

Application No. 3349
Permit No. 1869
Certificate No. 1174

FEES PAID

Date	Amount	Receipt No.
Total		

FEES REFUNDED

Date	Amount	Check No.

Name George W. Rilea
By Agness Dr.
Address
Date filed
Action suspended until

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

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

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.

Date of Priority - 186 Dec 16, 1913.
Use: 11r of 15th ac & down.
Q = 2.22 cfs
Des. of land: 7th ac lot 1 sec 12 T 35S. R 12W
8th ac NW 1/4 sec 18. T 35S. R 12W
Dam 1 to sup. by the town of Danvers

W.R.I.S.	
Assembled <u>5-1-84</u>	by <u>Ag</u>
Entered <u> </u>	by <u> </u>
Verified <u> </u>	by <u> </u>

3349

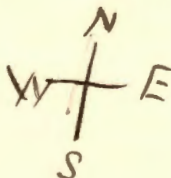
Sec 12
T 35 S
R 12 W

lot 1

10

Sec 14
T 35 S
R 11 W

Sec 18
T 35 S
R 11 W



A guess town site

Lot 1 Sec 12 T 35 S

OFFICE OF STATE ENGINEER

RECEIVED

DEC 17 1913

SALEM, OREGON,

Application No. 3349
Permit No.

OFFICE OF STATE ENGINEER

RECEIVED

DEC 17 1913

SALEM, • OREGON,

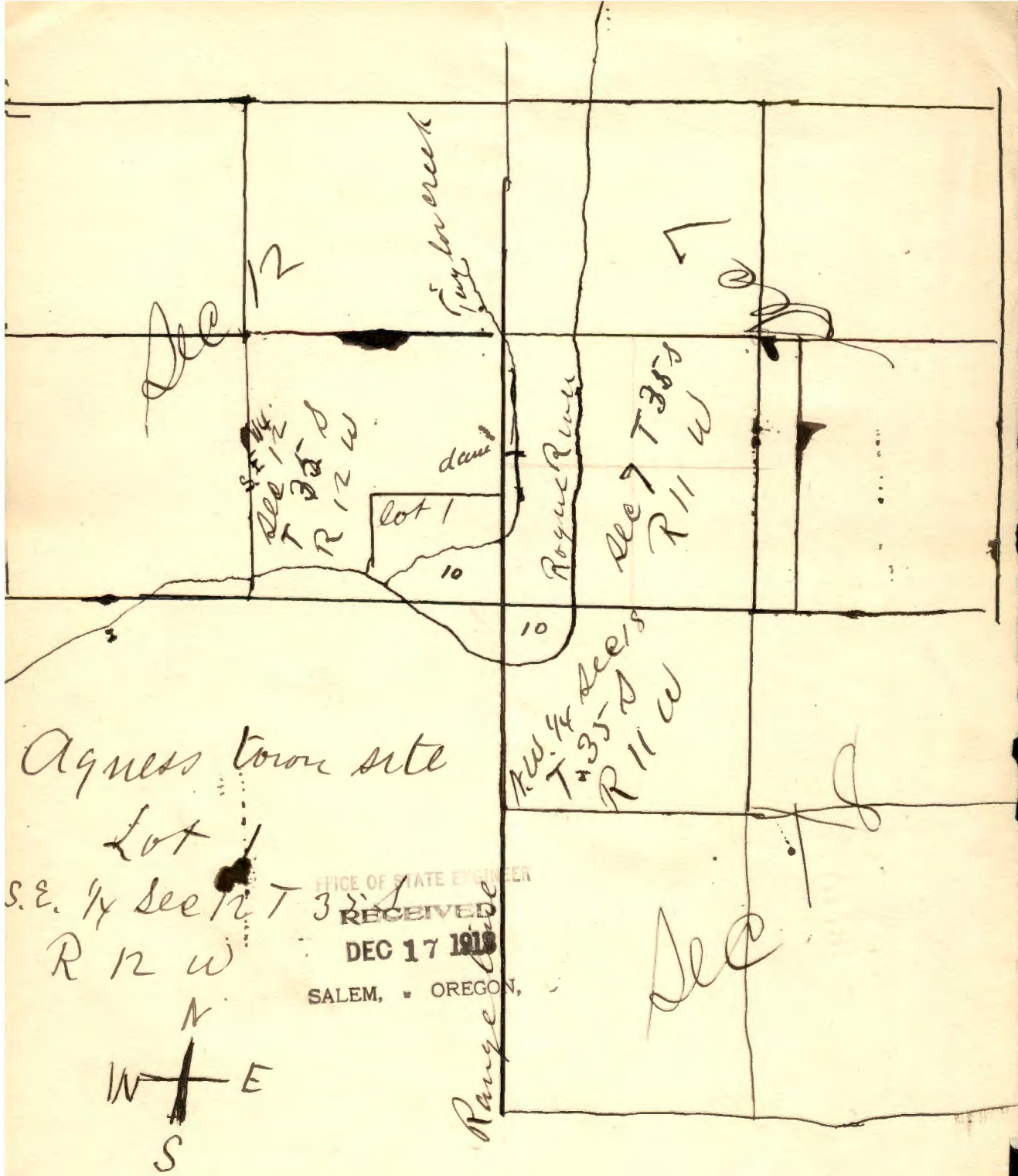
1
X

3
3

2
1
0

8
15
18
09
2

5



Application No.
Permit No.

3349

3349

3349

3310

OFFICE OF STATE ENGINEER
RECEIVED
DEC 17 1913
SALEM, - OREGON,

[illegible]

8. During what months is water beneficially used? April May June July Aug. Sep.
9. State the character of the soil and kind of crops raised Clay and sandy loam
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? yes
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
- 0.35 cuft per second granted for the irrigation of 20 acres of land and domestic use

STATE OF OREGON,

County of Clatsop

ss.

I, George W. Rilea, 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 19th day of July, 1916.

George W. Rilea

Subscribed and sworn to before me this 19th day of July, 1916.

W. H. Herring

(Notarial Seal)

Notary Public for Oregon.

My commission expires Sept. 1, 1917.



AFFIDAVIT OF WITNESSES

We, R. N. Weersing and J. D. Cooley,
of Agness 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. 1869; 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.

R. N. Weersing
J. D. Cooley

Subscribed and sworn to before me this 29th day of July, 1916.

(Notarial Seal)

J. D. Weersing
Notary Public for Oregon.

My commission expires Sept. 1, 1919.



PROOF OF APPROPRIATION

Permit No. 1869.....

4.00 fee paid

OFFICE OF STATE WATER BOARD
RECEIVED

AUG 2 1916

SALEM, - OREGON.

Approved:



NOTICE OF BEGINNING OF CONSTRUCTION

I, George W Rilea, the holder of Application No. 3349, being
~~Reservoir~~ Permit No. 1869, issued by the State Engineer of the State of Oregon,
 (Reservoir or Enlargement.)
 for the appropriation of 1 1/2 second feet of the waters of Taylor 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 3 day of June, 1914,
 being within the time limitation as fixed in said permit for the beginning of construction work.
right of way surveyed and ditch digging. Two to four
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to
Men employed. Dam built and 108 rolls of ditch dug
 the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of June, 1914.

Agness Oregon
 (Present Address.)

George W Rilea
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

Form C

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, George W Rilea, the holder of Application No. 3349, being
~~Reservoir~~ Permit No. 1869, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement.)
 for the appropriation of 3.5 second feet of the waters of Taylor
 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 1 day of Oct, 1914,
 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:

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

appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of October, 1914.

Agness Oregon
 (Present Address.)

George W Rilea
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

I, George W Rilea, holder of Application No. 3349, being
~~Reservoir~~ Permit No. 1869, issued by the State Engineer of the State of Oregon,
 (Reservoir or Enlargement.)
 for the appropriation of 3.5 second feet of the waters of Taylor 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 15 day of Sep, 1914,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the
 completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the

lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 3^d day of Oct, 1914.

Agness Oregon
 (Present Address.)

George W Rilea
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

We do not find
any record of
Power rights on
Taylor Creek

United States Post Office

LUTHER S. BEST, ACTING POSTMASTER

AGNESS, OREGON

June 24, 1950.

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

RECEIVED

JUN 27 1950

**STATE ENGINEER
SALEM, OREGON**

Dear Sir:

Thank you for your letter containing the information
about state laws governing water rights.

It is not my intention to burden you with my personal problems but as I interpret the state requirements on securing the use of water from the state, it appears that the water right issued to George W. Rilea was in error as he did not own the land in the Northwest Quarter of the Northwest Quarter of Section Eighteen (18) Township Thirty-five (35) Range Eleven (11) Curry County Oregon. Because of this I am concerned for the water right that goes with the property I own 10.7 acres in Lot One (1) Section Twelve (12) Township Thirty-five (35) Range Twelve (12) South, Curry County Oregon.

For purposes of clearer identification of the water right I am sending you a certified copy of the water right entry in the books of the County Clerk at Gold Beach, Oregon. Also included is a Township Map showing the creek from which the water is taken.

Besides using water for commercial purposes the party I referred to in my first letter has permitted the Agness School District to use water from the pipe line. This school has recently been standardized, a new building with modern facilities and sanitary installations using considerable water. Before the new building was put up there was one drinking fountain, now there are two complete toilet installations.

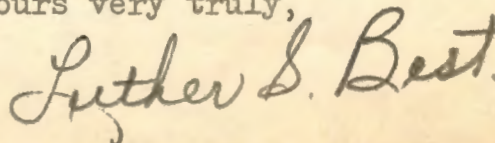
Upon consulting an attorney I was informed that my right to the use of the water as specified in the certified copy was in jeopardy due to the encroachments made by the other party. I am very much concerned because of this fact.

If there is a course of action that you recommend to take to straighten this situation out I would appreciate your comments.

I shall be very happy to pay for the time and service your office has rendered me so far, if you will let me know the amount I will mail a check.

Thanking you for your past favors.

Yours very truly,



Luther S. Best, Postmaster
Agness, Oregon.

*Domestic to
supply the
city of Agness
present population of 100
Est. to June 60 in 1916*

United States Post Office

LUTHER S. BEST, ACTING POSTMASTER

AGNESS, OREGON

August 23, 1950

RECEIVED

AUG 25 1950

**STATE ENGINEER
SALEM. OREGON**

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

Dear Sir:

I corresponded with you relative to the water rights filed on Taylor Creek sometimes known as Rilea Creek and issued to George W. Rilea. In your letter of reply dated June 28, 1950 you gave the water rights issued to others than George Rilea. It was noted that a water right was issued to Sadie Pettinger Lucas for commercial purposes or domestic use of hotel and irrigation for Lot 4.

From the information I have gathered, this water right to Mrs. Pettinger has not been used for a period of over ten or twelve years. There is no pipe line or ditch in use now for this purpose nor has there been a pipeline or ditch for over ten years.

Would it be possible for me to file on this water right and use the water on my land? If this is possible, would you send me the necessary application blanks for filing.

It would probably be necessary for a representative from your office to come to Agness to inspect the installation I would make if the water right is open for filing. I would be glad to pay part of the expenses of the man from your office in checking.

My present supply of water is from a pipeline that is also used to supply the Hotel and irrigate 8 acres of land owned by the Hotel and it is most unsatisfactory because the hotel uses so much water that there is very little coming to me, especially at times when the hotel is full of guests.

All pertinent information concerning the water right in question is recorded in Volume 2, page 1174, State Record of Water Right Certificates, and on page 22 of Metsker's maps in your office.

Mrs. Lucas Pettinger is no longer actively associated in the operation of the Hotel and her son who now operates it has installed another pipeline to supply his needs. This pipeline is not in the description of the legal location of the Pettinger source.

I understand that if a water right is not continuously used that after a period of time it is open to refiling, if this is the law I would like to file for the water right.

Thanking you for your favor.

Yours very truly,

Luther S. Best
Luther S. Best, Postmaster

February 27, 1914.

Mr. George W. Rulea,

Agness, Oregon.

Dear Sir:-

I am enclosing your Application No. 3349, being Permit No. 1869, which has been approved and recorded in this office.

App. No. 3349.

Jan. 16, 1914.

Mr. Geo. F. Bilea,

Agness, Tex.

Dear Sir:-

Enclosed find my official receipt for \$11.00, which amount was transmitted by your letter of recent date, to be applied as fees on your application No. 3349. This application will be taken up as soon as same can be reached, and you will be further advised.

Very respectfully,

Meroy A. Gupper,

Acting State Engineer.

RMP

Encl.

SUBJECT: App. No. 3349.

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE STATE WATER BOARD
SECRETARY OF THE DESERT LAND BOARD
PERCY A. CUPPER
ASSISTANT STATE ENGINEER

OFFICE OF STATE ENGINEER
RECEIVED
DEC 16 1913
SALEM, OREGON

SALEM, OREGON, Dec. 17, 1913.

Mr. Geo. W. Rilea,

Agness, Oreg.

Dear Sir:-

I am in receipt of your application for permit to appropriate water, together with two maps, and same has been numbered 3349 and placed on file in this office. A \$3.00 examination fee should have accompanied the application. The fees on this application are as follows: examination, \$3.00; filing and recording 20 acres, \$3.00; domestic supply, \$5.00; total, \$11.00.

Very respectfully,

John H. Lewis
John H. Lewis,

State Engineer.

RWP

App. No. 3349.

Dec. 17, 1913.

Mr. Geo. W. Rilea,

Agness, Oreg.

Dear Sir:-

I am in receipt of your application for permit to appropriate water, together with two maps, and same has been numbered 3349 and placed on file in this office. A \$3.00 examination fee should have accompanied the application. The fees on this application are as follows: examination, \$3.00; filing and recording 20 acres, \$3.00; domestic supply, \$5.00; total, \$11.00.

Very respectfully,

John H. Lewis,

State Engineer.

RUP

November 29, 1930.

Mr. Charles H. Pettinger,
Agness,
Oregon.

Dear Sir:

We have no records from which we can determine the correct name of the stream in Section 7, Township 35 South, Range 11 West and which is described in the certificates issued to Sadie G. Lucas Pottinger and George W. Rilea.

As suggested in your letter, the name of this stream is not of much importance, as it would be sufficiently identified by its location. I would not think it worth while to correct either certificate.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Office Assistant.

LAS:L

3349 - Riley
8619
5664 - Pettinger

State Engineer
Salem Oregon

Aguass Oregon
Nov 22-1930

STATE ENGINEER
RECEIVED

NOV 26 1930

SALEM, OREGON

Dear Sir!

Referring to Certificate #1174 to Geo W
Rilea for appropriation of Water from Taylor Creek
a tributary of Rogue River sec 7 - {35} S R11 W.

Also referring to Certificate #5664 to
Salem G. Lucas Pettinger for appropriation of Water from
Riley Creek, a tributary of Rogue River Sec 7 - {35} S R11 W

This is the one and the same creek
Will you kindly advise me which name is
correct so the records may be corrected
I did not notice this error until today
as I was looking over the papers
I don't know if it makes any difference
as there is no other creek passing through
Lot 13 and Lot 14, of sec 7, {35} S, R11 W.

Please advise

Very respectfully
Charles H Pettinger

June 21, 1950

Mr. Luther S. Best
Postmaster
Agness, Oregon

Dear Mr. Best:

This will acknowledge receipt of your letter dated the 17th inst.

Please be advised that I am unable to identify the water right which you referred to in your letter, therefore, I cannot advise you specifically as to the rights to the use of water under the water right which you have in mind.

However, I will attempt to set forth some of the fundamental principles of the water law which may apply to the matter in which you are interested.

1. In this state no one owns the water, he only owns the right to the use of a specific quantity for some beneficial purpose.

2. In this state the water is appurtenant or attached to some particular tract of land which is described in the permit, certificate of water right, or court's decree and this water right cannot be used for any purpose in any other tract, in other words, it must be used for the purpose for which it was initiated and in the tract described in the permit, certificate of water right, or court's decree.

3. In this state if one owns a water right for domestic purposes, he cannot use this water right in operating a hotel and auto park for the latter use is not a domestic use.

4. In this state if one has a right for domestic use, say 4 gallons per minute, and he only needs 1 gallon per minute, 1 gallon per minute would be the limitation of his right and he could not give the right to the use of the 3 excess gallons per minute to another party.

June 21, 1950

5. In this state one may own a pipe line or a pipe line may be owned jointly, but the pipe line is separate and distinct property from that of a water right. One may own a pipe line or an interest therein and have no right to convey water through the same. The right to the use of water must be initiated under Oregon laws, that is, by making application to the State Engineer for a permit to appropriate the waters, provided this right was not in use prior to February 24, 1909, the effective date of our state water code.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC

United States Post OfficeLUTHER S. BEST, ~~XXXX~~ ACTING POSTMASTER

AGNESS, OREGON

June 17, 1950.

RECEIVED

JUN 20 1950

**STATE ENGINEER
SALEM, OREGON**

Charles E. Stricklin, State Engineer
Salem, Oregon.

Dear Sir:

About four years ago we purchased our present property here in Agness and with it came the water right to use .029 cu.ft of water per second for household purposes and for irrigation of 7 acres of land. Previous to our ownership an agreement was entered into by the original owner George W. Rilea with a Mr. Cooley his next neighbor whereby the two parties would purchase the pipe and share the expenses of installation to run water to both places of residence, Mr. Cooley was to have water for household or domestic use and for irrigation of eight acres of land. This agreement was verbal and no written agreement was drawn up. We have this information from the widow of George W. Rilea.

Our concern is over the use of the water by the heirs and descendants of Mr. Cooley.

The agreement for Mr. Cooley's use of the water was that it was to be used in Section (18) Eighteen, Township Thirty-five (35) South, Range Eleven (11); all West of Willamette Meridian in Curry County Oregon.

Since this agreement the heirs and descendants have entered into the Hotel business and the Hotel is located in the Northeast Quarter of Section (13) Thirteen Township (35) Thirty-five, Range (12) Twelve; West of Willamette Meridian Curry County Oregon. The Hotel is located approximately 1500 feet from the site of the house that the original use of water was intended to serve.

Because the pipeline comes from the water supply to a "Wyee" then through a smaller pipe to each place of residence the water to our home is frequently cut to a small trickle because the Hotel uses so much, using it for laundry purposes, guests bathing and for washing dishes and cooking in the preparation of meals for many guests.

If it does not conflict with the policy of your office, we would very much appreciate it if you would tell us if there is any way in which we can have this condition corrected? The owners of the Hotel have three other sources of water supply, one being a spring that runs more than enough water to take care of the entire needs of the Hotel and Cabins now on the original water line. The spring runs not more than 75' from the Hotel. There is also a 3/4" pipeline running through one of our pastures from a small creek. In addition there is a pipeline that is put into the Rogue River and brings water from a creek on the mountain on the South side of the Rogue River.

Our desire is to install our own water line separate from the one mentioned as being the present supply. Can we do this? As the water right is vested in the property we own we feel that we have the

right to do so.

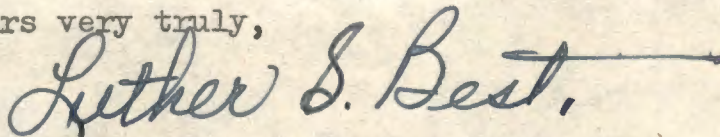
In the pamphlet issued by your office on Rules and Regulations concerning water rights, etc. We note that it against the law to use the water for any purpose other than the original one and that it must be used in or on the land stated in the certificate of water right.

I have been informed that any violation of the use of the water would deprive the owner of water. As the original water right is attached to our property I am deeply concerned over this as I do not want to lose our water supply because of the actions of the other party.

Any comment or information that would help me clear this condition up would be very much appreciated.

Thanking you for your favor.

Yours very truly,

A handwritten signature in cursive script that reads "Luther S. Best." The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Luther S. Best, Postmaster

Agness, Oregon.

June 28, 1950

Mr. Luther S. Best
Agness
Oregon

Dear Mr. Best:

This will acknowledge receipt of your letter dated the 24th inst., and a certified copy of the Certificate of Water Right issued to George W. Rilea and recorded in Volume 2, page 1174, State Record of Water Right Certificates, and page 22 of Metaker's maps.

It appears from the records of this office that the stream involved in the matter under consideration is sometimes called Taylor Creek and sometimes called Rilea Creek.

There are three filings of record in this office for the use of water from this stream. The first of these rights is that evidenced by the Certificate of Water Right issued in the name of George W. Rilea. The second, in order of priority or date of filing in the State Engineer's Office, was initiated in the name of Sadie G. Lucas Pettinger. This right is for the appropriation of water for domestic use for hotel and irrigation. This would be the right under which the hotel is being supplied with water. Under "Remarks" in the application and permit it is stated as follows:

"Main Ditch terminates in Lot 10, Sec 18 T 35 S R 11 W.
Merced—The water will be taken from main ditch by making openings along ditch & let run on surface in small shallow ditch to Lot 4, Sec. 13 T 35 S R 12 W., said water to irrigate the said Lot 4 S 13 T 35 S R 12 W.

Pipe line same as ditch except that it extends up Rilea Creek to within 60 feet below Geo. W. Rilea intake on his pipe line. My pipe line will have two intakes."

The other right is in the name of Carl Wood for domestic use.

In this state water is distributed in order of the date of priority so long as the water is being used beneficially. The date of priority of right initiated by George W. Rilea is December 16, 1913. The right initiated by Sadie G. Lucak Pettinger has a date of priority of September 6, 1922 and the right initiated in the name of Carl Wood has a date of priority of August 9, 1929.

Mr. Luther S. Best

Page 2

June 28, 1950

In this state a water right is appurtenant to the lands and if you do not own the 8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 35 South, Range 11 West, W. M., unless the water right was severed therefrom in the deed or contract of sale, it appears that the owners of this tract would have the right to irrigate this 8 acres under the George W. Rilea right.

The map and certified copy of the Certificate of Water Right are being returned herewith.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC
Enc. 2

September 22, 1950

Mr. Luther S. Best, Postmaster
Agness
Oregon

Dear Mr. Best:

This will acknowledge receipt of your letter dated August 23, 1950, and I have given careful consideration to the matter set forth therein.

Please be advised that the records of this office show that the right initiated by George W. Rilea is evidenced by a certificate of water right issued in his name.

Referring to the right of Mrs. Pettinger, if this right is evidenced by a certificate of water right, the only way that this right can be held to have been lost by abandonment or non-use is to have the same determined by the courts. A water right being a property right, the owner of the lands to which such a right is appurtenant, cannot be deprived of this right without the matter being determined by the courts in appropriate proceedings.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC

Agness, Oregon.

July 31, 1954

State Engineer.
Water Resources Division.
Salem, Oregon.

RECEIVED
AUG 3 1954
STATE ENGINEER
SALEM, OREGON

Dear Sir:

Would you tell me what steps are necessary to take to renew the right to use the water for power purposes that is part of the water grant in the name of George Rilea of Lot 1, Section 12(12) Township Thirty-five (35), South, Range Twelve(12) Curry County Oregon. Located on Taylor Creek.

It would be appreciated if the necessary forms were sent to me.

Thank you.

Yours very truly,

Luther S. Best.

Luther S. Best, Postmaster

Agness, Oregon.

Ent. 1174
pr. 1867

16611
1174

GEORGE W. JOSEPH, II . . . *Chairman*
F. C. DILLARD . . . *Vice Chairman*
CHAS. E. STRICKLIN . . . *Secretary*
COMMISSIONERS

ADDRESS ALL COMMUNICATIONS
HYDROELECTRIC COMMISSION OF OREGON
CHAS. E. STRICKLIN, *State Engineer*
SECRETARY

STATE OF OREGON

OFFICE OF THE
HYDROELECTRIC COMMISSION OF OREGON
SALEM

August 10, 1954

Mr. Luther S. Best, Postmaster
Agness, Oregon

Dear Mr. Best:

Your letter of July 31st relative to water for power purposes granted in the name of George Rilea for Lot 1, Section 12, T. 35 S., R. 12 W. W.M., has been referred to this Commission for reply.

The water for which Certificate No. 1174 was issued covering the property described above does not include water for power purposes but only for irrigation and domestic use.

If you propose to generate hydroelectric power using the waters of Taylor Creek, we will be glad to send you the necessary forms to prepare for that purpose and a copy of the rules and regulations of the Commission governing such applications, upon hearing from you.

Yours very truly,

HYDROELECTRIC COMMISSION OF OREGON

Chas. E. Stricklin, Secretary

DJMcL:gp

3349
28698

December 27, 1962

Mr. Lewis A. Stanley
2685 Silverton Road, N. E.
Salem, Oregon

Dear Mr. Stanley:

Enclosed are copies of maps in connection with permit 22596 in the name of Larry Lucas and permit 1869 in the name of George Rilea. The old map is certainly of little value, and the certificate was issued before we made the final proof survey.

I am enclosing copies of my letters dated August 21, 1962, and August 28, 1962. I made an error in the August 21 letter in that the water right covers only 8.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, and also 7.0 acres in Lot 1, Section 12.

As poor as the map is, I think it locates the 8.0 acres within the area Bartels surveyed in connection with permit 22596. This permit covers the irrigation of only 20.0 acres so there would still be 2.7 acres irrigated without a right.

I would think the best course of action for Mr. Lucas would be to cancel at least a part of the old right from Rilea Creek which would conflict with issuing a certificate under the newer right.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

60
TJ:jp
Enclosures (4)

28698
3349

August 28, 1962

Larry Lucas
Agness
Oregon

Dear Sir:

If it is convenient for you to be in Salem later in the year, perhaps it would be just as well to withhold action under Permit number 22596 to clarify the points I tried to make in my letter dated August 21, 1962. We will also hold the proof on your other permits and will have these ready for your examination when you can come in.

If this is not convenient for you, we can furnish more explanation by letter, as we do not wish to cause a special trip for you.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp

August 21, 1962

Larry Lucas
Agness
Oregon

Dear Mr. Lucas:

Permit number 22596 describes the appropriation of water of Smith Creek for irrigation of 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 35 S., R. 11 W. According to the report of our field engineer, you have irrigated 22.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 35 S., R. 11 W. and 7.4 acres in Lot 4 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), T. 35 S., R. 12 W. The certificate cannot be issued for a greater amount than 20 acres which is the limit in the permit.

In preparation of the proof under this permit, I find a right in the name of George W. Rilea covering, amongst other lands, 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 35 S., R. 11 W. This is part of the land described under your permit, however, correspondence during the 1950's would indicate that there is perhaps an error and the land in Section 18 may not be properly located. If we assume the older right from Rilea Creek to be valid, then the certificate confirming your permit number 22596 must include 8.0 acres of supplemental irrigation. This would necessitate making use of water from Rilea Creek as long as it was available before you could irrigate from Smith Creek. If use of water is not made from Rilea Creek for irrigation of these lands or if it was once used but has not been used for five successive years, then perhaps the best course of action would be for you to authorize the cancellation of at least that part of the right pertaining to your lands and then obtain a certificate for primary irrigation from Smith Creek.

Further action in reference to this will be withheld to enable you to reply to this letter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By Trevor Jones, Assistant

TJ:jh

App 3349
Per 1869

August 10, 1954

Mr. Luther S. Best, Postmaster
Agness, Oregon

Dear Mr. Best:

Your letter of July 31st relative to water for power purposes granted in the name of George Rilea for lot 1, Section 12, T. 35 S., R. 12 W. W.M., has been referred to this Commission for reply.

The water for which Certificate No. 1174 was issued covering the property described above does not include water for power purposes but only for irrigation and domestic use.

If you propose to generate hydroelectric power using the waters of Taylor Creek, we will be glad to send you the necessary forms to prepare for that purpose and a copy of the rules and regulations of the Commission governing such applications, upon hearing from you.

Yours very truly,

HYDROELECTRIC COMMISSION OF OREGON

Chas. E. Stricklin, Secretary

DJMcL:gp

August 16, 1954

Mr. Luther S. Best
Agness
Oregon

Dear Mr. Best:

This will acknowledge receipt of your letter of August 13th and the copy of water right certificate which, it is assumed, is evidence of the right you make reference to.

Your attention is called to the certificate which confirms a right to the use of water for the irrigation of 15 acres of land and domestic use. There is no power right covered by this certificate and the records of this office do not show that there is such a power right.

The law relative to the renewal of certificates of water right has been changed and it is no longer necessary to have this certificate renewed. The only way this right can be lost is by failure to use the same for a continuous period of 5 years or by abandonment.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC
Enc. Certificate No. 1174

LUTHER S. BEST
AGNESS, OREGON

August 13, 1954

State Engineer
Water Resources
Salem, Oregon,

RECEIVED
AUG 16 1954
STATE ENGINEER
SALEM, OREGON

Dear Sir:

My letter to you dated July 13, 1954 regarding the renewal of the power rights on Taylor Creek under the name of George Rilea was prompted by the advice of the former owner of the property. He stated that the time had been extended to 50 years but that a request for the renewal should be made.

There is reference to the use of water for power purposes in the enclosed certified copy of the water right issued to George Rilea. It is because of this reference that my letter was written.

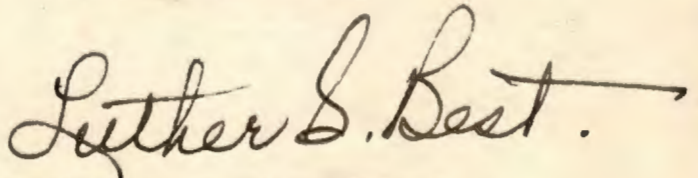
A logging company has come into this area and built a camp and have installed a pump in Taylor Creek. As their lease is for a period of 25 years, I wish to protect my rights on the creek.

Because of the large number of people now in Agness, the water situation is a most important issue. Many diversions and changes to existing lines and uses have been made.

Would the Watermaster at Grants Pass send one of his inspectors or representatives if the expenses were paid by me.

Thanking you for your favor.

Yours very truly,



Luther S. Best, Postmaster

Agness, Oregon.

GEORGE W. JOSEPH, II . . . Chairman
F. C. DILLARD . . . Vice Chairman
CHAS. E. STRICKLIN . . . Secretary
COMMISSIONERS

ADDRESS ALL COMMUNICATIONS
HYDROELECTRIC COMMISSION OF OREGON
CHAS. E. STRICKLIN, State Engineer
SECRETARY

STATE OF OREGON
OFFICE OF THE
HYDROELECTRIC COMMISSION OF OREGON
S A L E M

August 10, 1954

Mr. Luther S. Best, Postmaster
Agness, Oregon

Dear Mr. Best:

Your letter of July 31st relative to water for power purposes granted in the name of George Rilea for Lot 1, Section 12, T. 35 S., R. 12 W. W.M., has been referred to this Commission for reply.

The water for which Certificate No. 1174 was issued covering the property described above does not include water for power purposes but only for irrigation and domestic use.

If you propose to generate hydroelectric power using the waters of Taylor Creek, we will be glad to send you the necessary forms to prepare for that purpose and a copy of the rules and regulations of the Commission governing such applications, upon hearing from you.

Yours very truly,

HYDROELECTRIC COMMISSION OF OREGON

Chas. E. Stricklin
Chas. E. Stricklin, Secretary

DJMcL:gp

UNITED STATES POST OFFICE
AGNESS, OREGON 97406

March 31, 1967

Mr. Chris L. Wheeler, State Engineer:
516 Public Service Building
Salem, Oregon 97310

RECEIVED
APR 3 1967
STATE ENGINEER
SALEM OREGON

Dear Mr. Wheeler:

Attached is a copy of the information concerning the water right that was granted to previous owners of our property.

It is a part of our Abstract of Title, it gives the Permit number as #1869 and confirms the use of water from Dec. 16, 1913.

I cannot give the exact point of diversion of our water source; it is in section 12, on said Taylor or Rilea Creek and is approximately due North a distance of $7/8$ ths to 1 mile from the boundary between Sections 12 and 13, it is roughly $1/2$ mile West of the North-South boundary line of Sections 12 and 13 on the East boundry.

This information has been given from a map(Metsker) of Township35S., Range 12 W.W.M. Curry County, Oregon.

If I can be of any further help in furnishing information, concerning this matter, I will be very happy to do what I can.

Yours very truly,

Luther S. Best

Luther S. Best, Postmaster
Agness, Oregon 97406

April 24, 1967

Mr. Luther S. Best
Postmaster
Agness, Oregon 97406

Dear Mr. Best:

Thank you for the information identifying the right which may be affected by action of the U. S. Forest Service.

We could not, of course, take any specific action on it unless and until they do short you on your water supply.

Very truly yours,

CHRIS L. WHEELER
State Engineer

CLW:eh

August 2, 1916.

Mr. George W. Rilea

Agnass, Oregon.

Dear Sir:-

Proof of appropriation of water under permit No.1869,
together with \$1.00 recording fee, has been received and filed
in this office.

This proof appears to be in proper form and will be
presented to the State Water Board at its next meeting for ap-
proval and issuance of certificate.

Very respectfully,

Secretary.

GB.

October 7, 1914.

Mr. George W. Rilea,

Agness, Oregon.

Dear Sir,-

Forms A, B and C have been received and filed in this office in connection with Permit No. 1869.

In due course proof of appropriation of water under this permit will be taken by the State Water Board, and final water right certificate issued thereafter in accordance with such proof.

Very respectfully,

Secretary.

June 23, 1916.

Mr. Geo. W. Riles

Agness, Oregon.

Dear Sir:-

I am enclosing blank for proof of appropriation of water under permit No. 1869 which you will please fill out and return to this office, together with \$1.00 to cover recording fee and the matter will be presented to the State Water Board at its next meeting for approval and issuance of certificate.

Very respectfully,

Secretary.

RS.