

Application No. 11457
Permit No. 7918
Certificate No. 8898

FEES PAID

Date	Amount	Receipt No.
Total		

FEES REFUNDED

Date	Amount	Check No.

Name Lewis J. Wilke
By 677 1/2 1st Ave.
Address 609 Martins Ave. Portland, Ore.

Stream Index, Page No.

Application Record, Book No.

Date filed

Action suspended until

Returned to applicant

Date completed

Date of approval

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

0.75 sec. ft. from Jackson Crk. for trout ponds
10/11/46. Card for B+C

CONSTRUCTION

Date for beginning May 26, 1928

Date for completion June 1, 1929

Extended to

Date for application of water Oct. 1, 1930

Extended to

PROSECUTION OF WORK

Form "A" filed July 14, 1927

Form "B" filed May 27, 1929

Form "C" filed Sept 8, 1930

FINAL PROOF

Blank mailed 9-9-30

Proof received 9-30-30

Date certificate issued Nov. 28, 1930

Receipt for recording fee No. 12690

NOTICE OF BEGINNING OF CONSTRUCTION

I, Lewis J. Wilke, the holder of Application No. 11457, being
 Permit No. 7918, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3/4 second-feet of the waters of Jackson Creek
 for the appropriation of 3/4 second-feet of the waters of Jackson 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 1 day of May, 1927,
 being within the time limitation as fixed in said permit for the beginning of construction work.

Have built 600 ft. of flume 12" X 24" and have
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this
two men & team working on ponds now
 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 12 day of July, 1927
609 Martin's Ave. Portland Ore Lewis J. Wilke
 (Present Address) (Signature of Applicant)

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

Form B

NOTICE OF COMPLETION OF CONSTRUCTION

I, Lewis J. Wilke, the holder of Application No. 11457, being
 Permit No. 7918, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3/4 second-feet of the waters of Jackson Creek
 for the appropriation of 3/4 second-feet of the waters of Jackson 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 20 day of May, 1927,
 being within the time limitation as fixed in said permit or as extended by the State Engineer 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 25 day of May, 1927
342-E-55 St. Portland Ore Lewis J. Wilke
 (Present Address) (Signature of Applicant)

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

Form D should be used in reporting progress of work if more than one year has been allowed for completion.

Form C

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Lewis J. Wilke, the holder of Application No. 11457, being
 Permit No. 7918, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement) 3/4 second-feet of the waters of Jackson Creek
 for the appropriation of 3/4 second-feet of the waters of Jackson Creek
 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 30 day of August, 1930,
 being the time limitation as fixed in said permit or as extended by the State Engineer 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 delinquent appropriators may

have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of Sept., 1930
677 Ladd Ave. Portland Lewis J. Wilke
 (Present Address) (Signature of Applicant)

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

STATE ENGINEER
RECEIVED

MAY 27 1929

SALEM, OREGON

STATE ENGINEER
RECEIVED

SEP 8 - 1930

SALEM, OREGON

STATE ENGINEER
RECEIVED

JUL 14 1927

SALEM

OREGON

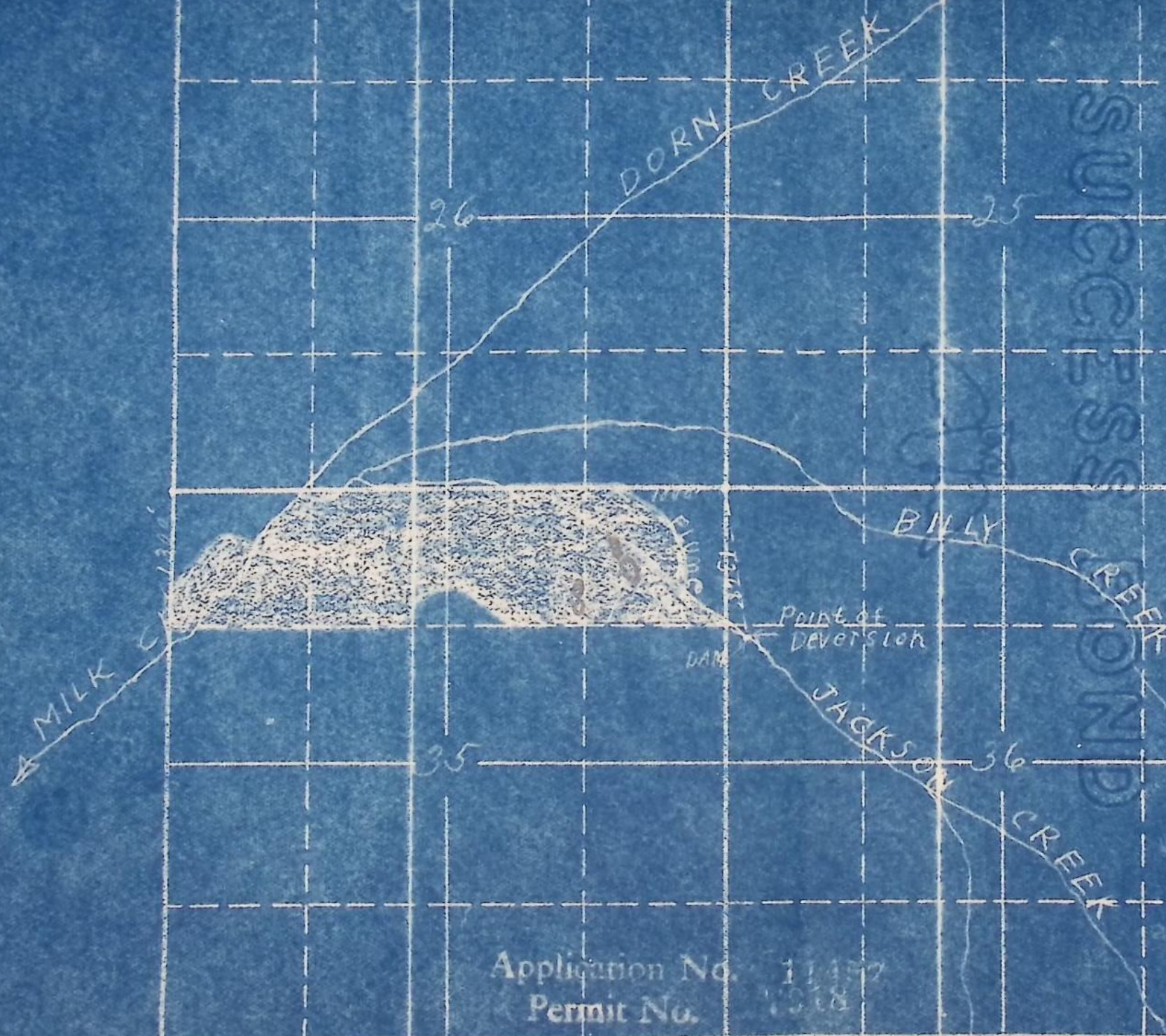
SCALE 4 INCHES = 1 MILE

Sec. 35

Tp. 45

R. 3E

W. M.



Application No. 11457
Permit No. 1038

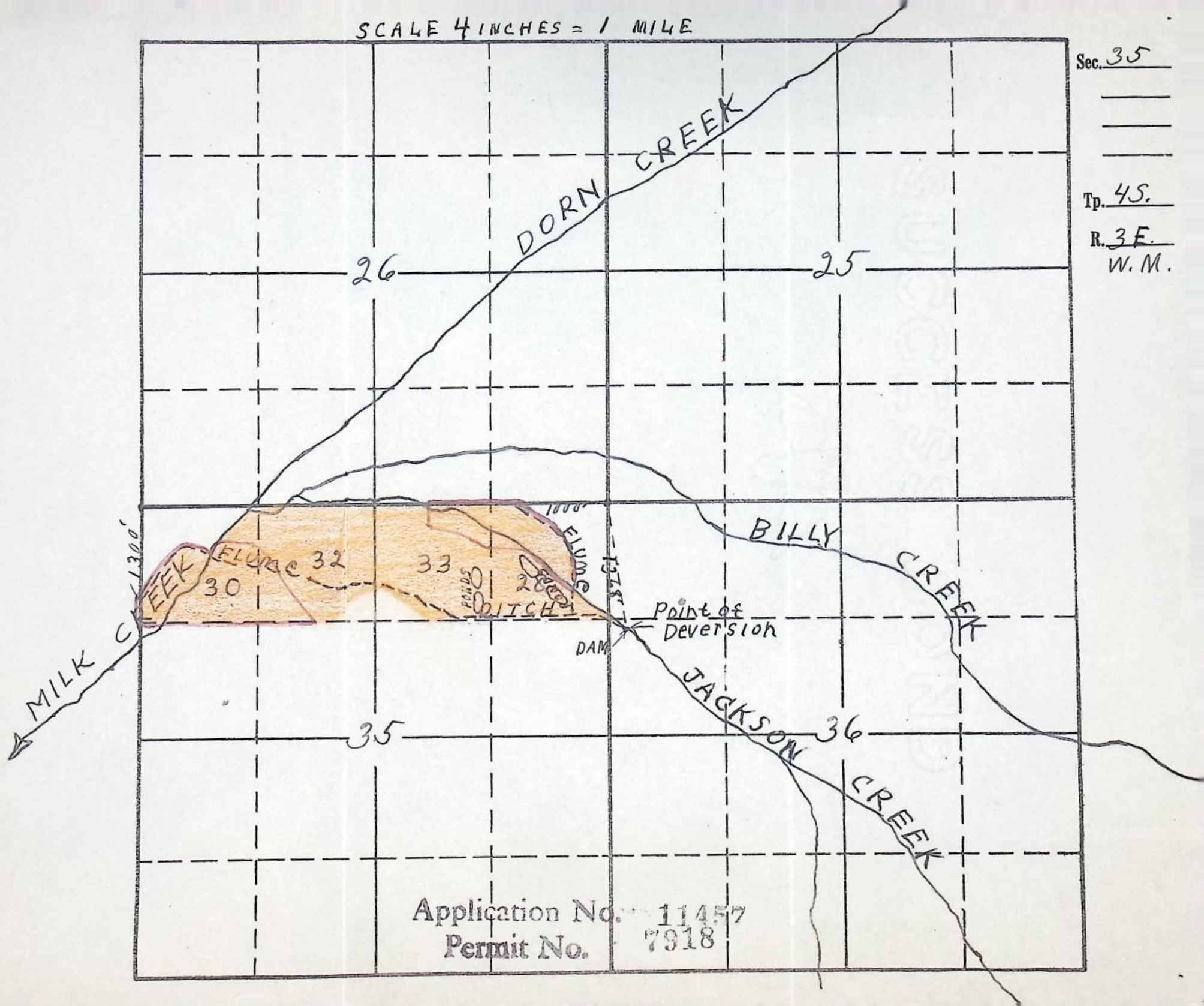
SCALE 4 INCHES = 1 MILE

Sec. 35

Tr. 45.

R. 3E

W. M.



October 28, 1957

Mrs. Grear Casper
1542 S. E. 87th Avenue
Portland 16, Oregon

Dear Mrs. Casper:

The only rights which I am able to find in the name of Louis J. Wilke in Clackamas County are described as follows:

A certificate issued on December 15, 1927 and recorded on Page 7443, State Record of Water Rights Certificates, which confirmed the right to the use of not to exceed 0.81 cubic foot per second from Jackson Creek for irrigation of 23 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 31 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 15 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 4 South, Range 3 East, W.M., under a date of priority of December 11, 1923;

A certificate of water right issued on November 28, 1930 and recorded on Page 8898, State Record of Water Rights Certificates, which confirmed the right to the use of not to exceed 0.75 cubic-foot per second from Jackson Creek for maintenance of commercial trout ponds in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 4 South, Range 3 East, W.M., under a date of priority of May 6, 1927. These rights would be valid unless they had subsequently been abandoned.

Water Rights which are acquired through a State Engineer's permit and certificate or by virtue of their initiation prior to February 24, 1909, are an appurtenance to the premises upon which the water is applied until the right is abandoned. The right to the use of water, however, is limited to the quantity, place of use and character of use as acquired and set out in the right. The law provides that a period of five years continuous non-use constitutes a loss of such right.

There is no provision whereby you can file for and hold a right without actually making a development and applying the water to beneficial use. Rights to the use of water are in accordance with their relative dates of priority.

You did not submit a copy of the legal description of the property involved; therefore, I am unable to determine whether or not a permit may have been issued for use of water thereon. If no permit was issued, the only way a right could have been acquired was by initiation and use prior to February 24, 1909.

Mrs. Grear Casper

2

October 28, 1957

Anyone can file a right to the use of the public waters of the state; however, if it is necessary to cross property which the applicant does not own with a ditch or pipeline, he must obtain such right of way from the owner of the land.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

9294
11457

1542 S. E. 87th Ave.,
Portland, 16, Oregon.
October 18, 1957.

State Engineer.
Salem, Oregon.

RECEIVED
OCT 21 1957
STATE ENGINEER
SALEM, OREGON

Dear Sirs:

We purchased some property in Clackamas Co. At the time, we were told that we received water and mineral rights with it.

We would like to check and see if this is correct. If not, we would like to file for them. The water rights should include both springs and creeks.

According to our title insurance, Mr. Louis Wilke, former owner, filed for water rights, December 16, 1927.....Book 1, Pg. 58.

The problem now is that the property was sold by Mr. Wilke to a lumber company who cut off all the marketable timber, then sold the place in two parcels to separate owners. The party on the other part of the place is using water piped from a spring on our place. (Mr. Wilke piped it into their house years ago.) It is not that we object to their using it, but we want to be protected in case we need to use water from this spring sometime, which is very possible because our property down there is very suitable for a building site, which we are going to have to consider soon.

Will you please let us know whether we have water and mineral rights. If not, how do we file? Can we have the other party filed for water rights to use the water from our spring? If they have not, what kind of procedure would we go thru to let them use it until such as time as we would need it? We would appreciate any help you can give us in this matter

Very truly yours,

Mrs. Grear Casper
Mrs. Grear Casper.

September 26, 1930.

Mr. Lewis J. Wilke,
309 Martins Ave.,
Portland, Oregon.

Dear Sir:

The final proof submitted by you in connection with Permit No. 7918 appears to be in correct form with exception that you failed to acknowledge same before a Notary Public. This should be done at the bottom of the second page of the proof. Kindly return the proof properly signed before a notary and we will then be able to issue your water right certificate.

Yours very truly,

RHEA LUPER
State Engineer

By Office Assistant.

L

11457

June 10, 1927

Mr. Lewis J. Wilke,
609 Martin's Ave.,
Portland, Oregon.

Dear Sir:

Herewith you will find Application No. 11457, being
Permit No. 7918, together with blue print.

The application has been approved and recorded in this
office.

Portland, Ore
May 4 1927.

Mr. Rhea Super State Eng.
Salem, Ore.

Dear Sir:-

Enclosed please find application filled as requested by you. Filing only if no intervening filings on Jackson creek have accrued since my letter of May 2. In which case I would change old application regardless of cost. Thanking you for past favors.

I remain Respectfully Yours.

Lewis J. Wilke
609 Martin's Ave.
Portland Ore.

See Permit 6141

STATE ENGINEER
RECEIVED

MAY 6 1927

SALEM,

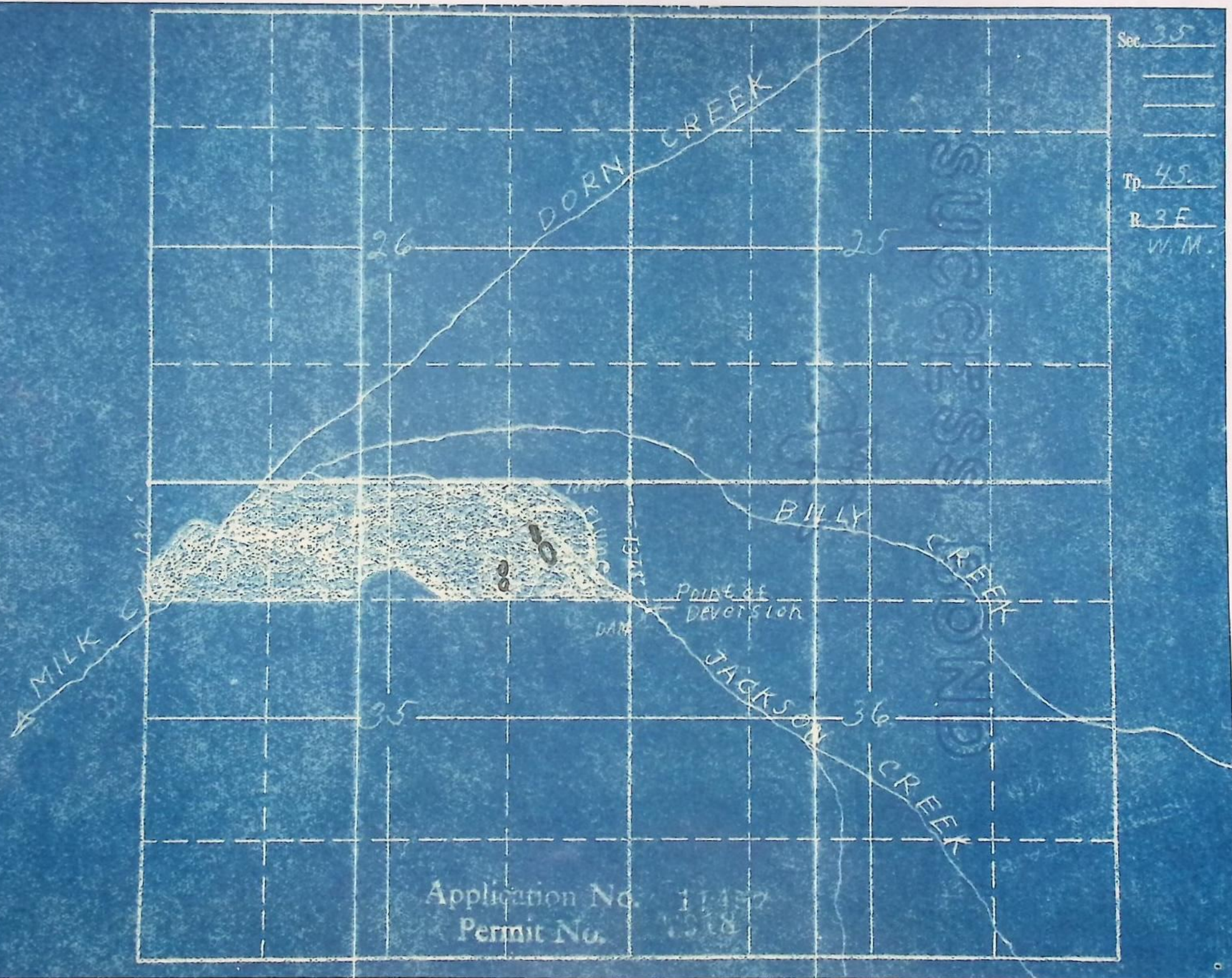
OREGON

Sec. 35

Tp. 45

R. 3 E

W. M.



Application No. 11457
Permit No. 1518

May 6, 1927.

Mr. Lewis J. Wilke,
609 Martin's Avenue,
Portland, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of May 4th, transmitting application for permit to appropriate water from Jackson Creek.

As there did not appear to be any intervening filings on Jackson Creek, your application was placed on file as number 11457.

The \$8.00 formerly transmitted by your letter of May 2nd has been applied under the above application and our official receipt number 5344 is enclosed covering the fees paid.

The application appears to be in proper form and will be taken up for approval within a short time.

Yours truly,

Rhea Luper,
State Engineer.

Enc.
H.

1898

PERMIT No. 7918

APPLICATION No. 11457

COUNTY Clackamas

Proof of Appropriation of Water

1. Name Lewis J. Wilke 2. Address 609 Martins Ave. Portland, Ore.
3. Source of supply Jackson Creek
Tributary of Milk Creek (Molalla River)
4. Amount of water 0.75 5. Priority date May 6, 1927
6. Use Maintenance of Commercial Trout ponds
7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S	3 E	35	NW 1/4 and NE 1/4		This column must be filled in if water is used for irrigation.

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

8. (a) Location of point of diversion, SW 1/4 NW 1/4 Sec. 36, Twp. 4 S, Range 3 E W. M.
(Legal Subdivision)
(b) If a dam has been constructed, give description: Height, 4 ft.; length on top, 48 ft.; length on bottom, 48 ft.; material used and character of construction, Cedar sills with 2" plank facing
(c) Give description of headgate: Width, 2 ft.; depth, 1 ft.; material used and character of construction, built of 2" x 12", with vertical sliding gate
(d) Size of canal: Width on top (at waterline) 2 ft.; width on bottom, 2 ft.; depth of water, 1/3 ft.; grade, 6 ft. fall per 1,000 ft. Actual capacity, _____ sec.-ft. Give general description, 600 ft. of 24" x 12" flume then 2 ditches, 1 to rearing ponds, 1 to commercial pond

8. (Cont'd.)

(e) Pipe line: Description of intake,

Length of pipe,ft.; size at intake,in.; size atft. from intake,in.; size at place of use,in. Difference in elevation between intake and place of use,ft.

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

Give general description:

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

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

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

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

GENERAL

9. During what months is water beneficially used *at all time, 12 months in year*

10. State character of soil

Kind of crops raised

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

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

have marked location of ponds on map

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

14. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Clackamas

} ss.

I,

Lewis J. Wilke

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

22

day

of

September

193*0*

Subscribed and sworn to before me this *22nd* day of *September*, 193*0*

Lewis J. Wilke

Girardano Colasman
Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires *June 11th 1934*

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

Clackamas

} ss.

We,

Ernest C. Carl

, and

Bernice D. Carl

of

Colton 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. *7918*; 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.

Ernest C. Carl

Bernice D. Carl

Subscribed and sworn to before me this

29th

day of

September

, 19*30*

Girolamo Colasanto

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

June 11th - 1934

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I,

do hereby certify that I have made an inspection of the works described herein and in Permit No. _____, on the _____ day of _____, 192____, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of a water right certificate for this amount.

(Name)

(Title)

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

PROOF OF APPROPRIATION

Permit No. 7918

Recording fee paid

Receipt No. 12690

