

Application No. 2341  
Permit No. R 223  
Certificate No. 3890

Name Mountain Sheep Ditch Co.

By .....

Address Joseph, Ore.

Date filed .....

Action suspended until .....

Returned to applicant .....

Date completed .....

Date of approval .....

Stream Index, Page No. S-26

Application Record, Book No. ....

See Dam file K-28

**FEEES PAID**

Date	Amount	Receipt No.
.....	.....	.....
.....	.....	.....
.....	.....	.....
Total	.....	.....

**FEEES REFUNDED**

Date	Amount	Check No.
.....	.....	.....

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

**REMARKS**

315 cu. ft.  
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**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. ....



Application 2341.

#2350

December 7, 1912.

Mr. A. W. Schaupp,

Joseph, Oregon.

Dear Sir:

I am in receipt of yours of the 2nd inst., transmitting corrected application No. 2341 by the Mountain Sheep Ditch Co., also blue print and tracing. Before this application is approved, it will be necessary to furnish a secondary application for permit to apply the stored water to a beneficial use. The land to be irrigated by this stored water must be definitely described in the secondary application and maps furnished showing its location. If it is intended to use this water to supplement the supply for lands already irrigated, the secondary application should state this fact and a fee of \$8.00 will be required, otherwise the fee will depend upon the acreage to be irrigated.

Very respectfully,

John H. Lewis,

State Engineer.

PAC-W

Encl.



# 2350

June 17, 1912.

Mr. A. W. Schaupp,

Joseph, Oregon.

Dear Sir,-

I am in receipt of your letter of the 14th inst., relative to the approval of Reservoir application No. 2341 by Mountain Sheep Ditch Company. I find upon examining the records of this office that no maps have, as yet, been filed with this application, which are required before the same can be approved.

It is not the general practise of this office to approve a reservoir application until after a secondary application, to apply the stored water to a beneficial use, has been filed. Such action has been deemed necessary on account of the decree in the case of Cookingham vs Lewis, with which you are probably familiar.

You will understand that the law permits of the beginning of actual construction work prior to the issuance of a permit and it is therefore unnecessary to await the granting of a permit by this office before beginning construction work, providing, of course, there is no protest likely to be filed against such application.

I would suggest that the reservoir maps be filed and also the secondary application and maps be prepared at as early a date as possible.

Very respectfully,

Jercy A. Cupper.  
Acting State Engineer.

PAC/H

Mountain Sheep

Dam & Reservoir

Wallowa

County

Inv. #38 00038 K-28

Owned by Mountain Sheep Ditch Co., c/o L. Knapper, Pres., Joseph, Ore.  
Canal

Source of supply Diversion from Mt. Sheep / Tributary of

Purpose Irrigation

Dam: Location: Section 8, Twp. 3 S., Range 46 E. W.M.

Type Earth fill

Constructed Prior to 1921

Height 22' Crest Length 594'

Reservoir: Location: Sec. 8, Twp. 3 S., Range 46 E. W.M.

Capacity 315<sup>✓</sup> Ac.Ft., Area at spillway Elev. 35 acres

Drainage Area Sq. Miles,

Constructed under: App. # 2341, Permit # R 223 Cert. # 3890

References: File Number

Small app. map showing location of dam and reservoir  
and profile and section of dam. App. folder #2341

Locally know as Kinney Lake K-28

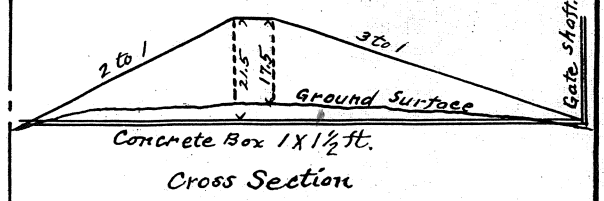
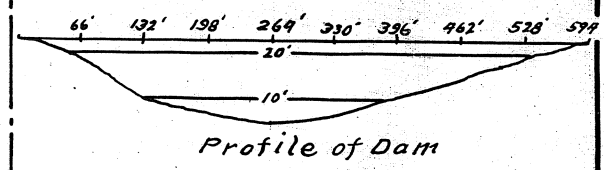
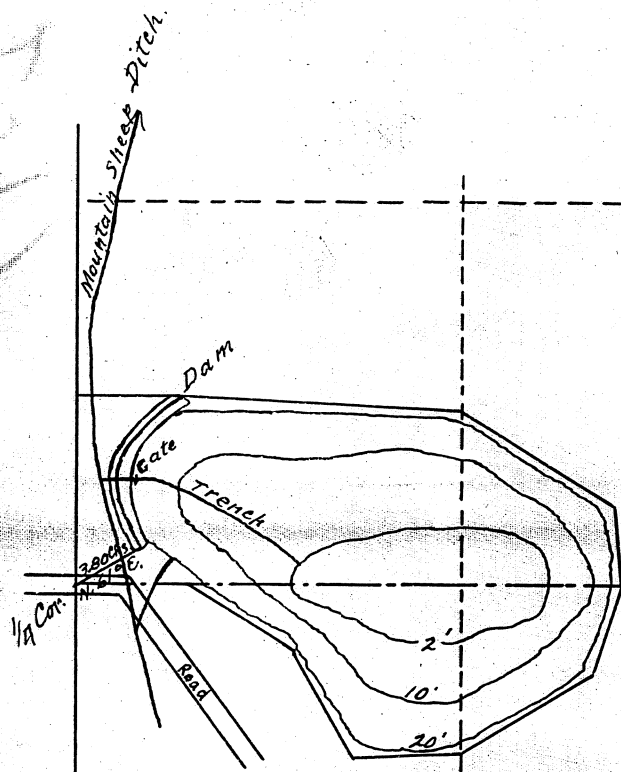


I, D. L. Reavis of Enterprise, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me March 20 to 25-1912., and that it correctly represents the works described in the accompanying application.

*D. L. Reavis*  
Surveyor.

OFFICE OF STATE ENGINEER  
DEPARTMENT OF AGRICULTURE  
DEC 7 1912

Application No. 2344  
Reservoir Permit No. 222



S. 7 8  
S. 18 17 T. 3. S., R. 46 E., W. M. scale 10 Chs. to the Inch. 1/4 Cor.

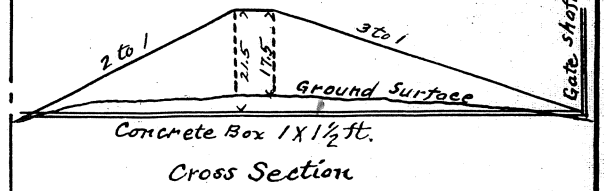
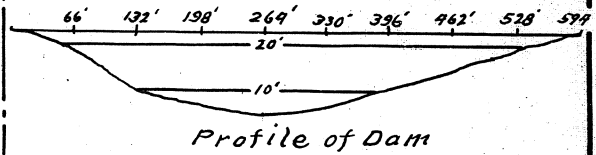
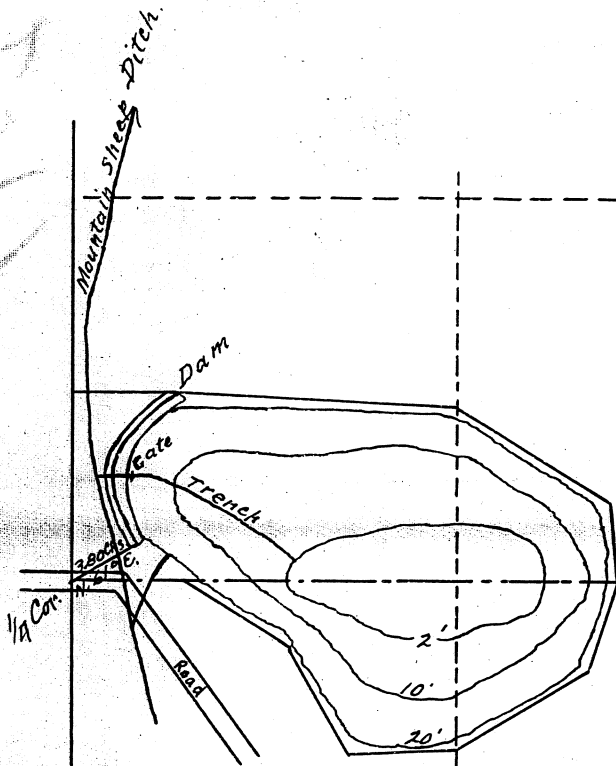


I, D. L. Reavis of Enterprise, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me March 20 to 25-1912., and that it correctly represents the works described in the accompanying application.

*D. L. Reavis*  
Surveyor.

OFFICE OF STATE ENGINEER  
DEPARTMENT OF AGRICULTURE  
DEC 7 1912

Application No. 2344  
Reservoir Permit No. 222



S. 7 8  
S. 18 17 T. 3 S., R. 46 E., W. M. 1/4 Cor.  
Scale 10 Chs. to the inch.



Application No. 2341.

#235a

June 6, 1912.

Mr. A. W. Schaupp,

Joseph, Oregon.

Dear Sir,-

Enclosed please find my official receipt for \$8.00 which amount was transmitted by your letter of the 4th inst. to cover fees, as provided by law, for filing reservoir application No. 2341 by the Mountain Sheep Ditch Company.

This application will be taken up as soon as the same can be reached and you will be further advised.

Very respectfully,

Percy A. Cupper.

Acting State Engineer.

PAC/H

Encl.



A. W. SCHAUPP

ATTORNEY AT LAW  
JOSEPH, OREGON

December, 2nd, 1912

Mr. John H. Lewis

State Engineer,

#2341

2341  
OFFICE OF STATE ENGINEER  
RECEIVED  
DEC 7 1912  
SALMON OREGON

Dear Sir:-

I am handing you herewith an application with maps of a dam to be constructed in a certain reservoir in Wallowa County, Oregon. The application for a permit to build this dam was made last spring, application No. 2341 and a fee of \$8.00 was paid for which I hold a receipt but there was no accompanying map and the permit was not granted for want of the map. We are now ready to begin work on the dam and am sending a new application with maps as aforesaid. Awaiting an early reply regarding this matter I am,

Very truly yours,

A. W. Schahupp.



2341

A. W. SCHAUPP

ATTORNEY AT LAW

JOSEPH, OREGON

Mr. John H. Lewis,

Salem, Oregon.

June 4th, 1912.

#235

2341

Dear Sir:-

I am handing you herewith a check for \$8.00, as a filing fee on the application of the Mountain Sheep Ditch, Co., for a permit to construct a reservoir on Big and Little sheep creeks.

Very respectfully,

*AWSchaupp*



Application No. 2341.

235<sup>a</sup>

March 10, 1913.

Mr. A.W. Schaupp,  
Joseph, Oregon.

Dear Sir,-

I am enclosing Application 2341, by the Mountain Sheep Ditch Co.,  
being Reservoir Permit No. 223, which has been approved and recorded in this  
office. I am also enclosing one blue print map.



Application No 2341.

# 2350

May 29th. 1912.

Mr. A. W. Schaupp,

Joseph, Oregon.

Dear Sir,-

I am in receipt of yours of the 28th inst. transmitting an application for a permit to construct a reservoir on Big and Little Sheep Creeks. The fee, for examining, filing and recording this application amounts to \$6.00.

It is necessary to file a secondary application for a permit to apply the stored water to a beneficial use. A blank for this purpose is enclosed. You should definitely describe the land to be irrigated in each forty acre tract. The fees on this application will depend upon the number of acres to be irrigated and may be computed from the enclosed copy of instructions.

Very respectfully,

John H. Lewis.

State Engineer.

PAC/H

Encl.

NOTICE OF COMPLETION OF CONSTRUCTION

Mar. 10 - 14  
June, 1 - 15

Permit No. 223  
Application No. 2341

*Mountain Sheep Ditch Co.*, holder of Application No. *2341*, being  
*Reservoir* Permit No. *223*, issued by the State Engineer of the State of  
Oregon for the appropriation of *380 acre* ~~second~~ feet of the waters of *Mountain Sheep Ditch*  
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engi-  
neer, have completed the construction of the works described therein for the application of water to  
a beneficial use on the *31* day of *May*, 19*13*, being within the time limitation as  
fixed in said permit 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 *26* day of *June*, 19*13*.

*Joseph, Oregon* *S. P. Hall* *Mountain Sheep Ditch Co.*  
(Present Address) by *S. P. Williams - Secy.*  
(Signature of Applicant)

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

RECEIVED  
OFFICE STATE WATER  
SAL. JUN 3 1913  
OREGON



A. W. SCHAUPP

ATTORNEY AT LAW  
JOSEPH, OREGON

May 28th, 1912.

Mr. John H. Lewis

Salem, Oregon.

# 2350

2341

OFFICE OF STATE ENGINEER  
RECEIVED  
MAY 29 1912  
SALEM, OREGON

Dear Sir:-

I am handing you herewith an application for a reservoir permit for the Mountain Sheep Ditch Co., and am not certain as to the amount of the filing fee advise me immediately and the amount will be sent forthwith, also the plat of the dam.

Very respectfully,

*A. W. Schauff*

NOTICE OF BEGINNING OF CONSTRUCTION

I, Mountain Sheep Ditch Co., the holder of Application No. 2341, being  
Reservoir, Permit No. 223, issued by the State Engineer of the State of  
Oregon for the appropriation of 380 <sup>acre</sup> second feet of the waters of The Mountain Sheep Ditch  
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engi-  
neer, began the actual construction of the works described thereon by the application of water to a  
beneficial use on the 1st day of April, 1913, being within the time limitation as fixed  
in said permit for the beginning of construction work.

Said work was begun by placing a concrete outlet in bottom of dam  
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 statement, and any additional information which may tend to show the  
work is nearly completed at this time and will be completed by the  
beginning of work in good faith.  
15th day of May, 1913

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of April, 1913.

Joseph, Oregon

(Present Address)

Mountain Sheep Ditch Co.,

(Signature of Applicant.)

by

*S. P. Williams*

secretary.

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon.

Permit No. 223

Application No. 2341

Application #2341  
3-10-14  
6-1-15

Office of Board of Control  
Salem, Oregon  
APR 28 1913



A. W. SCHAUPP

ATTORNEY AT LAW  
JOSEPH, OREGON

2341

# 2350

Joseph, Oreg., June 14, 1912.

OFFICE OF STATE ENGINEER  
RECEIVED  
JUN 17 1912  
SALEM, OREGON

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

Dear Sir:

I am in receipt of your application blank for a secondary permit for using water out of the Mountain Sheep Reservoir but will not hand the same in at the present time for the reason that it is impossible to irrigate from the reservoir during the coming season. I will also ask that the permit for the dam in the above reservoir site be granted as soon as possible for it is greatly hindering the work at the present time.

Very truly yours,

*A. W. Schupp*

AWS/MR







8. During what months is water beneficially used? .....
9. State the character of the soil and kind of crops raised .....
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? .....
11. If not, state wherein such map is in error .....
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
 

The dam as constructed is fourteen feet high, six feet wide on top and has slopes of about  $1\frac{1}{2}$  to 1 as shown in pencil on the accompanying blue print.
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 Wallowa } ss.

I, W. Schaeff, 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 6 day of July, 1922.

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 1922.

(Notarial Seal)

Lewis A. Stanley  
 Notary Public for Oregon.

My commission expires Jan 29, 1926.



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  
appropriation, 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 \_\_\_\_\_, 191\_\_\_\_\_.

(Notarial Seal)

Notary Public for Oregon.

My commission expires \_\_\_\_\_

To the State Water Board: \_\_\_\_\_

On July 6, 1922, I made an inspection of  
the reservoir described herein and in Reservoir Permit No. 223 and  
found conditions as described in this proof and on the accompanying  
blue print. It is evident that the factor of safety of the dam is  
too small but the fact that it has stood fifteen years and that its  
location is such that a break would cause comparatively small damage  
would be considered by me as evidence in favor of its approval by the  
State Water Board. However, I would respectfully recommend that  
the Wallowa Valley Improvement District No. 1 be required to increase  
the width at base of the present dam to the proportions designated in  
the permit before the issuance of a water right certificate to cover  
this storage.

Very respectfully,

*Lewis A. Stanley*  
Water Master Dist. No. 4



PROOF OF APPROPRIATION

Permit No. R 223

1.00 fee paid

*Revised 5/27/22*

OFFICE OF STATE WATER BOARD  
RECEIVED

JUL 10 1922

SALEM, OREGON.

Approved: May 29, 1912

VERIDVALL OF AITNESSES



A. W. SCHAUPP

ATTORNEY AT LAW

JOSEPH, OREGON

PERMIT NO. 223.

=====

STATE ENGINEER  
RECEIVED

AUG 31 1922

SALM. V. OREGON

August 31st, 1922.

Mr. Percy A. Capper,  
State Engineer,  
Mr. A. W. Schaupp, Jr.,  
Joseph,  
Oregon.

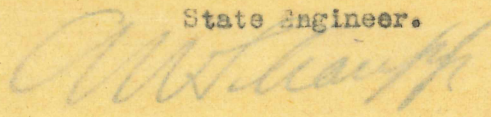
Dear Sir:  
Dear Sir:-

I am handing you herewith check for  
Enclosed please find my official receipt  
No. 9495 for \$1.00, which amount was transmitted  
with your letter of August 29th as fee for re-  
cording assignment of Application No. 2341, Res-  
ervoir Permit No. 223 in the Miscellaneous Records  
of this office. This has accordingly been done  
and the instrument is returned to you.

Very respectfully,

Percy A. Capper,

State Engineer.



LA



**A. W. SCHAUPP**

**ATTORNEY-AT-LAW**

**JOSEPH, OREGON**

August 29th,  
1922

STATE ENGINEER  
RECEIVED

AUG 31 1922

SALEM, OREGON

Mr. Percy A. Cupper,  
State Engineer,  
Salem, Oregon.

Dear Sir:

I am handing you herewith check for  
One Dollar, filing fees for filing the assignment  
of Reservoir Right from the Mountain Sheep Ditch  
Company to the Wallowa Valley Improvement District  
No. 1.

Very truly yours,



AWS:FA



RESERVOIR PERMIT NO. 223

August 24th, 1922.

A. W. Schaupp, Secretary,  
Mountain Sheep Ditch Company,  
Joseph,  
Oregon.

Dear Sir:-

I am in receipt of an assignment of the rights under Permit No. R 223 from the Mountain Sheep Ditch Company to the Wallowa Valley Improvement District No. 1.

The fee provided by law for recording this assignment is \$1.00, and upon receipt of this amount the assignment will be recorded and returned to you.

Very respectfully,

Percy A. Cupper,

State Engineer.

RJS-L



**A. W. SCHAUPP**

ATTORNEY-AT-LAW

JOSEPH, OREGON

July 14th  
1922

OFFICE OF STATE WATER BOARD

RECEIVED

JUL 15 1922

SALEM,

OREGON.

Mr. Percy A. Cupper,  
Secretary State Water Board,  
Salem, Oregon.

Dear Sir:

In Re: Application for reservoir  
Permit No. 223

I have the letter of R.W. Potter, stating, in substance, that Water Master L.A. Stanley had submitted proof of application for reservoir permit No. 223, taken out by the Mountain Sheep Ditch Company.

I note what you say relative to his report on the construction of the dam. When the dam in the reservoir was constructed, it was constructed according to specifications. The dam has been constructed for about ten years, and on the water side it has washed down considerably and has been ripped with rock. The dam is ample for the small amount of water carried in the reservoir, and we would not feel inclined to add any extra expense in making this dam conform to specifications for the reason that after this year it will probably only be used for domestic water or winter water for the farmers living below the reservoir. There has never been any question about the dam, nor to its ability to hold what water we impound in this small reservoir. Our expenses for construction are very heavy at this time, and we do not feel that we can place any extra expense in widening the dam at this time.

Trusting that the Board will see fit to authorize the issuance of the final certificate without requiring extra work on this dam, I remain,

Very truly yours,



AWS:FA



July 12, 1922.

Mr. A. W. Schaupp, Secretary  
Wallowa Valley Improvement District No. 1,  
Joseph, Oregon.

Dear Sir:

We are in receipt through Water Master E. A. Stanley of proof of appropriation under Reservoir permit No. 223, which was taken out by the Mountain Sheep Ditch Company, but which is apparently now held by the Wallowa Valley Improvement District No. 1.

It would appear from Mr. Stanley's report that the dam was not considered by him as being of sufficiently safe construction on account of the steep slopes of the same. It seems that the dam has slopes of about  $1\frac{1}{2}$  to 1 on each side, while under the original application for permit, it was specified that the dam to be constructed would have a slope of 3 to 1 on the water side and 2 to 1 on the back side.

However, the proof will be submitted to the Board, and it may be that before authorizing issuance of final certificate, the Board will require the base of the dam to be widened so that it will more nearly conform to the proportions designated in the permit. If so you will receive further notice to this effect.

As this filing stands on our records as in the name of the Mountain Sheep Ditch Company, before certificate could be issued to the Wallowa Valley Improvement District No. 1, it will be necessary for the district to file an assignment from the Company to itself, together with \$1.00 for recording the same. A blank which may be used for this purpose is enclosed.

Yours very truly,

R. W. Potter,  
Secretary.

RWP:B  
Encl.



WATER DISTRICT NO. 4  
STATE OF OREGON

LEWIS A. STANLEY  
WATER MASTER

ENTERPRISE, OREGON.

July 7, 1922.

OFFICE OF STATE WATER BOARD  
RECEIVED

JUL 10 1922

SALEM.

OREGON.

Mr. R. W. Potter,  
Secretary, State Water Board,  
Salem, Oregon.

Dear Sir:

I enclose the completed proofs of appropriation and storage under Permit No. 4315 in the name of A. R. Rice of Enterprise, Oregon, and Reservoir Permit No. 223 in the name of the Wallowa Valley Improvement District No. 1, of Joseph, Oregon, together with the recording fees of one dollar for each certificate.

Very respectfully,

*Lewis A. Stanley*

Water Master Dist. No. 4



June 27, 1922.

Mountain Sheep Ditch Company,  
c/o A. W. Schaupp,  
Joseph, Oregon.

Gentlemen:

Blank for proof of appropriation of water under Reservoir permit No. 223, has been mailed to Mr. L. A. Stanley, 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.



May 5th, 1922.

Mr. A. W. Schaupp,  
Attorney at Law,  
Joseph, Oregon.

Dear Sir:

Replying to your letter of May 4th with reference to the water right of the Mountain Sheep Ditch Company under permit No. R 223, a new set of final proof blanks will be prepared and forwarded for execution through the water master of your district within a short time.

Very respectfully,

Percy A. Cupper,  
State Engineer.

RJS:R



**A. W. SCHAUPP**  
**ATTORNEY-AT-LAW**  
**JOSEPH, OREGON**

May 4th,  
1922

Mr. Percy A. Cupper,  
State Engineer  
Salem, Oregon.

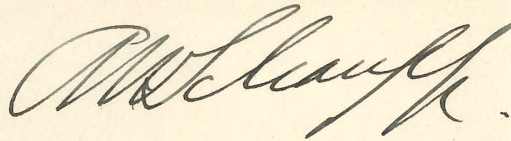
In Re: Permit No. R 223.

Dear Sir:

Relative to the above permit, I was under the impression that final proof had been submitted in this matter, but of course, if your records do not show that fact it has never been submitted.

Will you please mail me a new set of proof blanks so that this matter can be attended to.

Very truly yours,



AWS:FA



April 28th, 1922.

Mr. A. W. Schaupp,  
Joseph,  
Oregon.

Dear Sir:

Permit No. R 223.

Upon going over our records, it would appear that final proof had not been submitted under permit No. R 223 which covered the construction of the Mountain Sheep Reservoir for the storage of 380 acre feet of water. This permit was issued in 1913, and notices have been submitted showing that construction work was begun and completed in accordance with the terms of the permit, and our records show that final proof blanks were mailed to the Mountain Sheep Ditch Company on October 2nd, 1918, but up to the present time final proof has not been submitted on the reservoir, although water right certificate has been issued on the secondary permit.

If the reservoir was completed and water stored and is being used, we will be glad to forward a new set of proof blanks upon receipt of this information.

Trusting we may hear from you in regard to this matter, I remain,

Very respectfully,

Percy A. Cupper,  
State Engineer.

RJS:R



October 2, 1918.

Mountain Sheep Ditch Company

Joseph, Oregon.

Gentlemen:

I am enclosing blank for proof of appropriation of water under Reservoir Permit No. 223 which you will please fill out and return to this office, together with \$1.00 to cover recording fee, and the matter will be presented to the Board at its next meeting for approval and issuance of final water right certificate.

Yours very truly,

R. W. Potter,  
Secretary.

GB.