

ASSIGNED
 Name L. J. & J. L. Getchell
 By _____
 Address Route 2 Box 283
Creswell, Oregon

Date filed May 9, 1956
 Priority May 9, 1956
 Action suspended until _____

Returned to applicant _____
 Date of approval January 25, 1957

CONSTRUCTION

Date for beginning January 25, 1958
 Date for completion October 1, 1958
 Extended to _____

Date for application of water October 1, 1959
 Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed Complete
 Form "C" filed February 14, 1958

FINAL PROOF

Blank mailed AUGUST 31 1960
 Proof received _____
 Date certificate issued SEPTEMBER 23 1960

Application No. 30738
 Permit No. 24572
 Certificate No. 27542

Stream Index, Page No. 2 - 800

FEES PAID

Date	Amount	Receipt No.
<u>5-10-56</u>	<u>17.70</u>	<u>6988</u>
<u>12-10-56</u>	<u>.45</u>	<u>9179</u>
	B. P. Fee	
<u>9-6-60</u>	\$1 Cert. Fee	<u>26.863</u>

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>2-25-58</u>	<u>Judson L. Getchell</u>	<u>Rt. 2, Box 283 - Creswell, Ore.</u>	<u>3</u>	<u>1275</u>

REMARKS

0.36 c.f.s. from Bear Creek for supplemental irrigation of 50.9 acres.

Form C

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.
Fill out, detach and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

Application No. 30738

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, L. I. & J. L. Gatchell, the holder of Permit No. 24532,
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the 11 day of September, 19 57.

Remarks: Water was used as needed during June, July, August and
to Sept. 11th

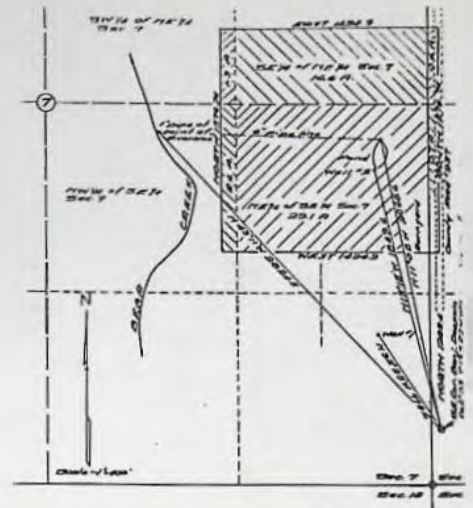
IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of Feb., 19 58

(Signature of Applicant)

(Address)

Application No. 30738
Permit No. 24592

RECEIVED
AUG 6 1956
STATE ENGINEER
SALEM, OREGON



WATER RIGHT MAP FOR L.J. GATCHA
 SECTION 18, T19S, R23W, W4E
 LANE COUNTY, OREGON
 JULY, 1966

I, Chas. C. Vander, Lane County, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on July 30, 1966, that the monument shown for the point of diversion consisting of a 1000 inch iron pipe bears North 42°13' West 2028.6 feet from the Southeast corner of the Sec. 18, T19S, R23W, W4E in 1/4 Sec. 18, T19S, R23W, W4E, and that the water right point bears North 27°25' East 770.6 feet from said corner and Well No. 2 bears North 12°15' West 1847.6 feet from said corner.

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

Feb 19, 1979
3462 "C" Street
Springfield, Ore 97477

Dear Mr Williams

The last time we irrigated
the property located at 83445 or 83424
North Rogers Rd, Creswell Ore
was in Sept. of 1975. We
took the water from Bear Creek.

I had forgotten we raised hay
in 1975 when I talked to
Dr. Christofferson.

We used all three wells
in 1975 for yard, garden & fields.

There is an easement from the above
property to Bear Creek, it has
a 6 inch steel pipe buried
on the easement.

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

There was a power pole
and a pump house on the
edge of Bear Creek. You might
check with Pacific Power &
Light Co in Cottage Grove. They
remove power poles and the
service if it hasn't been
used in a couple of years.
They should have a record of
it even if it has been
removed.

If we can be of any help
please let us know.

Sincerely,
Mrs James J. Detchell

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

his part or his predecessor's part to abandon the easement it can probably successfully be argued that it was not abandoned.

I, of course, do not know all of the circumstances surrounding the use or nonuse of the easement between the time it was created and the present time. However, in a conversation with Judson Getchell, a previous owner of the property, I learned that his son, James Getchell, irrigated the property up until the time that it was sold (presumably to Dr. Christopherson). This is, I think, sufficient evidence to refute any claim that the easement was abandoned. Judson Getchell said that he had not worked the property for about four or five years prior to the time that it was sold by his son so I think it would be wise to talk to James Getchell. He works during the day and I will call him in the evening in the immediate future to confirm this.

4. Concerning whether Dr. Christopherson has a valid water right in Bear Creek, on February 13, 1979 I spoke with Tom Shook of the Water Resources Board in Salem. As I previously mentioned to you, Mr. Shook revealed that there are two valid water rights to the property, a primary and a supplemental. The primary water right is based upon a claim made in 1956 by J. L. Getchell to irrigate 50.9 acres from two wells on the property. The supplemental water rights are pursuant to a certificate with a priority date of May 9, 1956 also issued to Judson Getchell. The supplemental water rights are to irrigate 50.9 acres from Bear Creek. Mr. Shook stated that as long as

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEP
SALEM, OREGON

use of the wells had not been abandoned, the right to use water from them (as a primary source of irrigation) and from Bear Creek (as a supplemental source of water) would still exist.

Water rights will expire automatically if they are not used for five consecutive years. ORS 537.250(2), ORS 540.610. As stated above, my conversation with Judson Getchell indicates that the wells were used up until the time the property was sold to Dr. Christopherson. As long as that is the case both the primary water rights in the wells and the supplemental water rights in Bear Creek are still valid. They pass automatically to Dr. Christopherson along with the land.

If James Getchell contradicts the statements of his father and the evidence reveals that the wells were not used for five consecutive years, Dr. Christopherson can still reapply for water rights. Concerning the wells, the procedure for getting a permit to use them would be the normal application procedure for wells. Concerning the supplemental water rights to Bear Creek, Mr. Shook revealed that the Water Resources Department is still accepting applications to appropriate water from that creek but that they will issue permits only with the understanding that there may not be water available from Bear Creek late in the season because of the low priority date Dr. Christopherson would have if he did reapply. However, I do not think that it will be necessary for Dr. Christopherson to reapply. I think that he still has valid water rights.

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

AGREEMENT

THIS AGREEMENT made and entered into this 22nd day of August, 1959,
by and between GLEN S. COZINS and LEXIA COZINS, husband and wife, hereinafter
referred to as the "Cozins", and JUDSON L. GATCHALL and CLAYTON V. GATCHALL, husband
and wife, hereinafter referred to as the "Gatchalls",

WITNESSETH:

WHEREAS, the Cozins claim a water right under water right Certificate
No. 8187 issued by the State Engineer in the State of Oregon, which was recorded
in Volume 1, Page 85 of the Lane County Oregon Water Right Records; and,

WHEREAS, Cozins are the owners of a tract of land located in the State of
Oregon, County of Lane, described in that certain deed recorded on the 16th day of
October, 1956, as Instrument No. 97003 in the office of the County Clerk of Lane
County, Oregon; and,

WHEREAS, the Gatchalls are the owners of a tract of land adjacent to the
above referred to tract of land owned by the Cozins and which tract owned by the
Gatchalls is described in that certain deed recorded on the 23th day of January,
1958, as Instrument No. 5-30326 in the Office of the County Clerk, in Lane County,
Oregon; and,

WHEREAS, the Gatchalls claim the right to take water from Bear Creek, a
stream of water which flows through the lands owned by the Cozins, under and by
virtue of an application for a water right filed with the State Engineer of the
State of Oregon, Application Number 30736, and Permit No. 24532, under which the
Gatchalls claim the right for supplemental water to irrigate approximately 50.9
acres of land; and,

WHEREAS, the Gatchalls claim a right of way across the lands owned by the
Cozins from the west boundary of the land owned by the Gatchalls to Bear Creek,
under and by virtue of an informal written agreement entered into between L. J.
Gatchall and Judson L. Gatchall and a former owner of the Cozins property; and,

WHEREAS, controversies have arisen between the parties hereto as to the
rights and limitations on rights of the parties hereto created by said informal
agreement; and,

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT.
SALEM, OREGON

WHEREAS, the parties desire to make an agreement which will clarify the position of the parties and settle said litigation and controversies, and which agreement shall replace the informal agreement above referred to.

NOW, THEREFORE, in consideration of the foregoing recitals which are by this reference incorporated herein as though fully set forth herein, and for other and further valuable consideration, the parties agree as follows:

1. That the Cozinses shall, and they hereby do grant and convey to the Gatchells, their heirs, successors and assigns, an easement and right-of-way upon and across the real property owned by the Cozinses as above described, and which said easement shall be located and described as follows:

A strip of land ten feet wide lying 5 feet on each side of a center line running from the point of diversion on the East bank of Bear Creek described in the Gatchell water right permit, which point is marked by a 1 x 30 inch iron pipe located N. 43° 11' W. 2324.5 feet from the S.E. corner of the Benj. Despain D.L.C. No. 22 in T 17 S; R 2 W W.M. in Lane County, Oregon, and adjacent to which point of diversion is located the pump house of the Gatchells, the pump house of the Cozinses and the transformer pole of the Pacific Power & Light Co.), and running thence East across the Cozins property to the West line of the Gatchell property.

2. That said easement and right-of-way shall be for the purpose of installing a water pipe line, pump and intake line, and for the maintenance, repair and operation thereof with right of ingress and egress for said purposes.

3. That the Gatchells, their heirs and assigns, shall have the right to travel along and upon said easement to and from said pump house with such equipment as shall be necessary to remove said pump house to the Gatchells' property after the end of the irrigation season of each year, and to return said pump house to the pump house site on the bank of Bear Creek before the irrigation season of the following year, and to have ingress and egress for the purpose of repair, maintaining and operating said pump and equipment; provided, however, that the Gatchells, their heirs and assigns, shall not cross said easement or right-of-way with vehicular traffic or other equipment except when necessary for these purposes, and shall cross said easement by foot for the ordinary operation of said equipment, and shall not cause a roadway to be established by reason of the operation only of said pump and equipment.

4. That the Gatchells shall have the right to have the electric equipment in said pump house connected to the power line now existing on the Cozins property which has heretofore been installed by the Pacific Power and Light Co. for the

RECEIVED

AUG 1 - 1970

WATER RESOURCES DEPT.
SALEM, OREGON

purpose of furnishing electric power for pumping purposes to the Gatchells and to the predecessors of the Cozines, and which has been used by the Cozines since their acquisition of the real property.

5. That the Gatchells shall not, while exercising the rights herein granted, do any unnecessary damage to the property and to the crops of the Cozines on the lands crossed by said easement.

6. That the pumphouse shall be of approximately 6 x 8 feet in size, and shall contain such pumping equipment, including a pump, electric motor, electric switches, starters and other electric equipment as shall be necessary for the purpose of pumping water from Bear Creek to the Gatchells property in compliance with and under the provisions of the irrigation permit granted to the Gatchells and referred to above.

7. That the Gatchells shall have the right to install, maintain, remove and replace a diversion line running from said pumphouse into Bear Creek, and the parties hereto may from time to time jointly install a sump or diversion line in said Bear Creek; provided, however, that any such structure shall be of a temporary nature, and if of a permanent nature, shall be constructed, maintained and operated in accordance with the laws of the State of Oregon, and the rules and regulations of any department of the State of Oregon or its subdivisions which shall have jurisdiction thereof.

8. That the Cozines shall have the right to make any use of the real property covered by said easement which does not infringe upon or interfere with the use of said easement by the Gatchells.

9. That this agreement shall not be construed to limit or enlarge in any way the irrigation rights granted under and pursuant to the laws of the State of Oregon which are appurtenant to the lands of the respective parties hereto.

10. That the rights of the respective parties to irrigate their respective lands and their respective priorities shall be in accordance with their rights to water from Bear Creek under the laws of the State of Oregon.

11. That the Cozines may, in order to exercise whatever prior water right they may have, turn off the electric pump of the Gatchells as such pump is operating

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT

at any time that the Cozines desire to irrigate their land, if there is not sufficient water so both pumps can be run at the same time.

12. That the Gutchalls shall install a pipe line along the center of the above described easement and right-of-way, and which said pipe line shall be buried to a depth such that the top of said pipe line shall be not less than 18 inches below the ground surface of the Cozines' property, and which said pipe line may be 6 inches in diameter or less in accordance with the provisions of the irrigation permit held by the Gutchalls and referred to above.

13. That except for the purposes of installing, operating and maintaining the irrigation system including the pump house above referred to, the Gutchalls shall not have any right to enter upon the Cozine property for any reason.

14. This agreement shall be binding upon the respective heirs, successors and assigns of the parties hereto.

Glenn S. Cozine
Leola Cozine
Judson I. Gutchall
Clayde V. Gutchall

STATE OF OREGON)
COUNTY OF LANE) ss.

On this 1st day of August, 1959, personally came before me, a Notary Public in and for said county, the within named Glenn S. Cozine and Leola Cozine, husband and wife, and Judson I. Gutchall and Clayde V. Gutchall, husband and wife, to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and seal this day and year last above written.



Notary Public for Oregon
My Commission Expires: Dec 14, 1961

STATE OF OREGON

COUNTY OF Lane

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JUDSON L. GETCHELL

of Route 2, Box 283 Creswell, 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 Bear Creek a tributary of Coast Fork Willamette River for the purpose of supplemental irrigation of 50.9 acres

under Permit No. 24532 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 May 9, 1956

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 0.36 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4 as projected within Benj. Despain DLC 52, Section 7, T. 19 S., R. 2 W., 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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

1.3 acres SW 1/4 NE 1/4
16.6 acres SE 1/4 NE 1/4
29.1 acres NE 1/4 SE 1/4
2.6 acres NW 1/4 SE 1/4

Section 7

0.6 acres SW 1/4 NW 1/4
0.7 acres NW 1/4 SW 1/4

Section 8

all as projected within Benj. Despain DLC 52
T. 19 S., R. 2 W., W.M.

Land on which water is to be used is part of that described as follows:

Beginning at a point 19.43 chains North of the Southeast corner of the Benj. Despain DLC 52 in T. 19 S., R. 2 W., W.M., running thence North 23.89 chains, thence West 22.65 chains, thence South 23.89 chains, thence East 22.65 chains to the place of beginning.

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

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

251 FINANCE BUILDING
170 12TH STREET S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

August 31, 1960

REFER TO
FILE NO. 30738

Mr. Judson L. Getchell
Route 2, Box 283
Creswell, Oregon

Dear Mr. Getchell:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. 24532. You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following certificate. You should return this paper, along with a fee of \$1.00 for recording your water right certificate, when issued, in the office of the County Clerk.

Very truly yours,

LEWIS A. STANLEY
State Engineer

Return this paper to the State Engineer. Do not record in County Clerk's office.

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

September 1, 1960
(Date)

Judson L. Getchell
(Signature)

Creswell, Oregon
April 24, 1956.

This agreement between George E Belshaw and Lawrence Benton does hereby give permission to J.L. Getchell and L.J. Getchell to pump water from Bear Creek and transport same across the George Belshaw farm leased by Lawrence Benton, said farm located in Sec. 7 Township 19S R. 2 W. W.M. It is agreed that Getchell can pump water any time as long as there is sufficient water for Lawrence Benton to irrigate pasture and other lands on the Belshaw farm. Any expenses involved in construction of dams in Bear Creek for the purposes of impounding water for pumping purposes will be shared equally by said parties involved.

L.J. Getchell

Geo E. Belshaw
Owner

J.L. Getchell

Lawrence L. Benton

RECEIVED
MAY 9 1956
STATE ENGINEER
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

August 2, 1979

Kent W. Christoferson, M.D.
1415 Pearl Street, Suite 1
Eugene, OR 97401

RE: Files No. 30738 & GR-233

Dear Dr. Christoferson:

I am writing in response to your letter dated July 30, 1979, inquiring as to the status of rights on property which you own and on which water rights exist, in the vicinity of Bear Creek.

The laws governing the issuing of permits for the use of water from wells were enacted by the legislature in 1955. The same statutes also made provisions for the registration of wells which were constructed prior to that time, as were the wells on your property. A ground water registration was submitted in the names of L.J. and J.L. Getchell, claiming a use of water dating from April 1, 1953. The quantity of water claimed was 40 gallons per minute, for the irrigation of 50.9 acres. The ground water application is numbered GR-233, and the subsequent certificate of registration is numbered GR-229. I am enclosing a copy of the map which accompanied the registration; the same map served as an application map for the water right filing submitted for use of water from Bear Creek, numbered 30738.

Certificate of water right numbered 27542, confirming the use of water from Bear Creek, describes the appropriation of 0.36 cubic feet per second from Bear Creek for the supplemental irrigation of the same 50.9 acres, with a date of priority of May 9, 1956. Should you wish, a copy of the certificate can be provided upon request and submission of a \$1.00 statutory copy fee.

The use of water from Bear Creek is, of course, subject to the available supply of water. Water should be available in sufficient quantity in the early part of the summer to allow at least a portion of the property to be irrigated from this source. Later in the season, when the flow of water diminishes, it is possible that you could construct a small temporary dam or dig a hole in the creek bed of sufficient size to allow your foot valve to operate properly. If this is not possible, then you will be, for all

Kent W. Christoferson, M.D.
August 2, 1979
Page 2

practical purposes, through irrigating from this source for the remainder of the summer. If and when water is available from the creek, it is reasonable to expect that you will make use of it. If the property were mine, I would use water from Bear Creek during the earlier part of the summer season and then turn to the wells as the water level in the stream dropped.

The distribution of water during periods of shortage is done by the watermaster on a priority basis. When the water is insufficient to supply all users, the watermaster has the legal authority and the duty, when requested by a water user of record, to restrict the use of water by up-stream record holders whose priorities are inferior. I presume you have discussed this with Mr. McGinnis.

Cancellation of a water right is not automatic. Even though a right might be legally abandoned due to five or more consecutive years of non-use, as long as a water right of record exists for that use it is presumed to be a valid right. For a water right to be canceled, the statutes specify a procedure whereby those wishing to seek the cancellation of a right will submit to this office affidavits indicating that they have personal knowledge that the right has in fact been abandoned. If such affidavits are submitted in proper form, the matter will be determined and an order is then entered by the Water Resources Director. The Director, as a result of the hearing, may order that all or part of the right be canceled, or affirm that the water right is in good standing as of that date.

I am enclosing a copy of the map which shows the project as proposed by Mr. Getchell, along with a copy of an agreement executed by the Getchells, Mr. George E. Belshaw and Lawrence L. Benton. A copy of this document was not included in the material you sent me, and it may be that you do not have a copy.

If you have further questions, please feel free to contact us.

Sincerely,

Ralph H. Jackson, Supervisor
Applications/Permits Section

RHJ:jfv
enclosures

GR-233
30738

Kent W. Christoferson, M.D., P.C.

Physician and Surgeon

Ophthalmic Associates Building
1415 Pearl St., Suite 1 Eugene, Oregon 97401

Telephone 687-2441

Practice Limited to Ophthalmology
July 30, 1979

RECEIVED

AUG 1 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Ralph Jackson
Water Resources Dept.
Mill Creek Office Park
555 13th St. N. E.
Salem, Oregon 97310

Dear Mr. Jackson:

I have talked with Mr. James McGuiness of the Water Resource Department in Eugene and he suggested that I correspond with you in regard to the following matter.

In August of 1978 I purchased approximately 74 acres (the former Getchell Dairy Farm) from Darcie and Bonnie Fick who had previously purchased from the Getchells in I believe late 1975.

I enclosed photocopies of several documents having to do with irrigation rights from the wells on this property and from Bear Creek. It appears the water right from Bear Creek is application #30736 and permit #24532 with a right to irrigate approximately 50.9 acres of land and that there also is a water right to irrigate 50.9 acres of land from two wells on the property.

I have also enclosed a letter from the Getchells indicating that they irrigated in September of 1975.

I am writing to you to enquire about the application number and permit number for the water rights to irrigate from the wells. My son lives on the property and we have had one of these wells working since August of 1978 and the other well should be working within one week at which time we plan to irrigate and fill a pond adjacent to it for we are now running some cattle on the land.

The second reason that I am writing to you is to make certain that I maintain the water rights to irrigate Bear Creek. There is no question in regard to the easement and the pump house at Bear Creek and the power line to the pumphouse and the underwater pipe across the neighbors property to our property are all intact.

RECEIVED

AUG 1 - 1975

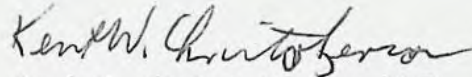
WATER RESOURCES DEPT
SALEM, OREGON

However there are only 2-3 inches of water in Bear Creek and my son has throughly checked this out and there is to practical way to irrigate from Bear Creek this year. Even so I wish to maintain this water right and my neighbors have told me that there is a diminished flow a Bear Creek where the Getchells formerly had a pond that they irrigated from because parties upstream at Bear Creek are pumping more water than they had in previous years.

Can you inform me how to maintain my water rights from Bear Creek when one is supposed to irrigate at least every five years but when there is insufficient water in Bear Creek to do so at this time?

Thank you for your courtesy.

Very truly yours,



Kent W. Christoferson, M.D.

KWC/jc
encl.

August 14, 1958

Mr. Judson L. Getchell
Rt. 2, Box 283
Creswell, Oregon

Dear Mr. Getchell:

Pursuant to the request entered upon the records of this office as of September 20, 1937, this will advise you that an application, in the name of Ernest Y. Stevenson, for a permit to appropriate 70 gallons of water per minute from Bear Creek for the irrigation of 20 acres was filed in this office on July 31, 1958.

The proposed point of diversion of this application is listed as being 17.19 chains N. and 8.17 chains W. and then 3.5 chains N. from the SW corner of the William G. Eaton Donation Land Claim No. 62, T. 19 S., R. 2 W., W. M.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

lk

30738

February 26, 1958

Judson L. Getchell
Route 2 Box 283
Creswell, Oregon

Dear Sir:

This will acknowledge receipt of an assignment of Application No. 30738, Permit No. 24532 from L. J. & J. L. Getchell to Judson L. Getchell, together with the statutory recording fee of \$1, for which our receipt No. 15269 is enclosed.

The assignment has been recorded in Miscellaneous Records of the State Engineer and is enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

Chris L. Wheeler
Assistant

Enclosure
Dlf.

February 11, 1958

L.J. & J.L. Getchell
Route 2 Box 283
Creswell, Oregon
.

Dear Sir and Madam:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 24532.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date. After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 128
Dlf.

September 18, 1957

Mr. Glenn S. Cosine
1110 Mill Street
Springfield, Oregon

Dear Mr. Cosine:

You did not give a description of the property in which you are interested in your letter; therefore, I am unable to advise you as to what rights may exist thereon.

If you would submit a description of the property or a sketch showing its location in the section, I will be glad to check our records further and advise you.

The records of this office would indicate that Bear Creek does not have sufficient water during the dry part of the season to satisfy existing rights. All rights are subject to their relative dates of priority and grant a right to appropriate water only when a surplus exists in the stream above and beyond that required to satisfy the prior rights.

The matter of a right of way across your property for the purpose of constructing and maintaining a pipeline and pumping station would be a private property right and not a part of the right to the use of the water.

We do have a permit of record in this office in the name of L. J. and J. L. Getchell; however, their right for the maintenance of the pumping station on your property would be one which they would have acquired from your predecessor in interest. If they did not acquire any such right of way, then they would be in trespass by going on your property without your permission.

In order to maintain a right which has been completed and confirmed by issuance of a certificate, it is necessary to continue to use it without abandonment. The law further provides that five years continuous non-use constitutes a loss of right.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

Chris L. Wheeler, Assistant

CIN:eh

50738
4424
Springfield, Ore
1410 Mill St.

Oregon State Engineer

Salem, Ore

RECEIVED
SEP 4 1957

STATE ENGINEER
SALEM, OREGON

Dear Sir:

We have purchased
from Halvar & Martha
Levas a farm known
as the George Belshaw
place, being in Sec. 7
Twp 19 S. Range 2 W. Will
amette meridian on
Bear Creek, in Lane
Co. Oregon & consisting
of approximately 72 acres.
We wish to request

Copy of such water rights as may be attached to this property, the number of acres that may be irrigated and the proportions to be shared with other water right holders. What are L. Gitchell's rights, that would permit him to cross my property & maintain a pumping station on it?

If any surplus water is available, we should like to make application for such.

What does one have to do to maintain their water rights?

Sincerely yours,
Glenn S. Cozine

August 9, 1957

Rodman and Urey
Realtors
938 Charnelton Street
Eugene, Oregon

Attention: Mr. C.M. Urey

Gentlemen:

With reference to your letter of August 7, 1957, this is to advise you that our records show no water rights of any form to exist on the property described within your letter and as shown on the enclosed sketch.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:jl

enc: sketch

RODMAN AND UREY

REALTORS

DIAL DIAMOND 4-5275



SALES -- LOANS -- LEASES

Farms - Ranches - Homes - Business Opportunities

VALUATION CONSULTANTS

PROPERTY MANAGEMENT

938 CHARNELTON STREET - EUGENE, OREGON

August 7, 1957

Mr. Lewis A. Stanley, State Engineer
State of Oregon
Water Resources Department
Salem, Oregon

RECEIVED
AUG 8 1957
STATE ENGINEER
SALEM, OREGON

Dear Sir:

Re: 30738 & GR-233

Thank you for your letter of August 7th regarding the irrigation rights about which we inquired in our letter of July 12. Evidently the description of the property we asked about was not clear to you as the report you have given us is on a different property than the one we inquired about. The legal description of the property that we have for sale and on which we desire the information is:

The South 90 acres of the following: Beginning at a stone in the south line of the Elija L. Bristow and wife Donation Land Claim No. 51 in Township 19 South, Range 2 West of the Willamette Meridian which is 30.31 chains west of the southeast corner of said Donation Land Claim and running thence West 49.44 chains; thence north 40.47 chains; thence east 49.44 chains; thence south 40.47 chains to the point of beginning.

If you will look on Page 16 of Metsker's Map in Section 7, the property is shown as the Monroe Hill property. Any information you can give us regarding water rights on this property will be appreciated and if there are no water rights in either the Coast Fork of the Willamette River or Bear Creek, would you please advise what steps are necessary in order to file for water rights on either of these streams.

Yours very truly,

RODMAN and UREY

By

[Signature]
C. M. Urey

CMU/z

Gen - 8187 P. 6351
30738-4 File # 5586
30738

August 2, 1957

Rodman and Urey
Realtors
938 Charnelton Street
Eugene, Oregon

Attention: C. M. Urey

Gentlemen:

With reference to your letter of July 12, 1957, our records show that Permit No. 24532 was issued on January 25, 1957, approving Application No. 30738 in the names of L. J. & J. L. Getchell with the priority date of May 9, 1956.

The permit describes the appropriation of 0.36 c.f.s. from Bear Creek for the supplemental irrigation of the 50.9 acres indicated on the enclosed print of the application map.

Our records also show that a ground water registration statement, File No. OR-233, in the name of J. L. Getchell was received on August 8, 1956 in evidence of a claim that the same 50.9 acres being irrigated from two wells constructed and put into use prior to the enactment of the ground water law of August 3, 1955. The tentative priority date of the right claimed, is February 5, 1953.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:mb
enc: print of map

RODMAN AND UREY

REALTORS

DIAL DIAMOND 4-5275



SALES -- LOANS -- LEASES

Farms - Ranches - Homes - Business Opportunities

VALUATION CONSULTANTS

PROPERTY MANAGEMENT

938 CHARNELTON STREET - EUGENE, OREGON

July 12, 1957

Mr. Lewis Stanley
State Engineer
Salem, Oregon

RECEIVED
JUL 15 1957
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

We have an acreage for sale located roughly in the South 1/2 of the North 1/2 of Section 7, Township 19 South, Range 2 West. It is shown on Metsker's as the Monroe Hill Property and we are wondering if there are any water rights for irrigation allocated to this particular property and if so, how much and would it come out of the Coast Fork of the Willamette or out of Bear Creek which cuts through the property.

Any information you can give me will be greatly appreciated.

Yours very truly,

RODMAN and UREY

By

C. M. Urey

GR 233
30138

CMU/z

GWR covers all, also

January 25, 1957

L. L. and J. L. Getchell
Route 2
Creswell, Oregon

Gentlemen:

Enclosed find Application No. 30738, permit No. 24532, with print.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS

Your permit has been recorded in this office but you should hold the original permit as evidence of your water right. If the land is sold an assignment to the new owner should be recorded in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the last page of the application, limits the time within which you may begin and complete construction of your project. According to the law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed and when the water has been completely applied to the proposed use, unless you have already submitted such information.

If your use of water is for irrigation, proof can be made and certificate issued only after you have actually irrigated ALL of the land described in the permit which you intend to irrigate at any time.

Whenever a measuring device becomes necessary for the proper distribution of water, the permittee will be required to install one to the satisfaction of the State Engineer as provided by ORS 540.310 and 540.330.

In connection with your proposed appropriation, please be advised that the late summer flow in most of the streams is required to satisfy existing rights and your permit as provided by law, grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Very truly yours,

LEWIS A. STANLEY
LEWIS A. STANLEY
State Engineer

We figured this on the first application on the amount required per. acre instead of the capacity of pump at intake on Bear Creek. That is why this is different. We pump into a pond and not direct on the ground.

30738

December 20, 1956

L. J. & J. L. Getchell
Route 2
Creswell, Oregon

Gentlemen:

This will acknowledge receipt of your returned Application No. 30738 and additional fees in the amount of \$.45, for which our receipt No. 9179 is enclosed.

Your application now appears to be in satisfactory form and is being placed in line for approval by issuance of a permit with the next group.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler
Assistant

CLW:gw
enc: receipt

November 15, 1956

L. J. & J. L. Getchell
Route 2
Creswell, Oregon

Gentlemen:

Upon re-examination of your Application No. 30738 subsequent to the withdrawal of the protests to the issuance of a permit on your application, the following observations are noted.

Item 2: The amount of water you intend to apply to beneficial use, when it is available, must be stated in definite units of measurement.

Fees: The fees necessary to your application are an examination fee of \$10 and a recording fee (for the irrigation of 50.9 acres) of \$8.15, making a total of \$18.15. Since the total fees submitted to date is \$17.70, it is necessary that additional payment of fees be submitted in the amount of \$.45 prior to the issuance of a permit.

For your convenience in the correction of the above mentioned discrepancies we are returning herewith your application endorsed so that in order to retain its date of priority it must be returned to this office on or before January 15, 1957.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:gw
enc: application

August 24, 1956

Mr. J. A. Sartelle
Route 2, Box 988
Creswell, Oregon

Dear Mr. Sartelle:

In response to your letter of August 16, 1956, I believe there has been some confusion among the users of water from Bear Creek and the matter of future appropriations.

Information in this office indicates that during the latter and most important part of the irrigation season there is not sufficient water to satisfy all of the existing rights, therefore for a person who is desiring to use water during the latter part of July and August there would be no point in making a further filing. The records are not complete as to whether or not there is water available during the first part of the irrigation season, however, I would assume that there is. If a persons operations enable him to receive benefit from irrigation early in the year when water was available he would be entitled to make a filing and receive a permit.

The matter of abutting ownership on a stream does not in any way affect a persons ability to obtain water rights so long as he has a right of way for access to the stream.

The permit if issued approving Mr. Getchell's application would contain a specific provision that it is subject to existing rights and would grant a right to the appropriation of water only when a surplus existed in the stream above and beyond that needed to satisfy the prior rights. It would not in any sense give him a right to take water when there was not sufficient water in the stream to satisfy those prior rights.

With this understanding and from the last paragraph of your letter I assume that you do not wish to file a formal protest.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:ld

J. A. SARTELLE

BEAR CREEK RANCH
Rt. 2 Box 988
Creswell, Ore.

Creswell Ore.
Aug. 16th, 1956.

Lewis A. Stanley,
State Engineer,

RECEIVED
AUG 17 1956
STATE ENGINEER
SALEM, OREGON

Dear Sir,

On the above date we received a copy of the letter, from your office, of a letter sent to Mr. W. P. Riddlesbarger attorney for J. T. Gilfry and Mr. V. Chitwood, regarding an application for a water right #30738 filed by one L. J. Getchell and J. L. Getchell to remove water from Bear Creek in Creswell for irrigation.

First let me explain that we own the property for over a mile, both sides of this stream, above J. T. Gilfry and have a deeded water right, dating from 1852. Now some years back, I went to your office to see about securing additional water beyond the amount my right covered, and I was told that there was no additional water available, not even enough to take care of the present rights.

I believe an explanation is in order, Why you are now able to grant further rights, to a party whos property does not even border this stream, but must be ditched or piped, acrossed another ranch, to this property.

When Mr. Getchell talked with me, I pointed out to him, why I objected, to the granting of a water right to them; namely, lack of sufficient water, and a right once granted gave them the ability to cause trouble with other users if they couldnt secure the water they expected.

I also told him that none of us would object if your office gave him the use of surplus water with the understanding that prior rights came first.

I would like your opinion on this .

Yours Truly,

J. A. Sartelle.
Rt 2 Box 988
Creswell Ore

August 22, 1956

Mr. Vernon Chitwood
Route 2, Box 266
Creswell, Oregon

Dear Mr. Chitwood:

From your letter of August 18 I am not sure as to what your intentions are. In the second paragraph you state you have no objection to the appropriation of the surplus water, when available.

If the permit is issued, it would contain a provision to that effect and would not grant a right to appropriate any water unless there was a surplus in Bear Creek. In other words, all other existing rights would have to be satisfied before the Getchells could take any water.

The records of this office do show that during the greater portion of the irrigation season there is not sufficient water available; however, there are not sufficient records available in this office to state there is not any water available at any time during the irrigation season.

From the above I would assume you do not wish to file a formal protest; however, in any case your letter would not constitute one and I am therefore enclosing your check in the amount of \$2.

If you do desire to file a formal protest, it must be as set out on Page 16 of the enclosed copy of the Rules and Regulations of the State Engineer.

We are withholding action on the application for two weeks from the date of this letter to afford you an opportunity to file the formal protest, if you so desire.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

Chris L. Wheeler, Assistant

CLW:
ENC. 2

August 18, 1956

RECEIVED
AUG 20 1956
STATE ENGINEER
SALEM, OREGON

State Engineer
State Office Building
Salem, Oregon

Dear Sir:

In reply to your letter of August 13, 1956 I am making this reply myself. Mr. Riddlesbarger is out of town and will not return until next week.

In regards to Application No. 30738 in the names of L.J. and J.L. Getchell I have no objections to the appropriation of surplus water or when available. Referring to a statement on record in your office there is insufficient flow during the irrigation season to permit granting of additional water rights on Bear Creek.

In the event you wish to consider this letter as a formal protest I am enclosing a check for protest fees.

Very truly yours,

Vernon Chitwood
Vernon Chitwood
Rt. 2, Box 266
Creswell, Oregon

State Engineer,-

This application was typed by our grandson while I was in the Hospital. Sorry about the errors.

The application was held by the surveyors was why we could not include it with the papers you received Aug.6th.

We hope it is now complete and acceptable.

Mrs L.J. Getchell

Mary L. Getchell

PLEASE NOTE,- We have been informed by reliable people that some who have existing water rights do not use them.and have not for some time. The reason the second application was made out was because you wrte L.J. Getchell & J.L.Getchell that all the water they c could get was surplus and J.A. Sartell advised them to make it out that way.

RECEIVED
AUG 13 1956
STATE ENGINEER
SALEM, OREGON



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 30738

June 4, 1956

L. J. & J. L. Getchell
Rt. 2
Creswell, Oregon

Gentlemen:

This will acknowledge receipt of your application for a permit to appropriate 0.625 cubic feet of water per second from Bear Creek for the irrigation of 50 acres, the accompanying map, legal description, a copy of an agreement which allows you to install and maintain a pipeline on another's property, and fees in the amount of \$17.70, for which our receipt No. 6988 is enclosed.

Your application has been examined, given file No. 30738, and the following discrepancies are noted.

Map: Since the area you propose to irrigate under this permit exceeds 30 acres the map must bear the certification of a licensed land surveyor or licensed professional engineer as stated on page 7 of the enclosed copy of the Rules and Regulations of the State Engineer. With further reference to your map, how is the sump, indicated on the map, to be employed in the proposed project?

Item 11: Is the amount stated the estimated cost of the entire project proposed?

Item 14: The time limit allowed for the complete application of water to the proposed use under a permit that would be issued this summer would be October 1, 1959.

For your convenience in the correction of the above mentioned discrepancies we are returning your map and your application, the application being endorsed so that in order to retain its date of priority it must be returned to this office on or before August 6, 1956.

Very truly yours,

LEWIS A. STANLEY
State Engineer

Enc: application, map, R. & R.
JWC:GW receipt

By *James W. Carver, Jr.*
James W. Carver, Jr., Assistant

August 13, 1956

Riddlesbarger & Pederson
Attorneys at Law
1170 Pearl Street
Eugene, Oregon

Attention: Mr. W. P. Riddlesbarger

Gentlemen:

This will acknowledge receipt of and thank you for your letter of August 10 in regard to the withdrawal of the protest of Mr. J. T. Gilfry against the approval of Application No. 30738 in the name of L. J. and J. L. Getchell.

If we do not receive the formal protests and filing fees, as explained in my letter of June 21, within one week from the date of this letter, we will assume Mrs. and Mrs. V. Chitwood and J. A. Sartelle do not intend to file protests and will proceed with further action on the application.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CDW:eh

cc: Mr. and Mrs. V. Chitwood, Route 2, Box 266, Creswell, Oregon
Mr. J. A. Sartelle, Route 2, Box 988, Creswell, Oregon

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

August 10, 1956

Lewis A. Stanley,
State Engineer,
State of Oregon,
Salem, Oregon

Attention: Chris L. Wheeler,
Assistant

Gentlemen:

RECEIVED
AUG 13 1956
STATE ENGINEER
SALEM, OREGON

This will acknowledge receipt of your letter of August 9, 1956. We have been instructed by our client, Mr. J. T. Gilfry, to authorize you to withdraw the protest previously made in connection with the Application No. 30708 in the name of J. L. and L. J. Getchell.

We have received no further authority from Mr. and Mrs. V. Chitwood and J. A. Sartelle.

Very truly yours,

RIDDLESBARGER & PEDERSON

W. P. Riddlesbarger
by *W. S.*

By: W. P. Riddlesbarger

WPR:hs

August 9, 1956

Middlesbarger & Pederson
Attorneys at Law
1170 Pearl Street
Eugene, Oregon

Gentlemen:

To date, we have not received a formal protest from your clients, Mr. and Mrs. V. Chitwood and J. A. Sartelle, nor have we received a withdrawal of the protest from J. T. Gilfry in the matter of Application No. 30738 in the name of J. L. and L. J. Getchell.

It will be appreciated if you will advise at your earliest convenience what your clients' intentions are.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

August 9, 1956

L. J. and J. L. Getchell
Route 2
Creswell, Oregon

Gentlemen:

This will acknowledge receipt of an application, which I assume is to supersede the previous one filed for use of the waters of Bear Creek for irrigation, and map to accompany the application.

If this is correct, the original application should be returned immediately if it is desired that it retain its original priority.

The well registration statements which you filed indicate that the use of creek water would be for supplemental irrigation.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

July 20, 1956

L. J. and J. L. Getchell
Route 2
Creswell, Oregon

Gentlemen:

In response to your letter of July 13th the protest of J. T. Gilky has been withdrawn; however, we have not as yet received a withdrawal of the protests of Mr. and Mrs. V. Chitwood or J. A. Sartelle.

With reference to your question, if the permit is issued it would be subject to existing rights and would allow you a right to use water only when a surplus existed in the stream over and beyond that required to satisfy prior rights.

This is also to advise you as previously stated our records do not indicate there is any excess water in Bear Creek during the latter part of the irrigation season. The rights in existence amount to considerably more water than the natural low flow.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

Creswell, Oregon Bx.283,R.2
July 13, 1956

Lewis A. Stanly
State Engineer
Salem, Oregon

RECEIVED
JUL 16 1956
STATE ENGINEER
SALEM, OREGON

Dear Sir,-

On June 6th 1956 we received our application File no. 30738 for a permit to appropriate 0.625 cubic feet of water per second from Bear Creek for irrigation. Also a letter pointing out three discrepancies to be corrected. Before we had been able to correct the application as advised we received a letter written June 21, stating a protest had been filed by Mr. Riddlesbarger a lawyer representing three of our neighbors living up the creek from where we intend to pump the water. Chris L. Wheeler (author of letter) advised us that he had notified them that a formal protest must be filed and a copy sent to us. So far we have not received the copy.

J.T. Gilfry came in person, apologized, and said he had withdrawn his protest. We have been informed Mr. & Mrs. Chitwood have also withdrawn their protest. J.L. Getchell called on J.A. Sartelle and explained what we planned to do. Mr. Sartelle explained why they had filed the protest was because they were afraid we could demand they let all water come through if there was only as much water in the creek as we applied for. By the way 0.625 cubic feet was an error. Mr. Sartelle advised we change it to surplus. We have lived here since 1917 and only 2 yrs. has the creek been so low that there would not have been enough water to supply our needs. Low because others were irrigating.

We have failed to return our application for we were waiting for the protest notice and also for a surveyor to certify the map. The County surveyor said they would do this on or before the First day of August.

If the protests have not been withdrawn will you please let us know. And also advise us if the -surplus plan- is workable.

The removal of water at the place indicated on our map will not affect the rights of people North of there for they get their water from the Coast Fork of the Willamette River.

Respectively

LJG:MLG

83

J.L. Getchell
J.L. Getchell

July 9, 1956

Riddlesbarger & Pederson
Attorneys at Law
1170 Pearl Street
Eugene, Oregon

Attention: Mr. W. P. Riddlesbarger

Gentlemen:

This will acknowledge receipt of your letter of July 3 withdrawing objections of Mr. J. T. Gilfry to Application No. 30783 in the name of L. J. and J. L. Getchell.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CIN:eh

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

July 3, 1956

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
State of Oregon
Salem, Oregon

RECEIVED
JUL 5 1956
STATE ENGINEER
SALEM, OREGON

Re: Application No. 30728
L. J. and J. L. Getchell

Dear Sir:

I have been instructed by my client, J. T. Gilfry, to withdraw his objections to the granting of the above mentioned application. He has learned that the location of the point of diversion is such that his interests would not be affected by the granting of the application.

Very truly yours,

RIDDLESBARGER & PEDERSON

By

W. P. Riddlesbarger
W. P. Riddlesbarger

WPR:sr

30728

June 21, 1956

J. L. and L. J. Getchell
Route 2
Creswell, Oregon

Gentlemen:

With further reference to your Application No. 30728, please be advised that we have recently received several letters from Mr. Riddlesbarger of the firm Riddlesbarger and Pederson in behalf of their clients' J. T. Gilfry, Mr. and Mrs. V. Chitwood and J. A. Sartelle protesting the approval of your application.

I have written to Mr. Riddlesbarger advising him of the form in which a formal protest must be filed which would include the service of a copy to you. I have been advised that the formal protest will be filed in which case if you desire to contest the protest, it will be necessary for the State Engineer to hold a hearing to afford you and the protestants an opportunity to present evidence and show cause why the application should or should not be approved. After the hearing the State Engineer will enter an order either approving or denying your application.

In this respect I believe it is only fair to advise you that our records indicate there is not sufficient water in Bear Creek to satisfy existing rights throughout the greater portion of the irrigation season. If your application was approved it would grant the right to appropriate water only when there was an excess in Bear Creek above and beyond that required to satisfy prior rights.

In view of the above, will you please advise whether or not you wish to withdraw the application or contest the protest.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

Chris L. Wheeler, Assistant

CW:eh

June 21, 1956

Riddlesbarger & Pederson
Attorneys at Law
1170 Pearl Street
Eugene, Oregon

Attention: Mr. W. P. Riddlesbarger

Gentlemen:

This will acknowledge receipt of your letters of recent date regarding Application No. 30728 in the name of L. J. and J. L. Getchell and protest against the approval of this application in behalf of J. T. Gilfry, Mr. and Mrs. V. Chitwood and J. A. Sartelle.

In order to be considered as formal protests against the approval of an application they must be in the form of affidavits containing the information as described on Page 16 of the enclosed copy of the Rules and Regulations of the State Engineer and accompanied by the statutory filing fee of \$2. The protest may be filed either jointly or severally.

Action on the application will be withheld two weeks from the date of this letter to afford you an opportunity to file a formal protest.

With reference to your first letter the notices were sent to the respective persons pursuant to their request, as was stated in the first sentence of the notice.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

enc.

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

June 11, 1956

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
State of Oregon
Salem, Oregon

RECEIVED
JUN 13 1956
STATE ENGINEER
SALEM, OREGON

Attention: Mr. James W. Carver, Jr., Assistant

Dear Sir:

Mr. and Mrs. V. Chitwood are the owners of land contiguous to Bear Creek. In connection therewith they own a regular water right and appear to have a vested right to the use of water from that Creek by reason of ownership prior to February 24, 1909.

As such users and owners, protest is hereby made for and in their behalf to the granting of a permit to L. J. and J. L. Getchell to appropriate water from Bear Creek. The reasons for the protest are as follows: The water of the stream is insufficient to support any additional use; the lands of the applicant are not contiguous to Bear Creek; and in 1954 our client sought to obtain the right to use an additional quantity of water but that application for permit was summarily refused, and in fact was not even given any consideration because of the inadequate supply of water in the Creek, because of the stated reason that the water of the Creek was inadequate. If the position of your office has changed in that respect for any reason our client desires to have considered their own right to use additional waters for irrigation purposes.

Such additional information as you may require for your determination will be supplied upon request or will be presented at any hearing which you might provide. We trust that you will keep us advised from time to time of the status of the application to which objection is made.

Very truly yours,

RIDDLESBARGER & PEDERSON

By

W. P. Riddlesbarger
W. P. Riddlesbarger

WPR;sr

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

June 11, 1956
RECEIVED
JUN 13 1956
STATE ENGINEER
SALEM, OREGON

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
State of Oregon
Salem, Oregon

Attention: Mr. James W. Carver, Jr., Assistant

Dear Sir:

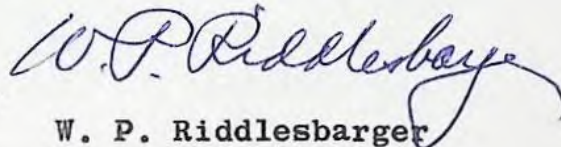
We have been instructed to transmit to you the enclosed letter written by Mr. J. A. Sartelle in connection with the application of L. J. and J. L. Getchell for a permit to appropriate water from Bear Creek.

The basis upon which this objection is made is substantially the same as that set forth in the protest heretofore filed by Mr. J. T. Gilfry.

Very truly yours,

RIDDLESBARGER & PEDERSON

By


W. P. Riddlesbarger

WPR:sr
Enclosure

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

June 11, 1956

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
State of Oregon
Salem, Oregon

RECEIVED
JUN 13 1956
STATE ENGINEER
SALEM, OREGON

Attention: Mr. James W. Carver, Jr., Assistant

Dear Sir:

Under date of June 8, 1956, we wrote to you on behalf of our client Mr. J. T. Gilfry with respect to the application by L. J. and J. L. Getchell for a permit to appropriate water from Bear Creek. At that time we were not aware that the water in the Creek might be prorated to a lower reparian uses. Inasmuch as that might be done, objection is hereby made for and on behalf of our client to the granting of the permit requested.

As we indicated in our former letter, the water in the Creek is inadequate to meet any other additional use.

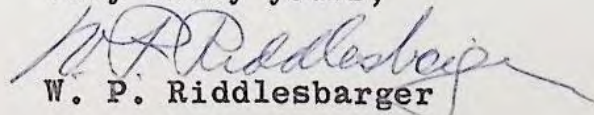
It appears that there have been several instances in the past of attempts to gain additional use of the water of this stream. The findings have consistently been that the flow of water does not justify any new uses. On one such occasion your office clocked the flow of the Creek below all incoming streams and found less than $1\frac{1}{2}$ cubic feet per second in the entire Creek. It was then stated that no more rights would be allowed on the Creek. A record of that determination is undoubtedly in your office.

Your attention is also called to the fact that the lands of the applicants are located some distance away from the stream and at no point are contiguous to it.

Furthermore, certain abstracts of title which we have seen would indicate that there are rights which were vested prior to February 24, 1909, the exact extent of the use apparently having never been determined.

The foregoing is brought to your attention for your preliminary use. Should it become necessary, our client will appear at such hearing as you may fix and present his position in greater detail.

Very truly yours,


W. P. Riddlesbarger

WPR:sr

June 11 - 1956

As a holder of a Water right
on Bear Creek established in
1852 I protest the granting
of any rights on this stream
except those now in force.

J. A. Sartelle
Rt 2 Box 988
Bear Creek Rd.
Creswell, Ore.

RECEIVED
JUN 13 1956
STATE ENGINEER
SALEM, OREGON

RIDDLESBARGER & PEDERSON
LAWYERS
CASCADE BUILDING
1170 PEARL STREET
EUGENE, OREGON

W. P. RIDDLESBARGER
L. D. PEDERSON
FRANK E. BOCCI

June 8, 1956

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
State of Oregon
Salem, Oregon

RECEIVED
JUN 11 1956
STATE ENGINEER
SALEM, OREGON

Attention: Mr. James W. Carver, Jr., Assistant

Dear Sir:

8057
36738
We have your letter of June 6th addressed to Mr. J. T. Gilfry, Creswell, Oregon, in which notice is given of a request of L. J. and J. L. Getchell for a permit to appropriate water from Bear Creek. Our client is the owner of property situated in Sections 17 and 18, Township 19 South, Range 2 West of the Willamette Meridian in Lane County, Oregon. If the point of diversion were to be such that the water of the Creek at or above a point which would serve the lands of our client, objection would be made on the ground that the supply of water in the Creek is already inadequate to meet any other additional use except for domestic purposes.

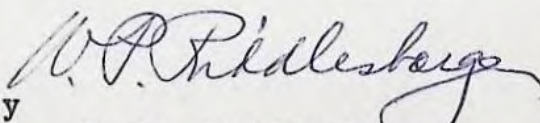
If the point of diversion is in the Southwest quarter of the Northeast quarter of Section 7 in said Township and Range, there would appear to be no problem relative to our client's rights, inasmuch as the point would be downstream from our client's land.

Your letter, however, is addressed to our client and obviously notice was given to him for a good reason. We regret to say that that reason is not known to us. There is no indication that water would be backed up in the stream and if our supposition is correct, the point of diversion is such that he would not be affected.

We would appreciate being advised further so that our client may make timely objection if in any manner his rights would be impaired by granting the application.

Very truly yours,

RIDDLESBARGER & PEDERSON

By 
W. P. Riddlesbarger

WPR:sr

June 4, 1956

L. J. & J. L. Getchell
Rt. 2
Creswell, Oregon

Gentlemen:

This will acknowledge receipt of your application for a permit to appropriate 0.625 cubic feet of water per second from Bear Creek for the irrigation of 50 acres, the accompanying map, legal description, a copy of an agreement which allows you to install and maintain a pipeline on another's property, and fees in the amount of \$17.70, for which our receipt No. 6988 is enclosed.

Your application has been examined, given file No. 30738, and the following discrepancies are noted.

Map: Since the area you propose to irrigate under this permit exceeds 30 acres the map must bear the certification of a licensed land surveyor or licensed professional engineer as stated on page 7 of the enclosed copy of the Rules and Regulations of the State Engineer. With further reference to your map, how is the surp, indicated on the map, to be employed in the proposed project?

Item 11: Is the amount stated the estimated cost of the entire project proposed?

Item 14: The time limit allowed for the complete application of water to the proposed use under a permit that would be issued this summer would be October 1, 1959.

For your convenience in the correction of the above mentioned discrepancies we are returning your map and your application, the application being endorsed so that in order to retain its date of priority it must be returned to this office on or before August 6, 1956.

Very truly yours,

LEWIS A. STANLEY
State Engineer

Enc: application, map, R. & R.
JWC:GW receipt

By
James W. Carver, Jr., Assistant

AFTER FIVE DAYS RETURN TO

→ Whitell
P.O. Box 283 Creswell Oregon



Lewis R. Stanley
State Engineer
Salem,
Oregon

1770 - check of

Permit No. 24532Application No. 30738County Lane**Proof of Appropriation of Water**

- Insp. Apr. 1, 1959 W.B.
1. Name V.I.I.I.I.I.I.I.I.I. Getchell Judson L. / 2. Address Rt. 2 Box 283 - Creswell, Oregon
3. Source of supply Bear Creek
- Tributary of Coast Fork Willamette River
4. Amount of water 0.36 c.f.s. 5. Priority date May 9, 1956
6. Use Suppl. irrigation - 1/80th and 2 1/2 a.f. and shall be still further limited to a diversion of not to exceed 0.36 cfs.
7. Location of point of diversion NW 1/4 SE 1/4 Sec. 7, Twp. 19 S, Range 2 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.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
19 S	2 W	7	SW 1/4 NE 1/4	1.3
			NW 1/4 SE 1/4	2.6
			SE 1/4 NE 1/4	16.6
			NE 1/4 SE 1/4	29.1
		8	NW 1/4 SW 1/4	.7
			SW 1/4 NW 1/4	.6
				50.9
			USE Attached L.D.	
			all of LD with box - down to "containing"	

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of,

19.....

REPORT OF PERSON MAKING INSPECTION

Description of works: Info - Mrs. Gatchell

Pump - G.E. 10 hp. 1800 RPM

Drum - Direct. 3x3

Repump - U.S. Mtr 15 hp 3600 RPM

Pacific model 3A L.U. Direct 3x4

Pipe - 1500 ft. 4 in. A.I.

2720' 3' 3'

Heads - 40 RB 40 $\frac{3}{16} \times \frac{3}{32} = 300 \text{ gpm} = 0.169 \text{ cfs}$

2 RB 30 $\frac{3}{16} \times \frac{9}{64} \frac{1}{7} \frac{3}{16} \times \frac{1}{8}$

Lift 9' - succ. 8' - disc.

Crop - Pasture

Water is pumped into a 60' x 200' x 5' pond & repumped -

I, Myron Bish, do hereby certify that I have made an inspection of the works described herein and in Permit No. 24532, on the 1 day of April, 1959, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ and I recommend the issuance of water right certificate for this amount.

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

NOTICE TO INSPECTORS

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

Myron Bish

(Name)

Field Engineer

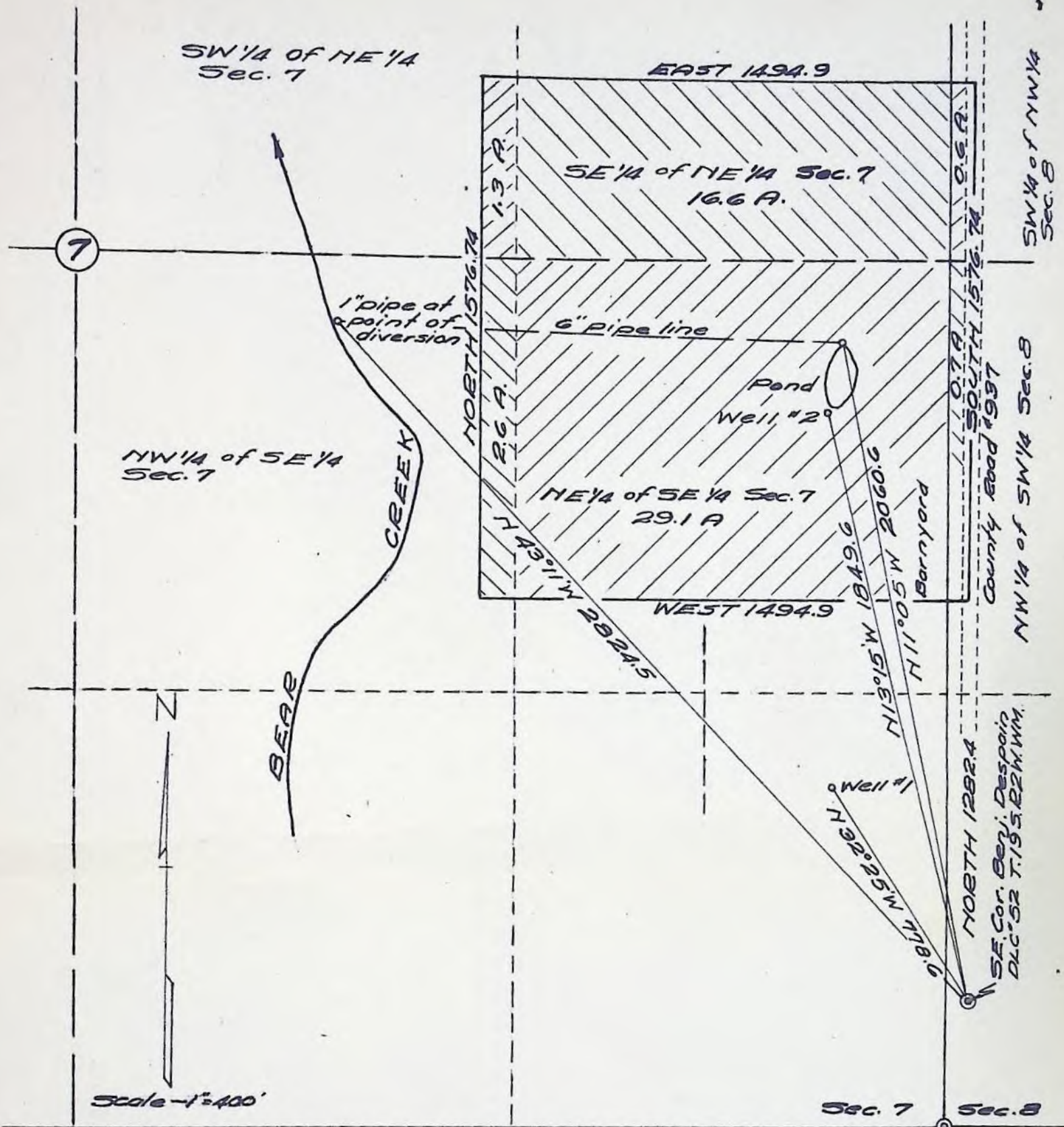
(Title)

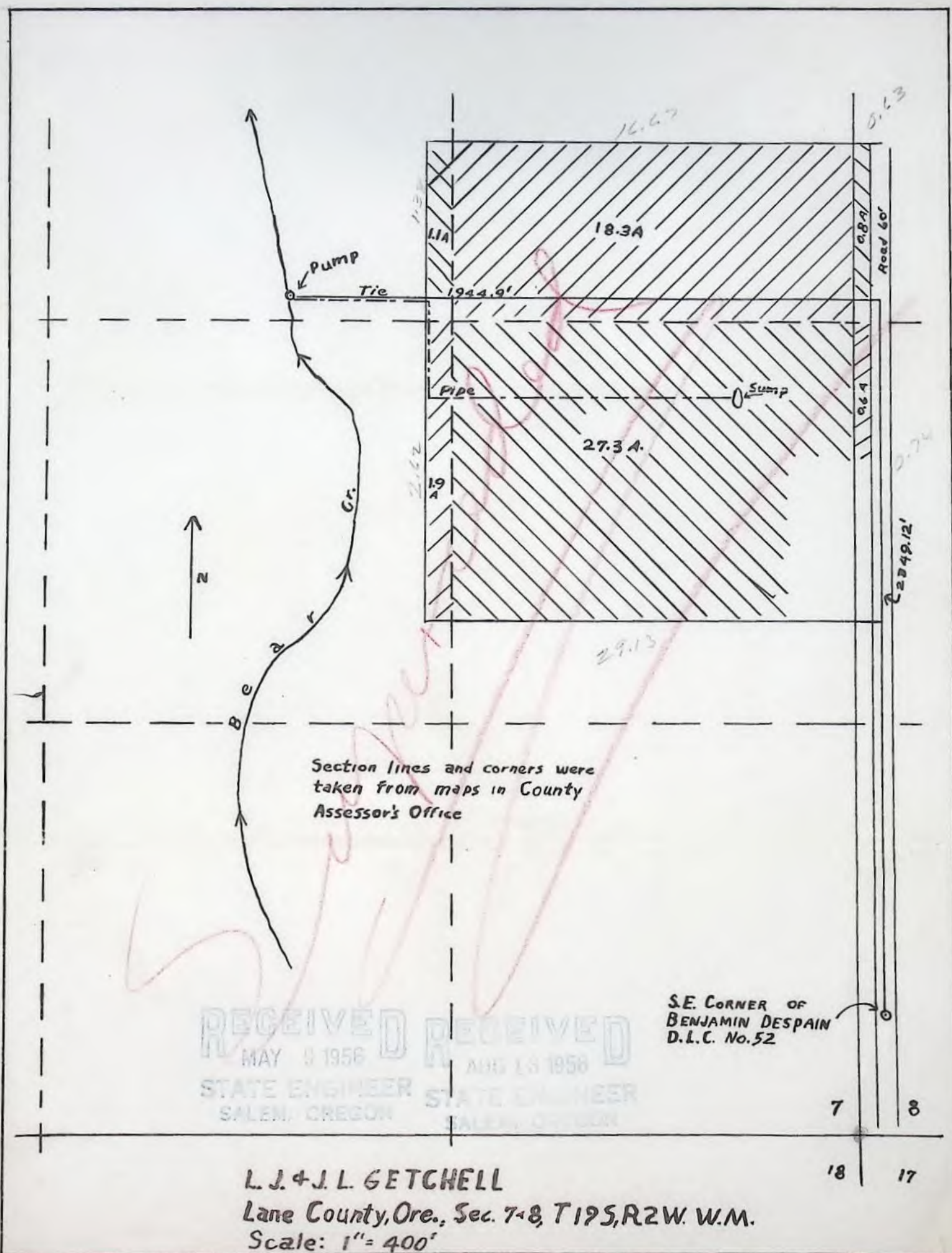
Description

L.J. and J. L. Getchell Farm
Lane County, Oregon

Beginning at a point 19.43 chains North of the Southeast corner of the Benjamin Despain D.L.C. No. 52 in Township 19 South, Range 2 West of the Willamette Meridian, running thence North 23.89 chains to the south line of the E. L. Bristow D.L.C., being the most easterly northeast corner of the Chas. Bradshaw D.L.C. No. 55, thence West 22.65 chains, thence South 23.89 chains, thence East 22.65 chains to the place of beginning, containing 54.11 acres of land, all in Lane County, State of Oregon.

RECEIVED
MAY 9 1956
STATE ENGINEER
SALEM, OREGON





Section lines and corners were
taken from maps in County
Assessor's Office

RECEIVED RECEIVED
MAY 9 1956 AUG 18 1956
STATE ENGINEER STATE ENGINEER
SALEM, OREGON SALEM, OREGON

S.E. CORNER OF
BENJAMIN DESPAIN
D.L.C. No. 52

L.J. & J.L. GETCHELL
Lane County, Ore., Sec. 7 & 8, T19S, R2W. W.M.
Scale: 1" = 400'

A COPY, ON A SEPARATE SHEET, OF THE LEGAL DESCRIPTION OF THE PROPERTY UPON WHICH WATER IS TO BE USED MUST BE ATTACHED TO THE APPLICATION AND MAY BE COPIED WORD FOR WORD FROM YOUR DEED, ABSTRACT OR CONTRACT.

STATE ENGINEER
SALEM, OREGON

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, L. J. & J. L. Getchell
(Name of applicant)
of Rt. 2, Creswell (Box 283)
(Mailing address)
State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation None

1. The source of the proposed appropriation is Bear Creek
(Name of stream)
a tributary of Coast Fork Willamette River
2. The amount of water which the applicant intends to apply to beneficial use is .0468
cubic feet per second. of surplus from unused water rights (wells applied for.)
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Pasture & Hay
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 2349.12 ft. N and 1944.9 ft. W from the SE
(N. or S.) (E. or W.)
corner of Benjamin Despain D.L.C. No 52, T 19 S, R2W.W.M.
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SW 1/4, NE 1/4 of Sec. 7, Tp. 19S,
(Give smallest legal subdivision) (N. or S.)
R. 2W, W. M., in the county of Lane
(E. or W.)

5. The Pipeline to be 1770 feet
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the NE 1/4, SE 1/4 of Sec. 7, Tp. 19S,
(Smallest legal subdivision) (N. or S.)
R. 2 W, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 2 inch outlet, 2 1/2 inch inlet,
(Size and type of pump)
Centrifugal Deming Pump No. 2.--10 H.P. Electric Motor--15' lift.
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)
160 GPM. at 122 ft TDH.--140 GPM. at 126 ft TDH

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, L. J. & J. L. Gatchell
(Name of applicant)
of Rt. 2, Creswell (Box 283)
(Mailing address)
State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation None

1. The source of the proposed appropriation is Bear Creek
(Name of stream)
, a tributary of Coast Fork Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is .0268
cubic feet per second. of surplus from unused water rights (wells applied for.)
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Pasture & Hay
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 2349.12 ft. N and 1944.9 ft. W from the SE
(N. or S.) (E. or W.)
corner of Benjamin Despain D.L.C. No 52, T 19 S, R2W.W.M.
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SW 1/4, NE 1/4 of Sec. 7, Tp. 19S
(Give smallest legal subdivision) (N. or S.)
R. 2W, W. M., in the county of Lane
(E. or W.)

5. The Pipeline to be 1770 feet
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the NE 1/4, SE 1/4 of Sec. 7, Tp. 19S
(Smallest legal subdivision) (N. or S.)
R. 2W, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom
..... feet; material to be used and character of construction
(Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 2 inch outlet, 2 1/2 inch inlet,
(Size and type of pump)
Centrifugal Deming Pump No. 2 -- 10 H.P. Electric Motor -- 15' lift.
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)
160 GPM. at 122 ft TDH, -- 140 GPM. at 126 ft TDH

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 770 ft.; size at intake, 3 in.; size at 770 ft. from intake 4 in.; size at place of use 4 in.; difference in elevation between intake and place of use, 15 ft. Is grade uniform? Yes Estimated capacity, 356 sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
19S	2 W	7	SW 1/4, NE 1/4	1.1A. ✓
19 S	2 W	7	SE 1/4, NE 1/4	18.3A. ✓
19 S	2W	7	NW 1/4, SE 1/4	1.9A. ✓
19 S	2 W	7	NE 1/4, SE 1/4	27.3A. ✓
19 S	2 W	8	SW 1/4, NW 1/4	0.8Ac. ✓
19 S	2 W	8	NW 1/4, SW 1/4	0.6Ac. ✓
				50.0

(If more space required, attach separate sheet)

(a) Character of soil Clackamas Clay Loam

(b) Kind of crops raised Pasture and Hay

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of

(Name of)

County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....1800.00 Est. Over all investment 8900.00

12. Construction work will begin on or before July 15, 1956

13. Construction work will be completed on or before July 15, 1957

14. The water will be completely applied to the proposed use on or before July 15, 1959

(Signature of applicant)

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same forcompletion.....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before August 6, 1956

WITNESS my hand this 5th day of June, 1956

RECEIVED
AUG 13 1956
STATE ENGINEER
SALEM, OREGON

By LEWIS A. STANLEY

STATE ENGINEER

Trevor Jones, Assistant

STATE OF OREGON, }
County of Marion, } ss.

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

Application No. 30738

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 9th day of July,
1956, at 8:00 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. of
Permits on page

STATE ENGINEER

2-800

State Printing