

Application No. 7334
Permit No. 4636
Certificate No. 3452

FEES PAID

Date	Amount	Receipt No.
Total		

Name W. M. Loban
By _____
Address Wolf Creek, Ore.
Date filed _____
Action suspended until _____
Returned to applicant _____
Date completed _____
Date of approval _____

Stream Index, Page No. _____
Application Record, Book No. _____

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

CONSTRUCTION

Date for beginning _____
Date for completion _____
Extended to _____
Date for application of water _____
Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued _____
Receipt for recording fee No. _____

33-5-21

SEE MAP 33

West

80.28 c. l.

16

21

300
239.48 Ac.

200
91.50 Ac.

100
40.00 Ac.

21

22

CAN
13

BY THE OREGON
STATE ENGINEER
MAY 8 1912
RECEIVED

5

GULCH

POST

LOT 3 39.48

LOT 4 34.72

600
22.25 Ac.

500
80.00 Ac.

UNNAMED GULCH
(MISTAKENLY CALLED "PAINING GULCH")

U.S. EASEMENT
296-52

EASEMENT
U.S.
296-52

1001 4.48 Ac.
LOT 2 8.42
1002 2.17 Ac.

1000 0.51 Ac.
801 4.73 Ac.

800 34.37 Ac.

1101 0.88 Ac.
1103 0.82 Ac.

1104 7.12 Ac.
1102 5.42 Ac.

1100 4.95 Ac.
LOT 5 30.42
CREEK

1200 26.00 Ac.

LOT 6 8.77

LOT 1 34.65

RUTH RUBLE MINING
M.S. 39

COYOTE

U.S. EASEMENT
M.S. 295-2, 298-262

21

22

28

27

80.34 c. l.

2 39.48 Ac

200
91.50 Ac

100
40.00 Ac

33-5-21

ASSESSOR'S
MAP

5

LOT 4

600
22.25 Ac

500
80.00 Ac

34.72

LOT 3
39.48

20

21

22

RECEIVED

JAN 29 1975

STATE ENGINEER
SALEM, OREGON

POST
GULCH

LOT 2
1001 4.48 Ac
1002 2.17 Ac
8.42

1000 .51 Ac
801 4.73 Ac

800
50.27 Ac

1101 .88 Ac
1103 .82 Ac

1100
12.07 Ac

1102
5.42 Ac

LOT 5

36.42

COYOTE
CREEK

U.S. EASEMENT

RUTH RUBLE
MINING CLAIM
M. S. 39

29

28

27

1200
26 Ac

LOT 6 8.77

James E. Sexson
Director

August 28, 1975

Mr. Leslie Lake
5509 Coyote Creek Road
Wolf Creek, Oregon 97497

Dear Mr. Lake:

I apologize for not responding to your request for information as to the location of rights much earlier than this. I have not been able to keep pace with the volume of correspondence and applications submitted. There are some changes being made to alleviate problems here and in the future our service to the public will be more prompt.

Our records are not clear as to the exact location of the 4.0 acres irrigated under permit No. 4636. The right has been forfeited if there was a period of five successive years without use of water for irrigation. The land is located west of the gulch and south of the ditch and the ditch is shown on the map as being near the north line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21. If, in this general area, one or more owners are irrigating more than 4.0 acres and the location of the right was in dispute, the final decision would rest within the courts.

I have written Mr. Robert Steimer regarding this question.

I do not think there is much question as to the location of the water right perfected under permit No. 17561. The map locates the area of use as adjacent to and southeast of the mining claim and this area appears to be tax lot 700 as located on your map.

I do not think there is any question as to the location of use for the right completed under permit No. 17561 as the legal description is part of the proof and this description is for tax lot 700 as shown on your map. This right is for domestic use of one family, including irrigation of not to exceed $\frac{1}{2}$ acre domestic lawn and garden.

The record is not clear as to the location of the place of use under the right perfected under permit No. 4179. The 1.0 acre described is located by the map in the file as adjacent to the south line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21. It may be located within tax lot 700 or just east or west of this lot. Water was conveyed by pipeline according to the proof and not by ditch.

Very truly yours,

Trevor Jones
Assistant

TJ:whh
cc: Robert Steimer, Watermaster

Robert Steimer

August 28, 1975

Trevor Jones

Application 7334

The records in file 7334 approved by permit 4636 are not so clear as to give a positive answer to what land the right is appurtenant.

Mr. Leslie Lake wrote regarding this and I didn't get far enough through the backlog of work to respond when I should have.

The map which accompanied the proof locates the diversion point near the NE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and the ditch extends westerly near the north line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$. If there is about 4 acres being irrigated just west of the gulch and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ I think the owner has a good claim to the right if the right is valid.

Mr. Lake sent a different map than you did. I'm enclosing a copy of a part so I can refer to it in this letter.

If the ditch used was located as shown on the map, the 4 acres could have been on tax lots 1101, 1102 or 1104, but not 1103 which is above the ditch. I suppose the right was established under permit 4636 before the property was divided so a trace of ownership would not help.

Mr. Lake's letter seems to indicate that there has been no use of water in the vicinity for some time. If there is no evidence that any valid right exists, the location of a right that once existed is not important. If one or more owners are irrigating more than four acres, the location is a factor. If there is more than one claimant and the question of location is disputed and pursued, I suppose a court determination would be necessary.

I'm also enclosing a copy of a letter being sent to Mr. Lake.

SECTION

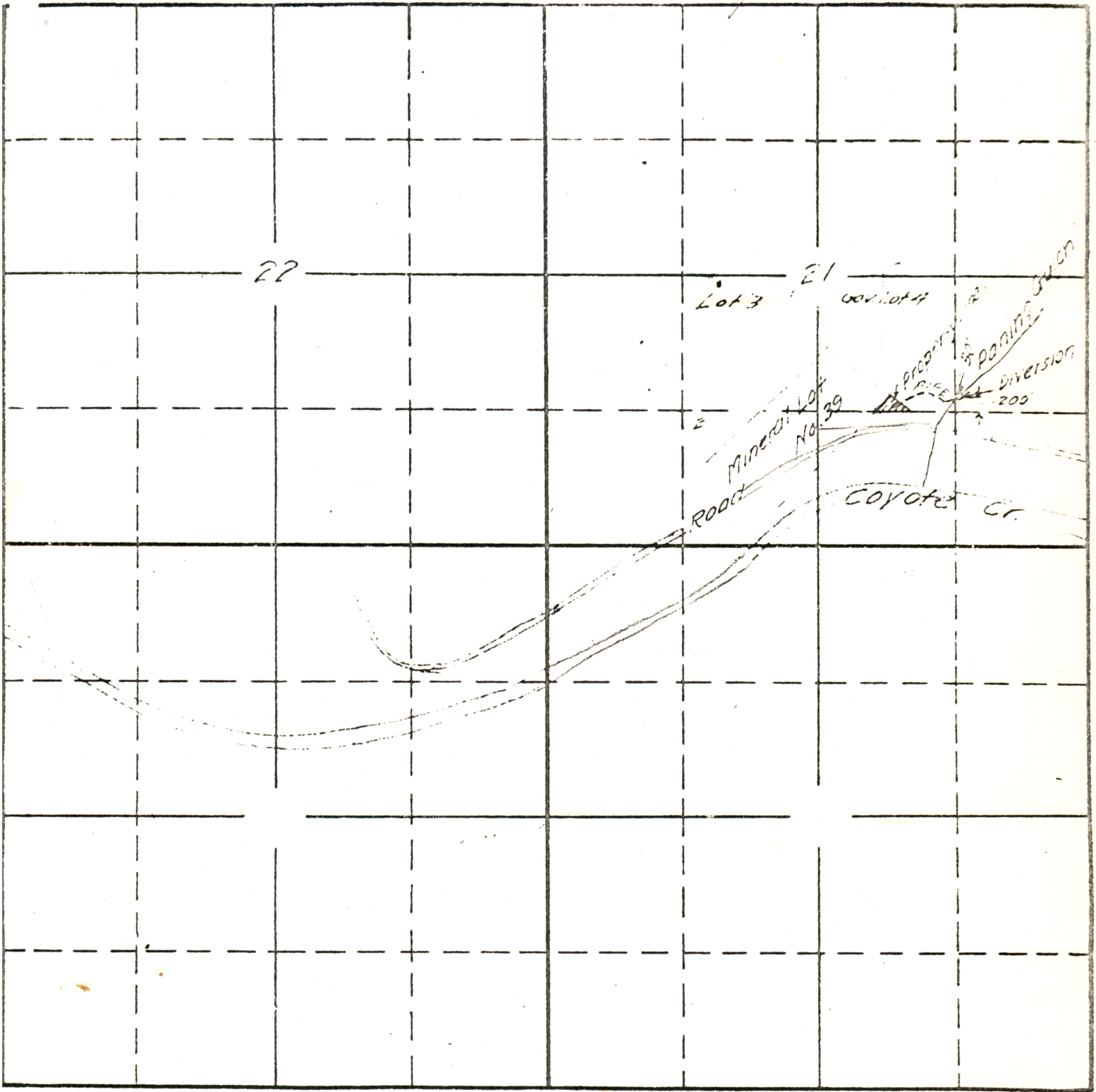
TOWNSHIP 35 S, RANGE 5 W, W. M.

Per. 17561

33-5-21

Priority 2-17-47 Domestic

North



South

East

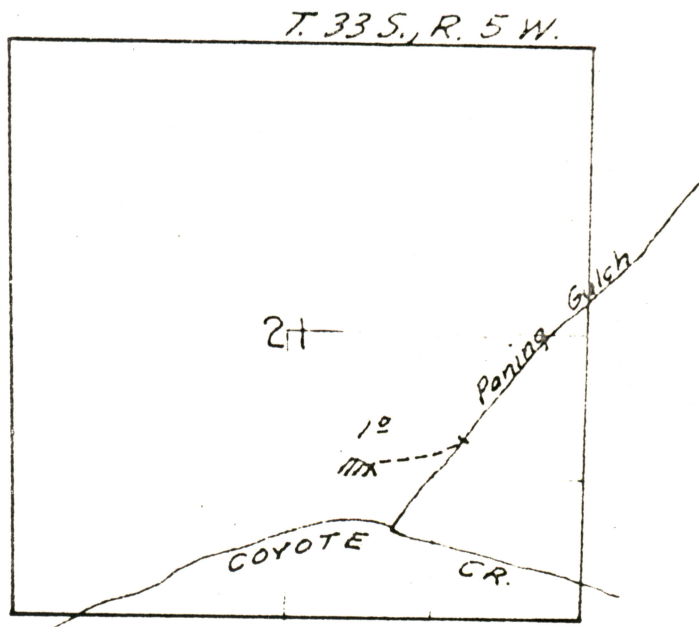
D. E. WYER
Feb. 1947

APPLICATION No. 22266
PERMIT No. 17561

This is the permit pertaining
to parcel # 700

Per. 4-177
Appl. 6688

Priority - 8-8-1919
Irrigation



sketchd from app map.

This permit pertains
to parcel # 700

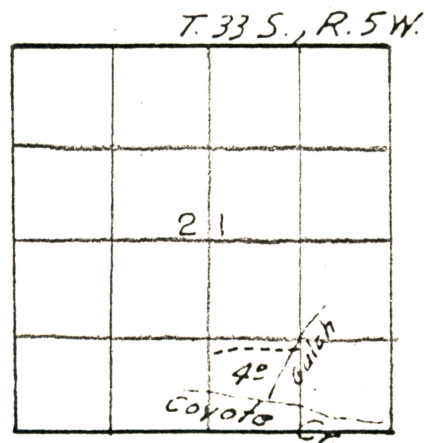
A-6688

Per. 4636

Appl. 7334

4 ACRES FROM UNNAMED
GULCH TRIBUTARY TO
COYOTE CREEK
6-9-1920 PRIORITY
IN THE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF
SECTION 21,
Twp. 33 South
RANGE 5 W.W.M.

ASSESSORS MAP 33-5-21



sketched from app. map.

Acresage from proof.

A-7334

March 26, 1975

RECEIVED

MAR 28 1975

STATE ENGINEER

SALEM, OREGON

Hello, Mr. Wheeler,

I'm rewriting this letter as the information I am requesting is very important to my planting plans this spring. I wrote to you about a month ago and I sent all the maps I am sending now again. Please answer this letter.

I'm wondering if permit # 4636 gives water rights to parcel # 1103 & parcel # 1101 if a pipeline easement can be obtained. I've heard from a previous owner that water used to be gotten out of the mining ditch I have drawn in on the assessors map. There is an old pipe leading from the mining ditch to the house in parcel # 1101. Parcel # 1101 has a house on it & Parcel # 1103 is a pasture. Parcel # 700 & # 1103 are going to be combined into one parcel number for tax purposes. Parcel # 1101 is a separate family.

Thank you,
Leslie Lake

LESLIE LAKE
5509 COYOTE CREEK Rd.
WOLF CREEK, OREGON
97497

Jan. 16, 1975

Hello Mr. Wheeler,

I would like to know if parcel #1103 outlined in ink is included in permit #4636. There are 4 acres with 6-9-1920 priority ^{UNDER PERMIT #4636} I am interested in locating. I am also interested in parcel #1101, hopefully it also is included in this permit.

Thank You,
Leslie Lake
5509 COYOTE CREEK Rd.
WOLF CREEK, OREGON
97497

P.S. I own & live on parcel #700. Enclosed are the two permits (#17561 & #4179) that pertain to my place. I also own parcel #1103 & that is why I am interested in its water rights. I may buy #1101 & that is why I am also interested in it.

RECEIVED

JAN 29 1975

STATE ENGINEER
SALEM, OREGON

Must be ~~the~~ poor
record - let me
see what you
find before a letter

7339 4836 3452 Loban
4 acres

(4-39) - 16561 2 1/2 SWS 2
2 1/2 SESW
E Don
Benson Gulch
Ditch

8. During what months is water beneficially used? May to October inclusive
9. State the character of the soil and kind of crops raised Hay, grain, garden and fruit.
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Yes.
11. If not, 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 Josephine } ss.

I, W. M. Loban, 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 3rd day of October, 1921.

W. M. Loban

Subscribed and sworn to before me this 3rd day of October, 1921.

J. L. Coon
 Notary Public for Oregon

(Notarial Seal)

My commission expires Jan 25-1925

AFFIDAVIT OF WITNESSES

We, _____, and _____,
of _____, 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.

Subscribed and sworn to before me this _____ day of _____, 192_____

(Notarial Seal)

Notary Public for Oregon

My commission expires _____

I have inspected the above right and find that
the applicant has complied with all the terms of the permit
and has constructed his ditches and applied the water to
four acres of land, and would recommend that a certificate
be granted.

M. L. Opdycke

PROOF OF APPROPRIATION

Permit No. 4836

Recording fee paid

Receipt No. 9454

OFFICE OF STATE WATER BOARD

RECEIVED

OCT 5 1921

SALEM, OREGON.

Priority date: June 9, 1920.



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-8201

Ext. 247

FILE NO.

August 25, 1975

Robert W. Straub

GOVERNOR

Water Resources Department
1178 Chemeketa Street, N. E.
Salem, Oregon 97310

Attention: Trevor Jones

Dear Trevor:

Ed Lake, of 5611 Coyote Creek Road, Wolf Creek, Oregon, was in concerning his water right.

He has been using irrigation water from Panning Gulch on his property, which is outlined in red on the enclosed assessor's map.

I wonder if you can locate this 4 acre right for us so that we might determine who has the right to use it.

Very truly yours,

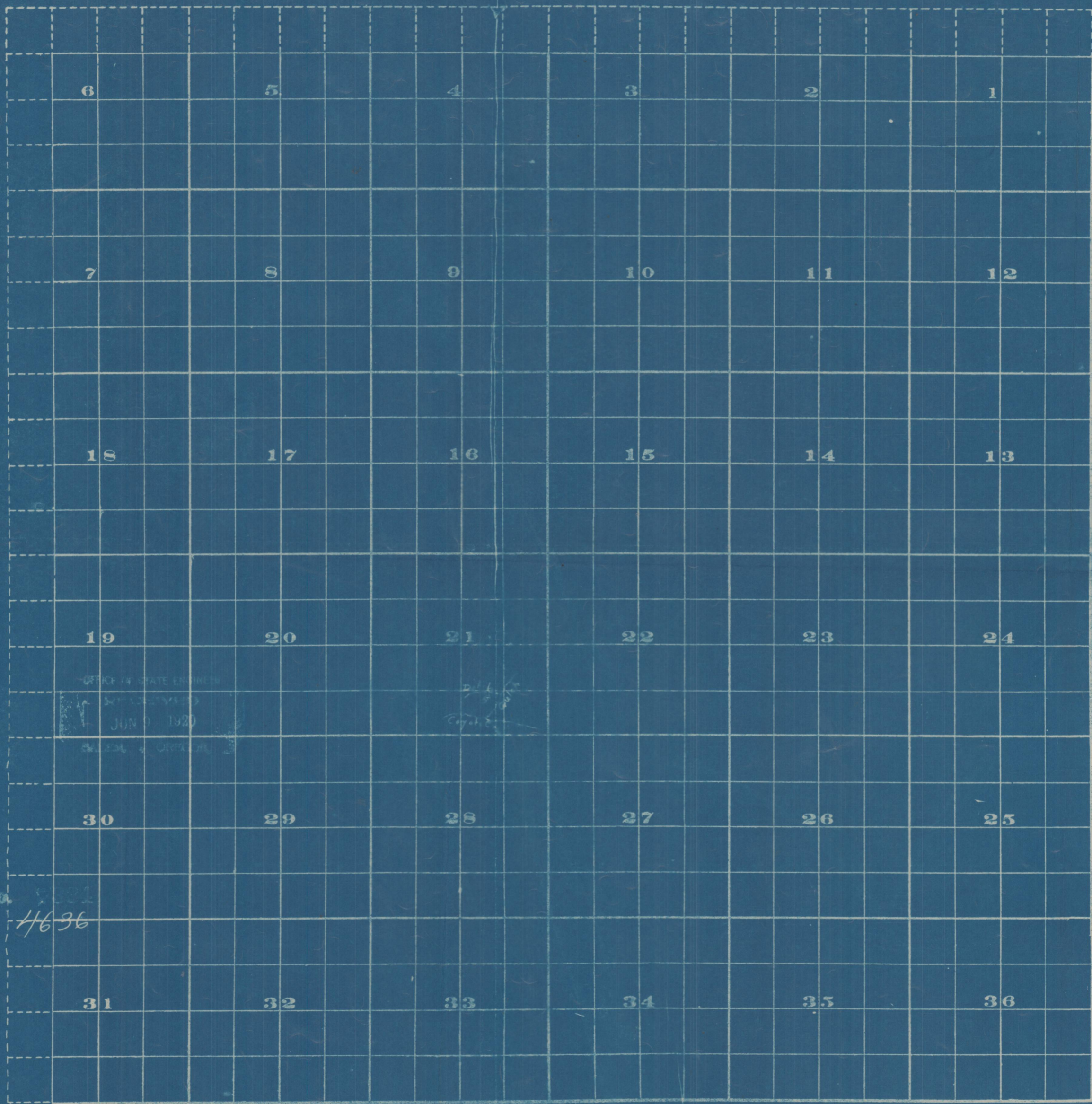
Robert B. Steimer
Watermaster, District #14

RBS/sj
Enclosure

RECEIVED
AUG 27 1975
WATER RESOURCES DEPT.
SALEM, OREGON

7337

Township 33 S, Range 5 W.



OFFICE OF STATE ENGINEER
 RECEIVED
 JUN 9 1920
 SALEM, OREGON

7337

Application No. 7337
 Permit No. 4636

7337

7337



Scale of Feet.

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

7334

June 18, 1920

Mr. W M Loban,
Wolf Creek, Josephine Co.,
Oregon.

Dear Sir:- Herewith you will find Application No. 7334, being Permit No. 4636
which has been approved and recorded in this office.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W. M. Loban, the holder of Application No. 5334, being

Permit No. 4636, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of 1.1 second-feet of the waters of unnamed gulch, 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 20 day of June, 1920, 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 14 day of June, 1921.

Wolf Creek, Oregon

(Present Address)

W. M. Loban

(Signature of Applicant)

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

OFFICE OF STATE WATER BOARD

RECEIVED

JUN 15 1921

SALEM, OREGON.

WITNESS WHEREOF, I have hereunto set my hand this 15th day of June 1921.

[Signature]

Not our receipt, and mail to the receiver, State Water Board, Salem, Oregon.

(Signature of Applicant)

Notice: If all of the water wanted in the permit had not been fully applied to beneficial use, you should so state in this application.

in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, for the appropriation of water to a beneficial use, on the day of 1921.

Permit No. 20354 issued by the State Engineer of the State of Oregon the holder of Application No. 20354 being NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

October 5, 1921.

Mr. M L. Opdycke,
Water Master District No. 16,
Grants Pass, Oregon.

Dear Sir:

Proofs of appropriation of water under permits
No. 4636 in the name of W.M. Loban; No. 4119 in the name of
Jesse Gotcher and No. 3399 in the name of H. R. Mehrbas,
together with the required recording fees, have been received
and filed in this office.

These proofs will be presented to the Board at the
next meeting for approval and issuance of certificates.

Yours very truly,

R. W. Potter,
Secretary.

Encls.

July 13, 1921.

Mr. W. M. Loban,

Wolf Creek, Oregon.

Dear Sir:

Blank for proof of appropriation of water under permit No. 4636 has been mailed to Mr. M. L. Opdycke, Water Master for your district, who will make an inspection and assist you in filling out the proof at an early date.

When this proof has been properly filled out, it should be transmitted to this office, together with \$1.00 to cover recording fee for certificate of water right.

Yours very truly,

R. W. Potter,
Secretary.

June 15th, 1921.

Mr. W. M. Loban,
Wolf Creek,
Oregon.

Dear Sir:

Permit No. 4636.

This will acknowledge receipt of the Notice of Complete Application of Water under your application No. 7334, Permit No. 4636, and the same has been placed on file.

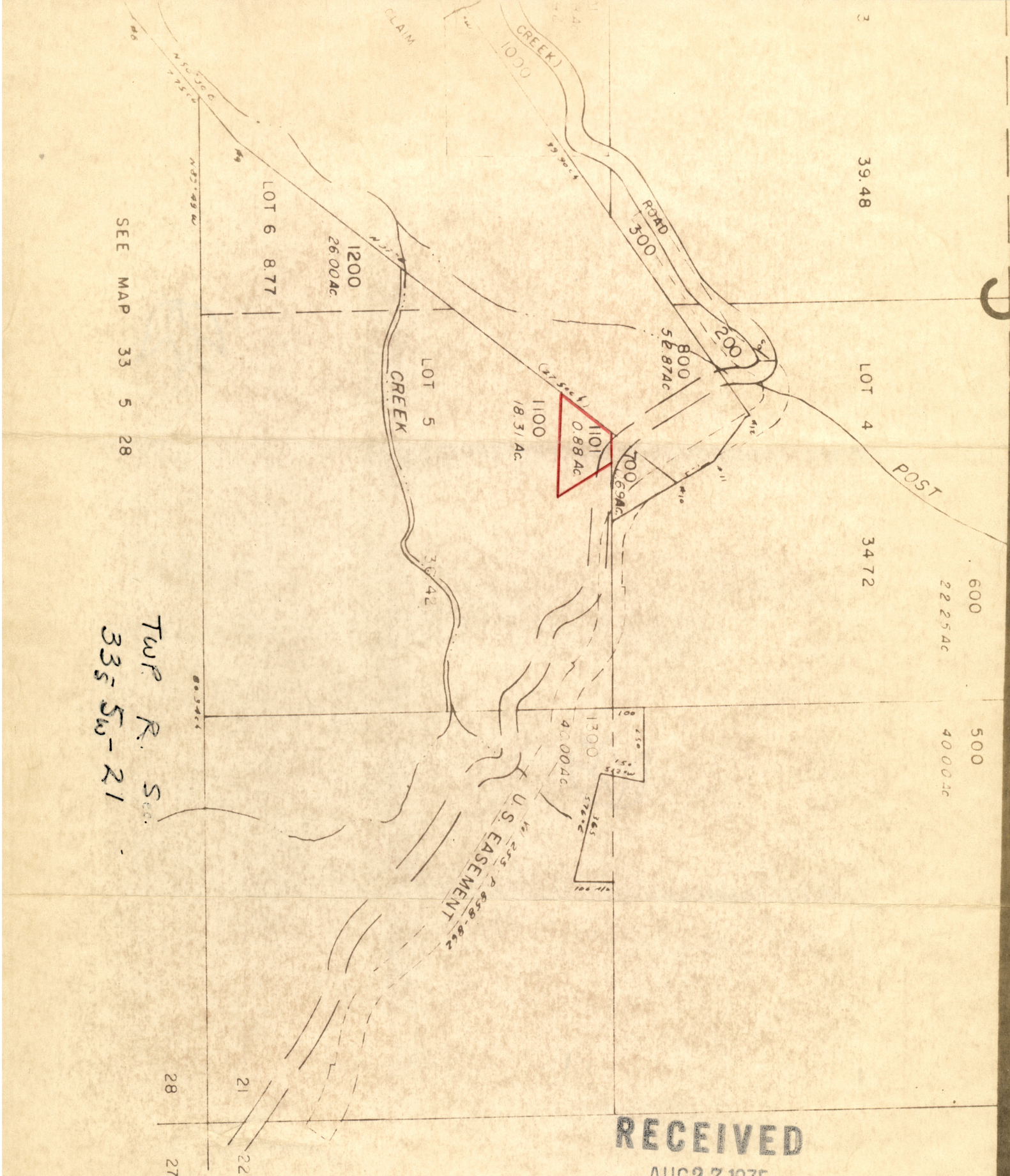
Final proof blanks will accordingly be prepared and forwarded for execution through the Water Master of your district within a short time.

Very respectfully,

Percy A. Cupper,
State Engineer.

100 (40.00) MILLER, JOHN & RONALD 33-5-21
200 (91.50) DILLON, WILLIAM J & DONNA H
300 (239.48) USA-BLM-O&C
400 (40.00) USA-BLM-O&C
500 (80.00) COX, LESLIE L & MARY L
600 (22.25) DILLON, WILLIAM JAMES & DONNA
700 (.69) LAKE, EDWARD E. & LESLIE A
800 (48.14) PORTER, JOHN C. JR. c/o VAUGHAN JACK M & JUDITH
801 (4.73) PORTER, JOHN C. JR. & DALE F c/o KINCAID, HAZEL E
900 (38.40) OTT, EDWARD J & BARBARA E. c/o Hofflinger,
1000 (.51) KINCAID, HAZEL E Amy Elizabeth
1001 (4.49) VAUGHN, JACK M & JUDITH L c/o Smith, Martha N.
1002 (2.17) KINCAID, HAZEL E.
1100 (12.07) VAUGHAN, JACK M & JUDITH L
1101 (.88) ODEN, VOLNEY S & ARLENE A
1102 (5.42) COLE, SANDY M.

1103 (.82) LAKE, EDWARD E & LESLIE 33-5-21
1200 (26.00) TWOHY, ALVA W. & BISHOP, MARIA
802 c/o CABRAL, JANET



SEE MAP 33 5 28

TWP R. S.
33 S W - 21

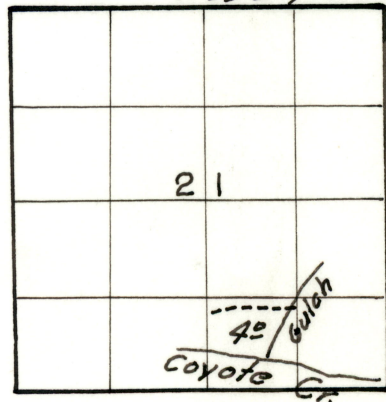
RECEIVED

AUG 27 1975

WATER RESOURCES DEPT.
SALEM, OREGON

SEE MA

T. 33 S., R. 5 W.



Sketched from app. map.

Acreege from proof.

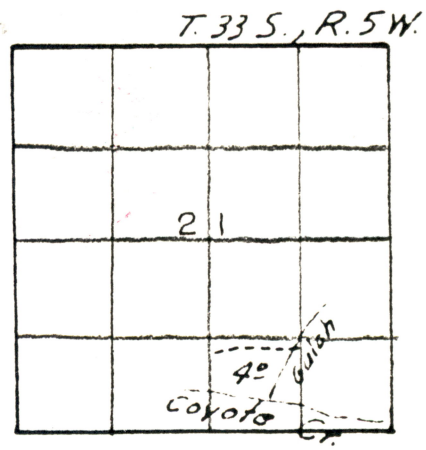
A-7334

Per. 4636

Appl. 7334

I think the section line is wrong here. If you will look at the assessors map & also in my property discription Section line 21 runs inbetween lots # 700 & lots # 1101 & # 1103. In permit # 17561 the mistake is most obvious as the triangular shape of # 700 is drawn in - not on the section line.

4 ACRES FROM UNNAMED GULCH TRIBUTARY TO COYOTE CREEK
6-9-1920 PRIORITY
IN THE
SW 1/4 SE 1/4 OF
SECTION 21,
Twp. 33 South
RANGE 5 W.W.M.



ASSESSORS MAP 33-5-21

RECEIVED
JAN 29 1975
STATE ENGINEER
SALEM, OREGON

Sketched from app. map.

Acresage from proof.

A-7334

SECTION

TOWNSHIP 35 S, RANGE 5 W, W. M.

Per. 17561

33-5-21

Priority - 2-19-47 Domestic

North



East

South

O. E. WYER
Feb. 1947

APPLICATION No. 22266
PERMIT No. 17561

Per. 4179

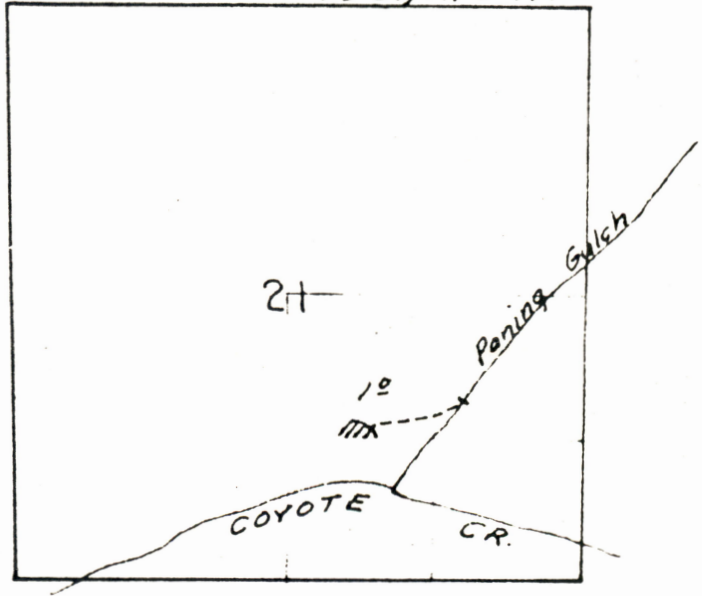
Appl. 6688

1

Priority - 8-8-1919

Irrigation

T. 33 S., R. 5 W.

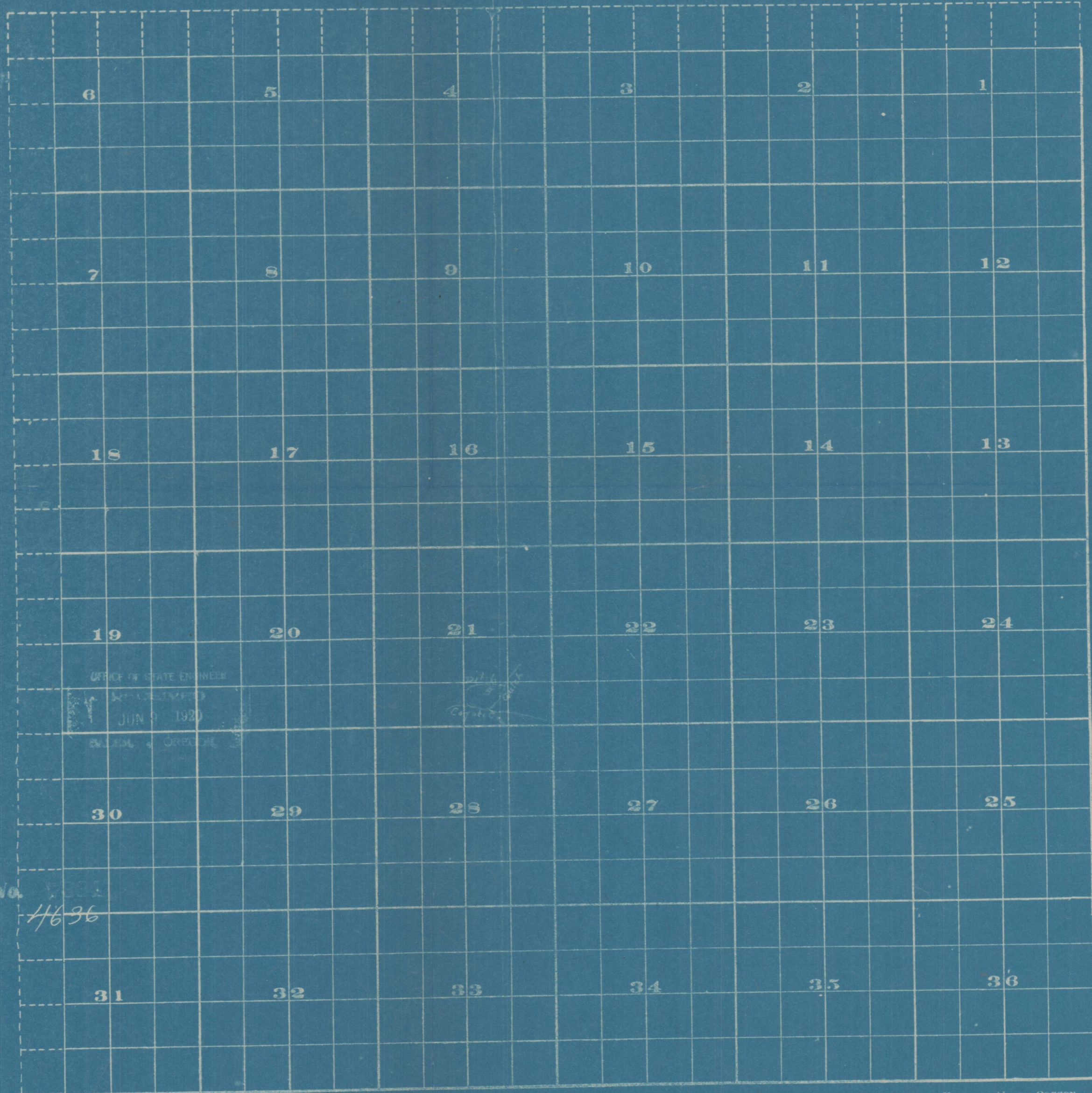


sketched from app map.

A-6688

7337

Township 33 S, Range 5 W



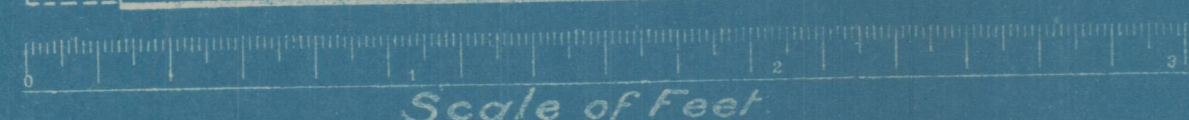
OFFICE OF STATE ENGINEER
 JUN 9 1920
 EXHIBIT - ORIGINAL

with
 copy

Application No. 7337
 Permit No. 4636

7337

7337



FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON