

State of Idaho
License and Certificate of Water Right

Water License No. 18123

Amount 0.25 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. **18126**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.25 second feet, was issued thereunder on **June 21**, 1940, showing that said works
were completed on the **21st** day of **June**, 1940; and that on the **29th**
day of **July**, 1946,

EARL WHITELEY

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 **Warm Springs**
a tributary of - for the purpose of irrigation and
domestic use, under Use Permit No. **18126** 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 **4333**, on the **15th** day of **February**, 1947;
The right hereby confirmed dates from **July 25**, 1935;

The Point of Diversion is located
in the **SW 1/4 SE 1/4**, Sec. **27**, Twp. **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 **0.25** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	22 E.	27	SW 1/4 NE 1/4	40	-
			SW 1/4 NW 1/4	40	-
			SE 1/4 NW 1/4	40	-
			NW 1/4 SW 1/4	40	-
			SW 1/4 SW 1/4	40	-
			SE 1/4 SW 1/4	40	-
			SW 1/4 SE 1/4	40	-

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

(SEAL)

45 2182

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

Application No. **25348**
Permit No. **18126**
District No.

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:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **0.25** cubic feet per second.

3. Source of water supply: **Harm Springs** which is a tributary of **no stream.**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **SW $\frac{1}{4}$ SE $\frac{1}{4}$**

of Section **27** , T. **14 S.**, R. **22 E.** , B. M., County of **Cassia**

5. Water is to be used for: **Irrigation 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: \$ **500.00**

8. Kind of works: **500' pipe line and 1500' ditch**

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 **1** feet; width at water line **1 $\frac{1}{2}$** feet; depth of water **$\frac{1}{2}$**

feet; dimensions of flume:

Diameter of pipe **6** inches; length of conduit **500' pipe**
1500' ditch miles.

Average grade per mile **5** 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 **18126**

Recorded in Book **66** Page **18126** 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** owns land where spring is located.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14 S	22 E	27	40				40 40				40 40 40				40				280
Total Number of Acres to be Irrigated.....																	280		
PERMIT NO. 18126 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. 18126, issued upon Application No. 25348, bearing date of priority of June 17, 1935, authorizing the diversion of 0.25 second foot of the waters of Warm Springs, County of Cassia, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.25 second foot of the waters of Warm Springs; that the point of diversion of said waters is in the SW¼ SE¼ of Section 27, Township 14 South, Range 22 East, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW¼ NE¼, S½ NW¼, NW¼ SW¼, S½ SW¼ and SW¼ SE¼ Section 27, Township 14 South, Range 22 East, B. M.																			
Witness my hand this 21st day of June, A. D. 1940.																			
Proof of completion of works made June 21, 1940																			
Certificate of Completion of Works issued June 21, 1940.																			
JAMES SPOFFORD Commissioner of Reclamation																			
LICENSE ISSUED FOR 0.25 SEC. FT. p. 4333																			

WATER RIGHT NUMBER 45-2182

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 - WARM SPRINGS

TRIBUTARY OF - BIRCH CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 07-25-1935 COUNTY - CASSIA

TOTAL CIV. RATE -

.2500 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 27 14S 22E LCT REDIV -

272.0 430.0 2.6 0.0 0.0 0.0 0.0 0.0 0.0 0.0 4.2

FROM - TO -

USE - STOCKWATER

USE DIV. RATE -

.2500 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - STOCKWATER

PLACE OF USE - TWN 14S RNG 22E SEC 27

TRACT SWNE LCT

AC

TRACT SWNW LCT

AC

TRACT SENW LCT

AC

TRACT NWSW LCT

AC

TRACT SWSW LCT

AC

TRACT SESW LCT

AC

TRACT SWSE LCT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - WATER IS USED FOR STOCK & PASTURE.

NO CULTIVATED CROPS AT TIME OF EXAM.

LIC. INCORRECTLY LISTS USES AS IRRIGATION AND DOMESTIC.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 18126

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

100 03171934

VERIFIED DDL
5/17/85

3/79

IDENT. NO. 45-2182

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 18126 / 45-2182
 OTd No. New No.

Record

1. Original Owner: Earl Whitely

Present Owner: _____

2. Address:

3. City: Osage State: Id Zip: _____

4. A. Source of Water: warm 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: 7-25-1935

D. County: 31

E. Total Diversion Rate: .25

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>SWSE</u>	<u>27</u>	<u>14S</u>	<u>22E</u>		

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

from _____ to _____ for A purposes. Amount .25
 (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: ~~A~~

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. no Ac. given on lic.
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: 18126

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

5.1.79

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

✓
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. 18126

This proof is for Beneficial use

In Water District No.

1. Name of applicant Earl Whiteley, Oakley, Idaho
2. Source of water supply: Warm Springs
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27
T. 14 S. R. 22 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: A small spring, excavated and boxed in by concrete wall 4ft X 4ft X 6ft deep. Water is diverted thence via 500 feet of 4 inch wire wound wood pipe to a concrete box at the head of a ditch (channel).
5. Water is used for: Irrigation and domestic purposes
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): 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;
Twp. 14 S., Range 22 East, B.M.

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

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

Remarks: The Spring flows approximately six Miners Inches, the water being used for stock watering and pasturage. No cultivated crops.

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

(Signed)

Fred H. Johnson
Examiner.

37.
Earl Whiteley
Oakley, Idaho
Permit No. 18126

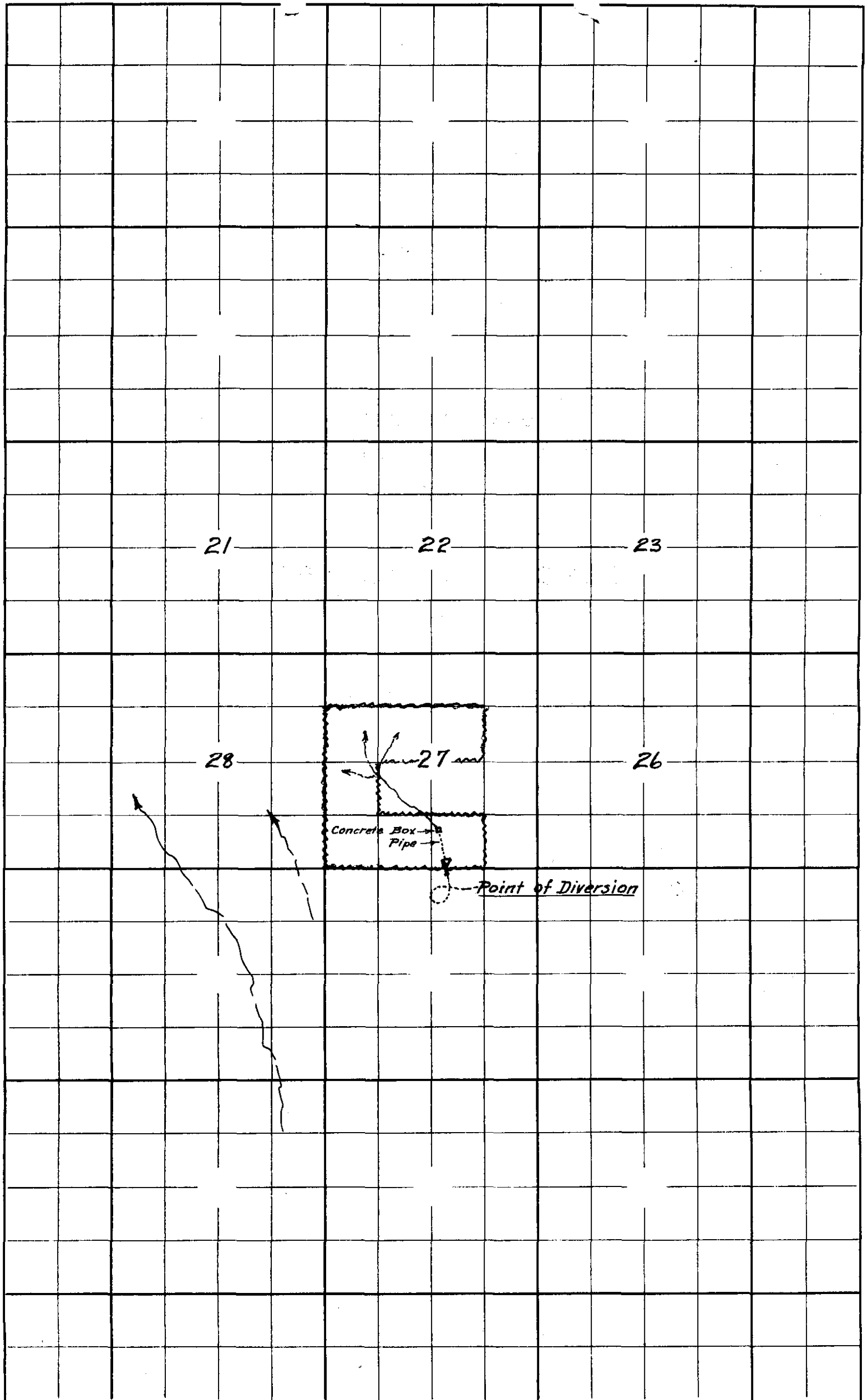
Examination for Beneficial use

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. 18126

REPORT ON PROOF OF Beneficial use

App. for C. 2.54/0
OK
mark

✓
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

Oakley Idaho July 29, 1946

Department of Reclamation

Boise Idaho

State Engineer- Mark R. Kulp -

Dear Mr. Kulp:

Ref: General statement
Permit No. 18126

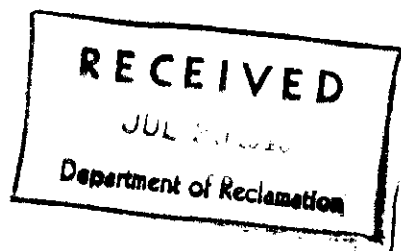
In the matter of a possible claim of two of the original holders of the 80 acres (The NW $\frac{1}{4}$ SE $\frac{1}{4}$ & the NE $\frac{1}{4}$ SW $\frac{1}{4}$) in the center of Section 27, Tp. 14 South Range 22 EBM who had not previously sold their interests to Mr. Whiteley (see # page 2 of GENERAL STATEMENT in connection with Permit No 18126) may I state that, upon invitation of Mr. Earl Whiteley these two men had been invited to take part in final proof and report here in my office and before leaving Mr. H.R. & H.P. Matthews offered to accept \$200.00 for their interests in all land and any water interests they may have had. These men were paid and as one before whom PROOF OF APPLICATION OF WATER TO BENEFICIAL USE is today made, I am willing to make this statement to the Department.

Very truly,



Agent & Notary Public - Oakley Idaho

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 0.25 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

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 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 19

day of, July, 19: 46

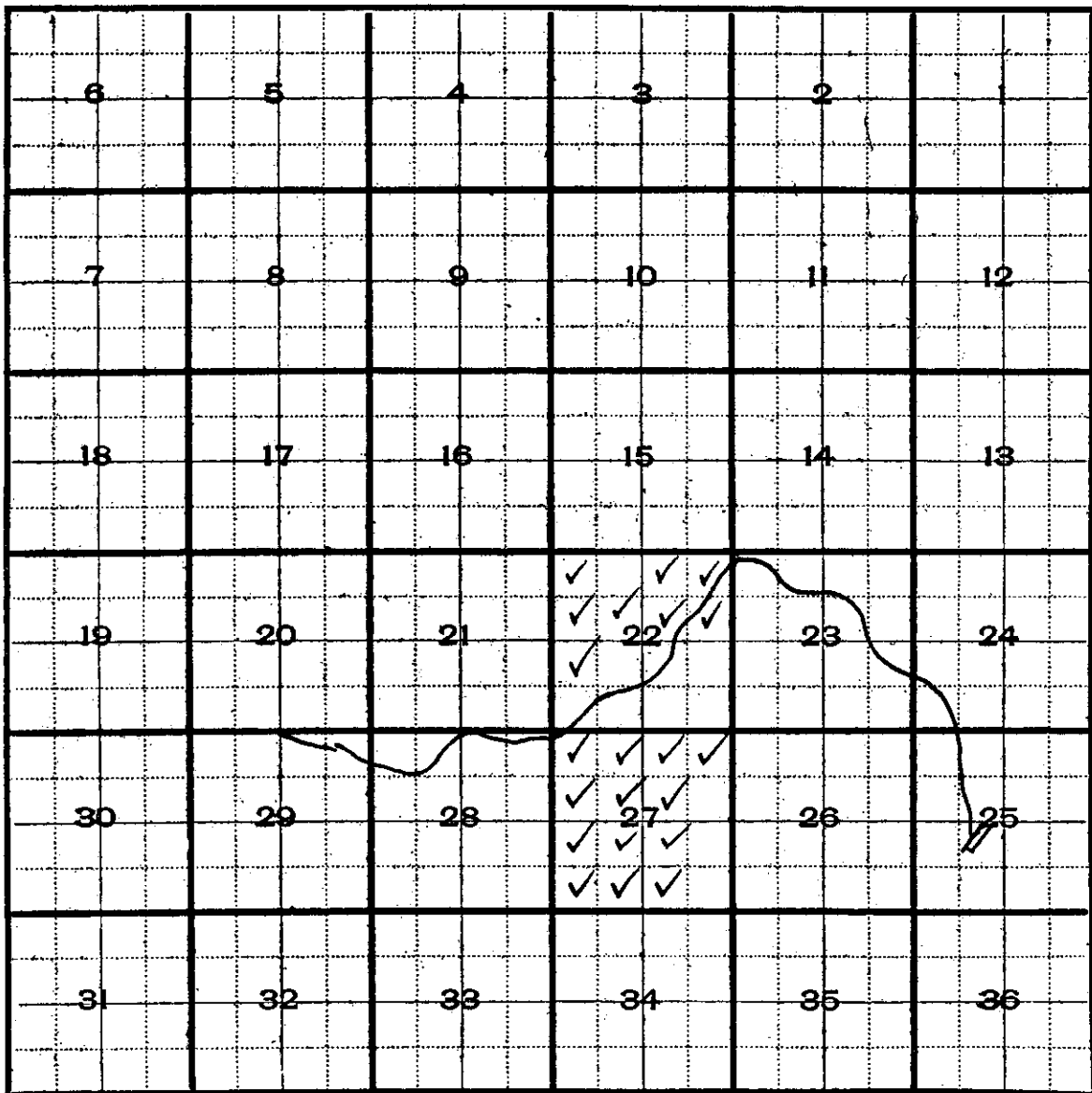
C. G. Larson

Notary Public.

Notary Public in and for the State of Idaho
Residence, Oakley, Idaho
My Commission expires Dec. 26, 1946.

18126

Township No. 14 South Range No. 22 East Boise Mer.



Scale, 80 chains to an inch

✓

Deeded land owned by ~~Holder of~~ Applicant and Holder of Permit 18126
(Exception see page two General Statement)
Oakley Canal Company's High water Feeder Canal.

43891

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

Earl Whitehead

18126

GENERAL STATEMENT

To attach to Form 16 and 17 - - Department of Reclamation
State of Idaho.

Permit No. 3061 by State of Idaho issued September 15, 1909 provided that the waters of the Oakley Warm Spring, heading in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27 Tp. 14 South Range 22 EBM would be conveyed through a pipe line system into the Village of Oakley for domestic uses. At the time this water was dedicated to land in Section 33 Tp. 13 South Range 22 EBM and known as the Light-Air Park Ground inside the Oakley Village limits.

From 1909 to 1925 this water was so used by The Oakley Warm Springs Water Company. (This Company at one time also used the operating name - The Oakley Water Company.)

In 1925 the Oakley Warm Spring Water Company sold its holdings to the Village of Oakley (i. e. its City mains and its main line and Franchise.)

By this time it had been found that this warm spring water was detrimental to health - it affected the teeth of the growing young people who used it exclusively causing a brown mottled defect in the teeth.

The Village of Oakley, therefore, decided on a larger and more desirable supply of water purchased elsewhere, from individuals and coming from a more distant point along the Oakley South Mountain. This new supply was conveyed, in part, through the system previously owned and operated by the Oakley Warm Springs Water Company. The old supply or the Warm Springs water was abandoned or turned to waste near its source.

This was true of some smaller cold springs heading near the Oakley Warm Spring. (To be definite in location - in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27 Tp. 14 South Range 22 EBM.)

May 26, 1925 when the members of the former Oakley Warm Springs Water Company found that the waters of the Warm Spring and other small adjoining springs were not conveyed into the Village's new system (for reason as previously stated) a holding company was formed and the previously held water interests together with interests in an eighty tract of land (the NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.27 Tp. 14 South Range 22 EBM.) was assigned , by deed from S.P.Worthington etl - Oakley Warm Springs Water Company, a Corporation as follows:

To John Adams	Oakley Idaho	85/320ths interest
S.P.Worthington	"	64/320 " "
John McMurray	"	45/320 " "
Elnora Poulton	"	45/320 " "
S. E. Hale	"	33/320 " "
H.R.Matthews	"	23/320 " "
H.P.Matthews	"	22/320 " "
Mae P. McClelland	"	3/320 " "

From 1925 to 1935 no attention was given this water and since I owned the land surrounding, including the Forty where the Warm Springs water heads June 17, 1935 I made filing on this water.

2.

Since that time, while full benefit and use has not been had, I have from time to time diverted this water onto deeded holdings heretofore unirrigated.

Also at the time of filing on this water and since such time I have purchased the several interests in this 80 acres of land (the NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27 Tp. 14 So. R 22 EEM) and any and all rights which the holder might have claimed in the water as follows:

The John Adams	Interests	85 / 320ths.
" S.P.Worthington	"	64 "
" John McMurray	"	45 "
" Elnora Poulton	"	45 "
" S.E.Hale	"	33 "
" Mae P.McClelland	"	3 "

(These deeds are available to the Department if desired)

Of the original holders there remains,-

The H.R. Matthews	Interest	23 "
" H.P.Matthews	"	22 "

which rights must be considered.

In order to protect my interests and in order to keep this 80 acres of rough ground from going to Tax Deed I have paid all the taxes levied against the land since 1935

The Oakley Warm Springs water (0.25 C.F. per S.) from time of filing application No. 25348 has been confined for use on deeded land and only in times of wet Season or times when excessive rains and flush runs cut channel does this water ever reach the Oakley Canal Company's feeder canal.

Should the State Engineer see fit to issue Certificate for continued use of this water full and complete use will be made of it.

~~three~~ Fred Bedke
The two disinterested WITNESSES ~~George R. Poulton~~ and Cyrus R. Hunter are local residents - knowing representative men who have been over the ground repeatedly for years and should there appear herein any mis-statement, I am not only sure but I also hope they will decline to witness- and I mean just that.

Carl Whiteley

Permit Holder- Oakley Idaho

At Oakley Idaho July 29, 1946

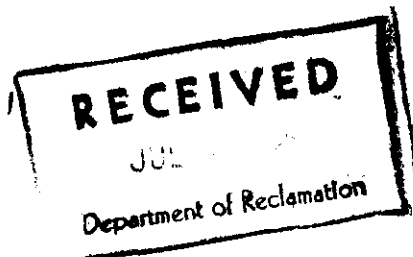
APPROVED:

Fred Bedke

Witness- Oakley Idaho Gen. Del

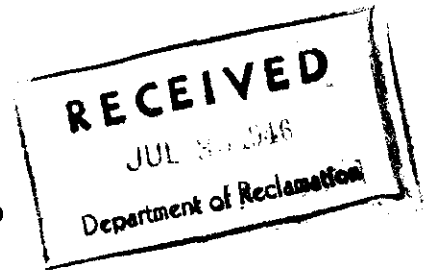
Cyrus R Hunter

Witness- Oakley Idaho RD #2.



18126

Witness of Notary Public - Oakley Idaho



County of Cassia)
State of Idaho)

SS

Cyrus R Hunter the two
Fred Becke witnesses

Personally appeared before me this date
at Oakley Idaho Witnesses whose signatures are attached to the
two foregoing General Statements and witnessed to me that they
are fully acquainted with conditions and the statements therein
made and believe them to be true to condition and that they
witnessed to me that they signed in all good faith and without
any desire to fraud whatsoever.

AND IN WITNESS OF THE ABOVE, I hereunto set my hand and affix
my official seal, this 29th. day of July 1946.

C.G. Larson

Notary Public- Oakley Idaho

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

County of Cassia)
State of Idaho)

SS

Personally appeared before me C.G. Larson
a Notary Public in and for the State of Idaho Earl Whiteley
known to me to be the Permit Holder in PROOF OF APPLICATION
FOR WATER TO BENEFICIAL USE * Permit No. 18126 and whose
signature is attached to the above and witnessed to me that
he executed the same.
IN WITNESS WHEREOF I, hereunto set my hand and affix my official
seal this 29th. day of July 1946.

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

C.G. Larson Notary Public

18126

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18126

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, Farming & Stock Raising
Oakley Cassia Co Idaho Gen. Del.

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 No 18126 Dated June 21, 1935 Priority date June 17, 1935 or
July 25, 1935

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

Ans. Source SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 Tp 14 South Range 22 EBM
At source

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. Water at source on ground: no carrying ditch or canal required

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This limited supply of water has been diverted onto Mountainous
ground. As a result a limited supply of varied grasses has been pro-
duced where otherwise no forage feed has grown before.
The location of the ground where this water has been used is
The SW $\frac{1}{4}$ NE $\frac{1}{4}$ and portions of the NW $\frac{1}{4}$ of Section 27 Tp. 14 South Range 22 EBM

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

Ans. Irrigation and stock purposes only

18126

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. Not for other than stock watering and irrigation purposes.

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 person as person to whom permit was issued.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. Since date of Permit 1935 to the present time. Use of all the Warm Spring water.

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. Seeps and other cold water springs (small) have been joined with the water of the Oakley Warm Spring and used for the purposes stated above.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in 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. 23, 1943.

My commission expires

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18126

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. (C.R. Hunter) Cyrus R Hunter 62
Farmer Oakley Idaho

Ques. 2. Are you acquainted with Earl Whiteley, the holder of Permit No. 18126? How long have you known him and where does he reside?

Ans. I have known him for years

His home is in Oakley Cassia Co. Idaho

Ques. 3. Have you read or heard read said Permit No. 18126, and are you familiar with its provisions and conditions?

Ans. Have read the permit and know of provisions and conditions

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

Ans. The water asked for under this Permit and application rises in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 Tp 14 South Range 22 EBM. This is deeded land as of record in the office of the County Recorder of Cassia County
This water is and has been for period since approximately 1935 used in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 27 Tp. 14 So Range 22 EBM

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Approximately 0.25 C.F. per S used near source as stated above

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. Used to promote growth of meadow or mountain grasses
tracts irrigated are the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and portions of the NE $\frac{1}{4}$ of Sec. 27 Tp 14
South range 22 EBM. The total acreage is limited by reason of limited
supply of water

18126

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

Ans. Not for power or other purposes other than
irrigation and stock purposes.

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. Rough Mountain land and suitable only for grazing.

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 whatever. Called as a disinterested witness
in statement of known facts.

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 been acquainted with premises for 40 years. Have known
also of the operations of the Permittee. Have been over the ground where
this water is used each year for the past eleven years or more.

(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. 19 46.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho
My Commission expires Dec. 28, 1948

My commission expires _____

C. A. Larson
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18126

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 age 60.
Oakley Idaho Farmer & Stockraiser

Ques. 2. Are you acquainted with Earl Whiteley, the holder of Permit No. 18126? How long have you known him and where does he reside?

Ans. I have known him for years
His home is in Oakley Cassia Co. Idaho

Ques. 3. Have you read or heard read said Permit No. 18126, and are you familiar with its provisions and conditions?

Ans. Have read the permit and know of provisions and conditions

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

Ans. The water asked for under this Permit and application rises in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 Tp 14 South Range 22 EBM. This is deeded land as of record in the office of the County Recorder of Cassia County. This water is and has been for period since approximately 1935 used in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 27 Tp. 14 So Range 22 EBM

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Approximately 0.25 C.F. per S used near source as stated above

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. Used to promote growth of meadow or mountain grasses tracts irrigated are the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and portions of the NE $\frac{1}{4}$ of Sec. 27 Tp 14 South range 22 EBM. The total acreage is limited by reason of limited supply of water.

18126

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

Ans. ~~Not for power or other purposes other than irrigation and stock purposes.~~

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. ~~Rough Mountain land and suitable only for grazing.~~

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 whatever. Called as a disinterested witness in statement of known facts.~~

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 been acquainted with premises for 30 years. Have known also of the operations of the Permittee. Have been over the ground where this water is used each year for the past eleven years or more.~~

(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. 19 46

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

C. G. Larson
Notary Public.

My commission expires _____

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 Nos. 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

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 foot 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

18126

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

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 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 R. KULP

State Reclamation Engineer

By

Chief Clerk

18126

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

Mr. Earl Whiteley

April 1, 1946

Oakley, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18126. This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof, in order to allow time for the four weeks' publication required by law.

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 not later than June 21, 1946, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

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.

Eare Whitely

(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.

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 0.25 cubic feet 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 feet per second

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

18126

June 22, 1945

Re: Permit No. 18126

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

We are in receipt of your letter of June 20th, in reference to Permit No. 18126, and requesting an extension of time for the completion of this water right.

Reference to the permit record shows that all that is now required is the proof of beneficial use, which is not actually due until June 21, 1946. Conditions may be such that you will be able to make this proof by that time; but if not, the proof can be made at a later date without injury to the permit, other than putting the priority date as much later as the proof is past due.

We extend our sincere sympathy in the loss of your son, who has given his life in the service of our country. The poem used in this connection is beautiful, and expresses what I am sure many of our fine young men have experienced in these last few tragic years.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A

18126



1ST LT. OSBURN EARL WHITELEY

High Flight

By JOHN G. MAGEE, JR.

*O, I have slipped the surly bonds of earth
 And danced the skies on laughter-silvered wings;
 Sunward I've climbed and joined the tumbling mirth
 Of sun-split clouds—and done a hundred things
 You have not dreamed of—wheeled and soared and swung
 High in the sunlit silence. Hor'ring there,
 I've chased the shouting wind along and flung
 My eager craft through footless halls of air,
 Up, up the long delirious, burning blue
 I've topped the wind-swept heights with easy grace,
 Where never lark, or even eaglet, flew;
 And, while with silent, lifting mind I've trod
 The high untrespassed sanctity of space
 Put out my hand, and touched the face of God.*

W We feel that these lines may be,
W in part, true of the experience, the
 accomplishment and final service of

LT. OSBURN EARL WHITELEY

B-29 Commander

Killed in action in China Nov. 21, 1944

— HIS PARENTS —

MR. AND MRS. J. EARL WHITELEY

Oakley, Idaho

18126

Ref. Permit No. 18126

Oakley Idaho June 20. 1945

Department of Reclamation,

B o i s e Idaho

Commissioner in Charge:

Since writing you and receiving your communication of June 22, 1940 I have not been able to do further all that I anticipated toward completion of requirements in this water filing for the following reasons:

A second son, now with the 7th. Army in Germany has been away for better than two years the elder son in the service since 1941 was killed in China on November last (as you will note from enclosed) and other necessary and needed help, it seems, has been impossible to get. For this reason may I ask your consideration for any necessary extension of time to complete these works.



Very truly,

A handwritten signature in cursive script, reading "Carl Whiteley". The signature is written over a horizontal line.

Bk - June 21 1945

18126

June 22, 1940

Re: Permit No. 18126

Mr. Earl Whiteley
Oakley, Idaho.

Dear Mr. Whiteley:

We are enclosing herewith Certificate of Completion of Works issued under the above numbered permit to appropriate 0.25 second foot of the waters of Warm Springs, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 14 South, Range 22 East, B. M., for irrigation and domestic use, upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 14 South, Range 22 East, Cassia County.

The Departmental Receipt # 17445 for the \$5.00 fee which you paid in connection with this proof, is also enclosed.

Very truly yours,

JAMES SPOTFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18126

Permit No. 18126STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada } 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. 18126, 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 Warm Springs.Third: That the point of diversion of said water is SW 1/4 SE 1/4 of Sec 27, T14S - R 22E B.M.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 21, 1940.Fifth: That the use for which said water is intended is Irrigation & Domestic.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: Ditch & Pipe
(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 Ditch width at bottom 1 feet, width at water line 2 feet, depth of water 1 1/2 feet; diameter of pipe 1 inches, average grade per mile is 5 feet. Length of conduit is 2000 miles ft.Seventh: That said works are capable of conducting to the place of intended use 0.25 second feet of water.Eighth: That water appropriated under said permit is available for 280 acres of land described as follows:SWNE, S 1/2 NW, NWSE, S 1/2 SW, SWSE of Section 27, T14S - R 22E.Ninth: Remarks: That 2000' of ditch are completed. A 3/4" pipe has been removed and is being replaced by a 1" pipe.Earl Whiteley
(Sign here)Subscribed and sworn to before me this 21st day of June, 1940.My commission expires Oct 26, 1943Wendell M. Gray
President Boise, Idaho Notary Public.

18126

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18126

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Earl Whiteley
Oakley, Idaho

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

Dear Sir:—

Under the terms of your permit No. 18126 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.

18126

May 21, 1937

Re: Permit No. 18126.

Mr. Earl Whiteley
Oakley, Idaho

Dear Mr. Whiteley:

Your letter, of May 18th in which you specify the work that has been performed in connection with Permit 18126 has been received.

No formal proof will be required for this matter until such time as proof of completion of works is due. However, this letter will serve to show progress, and it will be placed on file for future reference.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

18126

EARL WHITELEY
OAKLEY, CASSIA COUNTY, IDAHO

May 18, 1937.

RECEIVED
MAY 20 1937
RECLAMATION COMMISSIONER

Reclamation Commissioner,

R. W. Faris,

B o i s e Idaho.

Attention Mr. Henry:

In keeping with requirements
of Water filling Permit No 18126 of June 17, 1935
I have completed a 450 foot trench. Have on the
ground ready for use in trench seven loads of
ballast rock.

I have also 1500 feet of ditch
made and for use except in wash places where levy
and additional ballast rock will be required.

Pipe arranged for to be used at
the head of the Warm spring has not been placed
but this work will receive attention immediately,
so that all requirements will be fully met.

Very truly,

Earl Whiteley
Oakley Idaho

18126

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18126

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
Oakely,
Idaho

R. W. PARIS
Commissioner of Reclamation.

18126

South

SEC. ~~8~~

SEC. 36

- SEC. /

Permit Map No. 18126
As Approved
JUN 21 1935
R. W. FARIS
Commissioner of Reclamation

Also all the water (1/25 of Sec. 11.) flowing in an unnamed channel and flowing upon applicants land the S.E. 1/4 of the 21st of the 14th of Section 27 T. 14 S. R. 22 E.