

Name Raphael S. Leonard

By

Address Kerby, Ore.

Date filed

Action suspended until

Returned to applicant

Date completed

Date of approval

CONSTRUCTION

Date for beginning Aug. 1, 1929

Date for completion June 1, 1930

Extended to 10/1/33 10/1/34

Date for application of water Oct. 1, 1931

Extended to 10/1/32 10/1/33 10/1/34

PROSECUTION OF WORK

Form "A" filed Aug. 21, 1928

Form "B" filed " " "

Form "C" filed

FINAL PROOF

Blank mailed Sept. 14, 1933 - Wm.

Proof received Nov. 23, 1934

Date certificate issued January 28, 1935

Receipt for recording fee No. 18041

Application No. 12219

Permit No. 8568

Certificate No. 11062

See PC 79-3

Stream Index, Page No.

Application Record, Book No.

FEES PAID

Date	Amount	Receipt No.
.....		
.....		
Total		

FEES REFUNDED

Date	Amount	Check No.
.....		

ASSIGNMENTS

Date	To whom	Address	Volume	Page
.....				
.....				
.....				

REMARKS

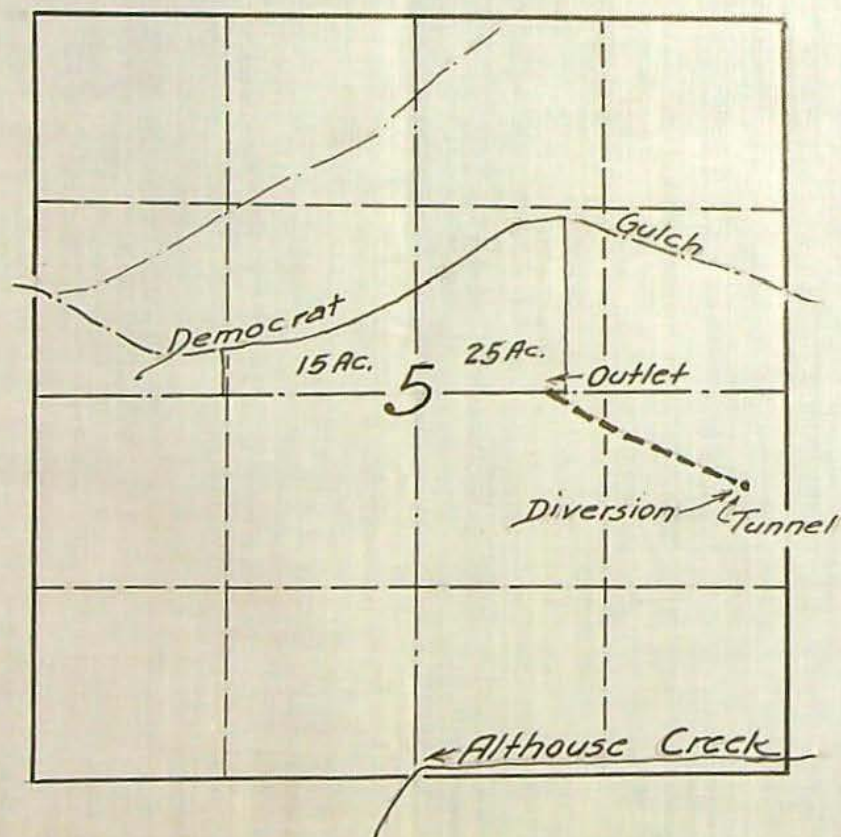
0.5 sec ft. from Emerald Tunnel Springs
for irr.
8-21-28 - see letter encl.
10-5-34 - Card for B & C.

Raphael S. Leonard

Scale 4"=1 Mi.

July 1928

T. 40 S., R. 7 W., W. M.



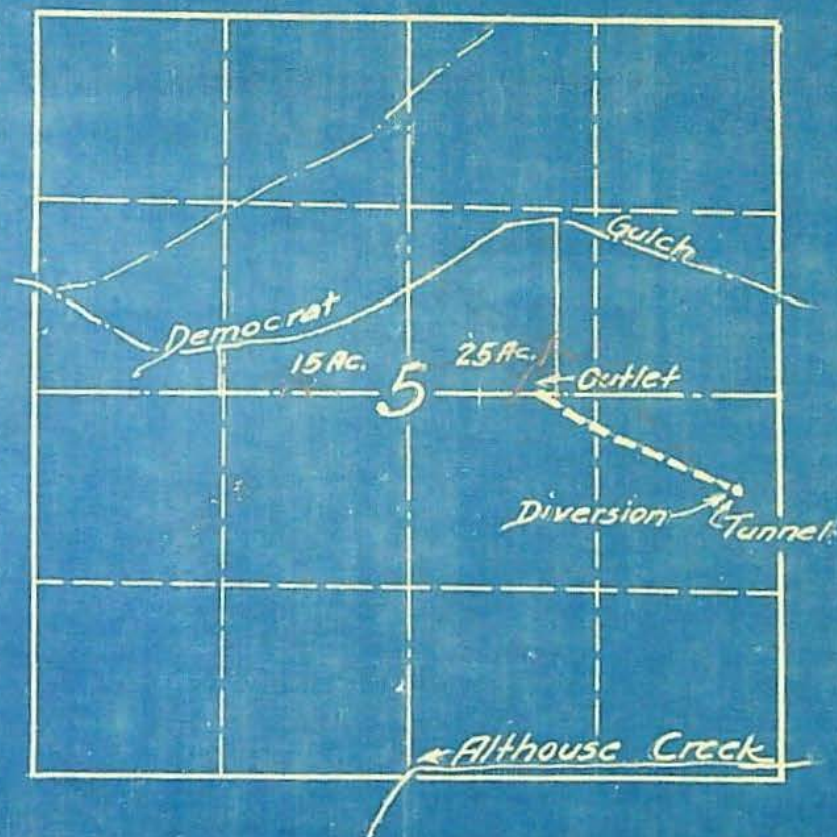
Application No. 12219
Permit No. 2568

Raphael S. Leonard

Scale 4"=1 Mi.

July 1928

T. 40 S., R. 7 W., W. M.



Application No. 12219
Permit No. 2568

WRDT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***PAGE 1,228
RUN ON; 11/03/83 AT; 13:49

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. A000122191 PERMIT NO. 008568 CERTIF. NO. 0011062

NAME: Raphael S. Leonard

ORIG. NO.

PREV. NO.

SUPER. NO.

ADDRESS: xxx

CITY/STATE/ZIP/COUNTY: Kerby OR 97531/17

STREAM-ID 15-1680-0440-0710-090-030

RIV.MI. 0.0

WM.DIST.

W.R.TYPE SA

STATUS V

CANCEL YEAR--->

CONSTR.COMPLT-->

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY----->

PUT TO USE----->

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--->

SURVEYED-----> 07/10/1934

EXAM.FEE----->

RECORDING FEE----->

PERMIT ISSUE-->

CONCURRENCE-----> 11/14/1934

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.-->

CERTIFIED-----> 01/28/1935

CORRES.INIT.----->

CORRES.DATE----->

POINT-OF-DIVERSION DATA;
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI.

RATE

STATUS S OR P

** REMARKS; - - - - -
** DATED-->

400S 070W 05 DA 15168004400710090030

0.0

0.500

V

P

0.0

0.000

0.0

0.000

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES

STATUS

S OR P

400S 070W 05 DA

IR

.00

.00

V

P

.00

.00

.00

.00

11062

COUNTY Josephine

PROOF OF APPROPRIATION OF WATER

1. Name Raphael S. Leonard 2. Address Kerby, Oregon

3. Source of supply Emerald Tunnel Seepage

Tributary of Illinois River

4. Amount of water 0.5 sec. ft. 5. Priority date July 23, 1928

6. Use irrigation

7. Location of point of diversion, NE¹ SE¹ Sec. 5, Twp. 40 S, Range 7 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:

[illegible]

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 2 ft.; length on top, 12 ft.; length on bottom 8 ft.; material used and character of construction, dirt

(b) Give description of headgate: Width, 1-6 in; depth, 1 ft.; material used and character of construction, lumber

(c) Size of canal: Width on top (at waterline) 18 in ft.; width on bottom, 1 ft.; depth of water, 1 ft.; grade, 1/2 in to 100 ft fall per 1,000 ft. Actual capacity, 1 sec.-ft.

Give general description:

(d) Pipe line: Description of intake,

Length of pipe, ft.; size at intake, in.; size at ft. from intake, in.; size

at place of use, in. Difference in elevation between intake and place of use, ft.

Is grade uniform? Actual capacity of pipe line, sec.-ft.

Give general description:

(Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump,

Suction lift, ft.; discharge lift, ft. Type of motor used

Horse power rating, H. P. Actual capacity of pump, sec.-ft.

10. During what months is water beneficially used May 1st to Oct for irrigation

11. State character of soil shady loam

Kind of crops raised hay & grain & garden

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? yes

13. If not, wherein is such map in error?

14. Domestic use: Give number of families actually using water at this time 1

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use none except household use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Josephine

SS.

I, *Raphael S. Leonard*, 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 *Nov. 14th* day of *November*, 193*4*.

Raphael S. Leonard

Subscribed and sworn to before me this *14th* day of *November*, 193*4*.

Lucille Floyd

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

Aug 23, 1938

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

Josephine

SS.

We,

Paul Kunkel

, and

Chas Beck

of *Holland 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. *83768*; 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.

Paul C Kunkel

Chas Beck

Subscribed and sworn to before me this _____ day of _____, 193_____.

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires _____

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Tom R. Pearce, do hereby certify that I have made an inspection of the works described herein and in Permit No. 8568, on the 10 day of July, 1934, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.5 sec. ft. and I recommend the issuance of a water right certificate for this amount.

(Quantity of water in second-feet or acre-feet)

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.

Tom R. Pearce
(Name)

Watermaster Dist. No. 16
(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

STATE OF OREGON

COUNTY OF JOSEPHINE

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 11062

Raphael S. Leonard of Kerby,
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
Emerald Tunnel seepage
a tributary of Illinois River for the purpose of
Irrigation
under Permit No. 8568 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 July 23, 1928;

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 0.5 cubic foot per second,

or its equivalent in case of rotation.

The point of diversion is located in the NE₄SE₄, Section 5, Township 40 South,
Range 7 West, 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.

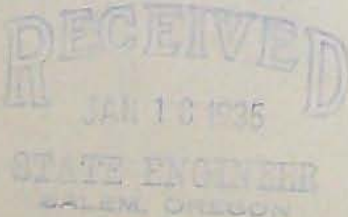
A description of the place of use under the right hereby confirmed,
and to which such right is appurtenant, is as follows:

25 acres in the SW₄NE₄,
15 acres in the SE₄NW₄,
Section 5,
Township 40 South, Range 7 West, W. M.

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

REMARKS:

O.K.



Tom R. Pearce
Watermaster.

WATER RESOURCES DEPARTMENT
STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

Nov. 19, 1934

Mr. R. S. Leonard,
Kerby, Oregon.

Dear Raphael:

In order to refresh my mind as to the number of acres actually irrigated, mentioned under item 8, I will be pleased if you fill in the items, in pencil and also show the acreage by pencil hachure lines on the map.

Under item 10, you request water the year around for household use. This would be an additional domestic right and require extra fee.

I am returning you the Proof papers and check, for correction. Please make the check out to "State Engineer."

The Watermaster office is not functioning this winter for the reason that the budget has been cut so low that we cannot operate the full year. I am trying to complete some of the work, but need the co-operation of the water users that require my services.

Yours very truly,

Tom R. Pearce

Mr. Brulle:-

On previous inspection the work was not completed. I have sufficient assurance that this work has been performed at this time.

Mr. Leonard was anxious for a certificate.

Tom R. Pearce

Dear Mr. Leonard.

In this tract of land the total acreage is 42 acres and there will not be more than 2 acres that would be unirrigated have drawn pencil mark at the two points where this would be. I applied for water for 40 acres of it.
I am Sincerely Raphael Leonard

September 26, 1933

Mr. Raphael S. Leonard
Kerby
Oregon

Dear Sir:

We have a letter from Tom R. Pearce, watermaster, in which he requests that you be granted an extension of time under your Permit No. 8568.

It appears that reasonable diligence has been shown in the prosecution of work on your project and the time limit for the completion of construction work and complete application of water is, therefore, being extended until October 1, 1934.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

c.c. to Tom R. Pearce.

TOM R. PEARCE, WATERMASTER
REG. PROF. ENG. NO. 938

WATER RESOURCES DEPARTMENT
STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

Sept. 23, 1933

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

STATE ENGINEER
SEP 25 1933
RECEIVED
SALEM, OREGON

Dear Sir:

Inspection was made for completion of proof of appropriation of water under application No. 12219 in the name of Raphael S. Leonard, on Sept. 18th.

I found that work was being diligently persued on clearing 40 acres of land. Trees and brush had been cut and ready for burning. The fire warden has objected to burning, consequently Mr. Leonard was not as far progressed in the work as anticipated. Part of the ditch has been constructed but it would be economical to complete clearing the land before completing the ditch construction.

Mr. Leonard requested an extension of time. I recommend that Mr. Leonard be granted an extension of time for one year, to complete this work.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16.

*Extend & notify Leonard
cc to Pearce*

September 14, 1933

Mr. Tom R. Pearce
Watermaster
Grants Pass, Oregon

Dear Sir:

I am inclosing herewith the blank for making
final proof under Permit No. 8568 in the name of
Raphael S. Leonard.

Kindly make your usual inspection at your convenience and advise this office with reference thereto.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

September 11, 1933

Mr. Raphael Leonard
Kerby, Oregon

Dear Sir:

This acknowledges receipt of your letter of September 7, in which you request that the blank for making final proof be forwarded to you. Since it is necessary that the watermaster make his inspection, the form for making final proof is being forwarded to him. He will call upon you in the near future to make his inspection and assist you in the execution of the proof.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By
V. S. Bovelie, Ass't.

EL

Kerby Ave Sept 7'
State Engineers Office
Salem Ore.
Gentlemen

1933
RECEIVED
SEP 11 1933

STATE ENGINEER
SALEM, OREGON

I have a water
right filed in Josephine Co
from the Emerald Tunnel, Would
you please send me the
necessary papers to make
final prog. of application

Thanking you I am
Truly yours

Raphael Leonard

Send proof to win
& notify

October 15, 1932.

Mr. Raphael S. Leonard,
Kerby,
Oregon.

Dear Sir:

This acknowledges receipt of your application for extension of time for completion of construction work and complete application of water under your Permit No. 8568.

It appears you have shown reasonable diligence in the prosecution of work under this permit and I am extending these time limits for another year or until October 1, 1933.

Due to the fact that it is necessary that we have an annual report on the progress of work under permits, it is inadvisable to grant extensions of time for longer periods than one year. If on or about October 1st, of next year you find you cannot complete the work under your permit another extension of time may be granted upon proper application.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

PERMIT No. 3568

APPLICATION FOR EXTENSION OF TIME
FOR COMPLETION OF CONSTRUCTION WORK AND
COMPLETE APPLICATION OF WATER

STATE ENGINEER
RECEIVED

OCT 13 1932

SALEM, OREGON

TO THE STATE ENGINEER OF OREGON:

I, Raphael S. Leonard, of Kersey Ore.
State of Oregon, do hereby certify:

That I am the owner and holder of Permit No. 8568 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 Oct 18, 1932.

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

slashed timber and brush to
extent of 30 acres and cleared
land to extent of 8 acres
slashing 30 acres @ \$20.00 per acre 600
clearing 8 acres @ \$60.00 " " 480
costing \$ 1080, and the estimated cost of completion is \$ 1900

That I have heretofore made application of water under said permit to the following extent:

of 8 acres

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:

About 12 acres of this slashing is too
green to burn this fall and do good work
if the stumps can have two or three years to
rot the land is lot easier to clear & less expensive

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 Oct, 1933

Raphael S. Leonard
Signature of Applicant

L. B. Beck
Signature and Address of Witness

Extend 1 year & explain why

I do not like to ask for more time but if you
would make the extension for two years it would
be a great deal in the clearing & and surely would be appreciated

October 1, 1932.

Mr. Raphael S. Leonard,
Kerby,
Oregon.

Dear Sir:

This acknowledges receipt of your letter of September 29, in which you request an extension of time for the completion of construction work and complete application of water under your Permit No. 8568.

Before the matter of granting an extension of time under this permit can be given consideration it is necessary that we have more complete information as to the amount of work done and the cost thereof, and the amount remaining to be completed. A form for submitting this information is inclosed for your convenience.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

Kearby Ave Sept 29 1932
State Engineers Office
Salem, Ore.

STATE ENGINEER
RECEIVED

SEP 30 1932

Dear sir:

SALEM, OREGON

I have a permit for water
filed on the water from the
Emerald Tunnel for 40 acres. I
secured an extension of time from
you last year on this permit
and would like to ask for one
more year to fully apply the
water there is about 30 acres
of it slashed at the present time
but brush is to green to burn
this fall and make a
successful burn.

This land is in Sec 5 TWP 40 S. R.
7 West

Thanking you

I am truly yours

Raphael S. Leonard.

sent for

12219

October 1, 1931.

Mr. Raphael S. Leonard,
Kerby, Oregon.

Dear Sir:

It appears from the statements made in your letter dated September 29th that you are exercising reasonable diligence in the prosecution of work under Permit No. 8568. I am therefore granting the extension of time requested, and you will have until October 1, 1932, to completely apply the water to a beneficial use.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelle, Assistant.

LN

RECEIVED

SEP 3 0 1931

SALEM, OREGON

Kerby Ore Sept 29 1931
State Water Board
Salem Oregon
Gentlemen:

Three years ago I filed
upon water from the Emerald
Tunnel for 40 acres of land this
tunnel disins thru a hill from
Althouse Creek into Democrat
Gulch ^{1st} Josephine County.

The time for full application
of water terminates Oct 1st 1931
About 8 acres of this land is ready
for the water and considerable
more of an acreage is slashed
and being cleared this land
is all in heavy 2nd growth timber
and heavy brush.

My permit is in James T. Linnocks
office in Grants Pass so can not
OK - grant

give you the number of ~~the~~ it
I wish to make application for
an extension of time if you
would grant it, which if you
will I wish you would send
me the necessary paper for making
this

Thanking you I am
Truly yours

Raphael S. Leonard

NOTICE OF BEGINNING OF CONSTRUCTION

I, Raphael S. Leonard, the holder of Application No. 12219, being
 Permit No. 8568, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of 0.50 second-feet of the waters of EMERALD TUNNEL SEEPAGE
 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 10 day of August, 1928,
 being within the time limitation as fixed in said permit for the beginning of construction work.

Ditch is already built and water being used on
 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

3 acres of this ground which is growing a
 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 18 day of Aug, 1928

Kerby Oregon
 (Present Address)

Raphael S. Leonard
 (Signature of Applicant)

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

August 21, 1928.

Mr. Raphael S. Leonard,
Kerby,
Oregon.

Dear Sir:

The statement made in the Notice of Beginning Construction Work, submitted in connection with your Permit No. 8568, indicates that all construction work has been completed. I am therefore considering this notice as evidence of completion of construction as well as beginning. This places the permit in good standing until October 1st, 1931, which was the date set for complete application of water.

In accordance with your request, we have changed the record to show your appropriation of water from Emerald Tunnel, instead of General Tunnel.

Yours very truly,

LAS:
H

Rhea Luper,
State Engineer.

STATE ENGINEER
RECEIVED

AUG 21 1928

SALES

Kerby Ore Aug. 18, 1928.

Mr. Reah Luper.

Salem Ore,

Dear sir:

I am sending in slip of
commencement to use water
under this permitt.

You have the name of source
of water as General Tunnel.
It should be Emerald Tunnel
will you please correct it on
your records.

I am truly yours

Raphael Leonard

Raphael S. Leonard
Kerby, Oregon.

Ap. 12219
P. 8568

Aug. 7, 1928

19
July 25, 1928

Mr. Tom R. Pearce,
Water Master, District No. 16,
Grants Pass, Oregon.

Dear Sir:

This will acknowledge receipt of the application for permit to appropriate water which you submitted for Raphael S. Leonard, together with maps and fees in the amount of \$11.00. Official receipt No. 8511, covering this remittance is enclosed.

The application has been given No. 12219 and appears to be in all respects complete. It is being placed in line for approval and issuance of a permit.

Yours very truly,

Rhea Luper,
State Engineer.

HB
Encl.