

Application No. 16651

Permit No. 12423

Name W. H. Howell, Alberta Kendall & Lee Gulick Certificate No. 14128

By \_\_\_\_\_

Address Richland, Oregon

Date filed October 29, 1936

Priority October 29, 1936

Action suspended until \_\_\_\_\_

Returned to applicant \_\_\_\_\_

Date of approval 1-8-37

**CONSTRUCTION**

Date for beginning 1-8-38

Date for completion 10-1-38

Extended to \_\_\_\_\_

Date for application of water 10-1-39

Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

Form "B" filed Dec. 19, 1938

Form "C" filed March 13, 1940

**FINAL PROOF**

Blank mailed March 18, 1940 G.N.

Proof received \_\_\_\_\_

Date certificate issued June 22, 1942

Stream Index, Page No. 9-26

**FEES PAID**

Date	Amount	Receipt No.
10/30/36	26.81	20827
11/9/36	0.04	108
Total		
3/25/42	\$1 Cert. Fee	28585

**FEES REFUNDED**

Date	Amount	Check No.

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page

**REMARKS**

5.93 sq. ft. from Bowden River for supplemental irrigation of 236.1 acres  
 1-10-38 - Card for A  
 10-24-38 - Card for B  
 11-9-39 - Card for C  
 2-27-40 - form 100 - registered

*Handwritten signature/initials*

Form B  
NOTICE OF COMPLETION OF CONSTRUCTION

Application No. 16631

OK

I, \_\_\_\_\_, the holder of Permit No. 12423  
to appropriate the public waters of the state of Oregon, completed the construction of the works described  
therein on the 14 day of June, 1937.

Remarks:

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of Dec., 1938.

Z. L. Chamberlain  
(Signature of Witness)  
Richland Ore  
(Address)

Alberta Kendall Lee Gulick  
(Signature of Applicant)  
Richland Ore  
(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

OK

Form C  
NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Application No. 16651

I, Lee Gulick, Alberta Kendall and E. M. Howell, the holder of Permit No. 12423  
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 15th day of June, 1937.

Remarks:

all fully applied

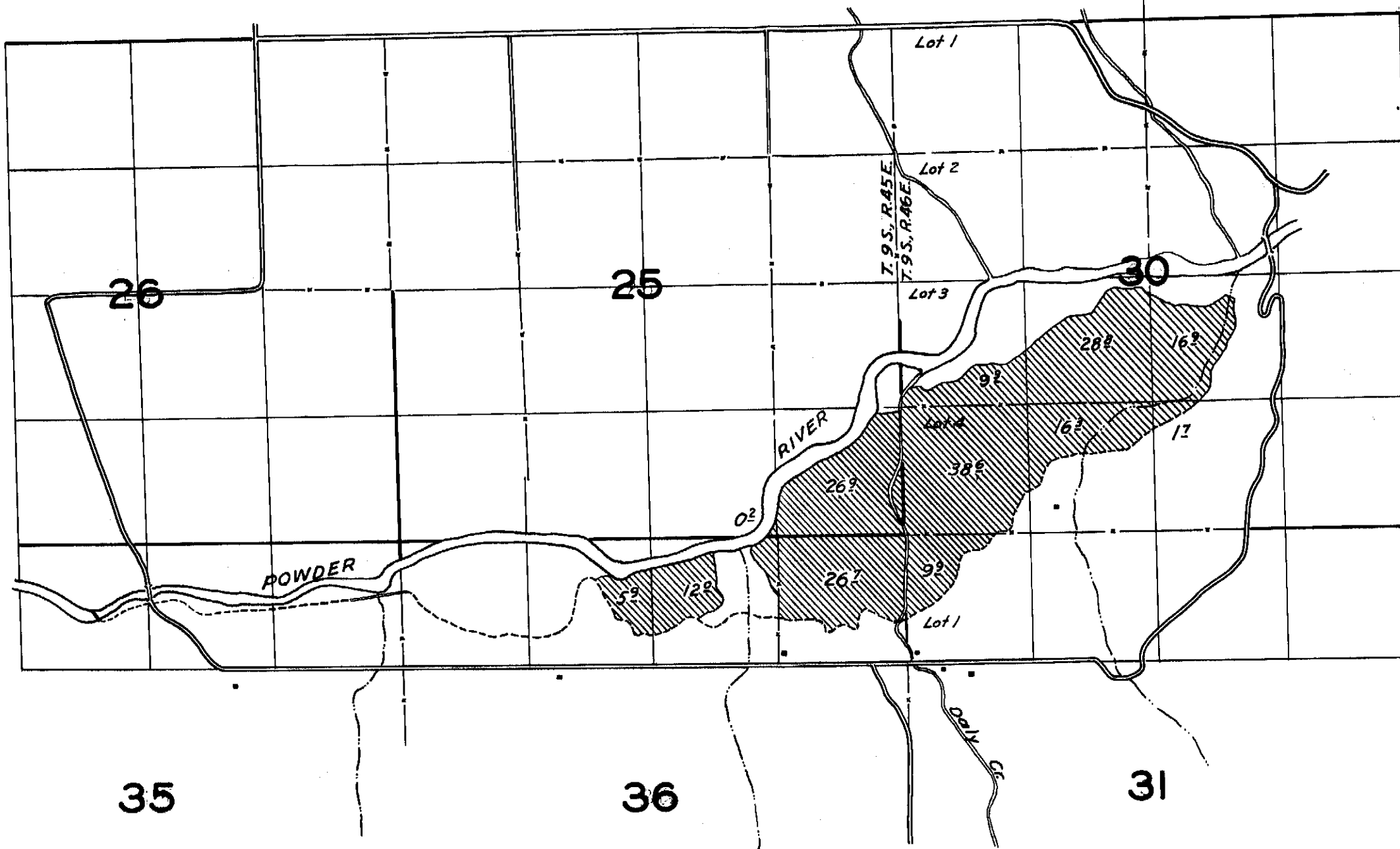
If all of the water granted in the permit has not been fully applied to beneficial use, you should so state.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, 1940.

J. W. Booth  
(Signature of Witness)  
Richland Ore  
(Address)

Gulick, Kendall & Howell  
(Signature of Applicant)  
RICHLAND, OREGON  
(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.



**FINAL PROOF SURVEY**  
 UNDER

Application No. 16651 Permit No. 12423

IN NAME OF

*W.W. Howell, Alberta Kendall & Lee Gulick.*

Surveyed July 28, 1941, by *E. Cummings*

March 10, 1942

Mr. Lee Gulick, et al.  
Richland, Oregon

Dear Sirs and Madams:

If you will sign and date the enclosed final proof on its second sheet and return the proof to this office, together with the statutory certificate recording fee of \$1.00, a certificate confirming the right under your Permit No. 12423 will be issued for the use of 4.83 second-feet of water from Powder River for the supplemental irrigation of 193.2 acres of land.

These figures indicate the extent and limit of your water right as provided by law, and mark the completed right.

In the interest of economy and due to the fact that your completed project was examined by a representative of this office, it is not considered necessary that your signatures be made before a notary public, nor that the signatures of witnesses be affixed to the proof.

Very truly yours,



CHAS. E. STRICKLIN  
State Engineer

Enclosure  
Form 114

March 14, 1940

Mr. Lee Gulick, et al.  
Richland, Oregon

Gentlemen:

This acknowledges receipt of Form C, being notice of complete application of water under Permit No. 12423.

Pursuant to your reports, and in line with the general practice of this office, a survey will be made sometime during this year for the purpose of checking the acreage actually irrigated. After this survey proof may be made by you and certificate issued covering the lands which the survey shows to have been irrigated.

In the meantime, the permit which you hold will be valid and sufficient evidence of your water right.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

BB

March 6, 1940

Mr. Lee Gulick  
Richland  
Oregon

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, in which you state that a report of completion of your ditch, as described in your Permit No. 12423, was submitted to this office two years ago.

Form B, being a report of completion of construction, was submitted by you December 10, 1938, but we have received no notice of complete application of water which should have been made by filling out form C which was attached to your permit and mailing it to this office when complete application was accomplished.

If you have completely applied the water described in your permit to the use intended, namely, if you have actually irrigated by its use 236.1 acres, you should so notify this office by filling out and submitting the enclosed Form C. After receipt of this report a survey will be made of your lands for the purpose of checking the irrigated acreage, and after this survey final report may be made by you.

I assume that complete application of water was made under your permit on or before October 1, 1939, that being the date on which the time for complete application expired.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

EKH.bb  
enclosure(1)

RECEIVED  
MAR 8 1940  
THE ENGINEER  
SALEM, OREGON

16651

Richland, Oregon  
March 2<sup>nd</sup> 1940

Chas. E. Stricklin, State Engineer:-  
your letter of Feb. 29<sup>th</sup> received. we  
sent you the papers 2 year ago  
properly filled out. we completed the  
work on the ditch (1937 year)  
at that time Mrs. Alberta Kendall was  
gone soon as she returned we sent  
our papers in to your office. They  
certainly must have been mislaid in  
the files some where. we have been  
waiting for our final proof from  
your office since then, please look  
this up and see if they have never  
been received. We wish to get this  
taken care of at once as if our papers  
are not found send us the proper  
forms at once and we will fix  
them up and return as soon as  
possible. we have used water out of

The ditch for three years now.  
yours Truly  
Lee Gulick

W. W. Howell, Alberta Kendall + Lee Gulick

16651



February 27, 1940

W. W. Howell, Alberta Kendall & Lee Gulick  
Richland, Oregon

Dear Sirs and Madam:

According to the terms of your Application No. 16651, Permit No. 12423, which is for the appropriation of 5.93 second-foot of water from Powder River for supplemental irrigation, complete application of water was to have been made on or before October 1, 1939. It appears from our records that you have failed to submit the notice of complete application, although a postcard, calling this matter to your attention, was mailed to you on

November 9, 1939.

Section 47-806, Oregon Code 1930, provides: "Whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 47-508, Oregon Code, the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, \* \* \*."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water, after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of Section 47-806, Oregon Code 1930, a part of which is quoted above, you are hereby notified that unless we hear from you within 60 days from the date of this letter, your permit will be cancelled without further notice.

Very truly yours,



CHAS. E. STRICKLIN  
State Engineer

18651

January 8, 1937.

W. W. Howell, Alberta Kendall & Lee Gulick,  
Richland, Oregon.

Dear Sirs and Madams:

Herewith you will find Application No. 18651, Permit No. 12423, together with blue print.

This application has been approved and recorded in this office.

16651

November 2, 1936.

Mr. W. L. Patterson,  
Sommer Building,  
Baker, Oregon.

Dear Sir:

This acknowledges receipt of your letter of October 28th with which you submitted an application in the name of W. W. Howell, Alberta Kendall and Lee Gulick for permit to appropriate water from Powder River for irrigation purposes, together with a remittance in the amount of \$26.81. Receipt No. 20827 is enclosed.

The application, which has been filed and given No. 16651, appears to be in satisfactory form in all respects except I note that all of the lands described thereunder already enjoy water rights from one or more sources. I believe, therefore, that the use to which the water is to be placed should be described as "supplemental irrigation" rather than "irrigation", and that when a permit is issued it must be issued for that purpose.

The application is considered satisfactory in all other respects and is being placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN  
encl.

*Woodson L. Patterson*  
*Attorney and Counsellor at Law*  
*Tommer Building*  
*Baker, Oregon*

October 28, 1936

Chas. E. Stricklin  
State Engineer  
Salem, Oregon

Dear Mr. Stricklin:

There are enclosed herewith the following documents:

- 1 Application of W. W. Howell, Alberta Kendall and Lee Gulick for irrigation permit;
- 2 Complete tracing of ditch to be constructed and land proposed to be irrigated;
- 3 My check for \$26.81 covering necessary fees.

If you prepare blue-prints from the tracing I am hoping you may return tracing.

Yours very truly,

*W. L. Patterson*

14128

Permit No. 12423

Application No. 16651

County Baker

**PROOF OF APPROPRIATION OF WATER**

Lee Gulick

July 28 1941

1. Name W. W. Howell, Alberta Kendall & / 2. Address Richland, Oregon

3. Source of supply Powder River 5' x 4' x 18"

Tributary of 4.83 Snake River Surface V = 30' in 18 sec  
Canal full

4. Amount of water 5.93 c.f.s. 5. Priority date October 29, 1936 ✓

6. Use Supplemental Irrigation

7. Location of point of diversion, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> ✓ Sec. 35, Twp. 9 S, Range 45 E, W. M. (Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<b>FOR LAND OF W. W. HOWELL:</b>					
9 S	45 E	25	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	2.7	✓ 0.2 ✓
			SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	36.8	✓ 26.9 ✓
		36	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	8.5	✓ 5.2 ✓
			N <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	16.7	✓ 12.0 ✓
			NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	24.8	✓ 26.7 ✓
<b>FOR LAND OF ALBERTA KENDALL:</b>					
9 S	46 E	30	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.0	✓ 38.6 ✓
		31	N <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	16.4	✓ 9.2 ✓
<b>FOR LAND OF LEE GULICK:</b>					
9 S	46 E	30	N <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	8.8	✓ 9.3 ✓
			NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	22.8	✓ 28.8 ✓
			NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	28.0	✓ 16.2 ✓
			SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	27.0	✓ 16.3 ✓
			N <sup>1</sup> / <sub>2</sub> SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	4.0	90.6
Total.....				236.10	193.2

This column must be filled in if water is used for irrigation

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated, provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

*OK for certif*

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

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

*Rock wing dam*

(b) Give description of headgate: Width, ..... ft.; depth, ..... ft.; material used and character of construction, .....

(c) Size of canal: Width on top (at waterline) ..... *5* ..... ft.; width on bottom, ..... *4* ..... ft.; depth of water, ..... *1 1/2* ..... ft.; grade, ..... ft. fall per 1,000 ft. Actual capacity, ..... sec.-ft.

Give general description: *Velocity = 1.67 canal full*

(d) Pipe line: Description of intake, .....

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

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

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

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

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

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

10. During what months is water beneficially used? *Irrigation Season*

11. State character of soil *Bottom*

Kind of crops raised *Alfalfa, grain, Gard, etc.*

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

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

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

15. 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 .....

} ss.

I, ....., 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 23<sup>rd</sup> day of March, 1942.

*Lee Gulick*  
*Alberta Kendall*  
*W.W. Howell*

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

Notary Public for Oregon

[Notarial Seal]

My commission expires .....

**AFFIDAVIT OF WITNESSES**

STATE OF OREGON,

County of .....

} ss.

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 appropriation, 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 ....., 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires .....

**REPORT OF PERSON MAKING INSPECTION**

(For use by representative of State Engineer)

I, Chester G. Cumming, do hereby certify that I have made an inspection of the works described herein and in Permit No. 12423, on the 28 day of July, 1941, 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 water right certificate for this amount.

**NOTICE 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.

Chester G. Cumming  
(Name)

\_\_\_\_\_  
(Title)

**PROOF OF APPROPRIATION**

Permit No. ....

Recording fee paid

Receipt No. ....

**RECORDED**  
MAR 24 1942  
**STATE ENGINEER**  
**SALEM, OREGON**



# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

\_\_\_\_\_  
(Signature or name of addressee)

\_\_\_\_\_  
(Signature of addressee's agent)

Date of delivery, \_\_\_\_\_ 193

FORM 3811

U. S. GOVERNMENT PRINTING OFFICE

**Post Office Department**

OFFICIAL BUSINESS

**REGISTERED ARTICLE**

No. 44-91  
**INSURED PARCEL**

No. \_\_\_\_\_

16651

**Return to** \_\_\_\_\_

DR. G. E. BROWN

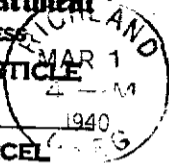
(NAME OF SENDER)

Street and Number,  
or Post Office Box, }

State Engineer

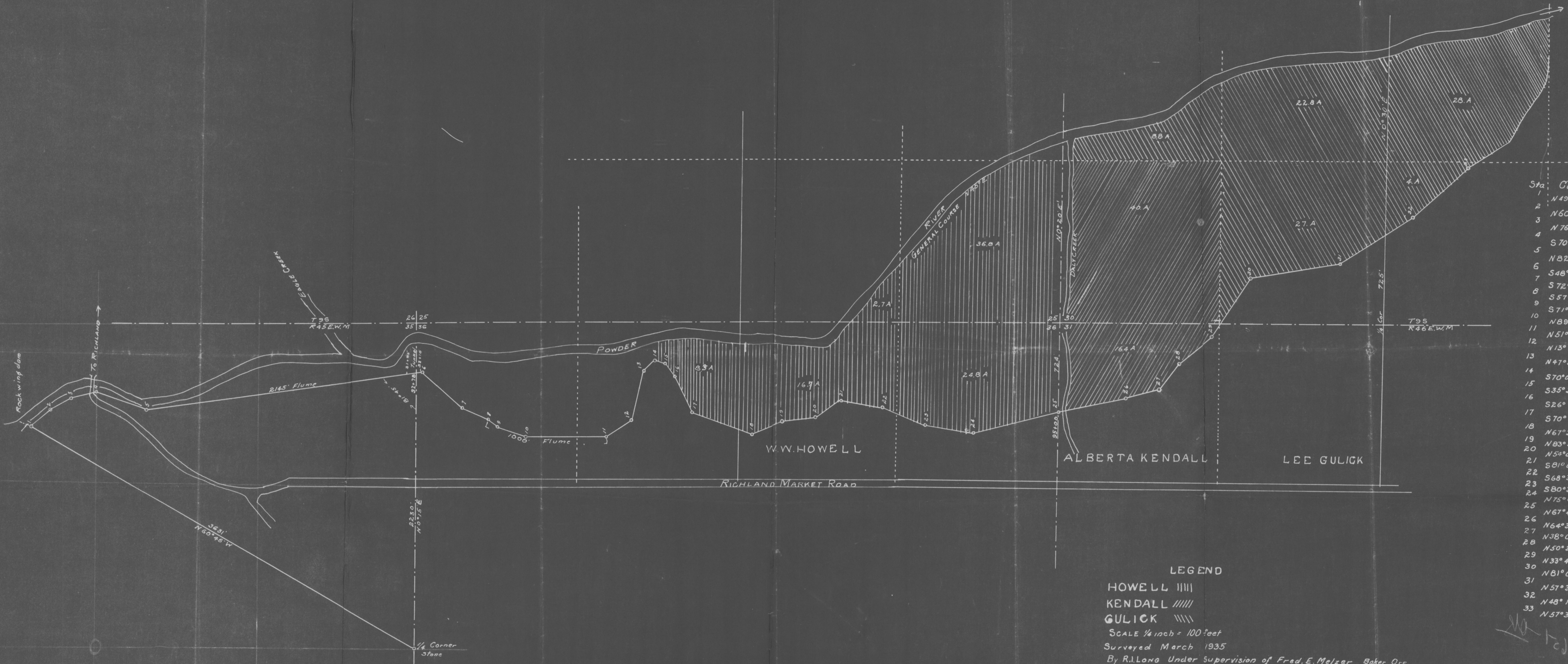
**SALEM,**

**OREGON.**



PERMIT NO. 1000 PORTLAND, OREGON

	POSTMARK OF DELIVERING OFFICE
	AND DATE OF DELIVERY

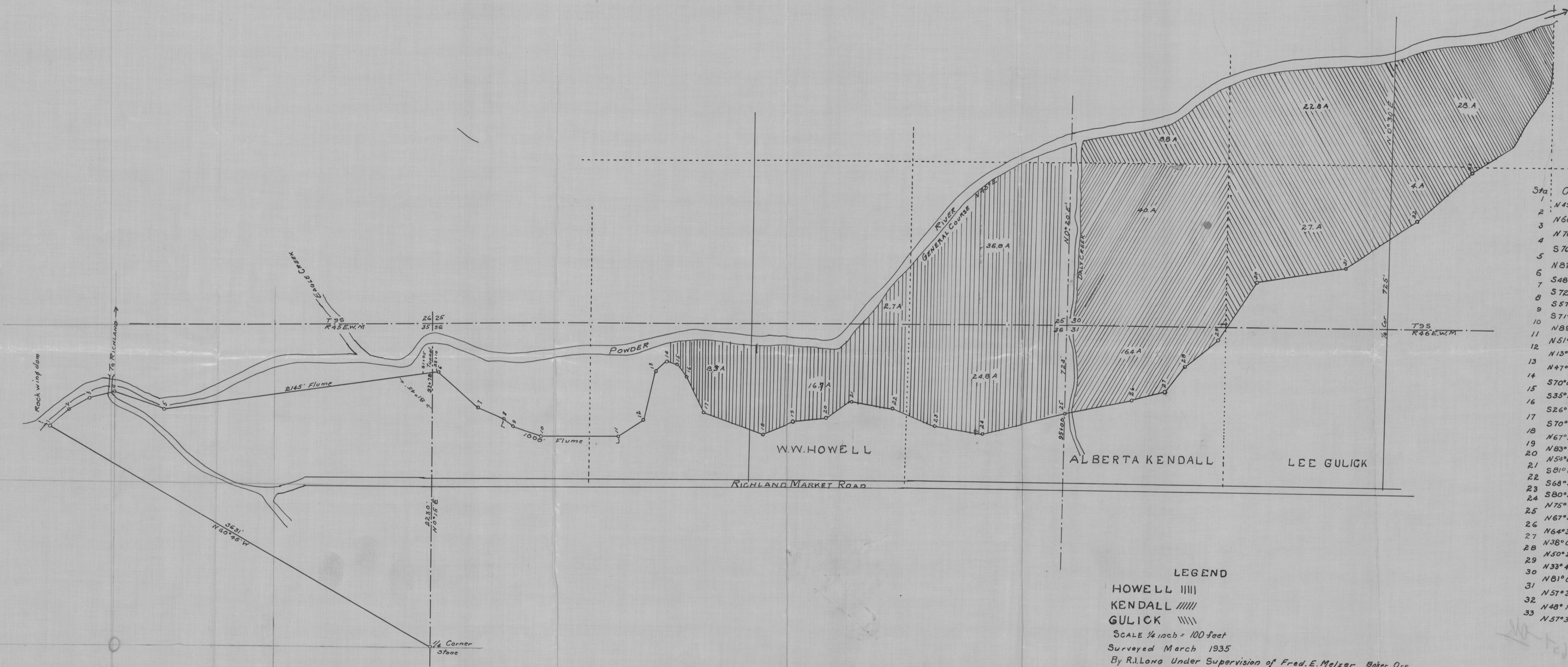


Sta	Course	Dist'
1	N49°00'E	200'
2	N60°30'E	200'
3	N76°00'E	210'
4	N70°00'E	444'
5	N82°00'E	2274'
6	S48°00'E	444'
7	S72°30'E	235'
8	S57°00'E	100'
9	S71°15'E	239'
10	N88°30'E	650'
11	N51°30'E	246'
12	N13°30'E	413'
13	N47°30'E	121'
14	S70°00'E	99'
15	S35°30'E	132'
16	S26°00'E	329'
17	S70°00'E	526'
18	N67°30'E	280'
19	N83°30'E	272'
20	N54°00'E	249'
21	S81°00'E	340'
22	S68°30'E	372'
23	S80°30'E	400'
24	N75°00'E	714'
25	N67°45'E	560'
26	N64°30'E	280'
27	N38°00'E	265'
28	N50°30'E	350'
29	N33°45'E	563'
30	N81°00'E	738'
31	N57°30'E	706'
32	N48°15'E	600'
33	N57°30'E	391'

**LEGEND**  
 HOWELL |||||  
 KENDALL |||||  
 GULICK |||||  
 SCALE 1/4 inch = 100 feet  
 Surveyed March 1935  
 By R.L. Long Under Supervision of Fred E. Melzer Baker Ore

Application No. 16651  
 Permit No. 12423

20-1-2021-22-P  
 9-26-16651



Sta	Course	Dist'
1	N49°00'E	200'
2	N60°30'E	200'
3	N76°00'E	210'
4	S70°00'E	444'
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8	S57°00'E	100'
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11	N51°30'E	246'
12	N13°30'E	413'
13	N47°30'E	121'
14	S70°00'E	83'
15	S35°30'E	132'
16	S26°00'E	328'
17	S70°00'E	526'
18	N67°30'E	280'
19	N83°30'E	272'
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22	S68°30'E	372'
23	S80°30'E	400'
24	N75°00'E	714'
25	N67°45'E	550'
26	N64°30'E	280'
27	N38°00'E	265'
28	N50°30'E	350'
29	N33°45'E	563'
30	N81°00'E	738'
31	N57°30'E	706'
32	N48°15'E	600'
33	N57°30'E	397'

**LEGEND**  
 HOWELL |||||  
 KENDALL |||||  
 GULICK |||||  
 SCALE 1/4 inch = 100 feet  
 Surveyed March 1935  
 By R.L. Long Under Supervision of Fred E. Melzer Baker Ore

Application No. 16651  
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9-26-16651  
 10-1-16651-25-P