

Certificate No. 1021

Date of approval

Extended to

Form "C" filed

Receipt for recording fee No.

Application Record, Book No.

W.R.T.S.
Assembled 6.1.84 by Qj
Entered _____ by _____
Verified _____ by _____

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Form C

Permit No. 247

Application No. 607

I, Ben F. Bare, the holder of Application No. 607, being Permit No. 247, issued by the State Engineer of the State of Oregon for the appropriation of 0.16 second feet of the waters of Butte Co. & N. Fork of Butte Co. 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 15th day of May, 1907, being the time limitation as fixed in said permit for the complete application of water to a beneficial use.

Remarks: All of water granted in permit is used
If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, and in dry seasons there is not sufficient water for my uses now as much as is granted in permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of Dec, 1911, at Seaside, Oregon.
(Present Address) George Monill (Signature of Applicant) Ben F. Bare

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

NOTICE OF COMPLETION OF CONSTRUCTION

Form B

Permit No. 247

Application No. 607

I, Ben F. Bare, holder of Application No. 607, being Permit No. 247, issued by the State Engineer of the State of Oregon for the appropriation of 0.16 second feet of the waters of Butte Co. & N. Fork of Butte Co. 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 15th day of May, 1907, being within the time limitation as fixed in said permit for the completion of construction work.

Remarks: Worked about 15 days with two men and team and have all lands described in permit under ditch and in 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 Dec, 1911, at Seaside, Oregon.
(Present Address) George Monill (Signature of Applicant) Ben F. Bare

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.

NOTICE OF BEGINNING OF CONSTRUCTION

Form A

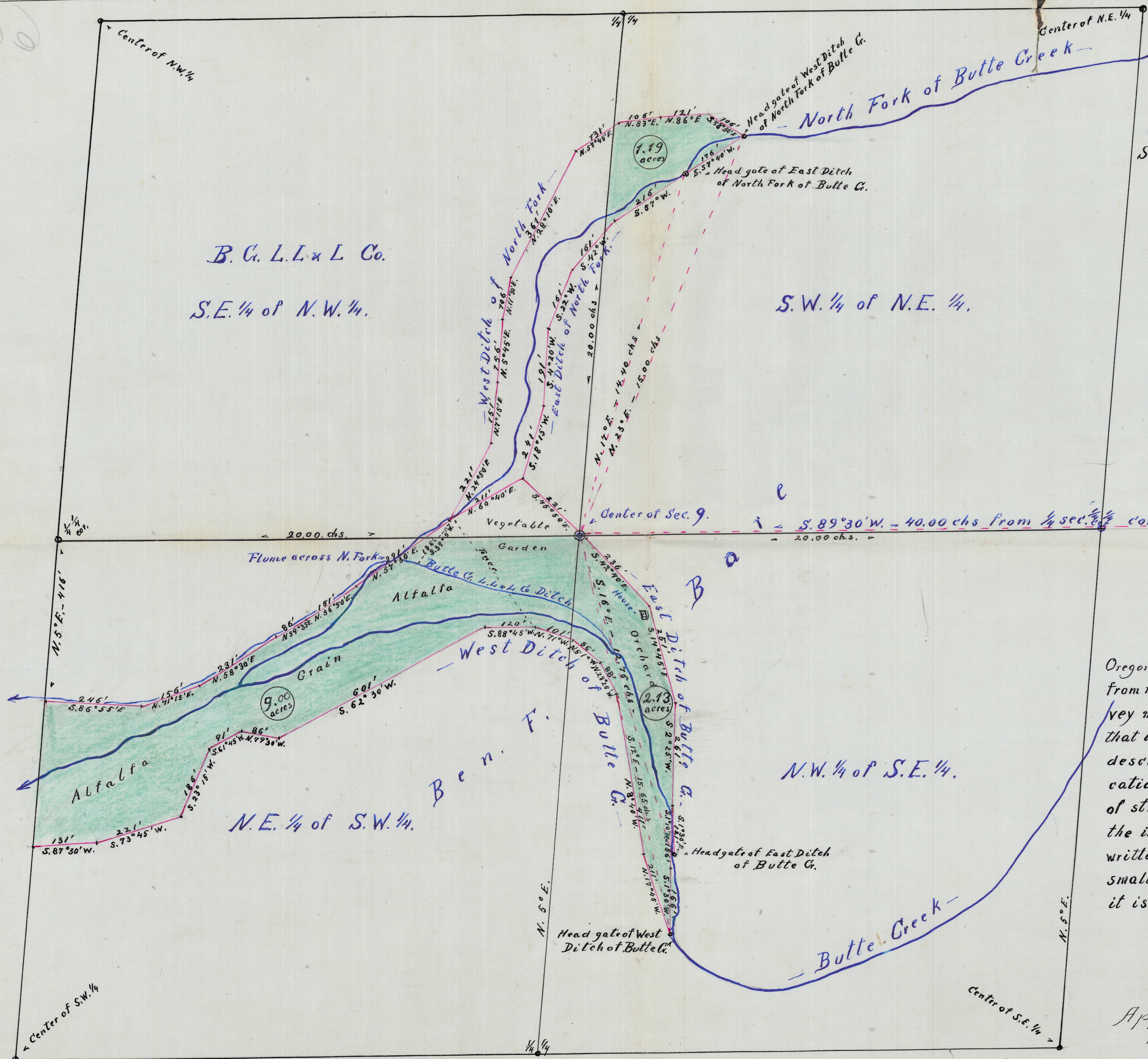
Permit No. 247

Application No. 607

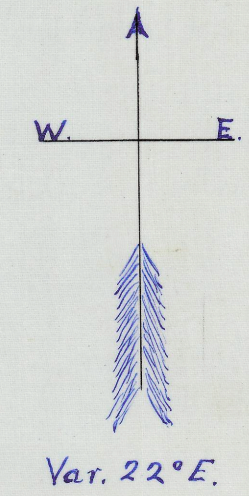
I, Ben F. Bare, the holder of Application No. 607, being Permit No. 247, issued by the State Engineer of the State of Oregon for the appropriation of 0.16 second feet of the waters of Butte Co. & N. Fork of Butte Co. in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described thereon by the application of water to a beneficial use on the 14th day of May, 1906, being within the time limitation as fixed in said permit for the beginning of construction work.

Two men and one team worked about fifteen days in constructing ditches and additional
The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the

700



Plat of Survey
of irrigation ditches and
acreage of land under ditches
on the Ben. F. Bare place, in
Section 9, T. 6 S., R. 20 E., W. M.



Scale 1" = 200'

Center of Sec. 9. = S. 89° 30' W. = 40.00 chs from 1/4 sec. 8 1/2 cor. on East Bdy. section 9. =

I, H. F. C. Huddmann, of Fossil, Oregon do hereby certify that this map from notes taken during an actual survey made by me on May 29th 1910, 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. F. C. Huddmann

Surveyor.

Application # 607.
Permit # 247,

[illegible]

8. During what months is water beneficially used? April, May, June, July & August
and September
9. State the character of the soil and kind of crops raised: Sandy Soil. The crops are
garden, Alfalfa & Grain
10. Does the accompanying blue print of the map filed with your permit show correctly the loca-
tion of diverting works and area of land where water is used? Yes.
11. If not, state wherein such map is in error None that I know of.
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)
None that I know of
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

STATE OF OREGON,

County of Wheeler

} ss.

I, Clarence M. Bare, being first duly sworn,
depose and say that I have read the above and foregoing proof of appropriation of water; that I
know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day
of February, 1916.

Clarence M. Bare

Subscribed and sworn to before me this 28th day of February, 1916.

(Notarial Seal)

Leola Zosser
Notary Public for Oregon.
County Clerk

My commission expires

AFFIDAVIT OF WITNESSES

We, Charlie Owens and Gillis Kelsay,
of Fossil, Wheeler County, Oregon, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 247; that we and each of us have
been over and upon each tract described in said proof and from such personal inspection, have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of
appropriation, and that each and every statement contained therein is true to the best of our
knowledge and belief.

Gillis Kelsay
Charlie Owens

Subscribed and sworn to before me this 28th day of February, 1916.

(Notarial Seal)

Beard & Sons
County Clerk Notary Public for Oregon.
My commission expires

PROOF OF APPROPRIATION

Permit No. 247

4.00 fee paid

OFFICE OF THE BOARD

F

D

MAR 20 1916

SALEM, - OREGON.

Approved:



March 25, 1916

Mr. Clarence M. Bare,

Fossil, Oregon.

Dear Sir,-

I am in receipt of corrected proof of appropriation of water under your Permit No. 247. I note that you have listed a greater number of acres as actually irrigated than is covered by your permit, and the certificate when issued, can only cover the original number, or 12.32 acres. If you desire to secure a water right for the balance of the acreage described, being 3.68 acres, you should make an additional filing in the State Engineer's office.

Very respectfully,

Secretary.

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD, SALEM
JAMES T. CHINNOCK
SUPERINTENDENT WATER DIVISION NO. 1, SALEM
GEO. T. COCHRAN
SUPERINTENDENT WATER DIVISION NO. 2, LA GRANDE

M. F. MERS, SECRETARY

STATE OF OREGON
OFFICE OF THE
STATE WATER BOARD

SALEM, OREGON, March 20, 1916.

OFFICE OF THE STATE WATER BOARD
RECEIVED
MAR 25 1916
SALEM, OREGON.

Clarence M. Bare,
Fossil, Oregon.

Dear Sir:-

Proof of appropriation of water under permit No. 247, together with \$1.00 recording fee, has been received in this office.

I am returning the proof for answer to question 7. The number of acres actually irrigated should be set opposite the forty acre tracts in the column left blank at the right.

Kindly make this correction and return to this office, upon receipt of which the matter will be presented to the State Water Board for approval and issuance of certificate.

Very respectfully,

M. F. Mers
Secretary.

February 23, 1916.

Clarence M. Bare
c/o Scott Sasser,
Fossil, Oregon.

Dear Sir:-

I am inclosing blank for proof of appropriation of water
under permit No. 247.

Kindly fill out this proof and return to this office,
together with \$1.00 to cover recording fee and the same will be
presented to the State Water Board at its next meeting for
approval and issuance of certificate.

Very respect fully,

Secretary

RS.



OFFICE OF
SCOTT SASSER
CLERK

Fossil, Oregon,

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

Dear Sir:

Kindly furnish blank for Mr. Clarence M. Bare on which
he may submit final proof on permit No. 247 about which you wrote
him on Jan 6th, 1916.

He has no blank for the purpose.

Yours truly,

Scott Sasser

OFFICE OF STATE ENGINEER
RECEIVED
FEB 16 1916
SALEM, • • OREGON.

Permit No. 247.

Jan. 6, 1916.

Mr. Clarence M. Bare,

Fossil, Oregon.

Dear Sir:

I note from the records of this office that you have not submitted final proof under permit No. 247 issued by the State Engineer for permit to appropriate water in the name of Ben F. Bare, and which you now hold by assignment, although blanks for this purpose were mailed to Ben F. Bare on July 22, 1914. If you desire to submit final proof and secure water right certificate, other blanks will be forwarded you upon request.

On the other hand if you have abandoned the permit and do not intend to submit final proof, we would be glad to have you authorize the cancellation of the permit on the records of this office.

Please let us hear from you with reference to this matter.

Very respectfully,

RS.

M. F. Mers, Secretary.

August 25, 1914.

Mr. Kent Base,

Fossil, Ore.

Dear Sir,-

I am advised by Mr. Ben. P. Base that he has relinquished his rights under Permit No. 247, to you, and that you have been using water in accordance therewith. If such is the case, you should secure a assignment from Mr. Ben. P. Base, using the form enclosed, and file the same in the office of the State Engineer. The cost of filing such a document is \$1.00. After this assignment has been filed, you should fill out the proof of appropriation blank sent to Mr. Ben Base, carefully complying with the instructions contained on the printed letter enclosed. Upon receipt of such proof blank, properly executed, certificate of water right will be issued in your name.

Very respectfully,

Secretary.

724

STATE OF OREGON

STATE WATER BOARD

Salem Ore....., 191.....
Ben F. Bare.....
Fossil Ore.....

Dear Sir:

The time allowed for the completion of your appropriation of water under Permit No. 247 has expired, and proof of such appropriation should now be submitted to the State Water Board, as a basis for the issuance of final water right certificate. The accompanying blank should be carefully filled out, and mailed in the enclosed self-addressed envelope. All questions must be fully answered before proof will be accepted.

The utmost care should be exercised in filling in the number of acres actually irrigated, and for which a certificate is desired, in answer to question 7. In order to ascertain the area of land irrigated in each forty-acre tract, you should take the most accurate method practicable,—either by stepping or chaining the distances. Irrigated land not covered by your permit should not of course be included.

A blue print of the map originally filed with your permit is enclosed. If this map does not correctly show the location of the diverting works and area of land actually irrigated (or place of use, if for other purposes), a sketch map should be prepared and filed, showing the correct location of the works, and area irrigated in each forty-acre tract. Any changes in the dimensions of your ditch, or dam, or in your plan of irrigation as set forth in your permit should be carefully noted thereon, and briefly described on the blank, under question 12.

If you have assigned your rights under this permit, but have not recorded the assignment with the State Engineer, as required by law, an assignment should be executed at once, and forwarded to the State Engineer, Salem, Oregon, accompanied by the necessary fees, being \$1.00 for the first 100 words, and 10c for each additional 100 words. This letter, with enclosures, should be forwarded to the assignee.

The law provides that certificate of water right shall be recorded in the County Clerk's office, as in the case of a deed to land, hence the customary recording fee of \$1.00 must be sent with proof of appropriation.

After answering all the questions on the proof blank, you should sign the affidavit on the second page, before a Notary Public. The affidavit of witnesses should be sworn to by two of your neighbors who are familiar with your land, and can substantiate the statements made in your proof.

The information contained in the accompanying blank will be the basis of your water right certificate, which will be final evidence of your right to use water, on the land described therein. The importance of absolute accuracy in filling out this blank will be seen, as a faulty title to water will otherwise result, causing endless litigation and expense.

Proof of appropriation on the enclosed blank should be received in this office within sixty days from the date of this letter. Failure to reply will be taken as evidence of abandonment, and your permit will be subject to cancellation at the end of the sixty-day period.

Very respectfully,

STATE WATER BOARD,

By *H.K. Donnelly*

Fossil Ore
Aug 12th 1914

OFFICE OF STATE WATER BOARD
PORTLAND

H R Sonnelly
Salam Ore

AUG 25 1914

SALEM, OREGON.

Dear Sir
I relinquished back
my claim on the within said land to the Government
4 years ago and have nothing further to do with
said land. And Kent Base filed a homestead
on said land and has pruned up an it
and has been using the water on it irrigating
the land and he wants some information
from you how to proceed to get right away
to said water hoping this will be satisfactory
Very Respt

Ben. F. Base

P.S

write me or
Kent Base

December 28, 1911.

Mr. Joseph K. Starr,

Fossil, Oregon.

Dear Sir:

I am in receipt of notices under your client's permit No. 247, which are in accordance with law and the rules of this board.

Mr. Bare can assign his permit to his son, filing notice thereof with this office, or he can wait until certificate is issued, which will not be for some time, and assign that to his son.

Very respectfully yours,

Secretary of the Board of Control.

Fossil, Oregon, Dec. 27, 1911.

OFFICE OF BOARD OF CONTROL

RECEIVED

DEC 29 1911

SALEM, OREGON.

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

Dear Sir:

By request of Mr. Ben F. Bare, I am enclosing notices required in connection with the appropriation of water. Mr. Bare made application number 607 and holds permit number 247.

While the work was completed as set forth in the notices and the filing made in good faith, since the completion of the work Mr. Bare has relinquished the Desert Land Claim which he was irrigating and his son has filed a homestead on the same land; this was done because the amount of land which he could irrigate was not sufficient to enable him to make final proof under the desert Land Act.

Mr. Bare was a riparian owner at the time he made application to appropriate water but upon his relinquishment of his Desert Land claim he had no further rights to the land or its appurtenances. This being the case, will you grant him a Water Right Certificate which he can assign to his son, the present owner of the land under the ditches as set forth in his application? If you will not, has he such rights under his permit as may be assigned after relinquishment of the land upon which the water is used?

While there will be no conflict between Mr. Bare and the present owner of the land upon which the water is used, we want to get a water right which cannot be successfully contested by any conflicting right which may be acquired in the future.

Yours truly,

Joseph K. Starr

#6/a

April 6, 1910.

Mr. H. F. Heidtmann,

Fossil, Oregon.

Dear Sir:

I am in receipt of \$4.90, together with application No. 607, in the name of Ben F. Bare, for permit to appropriate water. In accordance with your request, I have hastened the approval of this application. I have also taken the liberty of eliminating from this application the domestic supplies in the answer to question 3, as the fees were not sufficient to approve the application for both irrigation and domestic supplies, a \$5.00 additional fee being necessary for this latter use. I trust you will find it satisfactory in its present form. I am enclosing this application herewith, approved, together with one blue print map.

Very respectfully,

State Engineer.

(Enclosures.)

RECEIVED
APR 6 1910

6/a
April 4th 1910.

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

Dear Sir:

Enclosed please find "Application for a Permit to appropriate water from Butte Creek of this county, of Ben F. Bare, addr. Fossil, Oregon; also the required plats, one tracing and one blue print, and draft for the required fee, for examining application = \$3.00 and 15¢ per acre for 12.32 acres = 1.95, total \$4.95.

Mr. Ben F. Bare requires this permit to make final proof on his desert claim and has been given until the 11th of April to procure his water right, so kindly push this matter if possible.

Remarks

The Butte Creek Land Livestock and Lumber Company claims by right of priority all the waters of Butte Creek below Mr. Bare's place, and it appears according to this company claim, Mr. Bare can procure a right to water from the spring freshets only, there is an abundance of water until about the middle of June, after that the water diminishes in Butte Cr. to about 1/3 of the present flow and the North Fork of Butte Cr. to 1/2 of the present flow.

Butte Creek has a fall of 2.75 feet to ~~xxx~~ 100' and at present has a stream of water 10' wide and 1.15' deep.

North Fork of Butte Cr. has a fall of 1.1 feet to 100' and at present has a stream 2.5' wide and .5" deep.

Mr. Bare has used the water, his ditches full, during the whole season, for a number of years, and apparently the Company has had all the water they required for their ranches, during those years.

By enlarging the Company Ditch, Mr. Bare has used same for a continuance of his North Fork and East Ditch ^{of} Butte Cr. ditches, to carry the water to the lower end of his place, with the consent of the Company.

Should anything have to be changed in the application, forward it direct to my address, as Mr. Bare is absent from home and will not be back for some time.

Yours truly,

H. F. L. Heidemann
C. S.

