

Application No. 37282

FEEES PAID

Name Theodore L. Freeman

Permit No. 27928

| Date | Amount | Receipt No. |
|----------------|--------------|--------------|
| <u>1/2/62</u> | <u>10.00</u> | <u>32205</u> |
| <u>2/26/62</u> | <u>8.30</u> | <u>32848</u> |
| <u>4-26-62</u> | <u>1.50</u> | <u>33592</u> |

By

Certificate No. 34453

Address Box 1218

| Date | Amount | Receipt No. |
|-----------------|--------|-------------|
| <u>11-22-67</u> | | |

Brookings, Oregon 97415

Stream Index, Page No. 15-26

| B. P. Fee | \$1 Cert. Fee |
|-----------|---------------|
| | <u>6805</u> |

Date filed January 2, 1962

FEEES REFUNDED

Priority January 2, 1962 for 0.65 c.f.s.

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

Priority April 26, 1962 for 0.13 c.f.s.

Action suspended until as sent

ASSIGNMENTS

Returned to applicant

| Date | To Whom | Address | Volume | Page |
|------|---------|---------|--------|------|
| | | | | |
| | | | | |
| | | | | |

Date of approval June 26, 1962

CONSTRUCTION

REMARKS

Date for beginning June 26, 1963

Date for completion October 1, 1964

0.78 c.f.s. from North Fork Chetco River (Chetco River) for irrigation of 62 acres.
T-8271A POU (Temp) v53p790 6/1/99
Temp T-8762 APOU spa V. 55 p 519
JUL 1 - 1963 CARD FOR A

Extended to

Date for application of water October 1, 1965

Extended to

PROSECUTION OF WORK

Form "A" filed July 8, 1963

Form "B" filed

Form "C" filed October 2, 1964

FINAL PROOF

Blank mailed NOVEMBER - 3 1967

Proof received

Date certificate issued NOVEMBER 30 1967

Form A

Application No. 37282

NOTICE OF BEGINNING OF CONSTRUCTION

I, Theodore L. Freeman, the holder of Permit No. 27928

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 8th day of June, 1963

Remarks: The pump is on skids and has been placed at river's edge. Irrigation from this point was commenced 6/8/63 and will continue throughout the dry season. The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of July, 1963

Theodore L. Freeman (Signature of Applicant)

Box 1218, Brookings, Oregon (Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

State Printing 37515

3M-8-61

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

Application No. 37282

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE 27928

I, Theodore L. Freeman, the holder of Permit No. 27928

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 17th day of June, 1964.

Remarks:

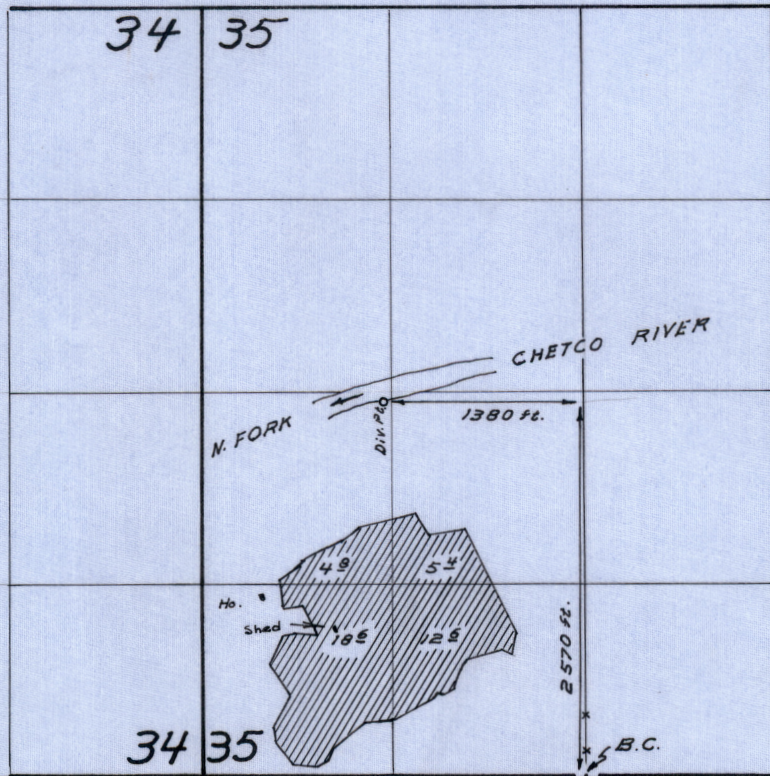
IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of Sept., 1964

Theodore L. Freeman (Signature of Applicant)

Box 1218, Brookings, Ore. (Address)

STATE ENGINEER SALEM, OREGON JUL 18 1963 OCT - 2 1964

T. 40S. R. 13W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 37282 Permit No. 27928
IN NAME OF

Theodore L. Freeman

Surveyed Sept 16 1966, by W. J. Ruppert

STATE OF OREGON

COUNTY OF CURRY

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8762 submitted by

CITY OF BROOKINGS
898 ELK DRIVE
BROOKINGS, OREGON 97415.

The right to be modified, as evidenced by a portion of Certificate 34453, was perfected under Permit 27928 with a date of priority of JANUARY 2, 1962. The right allows the use of the NORTH FORK CHETCO RIVER, a tributary of the CHETCO RIVER, for IRRIGATION of 18.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.23 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 35, T 40 S, R 13 W, W.M.; 2570 FEET NORTH AND 1380 FEET WEST FROM THE S¼ CORNER, SECTION 35, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

| | |
|--|------------|
| NW¼ SW¼ | 2.8 ACRES |
| SW¼ SW¼ | 15.2 ACRES |
| SECTION 35 | |
| TOWNSHIP 40 SOUTH, RANGE 13 WEST, W.M. | |

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to **temporarily** change the place of use to:

| | |
|--|------------|
| NW¼ NW¼ | 0.69 ACRE |
| NE¼ NW¼ | 6.92 ACRES |
| NW¼ NE¼ | 0.99 ACRE |
| SE¼ NW¼ | 3.00 ACRES |
| SW¼ NE¼ | 6.40 ACRES |
| SECTION 2 | |
| TOWNSHIP 41 SOUTH, RANGE 13 WEST, W.M. | |

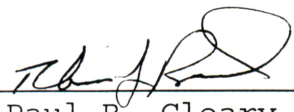
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as part of this water right during the 2001, 2002 and 2003 irrigation seasons.

3. The use shall revert to the authorized places of use at the end of the 2003 irrigation season.
4. The portions of the water right evidenced by Permits 51383 and 51595 appurtenant to the proposed place of use, **shall not** be used during the 2001, 2002 and 2003 irrigation seasons. Prior to diverting water under Permits 51383 and 51595 for these lands, the water user shall request this temporary transfer be revoked.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The water user **shall** install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The use of the remaining water right described by Certificate 34453 shall continue to be in accordance with the terms and conditions of Certificate 34453.

WITNESS the signature of the Water Resources

Director, affixed **MAY 30 2001** .



For Paul R. Cleary, Director



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 4, 1988

378 - 3739

John Drolet, Watermaster Dist 19
Coos County Annex Rm 117
290 North Central
Coquille, Oregon 97423

Reference files 37091 and 41805, City of Brookings
37282 Theodore L. Freeman

Dear John:

The City of Brookings intends to move their point of diversion from Chetco River upstream one or two miles. Enclosed is a copy of a letter from Paul Berg of CH2M Hill posing two questions.

I cannot respond to either question without some help from you. Where is the present point of diversion? Are there any diversions upstream of the existing point but below the proposed point? Our records indicate at least one under certificate 34453 issued to Theodore Freeman.

If the change were to be allowed by the department, would the change, in your opinion cause harm or injury to existing rights? The time limits in the city's permits expire October 1, 1989.

I would like to respond to Mr. Bergs inquiry as soon as possible. Any help you can give me is most appreciated.

Sincerely;

Vestal R. Garner, Manager
Survey/Certificates

Enclosures:

Letter from CH2M Hill
Map accompanying letter
letter of May 4 1988 to CH2M Hill

CC: CH2M Hill



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

May 4, 1988

378 - 3739

CH2M Hill
2300 N.W. Walnut Blvd.
P. O. Box 428
Corvallis, Oregon 97339

Reference files: 37091 and 41805, City of Brookings
37282, Theodore L. Freeman

Attention Paul Berg, P.E.

Dear Mr. Berg

Permits 27610 and 31293 issued to the City of Brookings allow a diversion of water from Chetco River for the city's municipal supply. Permit 27610 describes a point in the NE 1/4 SE 1/4 Section 33. Permit 31293 describes a diversion point in the SW 1/4 SE 1/4 Section 34, both in T.40 S., R.13 W. WM. The permits approved the locations as proposed by the applications.

You advise the city proposes to relocate their diversion to a point upstream on the Chetco River in the SW 1/4 NE 1/4 of Section 35.

Both permits have time limits to complete the construction of all the facilities to use the water. These expire October 1, 1989 and provides time to make a change in the diversion facilities. As your letter indicates, this is not the concern.

There are as least two water rights located between the points on the stream referenced above. Since we have no way of knowing for sure whether there are users between the actual point in use and the proposed point, we will contact our watermaster, John Drolet, before considering your request.

There does appear to be one water right with an older priority than the city's newest permit which would be between the points. It would be possible to divert water belonging to the older right at the proposed point that would not be possible to divert at the existing point. If that occurred, an injury could result. The watermaster can determine if this is a potential problem.

I will attempt to answer your questions as soon as i receive the watermasters report.

Sincerely;

Vestal R. Garner, Manager
Survey/Certificates

CC: John Drolet, Watermaster



Engineers
Planners
Economists
Scientists

April 22, 1988

C26204.A0

Water Resources Department
Licenses and Permits Division
3850 Portland RD N.E.
Salem, OR 97310

Licenses and Permits Division:

Subject: City of Brookings--Water Rights

This letter is to request a new water rights point of diversion for the City of Brookings.

The City currently has two water rights permits:

1. File #41805, Permit #31293--A 1966 right to withdraw 10 cfs from the Chetco River.
2. File #37091, Permit #27610--A 1961 right to withdraw 4 cfs from the Chetco River.

The recorded point of diversion locations for these two permits are not exactly the same, however the City has only one existing intake facility. Its location is shown on the enclosed map.

The City's intention is to abandon their existing intake and construct a new intake farther upstream on the Chetco River. The proposed intake location is also indicated on the enclosed map.

My request for the City is that you would:

- a. Examine existing water rights on the Chetco River to determine if any water users might be injured by this change or might limit the City's right to water

Water Resources Department
Page 2
April 22, 1988
C26204.A0

- b. Advise me of what further steps need to be taken for the City to obtain a permit for the new point of diversion location

We are under some time constraints and would appreciate a response as soon as possible. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Paul Berg". The signature is written in a cursive style with a large initial "P".

Paul Berg, P.E.

da/CVC13/026
cc: City of Brookings

STATE OF OREGON

COUNTY OF CURRY

Proof of Appropriation of Water

RECEIVED
NOV 28 1967
STATE ENGINEER
SALEM OREGON

THEODORE L. FREEMAN

37252

of Box 1218, Brookings, State of Oregon,
has applied beneficially the waters of
North Fork Chetco River

a tributary of Chetco River for the purpose of
irrigation of 41.4 acres

under Permit No. 27928 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from January 2, 1962

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.52 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW 1/4 SW 1/4, Section 35, T. 40 S., R. 13 W., W. M.
Diversion point located 2570 feet North and 1380 feet West from the S 1/4 Corner,
Section 35.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated
during the irrigation season of each year;

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is
as follows:

5.4 acres NE 1/4 SW 1/4
4.8 acres NW 1/4 SW 1/4
18.6 acres SW 1/4 SW 1/4
12.6 acres SE 1/4 SW 1/4
Section 35
T. 40 S., R. 13 W., W. M.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of November,

1967

Theodore L. Freeman

Abstract of Permit No. 27920

Application No. 37282

Certificate No.

Name

Theodore L. Freeman

Address

Box 1218
Brookings, Oregon

Source of water supply

North Fork Chetco River, trib. Chetco River

Use

Irrigation of 41.4 AC

Point of diversion

~~900' S. and 900' W. from the center of Section 35; being within the NW 1/4 SW 1/4, Sec. 35, T. 40 S., R. 13 W., W.M., in the county of Curry.~~

Number of acres

2.0 Div #6 located 2570 ft N 1380 ft W. from S 1/4 cor. Sec 35

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

| Twp. | Range | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 40 S | 13 W | 35 | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | 5-4 |
| | | | | | | | | | | | | | | | | | | | 4 8 |
| | | | | | | | | | | | | | | | | | | | 18 6 |
| | | | | | | | | | | | | | | | | | | | 12 6 |
| | | | | | | | | | | | | | | | | | | | 41 4 |

Priority date

January 2, 1962 for 0.65 c.f.s.
April 26, 1962 for 0.13 c.f.s.

Amount of water

0.78 c.f.s., measured at the point of diversion

Time limit to begin construction

June 26, 1963

Time limit to complete construction

10/1/64 extended to extended to

Time limit to completely apply water

10/1/65 extended to extended to

Remarks:

This appropriation shall be limited to 1/60th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

39660

Inpro Mrs Freeman

Abstract of Permit No. 2752
Pump - Pacific Pump. Direct Drive Centr
Model 30 W 4 1/2" x 7"

Model - GE 60 HP 34 3550 RPM

pipe - 8" - 300ft AL
6" - 1665ft AL
4" - 1120ft AL
3" - 940ft AL

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

| Head | RB# | Size | Flow |
|------|----------|---------------|------------------|
| 1 | RB# 80 A | 1 1/32 x 7/32 | 38.6 gpm @ 70PSI |
| 8 | RB# 70 B | 1/32 x 7/32 | 4 |
| 14 | RB# 70 | 1/4 x 7/32 | 348 gpm |
| 12 | RB# 40 | 13/64 x 5/32 | |
| 1 | RB# 40 | 1/64 x 7/32 | |
| 9 | RB# 30 | 7/32 x 1/8 | |
| 1 | RB# 30 | 3/16 x P | |
| 3 | RB# 30 | 3/16 x 7/32 | |

lift - 185 to 215 ft

Crop - pasture - orchard

tie - BC 9 1/4 Cor Soc 35

9-86-66

extended to

extended to

extended to

extended to

Remarks: This appropriation shall be limited to 1/100th of one acre foot per second or the equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable reduction as may be ordered by the proper state officer.

1900
740675
35
4 2
741581314

RECEIVED

APR 25 1988

WATER RESOURCES DEPT
SALEM, OREGON

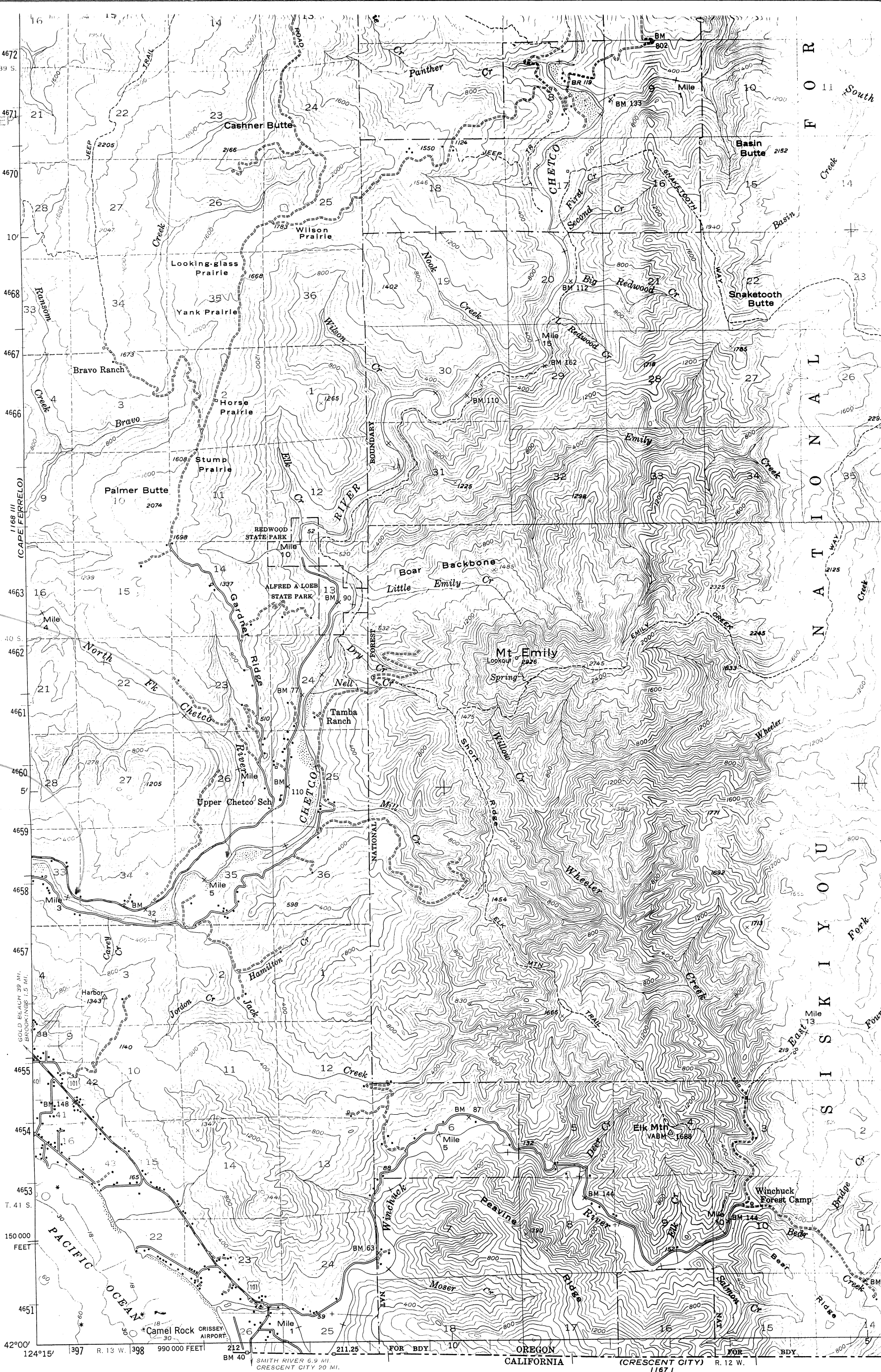
Mt. Emily Road
(15 min)

Brookings Proposed
Intake Location
Approx:
SW 1/4 of NE 1/4 of
Sec 35
T40S R13W
(RM 5.3)

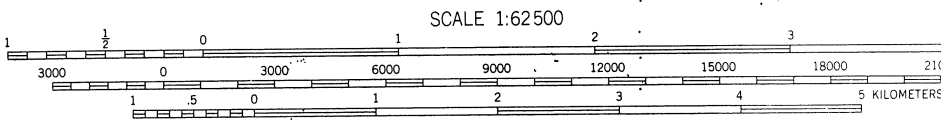
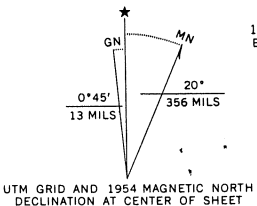
Brookings
Existing
Intake, Approx:
SW 1/4 of Sec 33
T40S R13W
(RM 3.2)

Sept 11, 1961
Jan 21, 1966
37091
41805

31282



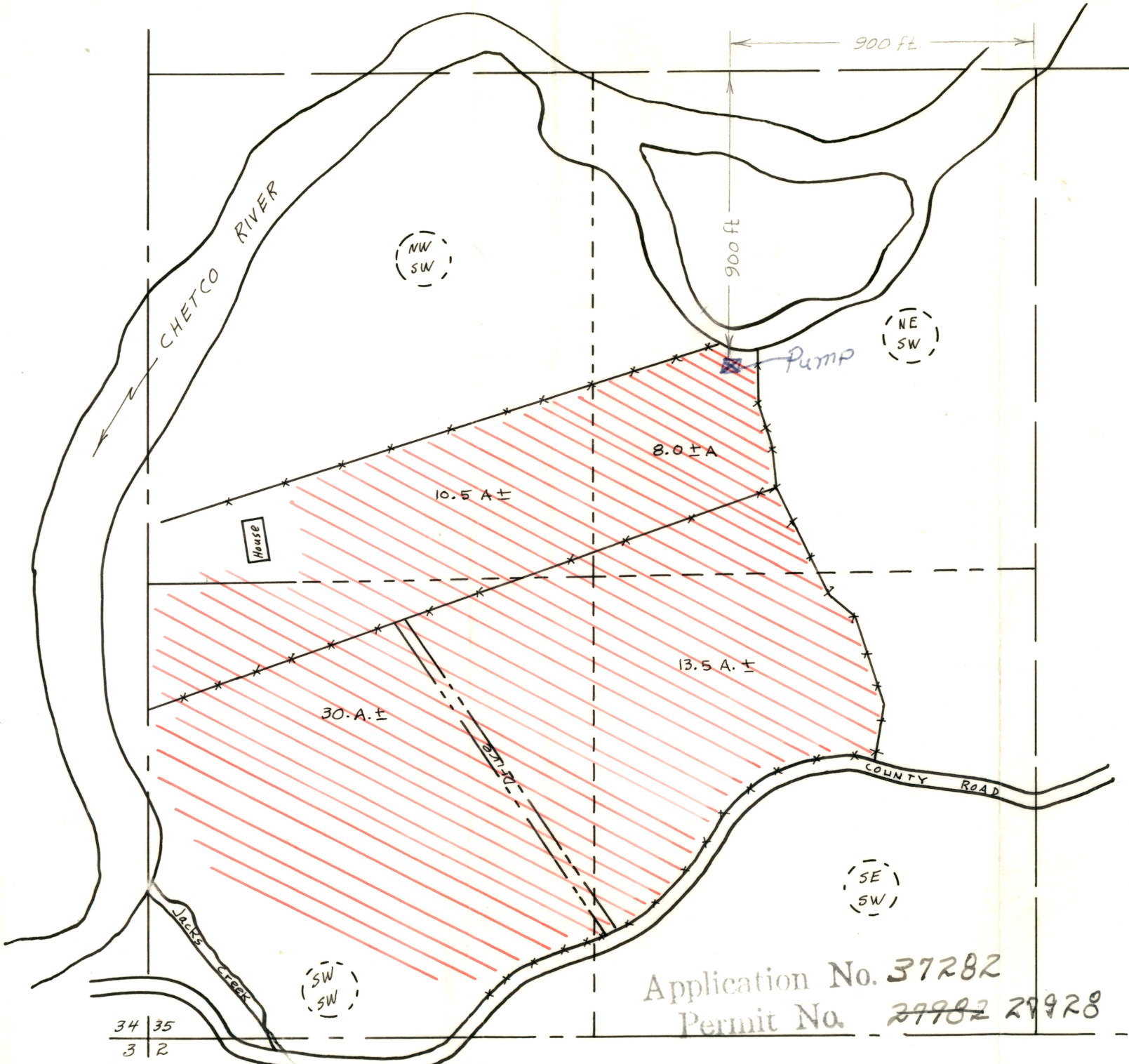
Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by multiplex methods
Aerial photographs taken 1952. Field check 1954
Hydrography compiled from USC&GS Chart 5896 (1951)
Polyconic projection. 1927 North American datum
10,000-foot grid based on Oregon coordinate system, south zone
Dashed land lines indicate approximate locations
Unchecked elevations are shown in brown
1000-meter Universal Transverse Mercator grid ticks,
zone 10, shown in blue



CONTOUR INTERVAL 80 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE AVERAGE RANGE OF TIDE IS APPROXIMATELY 5 FEET
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225. OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

For: City of Brookings

From: Paul Berg, CH2M HILL, Corvallis, 752-4271



RECEIVED
 APR 26 1962
 STATE ENGINEER
 SALEM, OREGON

RECEIVED
 FEB 26 1962
 STATE ENGINEER
 SALEM, OREGON

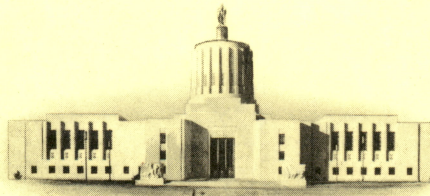
MAP SHOWING
 PORTION OF SW 1/4
 SEC. 35, T. 40S., R. 13W.
 W.M., CURRY CO., ORE
 Scale 1 in = 400 ft Feb. 1962

REGISTERED
 OREGON
 LAND SURVEYOR

H. J. Newhouse
 MAY 10, 1957
 H. J. NEWHOUSE
 402

Application No. 37282
 Permit No. 29982 29928

| | |
|----|----|
| 34 | 35 |
| 3 | 2 |



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

REFER TO FILE NO. 37282

November 3, 1967

Theodore L. Freeman
Box 1218
Brookings, Oregon 97415

Dear Sir:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No. 27928.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

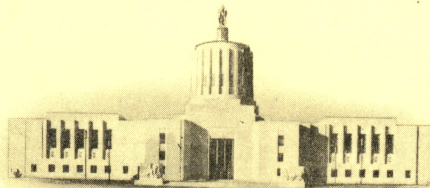
Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 117

Enclosure

pju



STATE OF OREGON

STATE ENGINEER
516 PUBLIC SERVICE BUILDING

SALEM 10

October 5, 1964

REFER TO FILE NO. 37282

Mr. Theodore L. Freeman
Box 1218
Brookings, Oregon

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. 27928.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 128

ek

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 10

REFER TO
FILE NO. 37282

July 8, 1963

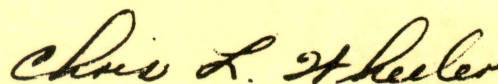
Theodore L. Freeman
Box 1218
Brookings, Oregon

Dear Sir:

This will acknowledge the notice of beginning of construction under the terms of permit No. 27928.

Our records show the time limit for completion of construction of the works and/or the purchase and installation of all the facilities required for the authorized beneficial use of water will expire on October 1, 1964.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 118

mks

37282

July 13, 1962

Theodore L. Freeman
Box 1218
Brockings, Oregon

37282, Permit No. 27928 with blueprint.

May 2, 1962

Mr. Theodore L. Freeman
Box 1218
Brookings, Oregon

Dear Mr. Freeman:

This will acknowledge receipt of your returning application number 37282, filed in the name of Theodore L. Freeman, tracing and fees in the sum of \$1.50 for which our receipt number 33592 is enclosed.

Your application has been re-examined and now appears to be in satisfactory form to be considered for approval by issuance of a permit with the next group.

Very truly yours,

MAX F. ROGERS
Acting State Engineer

By
Walter N. Perry, Assistant

gcj
Enclosure

March 5, 1962

Mr. Theadore L. Freeman
Box 1218
Brookings, Oregon

Dear Mr. Freeman:

This will acknowledge receipt of your returned application file number 37282, the accompanying tracing, legal description and recording fees in the sum of \$8.30 for which our receipt numbered 32848 is enclosed.

Your application has been re-examined and it is noted that the map and item 8 show a total of 62.0 acres to be irrigated rather than the 52.0 acres shown in total. If you intend to irrigate 62.0 acres, you may wish to amend item 2 to include the appropriation of a total of 0.78 cubic foot of water per second.

The irrigation of 62.0 acres will require additional recording fees in the sum of \$1.50. You have already submitted sufficient fees to cover the irrigation of 52.0 acres.

It is noted that the location of the point of diversion as shown in item 4 does not agree with the location of the pump shown on the map accompanying your application. Item 4 and the map must be in agreement. We are therefore returning your application and the accompanying map for completion and correction the application being endorsed so that in order to retain its date of priority it must be returned to this office on or before May 7, 1962.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:mgb
Enclosures

February 7, 1962

Mr. P. W. Schneider, Director
OREGON STATE GAME COMMISSION
1634 S.W. Alder Street
P. O. Box 4136
Portland 8, Oregon

Dear Mr. Schneider:

I have your letter of February 2 in regard to the quantity of water requested by application numbered 37282 in the name of Mr. Theodore L. Freeman. As Mr. Freeman was advised in our letter to him of January 9, 1962, the maximum amount of water which may be approved under this application for the irrigation of 52 acres is 0.65 cubic foot of water per second.

The subject application was returned to Mr. Freeman with our letter of January 9, being endorsed so in order to retain its date of priority, it must be completed and returned to this office on or before March 9, 1962.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By: James W. Carver, Jr.
Assistant

JWC:mgh

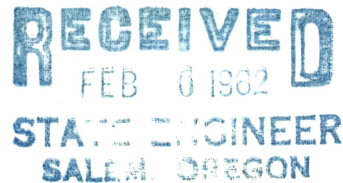
YACHER, CHAIRMAN
SHER
BOWLES, PORTLAND
TALLANT GREENOUGH, COQUILLE
JOSEPH W. SMITH, KLAMATH FALLS
MAX WILSON, JOSEPH



STATE OF OREGON
OREGON STATE GAME COMMISSION
1634 S. W. ALDER STREET
P. O. BOX 4136
PORTLAND 8, OREGON

February 2, 1962

Mr. Lewis A. Stanley
State Engineer
516 Public Service Building
Salem 10, Oregon



Dear Mr. Stanley:

Reference is made to the water appropriation permit application of Mr. Theodore L. Freeman, Box 1218, Brookings, Oregon, File #37282 which you referred to us on your list of January 5. Our field staff investigated this application and was advised by Mr. Freeman that he desires to use 400 cubic feet per minute (approximately 6.7 c.f.s.) rather than the 53 1/3 c.f.s. listed in the application abstract. Also, he advised us that the lesser volume is the maximum capacity his equipment will handle.

Since the North Fork of the Chetco River seldom flows as much as 53 c.f.s. a use permit in that amount could destroy that stream as well as have a serious effect on the main Chetco River for a distance downstream from the confluence of the North Fork. If, therefore, the application remains in the form indicated, we must protest the granting of this right. If, however, the application is amended to read approximately 400 cubic feet per minute (or equivalent), we would have no objections to the issuance of this water right.

Sincerely yours,

P. W. Schneider
P. W. Schneider
Director

cc: Fish Commission of Oregon

January 9, 1962

Mr. Theadore L. Freeman
Box 1218
Brookings Oregon

Dear Mr. Freeman:

This will acknowledge receipt of your application for a permit to appropriate 53 1/3 cubic feet of water per second from the North Fork of Chetco River for the irrigation of 52.0 acres, a print of a map and fees in the sum of \$10.00 for which our receipt numbered 32205 is enclosed.

Your application has been examined and filed under file number 37282. Before it may be considered for approval by issuance of a permit, it must be completed as follows:

- Item 2: The maximum amount of water which may be approved under this application for the irrigation of 52 acres is 0.65 cubic foot of water per second.
- Item 8: The number of acres to be irrigated within each quarter quarter section must be specified. The pencil notations were entered to assist you. All final entries on the application must be made in ink or with a typewriter.
- Map: The map required to accompany your application must be prepared in the form of a tracing which is reproducible by blue print process. The map should also show the tie from the government survey corner to the point of diversion and the number of acres to be irrigated within each quarter quarter section.

Legal Description: It is requested that you submit a legal description of the property upon which the water will be used. This should be copied

January 9, 1962

word for word from your deed, abstract,
title insurance policy or sales contract.

Fees: Additional recording fees in the sum of
\$8.30 will be required.

Your application and the submitted map are returned
for completion, the application being endorsed so that in order
to retain its date of priority it must be returned to this office
on or before March 9, 1962.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:mgb
Enclosures

NE 1/4 SW 1/4
Sec 35, 40 S, 13 W

January 2, 1903

-2-

Mr. Thomas J. Brown

Dear Sir: I have your letter of the 28th inst. regarding the purchase of the land in the NE 1/4 SW 1/4 Sec 35, 40 S, 13 W.

Additional recording fees in the sum of \$2.50 will be required.

Your application and the attached map are returned for completion. The application being approved we will be within the date of priority if you are returned to this office on or before March 2, 1903.

Very truly yours,

W. J. BROWN
State Engineer

W. J. BROWN, Assistant

W. J. BROWN
State Engineer

RECEIVED
FEB 26 1962

STATE ENGINEER
SALEM, OREGON

Description of property belonging to Theo. L. & Doris L. Freeman

Tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-five (35) in Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian, and in the Northwest Quarter (NW $\frac{1}{4}$) of Section Two (2), in Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon;

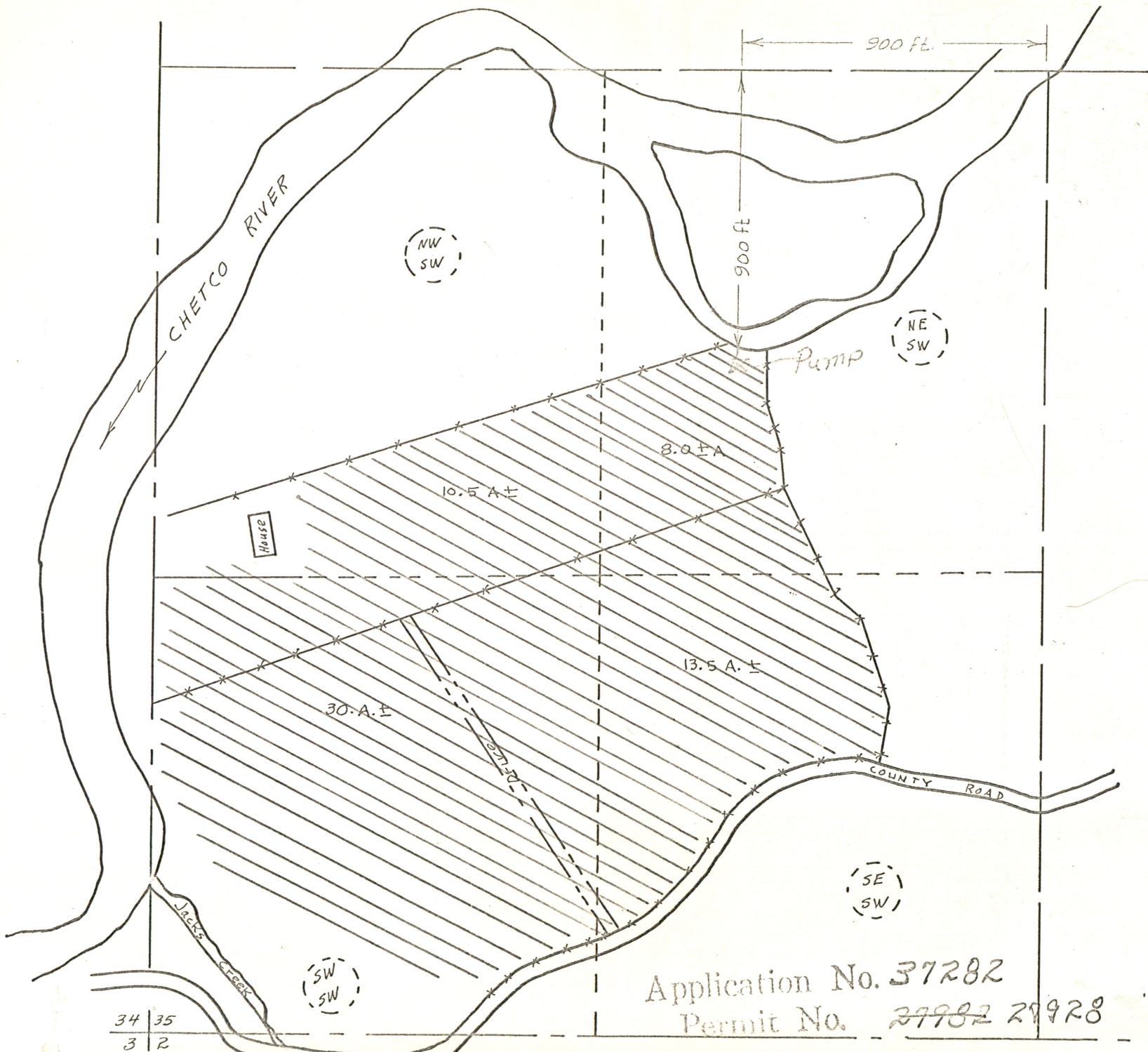
Beginning at an iron pipe driven on the North-South Quarter section line in Section Two (2), said pipe being 891.0 feet South from the Quarter section corner common to Sections Thirty-five (35) and Two (2), said pipe marking the meander line between hill land and bottom land in the Jacks Creek Valley, and being on the Easterly side of that certain private road known as the "Garcia Road";

Thence following the general line between bottom land and hill lands and which is defined by said private roadway, as follows: Thence North 65 degrees 19 minutes West 197.6 feet; Thence North 85 deg. 46 min. West 97.8 feet; Thence North 60 deg. 15 min. West 79.1 feet; Thence North 86 deg. 31 min. West 259.4 feet; Thence South 87 deg. 06 min. West 133.7 feet; Thence North 53 deg. 44 min. West 225.0 feet; Thence North 9 deg. 00 min. East 150.0 feet; Thence North 22 deg. 00 min. East 260.0 feet; Thence North 20 deg 00 min. East 240.0 feet; Thence North 26 deg 16 min. East 69.3 feet, more or less, to a point on the North line of Section 2, said point being West 660.0 feet from the Quarter section corner common to Sections Thirty-five (35) and Two (2); Thence continuing on the general line between bottom lands and hill lands as defined by said private roadway; Thence North 20 deg. 30 min. West 244.2 feet; Thence South 87 deg. 30 min. West 293.7 feet; Thence South 43 deg. 00 min. West 132.0 feet; Thence South 72 deg. 00 min. West 66.0 feet; Thence South 40 deg. 30 min. West 33.0 feet; Thence South 29 deg. 00 min. West 80.0 feet, more or less, to a point on the South boundary of section Thirty-five (35) said point being indicated in the field notes of the government survey of the section as being marked by a Myrtle tree.

Thence following said section line West to a point which is West 1778.9 feet from the Quarter section corner common to Sections Thirty-five (35) and Two (2); Thence North 46 deg. 30 min. East 65.1 feet; Thence North 32 deg. 06 min. East 214.3 feet; Thence North 42 deg. 37 min. East 215.9 feet; Thence North 77 deg. 16 min. East 300.0 feet; Thence North 71 deg. 17 min. East 135.0 feet; Thence North 50 deg. 22 min. East 175.0 feet; Thence North 25 deg. 10 min. East 200.0 feet; Thence North 67 deg. 00 min. East 201.0 feet; Thence South 74 deg. 24 min. East 178.6 feet, to a point which is North 817.93 feet and West 474.78 feet from the Quarter section corner common to Sections Thirty-five (35) and Two (2); Thence North 7 deg. 20 min. East 169.0 feet; Thence North 20 deg. 48 min. West 268.0 feet; Thence North 51 deg. 35. min. West 90.5 feet; Thence North 27 deg. 35 min. West 336.6 feet; Thence North 10 deg. 23 min. West 151.0 feet; Thence North 17 deg. 58 min. West 119.63 feet, to a 6 foot diameter fir tree; Thence North 12 deg. 30 min. East 240.0 feet; Thence North 214.5 feet to a point on the meander line between hill land and bottom land adjacent to the Chetco River; Thence following said meander line Northeasterly (North 61 deg. 49 min. East) 716.0 feet, more or less, to a point on the East-West Quarter section line ~~of~~ Section Thirty-five (35), said point being west 215.3 feet from the Quarter section corner at the center of Section Thirty-five (35); Thence following said Quarter section line West to a point which is East 561.0 feet from the Quarter section corner common to Sections Thirty-four (34) and Thirty-five (35); Thence South 14 deg. 00 min. West 1237.5 feet; Thence South 53 deg. 00 min. West 327.3 feet, more or less, to a point on the West boundary of Section Thirty-five (35); Thence

following said West boundary South 907.0 feet, more or less, to a point on the Ordinary high water line of the Left (South) Bank of the Chetco River; Thence following said ordinary high water line Easterly to the thread of the stream of Jacks Creek at its confluence with the Chet River; Thence following the thread of the stream of Jacks Creek, Southeasterly to a point on the Southerly right-of-way line of the Chetco River (South Bank) County Road, where said roadway crosses Jacks Creek; Thence following said county road line, Westerly to its point of intersection with the Easterly line of a private roadway which begins at said County Road and extending in a southeasterly direction follows the Westerly side of the Jacks Creek Valley, the easterly boundary of said private roadway being 20 feet Easterly from and parallel to the following described enter-line;

Beginning at a point on the Chetco River County Road near the West end of the Jacks Creek Bridge, said point being South 64.4 feet and East 392.4 feet from the Section corner common to Sections Thirty-four (34), Thirty-five (35), Two (2) and Three (3); Thence South 29 deg. 42 min. East 174.2 feet; Thence South 26 deg. 33 min. West 181.4 feet; Thence South 74 deg. 16 min. East 127.7 feet; Thence South 43 deg. 00 min. East 165.7 feet; Thence South 89 deg. 44 min. East 140.2 feet; Thence South 42 deg. 10 min. East 134.8 feet; Thence North 48 deg. 53 min. East 115.1 feet; Thence North 40 deg. 33 min. East 74.3 feet; Thence South 42 deg. 25 min. East 171.3 feet; Thence North 75 deg. 00 min. East 105.5 feet; Thence South 18 deg. 20 min. East 148.3 feet; Thence South 0 deg. 05 min. East 72.8 feet; Thence South 16 deg. 30 min. East 174.3 feet; Thence South 5 deg. 32 min. West 128.0 feet; Thence South 60 deg. 24 min. East 233.6 feet; Thence South 41 deg. 50 min. East 100.0 feet, more or less to a point on the South boundary of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Two (2), said point being West 1087.0 feet from the Southeast corner of the said Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$); Thence continuing on a line which is the meander line between the hill land and the bottom land South 80 deg. 07 min. East 219.1 feet; Thence South 62 deg. 00 min. East 330.0 feet; Thence South 72 deg. 00 min. East 145.2 feet; Thence South 27 deg. 00 min. East 739.2 feet; Thence South 54 deg. 12 min. East 132.0 feet, more or less, to a point on the North-South Quarter section line in Section Two (2), said point being South 2253.9 feet from the Quarter section corner common to Sections Thirty-five (35) and Two (2); Thence following said Quarter section line North 1362.9 feet, more or less, to the point of beginning.



RECEIVED
 APR 16 1962
 STATE ENGINEER
 SALEM, OREGON

RECEIVED
 FEB 26 1962
 STATE ENGINEER
 SALEM, OREGON

MAP SHOWING
 PORTION OF SW 1/4
 SEC. 35, T. 40S., R. 13W.
 W.M., CURRY CO., ORE
 Scale 1 in = 400 ft Feb. 1962

REGISTERED
 OREGON
 LAND SURVEYOR

H. J. Newhouse
 MAY 10, 1957
 H. J. NEWHOUSE
 402

Application No. 37282
 Permit No. ~~27982~~ 27928

34 | 35
 3 | 2