



Division No. 1

Permit No. 67

County of Lane

Application No. 178

# Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Mill Brook Tributary of Mekingie River

- Name Grant Battles  
*RFR #2 Box 64*
- Postoffice address Springfield Ore
- For what purpose is water used? Irrigation & Domestic
- Did you begin the actual construction of the Mill Brook pipe line Ditch,  
(or other distributing works described in said permit), on or before Aug 26 - 1910?
- Give the date of completion of such construction work Sept 1911
- When was all the water completely applied to the proposed use? July 1912
- The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>17.S.</u>	<u>1W</u>	<u>29</u>	<u>SW<sup>4</sup>SW<sup>4</sup></u>	<u>6.0</u>	<u>4</u>
		<u>32</u>	<u>NW<sup>4</sup>NW<sup>4</sup></u>	<u>19.46</u>	
<u>Proof on following land will be submitted by J. N. Hart.</u>					
<u>17.S.</u>	<u>1W</u>	<u>32</u>	<u>N.W.<sup>4</sup>NW<sup>4</sup></u>	<u>9.8</u>	
			<u>SW<sup>4</sup>NW<sup>4</sup></u>	<u>1.0</u>	

11. If not, state wherein such map is in error.....

12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works) .....

13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use.....

STATE OF OREGON,  
County of Yam } ss.

I, Grant Battles, being first duly sworn,

depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23<sup>rd</sup> day of April, 1914.

Grant Battles

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 1914.

(Notarial Seal)

James Wells  
Notary Public for Oregon.

AFFIDAVIT OF WITNESSES

We, Jos. Hart and William Johnson,  
of Springfield Oregon, being first duly sworn, depose and say that  
we are well acquainted with the facts and conditions set forth in the foregoing statement relative  
to proof of appropriation of water under Permit No. ....; that we and each of us have  
been over and upon each tract described in said proof and from such personal inspection, have  
knowledge that all necessary ditches, dams and other diversion and distributing works have been  
constructed, and water used as stated therein; that we have carefully read such proof of appropri-  
ation, and that each and every statement contained therein is true to the best of our knowledge  
and belief.

Jos Hart  
William Johnson

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 1914

(Notarial Seal)

Jessie Wells  
Notary Public for Oregon.

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD  
By Representative Taking Proof.

The above proof has been  
submitted in accordance with the  
rulings of the State Water Board  
and appears to be in proper shape.  
I would recommend that a certificate  
be issued and that it be initiated

OFFICE OF STATE WATER BOARD  
RECEIVED

APR 24 1914

SALEM, - OREGON.

7100

Division No. 1

Permit No. 67

County of Lane

Application No. 178

## Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Mill Brook Tributary of McKinzie River

1. Name J. M. Hart

2. Postoffice address Eugene Ore.

3. For what purpose is water used? irrigation & domestic

4. Did you begin the actual construction of the Mill Brook pipe line Ditch,  
(or other distributing works described in said permit), on or before Aug 26-1910?

5. Give the date of completion of such construction work Sept 1911

6. When was all the water completely applied to the proposed use? July 1912

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>17S</u>	<u>1W</u>	<u>32</u>	<u>NW<sup>1</sup>NW<sup>4</sup></u>	<u>9.8</u>	<u>8</u>
			<u>SW<sup>8</sup>NW<sup>4</sup></u>	<u>1.0</u>	
<u>Proof on following land will be submitted by Grant Battles.</u>					
<u>17S</u>	<u>1W</u>	<u>29</u>	<u>SW<sup>4</sup>SW<sup>4</sup></u>	<u>6.0</u>	
		<u>32</u>	<u>NW<sup>4</sup>NW<sup>4</sup></u>	<u>19.46</u>	

11. If not, state wherein such map is in error

*Map sent to Grant Battles, Springfield, Ore.*

12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)

13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use

STATE OF OREGON,

County of

*Lane*

} ss.

I,

*J. M. Hart*

, being first duly sworn,

depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this

*23rd*

day

of

*April*

, 191*4*

*Jas M Hart*

Subscribed and sworn to before me this

*23rd*

day of

*April*

, 191*4*

(Notarial Seal)

*Jesse Wells*

Notary Public for Oregon.

AFFIDAVIT OF WITNESSES

We, Grant Battles and William Johnson,  
of Springfield Oregon, being first duly sworn, depose and say that  
we are well acquainted with the facts and conditions set forth in the foregoing statement relative  
to proof of appropriation of water under Permit No. ....; that we and each of us have  
been over and upon each tract described in said proof and from such personal inspection, have  
knowledge that all necessary ditches, dams and other diversion and distributing works have been  
constructed, and water used as stated therein; that we have carefully read such proof of appropria-  
tion, and that each and every statement contained therein is true to the best of our knowledge  
and belief.

Grant Battles  
William Johnson

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 1914.

Gene M. Wells  
Notary Public for Oregon.

(Notarial Seal)

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD  
By Representative Taking Proof.

The above proof seems to be  
in proper form and I recommend  
that a permit be issued for  
the land actually irrigated



1-130  
131  
132

OFFICE OF STATE WATER BOARD

RECEIVED

APR 24 1914

SALEM, - OREGON.

*Handwritten notes:*  
1/27/14  
1/27/14  
1/27/14

May 1, 1914.

Mr. Grant Bottles,

Springfield, Ore.

Dear Sir,-

Acknowledgement is made of proofs of appropriation under Permit No. 67, together with \$2.00 recording fee for certificates. These proofs will be submitted to the State Water Board at its next meeting for approval and issuance of certificate.

Very respectfully,

Secretary.

April 21, 1914.

Mr. Grant Battles,  
R.W.D. No. 2, Box 64,  
Springfield, Oregon.

Dear Sir,-

I am enclosing proof blank for Permit No. 67, and will ask that you furnish information relative to the irrigated land of Mr. J. H. Hart, in Section 32. I sent this blank to Mr. Hart, but the letter was returned unclaimed, and I am unable to locate him. If you can give the number of acres actually irrigated by him, or his successor in interest, or furnish his present address, I will be greatly obliged. The information can be included in the proof blank covering your own land, which was recently sent you.

Very respectfully,

Secretary.

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second section of faint, illegible text, separated from the first by a horizontal line.

Third section of faint, illegible text, separated from the second by a horizontal line.

JOHN H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE BOARD  
SALEM, OREGON

JAMES T. CHINNOCK  
SUPERINTENDENT WATER DIVISION No. 1  
SALEM, OREGON

GEORGE T. COCHRAN  
SUPERINTENDENT WATER DIVISION No. 2  
LA GRANDE, OREGON

# STATE OF OREGON

OFFICE OF THE  
STATE WATER BOARD

M. F. MERS  
SECRETARY

SALEM, OREGON

April 25, 1914.

Mr. Grant Battles,

Springfield, Oregon.

Dear Sir,-

I am returning herewith proofs of appropriation under Permit No. 67, for answer to question 7. No certificate can be issued unless the number of acres actually irrigated is inserted in the blank column on the right, opposite the proper forty-acre tract described in the table.

The \$1.00 recording fee should also be submitted with the proof, as requested in the printed letter of instructions.

Very respectfully,

*M. F. Mers*

Secretary.

april the 28 1914  
Springfield oreg R R & L  
gentlemen please find Enclosed  
R L. 00 for filing fees Resp  
Jas H Hart  
Grant Bulles

---

OFFICE OF STATE WATER BOARD  
RECEIVED

APR 30 1914

SALEM, OREGON.

---

February 14, 1914.

Mr. Grant Battles,

Springfield, Ore.

Dear Sir,-

I am in receipt of your letter of the 11th inst. relative to construction work under your Permit No. 67, and have to advise you that blanks for making final proof of appropriation will be mailed to you, and to Mr. J. H. Hart, in a week or so.

Very respectfully,

Secretary.

JOHN H. LEWIS, STATE ENGINEER  
PRESIDENT OF THE BOARD  
SALEM, OREGON

STATE OF OREGON  
BOARD OF CONTROL

ALL COMMUNICATIONS TO THE BOARD OF  
CONTROL SHOULD BE ADDRESSED TO  
SALEM, OREGON.

H. L. HOLGATE  
SUPERINTENDENT WATER DIVISION No. 1  
BONANZA, OREGON

F. M. SAXTON  
SUPERINTENDENT WATER DIVISION No. 2  
BAKER CITY, OREGON

JAMES T. CHINNOCK  
SECRETARY OF THE BOARD  
SALEM, OREGON

OFFICE OF  
SUPERINTENDENT WATER DIVISION NO. 2

BAKER CITY, OREGON, \_\_\_\_\_, 190\_\_

You are hereby notified that all testimony and evidence heretofore submitted by the various claimants to the waters of \_\_\_\_\_, a tributary of \_\_\_\_\_, in \_\_\_\_\_ County, Oregon, will be open for inspection for a period of \_\_\_\_\_ days beginning on \_\_\_\_\_, 190\_\_, and ending on \_\_\_\_\_, 190\_\_, (Sundays excepted) from 9 to 12 o'clock A. M. and from 1:30 to 3:00 P. M., at \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_ County, Oregon.

And you are further notified that the determination of the Board of Control in this cause will be heard by the Circuit Court of the State of Oregon for \_\_\_\_\_ County.

This Notice is given pursuant to Section 18 of Chapter 216 of the General Laws of Oregon for 1909.

\_\_\_\_\_  
Superintendent of Water Division No. 2.



OFFICE OF STATE WATER BOARD  
RECEIVED

FEB 13 1914

SALEM, - OREGON.

*C. J. ...*

*[Faint, illegible handwritten text covering the majority of the page]*

Application No. 178

# 18a

March 27, 1912.

Mr. Grant Battles,  
Springfield, Oregon.

Dear Sir,-

I am in receipt of yours of the 26th inst. transmitting three assignments of permit No. 67 application No. 178. The fees, as provided by law for recording these assignments in the Miscellaneous Records of this office, are \$5.00.

Very respectfully,

John H. Lewis.

State Engineer.

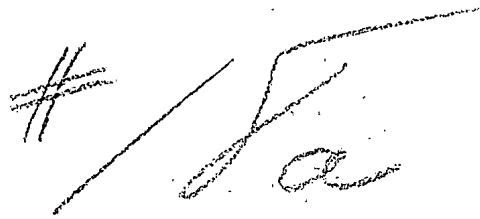
PAC/H

#18a 178 Eugene Ore March 26-1910  
State Engineer  
Salmon Ore,

Dear Sir:  
I enclose assignments of Water  
Permit No 67. If there are any  
fees required for reading same  
let me know & same will be sent.  
also return to me after reading

Yours  
Lant Batters  
Springfield  
Ore  
R.F.W. #2  
Box 64



A handwritten signature in dark ink, appearing to be 'JHL', is written over a horizontal line. The signature is stylized and somewhat cursive.

August 26, 1909.

Messrs. Thompson & Hardy,

Eugene, Oregon.

Gentlemen:

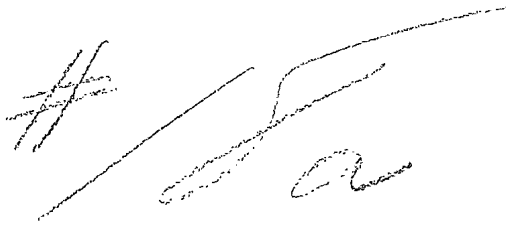
I return herewith application No. 178, being permit No. 67, which has been duly approved by this office; also the original copy of this application, together with one blue print copy of the map accompanying the same and two tracings, which were not in proper form.

I also enclose check No. 128 for \$1.08, which amount was overpaid in connection with the fees on this application.

Very respectfully,

State Engineer.

(Enclosures.)

A handwritten signature consisting of a large, stylized 'H' followed by a long horizontal line, and a cursive signature below it that appears to be 'J. W. Shumate'.

August 6, 1909.

Messrs. Thompson & Hardy,

Eugene, Oregon.

Gentlemen:

I beg to acknowledge receipt of yours of the 5th inst., transmitting corrected application No. 178, in the name of J. W. Shumate and J. H. Hart. This application will be examined for approval within a few days.

Very respectfully,

State Engineer.

HELMUS W. THOMPSON

CHARLES A. HARDY

LAW OFFICES OF

THOMPSON & HARDY

EUGENE, OREGON

#/Ea

Aug. 5, 1909.

Mr. John H. Lewis,  
State Engineer,  
Salem, Or.

app. 178

Dear Sir:-

We herewith enclose duplicate application for water appropriation of J.W. Shumate and J.N. Hart and duplicate map (tracing cloth and blue print) to accompany the same. *also original application & maps* We believe that we have it now in proper form but if not we should like to have the opportunity to correct it. We believe that we have sent you the full fees required. If we have not let us know and we will send you the balance. Please acknowledge receipt.

We would be much obliged if you would send us about a dozen of the blanks like the one used in this case and then in the future we can put our applications on your regular form.

Please acknowledge receipt.

Yours Truly,

Thompson & Hardy

Registered mail.

HELMUS W. THOMPSON

CHARLES A. HARDY

LAW OFFICES OF

THOMPSON & HARDY

EUGENE, OREGON

July 10, 1909.

Mr. John H. Lewis,  
Salem, Or.

*app-178*

Dear Sir:-

We have received your letter returning for amendment the documents in the matter of the application of Shumate and Hart for water appropriation No. 178. We will have them put in proper shape and return them to you. Please accept our thanks for your courtesy in the matter.

Yours Truly,

*Thompson & Hardy*

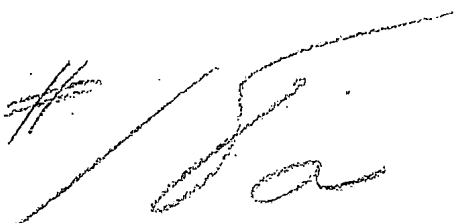
OFFICE OF STATE ENGINEER

RECEIVED

JUL 21 1909

SALEM, - OREGON.



A handwritten signature in dark ink, appearing to be 'H. W. Shumate', written in a cursive style.

July 9, 1909.

Messrs. Thompson & Hardy,

Eugene, Oregon.

Gentlemen:

I am in receipt of yours of the 8th inst., transmitting application for permit to appropriate water, No. 178, in the name of J. W. Shumate and J. N. Hart, together with post office order for \$9.08, receipt of which is hereby acknowledged.

In accordance with the provisions of Section 47 of the 1909 water law, I am returning herewith the above application for correction. The necessary corrections in this case will be the transfer of the application to the printed form enclosed herewith and other data furnished in accordance with the printed instructions, a copy of which is also enclosed. As the appropriation is small, the map sent in will probably be satisfactory. I will suggest, however, that the number of acres to be irrigated in each forty-acre tract be marked on the map.

In order to retain its original date of priority, this application, corrected, must be received in this office on or before August 10th.

Very respectfully,

State Engineer.

(Enclosures.)

HELMUS W. THOMPSON

CHARLES A. HARDY

LAW OFFICES OF

THOMPSON & HARDY

EUGENE, OREGON

*175*

July 8, 1909.

Mr. John H. Lewis,  
State Engineer,  
Salem, Oregon,

Dear Sir;-

We herewith enclose application of J.W. Shumate and J.N. Hart for a water appropriation. If it is defective in any way or fails to comply with your regulations please inform us and we will amend it so as to comply with your requirements. We herewith enclose post office money order for \$9.08 payable to your order being the amount of your fees as we figure them, that is \$3.00 for filing fee and \$6.08 acreage fee. If this amount is not correct please let us know.

Yours Truly,

*Thompson & Hardy*

*P.O. Order  
\$ 9<sup>08</sup>/<sub>100</sub> Recd*