

ASSIGNMENT }
 Application No. 22986 }
 Permit No. 18177 }
 C. Alan Shepherst }
 to }
A. G. & Anne W. Holder }

STATE OF OREGON }
 } ss.
 County of Clack. }

I, C. Alan Shepherst, of Molalla, County of Clack., State of Oregon, for and in consideration of Ten Dollars more or less, Dollars, and other valuable consideration, do hereby assign, transfer and set over unto A. G. & Anne W. Holder, of Molalla, County of Clack., State of Oregon, all my right, title and interest in and to certain waters acquired through Application No. 22986, Permit No. 18177, issued by the State Engineer of the State of Oregon, and authorize the State Engineer to issue to the said A. G. & Anne W. Holder, or their assigns, water right certificate upon the completion of the appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand this 31 day of August, 1951.

(Sgd) C. Alan Shepherst

(Sgd) Mrs. Anne W. Holder

Witnesses:

(Sgd) Raymond Hill

(Sgd) Mrs. Marvin C. Klang

STATE OF OREGON }
 } ss.
 County of Marion }

I certify that the within was received by me on the 5th day of September, 1951, at 8:00 o'clock, a.m., and was recorded in Miscellaneous Records, Vol. 3, page 574.

CHAS. E. STRICKLIN
 State Engineer

----- \$1.00 paid -----
 ASSIGNMENT }
 Application No. 15537 }
 Permit No. 11541 }
 Certificate No. 11950 }
 Margaret E. Banfield }
 to }
 R. R. & Lillian McEwen }
 and Inez Vaughn }

KNOW ALL MEN BY THESE PRESENTS, that I, MARGARET E. BANFIELD, a widow, the surviving widow of Thomas Henry Banfield, Sometimes known as T. H. Banfield, who died testate in Curry County, Oregon, on August 31, 1950, of the City of Portland, Oregon, hereinafter called "Grantor" for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations to me in hand paid by R. R. McEwen and Lillian McEwen, husband and wife, and Inez Vaughn, of the State of Oregon, hereinafter called "Grantees" the receipt of which is hereby acknowledged, have granted, bargained, sold, assigned, transferred and set over, and by these presents do grant, bargain, sell, assign, transfer and set over unto said R. R. McEwen and Lillian McEwen, husband and wife, to hold an undivided one-half interest, and Inez Vaughn, to hold the other undivided one-half, all of my right, title and interest in and to the right to the use of the waters of a spring in the Dope Creek drainage area, and an unnamed stream, a tributary of the Pacific Ocean for the purpose of domestic, operation of two rams, swimming tank, fish pond and garden irrigation,

under Permit No. 11541 of the State Engineer of the State of Oregon, and said right to the use of said waters which has been perfected in accordance with the laws of Oregon, the priority of the right dates from September 15, 1934; the amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 0.38 cubic foot per second measured at the point of diversion from the stream, being 0.3 c.f.s. from the unnamed stream for operating 2 rams, 0.04 c.f.s. from the unnamed stream for domestic, including garden irrigation, and 0.04 c.f.s. from the unnamed spring for fish pond and swimming pool, or its equivalent in case of rotation. The point of diversion is located in Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 29, and Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 32, Township 9 South, Range 11 West, Willamette Meridian, in Lincoln County, State of Oregon. 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 _____ of one cubic foot per second per acre, 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 said right and to which such right is appurtenant, is as follows: Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 32, Township 9 South, Range 11 West, Willamette Meridian, in Lincoln County, State of Oregon. Said certificate of water right so owned and held by the grantor was executed by Charles E. Stricklin, State Engineer of the State of Oregon, on the 16th day of December, 1937, and was recorded in State Records of Water Rights Certificates Volume 11, Page 11950, and which said certificate of Water Rights was filed and recorded in Water Right Certificate Book 2, Page 54, of Lincoln County, State of Oregon.

TO HAVE AND TO HOLD the same unto the said grantees, R. R. McEwen and Lillian McEwen, husband and wife, and Inez Vaughn, their executors, administrators and assigns forever.

IN WITNESS WHEREOF, the said grantor has hereunto set her hand and seal, in triplicate, this 29th day of August, 1951.

(Sgd) Margaret E. Banfield (SEAL)

Executed in the
presence of:

(Sgd) Flowden Stott

(Sgd) Marion E. Gotthardt

STATE OF OREGON)
)SS
COUNTY OF MULTNOMAH)

THIS CERTIFIES that on this 29th day of August, 1951, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named MARGARET E. BANFIELD, a widow, the surviving widow of T. H. Banfield, who died testate in Curry County, Oregon, on August 31, 1950, known to me to be the identical person described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

(SEAL)

(Sgd) Flowden Stott
Notary Public for Oregon
My Commission Expires June 27, 1955

STATE OF OREGON)
(ss.
County of Marion)

I certify that the within was received by me on the 7th day of September, 1951, at 8:00 o'clock, a.m., and was recorded in Miscellaneous Records, Vol. 3, pages 574-575-576.

CHAS. E. STRICKLIN
State Engineer

dlh

A S S I G N M E N T
Application No. 12154
Permit No. 8548
Certificate No. 10106
T. H. & Margaret E. Banfield
to
William A. & Barbara Ann Erickson
and
James E. & Eleanor A. Hicks

KNOW ALL MEN BY THESE PRESENTS, that I, MARGARET E. BANFIELD, a widow, the surviving widow of Thomas Henry Banfield, sometimes known as T. H. Banfield, who died testate in Curry County, Oregon, on August 31, 1950, of the City of Portland, County of Multnomah, State of Oregon, hereinafter called "Grantor" for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations to me in hand paid by WILLIAM A. ERICKSON and BARBARA ANN ERICKSON, husband and wife, and JAMES E. HICKS and ELEANOR A. HICKS, husband and wife, hereinafter called "Grantees" the receipt of which is hereby acknowledged, have granted, bargained, sold, assigned, transferred and set over and by these presents do grant, bargain, sell, assign, transfer and set over unto WILLIAM A. ERICKSON and BARBARA ANN ERICKSON, husband and wife, an undivided one-half interest, and JAMES E. HICKS and ELEANOR A. HICKS, husband and wife, an undivided one-half interest, said Grantees, their heirs and assigns, all of my right, title and interest in and to the right to the use of the waters of Dope Creek, a tributary of the Pacific Ocean, for the purpose of irrigation, stock and domestic, under Permit No. 8548 of the State Engineer of the State of Oregon, and said right to the use of said waters which has been perfected in accordance with the laws of Oregon, the priority of the right dates from June 25, 1928; the amount of water to which such right is entitled for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 0.03 cubic foot per second. The point of diversion is located in Lot One (1) (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32 Township 9 South Range 11 West of the Willamette Meridian in Lincoln County, State of Oregon. a description of the lands irrigated under said right and to which such right is appertenant (if for irrigation, or any other purpose) is as follows: One acre in Lot One (1) (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32 Township 9 South Range 11 West of the Willamette Meridian in Lincoln County, State of Oregon. Said certificate of water right so owned and held by the grantor was executed by Charles E. Strickland, State Engineer of the State of Oregon, on July 28, 1933, and was recorded in State Records of Water Rights Certificates, Volume 9 Page 10106 and which said certificate of water right was filed and recorded July 31, 1933, in Water Right Certificate Book 1 Page 242 of Lincoln County, State of Oregon; and which said certificate of water right was later and to-wit: on the 27th day of April, 1938, sold, assigned, transferred and set over by H. W. Bates to W. F. Bushnell, which said assignment of said certificate of water right was recorded on the 2nd day of May, 1938, in the office of the State Engineer of the State of Oregon in Miscellaneous Records Volume 2, Pages 890 and 891, and which said assignment of said certificate of water right was filed and recorded on the 27th day of April, 1938, in Water Right Certificate Book 2 Page 61 of Lincoln County, State of Oregon, and which said Certificate of Water Right was later and to-wit: on the 3rd day of May, 1938, sold, assigned, transferred and set over by W. F. Bushnell to T. H. Banfield and Margaret E. Banfield, husband and wife, the grantee herein, which said assignment of said Certificate of Water Right was recorded on the 5th day of May, 1938, in the Office of the State Engineer of the State of Oregon in Miscellaneous Records Volume 2, Pages 890, 891, 892 and 893, and which said assignment of said Certificate of Water Right was filed and recorded on the 14th day of May, 1938, in Water Rights Certificate Book 2, Page 63, of Lincoln County, State of Oregon.

TO HAVE AND TO HOLD the same unto the said grantees, William A. Erickson and Barbara Ann Erickson, husband and wife, and JAMES E. HICKS and ELEANOR A. HICKS, husband and wife, their executors, administrators and assigns forever.

IN WITNESS WHEREOF, the said grantor has hereunto set her hand and seal, in duplicate, this 28 day of August, 1951.

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: LINC SMITH
Date: 1995 11-4-2003
From: HERB

Fax Number: 541 336 5261
Pages: , including cover sheet
Phone: 503-986-0804

Comments:

THE W.R. FINAL MAP YOU WERE
INTERESTED IN.
CERT. Pg # 11950

HERE THIS HERB

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

PHONE CALL

2003 60801

FOR TUES X DATE 11-4 TIME 12:45 PM

MR. LINC SMITH

1541 1541 11541 70610

PHONE (541) 336-2273

MESSAGE " 541 336-5261 "

NEED HERB

" OR. DIST. FOREST "

DISPUTE WR

SIGNED

TOPS FORM 4003

PERMIT No. 11541

fee paid 11950

APPLICATION No. 15537

COUNTY Lincoln

PROOF OF APPROPRIATION OF WATER

1. Name T. H. and Margaret E. Banfield
2. Address Portland, Oregon.
3. Source of supply A spring in the Dope Creek drainage area and 2 unnamed streams
Tributary of Pacific Ocean
4. Amount of water 0.42 c.f.s. (see below)
5. Priority date September 15, 1934
6. Use Domestic, operation of a ram, swimming tank, fish pond, and garden irrigation
7. Location of point of diversion, Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 32
Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 29, Twp. 9 S., Range 11 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. 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
9 S.	11 W.	32	Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)	place of use	3
			From unnamed stream 0.30 for operating 2 rams ✓		
			" " " " .04 Domes including lawn irrig.		
			From unnamed spring .04 fish ponds & swimming pool & fire protection		
			0.04 c.f.s. each from a spring and the southerly unnamed stream, and 0.34 c.f.s. from the northerly unnamed stream.		
Remarks: The water supply from the spring south of the house is delivered through a 4" pipe with a fall of approximately 17 per thousand and has a capacity in excess of the appropriation. The 2" and 3" Hill rams for their operation, together with the necessary overflow to keep the rams in operation, require the total amount of the appropriation.				This column must be filled in if water is used for irrigation	
OK for Cert					
This should be inspected before issuing cert. as there may be some conflict with Highway right					

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,
- (b) Give description of headgate: Width, ft.; depth, ft.; material used and character of construction,
- (c) Size of canal: Width on top (at waterline) ft.; width on bottom, ft.; depth of water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft. Give general description:
- (d) Pipe line: Description of intake, concrete box
 2300 feet - 4" pipe; 1300 feet - 2" pipe
 Length of pipe, 3600 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, about 30 ft. Pumped to elevation 140 feet above place of use.
 Is grade uniform? substantially 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, 2" hydraulic ram and 3" hydraulic ram
 Suction lift, ft.; discharge lift, ft. Type of motor used Hill ram
 Horse power rating, H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used? Throughout the year
11. State character of soil loam
 Kind of crops raised lawn grass
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? substantially
13. If not, wherein is such map in error?
14. Domestic use: Give number of families actually using water at this time one
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use

County of Multnomah

I, T.H. Banfield and Margaret E. Banfield, each, 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 30th day of October, 1937.

Subscribed and sworn to before me this 30th day of October, 1937.

Plowden Stott

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires July 25, 1939

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of MULTNOMAH

} ss.

We, Plowden Stott, and Arthur L. Foster

of Portland, Multnomah County, 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. 11541; 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.

Plowden Stott

Arthur L. Foster

Subscribed and sworn to before me this 30 day of October, 1937.

John A. Harrison

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires Aug 6, 1940

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Ed K. Humphrey, do hereby certify that I have made an inspection of the works described herein and in Permit No. 11541, on the 21st day of November, 1937, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.38 (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.

(Name)

(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

RECEIVED
NOV 5 1937
STATE ENGINEER
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION
of
T. H. BANFIELD
To Appropriate Water Located in
LINCOLN COUNTY OREGON
Scale 1"=400' Oct 2, 1934

Application No. 10057
Permit No. 11541

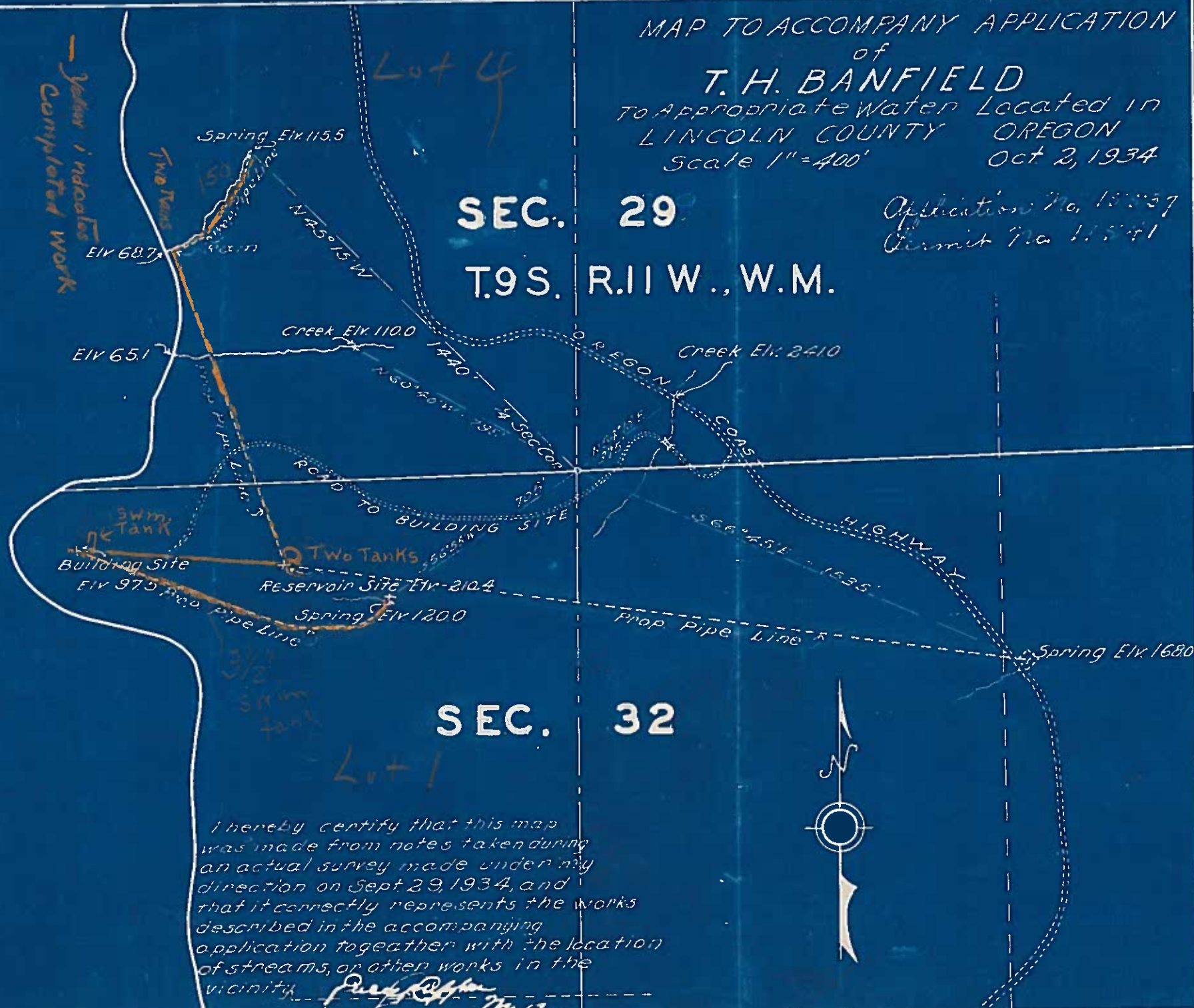
SEC. 29

T.9 S. R.11 W., W.M.

SEC. 32

I hereby certify that this map
was made from notes taken during
an actual survey made under my
direction on Sept 29, 1934, and
that it correctly represents the works
described in the accompanying
application together with the location
of streams, or other works in the
vicinity.

Paul R. Coffey
Mar 12



P A C I F I C

O C E A N

Yellow indicates Completed work

MAP TO ACCOMPANY APPLICATION
of
T. H. BANFIELD
To Appropriate Water Located in
LINCOLN COUNTY OREGON
Scale 1" = 400'
Oct. 2, 1934

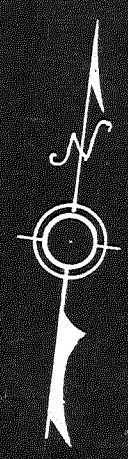
SEC. 29
T.9S. R.11W., W.M.

Application No. 15537
Permit No. 11541



I hereby certify that this map
was made from notes taken during
an actual survey made under my
direction on Sept. 29, 1934, and
that it correctly represents the works
described in the accompanying
application together with the location
of streams, or other works in the
vicinity.

Paul R. [Signature]
The 12



A C I F I C
O C E A N

September 12, 1951

Title and Trust Company
Title and Trust Building
325 S. W. Fourth Avenue
Portland 4, Oregon

Attention: Mr. Alexander T. Bishop
Assistant Escrow Officer

Gentlemen:

This will acknowledge receipt of your letter of September 6, 1951, transmitting an assignment of certificate of water right from Margaret E. Banfield to R. R. and Lillian McEwen.

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

I am also, pursuant to your request, enclosing herewith the copy of your letter.

The statutory fee for recording the assignment, in the amount of \$1.60, may be submitted at your convenience.

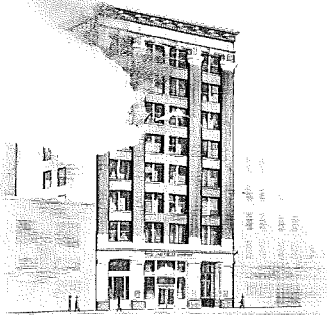
Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

BNH:dlh

Encl.



TITLE AND TRUST COMPANY

TITLE AND TRUST BUILDING
325 S.W. FOURTH AVENUE

PORTLAND 4, OREGON

September 6, 1951

Escrow No. 35540

RECEIVED
SEP 7 1951
STATE ENGINEER
SALEM, OREGON

State Engineer
Salem, Oregon

Dear Sir:

Enclosed please find Assignment of Certificate of Water Rights from Margaret E. Banfield, a widow, to R. R. McEwen and Lillian McEwen, husband and wife, and Inez Vaughn, covering Permit #11541 of your office.

It is requested that you place this instrument of record in your office, billing this company for the cost of such recording if there be such a charge. Kindly return the recorded instrument to Mr. R. R. McEwen, in care of his attorney, Mr. William Hollen, Newport, Oregon.

Please sign and return the attached copy acknowledging receipt of enclosures.

Very truly yours,

TITLE AND TRUST COMPANY

By

Alexander T. Bishop
Assistant Escrow Officer

ATB/is
Enc.

cc: R. R. McEwen

155-37

PERCY A. CUPPER
LAW AND ENGINEERING
419 MASONIC BUILDING
SALEM, OREGON

November 22, 1937

State Engineer
State Office Building
Salem, Oregon

RECEIVED

NOV 23 1937

Attention: Mr. Ed K. Humphrey

STATE ENGINEER

SALEM, OREGON

Dear Mr. Humphrey:

Re: Permit No. 11541
T. H. & Margaret E.
Banfield

In connection with the proof recently submitted on the above permit and your inspection of the premises, your attention is called to the use to which the water was to be put as set forth in the permit as follows:

"For running a ram and domestic uses, including swimming tank, private fish pond, lawn and other domestic uses in connection with the maintenance and beautifying of a summer home."

This wording was thought broad enough to cover all uses to which the water might be applied in connection with this enterprise.

There are a number of uses to which this water will doubtless be put not specifically mentioned in the application but which naturally come under the head of domestic use as set forth in the application. Fire protection may be particularly mentioned. It seems very desirable that a substantial reserve of water be maintained at all times for fire protection purposes and in view of the fact that the source of the water is located on Mr. Banfield's land, this reserve does not operate

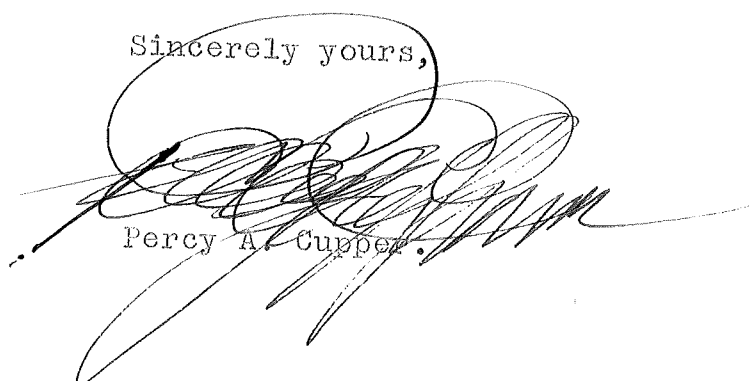
State Engineer
November 22, 1937
Page 2

to the injury of anyone else. The uses to which the water may be put may vary slightly from time to time. I am not certain that Mr. Banfield has any fish ponds but in beautifying his summer residence, he will, of course, change the particular use of water from time to time and may at times include fish ponds. Likewise the area in lawn will doubtless vary from time to time as it may seem desirable in beautifying the landscape.

I trust that in the issuance of a certificate covering this water right due regard may be had for the flexibility in the use of water which is obvious from the very nature of the enterprise.

Trusting that the certificate may issue for the quantity of water claimed and for the varying purposes to which the same may be applied under the wording in the application, I remain

Sincerely yours,



Percy A. Cupper.

PAC:DH

November 9, 1937.

Mr. Percy A. Cupper,
415 Masonic Building,
Salem, Oregon.

Dear Mr. Cupper:

This acknowledges receipt of your letter of November 4, with which you enclosed the final proof under Permit No. 11541, in the name of T. H. and Margaret E. Banfield, together with your remittance of \$1.00 as the certificate recording fee. Receipt No. 22288 is enclosed.

Before a certificate can be issued in confirmation of this right, it is necessary that an inspection of the development be made by a representative of this office.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

Ed K. Humphrey, Assistant.

LN

encl.

PERCY A. CUPPER
LAW AND ENGINEERING
413 MASONIC BUILDING
SALEM, OREGON

November 4, 1937

Mr. Chas. E. Stricklin
State Engineer
State Office Building
Salem, Oregon

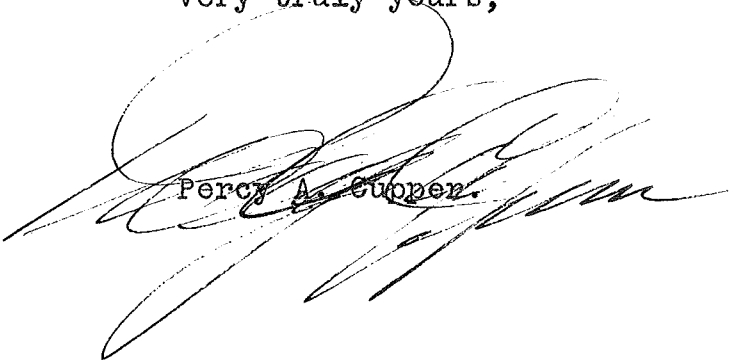
RECEIVED
NOV 5 1937
STATE ENGINEER
SALEM, OREGON

Dear Sir:

Inclosed please find final proof
of T. H. Banfield and wife under Applica-
tion 15537, Permit No. 11541, together
with my check for \$1.00 recording fee.

Trusting that you will find this
proof in proper form and that you will
find it convenient to issue a water right
certificate in the near future, I remain

Very truly yours,


Percy A. Cupper.

PAC:DH

Incls.

August 19, 1937.

Mr. Percy A. Cupper,
Masonic Building,
Salem, Oregon.

Dear Sir:

As requested by you by telephone yesterday,
I am enclosing a blank for making final proof under Permit
No. 11541, in the names of T. H. and Margaret E. Banfield.

All items in the proof form applicable to the
development should be completely filled out, and the proof
should contain the affidavits of appropriator and witnesses.
When the proof is returned to this office it should be ac-
companied by a fee of \$1.00 for recording the water right
certificate in the county records.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

By

Ed K. Humphrey, Assistant.

LN
encl.

November 8, 1935

Gladys Jones
Box 634
Newport, Oregon

Dear Madam:

This is in reply to your letter of November 5, asking if the filling in the name of T. H. & Margaret Panfield is on the North or South Fork of Dope Creek.

Since there are no maps on record in this office showing the exact location of Dope Creek, I am unable to advise you the whether the filling under Permit No. 11541 is on the North or South Fork of Dope Creek. However, I am describing below the points of diversion as shown in the application and permit, and you will undoubtedly be able to determine from such description whether or not the sources are tributary of the North or the South Fork.

The unnamed spring described in the above permit is indicated as being within the Dope Creek watershed and is shown as being S. $56^{\circ} 55'$ W. 705 ft. from the South quarter corner of Section 29, and being within Lot 1 ($NE\frac{1}{4} NW\frac{1}{4}$) of Section 32, Township 9 South, Range 11 West, W.M.

The two unnamed creeks are shown as being directly tributary of the Pacific Ocean and are evidently not tributary of the Dope Creek watershed. The southerly of the two creeks is shown as being N. $60^{\circ} 40'$ W. 795 ft. from the South quarter corner of Section 29, and the northerly creek is shown as being N. $45^{\circ} 15'$ W. 1440 ft. from the same corner. The points of diversion from both creeks being within Lot 4 ($SE\frac{1}{4} SW\frac{1}{4}$) of Section 29, Township 9 South, Range 11 West, W.M.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By

V. L. Bovelie, Ass't E.

VSE EL

Spring — $556^{\circ} 55' W - 705'$

south ck — $N 60^{\circ} 40' W - 775'$

north ck — $N 45^{\circ} 15' W - 1440'$ — from $5\frac{1}{4}$ corner
after 29 —

Spring in lot 1 (NE 1/4) 32 — 95 — NW —

2 cks — lot 4 (SE SW) 29 — 95 — NW —

Spring in Doppel —
watershed

Kempport, Oregon
November 3, 1935

State Engineer,
Salem, Oregon -

Dear Sir:

Please advise me if the filing
of T.H. and Margaret Danfield for appropriation
of water (in T. 9 - S. R. 11. (Sec 32) in Lincoln
County,) is on the Norick fork, or
the South fork of Dope Creek near
Otter Rock -

Yours truly,
(Miss) Gladys Jones
DOK 634

August 30, 1935.

Miss Gladys Jones,
Newport, Oregon.

Dear Madam:

This is in reply to your letter of August 28th, requesting a copy of the permit issued to T. H. or Margaret Banfield to appropriate the waters of Dope Creek in Township 9 South, Range 11 West, W. M.

According to our records Permit No. 11541 has been issued to T. H. and Margaret Banfield in confirmation of a right to the use of 0.42 second-foot of water from an unnamed spring and two unnamed streams for domestic, the operation of a ram, swimming tank, fish pond and garden irrigation.

I shall be glad to furnish you with a copy of the permit upon receipt of the statutory fee of fifty cents required for preparing such copy, but I note you desire the copy for use in connection with a protest, and I am wondering what the nature of the protest is to be. Each water right permit is issued subject to existing rights, and since the Estate of B. F. Jones holds a right to the use of water from Dope Creek prior to that of the Banfield filing, it would appear that the latter filing should not in any way injure the rights of the Johnson filing.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

VSE:LN

Newport, Oregon.

August 28, 1935

State Engineer,
Salem, Oregon.

Dear Sir:

15537
I desire copy of permit to appropriate water granted to T.H.Banfield (or Margaret Banfield) last fall, from the waters of Dope Creek in Tp. 4, SR. 11 WMM. Sec. 32, near Otter Rock, in Lincoln County, Oregon.

I desire above information for use in protest I must file as administratrix of Estate of B.T. Jones, which estate has first filing on Stream for Municipal Supply of Otter Rock.

Please advise me of fee, and I will remit.

Very truly yours,

Miss/Becky Jones

15537

January 22, 1935

T. H. & Margaret E. Banfield
c/o Percy A. Cupper
Salem, Oregon

Dear Sir & Madam:

Herewith you will find Application No. 15537, Permit No.
11541, together with blue print.

This application has been approved and recorded in this
office.

January 12, 1935.

Mr. Percy A. Copper,
413 Masonic Building,
Salem, Oregon.

Dear Sir:

This acknowledges receipt of your letter of January 10th with which you returned Application No. 15537, in the name of T. H. and Margaret E. Banfield, together with your remittance in the sum of \$5.55 and a tracing showing the location of the works. Receipt No. 18307 is enclosed. The application now appears to be in satisfactory form and has been placed in line for approval and issuance of a permit.

I note in checking over the map that a proposed pipe line is shown running from a spring and a tie is made to an unnamed creek, both of which are not included in the application, but I presume that it was not intended to include them.

In response to your request, two blue prints of the map are enclosed for your records.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN
encls.

PERCY A. CUPPER
LAW AND ENGINEERING
413 MASONIC BUILDING
SALEM, OREGON

January 10, 1935

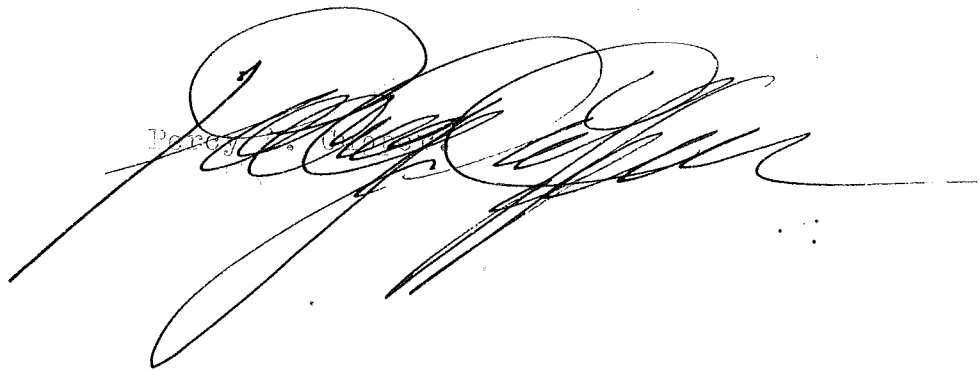
State Engineer,
Salem, Oregon.

Gentlemen:

Inclosed please find corrected
Application No. 15537 in the name of T. H. and
Margaret E. Banfield, together with tracing and
my check for \$5.55, being \$5.00 for domestic
use, 25¢ for the operation of the ram and 30¢
for the blue prints.

I would appreciate having two blue
prints sent to me.

Sincerely yours,

A large, stylized handwritten signature in dark ink, likely belonging to Percy A. Cupper. The signature is fluid and cursive, with a large loop at the end. Below the signature, the name "Percy A. Cupper" is faintly visible, possibly as a watermark or a typed name.

Inc.
PAC:GT

GANG COSTS

On November 22, Mr. Cupper was in this office and requested that the application made by T. H. & Margaret E. Banfield be returned to him for completion. It was, therefore, endorsed for sixty days and handed to Mr. Cupper.

EL

6464

15537

November 21, 1934

Mr. Percy A. Cupper
Masonic Building
Salem, Oregon

Dear Mr. Cupper:

Application No. 15537 in the name of T. H. & Margaret A. Banfield has been called to my attention.

Action was suspended under this application for a period of sixty days at the time that the application was filed in response to your request. Since that time has elapsed it will be appreciated if you will advise me what the applicants' present plans are, and if they are prepared to complete the application at this time I would like to return the application for completion endorsed so that in order to retain its priority it may be returned within any reasonable time limit.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

October 19, 1934.

Miss Gladys Jones,
Newport, Oregon.

Dear Madam:

This is in reply to your letter of October 15th, requesting information concerning rights to the use of water from Dope Creek. Our files have been checked, and I am unable to find any record of your letter of October 3rd having been received.

According to our records T. H. and Margaret E. Banfield have submitted an application for permit to appropriate 5.0 second-foot of water from Dope Creek, the South Fork of Dope Creek and two small unnamed streams in the SW₁SE₁ and Lot 4 of Section 23, Township 9 South, Range 11 West, W. M. for domestic, swimming tank, fish pond and other uses incidental to landscaping. This application is not yet in complete form and has therefore not been approved or a permit issued. Whether or not the application will be approved for the quantity of water applied for will be determined by the extent of use which the applicant proposes to make of it.

You understand that each water right permit is issued subject to existing rights, which means that the holder thereof is entitled to the use of the quantity of water specified in his permit after all prior rights have been satisfied. For this reason the approval of an application should not in any way injure whatever existing rights there may be.

According to our records E. F. Jones estate is the holder of water right Certificate No. 3574, issued in confirmation of a right to the use of 1.0 second-foot of water from Dope Creek for municipal supply in the town of Otter Rock.

Vinton Jones is the holder of water right Certificate No. 8443, issued in confirmation of Permit No. 7947 to the use of 0.05 second-foot of water from the South Fork of Dope Creek in the SW₁NE₁ of Section 32, Township 9 South, Range 11 West, W. M.

H. W. Bates is the holder of Certificate No. 10106, issued in confirmation of a right to the use of 0.03 second-foot of water

Miss Gladys Jones - 2.

October 19, 1934.

from Dope Creek for domestic, stock and the irrigation of one acre in Lot 1 (NE1/4NW1/4), Section 32, Township 9 South, Range 11 West, W. M.

The quantity of water allowed under any right is limited to the amount that is placed to beneficial use, and the quantity allowed under a certificate is limited to the amount that has actually been placed to beneficial use at the time that final proof is made. One cubic foot per second of water is equivalent to 646,317 gallons per day, which ordinarily is sufficient for the use of 1500 to 2000 people for municipal use.

You ask that Application No. 15537 in the name of Danfield should not be approved. Section 47-503, Oregon Code 1930, provides that it shall be the duty of the State Engineer to approve all applications made in proper form which contemplate the application of water to a beneficial use unless the proposed use conflicts with existing rights. If you wish to submit a protest to the approval of this application you should submit a formal protest in writing in accordance with the instructions given on page 13 of the enclosed copy of the rules and regulations of the State Engineer. You will note in reading these instructions that the law requires that the State Engineer shall collect a fee of \$2.00 before filing any protest.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. L. Novelle, Assistant.

VSB:LN

12154

8400
16088
11491

Newport, Oregon.
October 15, 1934

State Engineer,
Salem, Oregon.

Dear Sir:

I have received no reply to the letter I wrote you on October 3rd, regarding filings on water at Otter Rock, Oregon. (In Sec. 32, Tp. 9, S.R. 11WMM.)

Dispatches from Salem gave among those making application for water permits, that of T.H. and Margaret Banfield for 5 second feet of water from unnamed springs and from Dope Creek.

As your records will show, some years ago final right was granted to the estate of E.T. Jones, deceased for use of water from Dope Creek. Winton Jones, my brother also has a filing on the North fork of Dope Creek.

Years ago, we put in a sort of system for ourselves and for any others that were living near our home at Otter Rock. As we sold more lots there, each new buyer would hook onto the pipe line. Of course, we have never charged anyone that used that water. The old system is nearly gone now, and we have not yet put in a new one. At present, the State Park at Otter Rock is (and has been for four or five years) using this water, together with many of the cottagers also being supplied with it. Among those are Snyder's cabins his house, Post Office and Store, Barlow's cottage, Priest's two houses, Kratschmer's house, Holmgren's house and four cabins, Horning's cottage, Updyke's cabin, Sherwood's home, Clover's house, Lowe's cottage, Taylor's cottage, Crocchen's home, the Woodward cottage, Shavers, McCluskey's and Jones cabins. Howard Bates' home is supplied with water from Dope Creek, but no longer through our pipes as he filed on Dope Creek, when we sold him acreage some five years ago.

When father filed on Dope Creek for domestic and municipal purposes, you would not grant him the amount he desired saying that one second foot would supply at town the size of Albany. I remember this distinctly for I was present. Later, when you could see the number that were to use the water, you then did not increase the amount. Yet, now,

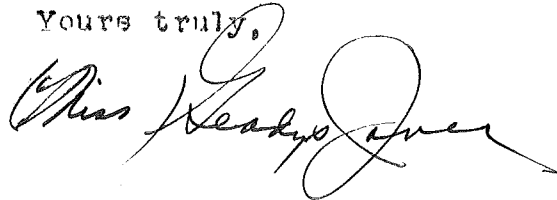
when Mr. Banfield wishes water to use for a swimming pool or trout pond, you grant him 5 second feet. While it will be a fine thing for Lincoln County to have the Banfield investment here, at the same time, the combined investments of the people of Otter Rock equal Banfield's, and they are entirely dependent upon Dope Creek for their water supply, while Banfield has several nearby sources to tap.

It can only lead to confusion and general hard feeling for you to grant water from Dope Creek, (the only present available water for the people of Otter Rock) Always before, there has been plenty of water there, but this year, there has been only a small flow. With our filing, and that of Mr. Bates, to grant a third one to Mr. Banfield seems peculiar, when he doesn't need to use Dope Creek at all.

Mr. Bates has written me about this matter, and is of the same opinion that I am. I feel doubly anxious over the matter since I am more or less responsible in seeing that all the persons that I have sold property to have water. While I made no grants of water with the lots I sold, nevertheless, the people understood that there was plenty of water there, and that there would be no trouble along that line. The two parties that have been figuring on putting in a water system at Otter Rock have just about gone back on the plan now, for they think Banfield's filing completely ruins the water situation at Otter Rock.

Please advise me why you refused to grant us additional water, then grant Banfield all he wishes?

Yours truly,

A handwritten signature in cursive script, appearing to read "Miss Leahy Jones". The signature is written in dark ink and is positioned below the typed name "Miss Leahy Jones".

September 19, 1954.

Mr. Percy A. Cupper,
413 Masonic Building,
Salem, Oregon.

Dear Sir:

This will acknowledge receipt of the application in the name of T. H. and Margaret E. Hanfield for permit to appropriate 5.0 second-feet of water from Dope Creek, the South Fork of Dope Creek and two small unnamed streams for domestic, swimming tank, fish pond, irrigation and power development. Receipt No. 17801 is enclosed for your remittance of \$5.00 as the filing fee.

The application has been filed and given No. 15537. Action has been suspended thereunder for a period of sixty days as requested by you.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Boveille, Assistant.

LN
encl.

PERCY A. CUPPER
LAW AND ENGINEERING
413 MASONIC BUILDING
SALEM, OREGON

September 13, 1934

RECEIVED
SEP 15 1934

State Engineer,
Salem, Oregon.

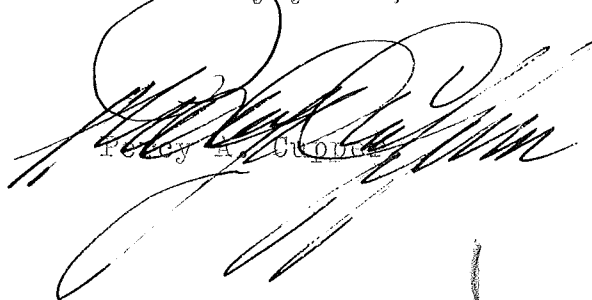
STATE ENGINEER
SALEM, OREGON

Dear Sir:

Inclosed please find application
in the name of T. H. and Margaret E. Banfield
for the appropriation of waters of small
streams arising on or flowing across property
which they have acquired in Lincoln County.

You will note that we have asked
that the application be held for a period of
sixty days in order to get time to prepare the
necessary maps and other data for its completion.

Sincerely yours,


Percy A. Cupper

PAC:GT

*File + suspend
60 days*