

Application No. 9253
Permit No. 6165
Certificate No. 8866

FEES PAID

Date	Amount	Receipt No.
Total		

Name L. D. & C. A. Lindsay

By Harbor, Ore.

Address Harbor, Ore.

Date filed

Action suspended until

Returned to applicant

Date completed

CONSTRUCTION

Date for beginning Feb. 8, 1925

Date for completion June 1, 1926

Extended to June 1, 1927 10/1/30

Date for application of water Oct. 1, 1927

Extended to 10/1/30

PROSECUTION OF WORK

Form "A" filed Dec. 23, 1924

Form "B" filed May 27, 1927 new forms

Form "C" filed Oct 1, 1927

FINAL PROOF

Blank mailed Oct 13, 1927 new blank 7-30-29

Proof received 10-17-30

Date certificate issued Nov. 28, 1930

Receipt for recording fee No. 12816

Stream Index, Page No.

Application Record, Book No.

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

3.0 sec ft. from Glen Brook for dom. irr. 10 acres
& dev. 18 theoretical H. P.
8-19-29- see letter encl.
9/20/29- "
10/16/29- extension granted
10-16-30- Card for B
10-16-30- " " C
Power Claim # 620

Form C

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

We, L.D. and C.A. Lindsley, the holder of Application No. 9255, being
Reservoir Permit No. 6165, issued by the State Engineer of the State of Oregon
(Reservoir or Enlargement)
 for the appropriation of 3.0 second-feet of the waters of Glen Brook
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the Tenth day of September, 1930
 being the time limitation as fixed in said permit or as extended by the State Engineer for the complete
 application of water to a beneficial use.

Remarks: Have as yet been unable to apply water to power use. For the

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may

reason therefor please see my letter of Oct. 7th., 1929.
 have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd. day of Sept., 1930

Harbor, Oregon

(Present Address)

L.D. and C.A. Lindsley
(Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

We, L.D. and C.A. Lindsley, the holder of Application No. 9255, being
Reservoir Permit No. 6165, issued by the State Engineer of the State of Oregon
(Reservoir or Enlargement)
 for the appropriation of 3.0 second-feet of the waters of Glen Brook
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 have completed the construction of the works described therein the Tenth day of Sept., 1930
 being within the time limitation as fixed in said permit or as extended by the State Engineer for the
 completion of construction work.

Remarks: Have as yet been unable to apply water to power use.

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described

For the reason therefor please see my letter of Oct. 7., 1929.
 in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd. day of Sept., 1930

Harbor, Oregon

(Present Address)

L.D. and C.A. Lindsley
(Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form B should be used in reporting progress of work if more than one year has been allowed for completion.

Curry
STATE ENGINEER
RECEIVED
OCT 17 1930
SALEM, OREGON
gon

Proof of Appropriation of Water

1. Name L. D. & C.A. Lindsley 2. Address Harbor, Oregon
3. Source of supply Glen Brook
- Tributary of Chetco River
4. Amount of water 3.0 0.1 5. Priority date Nov. 13, 1923
6. Use Irrigation, ^{Operation of Kam} ~~Power~~ & Domestic
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:

[illegible]

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

8. (a) Location of point of diversion, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp. 40 S, Range 13 W W. M.
(Legal Subdivision)
- (b) If a dam has been constructed, give description: Height, 5 ft.; length on top, 25 ft.;
length on bottom, 19 ft.; material used and character of construction, Logs lined with 1"
boards backed with clay and gravel.
- (c) Give description of headgate: Width, _____ ft.; depth, _____ ft.; material used and character
of construction, Intake is a deep box into which drive pipe for ram ex-
tends, with fine screen at back to keep out trash.
- (d) Size of canal: Width on top (at waterline) _____ ft.; width on bottom, _____ ft.; depth
of water, _____ ft.; grade, _____ ft. fall per 1,000 ft. Actual capacity, _____
sec.-ft. Give general description, _____

8. (Cont'd.)

- (e) Pipe line: Description of intake, Large box with screen at back,
Drive pipe to ram extends from front of box.
Length of pipe, 40 ft.; size at intake, 2" in.; size at ft. from intake, in.; size at place
of use, 2" in. Difference in elevation between intake and place of use, six ft.
Is grade uniform? yes Actual capacity of pipe line, 2 to 4000 gal-sec-ft.
(c) Give general description: 1" galv. pipe; rising perp. for 6 ft. then on
(Material: Steel, wrought, cast iron, wood stave, etc.)
grade up to 40'. Line is 430 ft. long.
(f) Pumping plant: Give size and type of pump, No. 2 "Columbia"
Suction lift, ft.; discharge lift, 40 ft. Type of motor used RAM
Horse power rating, H. P. Actual capacity of pump, sec-ft.

GENERAL

9. During what months is water beneficially used June to Oct. for irrigation.
Every month in year for Domestic
10. State character of soil Black sandy loam.
Kind of crops raised Garden crops
11. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use? Yes.
12. If not, wherein is such map in error?

13. Domestic use: Give number of families actually using water at this time One
14. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Curry

} ss.

We, L.D. and C.A. Lindsley, 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 22nd. day
of September, 1930.

Subscribed and sworn to before me this

27th day of Sept., 1930

O.W. Miller

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

July 11-1931

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Curry

ss.

We, M. F. Graham, and Harry Rober

of Harbor, Oreg., 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. 6165; 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 appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

M. F. Graham

Harry Rober

Subscribed and sworn to before me this 14 day of October, 1923

O. W. Miller

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires July 11-1931

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, _____, do hereby certify that I have made an inspection of the works described herein and in Permit No. _____, on the _____ day of _____, 192____, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of a water right certificate for this amount.

(Name)

(Title)

NOTE TO INSPECTORS—If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

RECEIVED
JUN 23 1971

RECEIVED
JUN 23 1971
STATE ENGINEER
SALEM OREGON

June 17, 1971

Mr. Wayne J. Overcash, Assistant
Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon, 97310

Dear Mr. Overcash:

I am inquiring further relative to your letter of June 11, 1971, a copy of which is enclosed.

Mr. Stuart, on whose behalf I am writing, calls my attention to application No. 9253 and permit No. 6165. The problem remains as to what property, as described in the deed which we forwarded, is benefitted by the named water right.

I will be pleased to hear from you at your early convenience.

Very truly yours,

DAVID R. FORTIER

DRF:lp
Enclosure

Harbor, Oregon, November 9, 1923.

Mr. Rhea Luper

State Engineer

Salem, Oregon

Dear Sir:

STATE ENGINEER
RECEIVED

NOV 13 1923

SALEM, OREGON

Enclosed you will find application of L. D. & C. A. Lindsley for a permit to appropriate the public waters of the State of Oregon, also the maps that accompany the application. Money order for \$6.50 is enclosed.

\$3 for examination fee, \$2 for filing fee for power, and \$1.50 for filing and recording fee for the ten acres of irrigation.

Yours truly

L. D. Lindsley

By E. L. L.

Rec. App.

2 maps

\$6.50 fees

{ 3 Exam
3.50 Recording

e - e 1 or 79 -

Harbor, Oregon, November 9, 1923.

Mr. Rhea Luper

November 15, 1923.

Mr. L. D. Lindsley,
Harbor, Oregon.

Dear Sir:

Enclosed please find official receipt No. 251 for \$6.50, which amount was transmitted with your letter of November 9th, enclosing application for permit to appropriate water in your name and that of C. A. Lindsley, also two maps to accompany the filing. The application has been numbered 9253 and is returned herewith for answer to question number nine.

You will note the application states that 10 acres are to be irrigated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, while the map would indicate 5 acres are to be irrigated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25. We would be glad if you would correct the application and map in order that they may correspond in this respect.

I am also enclosing a form of waiver on the right for power development, in favor of irrigation and storage above on the stream, which we have been requesting applicants for power development to sign and attach to their applications before they are approved.

In order to retain the original date of priority the application should be corrected and returned to this office accompanied by the required maps and waiver on or before December 15th, 1923.

Very respectfully,

ER:H
Enclosure.

Rhea Luper,
State Engineer.

Mr Rhea Luper
State Engineer
Salem, Oregon.

STATE ENGINEER
RECEIVED

NOV 21 1923

SALEM. • OREGON

Dear Sir :

Returning herewith my application # 9253
for appropriation of water from Mill Creek,
with correction of question # 9 as requested.

In this connection should like to know
what steps are necessary to change, officially,
the name of this stream inasmuch as there
is another Mill Creek shown on C & G S map
in this ~~county~~ ^{township}. If a suggestion is in
order Mr ~~Moore~~ (J. N. Moore) and ~~myself~~ ^{ourselves} who
are the only residents along this stream
prefer the name of Glenbrook.

Yours truly

L. D. Lindsley

State Geographic Board
Gen. H. Hines - Pres.
S. A. McArthur - Sec.
Danco Bldg.

DECEMBER 20th 1923

STATE ENGINEER
RECEIVED

November 23rd, 1923.

SALEM OREGON

Mr. L. D. Lindsley,
Harbor, Curry County,
Oregon.

Dear Sir:-

This will acknowledge receipt of your letter of November 18th returning your Application No. 9253 for permit to appropriate water, together with maps and waiver.

The application appears to be in proper form and has been placed on file.

I note your statement that you wish to change the name of the stream from which you appropriate water. This is a question which should be taken up with the State Geographical Board, L. A. McArthur, Secretary, Gasco Building, Portland.

We will withhold approval of your application until hearing from you in regard to this matter.

Yours respectfully,

Rhea Luper,

State Engineer.

ER-LA

December 6th, 1923.

Mr. L. D. Lindsley,
Harbor, Curry County,
Oregon.

Dear Sir:-

I am in receipt of a copy of a letter from Lewis A. McArthur, with reference to the change in the name of the stream which is the source of supply given in your application No. 9253.

It appears that there is no objection to the change in the name of the stream and we will, therefore, amend the application to show the name of Glen Brook instead of Mill Creek.

The application will be approved and permit will go forward within a short time.

Yours respectfully,

Rhea Luper,

State Engineer.

ER-LA

copy

Gasco XXXXXXXX

December 4, 1923. SUB. 1923.

Mr. L. D. Lindsley,
Harbor, Curry County,
Oregon.

Dear Sir:-

Mr. L. D. Lindsley,
Harbor, Curry County,
Oregon.

My dear Mr. Lindsley: Application No. 9253.

I have your letter of November 23 in which you suggest that there are two Mill Creeks in your township and that you would like to have one of them changed to Glen Brook, this stream being of the Chetco River, eight miles above its mouth.

I know of no reason why you should not use the name you think is most suitable inasmuch as you and Mr. Moore are the only two residents on the stream.

Yours respectfully,

I will ask the Forest Service to attach the name Glen Brook to this stream on the next map it issues since I judge the stream is both inside and outside the National Forest. In this connection, however, it would probably be well if you would write me a letter advising specifically which one of these small streams you wish to be known as Glen Brook, as the only map I have of this township shows but one Mill Creek which enters the Chetco River in section 25, township 40 south, range 13 west.

Very truly yours,

Lewis A. McArthur
Secretary

LAMCA-GH
CC Mr. Hodgson
Mr. Luper

Copy No. 9253

My dear Mr Luper:

I have your favor of the 6th inst advising receipt of Mr McArthur's letter relative to changing the name of our stream to Glen Brook; also that our permit would come forward shortly.

Thank you very much for your promptness and courtesy in this matter. Hope we may have the pleasure of seeing you next summer or autumn when the hunting and fishing are good

Very truly yours

L. D. Lindsay

no reply

3.00 Exam
1.50 for ins 10 acres.
2.00 " 8 " do
5.00 " for dam.

Glenbrook Ranch
Harbor Oregon '30/23

Mr Rhea Luper
State Engineer
Salem, Oregon

Dear Sir:

Referring to your favor of some weeks ago advising that application #9253 for use of water of (formerly) Mill Creek, now Glen Brook, had been approved and that the papers would come forward soon.

We should like, as soon as may be, to begin work in developing this project and request that we may receive the formal approval at your earliest convenience

Very truly yours
L D Lindsley

STATE ENGINEER
RECEIVED

JAN 4 1924

SALEM,

OREGON

January 3rd, 1924.

Mr. L. D. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Dear Sir:-

Upon taking up for approval your application No. 9253 for permit to appropriate water, I find that only \$6.50 has been paid, while the fees on the application would be as follows:

\$3.00 examination fee,
\$1.50 recording fee for 10 acres,
\$2.00 recording fee for 8 horsepower,
\$5.00 recording fee for domestic use.
\$ 11.50 Total.

There is therefore a \$5.00 recording fee due for domestic use unless this use of water can be eliminated from the application.

Upon receipt of balance of fees, or your request to eliminate domestic use, the application will be again taken up for approval.

Yours respectfully,

ER

Rhea Luper,
State Engineer.

STATE ENGINEER
RECEIVED

SALEM,

OREGON

Glenbrook Ranch
Harbor Oregon Jan 10/24

Mr Rhea Luper
State Engineer
Salem Oregon

Dear Sir: Your letter of Jan 3^d :
Herewith my personal check for \$5⁰⁰ to
cover shortage on fees for permit to
to appropriate water from Glen Brook, Curry
County. Oversight due to fact that I turned
the papers over to the Engineer who ran
the levels, etc and he probably overlooked the
"Domestic Use" item.

Yours truly

L. D. Lindsley

Recording Fee on

App 9253

9253

January 14th, 1924.

Mr. L. D. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Dear Sir:- Enclosed please find official receipt No. 685
for \$5.00, which amount was transmitted with your letter of
January 10th as balance of fees on your Application No. ~~9218~~. 9253
The application will be approved within the next few days,
after which it will be forwarded to you.

Yours respectfully,

Rhea Luper, State Engineer.

ER-LA

January 14th, 1924.

9253

February 15, 1924.

Messrs. L. D. & C. A. Lindsley,
Harbor, Curry Co.,
Oregon.

Gentlemen:- Herewith you will find Application No. 9253, being Permit No. 6165,
which has been approved and recorded in this office. Map is enclosed.

Glenbrook Ranch,
Harbor, Oregon,
Jan. 19, 1926.

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Sir:

Please refer to Application No. 9253; Permit No. 6165; "To appropriate the public waters of the State of Oregon." Applicants, -L. D. and C. A. Lindsley, Harbor, Curry County, Ore.

Due to pressure of ranch work and the fact that high water last winter (1924-5) destroyed a the greater part of the uncompleted work, I respectfully request that we be given an extension of time until June 1st., 1927, one year later than the present time limit for completion, and greatly oblige.

Yours respectfully,

L. D. and C. A. Lindsley

L. D. Lindsley

STATE ENGINEER
RECEIVED

JAN 25 1926

SALEM. -- OREGON

January 25, 1926.

L. D. and C. A. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Gentlemen:

I am in receipt of your letter of January 19th, making application for an extension of time under Permit No. 6165.

This matter has been given careful consideration, and you will be allowed until June 1, 1927, within which to complete construction work under the above permit.

Yours respectfully,

Rhea Luper,
State Engineer.

H.

GLENBROOK RANCH,
Harbor, Oregon,

STATE ENGINEER
RECEIVED
MAY 27 1927
SALEM,
OREGON

Mr Rhea Luper, State Engineer,
Salem, Oregon.

Dear Sir:

In accordance with your letter of January 25th., 1926,
in which permission was granted us to extend the time of completion
of the dam under permit No. 6165 until June 1st., 1927:

This work was completed on the date shown on Form. B., ~~here~~
herewith enclosed. During the past winter, due to extremely high water
[the highest in 30 years in this stream, according to old observers],
both ends of the dam were carried away and the main part undermined,
which will necessitate heavy repairs. What I wish to know is, - Will it
be necessary to submit another report of completion after the repairs
have been made, or will a submission of Form. C. "Notice of complete
application of water to a beneficial use," be considered sufficient?

How much time shall we be allowed in which to make these
repairs and put the dam again into service? I am making this inquiry
for the reason that the large amount of ranch work crowding us during
the summer months makes it very difficult for us to devote any time to
such repair work until late in the year, or if we have another such
a rainy season as last, possibly not until after low water in the spring
[1928].

Yours respectfully,

L. D. Lindsley

May 27, 1927.

Mr. L. D. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Dear Sir:

We have received your letter of May 23rd
and the Notice of Completion of Construction under
your Permit No. 6165.

I believe that if construction work under
this permit was once completed within the time
limit as provided in the permit that you have com-
plied with its terms and will not require an exten-
sion of time. Your time limit for complete applica-
tion of water expires on October 1st of this year,
and you should send in the Notice of Complete Ap-
plication when you have completely applied the water
to the proposed use.

Yours very truly,

IAS:H

Rhea Luper,
State Engineer.

October 13, 1927.

Messrs. L. D., & C. A. Lindsley,
Harbor,
Oregon.

Gentlemen:

I am enclosing blanks for making final proof
of appropriation of water under your Permit No. 6165.

After the proof has been properly filled out
and signed before a notary public, it should be return-
ed to this office, accompanied by \$1.00 for recording
the water right certificate in the county records.

Yours very truly,

Rhea Luper,
State Engineer.

H
Encs. .

NOTICE OF BEGINNING OF CONSTRUCTION

I, WE L D & C A Lindsley, the holder of Application No. 9253, being
 Permit No. 6165, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3 second-feet of the waters of Glen Brook
 for the appropriation of 3 second-feet of the waters of Glen Brook
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 began the actual construction of the works described therein on the 20th day of Feb, 1924,
 being within the time limitation as fixed in said permit for the beginning of construction work.

The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this
Clearing logs & brush out of stream; straightening same
and protecting banks where threatened by high water
 statement, and any additional information which may tend to show the beginning of work in good faith.

Two men.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of Dec, 1924,

Harbor, Oregon

(Present Address)

L D & C A Lindsley

(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

I, WE L D & C A Lindsley, the holder of Application No. 9253, being
Reservoir Permit No. 6165, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3 second-feet of the waters of Glen Brook (former Mill Creek)
 for the appropriation of 3 second-feet of the waters of Glen Brook (former Mill Creek)
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 have completed the construction of the works described therein the 10th day of October, 1926,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the
 completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described
 in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May, 1927,

Harbor, Curry County Ore

(Present Address)

L D & C A Lindsley

(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been
 allowed for completion.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, L D & C A Lindsley, the holder of Application No. 9253, being
Reservoir Permit No. 6165, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3.0 second-feet of the waters of Glen Brook
 for the appropriation of 3.0 second-feet of the waters of Glen Brook
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the 10th day of Sept, 1927,
 being the time limitation as fixed in said permit or extended by the State Water Board for the complete
 application of water to a beneficial use.

Remarks:

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may
 have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of Sept, 1927,

Harbor, Oregon

(Present Address)

L D & C A Lindsley

(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

L. D. & C. A. Lindsley
Harbor, Ore.

app. 9253

3.0 sec. ft. from Glen Brook for
domestic, irrigation of 10 acres &
development of 8 theoretical H. P.

Feb. 8, 1925

June 1, 1926 EXTENDED TO 4/27

Oct. 1, 1927

1-25-26. extended, requested
B filed & ack.

C filed

Final Proof mailed 11/13/27

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

STATE ENGINEER
RECEIVED
AUG 19 1929
SALEM, OREGON

Dear Sir:

Your letter of August third: The last record I have of any correspondence passing between us is my letter of May 23rd. 1927; hence it appears that I have never received yours of Oct. 13th. 1927.

We are going on our annual vacation on the 18th. inst., up into British Columbia. Passing through Salem on Sunday, I shall not find anyone in the office, I suppose, but on my return a week or ten days later, shall make it a point to see your engineer in charge of that Department and have a few minutes' talk with him, which will be more satisfactory to both of us than any number of letters.

Very truly yours,

L. D. Lindsley

1929.
Mr. Rhea Luper, State Engineer,
Salem, Oregon. [Attention Water Resources Dept.].

STATE ENGINEER
RECEIVED
SEP 19 1929
SALEM, OREGON

Dear Sir:

Please note my letter of Aug. 15th., advising that I purposed calling at your office on our return from a trip to British Columbia. However, we did not reach Salem until late on Saturday, after all the offices were closed; therefore, I must make this letter serve.

Due to soft banks we have been unfortunate in our previous attempts at dam building and have been obliged to locate so far down stream that the present one will serve for domestic use and irrigation only, and that only by the use of a hydraulic ram and a tank up on high ground about seven or eight hundred feet from the creek. We shall have to abandon any attempt to use the creek for furnishing our lights until we can make some other arrangements, and this brings me to the reason I wished to consult with you.

Not knowing much about this "water right" business, I assumed that one had no right to go beyond his own boundaries to obtain such a right, but lately I have been informed that one may go up above his boundary, if necessary, to obtain such right: Is this a fact? Up above our upper boundary line some four or five hundred feet the creek runs through a ledge of rock that is an ideal location for a dam, giving us a drop of some 20 feet to the line and about 35 feet drop from that ledge to the point we prefer for our water wheel and light plant.

Now, if we have the right to file on the water of our creek up to that point, or above, will it require an entirely new filing, with attendant expense, or can we obtain an extension of our present water right at a slight additional cost?

Our new dam is a very substantial one of rock and timber, supported by a huge rock on one side and a good solid earth bank on the other, into which it has been driven for some fifteen feet, but, as I said above, too low down stream to be of any use for driving a water wheel or turbine.

Very truly yours,

L. D. Lindsley

Sept.

20th

1929.

Dear Sir:

Please note my letter of Aug. 15th, advising that I purposed calling at your office on our return from a trip to British Columbia. However, we did not leave until late on Saturday. Mr. L. D. Lindsley, Glenbrook Ranch, Harbor, Oregon.

Dear Sir:

This is in reply to your letter of September 9th, in connection with your Permit No. 6165.

If you wish to make a change in the point of diversion of your water it might be possible to do so, but according to law there is considerable red tape which has to be followed, which involves considerable time and trouble. If this request had been made soon after your permit was filed, I would advise making the change, but due to the fact, that there is very little time left before the date of proving up on this permit will expire, and that final proof blank was mailed in 1927, I would advise that you complete this filing now and make a new filing for water power. The only additional expense would be \$5.00 for examination fees and 25 cents per Horse Power. You would have a new date of priority, but unless other filings have been made since you made your original one this would not make much difference to you.

As far as going off your own property for diverting the water is concerned, this is entirely allowable, provided, you obtain the consent of the owner of the land on whose property you wish to divert the water. You could file on water on another man's land but may not be able to use it unless you obtain his consent for right of way.

If you desire to prove up on what water you are using now you should fill in the final proof blank which was sent to you and send it in this office with \$1.00 for fees. If this blank has been lost please advise us and we will mail you a new one.

Very truly yours,

Yours very truly,

RHEA LUPER, State Engineer

By A.C.F. PERRY

Asst. to State Engineer.

ACFP:MB

PERMIT No. 6165.

Mr. A. C. F. Perry,
Assistant to State Engineer,
Salem, Oregon.

Dear Sir:

Your letter of Sept. 20th.: Many thanks for the information contained therein. Yes, I believe it will be better to wait a while and ascertain the possibilities of getting permission to build a dam on the property above us, and then, if so obtained, to make a new filing covering power and light for home use.

As I wrote you on Aug. 15th., I have never received those papers for making final proof--either lost in the mail, or still traveling about in some "hillbilly" pocket. If you will send me duplicates I will fill out and return with the \$1.00 fee, and then that phase of the matter will have been closed.

Very truly yours,

L. D. Lindsay

Ap. 9253
Per. 6165

September 30, 1929.

Mr. L. D. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Dear Sir:

As requested in your letter dated September 26th, I am enclosing a blank for use in making final proof under your Permit No. 6165.

This blank should be completely filled out and executed by you and two witnesses before a Notary Public and submitted with the \$1.00 fee for recording the water right certificate.

Yours very truly,

RHEA LUPER
State Engineer

By

Office Assistant.

LW

Very truly yours,

L. D. Lindsley

Ap. 9253
Per. 6165

October 18, 1930

Mr. L. A. Stanley,
State Engineer's Office,
S a l e m , O r e .

Dear Sir:

I have, at last, received that blank, - "Proof of Appropriation of Water," and after carefully reading it, must advise that we cannot make final proof this season, for two reasons: The first is, lack of funds due to a very poor crop yield on account of an unusual drouth. The other, precautionary; we want to be very sure that the new dam is going to withstand the winter freshets, as some of our "Wise Men" have told us that rock and timber dams will not make good in our turbulent mountain streams, and we haven't had experience enough to gainsay them.

As I informed you in an earlier letter, we have been obliged to move down stream a good ways, thereby losing the advantage of a gravity fall, and to substitute a ram with a discharge pipe some five or six-hundred feet long, involving an immediate expenditure of about \$250.00, if we are to be able to submit final proof this season, --which we are unable to do. Furthermore, by the time we could obtain the materials and install the plant high water would stop the work. Therefore, if, under these circumstances, you can grant us an extension of time in which to install this substitute water system, we will put it in operation as soon as weather conditions will permit next season in order to avoid such a disastrous season as this one has been.

Due to our location we are in a difficult position in obtaining such supplies as we shall need: Either from Portland or San Francisco for the ironware and forty miles for lumber, with seven miles of it over a very rough "Market" road.

Very truly yours,

L. D. Lindsley

2/1930

CLERK
HARRISON
P. D. HARRISON

OCTOBER 11 1929

Stanley,
State Engineer's Office,
Salem, Ore.

October 16, 1929

Dear Sir:

I have, at last, received that blank, - "Proof of Appropriation of Water," and after carefully reading it, must advise that we cannot make final proof this season, for two reasons: The first is, lack of funds due to a very poor crop yield on account of drouth. The other, precautionary, we want to see that the new dam is going to withstand the winter, as some of our "Wise Men" have told us that rock and timber dams will not make good in our turbulent mountain streams, and we haven't had experience enough to gain say them.

Mr. L. D. Lindsley,
Glenbrook Ranch,
Harbor, Oregon.

Dear Sir:

I note from your letter of October 7th, that you are having some difficulty in completing your Permit No. 6165 and that you wish an extension of time. I am complying with this request by allowing you until October 1, 1930 to complete your construction work and make complete application of water. Forms for use in notifying this office when such work is completed and the water completely applied are enclosed. Under these circumstances, you can grant us an extension of time in which to install this substitute water system. We will put it in operation as soon as weather conditions will permit next season in order to avoid such a disastrous season as this one has been.

Yours very truly,

HEBA LUPER,
State Engineer.

Due to our location we are in a difficult position in obtaining such supplies as we shall need: Either from Portland or San Francisco for the ironwork and forty miles for lumber, with 200 miles of it over a very rough "Market" road.

Office Assistant.

Very truly yours,

L. D. Lindsley

October 17, 1930.

L. D. Lindsley,
Harbor,
Oregon.

Dear Sir:

I am returning the final proof submitted by you in connection with Permit No. 6165 for the reason that you failed to fill in the last column under paragraph 7 headed "No. Acres Actually Irrigated." Kindly give this additional information and return the proof to this office at your early convenience.

My receipt No. 12816 is enclosed to cover your remittance of \$1.00 as the certificate recording fee.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By

Assistant.

L

November 6, 1950.

Mr. L. D. Lindsley,
Harbor,
Oregon.

Dear Sir:

We are considering the final proof under Permit No. 6165 as satisfactory and will probably issue a water right certificate confirming the appropriation, as described, in the near future. The certificate will be issued for 0.1 second foot for irrigation of 3 acres, operation of a hydraulic ram and domestic use, the proposed use for power being eliminated.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer

Yours very truly,

By
Office Assistant.
State Engineer

LAS:L

By
Assistant.

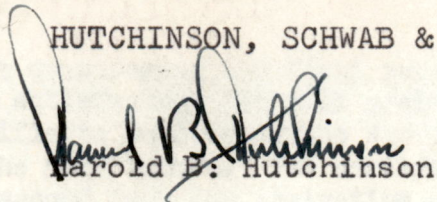
Office of State Engineer
Salem, Oregon
October 6, 1958
Page Two

I would appreciate your advice and any other comments that you might care to make regarding this assignment.

In appreciation for your help, I am

Very truly yours,

HUTCHINSON, SCHWAB & BURDICK



Harold B. Hutchinson

HBH:dp

cc: Brookings Plywood Corporation
Central Building
Brookings, Oregon

9253

HUTCHINSON, SCHWAB & BURDICK

ATTORNEYS AT LAW

712 EXECUTIVE BUILDING

PORTLAND 4, OREGON

CAPITOL 6-2926

HAROLD B. HUTCHINSON
DWIGHT L. SCHWAB
DENTON G. BURDICK, JR.

RECEIVED
OCT 7 1958

STATE ENGINEER
SALEM, OREGON

Office of State Engineer October 6, 1958

Salem, Oregon

October 6, 1958

Page Two

Office of State Engineer
Salem, Oregon

Gentlemen:

Re: Certificate of Water Right
Curry County, Oregon
L. D. and C. A. Lindsley

We are attorneys for Brookings Plywood Corporation in Curry County, Oregon.

Our client has acquired certain real property from L. D. and C. A. Lindsley of Harbor, Curry County, Oregon. The sellers of the property also own a certain certificate of water right granted by the State Engineer on the 28th day of November, 1930, giving a priority from November 13, 1923. The certificate allows the use from Glen Brook which is a tributary of the Chetco River water for irrigation, operation of ram and domestic under Permit No. 6165 for 0.1 cubic foot per second. The real property involved is two acres in the Southwest Quarter of the Southeast Quarter and one acre in the Northwest Quarter of the Southeast Quarter, Section 25, Township 40 South, Range 13 West of the Willamette Meridian in Curry County, Oregon.

As I read ORS 537.220, it will be necessary for us to secure an assignment of the sellers' water rights in and to the properties that our client is purchasing and that assignment must also be filed for record in your office. I wonder if you would be kind enough to confirm my understanding of the statute.

In addition, I can see that it will also be necessary to file the assignment of the water rights in Curry County with the County Clerk's office. In the event that the original assignment is furnished to your office, do you record and then return the same to me so that I can in turn record it in Curry County, or will it be necessary for me to prepare duplicate originals?

October 14, 1958

Mr. Harold B. Hutchinson
Attorney at Law
712 Executive Building
Portland 4, Oregon

Dear Mr. Hutchinson:

Since the right referred to in your letter of October 6 has been completed and confirmed by issuance of a certificate it is an appurtenance of the property and travels with it regardless of ownership unless specifically withheld in the deed.

Therefore, we do not consider it necessary, nor is there any provision in the law for recording an assignment in this office. It is common practice for the certificate to be endorsed at the time of sale and handed over to the new owner or referred to in the deed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

DR. ARTHUR E. LYON
DENTISTRY

~~POST OFFICE BOX 3606
GASQUET, CALIFORNIA~~

~~TELEPHONE MAY 5 1964 1-8758~~

P.O. Box 1032
Gasquet, California

RECEIVED
MAR 23 1964
STATE ENGINEER
SALEM, OREGON

March 20, 1964

State Engineer
Mr. Chris L. Wheeler
Salem, Oregon

Dear Sir:

We are buying a nine acre piece of land bordering the
Chetco River and Mill Creek in Curry County. The legal
description and tracing is enclosed.

Do your records show any water rights established for
this piece of property? We will need the water for irrigation
of trees and garden.

We have an application blank for permit to appropriate
the public waters of the State of Oregon and would like to file
it as soon as you have sent clarification of this piece of
property.

Yours Sincerely,

By
Chris L. Wheeler, Assistant

CLW:eh

March 25, 1964

Dr. Arthur E. Lyon
P. O. Box 1032
Gasquet, California

Dear Dr. Lyon:

I do not think there is a water right of record appurtenant to the property described in the enclosure with your letter dated March 20, 1964.

There is a right evidenced by the certificate recorded at page 8866, Volume 8, State Record of Water Right Certificates describing the appropriation of the waters of Glen Brook for irrigation of 3 acres and operation of a ram. This stream was referred to as Mill Creek when the application was filed. The only map we have is that submitted with the application and it is not too specific in locating the place of use. The initial intention apparently was to flume or pipe water from near the east line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to a point near the NW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ just north of the creek and irrigate two acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and one acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The last correspondence we have in reference to this right was in October, 1958 when Brookings Plywood Corporation notified us that they were purchasing the property from L. D. and C. A. Lindsley described in the water right.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:jb

mc

May 27, 1964

Mr. William G. Muncy
P. O. Box 936
Brookings, Oregon

Dear Mr. Muncy:

I have your letter of May 19 inquiring about an old water right which includes the right to operate a ram with the waters of Mill Creek.

Although I cannot determine from the information at hand which lands you own, I believe the right you are referring to is the water right that was established under permit No. 6165 in the names of L. D. and C. A. Lindsley, which is evidenced by the certificate recorded at page 8866, State Record of Water Rights Certificates.

The right is for the appropriation of a total of 0.10 cubic foot per second of water from Glen Brook at a point of diversion within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 40 South, Range 13 West, W.M., with the date of priority of November 13, 1923, for domestic use of one family, the operation of a ram, and irrigation of 3 acres, being 2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1 acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25. The records indicate that the point of diversion, as established under the permit, was located near the easterly line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25.

If the house you are living in is the one the domestic right was established for under the permit and if there has not been a lapse in use of five or more consecutive years of nonuse, it would appear that the old right is still valid.

If the half acre of garden is a portion of the 3 acres of land irrigated under the permit and if there has not been a lapse of use of five or more consecutive years of nonuse, it would appear that the right for irrigation would still be valid.

Unless you are occupying the house which was served with water under the old permit and are continuing irrigation of lands irrigated under the old permit, you should complete your water right application No. 39706.

Very truly yours,

CHRIS L. WHEELER, State Engineer

By James W. Carver, Jr., Assistant

JWC:eh

11

KNOW ALL MEN BY THESE PRESENTS, That William G. Muncy and Phylena E. Muncy, husband and wife,

in consideration of (see below), hereinafter called the grantor, Dollars,

to grantor paid by William W. Stuart and Velma R. Stuart, husband and wife, as tenants by the entirety, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Curry and State of Oregon, described as follows, to-wit:

From Point "A", the point of beginning, which is 522 feet North and 274.6 feet West of the Southeast corner of the North Half of the Southwest Quarter of the Southeast Quarter of Section 25, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon; thence North 38° 45' East 182.0 feet to Point "B"; thence North 65° West 113.2 feet to Point "C"; thence North 29° West 61.5 feet to Point "D"; thence North 235.0 feet to Point "E"; thence South 65° West 188.5 feet to Point "F"; thence South 22° West 284.5 feet to Point "G"; thence South 26° East 146.0 feet to Point "h"; thence South 73° 41' East 132.8 feet to Point II; thence North 70° 45' East 105.1 feet to Point "A", the point of beginning. TOGETHER with water right appurtenant to the property.

SUBJECT TO:

1. Rights of the public to any portion of the herein described property lying within the limits of public roads.
2. Right of way executed by Frank W. Moore, et ux., to Curry County, recorded August 4, 1932 at Page 44 of Volume 22, Deed Records.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as hereinabove set out and the 1970-1971 real property taxes,

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

The True and actual cash consideration for this transfer is \$23,000.00.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 13 day of July, 1970.

RECEIVED

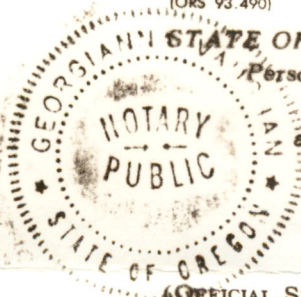
JUN 10 1971

STATE ENGINEER
SALEM OREGON

William G. Muncy (SEAL)

Phylena E. Muncy (SEAL)

(ORS 93.490)



(OFFICIAL SEAL)

Personally appeared the above named William G. Muncy and Phylena E. Muncy, July 13, 1970.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires 8-19-1971

DAVID R. FORTIER

ATTORNEY AT LAW

POST OFFICE BOX 1043

BROOKINGS, OREGON 97415

TELEPHONE 469-3223

June 9, 1971

RECEIVED
JUN 10 1971

STATE ENGINEER
SALEM OREGON

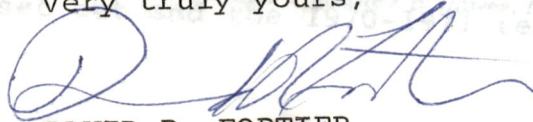
Oregon Water Resources Engineer
Salem
Oregon 97310

Gentlemen:

I enclose a copy of the deed to William W. and Velma R. Stuart.

The deed refers to certain water rights. I wonder if you could advise whether these are of record in your office and the amount of the water right. If there is no such right of record, I wonder if you would send an application for the right to take water from an unnamed stream running through these premises, and an application for the right to take water for domestic purposes from a well alongside the stream. I will also appreciate receiving a copy of your brochure.

Very truly yours,



DAVID R. FORTIER

DRF:lp

cc Mr. William G. Muncy

RECEIVED
JUN 10 1971

STATE ENGINEER
SALEM OREGON

STATE OF OREGON, County of Curry

Personally appeared the above named William G. Muncy and Phyllena E. Muncy,

and acknowledged to be their

joint act and deed

B-1246/904

Notary Public for Oregon

June 11, 1971

David R. Fortier
Attorney at Law
P. O. Box 1043
Brookings, OR 97415

Dear Mr. Fortier:

There are no water rights of record within the area described in the deed accompanying your letter of June 9, 1971.

I am enclosing the proper form for making application for a permit for the use of surface water. Also enclosed is our booklet of Rules and Regulations relative to the appropriation and use of surface water.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo
Enclosures 3

EXHIBIT "A"

DESCRIPTION

RECEIVED

JUN 14 1971

**STATE ENGINEER
SALEM, OREGON**

Beginning at the Northeast corner of the Northwest Quarter of Section 36, Township 40 South, Range B West, Willamette Meridian, Curry County, Oregon; thence South along the Easterly line of said Northwest Quarter to the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 36; thence West along the Southerly line of said Northeast Quarter of Northwest Quarter of said Section 36, a distance of 760 feet; thence North 750 feet to a point; thence West to the Easterly line of the right of way of the Chetco River Market Road, which road is also called the South Bank Chetco River Road; thence Northerly and Easterly along said Easterly right of way line to its intersection with the North line of said Section 36; thence East along said North Section line to the point of beginning.

EXCEPTING therefrom a strip of land 66.0 feet in width, being 33.0 feet on each side of and parallel to the following described center line. Beginning at a point on the Easterly right of way line of the South Bank Chetco River County Road, said point being South 385.2 feet and West 452.0 feet from the Quarter Section corner common to Sections 25 and 36, Township 40 South, Range 13 West, W.M., Curry County, Oregon; thence North 45° 33' East 83.3 feet; thence North 61° 00' East 100.0 feet; thence North 55° 43' East 84.8 feet; thence North 62° 55' East 159.5 feet; thence North 53° 58' East 144.2 feet; thence North 21° 03' East 77.1 feet to a point on the North line of said Section 36, this being the terminal point of this strip of land deeded to the United States Department of Agriculture of the United States Government by deed dated June 27, 1950, for road purposes.

RESERVING unto the Grantors an easement 5 feet in width, being 2½ feet on either side of the existing water pipeline to the spring situated on the hereinabove described premises, together with a right over and across said easement for installation, repair, maintenance and replacement of said water pipeline to said spring.

THERE IS ALSO RESERVED the right to the use of the waters of said existing spring sufficient to serve one domestic residence situated on lands of Grantors lying directly East of the lands herein granted.

SUBJECT TO:

1. Rights of the Public in and to any portion of the herein described property lying within the limits of roads or highways.
2. Subject to and including the terms and provisions of a perpetual waterright with right of ingress and egress as disclosed by deed recorded July 1, 1953 in Deed Volume 40, page 92, Records of Curry County, Oregon.

May 1st 1969

May 1st 1969

Clinton I. Snodgrass

Doris A. Snodgrass

DAVID R. FORTIER
ATTORNEY AT LAW
POST OFFICE BOX 1043
BROOKINGS, OREGON 97415
TELEPHONE 469-3223

RECEIVED
JUN 14 1971
STATE ENGINEER
SALEM, OREGON

June 11, 1971

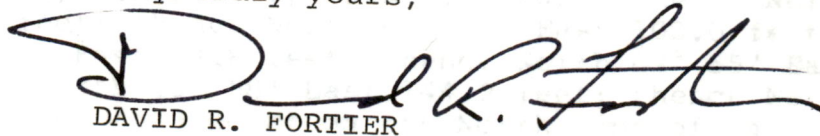
State of Oregon
Water Resources Engineer
Salem, Oregon 97310

Gentlemen:

I wonder if you would advise of any water right existing and appurtenant to the property described on the attached exhibit.

Also, will you kindly furnish the informational brochure necessary to obtain a water right on a spring, together with the required application forms.

Very truly yours,


DAVID R. FORTIER

DRF:lp
Enclosure

DAVID R. FORTIER
ATTORNEY AT LAW
POST OFFICE BOX 1043
BROOKINGS, OREGON 97415
TELEPHONE 332-1111

RECEIVED
JUN 14 1971
STATE ENGINEER
SALMON CREEK

JUNE 11, 1971

State of Oregon
Water Resources Engineer
Salem, Oregon 97310

June 14, 1971

David R. Fortier
Attorney at Law
P. O. Box 1043
Brookings, Oregon 97415

Dear Mr. Fortier:

There are no water rights of record appurtenant to the lands described in the attachment to your letter of June 11, 1971.

I am enclosing our booklet of Rules and Regulations relative to the appropriation and use of surface water and the proper forms to be completed for making application for a permit for the use of water from a spring.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo
Enclosures 4



**STATE
ENGINEER**

RECEIVED
JUN 21 1971
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

File No.

June 11, 1971

David R. Fortier
Attorney at Law
P. O. Box 1043
Brookings, OR 97415

Dear Mr. Fortier:

There are no water rights of record within the area described in the deed accompanying your letter of June 9, 1971.

I am enclosing the proper form for making application for a permit for the use of surface water. Also enclosed is our booklet of Rules and Regulations relative to the appropriation and use of surface water.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo
Enclosures 3

STATE
ENGINEER

DAVID R. FORTIER

ATTORNEY AT LAW

POST OFFICE BOX 1043

BROOKINGS, OREGON 97415

TELEPHONE 469-3223

June 17, 1971

RECEIVED
JUN 21 1971
STATE ENGINEER
SALEM, OREGON

Mr. Wayne J. Overcash, Assistant
Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon, 97310

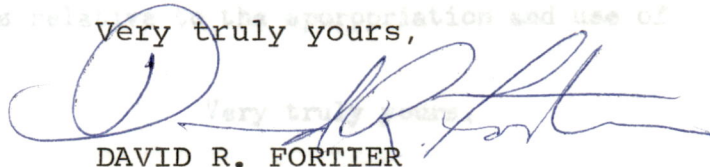
Dear Mr. Overcash:

I am inquiring further relative to your letter of June 11, 1971, a copy of which is enclosed.

Mr. Stuart, on whose behalf I am writing, calls my attention to application No. 9253 and permit No. 6165. The problem remains as to what property, as described in the deed which we forwarded, is benefitted by the named water right.

I will be pleased to hear from you at your early convenience.

Very truly yours,



DAVID R. FORTIER

DRF:lp
Enclosure

Mr. David R. Fortier

Page 2

June 22, 1971

We have not disputed Mr. Muncy's claim that the right is appurtenant to the property he purchased, but neither can we confirm it.

If need be, I think it could be shown by county records of ownership and improvements which house was using water for the time when the right was established particularly if there was no other possibility.

I apologize for the fact that this information was not furnished when you wrote first.

Sincerely yours,

Dear Mr. Overcash:

I am inquiring further relative to your letter of June 11, 1971, a copy of which is enclosed.

TREVOR JONES
Assistant

dg

Stuart, on whose behalf I am writing, calls my attention to application No. 3253 and permit No. 5165. The application remains as to what property, as described in the deed which we forwarded, is benefitted by the named water right.

I will be pleased to hear from you at your early convenience.

Very truly yours,

DAVID R. FORTIER

DRF:lp
Enclosure

June 22, 1971

9253

Mr. David R. Fortier
Attorney at Law
P. O. Box 1043
Brookings, OR 97415

Dear Mr. Fortier:

I have gone over all records we have and cannot give a positive answer as to whether or not the right evidenced by the certificate recorded at page 8866, issued to L. D. Lindsley and C. Q. Lindsley, is appurtenant to property described in the attachment to your letter dated June 9, 1971. This certificate was issued confirming the right completed under permit 6165 referred to in your letter dated June 17, 1971.

The water right is for domestic use, operation of a ram and irrigation of two acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and one acre in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, T. 40 S., R. 13 W. W. M. The map accompanying the proof locates the diversion point but not the place of use for domestic purposes or the irrigated area.

In 1958, the attorney for Brookings Plywood Corporation said his client purchased the Lindsley property to which the right was appurtenant. The next correspondence was with William Muncy in 1964. Mr. Muncy submitted an incomplete application for a permit and later wrote that he was purchasing his property from Brookings Plywood Corporation and he believed a right existed. He was advised that the record was not clear, but if the house he occupied is the one the right was established for and the right was not lost by nonuse, the right was valid. Mr. Muncy said they moved into the Lindsley house a few days after Lindsley moved out and were using water through the same system for the same uses Lindsley made.

We have a copy of a 1964 assessor's plat submitted with another application which locates the property you inquired about. The subdivision of the section is odd but the property is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ although a fraction may be within the SW $\frac{1}{4}$ SE $\frac{1}{4}$.



STATE
ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

RECEIVED
JUN 23 1971
STATE ENGINEER
SALEM OREGON

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

File No.

June 11, 1971

David R. Fortier
Attorney at Law
P. O. Box 1043
Brookings, OK 97415

Dear Mr. Fortier:

There are no water rights of record within the area described in the deed accompanying your letter of June 9, 1971.

I am enclosing the proper form for making application for a permit for the use of surface water. Also enclosed is our booklet of Rules and Regulations relative to the appropriation and use of surface water.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo
Enclosures 3

RECEIVED
JUN 23 1971
STATE ENGINEER
SALEM OREGON

June 17, 1971

Mr. Wayne J. Overcash, Assistant
Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon, 97310

Dear Mr. Overcash:

I am inquiring further relative to your letter of June 11, 1971, a copy of which is enclosed.

Mr. Stuart, on whose behalf I am writing, calls my attention to application No. 9253 and permit No. 6165. The problem remains as to what property, as described in the deed which we forwarded, is benefitted by the named water right.

I will be pleased to hear from you at your early convenience.

Very truly yours,

DAVID R. FORTIER

DRF:lp
Enclosure

DAVID R. FORTIER

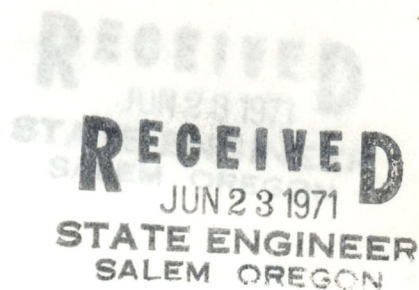
ATTORNEY AT LAW

POST OFFICE BOX 1043

BROOKINGS, OREGON 97415

TELEPHONE 469-3223

June 22, 1971



Mr. Wayne J. Overcash, Assistant
Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon 97310

Dear Mr. Overcash:

On June 17, 1971, I inquired as to your letter of June 11, 1971, copies of both of which are enclosed.

The property owner Mr. William Stuart has since inquired as to permit No. 6165, certificate No. 866, as it affects the property described in our original transmittal.

Can you further advise us on this?

Very truly yours,

A handwritten signature in blue ink, appearing to be "D. R. Fortier", written over a circular stamp.

DAVID R. FORTIER

DRF:lp

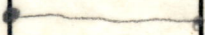
Enclosures

cc Mr. William Stuart

TOWNSHIP ^{40^s}....., RANGE ^{13^W}....., W. M.

North

25



West

East

South