

Application No. 4193
Permit No. 2420
Certificate No. 2325

Name Myra W. Homes
By Fred C. Homes Jr.
Address Ashland, Ore.
Date filed

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

FEES PAID

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

FEES REFUNDED

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

Action suspended until

Returned to applicant

Date completed

Date of approval

ASSIGNMENTS

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

REMARKS

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Receipt for recording fee No.

W.R.T.S.
Assembled <u>10/19/84</u> by <u>CLH</u>
Entered
Verified

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That MYRA W. HOMES

of Ashland, State of Oregon 97520, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Sulphur Springs, located in the SE 1/4 NW 1/4 Sec. 13, T 39 S.R. 1 E.W.M., a tributary of Neil Creek

, for the purpose of the irrigation of 22 acres of land

under Permit No. 2420 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 320, on the 15th day of May, 1919; that the priority of

the right hereby confirmed dates from April 10, 1915; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to

exceed 0. hereunder shall confirmed to beneficia and 12 acre ship Thirty Oregon.

use fficer. arter own-

? DEC 54 is misplaced on section 13 NW corner should be in NW 1/4 SW 1/4 13 ? ?

The r lands or pl Right years from right of rei power purp.

Witness the seal and signature of the STATE

WATER BOARD affixed this 4th day

of June, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER State Engineer, President

Attest: R. W. POTTER Secretary

4193

V OR

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF JACKSON

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, for the purpose of the irrigation of 22 acres of land

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at page 320, on the 15th day of May, 1919; that the priority of the right hereby confirmed dates from April 10, 1915; 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 0.26 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 10 acres in the Southeast quarter of Northwest quarter and 12 acres in the Northeast quarter of Southwest quarter of Section Thirteen, Township Thirty-nine South, Range One East of Willamette Meridian, in Jackson County, Oregon.

10 SE NW
12 NESW
Sec 13
3 9 3 1 E

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 4th day

of June, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER State Engineer, President

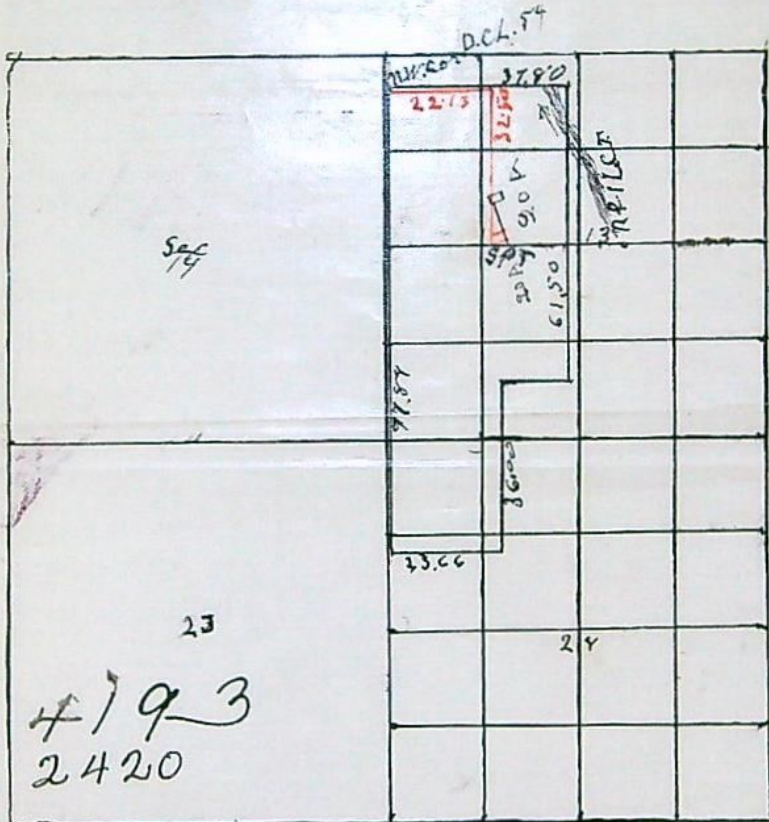
Attest: R. W. POTTER Secretary

4193

V OR

commencing at a point 22^{ch} and 13 links east of the
 N.W. corner of D.C.L. 54 and running south 32^{ch} and 50 links
 to south west corner of plot of ground from which spring
 flows

M



3
17

OFFICE OF STATE ENGINEER
 RECEIVED
 APR 1 1915
 SALEM, OREGON.

Application No.
 Permit No.

23
 4793
 2420

Township 39ⁿ of Range 1^e of W.M. Mer.

I, L. S. Trefren, of Ashland, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on March 27th 1915, and that it correctly represents the works described in the accompanying application, together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

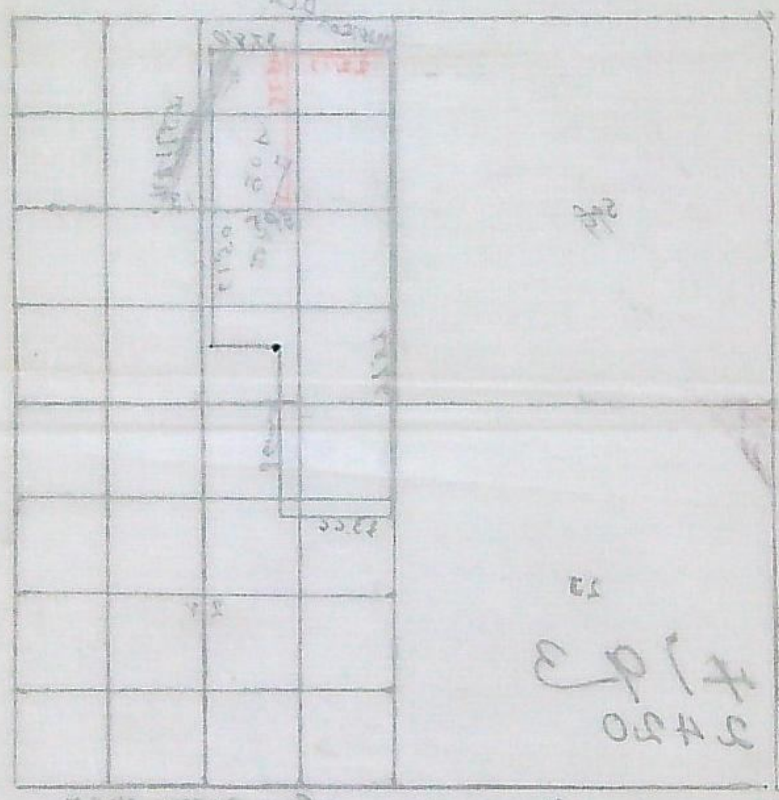
L. S. Trefren
 Surveyor

2
17

4193

commencing at a point 25' and is line east of the
the center of D.C. 17 and turning south 21' and so on
to point west corner of lot 20 from which starting
line

21



OFFICE OF STATE ENGINEER
RECEIVED
APR 1 1918
SALMON, OREGON

Application No.
Permit No.

4193
2420

Township 32nd of Range 1st of W.M. M.T.

U.S. Topog. of District Oregon do hereby certify that this
map was made from notes taken during an actual survey made by
me on March 27th 1918 and that it correctly represents the words
described in the accompanying application, together with the location
of streets and other ditches in the immediate vicinity and has
written thereon the area in each smallest legal subdivision
which it is proposed to irrigate

L. S. Taylor

Surveyor

4193

4193

PROOF OF APPROPRIATION

Permit No. 2420.....

1.00

..... fee paid

Receipt 2818

OFFICE OF STATE WATER BOARD

RECEIVED

FEB 23 1919

SALEM.

Approved:

Priority date - April 10, 1915.

8. During what months is water beneficially used? *Part of June, all of July, August September and October*
9. State the character of the soil and kind of crops raised *Soil, Granite loam and Black loam, - crops, alfalfa, sometimes small grain or corn.*
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? *It does.*
11. If not, state wherein such map is in error *The map is not 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 dimensions of ditch, etc. are as described in permit.

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

I store the water in a reservoir between irrigations. (The construction of reservoir has been described to State Engineer in prior correspondence.) This reservoir simply allows me to conserve and apply flow of spring to greater advantage. 400 feet, actually used (4) four.

STATE OF OREGON,
County of *Jackson* } ss.

I, *Fred S. Homes* son and acting agt. of *Myra W. Homes* 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 *5th* day of *Feb*, 191*9*.

Fred S. Homes

Subscribed and sworn to before me this *5* day of *Feb*, 191*9*.

(Notarial Seal)

G. H. Buller
Notary Public for Oregon.

My commission expires *June 11-1920*

AFFIDAVIT OF WITNESSES

We, J.G. Walker, and O.A. Lowe,
of Ashland, Oregon, 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. 2420; 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.

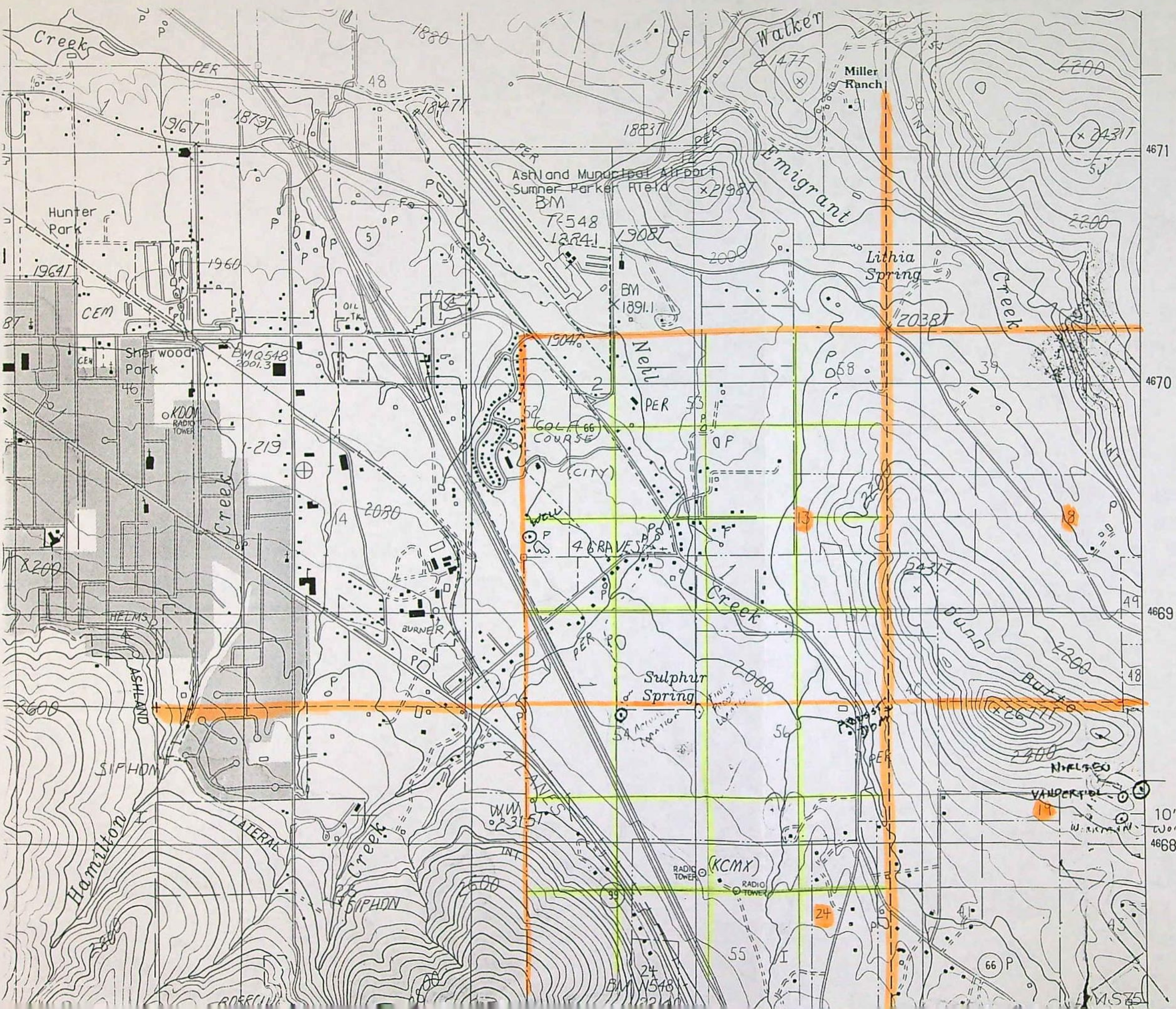
J.G. Walker
O.A. Lowe

Subscribed and sworn to before me this 5th day of Feb, 1919.
by J.G. Walker and on the 6th day of Feb, 1919 by O.A. Lowe

(Notarial Seal)

E.H. Bell
Notary Public for Oregon.

My commission expires June 11 - 1920



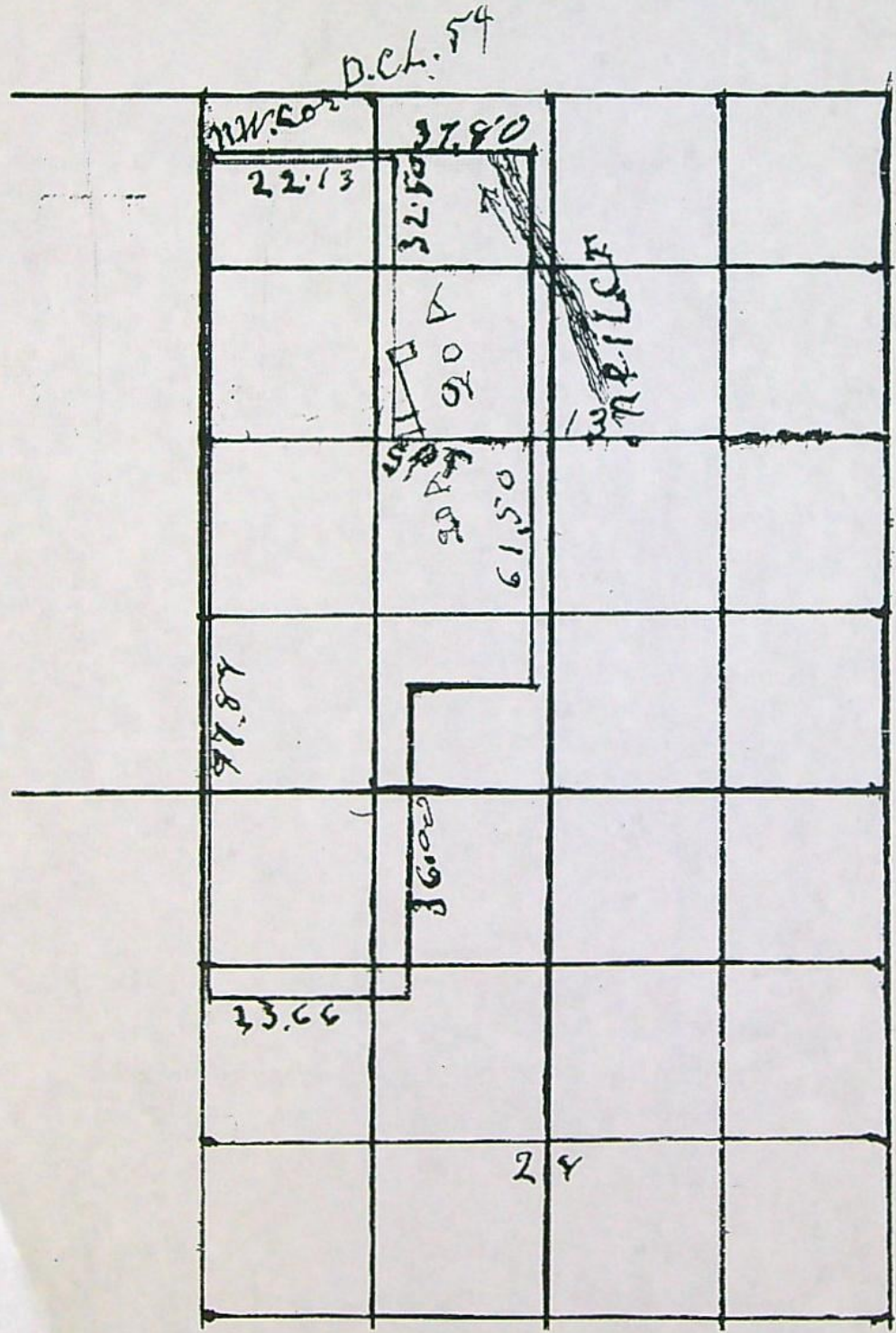
39S 1E

PROVOST
DUNN RANCH
CLEAR SPRINGS RESORT

10'
WORKMAN
4668

a Point 22^{ch} and 13 links east of the
 L. 54 and running south 32^{ch} and 50 links
 E of Plot of ground from which spring

M



SCALE
 1" = 1320'

7

NOTICE OF COMPLETION OF CONSTRUCTION

I, *Myra W. Homey by son Fred E. Homey*, the holder of Application No. *4193*, being
Water Permit No. *2420*, issued by the State Engineer of the State of Oregon
 for the appropriation of *0.5* second feet of the waters of *Sulphur Cr. tributary to Bear Cr.*
 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 *May*, 19*17*,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the
 completion of construction work.

Remarks: *The water can be used to full capacity under present conditions.*
 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

must however put in concrete reinforcement back of dam to hold same in place
 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 *28* day of *May*, 19*17*.

Cashland Ore.

(Present Address.)

Myra W. Homey by son Fred E. Homey

(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, Myra W. Homes, the holder of Application No. 4193, being
Water Permit No. 2420, issued by the State Engineer of the State of Oregon
 for the appropriation of 0.5 second feet of the waters of Sulphur Springs (ditch) Tributary to Bear Cr.
 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 August, 1918,
 being within 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: On Aug. 15th I turned the last bit of the flow from the Sulphur

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that subsequent appropriators may have notice.

Spring into my reservoir and onto my alfalfa lands, this last bit, was taken from the bit of ditch pipe on about date, and no attempt has been made by them to again divert water into their pipes.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of October, 1918.

Ashland Oregon.

(Present Address.)

Myra W. Homes.

(Signature of Applicant.)

NOTICE OF BEGINNING OF CONSTRUCTION

I, Red C. Homes, Jr., the holder of Application No. 4193, being
Water Permit No. 2420, issued by the State Engineer of the State of Oregon
 for the appropriation of 5 ¹/₁₀₀ second feet of the waters of Sulphur Springs
 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 8th day of December, 1915,
 being within the time limitation as fixed in said permit for the beginning of construction work.

*I began work on storage system in 1912, before I obtained permit, 3 teams and 4 men
 for 5 days but in current head and two 4 in. pipes under dam. Again on Dec. 8, 1915
 up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.*

*9, 10-14-15, with two teams six men, I moved dirt Lightningdam and almost
 completion same to a height of 14 ft.*

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of June, 1916

Red C. Homes, Jr.

(Present Address.)

Myra H. Homes.

(Signature of Applicant.)

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

Ashland Oregon

February 28, 1919.

Myra M. Homes.

Ashland, Oregon.

Madam:

Proof of appropriation of water under permit No.2420, together with \$1.00 recording fee, has been received and filed in this office.

This proof appears to be in proper form and 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.

November 4, 1918.

Mr. Fred C. Holmes

Ashland, Oregon.

Dear Sir:

I am enclosing blank for proof of appropriation of water under permit No. 2420 of Myra W. Homes.

Please see that this proof is properly filled out and returned 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

OFFICE OF STATE ENGINEER
RECEIVED
OCT 15 1918
SALEM, OREGON

Mr. John H. Lewis
State Engineer
Salem Oregon

Ashland Or
Oct. 13-1918

Dear Sir -

I am enclosing herewith "Notice of complete application of water to a beneficial use, - the water from the Sulphur Springs flowing across our lands, and which had always been applied to our lands for irrigation.

When the City of Ashland being determined to divert these waters thro pipe lines to their city and having secured no permit from you to do so, I resorted to my right and secured Permit No. 2420 from you. I had allowed a small part of the flow from spring to remain in the City pipes, but on August 15-1918 I diverted all of the waters out of their pipes onto our lands, where it has since remained, (this was in accordance with instructions from an attorney,) the City has made no attempt to again take waters from me.

I have complied with your requirements as put forth in application and now, have, just as we had in the past, applied all of the water to a beneficial use, thanking you for your just interest and courtesy in this matter to me, I am

Yours truly
Fred C. Horner - for W. W. Horner

Ashland Or
OFFICE OF STATE WATER BOARD
RECEIVED
MAY 28 1917
MAY 31 1917
SALEM, OREGON.

Mr. M. A. Messer
Sect. State Water Board
Salem Oregon

Dear Sir

Find enclosed notice of complete construction, for use of water as per application No. 4193, Permit - No. 2420.

This construction is complete, enabling me to store and put to full usage the 0.5 cubic ft. per second flow as per my permit.

The dam must however have a concrete wall built for 30 or 40 ft. long, on back side of dam and above and adjacent to water outlet.

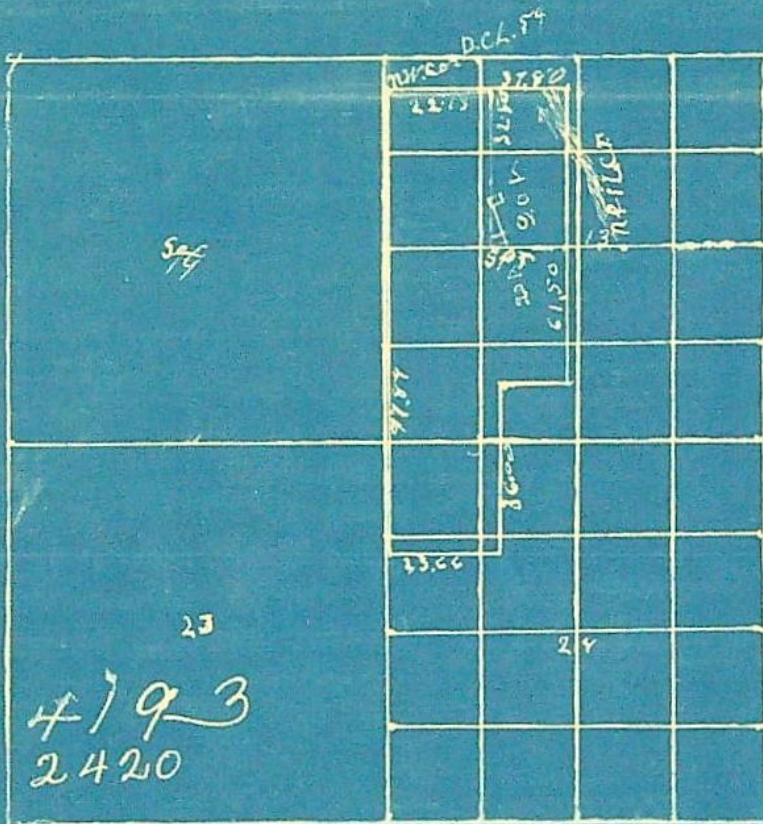
This I will do as soon as possible to prevent further sliding out of dirt.

Yours Truly
Fred C. Horner.

2017

commencing at a point 22^{ch} and 13 links east of the N.W. corner of D.C. 57 and running south 32^{ch} and 50 links to south west corner of plot of ground from which spring flows

N



2017

OFFICE OF STATE ENGINEER
RECEIVED
APR 1 1915
SALEM, OREGON.

Application No. 4793
Permit No. 2420

Township 38ⁿ. of Range 1^e. of W.M. 11E T.

J. L. S. Trefren of Ashland, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on March 27th 1915, and that it correctly represents the works described in the accompanying application, together with the location of streams and other ditches in the immediate vicinity and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate

J. L. S. Trefren
Surveyor

2017

~~First Church of Christ, Scientist~~

Ashland, Oregon

June 10 - 1916

DEPT. OF STATE WATER BOARD

RECEIVED

JUN 13 1916

SALEM.

OREGON.

Mr. M. H. Mrs.

Dear Sir, - Am enclosing (Form A) relative to beginning of construction of irrigation system as described in permit No. 2420. I had begun construction on my reservoir as long ago as 1912 and have used same to its capacity since, - This was long before I applied for permit. Seeing danger of losing water I applied for permit in 1915 and recd same, doing more construction work in Dec. 1915, - 15 days with 4 teams and six men plowing and scraping. I shall do some work each year as you require and fill out, and sending form to you until construction is completed. I am using all this water for irrigation, now just as we have for 25 years

Yours Truly

Fred C. Brown Jr (owner)

I thank you for your card reminding me, and will
sincerely appreciate your interest in the case should
I be in arrears in any manner again, which I
shall try not to be

Fred C. Horn Jr

Copy-

This Indenture made this 14th day of December, A. D. One Thousand Nine Hundred Fourteen between Andy F. Berkley and Roena Berkley, husband and wife, of Jackson County, Oregon, the parties of the first part, and the City of Ashland, a municipal corporation, duly incorporated and existing under and by virtue of the laws of the State of Oregon, situated in Jackson County, of said state, the party of the second part;

WITNESSETH, that the said parties of the first part, in consideration of Two Hundred Fifty (\$250.00) Dollars, lawful money of the United States of American to them in hand paid by the said party of the second part, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, forever, the following described real property, to-wit:

The full flow of water, now running from, or which may hereafter be developed by said second party and made to flow from that certain white sulphur spring, known as the "Tolman Sulphur Spring," situated and being in the Southwest one-fourth of Section 13 in Township 39 South, Range 1 East, Willamette Meridian, Oregon; the said spring being about 21 chains East of the corners common to Sections 13, 14, 23 and 24 of said Township and Range (an option to purchase which was given to said second party through Bert R. Greer, on the 16th day of December, A. D. 1913.) together with a sufficient space about said spring, not exceeding one hundred feet square (100 feet square) for the convenient occupation, improvement and protection of the waters thereof from contamination; Also the right of way across the lands of the first party for a pipe-line for the convenient con-

duction of said water from the premises of said first party and
the necessary easement over said premises for the convenient and
necessary ditching for and instalation of, said pipe-line;

Signed and
recorded Dec 24th - 1914

Vol 107 - p 600 - 601
D. R. Jackson County
Oregon

File
Already

May 1 - 1931

Mr. C. E. Stricklin
State Engineer
Salem Oreg.

STATE ENGINEER
RECEIVED

MAY 4 1931

SALEM, OREGON

Dear Sir:

On April 25th Mr. Fred W. Cummings of Jackson Co. wrote you in my behalf, regarding possibility of any filings on Sulphur Springs tributary to Hill Cr., either prior to, or since my filings completed in 1915. Certificate No. 2325. Record of proceedings of Board Vol. 1, page 320. Am very anxious to have this information at an early date.

Very truly yours

Certificate to
Myra W. Homes (deceased)
R.D. Bx 140.

Fred E. Homes.

May 1, 1931.

Mr. Fred Homes,
R. R. Box 140,
Ashland, Oregon.

Dear Sir:

Fred N. Cummings has requested that we write to you advising whether or not there are any other filings than the one confirmed by Certificate No. 2325 for use of water from Sulphur Springs located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W. M.

An inspection of our records indicates that there has been no other permit issued to appropriate the waters of these springs.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
Office Assistant.

LAS:LN

used
CHESTER A. SMITH, ASSISTANT
CLINTON A. SMITH, ASSISTANT

WATER RESOURCES DEPARTMENT
STATE OF OREGON

OFFICE OF
WATER DISTRICT NO. 15
MEDFORD, OREGON

April 25, 1931

STATE ENGINEER
RECEIVED

APR 27 1931

SALEM, OREGON

Mr. C. E. Stricklin
State Engineer
Salem, Oregon

Attention : Mr. L. A. Stanley

Dear Sir:

Mr. Fred Homes, R. Rte Box 140, Ashland, Oregon, holds a Water Right Certificate No. 2325, priority date April 10, 1915, to 0.28 second feet on Sulphur Springs tributary to Neil Creek located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W.M. The right to the use of this water is on 10 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 39 S., R. 1 E. W.M.

Will you kindly write Mr. Homes at above address, giving him the information if there are any other filings on these springs.

Yours very truly,

Fred N. Cummings

Fred N. Cummings
WATERMASTER DIST. #15

FNC/EG

April 23, 1931

Mr. Wm. H. Briggs,
City Attorney,
Ashland, Oregon.

Dear Sir:

In accordance with the request contained in your letter dated April 17, I am inclosing a copy of Application No. 4193, Permit No. 2420 issued to Myra W. and Fred C. Homes, and a blue print of the map filed with this application. I am also inclosing a copy of the water right certificate confirming this right, issued by the State Water Board on June 4, 1919.

Our charge for preparation of these copies is \$1.00.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By L. A. Stanley, Ass't.

LAS EL

BRIGGS & BRIGGS

ATTORNEYS AT LAW
ASHLAND, OREGON

April 17th, 1931.

STATE ENGINEER
RECEIVED

APR 18 1931

SALEM, OREGON

State Engineer
Salem, Oregon

Dear Sir:

Kindly give me a complete copy of the permit issued to Myra C. Homes covering the water from a certain sulphur spring located about two miles South of Ashland in the SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W. M.

This spring and the flow of water therefrom belongs to the City of Ashland as the spring was developed and created by the City and, before its development, had no overflow. It seems that Myra C. Homes, unbeknownst to the City, made a filing on this water which belongs to the City and the site on which the spring was dug having been purchased by the City; consequently, I want full information on which to base a suit to cancel the permit of Myra C. Homes as it never should have been issued.

Yours truly,

Wm M Briggs
City Attorney.

WMB:V

App. 4193

Per. 2420

November 25, 1930.

Mr. F. H. Walker, City Engineer,
City of Ashland,
Ashland, Oregon.

Dear Sir:

This is in reply to your letter dated November 24th, asking information about the right of Fred C. Homes to appropriate water from Tolman Sulphur Spring located in the SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W. M.

There is no permit in the name of Fred C. Homes, but Myra W. Homes was the holder of Permit No. 2420 to appropriate water from a spring located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13. This spring does not seem to be located, as stated in your letter, 1350 feet East from the Southwest corner of said section. The right was confirmed by Certificate No. 2325 and is for use of 0.28 second foot of water for irrigation of 10 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 39 South, Range 1 East, W. M. The priority of the right is April 10, 1915.

A copy of her application and permit should be in the City's files, as our old correspondence shows that a copy was mailed to Mr. C. H. Gillette, City Recorder under date of August 9, 1915.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer

By
Office Assistant.

LAS:L

CITY OF ASHLAND

OREGON

Mr C. E. Stricklin
State Engr
Salem

11/24-30
STATE ENGINEER
RECEIVED
NOV 25 1930
SALEM, OREGON

Friend Stricklin:-

Will you kindly inform me what right if any, that Fred C. Homes has to any part of the water that flows from a spring known as the Tolman Sulphur Spring located in S. W $\frac{1}{4}$ of Sec 13 Tp 39 S. R. 1 E W. M. O. being about 1350 ft E by of Cor 13-14-23-24.

This is the Sulphur spring that this City piped in to the Park in 1914-1915.

I will appreciate any information about this that you can furnish

Very Truly
F. H. Walker
City Engr

Application No. 4193.

January 12, 1917.

Mr. C. H. Gillette,
Recorder, City of Ashland,
Ashland, Oregon.

Dear Sir:

Enclosed please find my official receipt
No. 4935 for \$.50, which amount was transmitted
for furnishing copy of application No. 4193,
permit No. 2420, in the name of Mrs. Myra W. Holmes,
which was furnished you Aug. 9, 1915.

Very respectfully,

RS.

Percy A. Cupper,

Enc.

Assistant State Engineer.

Application 4193.

November 4, 1916.

Mr. C. H. Gillette, City Recorder,
Ashland, Oregon.

Dear Sir:

In checking over the records of this office I find that you have overlooked the payment of fees due this office to the amount of 50 cents, covering the fees as provided by law for a copy of permit No. 2420, furnished you on August 9, 1915. I will appreciate your prompt remittance as the statute provides for the collection of these fees in advance and this requirement was waived for the convenience of the patrons of the office.

Thanking you in advance for your prompt attention to this matter, I remain

Very respectfully,

Percy A. Cupper,

Asst. State Engineer.

W

Application No. 4193.

Aug. 9, 1915.

Mr. C. H. Gillette,
City Recorder,
Ashland, Oregon.

Dear Sir:

In reply to your request of the 6th instant
I am enclosing a copy of application No. 4193, permit No.
2420, in the name of Myra W. Homes, for 0.5 cubic feet
of the waters of Sulphur Springs for irrigation purposes.
As this is the only permit granted by this office to
Myra W. Homes I presume it is the one you request.

The fee as provided by law for furnishing
this copy of permit is \$.50.

Very respectfully,

John H. Lewis,
State Engineer.

RS.

Enc.

CITY OF ASHLAND

RECORDER'S OFFICE

4193

2420

ASHLAND, OREGON, August 6th 1915

Mr J.H.Lewis, State Engineer.

Salem, Oregon.

Dear Sir;-

Will you kindly send to the City of Ashland, Oregon, a copy of the filing of Myra D.Homes on the water of a spring located on lands purchased by the City of Ashland, from Mr Berkley and known as the Berkley spring, thanking you for the courtesy I am.

Respectfully yours

A. H. Ellitt

City Recorder City of Ashland.

Copy of Permit.

OFFICE OF STATE ENGINEER
RECEIVED
AUG 9 1915
SALEM, OREGON.

Application No. 4193.

June 26, 1925.

Mr. Fred C. Holmes, Jr.
Ashland, Oregon.

Dear Sir:

I am in receipt of your inquiry of the 24th instant with reference to the diversion and use of the waters of a spring upon which you secured a permit from this office. Our records indicate that no filings other than your own have been made on this spring. However, our records are complete only since February 24, 1909, when the water code became affective.

An adjudication of the water rights of Rogue River and its tributaries has been made but the findings are not as yet in final form and we have not as yet any reliable check on the old filings. You will understand that your permit was issued subject to existing rights and ~~and~~ any earlier claim than your own that can be substantiated, your rights would be subject thereto.

I find no filings in this office in the name of the City of Ashland, but I find the City has filed a claim with the State Water Board for the waters of Mill Creek or Ashland Creek, which would not appear to conflict in any way with your rights. You will understand that the Board has not exclusive jurisdiction in this matter and in case your rights are infringed upon, you have recourse to the Circuit Court. I trust, however, that some adjustment of the matter may be made.

Very respectfully,

Ashland Oregon -
June 27 - 1915

John H. Lewis
State Engineer
Salem Or.

Dear Sir - I acknowledge the receipt of my water permit which was approved by you, May 10 - 1915, - I thank you.

I informed one of the city water commissioners of Ashland, that the state had granted me my permit, - however they continue development and construction work at spring, and will soon begin laying of pipe, to city, thus taking from me and the community the full flow of spring.

I am using the water to irrigate with now and want to continue to do so.

The city of Ashland is certainly breaking the law according to State Oregon Laws, Sec. 6624 ² & 6669.

I have paid you the required fees etc.
for my permit; shall such a permit
granted by the state, be ignored?

Please outline to me, my course
of action in matter, or else let the state
stand back of her laws, and notify
them what to do, or not to do.

I have said nothing more to them so
far, and shall not, until hearing from
you.

Yours truly

Wm L. Homer, Jr

P.S. my permit is recorded
in Book 9 of permits
Page 2420

asked on Mill cut,

500" for Muskegon.

Application No. 4193.

May 10, 1915.

Myra W. Homes,

Ashland, Oregon.

Dear Madam:-

I enclose your Application No. 4193, being Permit No. 2420, which has been approved and recorded in this office.

Application No. 4193.

Apr. 27, 1915.

Mr. Fred C. Homes,
Ashland, Oregon.

Dear Sir:

I am in receipt of your letter of the 24th instant transmitting application No. 4193 which had been returned to you for correction. This application will be taken up for approval as soon as the same can be reached and you will be further advised.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Oakland Oregon.
April 24 1915.

Mr. John H. Lewis
Salem
Oregon.

OFFICE OF STATE ENGINEER
RECEIVED
APR 27 1915
SALEM, OREGON.

Dear Sir -

I have made corrections in
application No. 4193, and am returning same
to you for approval, hope it is all O.K.

Under old water laws the waters of
these springs have long been ours thro
a right acquired by long and constant
usage, affidavits could be sent in to
substantiate all my claims if necessary.
May I be made aware of your approval of not soon.

Yours truly

Fred C. Homes Jr

Application No. 4193.

Apr. 22, 1915.

Mr. Fred C. Homes, Jr.,
Ashland, Oregon.

Dear Sir:

I am returning herewith application No. 4193 in the name of Myra W. Homes for answer to questions 5, 6, 7, 8, 12, 13, 14 and 15, for signature and signature of witnesses.

In order to retain its original date of priority, this application completed should be returned to this office on or before May 25, 1915.

Very respectfully,

John H. Lewis,
State Engineer.

RS

Enc.

Application No. 4193.

Apr. 10, 1915.

Mr. Fred C. Homes, Jr.,

Ashland, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 3304 for \$9.00, which amount was transmitted with your letter of the 8th instant and applied as examination and recording fees on application to appropriate water in the name of Myra C. Homes. Am also in receipt of one map. This application has been numbered 4193 and placed on file in this office and will be taken up for approval as soon as the same can be reached and you will be further advised.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Enc.

John H. Lewis ^{1 map.}
Salem Or.

Rickland Oregon
April 8. 1915:

Myraall Homes

4193

Dear Sir - Find enclosed application to appropriate waters of Sulphur springs or Berkeley springs, also map of same with remittance for your examination fee, and .15^c per acre for 40 acres.

We own 225 acres of donation land claim No. 154, purchased it from G. C. Tolman the man who located on it in 1854.

A portion of the claim was sold 25 or 30 years ago, on it is located the described spring, these waters have never been diverted from their source, and we have used them for irrigation and stock purposes for 25 years,

I have diverted these waters from their natural course onto the fields thro which they flow, constructing various small ditches for purpose, and we claim a right to waters on basis of

long usage. A corporation has purchased the small plot of ground on which springs are located and are taking steps to pipe same away from us, it is not just, nor can we afford to lose water. So I make application to the state of Oregon thro you to appropriate said waters for irrigation purposes, where they have always been used since 1854.

According to Sec. 6624, Laws of Oregon, above corporation will be guilty of a misdemeanor if they take the water without state permit

yours truly

Thos C. Homer Jr.

P.S. If enclosed map etc. are satisfactory, may my permit come at once, could not get blue prints here, are you prepared to do the blue print work in your office?

A.H.