

Application No. 1431

Permit No. 692

Certificate No. ~~779~~ 30043

Name U.S. Forest Service Dept. of Agr. Correction

By

Address Grants Pass, Ore.

Date filed

Action suspended until

Returned to applicant

Date completed

Date of approval

Priority May 16, 1911
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 December 16, 1911

Receipt for recording fee No. 34307 6/25/62

Stream Index, Page No.

Application Record, Book No.

FEES PAID

Date	Amount	Receipt No.
<u>6-23-62</u>	<u>1.00</u>	<u>34307</u>
Total		

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

0.12 c/s from Page Gr. irrig. 9.4 acres

Jan. 22, 1962 Reg. Letter

FILE#: S 1431

U.S. SISKIYOU NATIONAL FOREST
PO BOX 440
GRANTS PASS, OR 97526

W.R.T.S.

Assembled 10/15/84 by CLH

Entered _____ by _____

Verified _____ by _____

SEPTEMBER 13 1962

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

MAP SHEET

No. _____

Siskiyou

National Forest.

Division _____

District _____

Block _____

OFFICE OF STATE ENGINEER

415

R. 8 W.

W. 11

M.

Section 21

Quarter N.W. 1/4 and S.W. 1/4

Mapped By H. H. Haefner, Forest Assistant May 31, 1911.

Scale: 1/16 inches = 1 mile.

JUN 6 1911

EAL - ORD

Map
of the

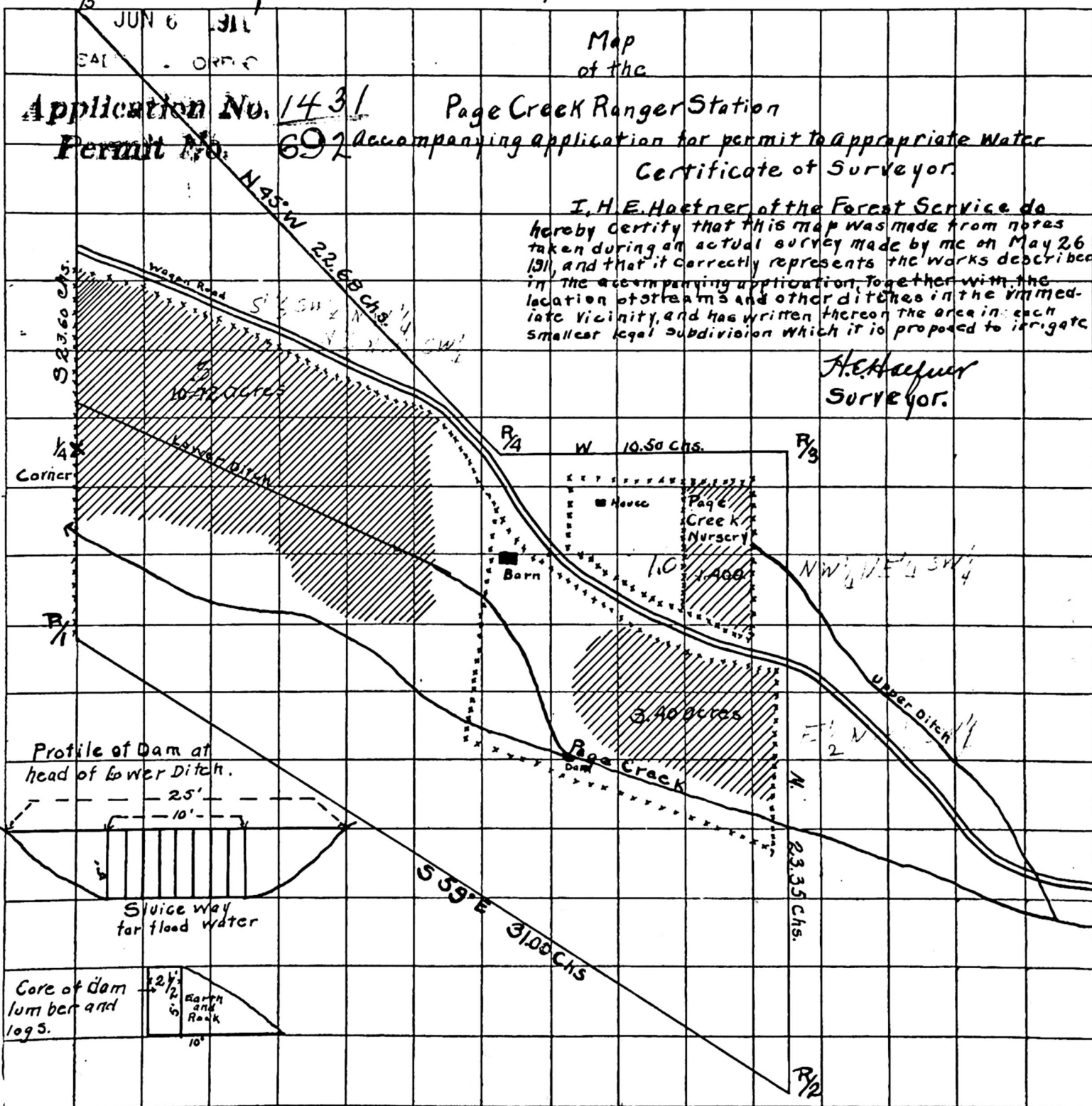
Application No. 1431

Page Creek Ranger Station

Permit No. 692

Accompanying application for permit to appropriate water
Certificate of Surveyor.

I, H. E. Haefner, of the Forest Service, do hereby certify that this map was made from notes taken during an actual survey made by me on May 26, 1911, 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.

H. E. Haefner
Surveyor.Profile of Dam at
head of Lower Ditch.Sluiceway
for flood waterCore of Dam
lumber and
logs.12 1/2
Barn
and
Rack
10'

MEMORANDUM

April 16, 1962

I discussed the proposed cancelation of a portion of the water right evidenced by certificate No. 779 with Mr. Olson of the Grants Pass office, United States Forest Service.

Mr. Olson stated that the five-acre area indicated in the western tract has not been irrigated for five years, and probably should be abandoned. He stated that there was approximately $2\frac{1}{2}$ to 3 acres in the area shown as north of the Wagon Road and surrounding the house that had been irrigated for many years, and had definitely not been abandoned for a period of five successive years non-use. He stated that he was not sure of whether or not the 3.4 acre tract lying south of the Wagon Road and west of Page Creek had been irrigated in the past five years.

From other maps on file in the Forest Service office, it would appear that this 3.4 acre tract actually lies in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ rather than the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as was stated in the proof, and indicated in the certificate.

Mr. Olson will check and advise us in the next two weeks whether or not this land has been irrigated in the past five years. If not, he will so advise and they will authorize cancelation of all lands except approximately $2\frac{1}{2}$ acres north of the Wagon Road. If they find that it has been irrigated, they will desire a hearing on the matter. They would also insist on hearing rather than cancel any part of the $2\frac{1}{2}$ to 3 acres lying around the house. I advised him that if he

agreed to cancelation of all but this tract, we would prepare the necessary forms and determine whether or not those insisting on cancelation of all but one acre would agree.



Chris L. Wheeler

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, SISKIYOU NATIONAL FOREST

of P.O. Box 440, Grants Pass, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Page Creek

a tributary of **Illinois River**

for the purpose of

irrigation of 1.4 acres

under Permit No. **692** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **May 16, 1911**

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

0.02 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 41 S., R. 8 W., W.M.**

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

**1.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
T. 41 S., R. 8 W., W.M.**

NOTE: Certificate of water right issued to Forest Service, U.S. Department of
Agriculture and recorded at page 777, Volume 1, State Record of Water Right
Certificates, confirms a right to the use of water for irrigation of 9.4 acres.
Subsequently, the right for the irrigation of 8 acres was cancelled by order
of the State Engineer entered July 13, 1962, pursuant to the provisions of ORS
540.621. This certificate is issued to confirm the remaining right to the use
of water for irrigation and supersedes the certificate heretofore issued to
Forest Service, U.S. Department of Agriculture.

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

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

516 PUBLIC SERVICE BLDG.
~~284 FINANCE BUILDING~~
170 12TH STREET S. E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. _____

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following final proof. A fee of \$1.00 is required for recording your certificate of water right in the office of the County Clerk. The fee of \$1.00, together with this signed draft, must be returned to the State Engineer.

Very truly yours,
CHRIS L. WHEELER
~~LEWIS A. STANLEY~~
State Engineer

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

.....
(Date)

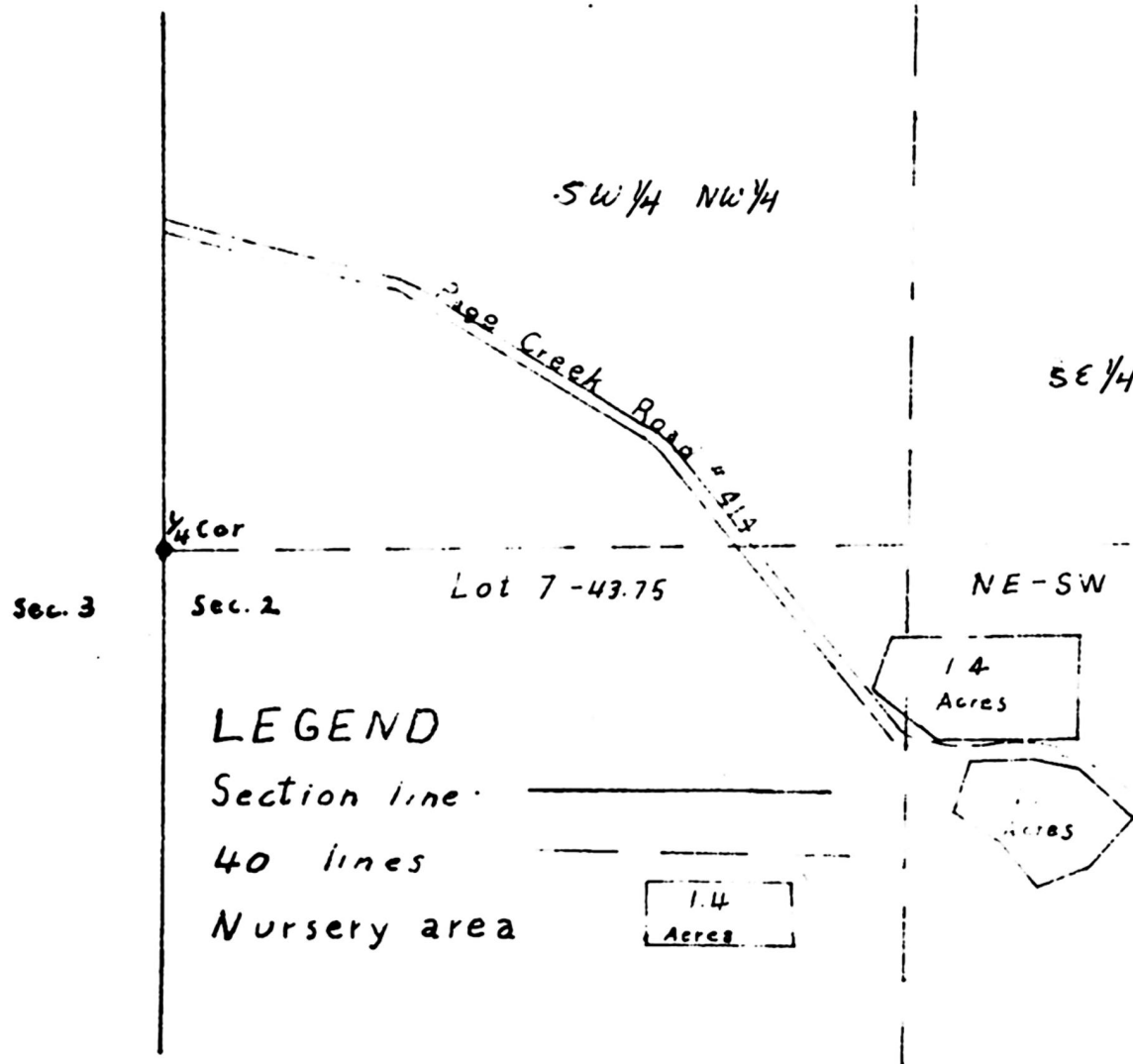
.....
(Signature)

PAGE CREEK NURSERY
SISKIYOU NATIONAL FOREST
Illinois Valley Ranger District
T.41S., R.8W., Sec. 2, W.M.

Scale 16" = 1 Mile

Drawn by D.C.C.

RECEIVED
MAY 8 1962
STATE ENGINEER
SALEM, OREGON



STATE OF OREGON
COUNTY OF *Josephine*
CERTIFICATE OF WATER RIGHT

This Is to Certify, That *United States Dept. of Agriculture, Forest Service, Siskiyou National Forest*
of *DO Box 440, Grants Pass*, State of *Oregon*, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Page Creek
a tributary of *IA Illinois River* for the purpose of
irrigation of 1.4 acres
under Permit No. *692* of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon, that the priority of the right hereby
confirmed dates from *May 16, 1911*

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
0.02 cfs

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the *NE 1/4 SW 1/4 Sec 2 T 41 S R 8 W WM*

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to *not* ~~not~~ *eight-tenths* of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

*1.4 acres NE 1/4 SW 1/4
Sec 2*

*T 111 S R 8 W WM -
Forest Service*

NOTE: Certificate of water right issued to *U.S. Dept. of Agriculture* and recorded
at page *779*, Volume *1*, State Record of Water Right Certificates, confirms
a right to the use of water for irrigation *of 1.4 acres* and the development of power.
Subsequently, the right for the development of power was canceled by order of
the State Engineer entered *July 13/1962*, pursuant to the provisions of
540,621
~~ORS 543,730~~. This certificate is issued to confirm the remaining right to
the use of water for irrigation and supersedes the certificate heretofore
issued to *Forest Service, U.S. Dept. of Agriculture*

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

12-10-14

111 479

*Forest Service
S Dept of Agriculture*

516 PUBLIC SERVICE BLDG.
~~251 FINANCE BUILDING~~
~~170 12TH STREET S.E.~~

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. _____

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following certificate. You should return this paper, along with a fee of \$1.00 for recording your water right certificate, when issued, in the office of the County Clerk.

Very truly yours,
CHRIS L. WHEELER
~~LEWIS A. STANLEY~~
State Engineer

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

.....
(Date)

.....
(Signature)

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE
CANCELATION OF A WATER
RIGHT IN THE NAME OF
U. S. FOREST SERVICE

O R D E R

The certificate recorded at Volume 1, page 779, State Record of Water Rights Certificates, in the name of Forest Service, U. S. Department of Agriculture, was issued on December 16, 1914 in evidence of the right established under permit No. 692 for appropriation of not to exceed 0.12 cubic foot per second of water from Page Creek, with the priority date of May 16, 1911, for irrigation of 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M.

From the map received with application No. 1431 leading to the issuance of the certificate and from evidence on the ground, it appears that the 3.4 acres listed as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., were in fact located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2.

Mr. John R. Philbrick has submitted a sworn statement that he is an authorized representative of the U. S. Department of Agriculture, Forest Service, and that the said Forest Service is the legal owner of the lands to which the above described water right is appurtenant and is therefore legal owner of the said water right;

That with the exception of the appropriation of 0.02 cubic foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911, for irrigation of 1.4 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2, the said water right has been abandoned and requests the same to be canceled and that a new certificate be issued in the name of the

U. S. Department of Agriculture, Forest Service, Siskiyou National Forest, in evidence of that portion of the right which has not been canceled.

It is ORDERED that the certificate recorded at Volume 1, page 779, State Record of Water Rights Certificates, be and the same is hereby canceled under the provisions of ORS 540.621.

It is further ORDERED that a new certificate be issued in the name of the U. S. Department of Agriculture, Forest Service, Siskiyou National Forest, in evidence of the right established under permit No. 692 for the appropriation of not to exceed 0.02 cubic foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911, for irrigation of 1.4 acres within the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2.

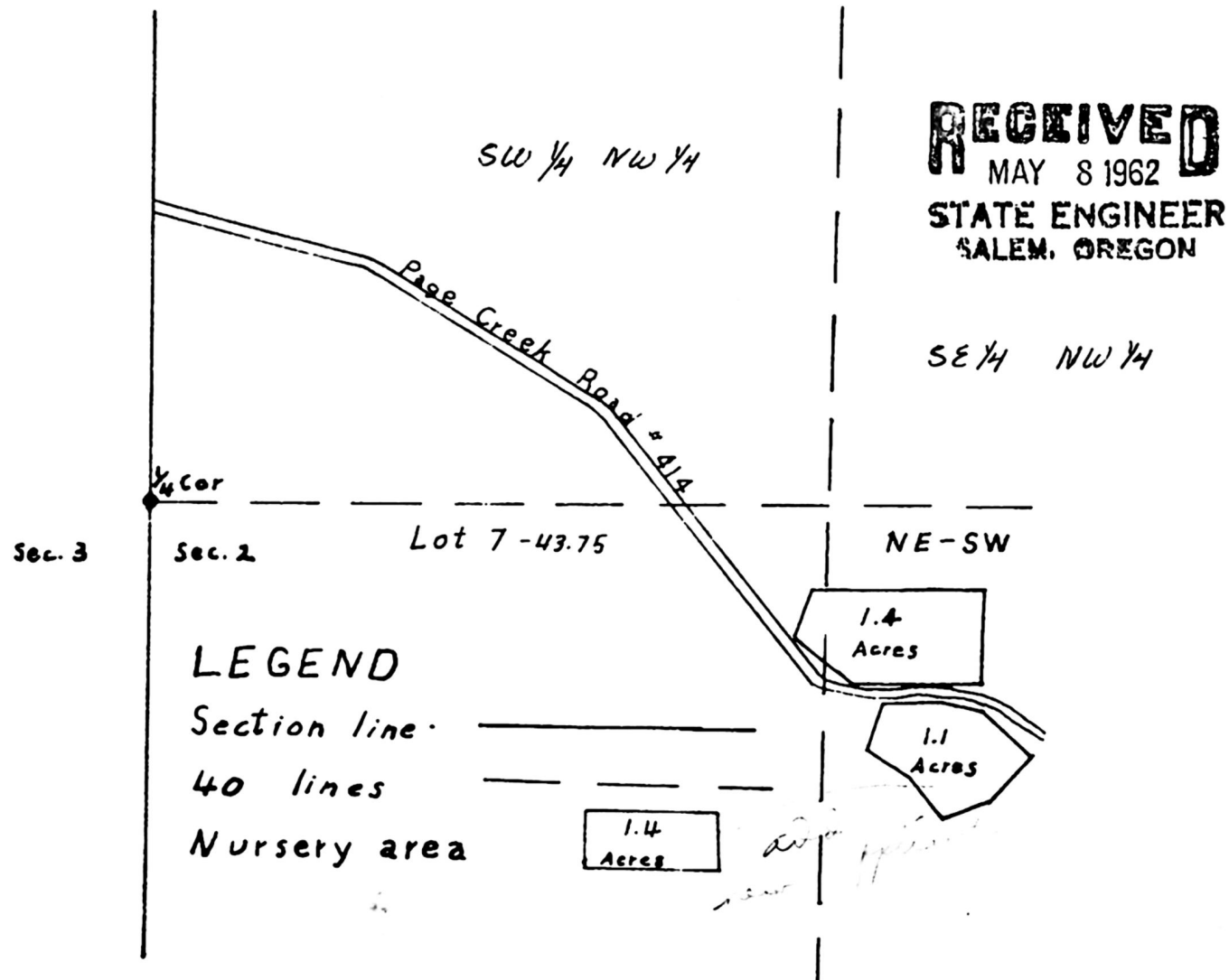
Dated at Salem, Oregon this 13th day of July 1962.

/s/ CHRIS L. WHEELER
State Engineer

PAGE CREEK NURSERY
SISKIYOU NATIONAL FOREST
Illinois Valley Ranger District
T.41S., R.8W., Sec. 2, W.M.

Scale 16" = 1 Mile

Drawn by D.C.C.



Rec # 34307
Entered w/ H. H. # 37707

RECEIVED
JUN 25 1962
STATE ENGINEER
SALEM, OREGON

A F F I D A V I T

State of Oregon)
County of Josephine) ss.

I, John R. Philbrick, being first duly sworn,
depose and say that I am an authorized representative of the United
States Department of Agriculture, Forest Service; that the said Forest
Service is the legal owner of the water right evidenced by the certificate
recorded at Volume 1, page 779, State Record of Water Rights Certificates,
and of the lands to which the said right is appurtenant;

That with the exception of the appropriation of 0.02 cubic
foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2,
Township 41 South, Range 8 West, W.M., with the priority date of May 16,
1911, for irrigation of 1.4 acres within the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2,
the said water right has been abandoned.

Therefore, it is hereby requested that the certificate recorded
at Volume 1, page 779, State Record of Water Rights Certificates, be
canceled and that a new certificate be issued in the name of the United
States Department of Agriculture, Forest Service, Siskiyou National Forest,
in evidence of that portion of the right which has not been abandoned.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th
day of June, 1962.

..... John R. Philbrick

Subscribed and sworn to before me this 18th day of June, 1962.

..... W. B. Bell

Notary Public

My commission expires 4/16/63.....

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE
CANCELATION OF A WATER
RIGHT IN THE NAME OF
U. S. FOREST SERVICE

O R D E R

The certificate recorded at Volume 1, page 779, State Record of Water Rights Certificates, in the name of Forest Service, U. S. Department of Agriculture, was issued on December 16, 1914 in evidence of the right established under permit No. 692 for appropriation of not to exceed 0.12 cubic foot per second of water from Page Creek, with the priority date of May 16, 1911, for irrigation of 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M.

From the map received with application No. 1431 leading to the issuance of the certificate and from evidence on the ground, it appears that the 3.4 acres listed as being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., were in fact located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2.

Mr. John R. Philbrick has submitted a sworn statement that he is an authorized representative of the U. S. Department of Agriculture, Forest Service, and that the said Forest Service is the legal owner of the lands to which the above described water right is appurtenant and is therefore legal owner of the said water right;

That with the exception of the appropriation of 0.02 cubic foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911, for irrigation of 1.4 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2, the said water right has been abandoned and requests the same to be canceled and that a new certificate be issued in the name of the

U. S. Department of Agriculture, Forest Service, Siskiyou National Forest, in evidence of that portion of the right which has not been canceled.

It is ORDERED that the certificate recorded at Volume 1, page 779, State Record of Water Rights Certificates, be and the same is hereby canceled under the provisions of ORS 540.621.

It is further ORDERED that a new certificate be issued in the name of the U. S. Department of Agriculture, Forest Service, Siskiyou National Forest, in evidence of the right established under permit No. 692 for the appropriation of not to exceed 0.02 cubic foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911, for irrigation of 1.4 acres within the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2.

Dated at Salem, Oregon this 13th day of July 1962.

/s/ CHRIS L. WHEELER
State Engineer

County of.....Josephine

Proof of Appropriation of Water

8. During what months is water beneficially used? June & Sept. December

9. State the character of the soil and kind of crops raised Gravelly clay, Forest tree nursery, and Forage crops
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? approximately
11. If not, state wherein such map is in error. only about $\frac{1}{2}$ of the 10.72 acre tract has been irrigated, also only one acre of the 1.7 acre tract.
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) lower ditch is by far the 1' wide 0.5' deep and about 15' per 1000
upper ditch, width top 2.0 width bottom 1.4 inches, depth of water 0.5' grade 10' per 1000
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. no other use

STATE OF OREGON,

County of Jackson

ss.

I, N. F. Macduff, 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. The best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 29 day of August, 1914.

N. F. Macduff - Forest Supervisor
For the U.S. Dept. of Agriculture Forest Service

Subscribed and sworn to before me this 29 day of August, 1914.

(Notarial Seal)

John L. Lyster
Notary Public for Oregon.

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 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....., 191.....

(Notarial Seal)

.....
Notary Public for Oregon.

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD
By Representative Taking Proof.

No Inspection made.
Rhue Lyper
.....
.....
.....
.....
.....
.....
.....
.....

.....
AK
EKO

September 6, 1962

Mr. Vernon Johnson
Route 1, Box 605
Cave Junction, Oregon

Dear Mr. Johnson:

With regard to the partial cancelation of the water right evidenced by the certificate recorded at page 779, State Record of Water Rights Certificates, in the name of the United States Forest Service, Department of Agriculture, please be advised that the matter has been discussed with Mr. J. R. Philbrick, supervisor of the Siskiyou National Forest, and that Mr. Philbrick has submitted a sworn statement that with the exception of the appropriation of 0.02 cubic foot per second from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., for irrigation of 1.4 acres of land within the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, which land lies north of the road, the said water right has been abandoned and has requested that with the exception of the described part of the right which has not been abandoned that the right be canceled on the records of the State Engineer.

The State Engineer has entered an order canceling the abandoned portion of the right and to issue a new certificate to the United States Department of Agriculture, Forest Service, Siskiyou National Forest, in evidence of that portion of the right as described above which has not been abandoned. It appears therefore that no hearing will be necessary in this matter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

June 13, 1962

United States Department of Agriculture
Forest Service
P. O. Box 440
Grants Pass, Oregon

Attention Mr. J. R. Philbrick

Gentlemen:

Re: 2510

This will acknowledge your letter of June 6 transmitting an application in the name of Forest Supervisor, Siskiyou National Forest, U.S. Department of Agriculture, for appropriation of 0.02 cubic foot per second of water from Page Creek within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., for irrigation of 1.1 acres of additional land within the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2.

If it is your purpose to continue the operation of the hydraulic rams for pumping the water, please state in item 2 of the application the amount of water used to operate the rams and identify power as a proposed use in item 3.

The location of the rams should also be stated in item 8 of the application.

Item 9 should be completed to list the quantity of water used to operate the rams and the number of feet of fall between the upper end of the inlet pipe and the lower end of the discharge pipe of the rams.

The fees necessary to the proposed appropriation of water are an examination fee of \$10, a recording fee for irrigation of less than 30 acres of land -- \$5, and recording fee for development of power of one horsepower or less -- \$.25, making a total of \$15.25.

The affidavit, as discussed in previous correspondence, is enclosed for your convenience in authorizing cancelation of that portion of the old right which has been abandoned.

A new certificate will be issued in evidence of that portion of the right which has not been abandoned as soon as the

U. S. Department of Agriculture 2

June 13, 1962

the signed affidavit has been returned together with payment of fees in the amount of \$1 necessary to record the new certificate in the office of your county clerk.

The application is enclosed being endorsed so that in order to retain its date of priority it must be returned to this office on or before July 13, 1962.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosures

A F F I D A V I T

State of Oregon }
County of Josephine } ss.

I,, being first duly sworn,
depose and say that I am an authorized representative of the United
States Department of Agriculture, Forest Service; that the said Forest
Service is the legal owner of the water right evidenced by the certificate
recorded at Volume 1, page 779, State Record of Water Rights Certificates,
and of the lands to which the said right is appurtenant;

That with the exception of the appropriation of 0.02 cubic
foot per second of water from Page Creek within the NE¼ SW¼ of Section 2,
Township 41 South, Range 8 West, W.M., with the priority date of May 16,
1911, for irrigation of 1.4 acres within the said NE¼ SW¼ of Section 2,
the said water right has been abandoned.

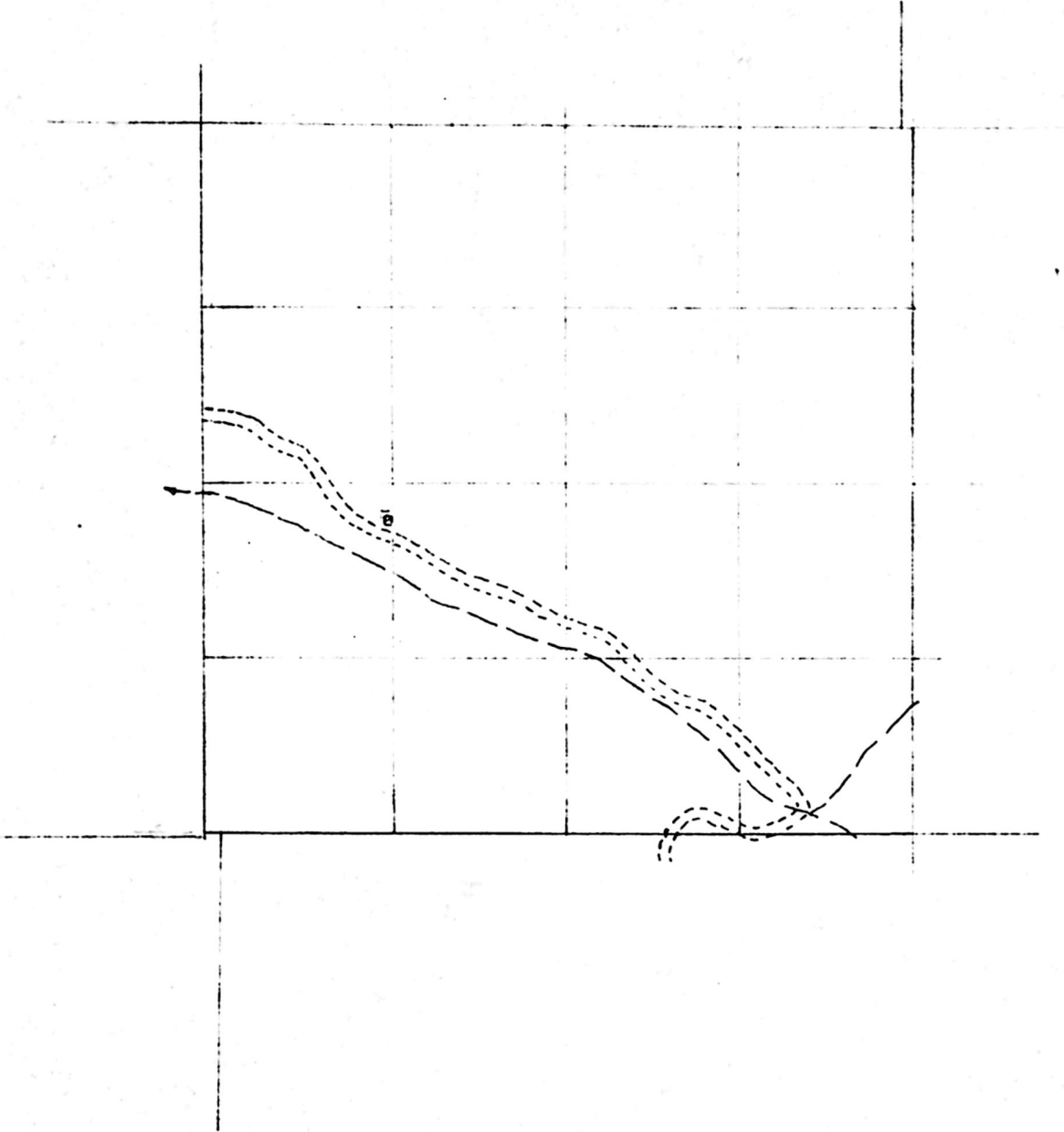
Therefore, it is hereby requested that the certificate recorded
at Volume 1, page 779, State Record of Water Rights Certificates, be
canceled and that a new certificate be issued in the name of the United
States Department of Agriculture, Forest Service, Siskiyou National Forest,
in evidence of that portion of the right which has not been abandoned.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of, 1962.

.....
Subscribed and sworn to before me this day of, 1962.

.....
Notary Public

My commission expires



May 11, 1962

United States Department of Agriculture
Forest Service
P. O. Box 440
Grants Pass, Oregon

Attention Mr. J. R. Philbrick

Gentlemen:

This will acknowledge your letter of May 7 in regard to use of water under the water right evidenced by the certificate recorded at page 779, State Record of Water Rights Certificates, and the submitted prints.

To assist you in filing of a new application for a permit to establish a right for the existing or intended uses of water not covered under the certificate right, I have prepared the enclosed base map of Section 2, Township 41 South, Range 8 West, W.M.

If you will add to the base map the following listed data we will be glad to assist you in the preparation of an affidavit for partial abandonment under the certificate right and in completing a new application for permit as desired.

1. The location of the point of diversion of the "Upper Ditch" from Page Creek and the approximate course of the ditch.
2. The location or locations of the rams.
3. The location of the area which you are continuing to irrigate under the provisions of the certificate right and of the new area you intend to irrigate.
4. Approximate location of the diversion point and the course of the lower ditch if it is to be maintained and used in connection with your project.

U.S. Department of Agriculture - 2 -

May 11, 1962

In the event that you intend to appropriate water for the new area by pumping the water from Page Creek, please show the location of the intended diversion by pumping.

If you wish to add the information to the map in pencil I will be glad to ink it in for you when you return it to this office.

Very truly yours,

MAX F. ROGERS
Acting State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST
POST OFFICE BOX 440
GRANTS PASS, OREGON

RECEIVED
MAY 8 1962
STATE ENGINEER
SALEM, OREGON
IN REPLY REFER TO

2510

May 7, 1962

State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Dear Sir:

Reference is made to Mr. Olson's meeting with Mr. Wheeler of your office in Grants Pass regarding our water rights certificate issued under permit No. 692 for 0.12 cubic foot per second from Page Creek, a tributary of the Illinois River.

We have now examined past use of the water rights granted under permit No. 692 and find that we can certify irrigation use on 1.4 acres during the past five years. This would permit us to retain approximately .02 cf/s of our appropriated water right.

Attached is a map of the area showing the location in relation to legal subdivisions. The area occupied by the transplant nursery is shown in red.

As discussed with Mr. Wheeler, we are using two water rams to pump the water from the original upper irrigation ditch to a storage tank having a capacity of 10,000 gallons and then applying the water by a gravity sprinkler system. The non-consumptive water used to operate the rams is returned directly to Page Creek.

This type of irrigation procedure we understand requires a change in our water rights permit. Please send us the necessary application forms and instructions needed for the revised permit.

Sincerely yours,

J. R. Philbrick
J. R. PHILBRICK
Forest Supervisor

Enclosures (2)



February 28, 1962

United States Department of Agriculture
Forest Service
P. O. Box 440
Grants Pass, Oregon

Attention Mr. J. R. Philbrick

Gentlemen:

Re:2510

I have your letter of February 15 in reply to our certified letter of January 22 regarding the water right evidenced by the certificate recorded at page 779, State Record of Water Rights Certificates.

I believe it would be desirable to discuss this matter with you before we take any further action. Mr. Chris L. Wheeler of this office plans to be in your area within the next two or three weeks and plans to call on you at that time.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST
POST OFFICE BOX 440
GRANTS PASS, OREGON

IN REPLY REFER TO
2510

February 15, 1962

State of Oregon
Water Resources Department
516 Public Service Building
Salem 10, Oregon

RECEIVED
STATE ENGINEER
GRANTS PASS, OREGON

Gentlemen:

Reference is made to your letter of January 22 regarding our water rights certificate issued under Permit No. 692 for 0.12 cubic foot per second from Page Creek, a tributary of the Illinois River.

Please consider this letter a protest against the cancellation of water rights as stated in your letter of January 22.

We are presently operating a forest tree transplant nursery in parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 41 S., R. 8 W., W.M. Approximately 3.5 acres are being irrigated for this purpose. To provide proper rotation of nursery beds, it is planned to expand this irrigated acreage by an additional 3.0 acres in parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 41 S., R. 8 W., W.M. This expansion is planned for this year.

The transplant nursery was installed in 1959 and 1960 with the predication that the full 0.12 cubic feet per second of appropriated water rights would be available. Water for nursery purposes on the four acres of developed nursery site was first used in 1960. To cancel a portion of this water right would place us in the position of having to suspend our nursery operation and lose our investment.

Presently we have two water rams installed on the upper ditch referred to in Permit No. 692 which pump water into storage tanks having 10,000 gallons of capacity. To operate these rams, which have an efficiency of about 1 to 9, we need the full 0.12 cubic foot per second of water. Presently 85% of the 0.12 CFS being used is returned directly to Page Creek.

The area planned for expansion will be irrigated directly from a small reservoir on the ditch by gravity through a sprinkler system. When planned expansion is completed, approximately 50% of the 0.12 CFS of appropriated water would be returned to Page Creek directly.



Our records show that water from the upper ditch was used for irrigation use by a permittee in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2 in 1955, 1956, 1957, and 1958. The lower ditch referred to in the permit is not being used.

Considering the use that is being made of the 0.12 CFS of appropriated water rights, we do not feel that they should be regarded as abandoned.

Your favorable consideration in the retention of our water rights would be appreciated.

Sincerely yours,


J. R. PHILBRICK
Forest Supervisor

January 22, 1962

United States Department of Agriculture
Forest Service
Grants Pass, Oregon

Gentlemen:

On December 16, 1914, the certificate recorded at page 779, Volume 1, State Record of Water Rights Certificates, was issued in the name of the Forest Service, United States Department of Agriculture, in evidence of the right established under permit No. 692 to appropriate not to exceed 0.12 cubic foot per second of water from Page Creek, a tributary of the Illinois River, with the priority date of May 16, 1911, for irrigation of 1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M.

ORS 540.610 provides that: "Whenever the owner of a perfected and developed water right ceases or fails to use the water appropriated for a period of five successive years, the right to use shall cease, and the failure to use shall be conclusively presumed to be an abandonment of water right. *****"

From affidavits submitted to this office by two persons it appears that no water has been appropriated under the above described right subsequent to the year of 1955 for irrigation of the 8.4 acres of land located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West.

ORS 540.631 provides that: "Whenever it appears to the satisfaction of the State Engineer upon his own determination or upon evidence submitted to him by any person that a perfected and developed water right has been abandoned as provided in ORS 540.610, the State Engineer may initiate proceedings for the cancelation of such water right by causing written notice of such initiation of proceedings to be given by registered mail, return receipt requested, to the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands. *****"

Our records show that the Forest Service, United States Department of Agriculture, is the legal owner of the lands to which the above described right is appurtenant and is therefore the legal owner of said water right.

January 22, 1962

You are therefore hereby notified that unless, within 60 days from the date of this letter, a protest is filed against the proposed cancelation of that portion of the above described right which is appurtenant to the 8.4 acres of land located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., said portion of the right will be canceled by order of the State Engineer, and a new certificate will be issued in evidence of that portion of the right which is appurtenant to the one acre of land within the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., which has not been lost through nonuse.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr., Assistant

JWC:eh

certified
return receipt requested

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE	
☐ Deliver ONLY to addressee	☐ Show address where delivered
(Additional charges required for these services)	
RETURN RECEIPT	
Received the numbered article described on other side.	
SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)	
<i>First Service</i>	
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY	
<i>Mary Dixon</i>	
DATE DELIVERED	ADDRESS WHERE DELIVERED (only if requested in item #1)
<i>1-24-62</i>	

CS5-16-71548-4 GPO

January 22, 1962

Mr. Vernon Johnson
Route 1, Box 605
Cave Junction, Oregon

Dear Mr. Johnson:

This will acknowledge your letter of January 11 transmitting sworn statements by you and by Louis G. Allen regarding use of water under the right evidenced by the certificate recorded at page 779, State Record of Water Rights Certificates, in the name of the United States Forest Service, Department of Agriculture.

On the basis of your sworn statements I am today giving notice by certified mail to the Forest Service of initiation of a proceedings for cancelation of that portion of the right which has not been exercised subsequent to 1955.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

11 January 1962

I, Louis B. Allen, first being duly sworn, do state that a particular portion of the following described water right has not been exercised during the past five years.

The certificate recorded at page 779, volume 1, State Record of Water Rights Certificates, issued in the name of the Forest Service, U.S. Department of Agriculture, in evidence of the right established under permit no. 692 to appropriate not to exceed 0.12 cubic foot per second of water from Page Creek, a tributary of the Illinois River, for irrigation of 8.4 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1 acre of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911.

From my own knowledge, the 8.4 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., has not been used with this water right for a period of five consecutive years or more during the period of 1955 to the present time.

Louis B. Allen

STATE OF OREGON
COUNTY OF JOSEPHINE } ss

SUBSCRIBED & SWORN to Before
Me This 11th DAY OF JANUARY 1962

Lynne A. Cushing
NOTARY PUBLIC FOR
OREGON
My Comm. E2 9-30-64

RECEIVED
JAN 12 1962
STATE ENGINEER
SALEM, OREGON

11 January 1962

Lewis A. Stanley
State Engineer
516 Public Service Building
Salem 10, Oregon

RECEIVED
JAN 12 1962
STATE ENGINEER
SALEM. OREGON

Dear Mr. Stanley:

Enclosed find sworn statements from myself and one other interested party, regarding nonuse of water under the right recorded at page 779, Volume 1, State Record of Water Rights Certificates, in the name of the Forest Service, U.S. Department of Agriculture.

I request that the State Engineer initiate proceedings to cancel the particular portion of the above described water right that covers the 8.4 acres of land located in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M.

The signees of the enclosed sworn statements are willing to serve as witnesses in any legal proceedings that may arise.

Very truly yours,

Vernon Johnson

Vernon Johnson

Incl: 2

11 January 1962

I, Vernon Johnson, first being duly sworn, do state that a particular portion of the following described water right has not been exercised during the past five years.

The certificate recorded at page 779, volume 1, State Record of Water Rights Certificates, issued in the name of the Forest Service, U.S. Department of Agriculture, in evidence of the right established under permit no. 692 to appropriate not to exceed 0.12 cubic foot per second of water from Page Creek, a tributary of the Illinois River, for irrigation of 8.4 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ a and 1 acre of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, RRange 8 West, W.M., with the priority date of May 16, 1911.

From my own knowledge, the 8.4 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., has not been used with this water right for a period of five consecutive years or more during the period of 1955 to the present time.

Vernon Johnson

STATE OF OREGON
COUNTY OF JOSEPHINE) SS

SUBSCRIBED & SWORN TO Before
Me this 11th DAY OF JANUARY
1962 .

Laurie A. Cushman;
NOTARY PUBLIC FOR
ORE.

My Comm. Ex 9-30-64

RECEIVED

JAN 12 1962
STATE ENGINEER
SALEM, OREGON



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 10

REFER TO 1431
FILE NO. _____

January 4, 1962

Mr. Donald E. Jones
County Assessor
County Courthouse
Grants Pass, Oregon

RECEIVED
JAN 10 1962
STATE ENGINEER
SALEM, OREGON

Dear Mr. Jones:

I would appreciate it if you could advise us of the name and mailing address of the current legal owners of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr.
James W. Carver, Jr., Assistant

JWC:eh

Note: Our records show the whole SW $\frac{1}{4}$ to be Forest Service land.

January 4, 1961

Mr. Vernon Johnson
Route 1, Box 605
Cave Junction, Oregon

Dear Mr. Johnson:

I have your letter of December 15, 1961 regarding nonuse of water under the right evidenced by the certificate recorded at page 779, Volume 1, State Record of Water Rights Certificates, in the name of the United Forest Service, Department of Agriculture.

A sworn statement is considered to be a statement of fact signed under oath before a notary public. The necessary sworn statement could be submitted by you and any other person who has knowledge of the facts.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

January 4, 1962

Mr. Donald E. Jones
County Assessor
County Courthouse
Grants Pass, Oregon

Dear Mr. Jones:

I would appreciate it if you could advise us of the name and mailing address of the current legal owners of the NW¼ SW¼ of Section 2, Township 41 South, Range 8 West, W.M.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

15 December 1961

Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
DEC 15 1961

Dear Mr. Stanley,

Regarding your letter to me of December 6 (file #1431) I must ask what you call one other interested party, in swearing that this water right has not been exercised on the 8.4 acres.

Many people can swear to it not having been used, but there is no one else involved in using the water from Page Creek. My place is bordered on one side by the Illinois River and bordered on the opposite side by Siskiyou National forest, owned, of course, by Forest Service, U.S. Department of Agriculture. Since the Forest Service is above me, and they get their water first, there isn't much left for me, especially as Page Creek goes practically dry in later summer. Page Creek runs completely through my property.

I can and will swear to the Forest Service using water only on the 1 acre of land for the last five years, and I am willing to serve as a witness in any legal proceedings that may arise.

The Forest Service, U.S. Department of Agriculture is the current owner of the property in question.

Please advise me as to the question of "one other interested party" and also if my sworn statement should be notarized.

Very truly yours,

Vernon Johnson
Vernon Johnson

December 6, 1961

Mr. Vernon M. Johnson
Route 1, Box 605
Cave Junction, Oregon

Dear Mr. Johnson:

I have your letter of November 28 requesting the State Engineer to cancel a portion of a water right evidenced by the certificate recorded at page 779, State Record of Water Rights Certificates.

Our records indicate that the certificate recorded at page 779 was issued in the name of the Forest Service, U. S. Department of Agriculture, in evidence of the right established under permit No. 692 to appropriate not to exceed 0.12 cubic foot per second of water from Page Creek, a tributary of the Illinois River, for irrigation of 8.4 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1 acre of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 41 South, Range 8 West, W.M., with the priority date of May 16, 1911.

If you and one other interested party will each submit a sworn statement that a particular portion of the subject right has not been exercised during the past five years and that each is willing to serve as a witness in any legal proceeding that may become necessary, the State Engineer will initiate the desired proceedings.

I would appreciate it if you would advise us whether the Forest Service, U.S. Department of Agriculture, is the current owner of the property in question.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

28 November 1961

Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
NOV 29 1961
STATE ENGINEER
SALEM, OREGON

Dear Sir:

I would like to file a complaint against a water right located in Township 41 S, range 8 WWM, Section 2, Application #1431, permit #692, certificate #779, priority date May 16, 1911. This right is for 9.4 acres (0.12 cfs). 8.4 acres of this water right is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, TWP 41 S, range 8 WWM, and from my own knowledge, it hasn't been used for a period of 5 consecutive years or more during the period of 1955 to the present time.

I would like to have this portion of the water right cancelled.

The 1 acre located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, TWP 41 S, range 8 WWM, however has been used.

The owners of the property are the U. S. Government. There are no occupants.

Very truly yours,

Vernon M. Johnson
Vernon M. Johnson
Rt. 1 Box 605
Cave Junction, Oregon

Application No. 1431.

144a

July 10, 1911.

Forest Supervisor,

U.S. Dept. of Agriculture, Grants Pass, Ore.

Dear Sir,-

I enclose herewith application No. 1431,
by the Forest Service, approved, being Permit No. 692,
together with one blue print map.

Very respectfully,

John R. Lewis

State Engineer.

MM

1431

ADDRESS REPLY TO
"FOREST SUPERVISOR"

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

Siskiyou - ⁰Improvements.
R. D. No. 6, Headquarters.

GRANTS PASS, OREG.

July 3, 1911.

1440
OFFICE OF STATE ENGINEER

RECEIVED

JUL 6 1911

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

SALEM, - OREGON.

Dear Sir:

Reference is made to our correspondence relative to application No. 1431 by the Forest Service.

I have inadvertently misplaced the sub-voucher which I prepared for your signature covering the \$3.00 fee for examination of the application, and which you returned to me with your letter of June 8. In order that I may properly request reimbursement from the Government it is necessary that this subvoucher be furnished, so I am asking you to again sign one covering this particular account. The new subvoucher is enclosed, together with a self-addressed, franked envelope for its return. Since my reimbursement account for the latter portion of the past fiscal year is already for forwarding, excepting for this subvoucher, I will greatly appreciate a prompt response.

Very truly yours,

B. L. Fromme

Forest Supervisor.

Application No. 1431.

144a

June 23, 1911

Forest Supervisor,

Grants Pass, Oregon.

Dear Sir,-

I beg to acknowledge receipt of \$2.33,
to be applied as fees on application No. 1431, by
the Forest Service. I am enclosing signed sub-voucher
for that amount.

This application is now subject to approval,
and permit will be forwarded you as soon as the
same is recorded.

Very respectfully,

John H. Lewis

State Engineer.

PAC/MM

ADDRESS REPLY TO
"FOREST SUPERVISOR"

1440

1431

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

Siskiyou - Improvement
R.D.#6, Headquarters.

GRANTS PASS, OREG.

OFFICE OF STATE ENGINEER
RECEIVED
JUN 23 1911

June 22, 1911.

SALEM, - OREGON.

State Engineer,

Salem, Oregon.

Dear Sir:

Your letter of June 17, with reference to Application No. 1431, is received.

Your surmise is correct and I am now enclosing money order for \$2.33, promised in my letter of June 16.

Very truly yours,



Forest Supervisor.

P.S. Pls. return the subvoucher sent you June 16, ~~with~~

144a

June 17, 1911.

Forest Supervisor,

Grants Pass, Oregon.

Dear Sir,-

I am in receipt of yours of the 16th inst.
enclosing subvoucher for \$2.33, and stating that you
enclosed money order for this amount. The money order
however, was not enclosed. You have probably overlooked
this enclosure.

Very respectfully,

John H. Lewis

State Engineer.

PAC/LHM

1431
1440
ADDRESS REPLY TO
"FOREST SUPERVISOR"

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

0
Siskiyou - Improvement
R.D. No. 6, Headquarters

GRANTS PASS, OREG.

June 16, 1911.

OFFICE OF STATE ENGINEER
RECEIVED
JUN 18 1911
State Engineer,
Salem, Oregon. SALEM, - OREGON.

Dear Sir:

Reference is made to your letter of June 8 with regard to the Forest Service application, No. 1431.

Enclosed is a money order for \$2.35 for filing and recording the application to appropriate two-second feet of the waters of Page Creek in irrigating 15.52 acres on the Page Creek Ranger Station. In order that I may receive reimbursement for this expenditure in favor of the Government, please sign the enclosed Form 4a voucher on the line marked with a pencil cross and return to me in the enclosed addressed and franked envelope.

Very truly yours,



Forest Supervisor.

Application No. 1431.

June 8, 1911.

144a

Mr. R. L. Fromme,

Grants Pass, Ore.

Dear Sir,-

I am in receipt of your letter of the 7th inst. relative to application No. 1431, by the Forest Service.

An error was made in computing the fees on this application, still due this office, and the matter was probably confused with another Forest Service application received from the Prineville District. The fees still due are as you computed them, \$2.33.

The sub-voucher you sent in was mislaid, and I am enclosing the same herewith.

Thanking you for calling my attention to these matters, and trusting I have caused you no inconvenience, I remain,

Very respectfully,

John H. Lewis

State Engineer.

PAC/MM

1431
ADDRESS REPLY TO
"FOREST SUPERVISOR"

1440
0
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

Siskiyou - Improvement.
R.D. No. 6, Headquarters.

GRANTS PASS, OREG.

OFFICE OF STATE ENGINEER
RECEIVED
JUN 8 1911

June 7, 1911.

State Engineer,
Salem, Oregon.

SALEM, - OREGON.

Dear Sir:

Your letters of June 6, with reference to revised application No. 1431, are received.

As to your figure for the filing and recording fee, it would seem to me that there has been some mistake. The printed instructions which you sent me some time ago state that, aside from the examination fee of \$3.00, there is a filing and recording fee which is based on the area proposed to be irrigated. For all areas under 100 acres the charge is at the rate of 15¢ per acre. In this case, our revised application, we contemplate irrigating 15.52 acres. At the above rate the fee for filing and recording would, therefore, amount to \$2.33.

If my method of calculation is wrong, please advise me in what way I have misinterpreted the instructions.

Since the expenses for making this filing are borne by the Forest Service and not by me personally, I would be glad to have you sign the sub-voucher enclosed with my letter of June 3, as an acknowledgment that you received the \$3 forwarded to you as examination fee. *This is for use by one in asking for reimbursement.*

Very truly yours,

R. S. Dromme
Forest Supervisor.

Application No. 1431.

144 a
June 6, 1911.

Mr. R. L. Fromme,

Forest Service, Grants Pass, Ore.

Dear Sir,-

I beg to acknowledge receipt of \$3.00.
together with revised application No. 1431, by the
Forest Service. also blue print and tracing.

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

State Engineer.

PAC/HM

Application No. 1431.

144 a

June 6, 1911.

Mr. R. L. Fromme,

Forest Service, Grants Pass, Ore.

Dear Sir,-

Upon taking up application No. 1431, by the Forest Service, I find the same is subject to approval except for a filing and recording fee amounting to \$7.65.

Upon receipt of this amount, your application will be approved, and permit forwarded you.

Very respectfully,

John H. Lewis

State Engineer.

PAC/MM

ADDRESS REPLY TO
"FOREST SUPERVISOR"

1431

~~1431~~
1431

1440

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

0
Siskiyou - Improvement
R.D. #6, Headquarters.

GRANTS PASS, OREG.

June 3, 1911.

State Engineer,
Salem, Oregon.

OFFICE OF STATE ENGINEER

RECEIVED
JUN 6 1911

SALEM, - OREGON.

Dear Sir:

Reference is made to your letter of May 15, in acknowledgment of our application, No. 1431.

I am forwarding herewith a revised application for permit to appropriate two-second feet of the waters of Page Creek; this application being accompanied by the original tracing, showing location of dam and ditches, area to be irrigated, etc., and also one blue print copy.

You will notice that quite a number of changes have been made in this revised application, which were occasioned by our looking the ground over more carefully and deciding on a somewhat different use of the water. The total area which can be irrigated with this water has been found to be a great deal smaller after doing the actual survey work than was originally supposed.

Very truly yours,

R. D. Bromme

Forest Supervisor.

P.S. Enclosed find \$3.00 as examination fee and a subvoucher which please sign on the line marked with a penciled cross.

Application No. 1431.

144a

May 15, 1911.

Forest Supervisor,
U. S. Dept. of Agriculture,
Grants Pass, Ore.

Dear Sir,-

I beg to acknowledge receipt of application No. 1431, by the Forest Service, for permit to appropriate two second feet of the waters of Page Creek.

A \$3.00 examination fee should have accompanied the application. The total fees on this application will amount to \$10.80. Maps should also be furnished in accordance with the printed instructions, a copy of which is enclosed herewith.

Very respectfully,

State Engineer.

PAC/MM

7/3/12-13-14
Permit No.
Application No.

Form C
NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

The Forest Service, U.S. Dept. of Agriculture 1431
the holder of Application No. ~~692~~, being
Permit No. ~~692~~, issued by the State Engineer of the State of
Oregon for the appropriation of ~~two~~ (2) second feet of the waters of *Page Creek*
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completely applied the water to a beneficial use, on the *first* day of *June* 1912
being the time limitation as fixed in said permit 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 subsequent appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this *26th* day of *August* 1913

Grants Pass, Ore.
(Present Address)

Forest Service, U.S. Department of Agriculture
By *H. P. Macdonald*
Forest Supervisor.

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

Form B
NOTICE OF COMPLETION OF CONSTRUCTION

The Forest Service, U.S. Dept. of Agriculture 1431
holder of Application No. ~~692~~, being
Permit No. ~~692~~, issued by the State Engineer of the State of
Oregon for the appropriation of ~~two~~ (2) second feet of the waters of *Page 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 for the application of water to a beneficial use on the *fourth* day of *May* 1912, 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 *26th* day of *August* 1913

Grants Pass, Ore.
(Present Address)

Forest Service, U.S. Department of Agriculture
By *H. P. Macdonald*
Forest Supervisor.

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.

Form A
NOTICE OF BEGINNING OF CONSTRUCTION

The Forest Service, U.S. Dept. of Agriculture 1431
the holder of Application No. ~~692~~, being
Permit No. ~~692~~, issued by the State Engineer of the State of
Oregon for the appropriation of ~~two~~ (2) second feet of the waters of *Page 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 thereon by the application of water to a beneficial use on the *18th* day of *March* 1912, being within the time limitation as fixed in said permit for the beginning of construction work.

Work done by two rangers.

The appropriator should state in manner 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 *26th* day of *August* 1913.

Grants Pass, Ore.
(Present Address)

Forest Service, U.S. Dept. of Agriculture
By *H. P. Macdonald*
Forest Supervisor.

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

7/3/12-13-14
Permit No.
Application No.

Sept. 4, 1913.

Forest Supervisor,

Grants Pass, Ore.

Dear Sir,-

Acknowledgement is made of the receipt of Forms A, B, and C, submitted in connection with Permit No. 692.

In due course a field inspection of this right will be made by a representative of the Water Board, and final water right certificate issued thereafter in accordance with the report of the inspecting engineer.

In accordance with your request, I enclose under separate cover, copy of the 1911 compilation of the water laws. A new compilation is being prepared, which includes 1913 acts, and recent court decisions. A copy of this compilation will be sent you when completed, upon request.

Very respectfully,

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SISKIYOU NATIONAL FOREST

GRANTS PASS, OREGON

00
Siskiyou- Supervision
Water Appropriation
Page Creek.

August 26, 1913.

State Engineer,
Salem, Oregon.

Dear Sir:

I enclose herewith Notices of Beginning Construction, Completion of Construction and Complete Application of Water to Beneficial Use on Application #1431, Permit #692.

My predecessor, Mr. R. L. Fromme overlooked the necessity of forwarding these blanks and my attention has just been called to the fact that they had not been forwarded.

I should like to receive a copy of the State Water laws.

Very truly yours,

N. F. Macduffy

Forest Supervisor.

22418
5776
1431

February 19, 1957

Mr. Vernon M. Johnson
Route 1
Cave Junction, Oregon

Dear Mr. Johnson:

If you wish to initiate action to have water right recorded Page 2468, State Engineer's Record of Water Right Certificates, in the name of the Waldo Smelting and Mining Company, declared invalid you should prepare a petition to the State Engineer setting forth the facts as you know them. The State Engineer will then follow the procedure as provided by law.

There is no particular form prepared or required for this, however, you should furnish as much information as possible, and if there are any other interested parties, it would be well to obtain their signatures as well as your own.

If the property involved has changed hands include the name and address of the legal owner of the property and the name and address of the occupant of the property if it is leased or rented.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:gv

1131
5776
22118

February 18, 1957

Mr. George W. Thrasher
Watermaster, District No. 16
Courthouse
Grants Pass, Oregon

Dear Mr. Thrasher:

Permit No. 17670 in the name of Mark S. and Pauline R. Young was completed and confirmed by issuance of a certificate of water right on November 30, 1950 and recorded on Page 17409, State Record of Water Rights Certificates. The date of priority as allowed thereunder is April 8, 1947.

Permit No. 3570 was confirmed by issuance of a certificate of water right recorded on Page 2463, State Record of Water Rights Certificates, on December 4, 1919 in the name of Waldo Smelting and Mining Company and covered the use of water from Page Creek for supplemental irrigation of 42 acres. The date of priority under this right is October 5, 1917.

From our records there has not been any action taken to declare this right abandoned, therefore, being prior in time it would have the priority over Mr. Johnson's right. If Mr. Johnson knows that the right has been abandoned, he could, of course, initiate action to have it so declared. Until the right has been declared abandoned it will operate within its priority.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CDF:eh

1431
5776
22418

January 11, 1957

Mr. Vernon M. Johnson
Route 1
Cave Junction, Oregon

Dear Mr. Johnson:

In response to your letter of January 4, permit No. 3570 was completed and confirmed by issuance of a certificate of water right on December 4, 1919 in the name of Waldo Smelting and Mining Company and recorded on Page 2468, State Record of Water Rights Certificates. The certificate confirmed the right to the use of 0.53 second-feet from Page Creek for supplemental irrigation of 42 acres, under a date of priority of October 5, 1917.

The right is still valid in our records as there is no evidence that anyone has ever taken the matter through the courts to have it abandoned. If it has not been used since April of 1942 it would be subject to abandonment if anyone who would be affected thereby wished to take the necessary action.

In addition to the above described right and yours which were acquired through permit No. 17670, we also have of record a certificate of water right issued in the name of the United States Forest Service on December 16, 1914 and recorded on Page 779, State Record of Water Rights Certificates, which confirmed the right to the use of not to exceed 0.12 second-foot from Page Creek for irrigation of 9 acres in Section 2, Township 41 South, Range 8 West, W.M., under a date of priority of May 16, 1911.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CDW:eh

January 30, 1942

U. S. Forest Service
Siskiyou National Forest
Grants Pass, Oregon

ATTENTION: Mr. H. C. Obye, Forest Supervisor

Gentlemen:

This will acknowledge receipt of your letter of January 26, in which you inquire concerning permits covering use of water at your Westmore and Page Creek Guard Stations.

The only right of record in this office covering a use of water at either of the locations shown on the sketches accompanying your letter, is that one defined by Certificate No. 779 in the name of the Forest Service. This certificate confirms a right to the use of 0.12 second-foot of water from Page Creek for the irrigation of 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 41 South, Range 8 West, W. M., with a priority of May 16, 1911.

For your convenience in filing an application for a permit, if such is your desire, I am enclosing herewith forms, 4-section plats, and a copy of the Rules and Regulations of the State Engineer. Definite instructions for preparing an application and the map which must accompany it will be found in the Rules and Regulations, in which you will also find a complete list of the statutory fees.

Two application blanks are enclosed with the thought that you may wish to retain a copy of any application submitted, for your files.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD
Enclosures

MEMORANDUM

April 16, 1962

I discussed the proposed cancelation of a portion of the water right evidenced by certificate No. 779 with Mr. Olson of the Grants Pass office, United States Forest Service.

Mr. Olson stated that the five-acre area indicated in the western tract has not been irrigated for five years, and probably should be abandoned. He stated that there was approximately $2\frac{1}{2}$ to 3 acres in the area shown as north of the Wagon Road and surrounding the house that had been irrigated for many years, and had definitely not been abandoned for a period of five successive years non-use. He stated that he was not sure of whether or not the 3.4 acre tract lying south of the Wagon Road and west of Page Creek had been irrigated in the past five years.

From other maps on file in the Forest Service office, it would appear that this 3.4 acre tract actually lies in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ rather than the NW $\frac{1}{4}$ SW $\frac{1}{4}$ as was stated in the proof, and indicated in the certificate.

Mr. Olson will check and advise us in the next two weeks whether or not this land has been irrigated in the past five years. If not, he will so advise and they will authorize cancelation of all lands except approximately $2\frac{1}{2}$ acres north of the Wagon Road. If they find that it has been irrigated, they will desire a hearing on the matter. They would also insist on hearing rather than cancel any part of the $2\frac{1}{2}$ to 3 acres lying around the house. I advised him that if he

agreed to cancelation of all but this tract, we would prepare the necessary forms and determine whether or not those insisting on cancelation of all but one acre would agree.

Chris L. Wheeler

MEMORANDUM

April 16, 1962

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Chris L. Wheeler