

Application No. R 3113
 Permit No. R 252
 Certificate No. 2813

FEEES PAID

| Date | Amount | Receipt No. |
|-------|--------|-------------|
| | | |
| | | |
| Total | | |

Name W. C. Dalton
 By

Address Malin Ave.
 Date filed

Action suspended until

Returned to applicant

Date completed

Date of approval

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

FEEES REFUNDED

| Date | Amount | Check No. |
|-------|--------|-----------|
| | | |

ASSIGNMENTS

| Date | To whom | Address | Volume | Page |
|-------|---------|---------|--------|-------|
| | | | | |
| | | | | |

REMARKS

1460 on H

See 3112 also see 68848

McGee NW 30 - 30

Sims NW 30 - 31

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Receipt for recording fee No.

R-3113

CLARK Gerald E * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, March 25, 2025 9:33 AM
To: CLARK Gerald E * WRD
Subject: FW: please remap C-2813

Good Morning, Gerry,

Because of the wris error Jeana has reported and the error of the sections listed on the certificate as 29, 31 and 32, while the reservoirs are in sections 29, 30 and 31, would you be willing to stick a copy of this information into the folder for anyone else who works on this right?

Thanks!

Sheila Buchholz

(She/Her/Hers)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: EASTMAN Jeana M * WRD <Jeana.M.EASTMAN@water.oregon.gov>
Sent: Monday, March 24, 2025 4:26 PM
To: WRD_DL_wriserror <WRD_DL_wriserror@water.oregon.gov>
Cc: MCCORD Mike L * WRD <Mike.L.MCCORD@water.oregon.gov>
Subject: please remap C-2813

Hi wriserror -

please remap C-2813 at your convenience with the attached.

The cert has limited info, like it doesn't list the names of the two reservoirs it authorizes or break out a volume of water for each res, so some items I'm listing below are up to your discretion if you want to update WRIS. I'm most interested in getting the POD/POU mapped correctly.

I appreciate your help!
Have a good week,
-jeana

- The permit lists both McCoy Res and Simms Res but the cert doesn't list any reservoir name. It authorizes both reservoirs. McCoy is named that on the topo but Simms is named Pope on the topo.

- Our dam safety files give a volume for each, M-75 McCoy Res is 1045 af and S-100 Simms Res is 415 af, which totals the 1460 af authorized by the cert. Note these amounts are also listed on the map (app map?) in the S-100 dam file, see image below.
- The POD for Simms Res isn't mapped, it's in the NWSE of Sec 31 per the permit and a map I found in the S-100 dam file.
- The permit says the POD for McCoy Res is in the NESW Sec 30, and it is mapped there. However, a map in the M-75 dam file shows it in the SENW Sec 30. Up to you how you want to handle it.
- C-2813 lists the wrong sections for the POU. The permit correctly lists Sec 29, 30, and 31 but the cert erroneously lists 29, 31, and 32. I'm hoping you can make note of it and map it correctly (if that's your protocol 😊, I think it is?)

CERTIFICATE OF WATER RIGHT

(For rights perfected under reservoir permits).

This is to Certify, That E. C. DALTON

of Malin, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to store the waters of Mills Creek and Storage water of its tributaries

for the purposes of irrigation, to be applied under permit No. 2466, Certificate of Water Right recorded in Vol. 4, Page 2811, State Record of Water Right Certificates

under Reservoir Permit No. 252 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 351, on the 14th day of April, 1920; that the priority of the right hereby confirmed dates from July 30, 1913

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 1460 acre feet.

The reservoir is located in Sections 29, 31 and 32, Tp. 40 S, R. 13 E, W. N.

Witness the seal and signature of the STATE

WATER BOARD affixed this 15th day
of August, 1930.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2813

Reservoir Permit No. 252 CERTIFICATE NO

APPLICATION FOR A PERMIT TO CONSTRUCT A RES
AND TO STORE FOR BENEFICIAL USE THE
UNAPPROPRIATED WATERS OF THE STATE OF OREG

1. The name of the proposed reservoir is.....

McCoy Reservoir and Simms Reservoir

2. The name of the stream from which the reservoir is to be filled and the appropriation
Mills Creek and Storage water of its tributaries

3. The amount of water to be stored is 1460 acre feet.

4. The use to be made of the impounded water is Irrigation
(Irrigation, power, do)

5. The location of the proposed reservoir will be in Sec. McCoy Reservoir in Se
(Give sections or townships to l
and Simms Reservoir in Section 31 Twp 40 S R 13 E.W.M.

6. The dam will be located in McCoy Dam: NE $\frac{1}{4}$ S $\frac{1}{4}$ Sec.
Simms Dam: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.....
(Smallest legal subdivision)

both in Twp. 40 S R 13 E.W.M.

*A different form of application should be used for the appropriation of stored water to beneficial use. Such

10. The area submerged by the proposed reservoir, when full, will be..... 1460
with a maximum depth of water of..... .15feet, and approximate
water.....feet.

STATE OF OREGON, }
County of Marion } ss.

This is to certify that I have examined the foregoing application and do hereby grant the
to the following limitations and conditions:
This appropriation shall be limited to the storage of 1460 acre feet
The priority date of this permit is July 30, 1915.

Actual construction work shall begin on or before Oct. 14, 1914
and shall thereafter be prosecuted with reasonable diligence and be completed on or before.....
June 1, 1916. EXTENDED TO 4/17

WITNESS my hand this..... 14th day of October
John H Lewis

State

M-75 McCoy Res Dam File

Twp 40 S R 13 E W.M Sec 30

Klamath

042 00042

McCoy *Simms* Dam & Reservoir Klamath County
Owned by W. G. Dalton Malin, Oregon
Source of supply Mills Creek Tributary of Tule Lake
Purpose Irrigation
Dam: Location: Section 30, Twp. 40 S., Range 15 E. W.M.
Type Earth fill
Constructed 1915
Height 15' Crest Length 680'
Reservoir: Location: Sec. 29 and 30, Twp. 40 S., Range 15 E. W.M.
Capacity 1946 Ac.Ft., Area at spillway Elev. _____ acres
1460 " " *under Cert. # 2813 48*
Drainage Area _____ Sq. Miles,
Constructed under: App. # 5115, Permit # R 252 Cert. # 2813

References:

File Number

App. map showing location of dam and reservoir. App. folder 5112

Profile and section of dam " " 5112

see "Simms Dam"

*Permit and certificate covers both reservoirs
with total capacity as above but amount
in each not given*

LAT: 42° 04' 20"

LONG: 121° 20' 25"



S-100 Simms Res Dam File

Simms

5-100

TWP 40S R. 13E. W.M. Sec. 31

Klamath

A.
P. R
C. 2



00073

Simms & ^(Pupco) McCoy Dam & Reservoir Klamath County

Owned by W. C. Dalton Malin, Ore.

Source of supply Mills Creek Tributary of Tule Lake

Purpose Irrigation

Dam: Location: Section 51, Twp. 40 S., Range 15 E. W.M.

Type Earth fill

Constructed 1915

Height 15' Crest Length 300'

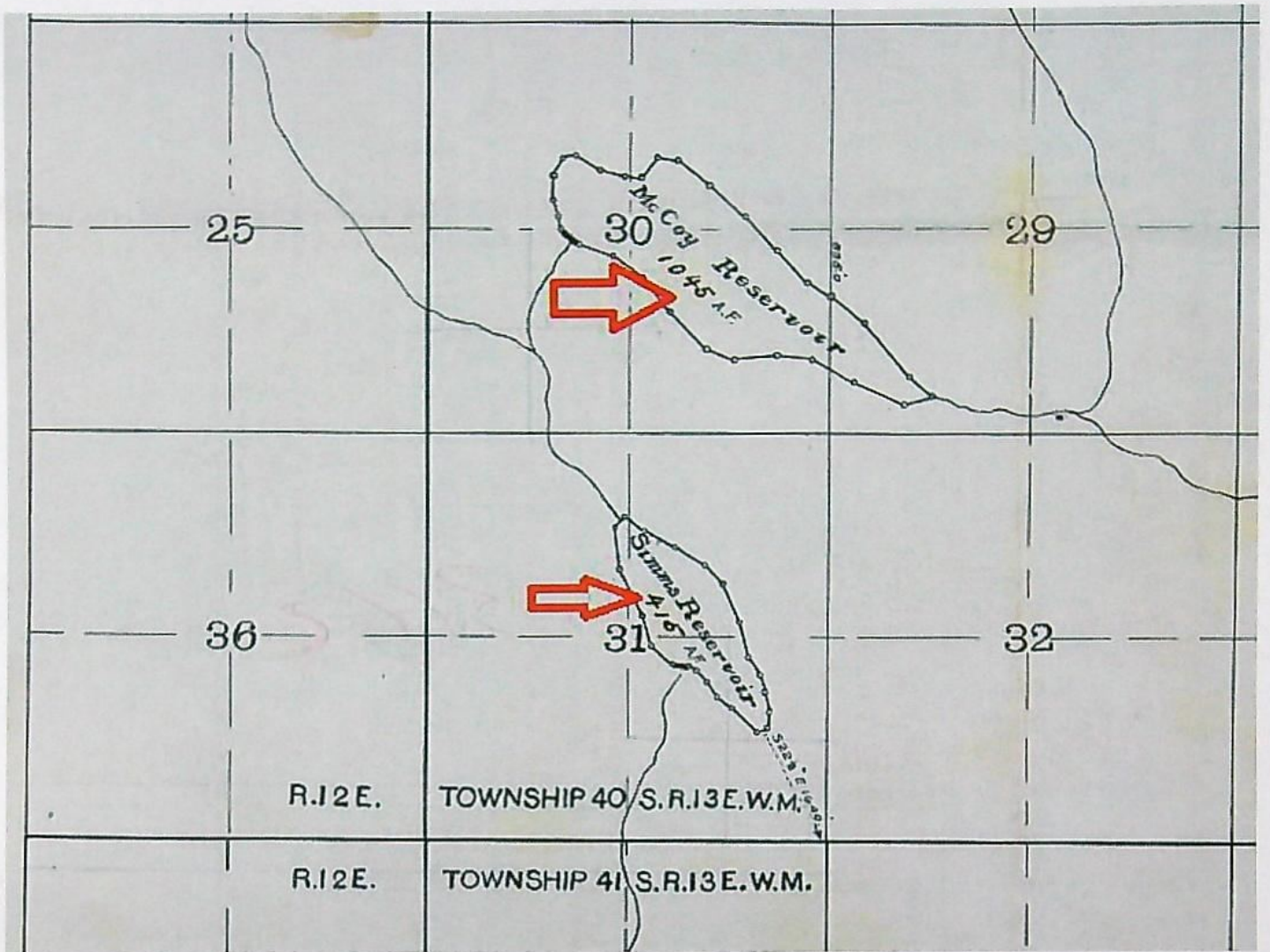
Reservoir: Location: Section 51, Twp. 40 S., Range 15 E. W.M.

Capacity 426 Ac. Ft., Area at spillway Elev. _____ acres

Drainage Area 1460 " " Under Cert # 2513 & 8 Sq. Miles

Constructed under: App. # 5115, Permit # R 252 Cert. # 2615⁵⁷

| References: | File Number |
|---|------------------|
| App. map showing location of dam and reservoir, | |
| profile and section of dam | App. folder 5112 |
| <u>See McCoy Dam M-25</u> | |
| <u>Permit</u> | |
| LAT: <u>42°03'37"</u> | |
| LONG: <u>121°24'43"</u> | |



Jeana Eastman, NW Region Assistant Watermaster, 503.428.8297
 Oregon Water Resources, 725 Summer St NE, Ste A, Salem OR 97301

Plans to protect air and water, wilderness and wildlife are in fact plans to protect man. - Stewart L. Udall

25

30

29

McCoy Reservoir
1045 A.F.

COPIED
FROM
APP. 1827

36

31

32

Simms Reservoir
415 A.F.

R.12E.

TOWNSHIP 40 S. R.13E. W.M.

R.12E.

TOWNSHIP 41 S. R.13E. W.M.

S.22° E. 1640.7

895.0

#1

#2

8. During what months is water beneficially used? From May to September each year
9. State the character of the soil and kind of crops raised Sandy Loam, principal crop Alfalfa
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? Shown on proof of application of water accompanying this return
11. If not, state wherein such map is in error
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
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 Domestic and stock as well as irrigation

STATE OF OREGON, }
 County of Klamath } ss.

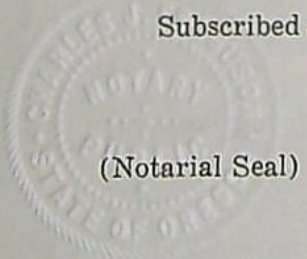
I, W.C. Dalton, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of January, 1920.

W.C. Dalton

Subscribed and sworn to before me this 20th day of January, 1921.

Charles Ferguson
 Notary Public for Oregon.
 My commission expires Feb. 20 - 1921



PROOF OF APPROPRIATION

Permit No. P 252

10 fee paid

Receipt 2987

OFFICE OF STATE WATER BOARD

RECEIVED

FEB 2 1920

SALEM, OREGON.

Approved:

October 14, 1913.



COPIED FROM App. 18277
PER. 14101
CORT. 20331

July 10

The reservoir shown on the map is identical to that which is on the land. The reservoir lies within section 29 & 30. There is one exception and that is that there has been another dam put in. The original dam (#1) backs water up to the base of dam #2 which is located approximately on or near the section line common to sec. 29 & 30.

Use Map in 18277
for Reservoirs.

Del Sparks
Watermaster Dist. 17

RECEIVED

JUL 14 1980

WATER RESOURCES DEPT
SALEM, OREGON

Q 252

CERTIFICATE NO. 2813

app. 3/1/9

D. C. Dalton
Malin Ar.

10/14/14 - 6/1/16 Tule Lake

EXTENDED TO 6/1/17
Form A filed

March 14 1919

See also E. 184 + 2466

wrote 6-14-16 for B. P.S.

Recd letter

wrote 6-21-16 for B. P.S.

wrote 7-3-16. extension requested & recommended
card 6-26-17 for B.

B. filed

1-14-18 final proof mailed

1-22-18 about final proof

wrote 1-31-18 about final proof.

wrote 2-18-19 about final proof

B. filed

all complete in letter enclosed

1960 Accep in McCoy & Sumner Res. for in from
Mill Creek

1-31-19 - letter about final proof enclosed

Final proof 11/31/19

Final proof Receipt 2987

See 3H2 - E. 184

2466

NOTICE OF BEGINNING OF CONSTRUCTION

I, W.C. Dalton, the holder of Application No. 3112 & 3113, being
State of Oregon Permit No. 252, issued by the State Engineer of the State of Oregon,
 (Reservoir or Entanglement.)

for the appropriation of seven ^{cubit} ~~second~~ feet of the waters of Milk Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 began the actual construction of the works described therein on the 11 day of Sept, 1914
 being within the time limitation as fixed in said permit for the beginning of construction work.

with 20 horses four Fresno reapers & Ten men
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to
one flow finished since Nov. 14, 1914 total
 the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

cost of construction about \$1600⁰⁰ then made
attached to report about 30 acres per
 IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of Feb, 1915.

Shades Road
 (Present Address.)

W.C. Dalton
 (Signature of Applicant.)
Malin, Ore

OFFICE OF STATE WATER BOARD

RECEIVED

FEB 5 1915.

SALEM,

OREGON.

10/14/14

6/1/16

NOTICE OF COMPLETION OF CONSTRUCTION

I, W.C. Dalton, holder of Application No. 3113, being

Reservoir Permit No. 252, issued by the State Engineer of the State of Oregon,
(Reservoir or Enlargement.)

for the appropriation of seven cubic ~~second~~ feet of the waters of Wills 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 31 day of Oct, 1915,
being within the time limitation as fixed in said permit or extended by the State Water Board for the
completion of construction work.

Remarks:

I finished the Lewis Dam & Reservoir
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
as originally outlined. Reservoir holding fine & changed
lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.
Location of McCoy & have Dam completed on new site.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of June, 1917.

Malin Oregon
(Present Address.)

W.C. Dalton
(Signature of Applicant.)

RECEIVED
JUL 9 1917
MILWAUKEE
MILWAUKEE
MILWAUKEE

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W. C. Dalton, the holder of Application No. 3113, being
Reservoir Permit No. 252, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement.)

for the appropriation of 1460 ~~second~~ ^{acre} feet of the waters of Mills Creek & Tributaries
 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 First day of September, 1918,
 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: The capacity of the reservoirs are used each year but the amount

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

of water varies with the season, a shortage occurring in dry years, and
 appropriators may have notice.

an abundance in favorable years.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of February, 1919.

Tule Lake Or
 (Present Address.)

W. C. Dalton
 (Signature of Applicant.)

THE FIRST NATIONAL BANK

CAPITAL \$ 25,000.00

MERRILL, OREGON Oct. 28, 1919.

RECEIVED
OCT 31 1919
SALEM OREGON

Mr. Percy A. Cupper, State Engineer,
Salem, Oregon.

Dear Sir:-

In re Application No. 3113,
Reservoir Permit No. 252.
W. C. Dalton.

In re application 3113, Permit
252.

Referring to the above applications, final proof on these applications can not be made at the present time on account of my lawyer being away. I expect to be gone for about two weeks, after which time, I will attend to the matter of making final proof on these applications.

I wish to have a few weeks additional time in which to make proof, and you can advise me in regard to the same.

Yours very truly,

Klamath Lake Land and Livestock Co.

By

W. C. Dalton

Manager.

W. C. Dalton

October 31, 1919.

Mr. W. C. Dalton,
Klamath Lake Land & Livestock Co.,
Merrill, Oregon.

Dear Sir:

In reply to your letter of October 28th, I note that you have completed your water rights under Permits Nos. R 252, E 184, and 2466, and final proof blanks will accordingly be prepared and forwarded you for execution within a short time.

Very respectfully,

Percy A. Cupper,

State Engineer.

RS-R.

February 2, 1920.

Mr. W. C. Dalton,

Malin, Oregon.

Dear Sir:

Proof of appropriation of water under permit No. 2468, Enlargement permit No. 184 and Reservoir permit No. 252, together with check for \$3.00 to cover recording fees, have been received and filed in this office.

These proofs appear to be in proper form and will be presented to the Board at its next meeting for approval and issuance of final water right certificates.

Yours very truly,

Asst. Secretary.

Encl.

December 31, 1919.

Mr. W. C. Dalton, Manager
Klamath Lake L & L S. Co.
Merrill, Oregon/

Dear Sir:

I am enclosing blanks for proof of appropriation of
water under permit No. 2166, Enlargement permit No. 184 and
Reservoir permit No. 252.

Please see that these proofs are properly filled out
and returned to this office, together with \$1.00 to cover recording
fee on each permit, and the matter will be presented to the Board
at its next meeting for approval and issuance of final water right
certificates.

Yours very truly,

Asst. Secretary.

LAW OFFICES OF
CHARLES J. FERGUSON
KLAMATH FALLS, OREGON

February 26, 1919

OFFICE OF STATE ENGINEER
RECEIVED
MAR 1 1919

Percy A. Cupper
State Engineer
Salem, Oregon.

Dear Sir:-- In re Application No. 3113, Reservoir Permit No. 252.
W. C. Dalton.

I am enclosing you herewith Notice of complete application of water under the above permit. The construction work under this permit has been completed and the water impounded applied to the lands.

There was a change made in the construction of what is called the "McCoy Reservoir" under this permit, for after a final examination of the lay of the land it was found that by moving the location of this reservoir slightly, all upon land owned by the applicant an advantage could be gained. This did not however make any material change in the plans of irrigation as the object to impound all the waters from the creek and watershed were carried out.

It has been found however that the amount of water which applicant has been able to impound varies with the season. In dry years there is a shortage of water and in favorable years a sufficiency but the final proof when made can be put in to conform with the actual facts.

I understand that this final proof is later submitted to you and that an investigation made by your office and the slight changes can be explained and shown to your satisfaction at that time.

If this requires any additional change in the permit kindly advise and we can send in a full statement of the facts as they finally had to be worked out.

Yours sincerely,

W. C. Dalton

Tide Lake Or.

February 18, 1919.

Mr. W. C. Dalton,

Permits No.s R252 & 880.

Tule Lake, Oregon.

Dear Sir:

Upon going over our records I note that final proof has not been submitted under permits R252 and 880, and we would be glad to take up this matter in accordance with the suggestion in our letter of January 31, 1918. It is probable that you are in a position to determine your procedure by this time and we would be glad to hear from you.

Very respectfully,

RJS/HC.

Percy A. Cupper,
President Water Board.

January 31, 1918.

Mr. W. C. Dalton,
Tule Lake, Oregon.

Permits No. R 252, 880.

Dear Sir:

In reply to your letter of the 29th instant in regard to submitting final proof under permits No. 880 and R 252, I would suggest that you wait a year before submitting final proof under the permits in order that the situation may be cleared up with reference to the Government's plans in that section. You may hold the final proof blanks and submit final proof at the end of a year. If all the 200 acres covered by permit No. 880 have not been irrigated I would suggest that you make application for an extension of time in which to completely apply the water under this permit setting forth the reasons for not having complied with the terms of the permit.

Very respectfully,

John H. Lewis,

RS.

President State Water Board.

3112-E184
3113-P252

1738-880

Tule Lake Co.

Jan. 29-1918

Mr Geo H Lewis
Pres of the State Water Board.
Salem, O.

Dear Sir your papers for
final proom Application No 3113
W.L. Dalton & No 1738. R M. Osburn
which has been transferred to
The Klamath Lake Land & Trust Co.
Rec & contents noted. I am
satisfied now that they
are not near enough water
from Mills creek to properly
irrigate the lands signed up
to the state under these two
applications & in view of the
fact that the Government
is figuring on a canal that
would cover a good portion
of their lands. Could you Board.

extend our time one year
Hoping in that time the
Government proposition will
be settled.

Respectfully

THE KLAMATH LAKE LAND & LIVESTOCK CO. OF CALIF.

W. C. Dalton

MANAGER.

W. C. Dalton.

Application No. 3113.

January 22, 1918.

Mr. W. C. Dalton,
Tule Lake, Oregon.

Dear Sir:

I am in receipt of your inquiry of the 17th instant and it seems to me in view of the uncertainty existing in that locality at the present time, particularly with reference to the Government's probable construction work, that it would be well for you to secure an extension of time for one year, and should it develop at the end of that time that conditions have not changed you should make final proof to the extent to which you have actually applied water to beneficial use.

It is probable that should the Government build the canal covering these lands that some arrangement could be made to transfer the water to other lands.

Trusting you will find this satisfactory, I am,

Very respectfully,

John H. Lewis,

PAC-S.

State Engineer.

January 11, 1918.

Mr. W. C. Dalton,
Tule Lake, Oregon.

Permit No. R 252.

Dear Sir:

I enclose blank for proof of appropriation of water under permit No. R 252, which you will please fill out and return to this office together with \$1.00 to cover recording fee, upon receipt of which the matter will be presented to the State Water Board at its next meeting for approval and issuance of certificate.

Very respectfully,

John H. Lewis,

Pres. State Water Board.

RS.
Enc.

September 29, 1916.

Mr. W. C. Dalton.

Tule Lake, Oregon.

Dear Sir:-

The State Water Board at its meeting today granted an extension of time until June 1, 1917 within which to complete construction work under your permit No. R.252¹⁵².

Very respectfully,

Secretary.

GB.

Application No. 3113.

July 3, 1916.

Mr. W. C. Dalton,

Tule Lake, Oregon.

Dear Sir:

I am in receipt of your letter of the 1st instant making application for an extension of time in which to complete construction work under application No. 3113, permit No. R 252, and I have recommended that the State Engineer grant an extension of time until June 1, 1917, in which to complete construction work under this permit.

Very respectfully,

Percy A. Cupper,

Acting State Engineer.

RS.

RECEIVED
JUL 1 1916
SAL. ST. . . OREGON

Tule Lake Ca
July 1st 1916

Mr Geo H Lewis
Salem Ca

Dear Sir I have completed the
Seine Dam under application
No R 252, which also covers
the McCoy dam as reservoir
now we have not had water
sufficient to warrant the construc-
tion of the McCoy dam. Last
two years if I can get an
extension of time would
like to hold the filing one
year more to get better
line on run off.

Respect

W. C. Dalton

June 21, 1916.

Mr. W. C. Dalton,
Tule Lake, Oregon.

Permit No. R 252.

Dear Sir:

I am in receipt of your letter of the 17th instant and note that you did not complete the McCoy reservoir under your application No. R 252. I note that this reservoir permit covers both the McCoy and Simms Reservoirs.

If you are satisfied that the Simms Reservoir will hold all the water available we would be glad to have you file the notice of completion of construction work under this permit, a blank for which you will find attached to the permit, and upon receipt of same final proof blanks will be forwarded you for execution. If it is your intention to still hold this reservoir site under this permit for the construction of the McCoy Reservoir, you should make application to the State Engineer for an extension of time.

Trusting you will find this satisfactory and that you will be able to file the required notices under this permit, I am,

Very respectfully,

RS.

M. F. Mays, Secretary.

OFFICE OF STATE WATER BOARD
RECEIVED
JUN 20 1916
SALEM OREGON

Tule Lake Or
June. 17. 1916

Mr M. F. Ware.

Salem Or

Dear Sir your card asking
if I was ready to file notices of
completion of Reservoir Permit
No 232 Rec in reply will say
that I did not know that it
was necessary to report on both
permits as I hold No 184 - No 232 &
No 2466. And think I have fully
complied with the Law & your
regulations. I am quite sure
that I wrote your office
that I did not build the
McCoy dam for the reason
that it did not show
sufficient water we have
at present two reservoirs
that has held all the
water that run the last
two year I have spent

to date over \$5000⁰⁰ on dams
and ditches irrigating 200 acres
this year. I have also
bought Mr W. M. Chandler
right to this water.

Every thing is completed now & water
put to beneficiary use except
the McCoy dam. which I will
not build unless we can get
more run of than the last
two years. as we are storing
all water now

Any thing more you want
let me know

Yours Respect
W. C. Dalton

Application No. 3113.

January 22, 1918.

Mr. W. C. Palton,
Tule Lake, Oregon.

Dear Sir:

I am in receipt of your inquiry of the 17th instant and it seems to me in view of the uncertainty existing in that locality at the present time, particularly with reference to the Government's probable construction work, that it would be well for you to secure an extension of time for one year, and should it develop at the end of that time that conditions have not changed you should make final proof to the extent to which you have actually applied water to beneficial use.

It is probable that should the Government build the canal covering these lands that some arrangement could be made to transfer the water to other lands.

Trusting you will find this satisfactory, I am,

Very respectfully,

John H. Lewis,

PAC-S.

State Engineer.

4284-2466 OK

RECEIVED
JAN 21 1918

File No.

Tule Lake Ore
Jan. 17. 1918

Mr. John H. Gault,
President State Water Board,
Salun Ore:

Dear Sir -

Yours of Jan. 11th received and contents noted; I am ready to go ahead and make final plan under permit number R. 252 but would like a little information before doing so; In first place we find there is not sufficient water from Mills Creek to properly irrigate one half the land signed up, supposed I will have to cut that out, second if the Government should build a canal in here covering the low lands or lands now irrigated from Mills Creek; Would it be possible for us to transfer our Mills Creek water right to higher lands; He did not build the In Coy reservoir and don't think

We will have water enough to
justify us to do so. However we
did build a small reservoir farther
up the stream that does not show
on our maps. Under these circumstances
would you advise going ahead and
proving up now or ask for our
extension of time and see what
develops in next year.

Yours truly

W. C. Dalton.

Application No. 3112,
3113,
4284.

July 9, 1917.

Mr. W. C. Dalton,
Malin, Oregon.

Dear Sir:

I am in receipt of your letter of the 3d instant transmitting notices of completion of construction work under your application No. 3112, permit No. E 184, application No. 3113, permit No. R 252, and application No. 4284, permit No. 2466, and the same have been placed on file in the office of the State Water Board.

I am also in receipt of a deed from W. M. Chandler to the Klamath Lake Land and Live Stock Company of the rights under application No. 2804, permit No. E 163, which I am returning herewith. This permit was cancelled by the Board last fall upon the receipt of a statement from Mr. Chandler that he relinquished all rights under the permit to the State.

In reply to your inquiry in regard to the rights of Mr. David M. Duan under his application No. 2804, permit No. 2657, our records show that this permit covers the use of 0.75 second feet of water from Mill Creek for the irrigation of 60 acres of land, and that the application was filed September 24, 1915. All permits issued by this office are expressly made subject to all valid prior rights, and Mr. Duan could not by reason of his permit divert and use water from this stream when by so doing he would deprive prior appropriators of the use of water to which they are entitled.

I trust, however, that all difficulties may be amicably adjusted and that further controversy may be avoided.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Application No. 3112
3113

June 10, 1915.

Mr. W. C. Dalton,
Malin, Oregon.

Dear Sir:

In reply to your inquiry of the 7th instant for an extension of time in which to complete construction work under your application No. 3112, permit No. E 164, and application No. 3113, permit No. R 252, I will say that we would not be justified in recommending an extension of time of one year when you still have one year in which to do the work. If you find it impossible to complete the work this fall or any time prior to June 1, 1916, and you so advise us shortly before the time has expired, we will be glad to consider an extension of time.

Very respectfully,

Percy A. Caper,

Acting State Engineer.

PAC-RS.

3112 - E184

3113 - R252

OFFICE OF STATE ENGINEER

RECEIVED

JUN 10 1915

SALEM, OREGON

Malin O.

June 7. 1915.

Mr Percy A. Cupper.

Salem O.

Dear Sir In answer to yours of
May 15th where in you state
It will not be necessary for
me to get an extension of
time to build McBoys dam
I agree though I wish to
test it out another season be
fore doing so, as I have until
June 1st 1916. to finish it
in.

I wish to state that you can
only get on this land late in
summer & early fall so it will
be necessary to build the
dam this fall or wait until
the next ³d as I am a little
doubtful about their being run

aff enough to justify it, if
not asking too much I wish
you would give us one year
more to finish in.

Respect

W. C. Dalton

Application No 3112

" " 3113

" " 1738

Applications No. 3112
3113
~~1730~~

May 5, 1915.

May 5, 1915.

Mr. W. C. Dalton,
Malin, Oregon.

Dear Sir:

I am in receipt of your letter of the 1st instant with reference to your filings and to the filing of R. M. Osborn, application No. 1730, permit No. 860. I find that this permit has not been assigned to you and I would suggest that you have Mr. Osborn execute the enclosed assignment and file the same in this office. The fee as provided by law for recording such an instrument in the miscellaneous records of this office is \$1.00.

This permit would not give you the right to use the water stored in the McCoy and Simms reservoirs under application No. 3113, permit No. R. 252, for the irrigation of these lands, and it would be necessary as you suggest to file a new application for the use of this water on lands described in the Osborn application. I have prepared an application which I believe will fulfill the requirements and am enclosing the same. The fees as provided by law for examining, filing and recording an application of this nature is \$3.00.

In connection with your request for an extension of time under application No. 3113, permit No. R252, I will call your attention to the fact that you have until June 1, 1916, in which to complete construction work under this permit. It would seem, therefore, that it will not be necessary for you to secure an extension of time.

Trusting you will find this satisfactory, I remain,

Very respectfully,

Percy A. Cupper,
Acting State Engineer.

PAC-RS.
Encs.

RECEIVED
MAY 4 1915
STATE ENGINEER
SALMON, OREGON

R. M. Osburn
1738 - 880
Nov 11-1913
Comp app Nov 11-15

3112 - E 184
3113 - R. 252
By Oct 14-18
Comp June 1-16
By Oct 14-1914
Comp June 1-16

Malin O.
May 1st 1915.

Mr John A Lewis
State Engineer
Salem O.

Dear Sir yours rec & contents noted
In which you state that all fees has
been paid by R. M. or E. & Osburn on
the S.E 1/4 of Sec 12, T. 41 S, R. 12. East.
I was of the opinion that they
filed under the flood water act
while we wish to irrigate the same
land under the storage act have-
ing bought the land from Osburn
with all it water rights. Application No
3112 & 3113. And I was of the opinion that
they would be another fee to pay
but hope not.

Reservoir permit No 252. gives me
permit to build Two Reservoirs
The Sims & McCoy. I built the

Series or smaller of the two last
fall. & while this has not been an av-
erage years runoff of water. we did
not more than get the small reservoir
1/2 full. I would like to know if
you would extend our time one year
to build the other so that we may
get better. I don't as to runoff I know
you do not want us to build the
dam if we have no water for res-
ervoir.

Yours Respect
W. C. Dalton.

31124 3113

July 30, 1913.

Kuykendall & Ferguson,
Klamath Falls, Oreg.

Gentlemen:-

Inclosed find my official receipt for \$26.41, which amount was transmitted by your letter of the 18th inst., together with Enlargement application No. 3112, and Reservoir application No. 3113, also maps under separate cover.

The application as it now stands appears to include 561.78 acres of new land to be irrigated, instead of 208.22 as stated in your letter, and upon which the fees were paid. I presume this additional land is that belonging to Mr. Osburn, referred to in your letter. Mr. Osburn has no filings in this office covering this land, and it should either be eliminated from the application transmitted, or the required fees paid.

I note that in the secondary application filed in this office the water is appropriated for both irrigation and stock watering. Stock watering should either be eliminated or an additional fee of \$5.00 be paid to cover same. There will also be an addition fee of \$5.00 for filing and recording the Reservoir application. If the entire 561.78 acres are to

July 30, 1913.

be irrigated under this application, the total fees will be as follows: To examination fees, \$6.00; filing and recording fee on Reservoir application, \$5.00; filing and recording fee for 561.78 acres, \$38.09; stock watering \$5.00; total \$54.09, or \$27.68 in addition to the amount transmitted. If watering stock can be eliminated fees will be \$5.00 less.

Very respectfully,

John H. Lewis,

State Engineer.

PC-p
Encl.

7/11/13 + 3113

LAW OFFICES
OF
KUYKENDALL & FERGUSON

KLAMATH FALLS, OREGON

July 28, 1913.

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

Dear Sir:--

We are enclosing you herewith application for Permit to construct a Reservoir; and a permit to enlarge and extend a ditch of W.C.Dalton, et.al. We also send you under separate cover two copies of maps and plans.

Attached herewith is our check for the sum of \$26.41 being \$6.00 for fees on these two permits and acreage fee of \$20.41 the number of acres to be watered, in Oregon by this ditch being 208.22.

While the maps show that the lands of Mr.Osborne are to be watered from this ditch we believe he has already attended to filig his water applications.

Trusting that you will find all satisfactory we are,

Sincerely,

KUYKENDALL & FERGUSON

1500
20.00

108
2
100

Application No. 3113.

July 3, 1916.

Mr. W. C. Dalton,

Tule Lake, Oregon.

Dear Sir:

I am in receipt of your letter of the 1st instant making application for an extension of time in which to complete construction work under application No. 3113, permit No. R 252, and I have recommended that the State Engineer grant an extension of time until June 1, 1917, in which to complete construction work under this permit.

Very respectfully,

Percy A. Cupper,

Acting State Engineer.

RS.