addressee's agent)

Date of delivery, 10-6, 19 41

Form ¹
18946

U. S. GOVERNMENT PRINTING OFFICE

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18946

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.

JAMES SPOTTORD

Marion Pipe Line Co.
Oakley, Idaho
Receipt # 17320

Commissioner of Reclamation.

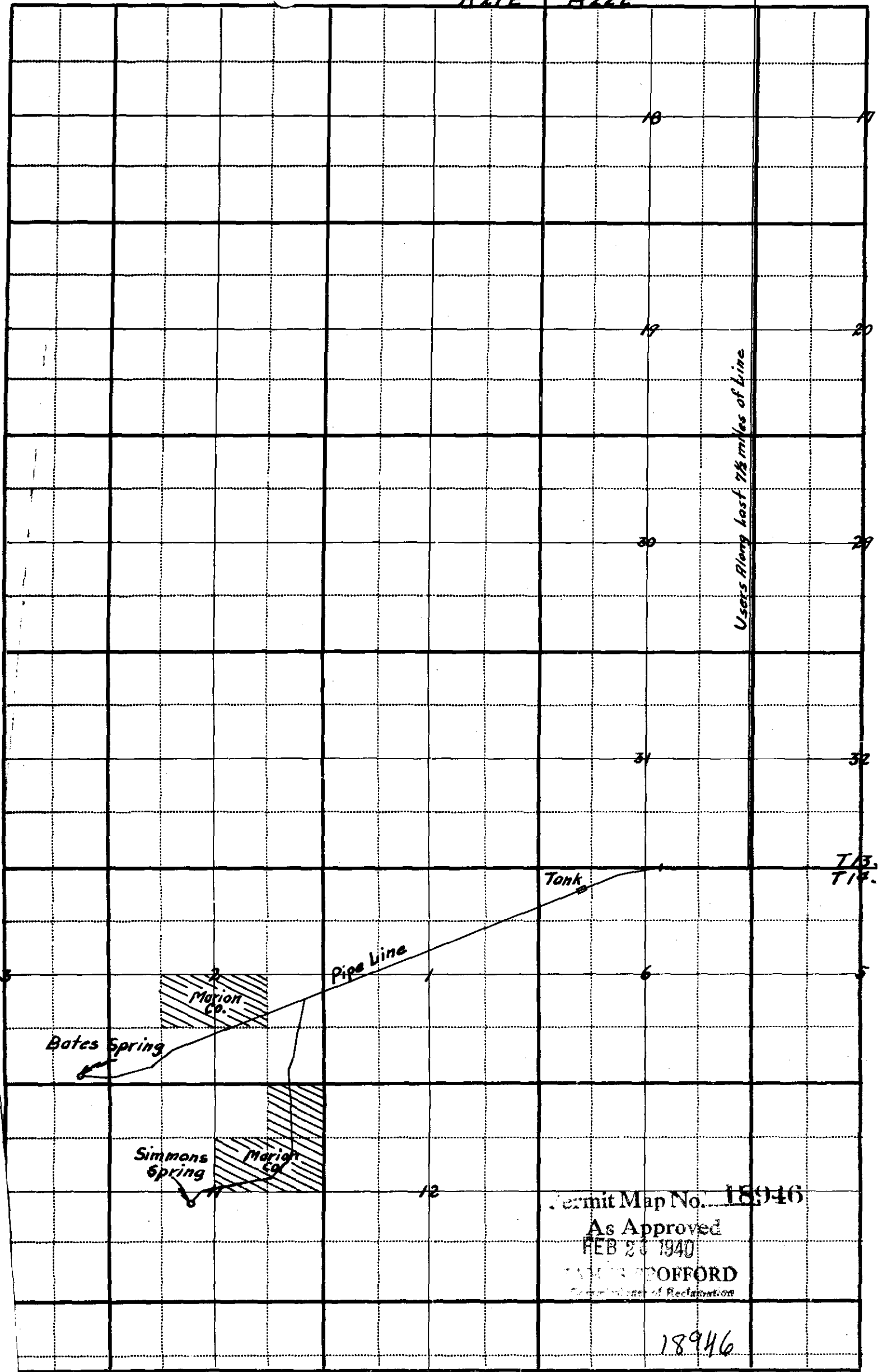
18946

NAME OF APPLICANT Marion Pipe Line Co.

Continue 3 Mi. to Sec. 29

R21E R22E

FORM No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

NOTICE FOR PUBLICATION

**NOTI 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 Simmons Springs in accordance with the terms and conditions of Permit No. 18946 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 use 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. 18946.

The source of supply from which such water is diverted is Simmons Springs.

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

E. V. BERG,
Comimssioner of Reclamation.

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