

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That CHARLES W. & WELTHEA L. KIRK

of Placer, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Grave Creek-

a tributary of Rogue River for the purpose of Irrigation, under Permit No. 4128 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 461, on the 15th day of February, 1923; that the priority of the right hereby confirmed dates from June 23, 1919

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 0.81 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 15 acres in the Southeast quarter of Southeast quarter of Section Seven; 10 acres in the Northeast quarter of Southwest quarter; 25 acres in the Southeast quarter of Southwest quarter; 10 acres in the Southwest quarter of Southwest quarter and 5 acres in the Northwest quarter of Southwest quarter of Section Eight, Township Thirty-four South, Range Five West of Willamette Meridian, in Josephine County, Oregon. Containing in all 65 acres of land.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 15th day

of February, 1923

STATE WATER BOARD

By PERCY A. CUPPER
State Engineer, President

(Seal of State Water Board)

Attest: R. W. POTTER

Secretary

*Permit No. 4128

3943

ABSTRACT MADE

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Charles W and Waltha L Kirk (Name of Applicant) of Placer (Postoffice), County of Josephine 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

1. The source of the proposed appropriation is Grave Creek (Name of stream), tributary of Rogue River

2. The amount of water which the applicant intends to apply to beneficial use is 1.08 cubic feet per second.

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

4. The point of diversion is located Commencing at the SW corner of Section 8; thence East 160 rods; thence north 150 rods, thence West 4 rods. (Give distance and bearing to section corner)

being within the NE 1/4 of SW 1/4 of Sec. 8, Tp. 34 S, R. 5 W, W. M., in the county of Josephine (Give smallest legal subdivision) (No. N. or S.) (No. E. or W.)

5. The ditch to be three-fourths miles in length, terminating in the SE 1/4 of SE 1/4 of Sec. 7, Tp. 34 S, R. 5 W (Main ditch, canal or pipe line) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

6. The name of the ditch, canal or other works is Kirk Ditch

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 2 feet, length on top 40 feet, length at bottom 40 feet; material to be used and character of construction Brush, rocks and logs (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

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

*A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (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.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of 65 acres, located in each smallest legal subdivision, as follows: (Give area of land in each smallest legal subdivision which you intend to irrigate)

10 acres in NE 1/4 of SW 1/4,

25 acres in SE 1/4 of SW 1/4,

10 acres in SW 1/4 of SW 1/4

5 acres in NW 1/4 of SW 1/4, All in Section 8; and

15 acres in SE 1/4 of SE 1/4 of Section 7, All in Twp. 34 S R 5 W.W.M.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

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

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

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

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

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

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

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

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

(g) The use to which power is to be applied is.....

(h) The nature of the mines to be served.....

Application No. 6597

Permit No. 4128

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. 1 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 23 day of June, 1919, at 8:30 o'clock A. M.

Returned to applicant for correction

Corrected application received

Approved: Jul 5 1919

Recorded in Book No. 15 of Permits, on Page 4128

Percy A Cupper

1 map RS State Engineer.

\$12.75

STATE OF OREGON, } ss. County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth 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 right to the use of water herein granted is limited to irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.81 cubic feet per second, or its equivalent in case of

rotation. The priority date of this permit is June 23, 1919

Actual construction work shall begin on or before July 5, 1920 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1921

Complete application of the water to the proposed use shall be made on or before October 1, 1922

WITNESS my hand this 5th day of July, 1919

Percy A Cupper

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 6633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 218, Session Laws of 1915.

This form approved by the State Water Board, March 11, 1909.

6597

July 9, 1919

Mr. and Mrs. Charles W Kirk,
Placer, Josephine Co.,
Oregon.

Dear Sir and Madam:- Herewith you will find Application No. 6597, being Permit
No. 4128, in the names of Charles W & Waltha L Kirk, together with tracing.
This application has been approved and recorded in this office.

6597

July 9, 1919

Mr. and Mrs. Charles W Kirk,
Placer, Josephine Co.,
Oregon.

Dear Sir and Madam:- Herewith you will find Application No. 6597, being Permit No. 4128, in the names of Charles W & Waltha L Kirk, together with tracing. This application has been approved and recorded in this office.

Application 6597.

June 23, 1919.

Mr. M. L. Opdycke,
Grants Pass, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 6722 for \$12.75 which amount was transmitted with application to appropriate water in the name of Charles W. and Weltha L. Kirk. I am also in receipt of two tracings. This application has been numbered 6597 and placed on file in this office, and will be taken up for approval as soon as the same can be reached, and you will be further advised.

Very respectfully,

Percy A. Cupper,
State Engineer.

RS:W

Enc.

February 17, 1923.

Mr. M. L. Opdyske,
Water Master District No. 16,
Grants Pass, Oregon.

Dear Sir:

Proofs of appropriation of water under permit
No. 5334 of C. Robertson and No. 4128 of Charles & Waltham
L. Kirk, together with \$2.00 recording fees, have been
received and filed in this office.

These proofs appear to be in proper form and will
be taken up as soon as the same can be reached, and you will
be further advised.

Yours very truly,

R. W. Potter,
Secretary.

Encls.

October 26th, 1922.

Mrs. Weltha Kirk,
Placer,
Oregon.

Dear Madam:

Permit No. 4128.

Replying to your letter of October 23rd our records indicate that final proof blanks were forwarded to the water master on June 27, 1922. I have no doubt Mr. Opdycke will call upon you in connection with final proof as soon as his work will permit.

The delay in submitting final proof will interfere in no way with your water right, as the water becomes appurtenant to the land as soon as it has been used upon the land.

Trusting this will give you the desired information, I remain,

Very respectfully,

Percy A. Cupper,
State Engineer.

EJS:R

Aug. 9, 1922.

Mr. Chas. W. Kirk,

Placer, Ore.

Dear Sir:

We are in receipt of yours of Aug. 7th with reference to your permit #4126, and are glad to note that you have been able to place all the land under irrigation that the permit covers. Mr. Opdyke will no doubt visit your property as soon as it is convenient for him to make a trip to your locality, and this delay will not jeopardize your rights in any way.

Yours very truly,

R. W. Potter,
Secretary.

June 27, 1922.

Charles W. & Weltha L. Kirk,
Placer, Oregon.

Gentlemen:

Blank for proof of appropriation of water under permit No. 4128 has been mailed to Mr. M. L. Opdycke, Water Master for your district, who will make an inspection and assist you in filling out the proof at an early date.

When this proof has been properly filled out, it should be transmitted to this office, together with \$1.00 to cover recording fee for certificate of water right.

Yours very truly,

R. V. Potter,
Secretary.

June 5th, 1922.

Mr. C. W. Kirk,
Placer,
Oregon.

Dear Sir:

Permit No. 4128.

I am in receipt of your letter of June 1st transmitting notice of complete application of water to the proposed use under your permit No. 4128.

If you have actually irrigated the entire 65 acres under this permit, we will be glad to forward through the water master of your district, final proof blanks for execution. Neither your letter nor the notice would indicate that all the land has been irrigated, but you have until October 1st, 1922, to irrigate the entire area. You understand that proof cannot be submitted on any land that has not been irrigated.

Trusting I may hear from you in regard to this matter, I remain,

Very respectfully,

Percy A. Cupper,
State Engineer.

RJS:R

Placer Ore June 1 1922

Mr Percy a Cupper sir
am sending you final proof of
application for water right on
application 65-97
permit No 4128

now I dont know
anything about a water right but I am
sending complete application as requested
have 32.0 rod of ditch and water on
at the land the application covers
now if there is any more
proof to make please let me know
Resp yours

G W and wettha, J. Kirk

RECEIVED

JUN 5 1922

File No.

NOTICE OF BEGINNING OF CONSTRUCTION

I, S. Ward Weltha, L. Kirk, the holder of Application No. 6597, being
Permit No. 4128, issued by the State Engineer of the State of Oregon
(Reservoir or enlargement)
for the appropriation of 1.08 cubic second-feet of the waters of Draves creek
in accordance with the tenor of such permit and the limitations indorsed thereon by the State Engineer,
began the actual construction of the works described therein on the 5th day of June, 1920,
being within the time limitation as fixed in said permit for the beginning of construction work.

1 strand 2 days 3 men 6 days all had to be washed out the old ditches
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
as my place had indicated 20 years ago and the ditches were partly filled
statement, and any additional information which may tend to show the beginning of work in good faith.
so far have at present 100 rod of ditch complete and 25 acres with water

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of June, 1920
Placer Josephine Co Oregon S. Ward Weltha, L. Kirk
(Present address) (Signature of applicant)

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

NOTICE OF COMPLETION OF CONSTRUCTION

I, S. W. Kirk and Weltha, L. Kirk, the holder of Application No. 6597, being
Permit No. 4128, issued by the State Engineer of the State of Oregon
(Reservoir or enlargement)
for the appropriation of 1.08 second-feet of the waters of Draves creek Josephine Co
in accordance with the tenor of such permit and the limitations indorsed thereon by the State Engineer,
have completed the construction of the works described therein the 7 day of June, 1921,
being within the time limitation as fixed in said permit or extended by the State Water Board for the
completion of construction work.

Remarks: ditches are all complete and can irrigate the
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
full 65 acres 160 rod of ditch
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 7 day of June, 1921
Placer Josephine Co Oregon S. W. Kirk and Weltha, L. Kirk
(Present address) (Signature of applicant)

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

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, S. W. and Weltha, L. Kirk, the holder of Application No. 6597, being
ditch Permit No. 4128, issued by the State Engineer of the State of Oregon
(Reservoir or enlargement)
for the appropriation of 1.08 second-feet of the waters of Draves creek
in accordance with the tenor of such permit and the limitations indorsed thereon by the State Engineer,
completely applied the water to a beneficial use, on the 1 day of June, 1922,
being the time limitation as fixed in said permit or extended by the State Water Board for the complete
application of water to a beneficial use.

Remarks: 320 rod of ditch complete water on all the
If all the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may have
land application calls for
notice.

IN WITNESS WHEREOF I have hereunto set my hand this 1 day of June, 1922

RECEIVED
JUN 5 1922
File No.

Remarks:

Application of water to a reservoir and
within the time limitation to be fixed in such order as to
completely submerge the water to a reservoir and
in accordance with the plan of such reservoir and the
for the appropriation of
Oregon to state and to territorial
and for the purpose of application to
NOTICE OF COMPLETE TERMINATION OF WATER TO A RESERVOIR AND

RECEIVED
JUN 8 1921
File No.

IN WITNESS WHEREOF I
completion of construction work
and the time limitation to be fixed in such order as to
completely submerge the water to a reservoir and
in accordance with the plan of such reservoir and the
for the appropriation of
Oregon to state and to territorial
and for the purpose of application to
NOTICE OF COMPLETION OF CONSTRUCTION

RECEIVED
JUN 15 1920

File No.

RECEIVED
JUN 1 1920

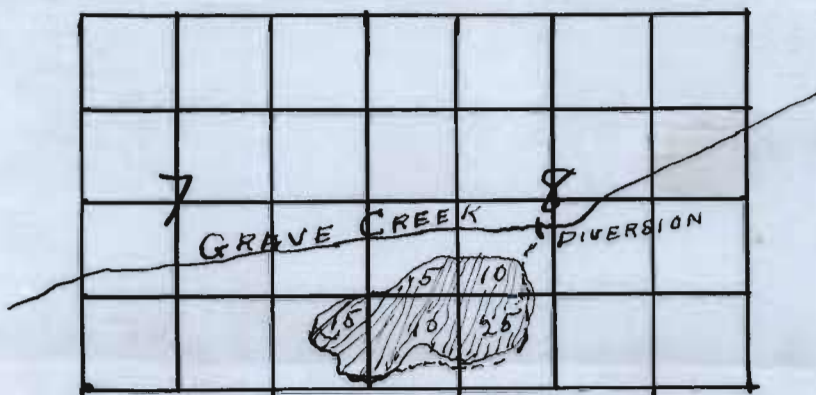
File No.

RECEIVED
JUN 1920

File No.

NOTICE OF BEGINNING OF CONSTRUCTION

TWP. 34S. R5W



JUN 28 1910

Application No.

6597

Permit No.

4128

TWP. 34S. R5W



PROOF OF APPROPRIATION

Permit No. 4128

Recording fee paid

Receipt No. 3849

OFFICE OF STATE WATER BOARD

RECEIVED

FEB 17 1923

SALEM, . OREGON.

Priority date: June 23, 1919

I have inspected the above right and find that
it has been recorded in the files of the permit and
is set down, and

AFFIDAVIT OF WITNESSES

We, _____, and _____,
of _____, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. _____; that we and each of us have
been over and upon each tract described in said proof, and from such personal inspection have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.

Subscribed and sworn to before me this _____ day of _____, 192_____

(Notarial Seal)

Notary Public for Oregon

My commission expires _____

I have inspected the above right and find that
the applicant has complied with the terms of the permit and
has applied the water to the land as above set forth, and
would recommend that he be issued a certificate.

M. L. O'Fadyette

8. During what months is water beneficially used? June to October
9. State the character of the soil and kind of crops raised Black and red loam
Hay, grain, garden and fruit.
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Yes
11. If not, wherein such map is in error
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use

STATE OF OREGON,

County of Josephine } ss.

I, Charles W. & Weltha L. Kirk, 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 10th day of February, 1923.

C. W. Kirk

Subscribed and sworn to before me this 10th day of February, 1923.

F. L. Coombs
Notary Public for Oregon

By Ethel G. Brown
My commission expires deputy

(Notarial Seal)

a few days³
Will you please
answer so he will know
while he is home

Resps Yours
Mrs Weather Kirk

Placer Ore
Oct 23 1922

STATE ENGINEER
RECEIVED

OCT 25 1922

OREGON

Dear Sir
I am writing
you in regards to the
trial proof of our
water right - Permit no
4128 Mr Kirk is not
at home and Mr Ophdyke
water master for our Dist-
has never been out so
we could make our final
proof now well. This delay
cause us to loose our

2
night - I went to Grant's
Paris a short time ago
but Mr Ophdyke was
not in his office and I left
word for him to write to
me but he never has
will you please let us
know just what to do
Mr Kirk has complied
with the law and we
have paid our money
for our right and don't
want to loose it I look
for Mr Kirk home in

Placer

OFFICE OF STATE WATER BOARD
RECEIVED

aug 27 1922

OREGON

SALEM.

Mr Percy, a letter in
you wrote me and gave the 27th
in regard to final proof and
permit no H 128 water right
you said you would send
blank to district water master
Opdycke and he has not been
here

now I have the ditches
all completed and the
water on all the land the
permit calls for

now what am I to do
I don't want the time to
run out and the right
to lapse

Resp yours
C W and Wetha L Kirk