

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE DISPOSAL )  
OF APPLICATION NO. R-24144 IN )  
THE NAME OF CARL R. STAATS. )  
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O R D E R T O  
APPROVE APPLICATION

On September 22, 1949, Carl R. Staats, Salem, Oregon, filed an application with the State Engineer for a permit to store less than 3,000,000 gallons of the water of Winslow Gulch and underground waters, which application is designated in the records of the State Engineer as Application No. R-24144. On said date, Mr. Staats filed a second application for the appropriation of the water to be stored and direct flow of Winslow Gulch and underground water of Winslow Gulch for the irrigation of 6.0 acres of land within Lots 20, 21, and 22 of Clarkview Fruit Farms in Polk County, Oregon, (Vol. 2, Page 13, Record of Town Plats), and water for livestock domestic and personal use.

On February 23, 1950, Walter F. King and Helen W. King, husband and wife, Salem, Oregon, filed with the State Engineer, objections to the approval of Application No. R-24144, asserting that the proposed construction, sought to be approved by the applicant, and the storage of water would result in injury to protestants. The nature of the injury, as asserted, is summarized as follows:

(1) That during the month of July, 1949, applicant caused existing drainage ditch to be extensively widened and deepened, causing damage to protestants' lands.

(2) The over-flow from said reservoirs, the drainage therefrom and the release of water through the flood gates thereof, either intentionally or accidentally, will so increase the flow of water in said ditch so as to cause serious erosion and a washing away of the lands of your protestants and, during periods of heavy run-off, will cause an over-flow of water which will inundate the lands of your protestants.

A hearing was held by the State Engineer, beginning at 10:00 A. M., March 10, 1950, at the State Engineer's Office in the State Office Building, Salem, Oregon, at which hearing the applicant and Walter F. King, the protestant, appeared and presented evidence. Robert W. DeArmond, Attorney at Law, represented the applicant and Philip Hayter, Attorney at Law, represented the protestants.

It appears that Winslow Gulch is a natural water course which heads on the east slope of Eola Hills within Section 13, Township 7 South, Range 4 West, W. M., and flows in a well defined channel in a general northeasterly direction to its confluence with Gibson Gulch, thence east and north to its confluence with the Willamette River in Section 4, Township 7 South, Range 3 West, W. M.

It appears that the flow of water in Winslow Gulch at the site of the applicant's reservoirs is intermittent and during the summer of a normal season, there is little or no water flowing. The drainage area above the applicant's reservoirs is approximately one-half square mile.

Winslow Gulch extends in a general easterly direction through the applicant's lands. The upper reservoir was made by constructing a dike about 150 feet in length along the east side of Winslow Gulch and across to the high ground on the west side. The lower reservoir, which is below and adjacent

to the upper reservoir, was constructed by extending the dike on the east side of the upper reservoir for a distance of about 135 feet and across Winslow Gulch to the high ground on the west side. In each of the dikes crossing Winslow Gulch is a spillway, the elevation of the floors of which is approximately that of the stream bed.

The drainage ditch which it was asserted in the objections had been cleared out and enlarged during the month of July, 1949, extends from the spillway in the lower reservoir to below the applicant's lands.

Plans of the reservoirs which were prepared by G. H. Boatright, a registered professional engineer, and filed with the application, show the dikes forming both reservoirs to have been constructed of compacted earth having a maximum height of about 10 feet and crown widths of not less than 22 feet, that the slope of the dikes is approximately 3 to 1, that the spillways were constructed of reinforced concrete with a width of 4 feet and a height of 5 feet 8 inches, that reinforced concrete wings or cut off walls extend from the sides of the spillways into the dikes for a distance of about 20 feet and that provisions were made in the spillways for installing flash boards which are necessary in order to store water.

It was stated by the applicant at the time of the hearing that the works were constructed as shown by the plans on file with the State Engineer and that the flash boards would be removed at the end of each irrigation season so as to permit the water to flow through the reservoirs. That the flash boards would not be placed in the spillways until in the spring when it became necessary to do so in order to fill the reservoirs. It appears from an examination of the dikes and spillways that they were constructed substantially as shown by the drawings prepared by Mr. Boatright.

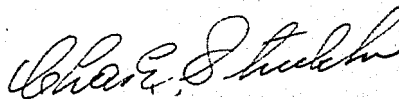
The capacity of the lower reservoir is 883,507 gallons and that of the upper reservoir is 1,626,989 gallons. By excavating a small knoll, the capacity of the upper reservoir can be increased to a total of 2,005,597 gallons. Water from the reservoirs is to be diverted by means of a pump and the lands irrigated with sprinklers. It appears that the applicant, if water is available, desires to fill the reservoirs more than once a year.

It appears that the work done in cleaning the drainage ditch, which is below the lower reservoir, is not in any way connected with the work done in the construction of the reservoirs or with the use of the water to be stored in these, also, that any damages, which might occur to protestants' lands by reason of the owner of the reservoirs removing the flash boards when the reservoirs are full of water, do not constitute grounds for rejection of the application, for should the owner of these reservoirs operate the same so as to damage property of others, he would be liable for such damages.

NOW, THEREFORE, it hereby is ORDERED that the application for a permit to store water of Winslow Gulch, filed by Carl R. Staats, which application is designated in the records of the State Engineer as Application R. No. 2414, be approved and permit issued.

It is FURTHER ORDERED that the total quantity of water which can be stored in any one year shall not exceed 3,910,000 gallons.

Dated at Salem, Oregon, this 15th day of March, 1950.



CHAS. E. STRICKLIN  
State Engineer