

Application No. 8293
Permit No. 5379
Certificate No. 8059

FEEES PAID 20

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

Name Bert York
By

Address Murphy, Ore.
Date filed

Action suspended until

PRIORITY DATE: 3-8-1922

Returned to applicant

Date completed

Date of approval

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

FEEES REFUNDED

Date	Amount	Check No.
.....

ASSIGNMENTS

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

REMARKS

0.31 sec. ft. from Caris Ck. for irr. 25 acres.
OK for certificate.

CONSTRUCTION

Date for beginning March 20, 1923
Date for completion June 1, 1924
Extended to

Date for application of water Oct. 1, 1925
Extended to

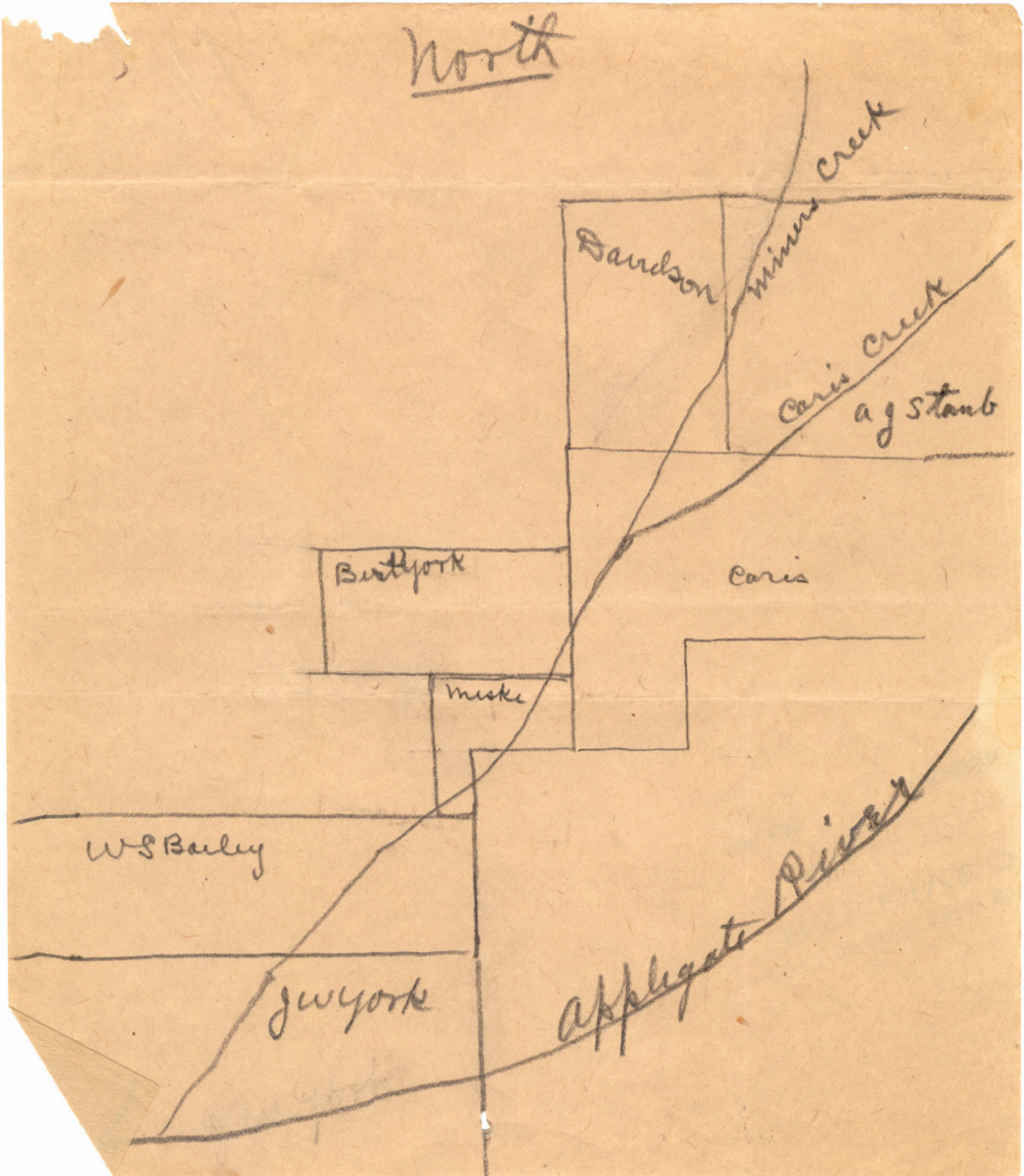
PROSECUTION OF WORK

Form "A" filed Apr. 3, 1922
Form "B" filed Aug. 24, 1924
Form "C" filed Nov. 18, 1925

FINAL PROOF

Blank mailed Dec. 24, 1925
Proof received Aug. 9, 1929
Date certificate issued 9/10/29
Receipt for recording fee No. 10412

North



August 10, 1929.

Mr. Bert York
Murphy,
Oregon.

Dear Sir:

This will acknowledge receipt of final proof of appropriation of water under Permit No. 5379, together with check for \$1.00 to cover recording fees, for which official receipt #10412 is enclosed.

The proof appears to be in proper form and will be taken up for approval and issuance of certificate within the near future.

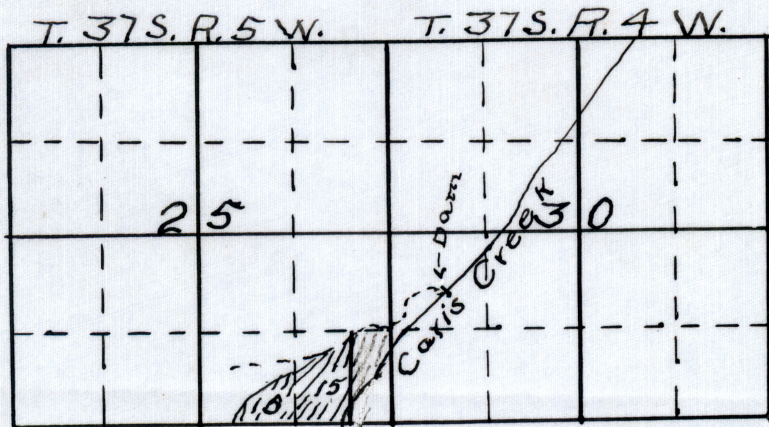
Yours very truly,

enc.
H.

Idea Luper,
State Engineer.

EP 58

BERT YORK-CARIS CREEK RIGHT



Applegate River

STATE ENGINEER
RECEIVED

Application No. 8293

MAR 9 1922

Permit No. 5379

SALEM, OREGON

EP 58

5379

App. 8293

Best York
Murphy, Oregon.

0.31 acct from Davis creek for Dr. 25 acres

March 20, 1923

June 1, 1924

Oct. 1, 1925

Form A filed

6-19-24-Card for B

B filed

10-5-25-Card for C

C filed + ack.

Final Proof to M.M. 12/24/25

NOTICE OF BEGINNING OF CONSTRUCTION

I, Bert York, the holder of Application No. 8293, being Permit No. 5379, issued by the State Engineer of the State of Oregon for the appropriation of 0.31 second-feet of the waters of Caris Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described therein on the 13th day of March, 1922, being within the time limitation as fixed in said permit for the beginning of construction work.

By constructing practically all the ditch

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 beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st A day of April, 1922, 19.

Murphy, Oregon

(Present Address)

Bert York

(Signature of Applicant)

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

NOTICE OF CONSTRUCTION

I, Bert York, the holder of Application No. 8293, being Permit No. 5379, issued by the State Engineer of the State of Oregon for the appropriation of 0.31 second-feet of the waters of Caris Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein the 1st day of April, 1922, being within the time limitation as fixed in said permit or extended by the State Water Board for the completion of construction work.

Remarks: Made a dirt, gravel and rock dam about 1 1/2 feet high, 3 feet wide on the bottom, 1 foot wide on the top and about 10 feet long and took the water out on the level with the bottom of the creek.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of August, 1924.

Murphy, Oregon

(Present Address)

Bert York

(Signature of Applicant)

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

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Bert York, the holder of Application No. 8293, being Permit No. 5379, issued by the State Engineer of the State of Oregon for the appropriation of .31 second-feet of the waters of Caris Creek 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 15th day of May, 1923, 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: Have used what water was available. Plenty in early spring but not enough later part of summer

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of Nov, 1925

Murphy, Ore

(Present Address)

Bert York

(Signature of Applicant)

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

NOTICE OF BEGINNING OF CONSTRUCTION

I, Bert York, the holder of Application No. 8293, being
 Permit No. 5379, issued by the State Engineer of the State of Oregon
 for the appropriation of 0.31 second-feet of the waters of Caria Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 began the actual construction of the works described therein on the 1st day of April, 1922.
 By commencing practically all the ditch
 The applicant should state the nature 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 beginning of work in good faith.

OFFICE OF STATE WATER BOARD
RECEIVED
 APR 3 1922
 SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 1922.
 Bert York
 (Signature of Applicant)
 Murphy, Oregon
 (Witness Address)
 Fill out details and mail to the Secretary, State Water Board, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

I, Bert York, the holder of Application No. 8293, being
 Permit No. 5379, issued by the State Engineer of the State of Oregon
 for the appropriation of 0.31 second-feet of the waters of Caria Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 have completed the construction of the works described therein the 1st day of August, 1922.
 Remarks: Made a dirt, gravel and rock dam about 1/2 foot high, 1 foot wide on the top and about 10 feet wide on the bottom. I took the water out on the gravel with the bottom of the creek.
 IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August, 1922.
 Bert York
 (Signature of Applicant)
 Murphy, Oregon
 (Witness Address)
 Fill out details and mail to the Secretary, State Water Board, Salem, Oregon. Note: It should be used in reporting progress of work if more than one year has been allowed for completion.

STATE ENGINEER
RECEIVED
 AUG 25 1922
 SALEM, OREGON

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Bert York, the holder of Application No. 8293, being
 Permit No. 5379, issued by the State Engineer of the State of Oregon
 for the appropriation of 0.31 second-feet of the waters of Caria Creek
 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 1st day of August, 1922.
 application of water to a beneficial use.
 IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August, 1922.
 Bert York
 (Signature of Applicant)
 Murphy, Oregon
 (Witness Address)
 Fill out details and mail to the Secretary, State Water Board, Salem, Oregon.

STATE ENGINEER
RECEIVED
 NOV 18 1922
 SALEM, OREGON

December 24, 1925.

Mr. Bert York,
Murphy,
Oregon.

Dear Sir:

Blanks for making proof of appropriation of water under Permit No. 5379 have been forwarded to Mr. Tom R. Pearce, water master of your district, who will make an inspection and assist in completing the proof.

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

Yours respectfully,

Rhea Luper,
State Engineer.

H

April 12, 1922.

Mr. W. S. Bailey,
Route No. 1,
Murphy, Oregon.

Dear Sir:

We have your letter of April 10th relative to the water rights of yourself and your neighbors to the waters of Caris Creek.

Permit No. 5379 was issued to Mr. Bert York on March 20th of this year for the appropriation of 0.31 sec. ft. from Caris Creek, for the irrigation of 25 acres. Under the terms of this permit Mr. York was allowed until March 20, 1923 in which to begin construction work, June 1, 1924 in which to complete construction work and until October 1, 1925 in which to completely apply the water to the proposed use. You will understand, of course, that such a filing is necessarily subject to all prior rights, and that the permittee under such a filing, would be entitled to divert water only after all prior rights are fully satisfied.

This office has no means of ascertaining whether or not all waters of this stream are fully appropriated at all times, and it is possible that Mr. York may be able to secure some water under this filing during extremely wet years, or during the flood season of the year without causing any injury to older rights.

If any dispute should arise in this connection, appeal should be made to your water master Mr. M. L. Opdycke at Grants Pass.

Trusting that this will give you the information desired, and that you will have no trouble in this matter, we are

Yours very truly,

R. W. Petter,
Secretary.

RWP:B

OFFICE OF STATE WATER BOARD
RECEIVED
APR 10 1922

Murphy, Oregon.
Apr 10th 1922

State Water Board

Salem, Or.

Dear Sir, — Information has just revealed to us that One, Bert York has been granted a permit to divert water from Caris Creek, a tributary of Applegate) for to irrigate 20 acres &c. And I beg leave to say that this new appropriation is to some extent a surprise to us, for during the irrigating season there is no surplus or excess water in this stream.

The matter of using the water of Caris Creek for irrigating purposes was settled by stipulation in the year 1912 by the irrigators who have complied with the new Water Code in filing their original claims, to avoid trouble in contests, and this compromise agreement was adjudicated as stipulated.

To permit a new appropriation of the water from Caris Creek only opens the way for trouble again; for Mr. York knows that the water users were for short of water to irrigate the acreage that they are entitled to. Davidson and Caris use all the water in the creek that they can get during five days in each week, and Muske gets the waste or seepage water that flows below their intake, and after five days use they (these three) turn all the water down the stream for two days to the

Premises of myself and that of J W York. By the fifteenth of May there will be less than 25 inches of water in all in the creek; and by the middle of July there is less than 10 inches. It is only by careful using that each of us irrigate the small acreage that we do - less than the application of each permits us to.

Mr. Bert York (the new appropriator, and son of J W York the stipulator) has stated here that he intended to use his fathers right by transferring it up to his point of diversion. I don't think he can do this, but in case he would do it this would interfere with the terms of our stipulation, and also tend to my injury.

If J W York (the stipulator) does not need ^{all} the water for one day in each week (as he gets the seepage below me all the time) then I could certainly make good use of it; for I greatly need it.

Now, in my opinion the whole desire of Mr York in seeking this permit is simply this; Muske (one of the stipulators) owns 10 acres and irrigates about 4 from seepage water below the Corus intake;

Yorks land joins the Muske premises, and York is trying to buy the Muske place so to be able to add it as security with his own in obtaining a "Federal Loan" of about \$2000⁰⁰, and this new water appropriation is to stimulate value in appraisement. Else there will not be any water during the irrigating season to irrigate any of his land except the Muske 4 acres, and in case he could camouflage his premises with an apparent water right and secure a good loan, the other fellow might own the whole premises in a very
(over)

short time. It might be well for the ^{Federal} ~~State~~ Land Board
to advise its appraisers to consider the water appropriation
when examining the premises.

Now I am not seeking trouble, but to avoid it,
and think the state should know some of the ^{at least} facts,
in connection with this water deal; and as an
investigation would corroborate my statement herein
I am submitting this confidentially, asking that
my name be not made public in the matter.

Very Truly Yours

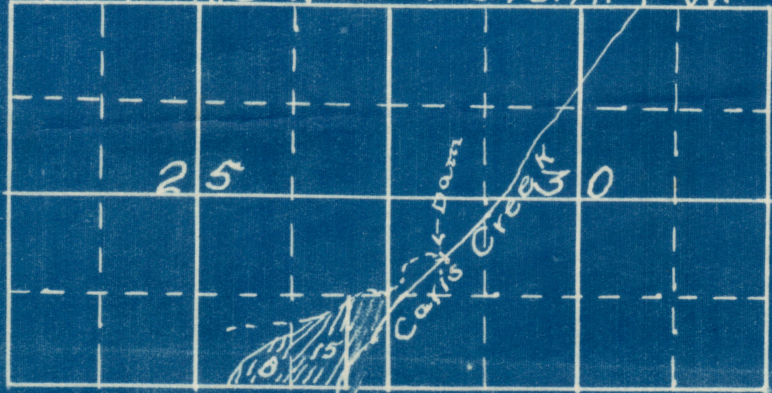
W.S. Bailey

EP 58

BERT YORK = CARIS CREEK RIGHT

T. 37 S. R. 5 W.

T. 37 S. R. 4 W.



Applegate River

Application No. 8293

Permit No. 5379

EP 58

8293

March 25th, 1922.

Mr. Bert York,
Murphy, Josephine Co.,
Oregon.

Dear Sir:- Herewith you will find Application No. 8293, being Permit No. 5379,
together with blue print. This application has been approved and recorded in this
office.

8. During what months is water beneficially used? April 15 to Sept. 15
9. State the character of the soil and kind of crops raised Daly, gravelly soil
Pasture, Hay, grain garden
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 is such map 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)
No changes
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, Bert Wash, 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 6th day of August, 1929.

x Bert Wash

Subscribed and sworn to before me this 6th day of August, 1929.

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 Tom R. Pearce, do hereby certify that I have made

an inspection of the works described herein and in

Permit No. 5379, on the 6th day of August 1929,

and found the foregoing statements and descriptions of

works to be accurate. In my opinion the appropriation has

been completed to the extent of 0.31 sec. ft. and I

~~recommend~~ the issuance of a water right certificate for

this amount.

Name

Tom R. Pearce

Title

Watermaster Dist #16.

Bert

PROOF OF APPROPRIATION

Permit No.....

Recording fee paid

Receipt No. 10412.....