

Application No. 16249

Permit No. 12147

Certificate No. 11757

Stream Index, Page No. 2-32-A

FEEES PAID

Date	Amount	Receipt No.
2/13/36	5.00	19823
2/14/36	9.50	19826
Total		
1/7/37		21224
7/2/37	\$1 Cert. Fee	20324

FEEES REFUNDED

Date	Amount	Check No.

By J. A. Freeman & Son
 address 83 S. E. Belmont St.
Portland, Oregon
 Date filed February 13, 1936
 Priority February 13, 1936
 Suspension suspended until _____

Returned to applicant _____
 Date of approval May 24, 1936

CONSTRUCTION

Date for beginning 5-29-37
 Date for completion 10-1-38
 Extended to _____

Date for application of water 10-1-39
 Extended to _____

PROSECUTION OF WORK

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

FINAL PROOF

Blank mailed Jan. 7, 1937
 Proof received Feb. 4, 1937
 Certificate issued March 2, 1937

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

0.09 sq. ft. from 2 springs for domestic & irrigation 3 acres



STATE OF OREGON

INTEROFFICE MEMO

8235
8667
14802
16249

TO: The File

DATE: September 30, 1980

FROM: Clif King *CLK*

SUBJECT: Freeman Farms (Molalla River Misc.)
Permits 5340, 5740, 10767, 12147

On Sept. 29, 1980 I spoke with Mr. Wayne Lee, foreman of Freeman Farms. Mr. Lee told me that he has been with Freeman Farms for just over two years.

I asked Mr. Lee what the source of water is for irrigation. He said all the land is irrigated from the ditch that runs through the place in a North Easterly direction. This water is diverted from the unnamed stream (ditch) referred to on the map for application 8235 permit 5340 certificate 6668. The water is run down an open ditch and under the county road (Wiles Rd.) into a concrete catch basin. The water is pumped from there onto the land Northeast of the road. There is an old pond below the concrete catch basin. This pond is dry and appears to have been dry for a number of years. This irrigation includes land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, T4S R2E. There is no irrigated land, from this source in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ or SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 34 T4S R2E. It does not appear that there has ever been any irrigation in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ or SE $\frac{1}{4}$ SW $\frac{1}{4}$ on the Freeman place. See photo DFK 3D 159, DFK 3LL 59.

I asked Mr. Lee if any water was used from the unnamed stream which parallels the county road (Wiles Rd) and cuts across the Freeman place just East of the irrigated land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34 T4S R2E. He said no water is being used from that unnamed stream.

This is the unnamed stream shown on the map for application 14802 permit 10767 certificate 11713.

There is no way to get water from this stream into their irrigation system. There is in fact at least one farm road across what appears to be an old ditch that could have been used to bring water from this unnamed stream to the old pond below the existing catch basin.

I then asked Mr. Lee if there was any use of water from any of the springs referred to in application 8667 permit 5740 certificate 6676 and application 16249 permit 12147 certificate 11757. He said the springs were not being used. The domestic water and water for the barns comes from a well.

The irrigation system as it is now set up does not allow use of water from any source other than the unnamed stream shown on the map for application 8235 permit 5340 certificate 6668.



Contains Recycled Materials

51-125-1387

6P*75683-125

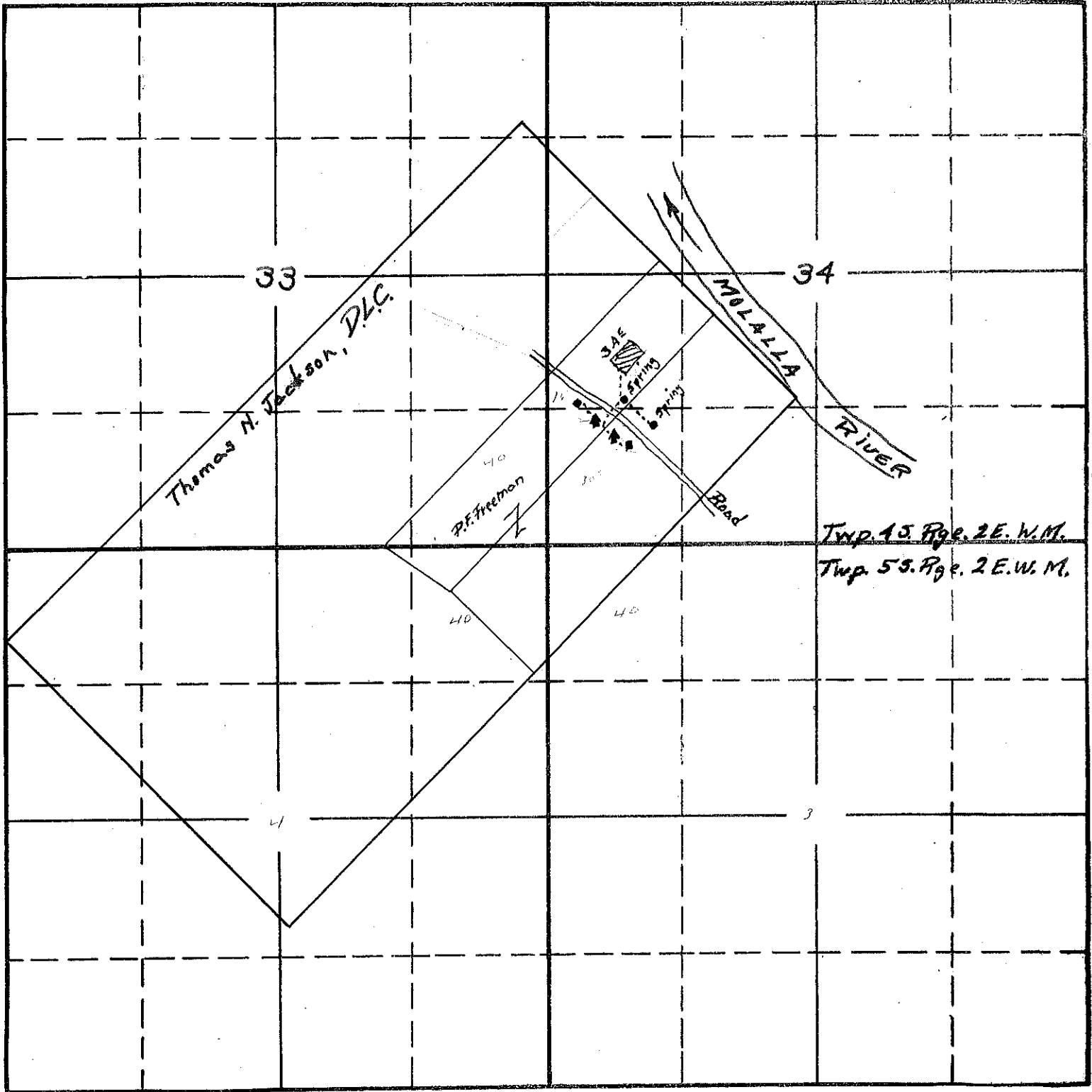
SECTION

395-6

33 24 30 84
11 3 2 1

TOWNSHIP 45, RANGE 2E, W. M.

North



Twp. 45. Rge. 2E. W.M.
Twp. 55. Rge. 2E. W.M.

South

Copied from applicant's
map - 5/8/36.

2-22A-16299-OK
APPLICATION No.
PERMIT No. 12147

PERMIT No. 12147

11757

APPLICATION No. 16249

COUNTY Clackamas

PROOF OF APPROPRIATION OF WATER

1. Name J. A. Freeman & Son 2. Address 83 S. E. Belmont St., Portland, Oregon
3. Source of supply Unnamed springs
- Tributary of Molalla River
4. Amount of water 0.09 c.f.s., being 0.045 5. Priority date February 13, 1936
- c.f.s. from each source.
6. Use Domestic and irrigation, being 0.04 c.f.s. for irrigation and 0.05 c.f.s. for domestic.
7. Location of point of diversion, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp. 4 S., Range 2 E., W. M. (Legal Subdivision)

8. 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:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	2 E.	34	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres & domestic	3.0
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	domestic use	
			<p>J. A. FREEMAN & SON RECEIVED JAN 21 1937 CLACKAMAS COUNTY, OREGON</p> <p style="font-size: 2em; font-weight: bold; transform: rotate(-15deg);">2 1/2 ac</p> <p style="font-size: 1.5em; font-weight: bold;">during season</p>		

This column must be filled in if water is used for irrigation

(Attach separate sheet if necessary)

CLACKAMAS COUNTY, OREGON

J. A. FREEMAN & SON

AGRICULTURAL IMPLEMENTS

NAILS WIRE, AND TWINE

PORTLAND, OREGON

February 3, 1937

State Engineer's Office State of Oregon
Salem, Oregon

FEB 4 1937
STATE ENGINEER'S OFFICE
SALEM, OREGON

Attention of Mr. V. S. Bovellev:

Dear Sir:

Enclosed are the two water right permits for our ranch at Molalla.

We have had the people on the ranch sign them and hope you will find everything correct and in order.

Mr. Percy Freeman, who has discussed these permits with you when in Salem, is in California and has asked us to send them to you with the request that you have them recorded in Oregon City at your convenience.

Thanking you for your attention to the above, we remain.

Very truly yours

J. A. FREEMAN & SON

By 
John A. Freeman

JMF:HC

had OK for cut

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14802
16249

Mr. J. A. Freeman and Son,
83 S. E. Belmont St.,
Portland, Oregon.

Gentlemen:

This acknowledges receipt of your letter of February 3,
together with your final proofs of appropriation of water under
Permits Nos. 12147 and 10767.

The final proofs appear to be in satisfactory form and
the matter of final confirmation of your right by the issuance of
water right certificates will soon be given consideration. When
the certificates are issued, they will be mailed to your county clerk
for recording and then delivered by him to you.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

BB

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

- See cert 6576
- Confusion on water right added other 3 acres of irrigation? from springs

This Is to Certify, That J. A. FREEMAN & SON of 83 S. E. Belmont St., Portland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed springs a tributary of Molalla River for the purpose of Domestic and irrigation, being 0.04 c.f.s. for irrigation and 0.05 c.f.s. for domestic under Permit No. 12147 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 13, 1936;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.09 cubic foot per second measured at the point of diversion, being 0.045 cubic foot per second from each source,

The point of diversion is located in the NW 1/4 SW 1/4 and SW 1/4 SW 1/4, Section 34, Township 4 South, Range 2 East, W. M. or its equivalent in case of rotation.

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, 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 hereby confirmed, and to which such right is appurtenant, is as follows:

3 acres in the NW 1/4 SW 1/4, Section 34, Township 4 South, Range 2 East, W. M.
PLACE OF USE FOR DOMESTIC:
NW 1/4 SW 1/4 and SW 1/4 SW 1/4, Section 34, Township 4 South, Range 2 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed this 2nd day of March, 1937.

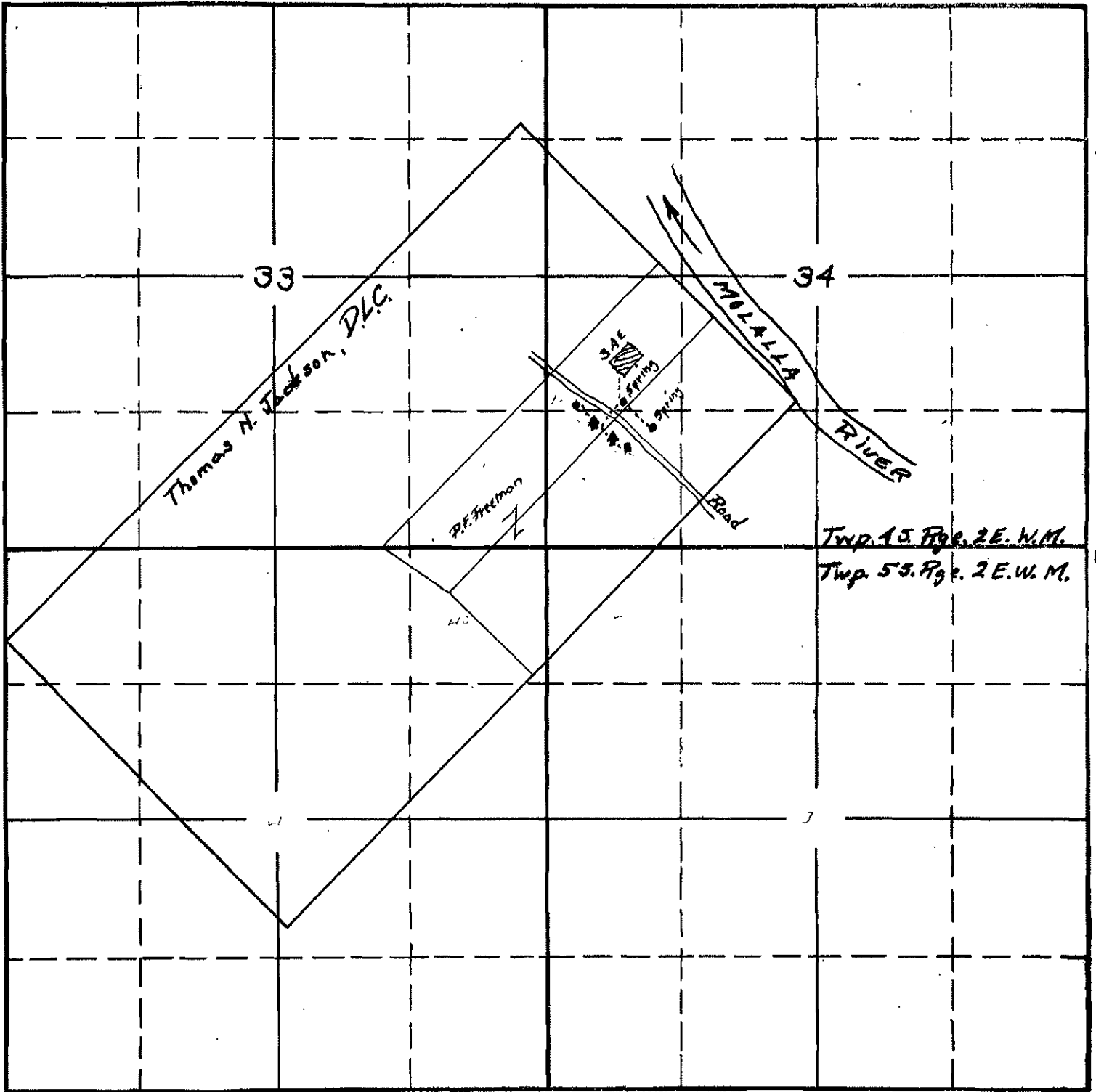
CHAS. E. STRICKLIN
State Engineer

SECTION

395-6

TOWNSHIP 45, RANGE 2E, W. M.

North



Twp. 15. Rge. 2E. W.M.
Twp. 5S. Rge. 2E. W.M.

South

Copied from applicant's
map - 5/8/36 -

2-22A-16299-OK
APPLICATION No.
PERMIT No. 12147

16249

May 29, 1936

J. A. Freeman & Son
85 S.E. Belmont Street
Portland, Oregon

Gentlemen:

Herewith you will find Application No. 16249, Permit No. 12147, together with blue print.

This application has been approved and recorded in this office.

May 8, 1956.

Mr. Percy F. Freeman,
65 S. E. Belmont St.,
Portland, Oregon.

Dear Sir:

This acknowledges receipt of your letter of May 6th with which you enclosed a blue print showing the location of the springs and place of use covered by your Application No. 16249. This information has been added to the sketch on file in this office, and the blue print is being returned herewith.

The application is now in satisfactory form, and is being placed in line for approval and issuance of a permit.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovella, Assistant.

LN
encl.

J. A. FREEMAN & SON

AGRICULTURAL IMPLEMENTS

NAILS, WIRE AND TWINE

PORTLAND, OREGON

May 6, 1936

State Engineer's Office
Salem, OregonRECEIVED
MAY 7 1936Attention: Mr. C. S. Bovelle

Gentlemen:

We again refer to your letter of April 28 to which you attach a sketch which you say is from the information given in our letter of April 27 with reference to our permit #16249.

The writer answered your letter of the 28th on the 29th, and as he advised you, he went to the ranch Sunday and tried to get a check-up on the figures. In the meantime, he has located, among our "souvenirs", a map we have showing the Molalla Irrigation System and showing the location of our farm. Our ranch is that part of the Jackson Donation Land Claim shown on the map as C. L. Mays and David Beagli. We have located the road which runs through the ranch from Liberal to the Steel Bridge, and we have also indicated on the map the location of the two springs and the location of the three acres on which we wish to use the water. The two houses on the ranch, where the water is used for domestic purposes, are also indicated.

We are sending this map to you and are enclosing a stamped envelope for its return to us. We hope, with the map we are sending, this permit can be arranged correctly in your office. We are very sorry there was so much delay on our part in getting the information to you, but the writer did not locate the map until he was looking over the papers last night trying to get some definite information for you.

If there is anything further we can do to be of service, drop us a line and the writer will give its reply his best and most prompt attention.

Yours truly,

J. A. FREEMAN & SON

By 

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J. A. FREEMAN & SON

AGRICULTURAL IMPLEMENTS

NAILS, WIRE AND TWINE
PORTLAND, OREGON

April 29, 1936

RECEIVED
MAY 1 - 1936
STATE ENGINEER
SALEM, OREGONState Engineer's Office
Salem, OregonAttention: V. S. Bovelle

Gentlemen:

We thank you very kindly for your letter of April 28 in regard to our permit #16249 at the Molalla ranch.

The writer will check on the maps you attach Sunday when he is at the ranch and will let you hear from him promptly the first of the week.

Thanking you very kindly for the attention you have given this matter, we remain

Yours truly,

J. A. FREEMAN & SON

By _____

PFF:LB

*File**Pacific Coast Distributors*Fahr Mowers - Busatis Mfg. Co. and Stockey & Schmitz Agricultural Spare Parts and Supplies
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April 26, 1936.

Mr. Percy F. Freeman,
83 S. E. Belmont St.,
Portland, Oregon.

Dear Sir:

A sketch has been prepared in this office from the information given in your letter of April 27, and is being enclosed for your examination and some additional information.

Any corrections which may be necessary should be made, and you should add the location of the three acres which are to be irrigated as well as indicating the location of the place of use for domestic purposes.

As soon as the map is returned with the above information, the application can be completed and placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

VSB:LN
encl.

J. A. FREEMAN & SON**AGRICULTURAL IMPLEMENTS**

NAILS, WIRE AND TWINE

PORTLAND, OREGON

April 27, 1936

State Engineer's office
Salem, Oregon

Attention: Mr. V. S. Bovelle

Gentlemen:

Re: File #16249

The writer again refers to your letter of April 13 regarding the above-numbered application which is for permit to appropriate 0.11 second-foot water from an unnamed spring for domestic and irrigation purposes on our ranch at Molalla.

As the writer wrote you on the 14th, he would check the matter the first time he was at the ranch. Yesterday, he was out there and stepped off the distances from the north line and the east line of the ranch. We are giving you as follows the description of the ranch, and with the information, we presume you can locate the springs on the permit as per the conversation the writer had with you when he was in your office in Salem on February 13:

"That portion of the Thomas P. Jackson and Wife Donation Land Claims numbered forty-five (45) and forty-six (46) lying within Sections thirty-three (33) and thirty-four (34) in Township Four (4) South of Range two (2) East and Sections three (3) and four (4) in Township five (5) South of Range two (2) East of the Willamette Meridian, and more particularly described as follows, to wit;

Beginning at a point in the easterly line of said Claims numbered forty-five (45) and forty-six (46), 18.145 chains north 45 degrees and 30 minutes west of the southeast corner thereof; thence south 44 degrees and 30 minutes west 56.92 chains to the north-easterly line of a tract of land conveyed by James Russell and Wife to Gilbert W. Fish by deed dated February 6th., 1864, and recorded on page 337 in Book 59 of the deed records of Clackamas County, Ore.; thence North 45 degrees west 1.465 chains to the northwesterly corner of said Gilbert W. Fish tract;

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4/27/36

thence north 47 degrees and 7 minutes west 9.84 chains to the northwesterly corner of a tract of land conveyed by Lucinda Simmons and Husband to James Mallatt by deed dated November 14th, 1906 and recorded on page 262 in Book 97 of the deed records of Clackamas County, Oregon, the said northwesterly corner of the said Mallatt tract being in the division line between said claims numbered 45 and 46;---"

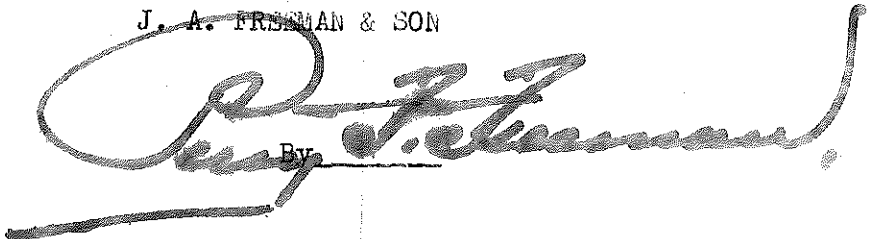
For your information, the writer stepped off the distance from the north line of the ranch to the springs and this distance is approximately 1100 ft. The writer also stepped off the distance from the east line of the ranch to the springs and it is about 2600 ft. We think, with this measurement, possibly you can locate the springs in the right position on the map which you said was necessary to file with the permit. These springs are in a line from the north side of the ranch and are about 250 ft. apart.

We hope, with the information the writer has given above, you will be able to take care of your requirements. If it does not, however, he will be glad to give the matter further attention.

We regret exceedingly that we seemed a little slow, but the writer has been out on the territory on business nearly all the time since he saw you in Salem on February 13. Assuring you that we shall be glad to give your further correspondence our best attention, and hoping the above will be found correct and in order, we remain

Yours truly,

J. A. FREEMAN & SON

A large, stylized handwritten signature in dark ink, appearing to read 'J. A. Freeman', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

PFF:LB

J. A. FREEMAN & SON

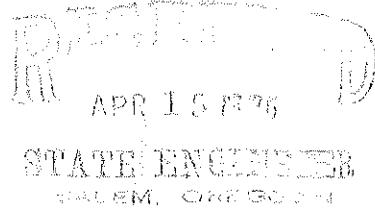
AGRICULTURAL IMPLEMENTS

NAILS, WIRE AND TWINE

PORTLAND, OREGON

April 14, 1936

V. S. Bovellev, Assistant State Engineer
Water Resources Department
Salem, Oregon



Dear Sir:

We refer to your No. 16249 under date of April 13 and the writer begs your pardon for not giving you the information on the sheet you gave him when in your office in Salem.

The writer has been east of the mountains and on the territory most of the time since the first of the year is the reason this matter has not had his attention. We will try and get you some definite information on this sometime within the next week or ten days.

We thank you for calling this matter to our attention and regret it was necessary. Assuring you we will give your correspondence our best attention at all times, we remain.

Very truly yours

J. A. FREEMAN & SON

PFF:HC

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April 13, 1936.

J. A. Freeman and Son,
83 S. E. Belmont St.,
Portland, Oregon.

Gentlemen:

Your Application No. 16249, which is for permit to appropriate 0.11 second-foot of water from an unnamed spring for domestic and irrigation purposes has been called to my attention, and I note that you have not yet submitted the information necessary to complete it.

Action has been suspended under this application since February 13th, and it will therefore be appreciated if you will advise me of your plans regarding it at your early convenience.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN

J. A. FREEMAN & SON

AGRICULTURAL IMPLEMENTS

NAILS, WIRE AND TWINE

PORTLAND, OREGON

February 4th, 1936.

RECEIVED
FEB 13 1936

State Engineer,
Salem, Oregon.

STATE ENGINEER

Dear Sir:

We wish to make application for a permit to appropriate water from a small spring on our farm near Molalla, Oregon for domestic use and garden irrigating pumping the water into an elevated tank.

We have two houses and two sets of buildings on our farm which is really two places that we have bought joined together in one farm.

We have certificate of water right permit #5740 covering spring on the first place that we bought. This is recorded Volume 7 page 6676.

The spring that we wish to get a permit for as above is about 400 feet west of the spring mentioned in permit #5740 and is located on the second farm that we bought and has been the water supply for the building on this last mentioned farm.

The amount of water which we wish to use and apply for is about the same as in permit #5740 which is 0.11 and as stated above we want it for domestic and irrigation purposes.

Enclosed you will find our check for \$5.00 on account and we ask that you give the above the necessary attention for us sending us the necessary papers for signature.

If the amount that we have remitted is not correct please advise and we will give the matter our best attention.

Hoping that we will hear from you at an early date, we remain,

Very truly yours,

J. A. Freeman & Son.

PFF/M.

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Mr. Burrel E. Cole - 2.

February 20, 1936.

Township 4 South, Range 2 East, W. M. for domestic use and the irrigation of 3 acres. This application was filed February 13, 1936, but has not yet been completed and a permit has therefore not been issued.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN

February 20, 1936.

Mr. Burrel E. Cole,
Molalla, Oregon.

Dear Sir:

This is in reply to your letter of February 16th asking if your neighbor has the right to divert water from its natural course and thus prevent it from flowing onto your property.

It is my opinion that anyone may alter the course of a stream on his own property, provided that such action does not in any way injure the rights of any other party. If you have a legal right to the use of water from the above stream, which is prior in time to the rights of your neighbor, and such right is being injured by your neighbor's diversion of the water, your only method of protection would be by bringing a suit in the circuit court to enjoin your neighbor from diverting the water to the injury of your rights.

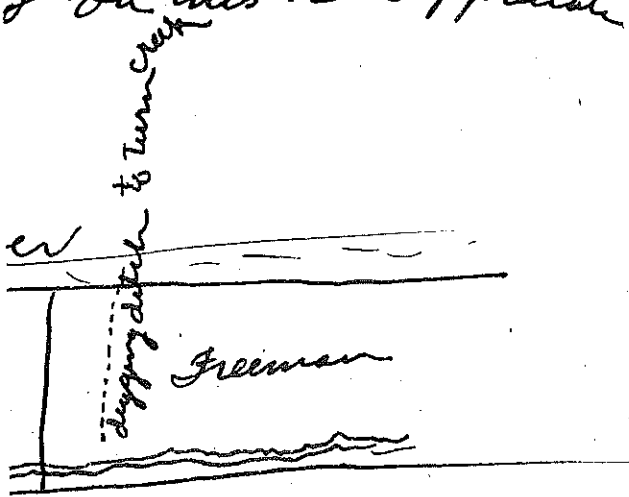
According to our records J. A. Freeman and Son are the holders of Certificate No. 6676, which confirms a right to the use of 0.11 second-foot of water from a spring for domestic use and the irrigation of 3 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 4 South, Range 2 East, W. M., with a priority of September 30, 1922,

Certificate No. 6688, which confirms a right to the use of 1.0 second-foot of water from an unnamed stream for the irrigation of 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34 and the development of 2.5 theoretical horsepower, with a priority of January 6, 1922,

Permit No. 10767, which grants a right to the use of 3.75 second-feet of water from an unnamed stream for power development and the irrigation of 10 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34, and

Application No. 16249 for permit to appropriate 0.11 second-foot of water from an unnamed spring in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34,

J. A. Freeman & son
water right that
our seepage or springs
will write me and
what information
& on this. I appreciate



so truly
and to Cole
Molalla
Oregon

RECEIVED
FEB 20 1936
MOLALLA, OREGON

Molalla Oregon
2-16-36

State Engineer

Dear Sir:

I'm writing you
in regard to water rights

There is a creek running
through my place and it
heads on my neighbor just
above me.

and now he is turning it
off its main course and
turning it in the river.
I wanted to use this water
for irrigation
Can he turn it out of its
natural course?

STATE ENGINEER'S RECEIPT AND STATEMENT
STATE OF OREGON

No 21224

I. A. FREEMAN & SON
RECEIVED
JAN 18 1937

RECEIVED FROM J. A. Freeman & Son
Postoffice address Portland, Oregon

Oregon, January 7, 1937
(currency)

The sum of -- Two and 00/100 ----- Dollars (\$ 2.00)

REC'D.
PORTLAND, OREGON

FUND	ON WHAT ACCOUNT	AMOUNT
RECORDING	Fee for recording water right certificate under Permit No. 12147 and No. 10767	1.00 1.00

Examination \$	Application No.	Proof fees \$
Recording \$	Contract . No.	Payment on lien \$
Power fees \$	Claim . . No.	Interest \$
Penalty \$	Permit . No. see above	Maintenance \$
Blueprints \$	Project . No.	Copying \$
Adjudication fees \$		Certificates \$
Recording certificates \$ 2.00		Miscellaneous records \$
Other fees note here with full statement.		Filing fees \$
		Recording, etc. \$
		H. P. fees \$
		Miscellaneous fees \$
		License fees \$

NOTE—State Engineer is also a member of and secretary of the Hydroelectric Commission of Oregon and secretary of the State Reclamation Commission.

Received payment.

Chas. E. Sticklin
State Engineer