

Application No. 14011
Permit No. 10082
Certificate No. 11299

FEEES PAID

Date	Amount	Receipt No.
<u>3/27/31</u>	<u>12.50</u>	<u>13528</u>
Total		

Name F. D. Kruff
By _____
Address Harrisburg, Oregon
Date filed March 27, 1931
Action suspended until _____

Stream Index, Page No. 2-452
Application Record, Book No. _____

FEEES REFUNDED

Date	Amount	Check No.
_____	_____	_____

Returned to applicant _____
Date completed _____
Date of approval Apr. 3, 1931

ASSIGNMENTS

Date	To whom	Address	Volume	Page
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

CONSTRUCTION

Date for beginning 4-3-32
Date for completion 10-1-33
Extended to 10-1-34 10/1/35
Date for application of water 10-1-34
Extended to 10/1/35

REMARKS

0.63 sec. ft. of water from Muddy Creek, for irr. of 50 acres.
10-18-33 - Card for B
10-6-34 - Card for B & C.
Order for Certificate

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed handed 10-5-35
Proof received Oct. 14, 1935
Date certificate issued Nov. 20, 1935
Receipt for recording fee No. 19272 for 1.00

NOTICE OF BEGINNING OF CONSTRUCTION

OK
file

I, F. J. Kropp, the holder of Application No. 14011, being
Permit No. 10082, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)
for the appropriation of .63 second-feet of the waters of Muddy 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 18 day of May, 1931
being within the time limitation as fixed in said permit for the beginning of construction work.

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
employed 5 men running plant
installed 750 feet pipeline laid,
statement, and any additional information which may tend to show the beginning of work in good faith.
approx cost \$400.00

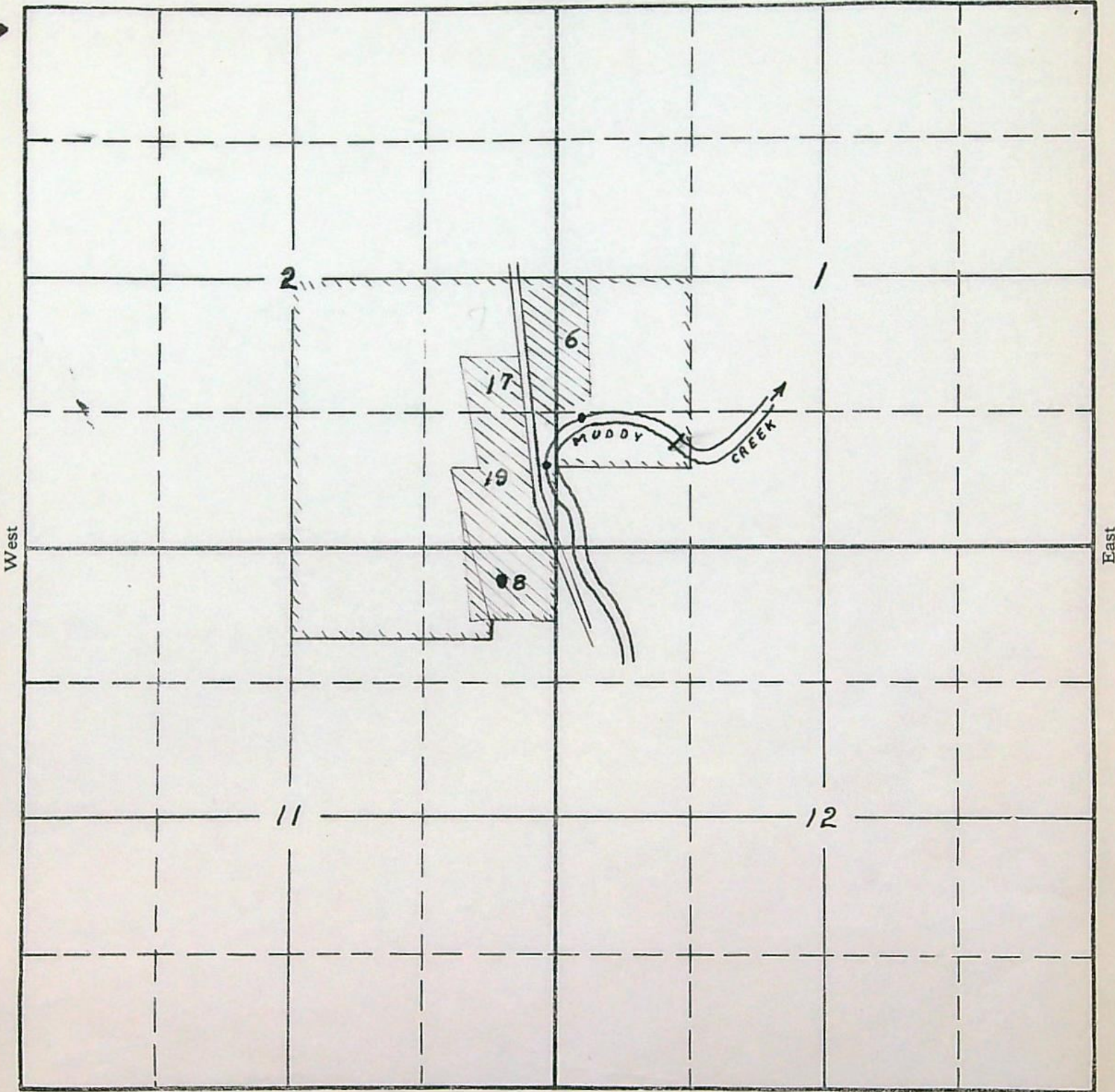
IN WITNESS WHEREOF, I have hereunto set my hand this 2 day of June, 1931
Harrisburg Ore. F. J. Kropp
(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

SECTION

TOWNSHIP 15S, RANGE 4W, W. M.

North



South

Amended Map filed 6/30/33 -

see letter - 10/5/35 -

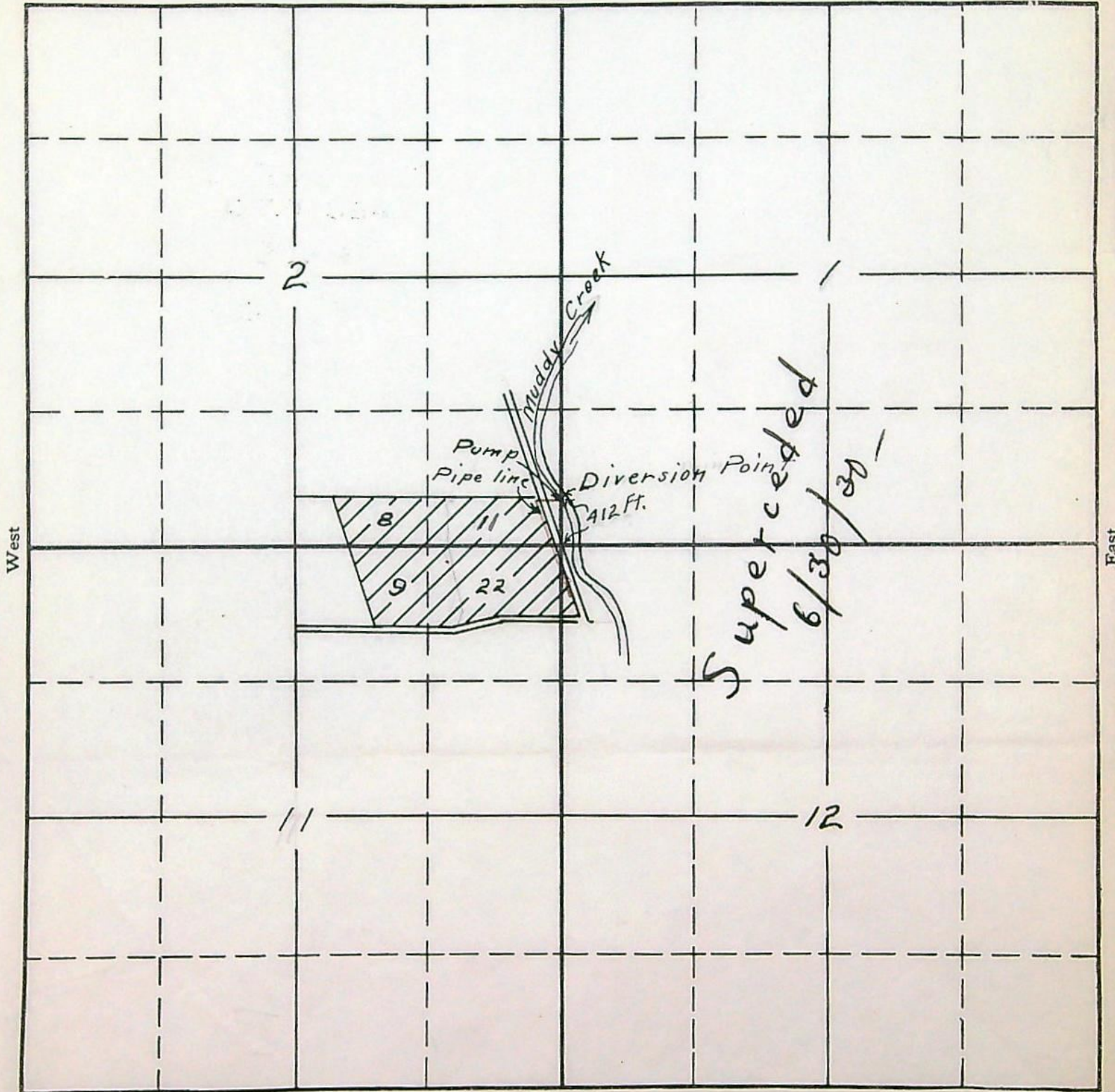
APPLICATION No. 14011
PERMIT No. 10082

SECTION

- 1
- 2
- 11
- 12

TOWNSHIP 15 S, RANGE 4 W, W. M.

North



South

APPLICATION No. 14011
PERMIT No. 10082

APPLICATION No. 14011

COUNTY Linn

PROOF OF APPROPRIATION OF WATER

1. Name F. D. Kropf 2. Address Harrisburg, Oregon
3. Source of supply Muddy Creek
Tributary of Willanette River
4. Amount of water 0.63 sec. ft. 5. Priority date March 27, 1931
6. Use Irrigation
7. Location of point of diversion, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, Twp. 15 S., Range 4 W., W. M.
(Legal Subdivision)
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	4 W	2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11	19
			SW$\frac{1}{4}$ SE$\frac{1}{4}$	8	0
		11	NW$\frac{1}{4}$ NE$\frac{1}{4}$	9	0
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ P	22	8
		2	NE$\frac{1}{4}$ SE		17
		1	NW $\frac{1}{4}$ SW		6
			<u>50</u>	<u>50</u>	

This column must be filled in if water is used for irrigation

OK for [unclear]

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 5 ft.; length on top, 50 ft.; length on bottom 50 ft.; material used and character of construction, Concrete abutments + base with plank center -
- (b) Give description of headgate: Width,ft.; depth,ft.; material used and character of construction,
- (c) Size of canal: Width on top (at waterline)ft.; width on bottom,ft.; depth of water,ft.; grade,ft. fall per 1,000 ft. Actual capacity, sec.-ft. Give general description:
- (d) Pipe line: Description of intake,
There is 600' of 6" in addition to 8" line
 Length of pipe, 4300 ft.; size at intake, 8 in.; size at ft. from intake, in.; size at place of use, 8 in. Difference in elevation between intake and place of use, 15 ft. Is grade uniform? Yes Actual capacity of pipe line, sec.-ft. Give general description: Concrete -
(Material: Steel, wrought, cast iron, wood stave, etc.)
- (e) Pumping plant: Give size and type of pump, 5" Centrifugal (Fairbanks Morse)
 Suction lift, 3 ft.; discharge lift, 15 ft. Type of motor used Electric
 Horse power rating, 10 H. P. Actual capacity of pump, 700 gpm sec.-ft.
10. During what months is water beneficially used? May to Sept -
11. State character of soil Willamette hilly loamy white land; and an unknown
 Kind of crops raised General farm
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? No - see amended map
13. If not, wherein is such map in error? filed June 30, 1933
14. Domestic use: Give number of families actually using water at this time None
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Marion } ss.

I, F. D. Krapp, ^{herely affirms,} ~~being first duly sworn,~~
depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of Oct, 1935.

Subscribed and ^{affirmed} ~~sworn~~ to before me this 5th day of Oct, 1935.

[NOTARIAL SEAL]

My commission expires Nov 29, 1935

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Linn } ss.

We, L. Whiting, and J. E. Gingerich, ^{herely affirms,} ~~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 appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and ^{affirmed} ~~sworn~~ to before me this 11th day of Oct, 1935.

[NOTARIAL SEAL]

My commission expires Nov 29, 1935

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, _____, do hereby certify that I have made an inspection of the works described herein and in Permit No. _____, on the _____ day of _____, 193____, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of a water right certificate for this amount.

NOTE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

(Name)

(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

STATE ENGINEER
SALEM, OREGON

RECEIVED
OCT 14 1935

County of _____
STATE OF OREGON

VERIDVAIL OF ALI...

County of _____
STATE OF OREGON

VERIDVAIL OF ALI...

14011
15018
15774
16474

March 7, 1961

Mr. F. C. Mullen
P. O. Box 223
Albany, Oregon

Dear Mr. Mullen:

In response to your letter of February 21 and following our recent telephone conversation, I conducted a brief search of our records and came up with the following data:

The certificate recorded at Volume 13, page 15380, State Record of Water Rights Certificates, was issued in the name of H. E. Mullen on July 15, 1948 in evidence of the right established under permit No. 12278, to appropriate not to exceed 0.38 cubic foot per second of water from Mill Creek, with the priority date of July 17, 1936, for the irrigation of a total of 30 acres in Section 9, Township 11 South, Range 2 West, W.M. The application for permit leading to the issuance of the certificate was filed on July 17, 1936. Reports from the file indicate that 9 acres were irrigated in 1936 and 8 acres were irrigated in 1937. Irrigation of the entire 30 acres as proposed in the application was not accomplished until 1944.

The certificate recorded at Volume 10, page 11299, State Record of Water Rights Certificates, was issued in the name of F. D. Kropf on November 20, 1935, in evidence of the right established under permit No. 10082, to appropriate not to exceed 0.63 cubic foot per second of water from Muddy Creek with the priority date of March 27, 1931 for the irrigation of 50 acres of land within sections 1, 2 and 11, Township 15 South, Range 4 West, W.M. The records indicate that the application was filed in March of 1931 and that completion of the project was accomplished during the summer of 1935.

The certificate recorded at Volume 11, page 12331, State Record of Water Rights Certificates, was issued on April 2, 1940, also in the name of F. D. Kropf, in evidence of the right established under permit No. 10921 to appropriate not to exceed 0.40 cubic foot per second of water from Muddy Creek, with the priority date of June 30, 1933, for the irrigation of 31.4 acres of land in Section 33, Township 15 South, Range 4 West, W.M. The records

March 7, 1961

indicate that the application was filed on June 30, 1933 and that completion of the project was accomplished during the summer of 1939.

On April 2, 1935, the permit No. 11623 was issued to J. G. Medler in approval of application No. 15774 and granted to him the right to appropriate 0.41 cubic foot per second of water from the South Santiam River for the irrigation of 33 acres of land in Section 24, Township 12 South, Range 2 West, W.M. The date of filing which is the same as the date of priority was April 2, 1935.

It appears that under the time limits of the permit, as extended several times, Mr. Medler attempted to accomplish the completion of the irrigation project. It appears that the property was sold to Mr. C. M. Price and that the permit was assigned to Mr. Price on February 21, 1946. In the document dated April 29, 1948, Mr. Price stated that he had no further interest in the permit and, therefore, authorized the cancelation of it.

While going through the records I notice there are some rights of record for irrigation projects in Idm County that go back to around 1927. I will be glad to go over these records with you when you have the opportunity to come in, as we discussed in our telephone conversation.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr., Assistant

JWC:eh



F. C. MULLEN
VELMA MULLEN

SEED STORE
FIRST AT FERRY ST. Phone WA 6-1384

GARDEN CENTER
EASTSIDE SHOPPING CENTER Phone WA 6-1807

P. O. Box 223
ALBANY, OREGON

Feb. 21, 1961

State Engineer
State of Oregon
Salem, Oregon

RECEIVED
FEB 24 1961
STATE ENGINEER
SALEM, OREGON

Dear Sir:

I am writing a history and record of agriculture in Linn county, covering the past 115 years.

In the irrigation section of the book I would like to make reference to some of the early users of irrigation water. Without too much trouble upon your part would it be possible for your office to give me the names of four or five farmers who first applied for irrigation water rights, the irrigation to be used for farm purposes. I am not particularly interested in the use of water for power purposes, such as was used by the early settlers.

If you could give me the names of a few of the earliest applicants for water rights, I would appreciate the favor.

Very Truly Yours

*and the approx.
date*

F. C. Mullen

F. C. Mullen
P. O. 223
Albany, Oregon

P.S. I have the names of the early users of irrigation water, and a list of crops irrigated, but do not know if these people obtained water rights.

Hovensley Co.

Oct 5 - 1935

State Engineer's Office Salem Co.
Gentlemen;

It was found after irrigating that some of the lands were not suitable to irrigation and that adjoining lands were more suitable therefore we ask that 31 acres of permit No 10082 be transferred to the suitable lands adjoining as to amended map filed 6/30/33

F. L. Kropf.

October 16, 1954.

Mr. F. D. Kropf,
Harrisburg, Oregon.

Dear Sir:

This is to notify you that your application for an extension of time under your Permit No. 10082 has been given favorable consideration, and the time limits for completion of construction and complete application of water are being extended until October 1, 1955.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

LN

APPLICATION FOR EXTENSION OF TIME

For completion of Construction Work and Complete Application of Water

to the State Engineer of Oregon:

I, F.D. Krapp, of Hamburg

State of Oreg, do hereby certify:

That I am the owner and holder of Permit No. 10082, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work was required to be completed and complete application of water was required to have been made by Feb 1, 1934.

That I have heretofore performed the following work described under said permit: Built dam, pump installed and 1000' of 8" & 6" pipe line installed - 2200' of concrete pipe 8" installed - costing \$ 500.00, and the estimated cost of completion is \$ 100.00.

That I have heretofore made application of water under said permit to the following extent: 37 acres irrigated to date -

That I am unable to complete construction work and make the complete application of water within the required time, for the following reasons, to wit:

Due ~~not~~ to new application (15018) being made for additional lands it has been necessary to change plans and do work in conjunction - hence delay.

WHEREFORE, I ask that the State Engineer extend the time for completion of construction work and for the complete application of water under said permit

to Feb 1, 1935.

F. D. Krapp
Signature of Applicant.

Signature and Address of Witness.

Extend

December 30, 1933.

Mr. F. D. Kropf,
Harrisburg, Oregon.

Dear Sir:

This is to notify you that your application for an extension of time for completion of construction work under your Permit No. 10082 has been given favorable consideration.

We are therefore extending the time limit for completion of construction work under this permit until October 1, 1934, which date corresponds with the time limit for complete application of water as fixed in the permit.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By V. S. Bovelie, Assistant.

LN

PERMIT No. 10082

APPLICATION FOR EXTENSION OF TIME
FOR COMPLETION OF CONSTRUCTION WORK

TO THE STATE ENGINEER OF OREGON:

I, F. D. Krapp, of Haristown,
State of Oreg, do hereby certify:

That I am the owner and holder of Permit No. 10082 to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work thereunder was required to be completed by Oct 1, 1933.

That I have heretofore performed the following work described under said permit:

Built dam - pump installed and
1000' of 8" x 6" pipe line installed -

costing \$ 700⁰⁰, and the estimated cost of completion is \$ 125⁰⁰.

That I am unable to complete the remainder of the work within the required time, for the following reasons, to wit:

In sufficient time - weather conditions prevent working
during winter months -

(7 acres being irrigated past season)

WHEREFORE, I ask that the State Engineer extend the time for the completion of works under said permit to Oct 1, 1934.

F. D. Krapp

Signature of Applicant

Signature and Address of Witness

OK

F. D. KROPF
WE GROW, THRESH, HULL AND CLEAN
GRAIN, RYE GRASS AND CLOVER SEED

Harrisburg, Oregon, May 10 1932

Dept. of State Engineer,
Salem, Oregon.

STATE ENGINEER
RECEIVED

MAY 11 1932

Dear Sir;

SALEM, OREGON

In reply to your letter of April 29, we wish to inform you that we have constructed this dam and irrigation project according to the recommendations stated in your letter.

And we do not wish to deprive any one below the dam of water for their stock.

We invite your Dept. to come inspect our project any time you wish, and we would be pleased to show you the operation of the same.

Thanking you for your letter of information, we are-

Very Truly Yours,

F. D. Kropf

FDK:K

File copy

April 29, 1932.

Mr. F. D. Kropf,
Harrisburg,
Oregon.

Dear Sir:

We have been informed that the dam which you are constructing in connection with your water right Permit No. 10082 will entirely stop the flow of Big Muddy Creek during the low water period in the summer months. We are also informed that the waters of this stream have been used for a number of years for the watering of stock and that if this dam is allowed to entirely stop the flow, such stock would have no other means of obtaining water, thereby causing great loss to the owners.

The general opinion of our courts has held that where a party or parties have been appropriating water for stock purposes for a number of years such parties have acquired a right to the use of such water for stock purposes and that subsequent appropriators must allow sufficient water to flow down the stream for the watering of such stock.

If you have not already done so, you should so design your dam that sufficient water may flow over or through it to fulfill the requirements of the stock which have been using that stream in past years. It will probably be necessary for you to place an outlet pipe low enough on the dam to allow water to flow down the stream. If this is not done and the flow of the water is entirely stopped, the parties who have been using water for stock purposes may enjoin you from stopping the flow of the stream by petitioning the circuit court.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelle, Assistant.

VSJ:LN
c.c. C. E. Mercer.

April 29, 1932.

Mr. C. E. Mercer,
749 West 13th Street,
Eugene, Oregon.

Dear Sir:

This is in reply to your letter of April 23rd, in which you state that a Mr. Frank Krupp is constructing a dam across Big Muddy Creek for irrigation purposes and that such construction will so stop the flow of this creek as to be injurious to your use of the water for stock purposes.

Our records indicate that a Mr. F. D. Kropf has been issued Permit No. 10082 to appropriate 0.63 second-foot of water from Muddy Creek for the irrigation of 50 acres. A dam 5 feet in height in the channel of Muddy Creek was contemplated in this proposed development, and I suppose that this is the matter to which you refer.

The opinions of our courts have generally held that where a party or parties have used the waters of a stream for a number of years for stock watering purposes such parties have acquired a right to the use of such water for that purpose and that any subsequent appropriators must allow sufficient water to flow in the stream for the watering of such stock.

If Mr. Kropf does not allow sufficient water to flow through or over his dam to water stock which has been watered from this stream for a number of years, you may obtain relief by petitioning the circuit court to enjoin him from appropriating all the water of this stream, thus forcing him to allow sufficient water to flow in the channel to water your stock.

A copy of a letter which we are mailing today to Mr. Kropf is being enclosed for your information.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelle, Assistant.

VSB:LN
encl.

749 West 13th Street,
Eugene, Oregon.

April 23, 1932

STATE ENGINEER
RECEIVED

APR 26 1932

Mr. Charles E. Stricklin,
State Irrigation Engineer,
Salem, Oregon.

SALEM, OREGON

Dear Mr. Stricklin:

Some time ago there was a permit issued from your office to a Mr. Frank Krupp to dam Big Muddy Creek, for irrigation purposes. (Big Muddy Creek in Linn County, Oregon.)

As I understand, his intention is to build a dam to hold enough water to irrigate his farm. If that is correct, what are the farmers below the dam going to do who are depending on the creek to water their stock. We, who have lived on this creek for a number of years know that there is not sufficient water for the watering of stock and irrigation. Last year, Mr. Krupp pumped water without a dam, thereby stopping the flow of the creek.

If he is allowed to build this dam, we will get no water after the middle of June or as soon as he starts irrigation, thereby causing the loss of stock from leech, which we have suffered in former years.

I just learned at a visit to my farm of the contemplation of this dam, and would at this time like to protest the daming of this creek, as would all my neighbors, who will sign a petition to this effect, if necessary.

Trusting I may hear from you at your earliest convenience, I remain

Very truly yours,

C. E. Mercer

(C.E. Mercer)

5 ft Dam

14011

April 9, 1931.

Mr. F. D. Kropf,
Harrisburg,
Oregon.

Dear Sir:

Herewith you will find Application No. 14011, Permit
No. 10082, together with blue print.

This application has been approved and recorded in
this office.