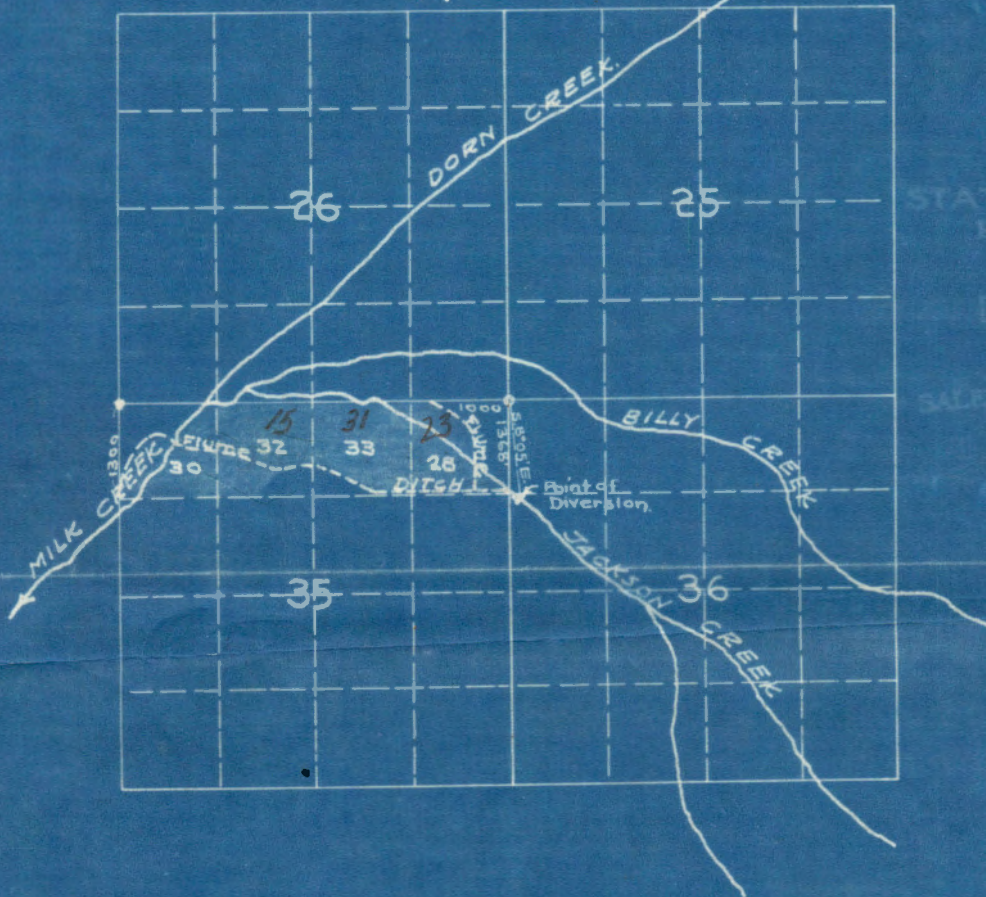


1050

MAP TO ACCOMPANY APPLICATION FOR PERMIT TO APPROPRIATE WATER.

scale 2 inches = 1 mile.

T.4S.R.3E.W.M.



STATE ENGINEER
RECEIVED
DEC 11 1923
SALMON, OREGON

I, D.T. Meldrum, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on the 26th day of November 1923, 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.

Application No. 9294
Permit No. 6141

REGISTERED PROFESSIONAL
ENGINEER
385
D. T. Meldrum
OREGON
NOV. 8, 1919
D. T. MELDRUM

294
7

11
5
20

MAP TO ACCOMPANY APPLICATION FOR PERMIT TO APPROPRIATE WATER.

scale 2 inches = 1 mile.

T.4S.R.3E.W.M.



STATE ENGINEER
RECEIVED

DEC 11 1923

SALEM, OREGON

I, D.T. Meldrum, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on the 26th day of November 1923, 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.

Application No. 9294
Permit No. 6141

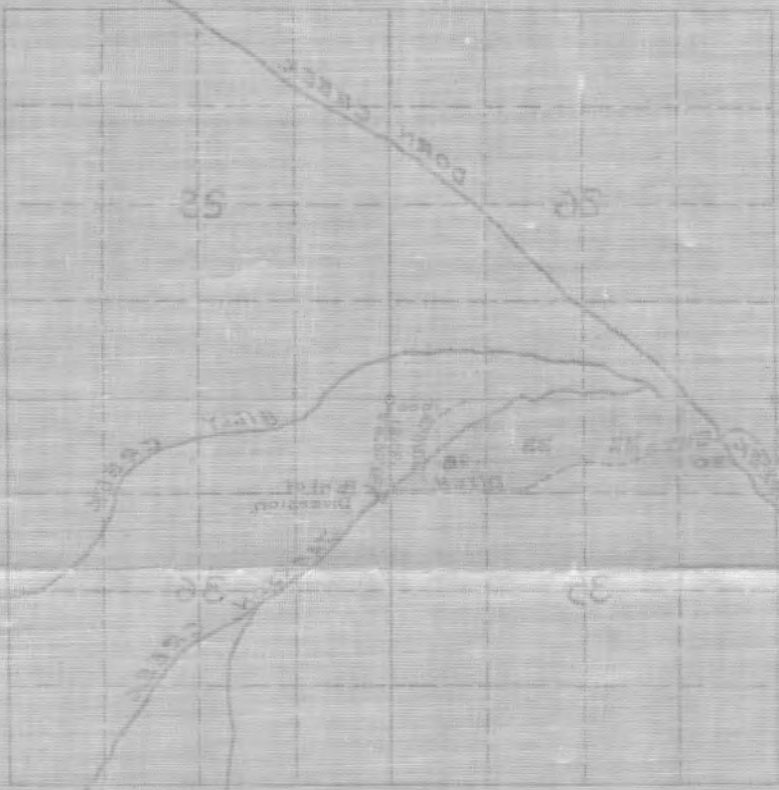


9294

TO ACCOMPANY APPLICATION FOR PERMIT
TO APPROPRIATE WATER

Scale 2 inches = 1 mile

T.A.R.3.E.Y.M.



STATE ENGINEER
RECEIVED
DEC 11 1923
SALAS, OREGON

I, D. T. Melburn, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on the 25th day of November 1923, 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.

REGISTERED PROFESSIONAL
ENGINEER
385

D. T. Melburn

NOV 19 1923
D. T. MELBURN

Application No 9294
Permit No 141

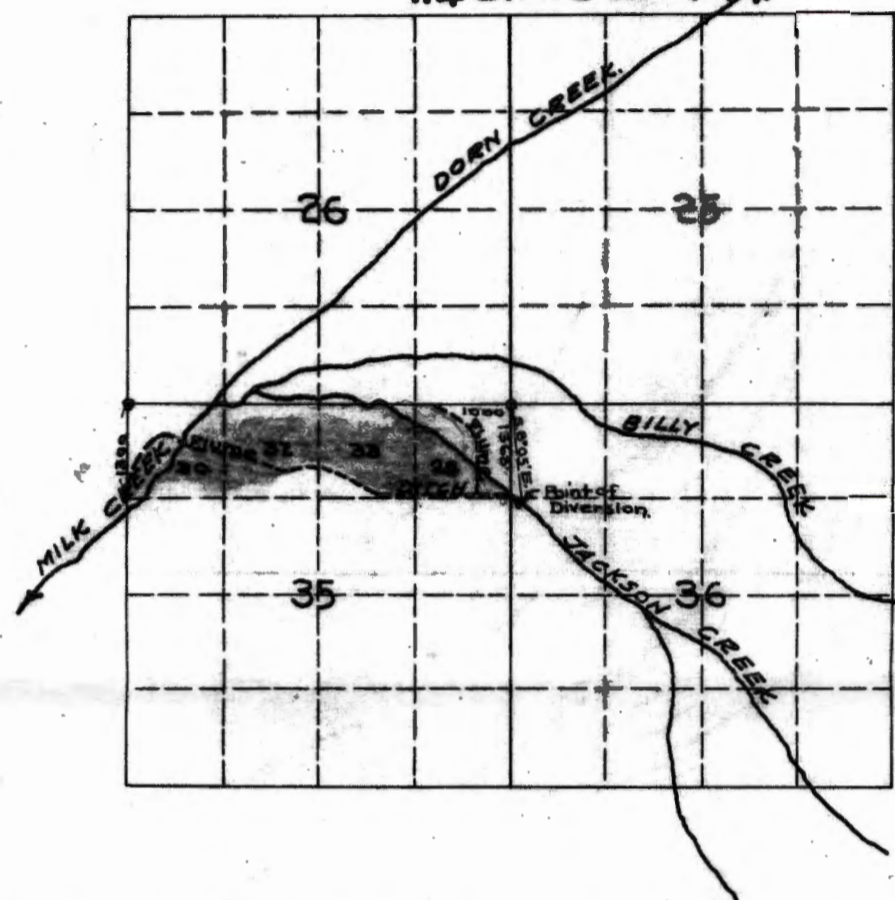
9294

1050

MAP TO ACCOMPANY APPLICATION FOR PERMIT TO APPROPRIATE WATER.

Scale 2 inches = 1 mile.

T.4S.R.3E.W.M.



STATE ENGINEER
RECEIVED

DEC 11 1923

SALEM, OREGON

I, D.T. Meldrum, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on the 26th day of November 1923, 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.

Application No. 9294
Permit No. 6141



47-14

NOTICE OF COMPLETION OF CONSTRUCTION

I, Lewis J. Wilke, the holder of Application No. 9294, being

Permit No. 6141, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of $\frac{3}{7}$ second-feet of the waters of Jackson 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 21 day of May, 1927, being within the time limitation as fixed in said permit or extended by the State Water Board for the completion of construction work.

Remarks: Ditch & flume has $1\frac{1}{2}$ sec. ft. capacity large

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

enough for this permit & trout pond permit pending
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 25 day of May, 1927,

609 Martins Ave. Portland Ore. Lewis J. Wilke

(Present Address)

(Signature of Applicant)

STATE ENGINEER
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MAY 27 1927

SALEM,

OREGON

OFFICE OF COMMISSIONER OF CORRECTIONS

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Lewis J. Wilke, the holder of Application No. 9294, being

.....
 Permit No. 6141, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement)

for the appropriation of $\frac{3}{4}$ second-feet of the waters of Jackson 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 20 day of June, 1927,
 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:

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

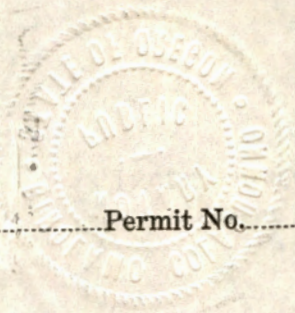
.....
 have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 6 day of Oct, 1927,

609 Martins Ave. Portland Ore. Lewis J. Wilke

(Present Address)

(Signature of Applicant)



STATE ENGINEER
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OCT 26 1927
SALEM
OREGON

Permit No. 6141

County of CLACKAMAS

Application No. 9294

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 87, General Laws of Oregon, 1927, and the regulations of the State Engineer thereunder.)

- Name Louis J. Wilke
- Postoffice address 609 Martins Avenue, Portland, Ore.
- Source of supply Jackson Creek
Tributary of Mill Creek (Molalla River)
- For what purpose is water used? Irrigation
- Amount of water 1.5 0.81 second feet
- Priority date December 11, 1923
- 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. | 3 E | 35 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 28 | 2.3 |
| | | | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33 | 31 |
| | | | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 30 | — |
| | | | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 32 | — |
| | | | | | 2.5 80 696.806 64 500 |

SUCCESS BOND

AFFIDAVIT OF WITNESSES

We, J. L. Skinnore and V. M. Skinnore, of Clatsop County, State of Oregon, being duly sworn, depose and say that we are the owners of the water right described in the foregoing statement, and that we and each of us have

PROOF OF APPROPRIATION

Permit No. 6141

Recording fee paid

Receipt No. 9294



Notary Public for Oregon
M. Campbell, expires June 15th, 1930.

ACCESS BOND

NOTICE OF BEGINNING OF CONSTRUCTION

I, W. E. Boney, the holder of Application No. 9294, being

Permit No. 614, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of 1 1/2 cubic second-feet of the waters of _____
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 20 day of March, 1924,
being within the time limitation as fixed in said permit for the beginning of construction work.

Shore Dam built at 978 ft 12 x 24 ft flume 900 ft main
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

ditch 2 men and one team adum 978 ft of
statement, and any additional information which may tend to show the beginning of work in good faith.

12 x 24 flume 900 ft main ditch

IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of July, 1924

Cotton Greg

(Present Address)

W E Boney

(Signature of Applicant)

9294
11457
15014
14792
16077
16105
16943
17216
39717-18

February 1, 1965

Mr. Fred Katzel
Board of Health
State Office Building
Portland, Oregon

Dear Mr. Katzel:

Pursuant to your telephone request, the following is a list of water rights on Jackson Creek.

| Name | Quantity of Water | Use |
|----------------------------|-------------------|---------------------------------------|
| Louis J. Wilke | 0.81 cfs | irrigation |
| Lewis J. Wilke | 0.75 cfs | maintenance of commercial trout ponds |
| N. E. Staffanson | 0.38 cfs | irrigation |
| Harold Johnson | 0.20 cfs | irrigation |
| J. G. Brown & A. D. Baurer | 0.18 cfs | irrigation |
| R. E. Gordon | 0.19 cfs | irrigation |
| F. Lee Riffey | 0.12 cfs | irrigation |
| Estate of Olaf Rask | 0.12 | irrigation |

The above rights are evidenced by certificates.

| | | |
|----------------------------|-----------|-----------------------------|
| Roy and Gertrude A. Mooney | 0.035 cfs | domestic, stock, irrigation |
| Robert W. and Emma M. Jehn | 0.03 cfs | domestic, stock, irrigation |

The above two rights are permits.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

eh

October 28, 1957

Mrs. Grear Casper
1542 S. E. 87th Avenue
Portland 16, Oregon

Dear Mrs. Casper:

The only rights which I am able to find in the name of Louis J. Wilke in Clackamas County are described as follows:

A certificate issued on December 15, 1927 and recorded on Page 7443, State Record of Water Rights Certificates, which confirmed the right to the use of not to exceed 0.81 cubic foot per second from Jackson Creek for irrigation of 23 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$; 31 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 15 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 4 South, Range 3 East, W.M., under a date of priority of December 11, 1923;

A certificate of water right issued on November 28, 1930 and recorded on Page 8898, State Record of Water Rights Certificates, which confirmed the right to the use of not to exceed 0.75 cubic-foot per second from Jackson Creek for maintenance of commercial trout ponds in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 4 South, Range 3 East, W.M., under a date of priority of May 6, 1927. These rights would be valid unless they had subsequently been abandoned.

Water Rights which are acquired through a State Engineer's permit and certificate or by virtue of their initiation prior to February 24, 1909, are an appurtenance to the premises upon which the water is applied until the right is abandoned. The right to the use of water, however, is limited to the quantity, place of use and character of use as acquired and set out in the right. The law provides that a period of five years continuous non-use constitutes a loss of such right.

There is no provision whereby you can file for and hold a right without actually making a development and applying the water to beneficial use. Rights to the use of water are in accordance with their relative dates of priority.

You did not submit a copy of the legal description of the property involved; therefore, I am unable to determine whether or not a permit may have been issued for use of water thereon. If no permit was issued, the only way a right could have been acquired was by initiation and use prior to February 24, 1909.

Mrs. Grear Casper

2

October 28, 1957

Anyone can file a right to the use of the public waters of the state; however, if it is necessary to cross property which the applicant does not own with a ditch or pipeline, he must obtain such right of way from the owner of the land.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

October 26, 1927

Mr. Louis J. Wilke,
609 Martins Avenue,
Portland, Oregon

Dear Sir:

I have received your proof of appropriation of water under Permit No. 6141 and the \$1.00 submitted as a certificate recording fee. My official Receipt No. 7294 for this fee is enclosed.

The proof appears to have been properly executed and it is probable that a water right certificate will soon be issued. The certificate when issued will be mailed to your county clerk for recording and delivered by him to you.

Yours very truly,

Encl.
LAS:GHB

Rhea Luper,
State Engineer

October 13, 1927.

Mr. Louis J. Wilke,
609 Martins Avenue,
Portland, Oregon.

Dear Sir:

I am enclosing blanks for making final proof of appropriation of water under your Permit No. 6141.

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 recording the water right certificate in the county records.

Yours very truly,

Rhea Laper,
State Engineer.

H
Encs.

Portland Oregon
Oct 6 1927

7400
Notice 9/11
Rhea Super. State Eng.
Salem, Ore.

Dear Sir:-

Enclosed please find notice for permit # 6141. which I delayed sending in, being under the impression that I had to Oct. 1, 1928. As you granted me an additional years time on completion of works last year. Although the work is complete and I used the water for irrigation this year and we are now using it for our trout ponds for which I have filed application # 11457. which I was trying to get completed by Oct. 1, 1927. so I could turn the two in together thereby eliminating handling each seperately. I have cut down the amount of water in permit # 6141 in order to get enough for my ponds. and I may have to take more according the amount we loose through seepage. but being that the time is up I would like to leave permits as they are as we will have sufficient water for several years and I could make any needed

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OCT 8 1927
SALEM
OREGON

them.

Thanking you for past favors.

I remain Respectfully Yours.

Lewis J. Wilke

609 Martins Ave.

Portland Ore.

May 3, 1927

Mr. Lewis J. Wilke,
609 Martin's Ave.,
Portland, Oregon.

Dear Sir:

I am in receipt of your letter of May 2, enclosing \$8.00 in currency "for examining and recording change in Permit No. 6141," also a map. I note that you have changed your plan of development as originally contemplated under Permit No. 6141, and now propose to use $3/4$ second foot of water from Jackson Creek for the maintenance of a trout pond.

It is possible that if you have abandoned your plan of irrigation as to a part of your land, you could change the character of use without losing priority of the right for that amount of water, but it will make a much better record if you simply make a new filing for the use for trout ponds. Such a filing would, of course, have a later priority, but I do not see that this would be material as there are apparently no intervening filings from Jackson Creek. I have therefore partially filled out a blank application and am enclosing same herewith for completion by you. You have already fulfilled the requirements as to fees and maps and it will only be necessary for you to answer the questions which are marked in pencil on the blank and sign the same before two witnesses.

If for any reason you do not desire to make a new filing, but would prefer to change the use of a part of the water covered by Permit No. 6141, you should prepare and file an application in your own words setting forth the circumstances. We would then follow the procedure outlined by a statute passed at the last session of the legislature which provides that notice must be given by publication in your local paper for three weeks at the expense of the applicant, and if any objections are filed by other parties, there must be a hearing by the State Engineer.

We will withhold any action on the matter until hearing from you further.

Very truly yours,

Rhea Cooper,
State Engineer.

RWP:B
Encl.

Portland Oregon
May 2 1927.

STATE ENGINEER
RECEIVED

MAY 3 1927

SALEM.

OREGON

Rhea Super. State Eng.
Salem, Ore.

Dear Sir:-

Enclosed please find Eight Dollars (\$8.00) for examining and recording change in permit # 6141. of which I am sending duplicate map. Have outlined the ground in red ink on which I wish to omit irrigation in order to get enough water to supply my commercial trout ponds which will require approximately $\frac{3}{4}$ second flow. Will be able to use some of the overflow of ponds for irrigation but the greater part will flow back into Jackson creek. Will gladly pay for any maps or clerical work necessary to complete these permits as per your approval. Have also given approximate location of main ponds on duplicate map. Thanking you in advance.

I am Yours Respectfully
Lewis J. Wilke
609 Martin Portland Ore

June 8, 1926.

Mr. Louis J. Wilke,
226¹/₂ Madison Street,
Portland, Oregon.

Dear Sir:

I am in receipt of your letter of June 5th, transmitting assignment of Permit No. 6141 from W. E. Bonney to yourself, together with the one dollar recording fee, for which official receipt number 3967 is enclosed.

The assignment has been duly recorded in the Miscellaneous Records of this office and is being returned herewith for your files.

Your application for extension of time has been given careful consideration, and you will be allowed until June 1, 1927, within which to complete construction work under the above permit.

Yours very truly,

H.
Enclosures.

Rhea Luper,
State Engineer.

Portland, Oregon,

June 5th., 1926

To Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Sir:

I, the undersigned, Louis J. Wilke, the holder of Application No. 9294 being a Reservoir, Permit No. 6141, having purchased all the rights of W.E. Bonney state that the work has been prosecuted with all reasonable diligence but has not yet been completed, and do hereby make proper application for an extension of time in which to complete said work, which has not been abandoned. I desire an extension of six months.

Louis J. Wilke

226½ Madison Street
Portland, Oregon

The above statements are true.

W. E. Bonney former owner.

February 3, 1926.

Mr. Lewis J. Wilke,
226½ Madison Street,
Portland, Oregon.

Dear Sir:

I am in receipt of your letter of January 29th with further reference to the permit of W. B. Bonney for the appropriation of water from Jackson Creek.

Upon examining our records I do not find that any other filings have been made on Jackson Creek. Your attention is called to the fact, however, that our records on this stream are complete only since February 24, 1909, the date of the enactment of the present water law, and there may be valid rights on the stream of which we have no record at the present time.

I am enclosing application blanks and instructions for your use in case you wish to make a filing for the appropriation of water from this stream for trout ponds. There is also enclosed a plat upon which a map to accompany the application may be prepared.

In case you have succeeded to the right of Mr. Bonney under permit No. 6141 you should secure an assignment of the permit and file it for record in this office. I am enclosing a blank upon which the necessary assignment may be made.

Trusting this will give you the desired information, I am

Yours very truly,

Rhea Luper,
State Engineer.

ER
Enclosures.

Portland Ore
Jan 28-1926

Mr Rhea Super
Salem Ore

Dear Sir:- In reply
to your letter in which
you inform me that
W. E. Bonney has permit
No 6141 for irrigation
you said his permit
did not cover the use
of it for trout ponds

This is what I want
ed to know, if after

buying the place I could get a permit to use it all or part for trout ponds, the over-flow of which I would run back into Jackson-creek or use it for irrigation.

And I would also like to know if Bonney's is the first permit on Jackson creek or if there is ~~some~~ one else who holds an older right which might keep me from getting my full allowance at any time.

Thanking you in advance,

I am yours respectfully,

Lewis J. Wilke
226½ Madison St.
Portland Ore.

PERMIT NO. 6141

January 19th, 1926.

Mr. Lewis J. Wilke,
226 1/2 Madison Street, (Milton Hotel)
Portland, Oregon.

Dear Sir:-

In reply to your letter of January 18th our records show that on December 11, 1923, W. B. Bonney filed an application and secured permit No. 6141 from this department for the appropriation of 1.5 sec. ft. from Jackson Creek for irrigation of 123 acres, of land as follows:

28 acres NE 1/4 NE 1/4
33 acres NW 1/4 NE 1/4
30 acres NW 1/4 NW 1/4
32 acres NE 1/4 NW 1/4, Sec. 25 Tp. 4 S. R. 8 E. W.M.

According to the terms of this permit construction was required to begin on or before January 15, 1925, and the notice of beginning of construction has been filed, which places the permit in good standing. The permit was taken out by Mr. Bonney for irrigation purposes only and did not cover the right for use of water for trout pond.

If the terms of the permit are complied with and the water applied to the proposed use, the water right will become appurtenant to the land. A transfer of the land would carry with it the water right. If you have succeeded to the rights of Mr. Bonney under this permit, you should secure an assignment of the permit. We would be glad to forward a blank upon request.

I note your statement that the water is taken through another man's property for a short distance. As we have no information as to whether or not Mr. Bonney secured a right of way through this property, I am unable to answer your question.

You understand that the permit for the appropriation of water carries no right of way privilege. It is necessary to make arrangements for the necessary right of way with the owner of any land crossed by a ditch or pipe line. For your information I am enclosing a blue print of the map which accompanied Mr. Bonney's filing.

Trusting you will find this satisfactory,

I am Yours respectfully,

Rhea Luper,
State Engineer.

ER-1A

~~provision for operating. The district has been rebuilding as fast as funds
are available~~

9294

January 26th, 1924.

Mr. W. E. Bonney,
Colton, Clackamas Co.,
Oregon.

Dear Sir:- Herewith you will find Application No. 9294, being Permit No. 6141, together with map. This application has been approved and recorded in this office.

December 27th, 1923.

Mr. D. J. Bonney,
Colton,
Oregon.

Dear Sir:-

Enclosed please find official receipt No. 467 for \$10.00, which amount was transmitted as balance of fees on your Application No. 9294.

The application will be taken up for approval within a short time.

Yours respectfully,

Rhea Luper,
State Engineer.

ER-LA

December 18th, 1923.

Mr. D. J. Bonney,
Colton, Clackamas Co.,
Oregon.

Dear Sir:-

I am in receipt of your letter of December 15th with reference to your Application 9294 and in accordance with your request we have eliminated domestic use from the application.

You will note from the instructions that the fees for irrigation purposes are as follows: 15 cents per acre up to and including 100 acres, and 5 cents per acre in excess of 100 acres. As your application covers 123 acres the fees would be as follows:

\$15.00 recording fee for 100 acres at 15 cts.
per acre,

\$ 1.15 cts recording fee for 23 acres at

5 cts per acre, making a total
of \$16.15 recording fees in addition to the

\$3.00 examination fee; you have paid \$9.15 on the application and therefore there remains a balance of \$10.00 still due.

Upon receipt of balance of fees the application will be taken up for approval.

Yours respectfully,

Rhea Luper,
State Engineer.

ER-LA

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DEC 18 1923

SALEM, OREGON

9294

Colton Oregon

Dec 15 - 19 23

Rhea Luper
State Engineer.
Salem, Oregon

Dear Sir

Your letter of Dec 12
in regards to Application for
water right

File No 9294

As I have over looked the
question for Domestic
purposes

Please fill out
no. domestic uses.

I will in the instruction which
was forwarded to me with
Application

It was 15cts per acre for
irrigation up to one hundred (100)
acres and upward of 100 acres.
5cts per acre.

The application calls for
123 acres.

I sent \$3.00 examination fee
and \$6.15 for irrigation
of 123 acres.

If there is any regarding fee
for irrigation purpose let
me know

Your Truly.

D. J. Bonney

6 alt an
ore

December 12th, 1923.

Mr. D. J. Bonney,
Colton,
Oregon.

Dear Sir:-

Enclosed please find official receipt No. 383 for \$9.15, the amount transmitted with your letter of December 8th, and application for permit to appropriate water by W. E. Bonney. I am also in receipt of three maps. The application has been numbered 9294 and placed on file.

The fees on the application will be as follows; \$3.00 examination fee, \$5.00 recording fee for domestic use, and \$16.15 for the irrigation of 123 acres, making a total of \$24.15, or \$15.00 in addition to the amount you have transmitted.

I note upon checking the application that you have not indicated the place where the water will be used for domestic purposes. I am therefore returning the tracing herewith for such information. Upon receipt of the tracing and balance of fees the application will be taken up for approval.

Yours respectfully,

Rhea Luper,
State Engineer.

ER-LA

9:22

Ballan Ore Dec 8 1923
Mr Rhea Super state Engineer
Dear Sir inclosed you will
9.15 for the payment on
the Application for W & E Barney
Water route also the papers
I think I got the right
amount of money in the
letter

Please send them
back to me D J Barney
Ballan

Ore

STATE ENGINEER
RECEIVED

DEC 11 1923

SALEM, OREGON

RECEIVED

JAN 19 1926

9294 6141

Portland, Ore.

SALEM. -- OREGON

Jan 18 1926

Water Commissioner

Dear Sir:-

I am interested in the
W. E. Bonney tract in Section
35 R 4 S. 3 East 131 Acres.

He claims he has a legal
file on water from Jackson
creek. Flume taken out about
 $\frac{1}{2}$ mile from mouth of Jackson
creek.

Could you send me full
particulars as to how much
water he may use? If same
is a perpetual right? If water
can only be used for irrigation
or may be used for trout
ponds if so desired?

In case of transfer of property
has new owner same rights
or must he file again?

The water is taken through
another mans property for a
short distance only, could he
stop me doing this?

The owner not being in
the state have no way of
receiving this information.
Thanking you in advance.

Resp.

Lewis J. Wilke.

226 1/2 Madison St.

Milton Hotel Portland
Ore.