

Application No. P-20341

Permit No. R-875

Certificate No. 17312

Stream Index, Page No. 16-28

**FEES PAID**

Date	Amount	Receipt No.
7/21/44	6.00	30638
Total		
11/30/49	\$1 Cert. Fee	8210

**FEES REFUNDED**

Date	Amount	Check No.

Name Smith Wood-Products, Inc.

By \_\_\_\_\_

Address Sutherlin, Oregon

Date filed July 20, 1944

Priority July 20, 1944 for 79.08 a.f.d.

Action suspended until October 7, 1946 for 69.0 a.f.d. JB

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

Date of approval June 16, 1947

**CONSTRUCTION**

Date for beginning June 16, 1948

Date for completion October 1, 1949

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

Date for application of water \_\_\_\_\_

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

**PROSECUTION OF WORK**

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

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed 6/17/47 JB

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

Date certificate issued JUN 16 1950

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
8/2/46	Sutherlin Timber Products, Inc.	Sutherlin, Ore.	3	70-71

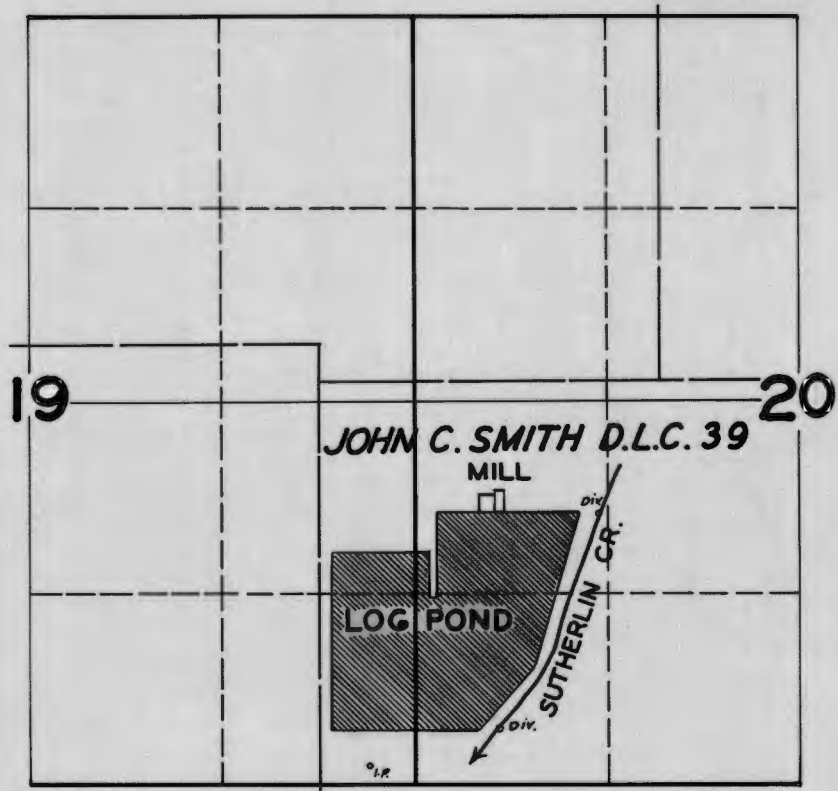
**REMARKS**

See A-20342

The right herein granted is limited to the construction of one reservoir and the storage of water to be appropriated under Application No. 20342, Permit No. 17686 for log and emergency mill operations.

158  
79  
237  
151

**T.25S.R.5W.W.M.**



**FINAL PROOF SURVEY**

UNDER

R-20341

R-875

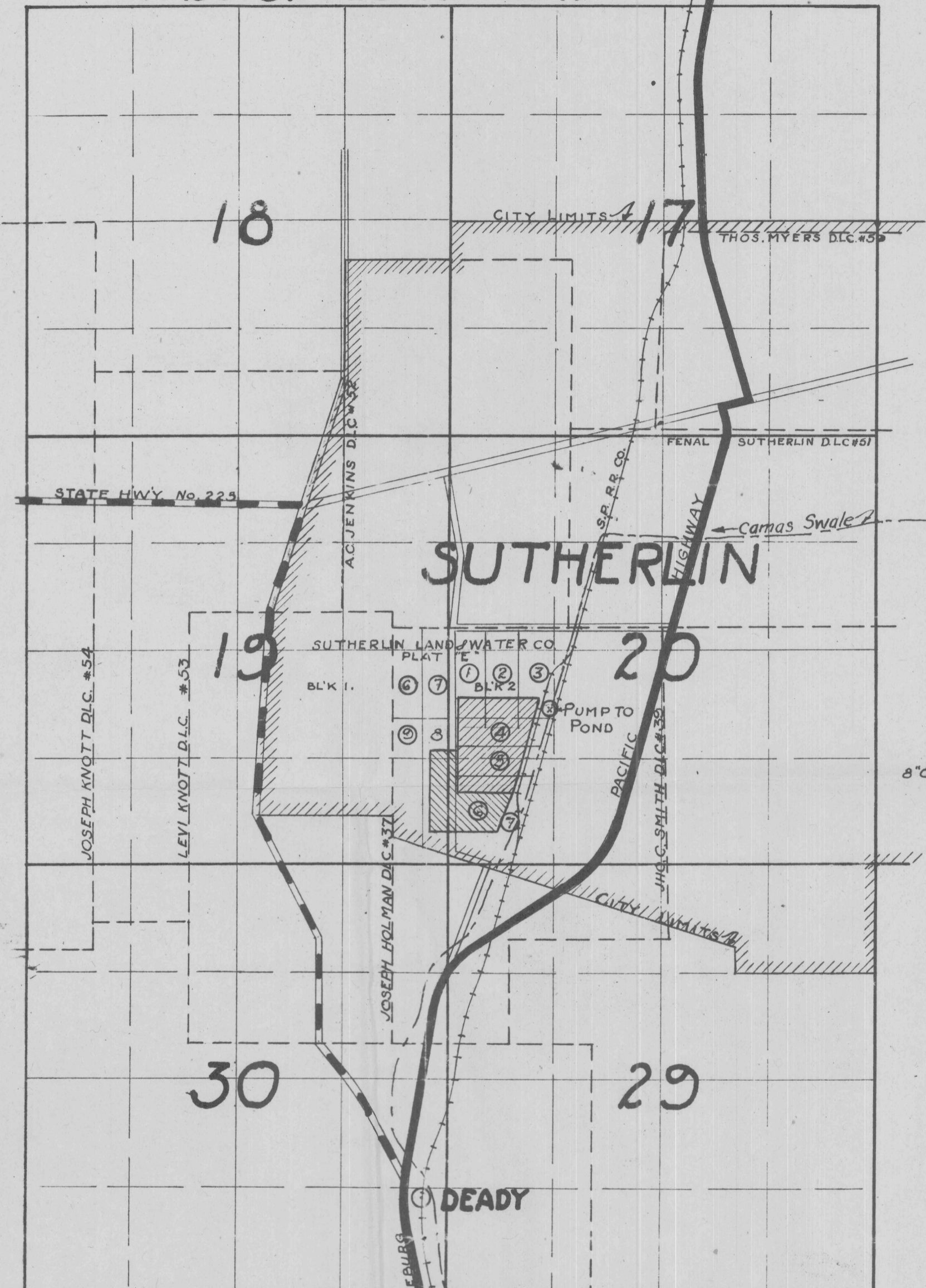
Application No. 20342 Permit No. 17686

IN NAME OF

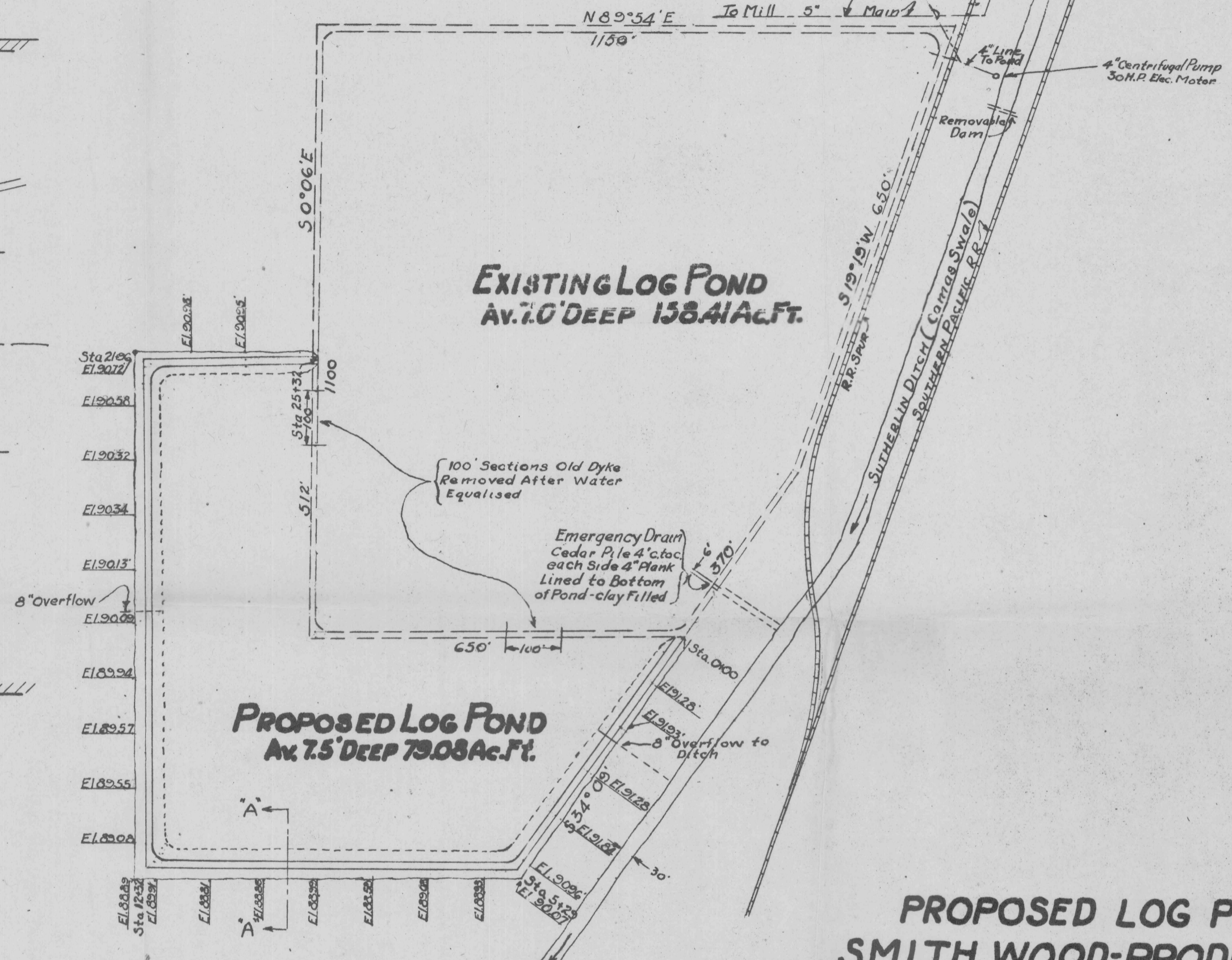
**SUTHERLIN TIMBER PRODUCTS, INC.**

Surveyed JULY 7, 1947, by JAS. E. BUNNELL

T. 25.S. - R. 5 W. - W.M.

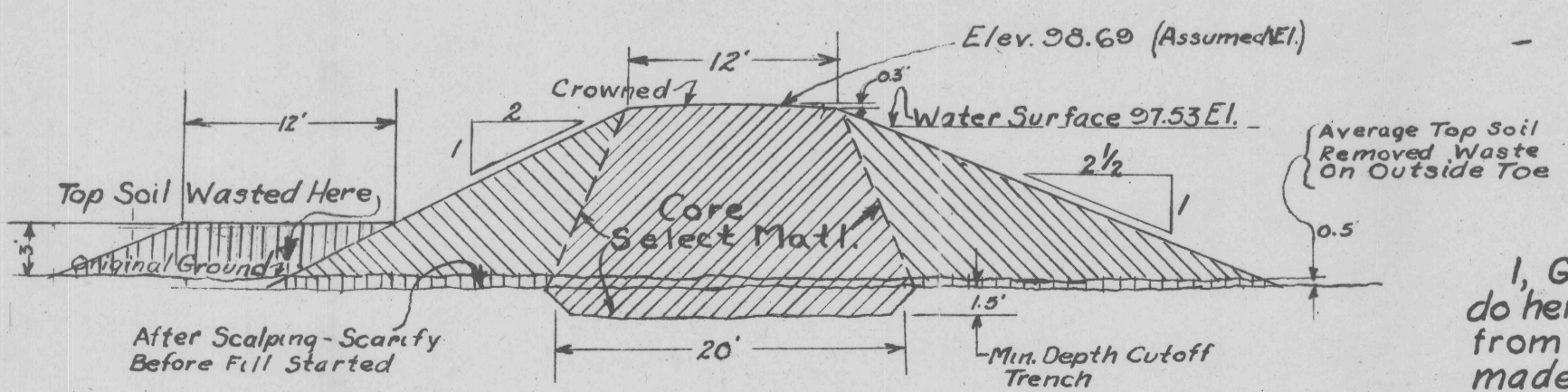


**VICINITY MAP**  
**PROPOSED LOG POND**  
**EXISTING LOG POND**  
 SCALE 4 INCHES = 1 MILE



**PLAN**  
 SCALE 1" = 200'  
 Elev. Shown Original Ground Line

**PROPOSED LOG POND**  
**SMITH WOOD-PRODUCTS INC.**  
**(SUTHERLIN TIMBER PRODUCTS)**  
 SUTHERLIN, OREGON.



**DYKE SECTION A-A**  
 SCALE 1" = 10'

NOTE: FILL IN DYKE IN 6" LAYERS (AFTER COMPACTION) FILL WITH CAT + CARRYALL SHEEPFOOT ROLL FOR ADDED COMPACTION

I, G. R. Boatwright, of Salem, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on 6-28-44 and 7-15-44 and that it correctly represents the work described in the accompanying application, together with the location of streams and other ditches in the immediate vicinity.  
 G. R. Boatwright Reg. Prof. Engr.  
 Oregon No 1780 Date of Registration 5-8-36

**PROOF OF APPROPRIATION OF WATER**

1. Name Sutherlin Timber Products, Inc. 2. Address Sutherlin, Oregon

3. Source of supply Sutherlin Creek

Tributary of \_\_\_\_\_

4. Amount of water 148.08 acre-feet 5. Priority date July 20, 1944 for 79.08 a.f.  
and October 7, 1946 for 69.0 a.f.

6. Use log pond and emergency mill operation

7. Location of point of diversion, Flat E Part of Sec. 20, Twp. 25S, Range 5W, W. M. (Legal Subdivision)  
*NWSW & SWSW as projected on John C. Smith DEC# 39*  
*lots 8 & 9 Block 2*

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.

*J.E.B. OK  
7-7-47 P.S.*

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
25 S	5 W	20	NW 1/4 SW 1/4 & SW 1/4 SW 1/4		
25 S	5 W	19	NE 1/4 SE 1/4 & SE 1/4 SE 1/4		
			<i>as projected on John C. Smith DEC# 39</i>		
<p>The right herein granted is limited to the construction of one reservoir and the storage of water to be appropriated under Application No. 20342, Permit No. 17686 for log pond and emergency mill operation.</p> <p>The following Described Property:</p>					
Certificate # 7422:			Certificate No. 7396		
Pt. Lot 1, and Lot 6, Block 2 Plat "E", Sutherlin Land and Water Company, Douglas County, Oregon.			Part Lot 8, Block 1, Plat "E" of Sutherlin Land and Water Co., Douglas Co. Oregon.		
Certificate # 6337			Warranty Deed: 45685		
Lot 2, Block 2, Plat "E" of Sutherlin Land and Water Co., Douglas County, Oregon.			as recorded in book 115, on page 340 Record of Deeds of Douglas County, Oregon.		
Certificate No. 6177			Lot 9, in Block 1 of plat "E" Sutherlin Land and Water Co. Douglas County, Oregon.		
6.1635 Acres of E 1/2 of Lot 3, Block 2, Plat "E" Sutherlin Land and Water Co. Douglas County, Ore.					
Certificate No. 3725.					
W 1/2 of Lot 3, Block 2, Plat "E" Sutherlin Land and Water Co., Douglas County, Oregon.					
Certificate No. 6179					
Lots 4 and 5, Block 2 Plat "E" Sutherlin Land and Water Co., Douglas County, Oregon.					

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: Pond has approx 45 acres with average depth of 7'

(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 .....

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

10. During what months is water beneficially used? All year

11. State character of soil .....

Kind of crops raised .....

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

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 Douglas } ss.

I, A. J. Standley, 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 28 th day of November, 1948.

*A. J. Standley Secy-Treas.*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_\_

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 \_\_\_\_\_, 194\_\_\_\_\_

Notary Public for Oregon

[Notarial Seal]

My commission expires \_\_\_\_\_

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, James F. Bunnell, do hereby certify that I have made an inspection of the works described herein and in Permit No. R-875, on the 7th day of July, 1947, 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.

James F. Bunnell  
(Name)  
Field Engineer  
(Title)

RECEIVED  
NOV 29 1949  
STATE ENGINEER  
SALEM, OREGON

*[Handwritten signature]*

7 November 1949

Sutherlin Timber Products, Inc.  
Sutherlin, Oregon

Gentlemen:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No. R-875, granting the right to the use of 148.08 acre-feet of water from Sutherlin Creek for log pond and emergency mill operation.

If you agree with the figures on the proof, which are based on our survey, you should sign the proof on the second sheet at the place checked in red and return it to this office at once with the statutory fee of \$1.00 for recording certificate when issued. With the proof you should submit the legal description of the property figuring in the water right as this description appears on your deed, abstract or contract.

The figures on the proof 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 signature be made before a notary public, nor that the signatures of witnesses be affixed to the proof.

Yours very truly,



CHAS. E. STRICKLIN  
State Engineer

Enclosure  
Form 117



R-20341  
20342

June 16, 1947

Sutherlin Timber Products, Inc.  
Sutherlin, Oregon

Gentlemen:

Herewith you will find Applications No. R-20341, No. 20342,  
and Permits No. R-875, and No. 17686, together with blueprints.

# SUTHERLIN TIMBER PRODUCTS INC.

~~(A CO-PARTNERSHIP)~~

MANUFACTURERS OF DOUGLAS FIR

SUTHERLIN, OREGON

June 2, 1947  
RECEIVED  
JUN 3 1947  
STATE ENGINEER  
SALEM OREGON

State Engineer's Office,  
Water Resources Department,  
Salem, Oregon.

Dear Sir:

Re: File No R 20341 and 20342

With reference to water rights on Sutherlin Creek or Ditch please refer to your letter of July 29th, 1946. The assignment of such applications by Smith Wood-Products, to Sutherlin Timber Products, were filed with you on the 2nd day of August, 1946 and recorded by your office on the 8th day of August 1946 in Miscel. Records, Vol.3 Page 70-71, and receipt #1698 in the amount of \$1.00 was issued by you for the recording fees of such assignment.

Please note in the second paragraph of your letter of July 29 1946 that you stated permits would be issued accordingly. To date we have not received same.

Application 20342 was for an extension of the original pond, or log pond replacement. Smith Wood-Products built the original pond in 1941 and there must be a permit issued to them on this original pond. Application No. R20341 was an application for the 2nd extension of the original log pond.

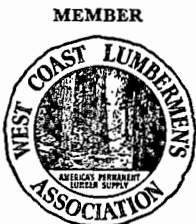
Please go into this matter more thoroughly in search of the original filing on this project. Also please Note that R 20341 is an application for a permit to construct a reservoir and to store water.

Very truly yours,

SUTHERLIN TIMBER PRODUCTS, INC.

BY *J. Standley* Secy-Treas.

Ey:



May 29, 1947

Sutherlin Timber Products Inc.  
Sutherlin, Oregon.

Gentlemen:

Attention, A. J. Standley, Secy-Treas.

Replying to your request by letter dated May 28, 1947, there is enclosed herewith a copy of Application R-203 and Application 20342.

It must be understood that these are mere applications for permit and that they have not been approved and permit issued.

You are referred to my letter to you under date of October 14, 1946, a reply to which has never been received to this date.

The date of priority of the Springfield Plywood Corporation is December 8, 1941, and for the Davis Wood Lumber Company, August 25, 1944.

In the last paragraph of your letter the following question is asked: "In case of another party taking the water from said creek on a later filing than ours, what would be the proper procedure to follow to get the situation cleared up?". Since you have not completed your application and do not have a permit, there is nothing you can do to protect your right, as a mere application in this state is not a right to the use of water.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

CES:lys  
Encl.

*Handwritten note:*  
Sutherlin Timber Products Inc.  
Sutherlin, Oregon  
May 29, 1947

119  
26

17570

# SUTHERLIN TIMBER PRODUCTS INC.

~~XX CO-PARTNERSHIP~~

MANUFACTURERS OF DOUGLAS FIR

SUTHERLIN, OREGON

May 28, 1947

Office of the State Engineer,  
Water Resources Department,  
Salem, Oregon.

RECEIVED  
MAY 29 1947  
STATE ENGINEER  
SALEM OREGON

Gentlemen:

On August 12, 1946 you issued receipt # 1698 in the amount of \$1.00 being a fee for recording of assignment of water rights from Smith Wood Products, Inc to Sutherlin Timber Products, Inc. This covered permits # 20341 and 20342. We would like very much to have a copy of the original application for water rights as covered by the above permits. Would you please furnish these to us at an early date?

In addition we would like to have the dates of filing of application for water rights by Springfield Plywood and Davis Wood Lumber Co. to waters of Sutherlin Creek.

In the case of another party taking the water from said creek on a later filing than ours, what would be the proper procedure to follow to get the situation cleared up?

Respectfully yours,

SUTHERLIN TIMBER PRODUCTS, INC.

BY *J. Standley* Secy-Treas.

EY:



October 11, 1946

Sutherlin Timber Products Inc.  
Sutherlin, Oregon

Gentlemen:

Attention, A. J. Standley:

This will acknowledge receipt of your letter dated October 10, 1946, which was in reply to my letter to you dated October 8.

You submitted the information as to the width of the cutt off trench and manner of compaction of the sam, but you omitted making any comment or statement as to the slopes of the embankment.

From our observations of structures built in that vicinity of the material available, it is my opinion that the slope of 2 to 1 will not be stable. There nothing to indicate where the material for the construction of the dam is to be borrowed. If it is to be taken from the reservoir area, how close to the up stream toe of the dam is the material to be borrowed?

There is nothing on the plans to indicate the elevation of the water surface of the reservoir or log pond when it is put into operation from which we can determine whether or not it has a safe free board. Due to the fact that this new dike, at least a large portion of it, parallels the main line of the Southern Pacific Railroad, all precaution should be taken to secure a safe structure.

In order that there may be no misunderstanding as to the position of this office, the plans prepared by A. Boyer are hereby rejected.

It is suggested that you revise the plans so as to have a flatter slope, particularly upon the up stream face; and if the reservoir is to be drained, the details of the works for releasing the water; show the difference in elevation between the top of the dike and the assumed elevation in the reservoir when placed in operation, the drainage area, and the location and design of the spillway, if one is to be provided.

October 11, 1946

This office has made an examination of the site in connection with the plans prepared by H. R. Boatwright, which plans were prepared for the Smith Wood Products, Inc.

The seal of the engineer should be placed upon the plans, as required by law.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

CES:lyh

**SUTHERLIN TIMBER PRODUCTS** Inc.

~~XXXXXXXXXXXX~~

**MANUFACTURERS OF DOUGLAS FIR**

**SUTHERLIN, OREGON**

RECEIVED  
OCT 11 1946  
STATE ENGINEER  
SALEM OREGON

October 10, 1946.

State of Oregon,  
Office of the State Engineer,  
Water Resources Department,  
Salem, Oregon.

Gentlemen:                      Atten: Chas. E. Stricklin.

With reference to your letter of October 8,  
relative to the construction of our new log pond, the  
following will give you the data required.

The width of the trench or key being 8 feet,  
the compaction of fill was done by a carryall travelling  
back and forth at 14,000 lbs per square foot, with a  
soil moisture content of 15%.

We hope this will you the necessary information.

Very truly yours,

SUTHERLIN TIMBER PRODUCTS, INC.

BY

*A. J. Standley*  
*Ey*

EY:

MEMBER



October 8, 1946

Sutherlin Timber Company  
Sutherlin, Oregon

Gentlemen:

Referring to the plans which your representative left in this office yesterday of the construction of a log pond extension on portions of Lots 8 and 9, Block 1, Flat E, Sutherlin Land and Water Company in Township 25 South, Range 5 West, W. M.

The section of the dam shows that the up stream and down stream slopes are two to one, and that the cut off trench is to be excavated with vertical sides. It has been our observation and experience that the slopes are too steep. It is suggested that the up stream slope be flattened to three to one, or, if you prefer, you can make both the up stream and down stream slopes two and one-half to one. The cut off trench should have a sloping bank, as it is difficult in filling the trench where the slopes are vertical to secure a water tight joint between the natural ground surface and the fill.

The width of the cut off trench is not indicated. It should be sufficient in width, if the material is to be compacted by means of the carryall travelling back and forth, that all parts of the fill can be compacted.

There is nothing in the contract from which it can be determined as to who the fill is to be compacted. The only thing said is that set forth in Exhibit A of the contract that compaction shall be acceptable to the owner or agent.

In order that this office may pass upon the specifications, it is requested that you definitely state the amount of compaction and the amount of moisture the soil should contain.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

CES:lyh



R-20341  
20342

October 17, 1946

Sutherlin Timber Products Incorporated  
Sutherlin, Oregon

Gentlemen:

Pursuant to your request, I am returning herewith  
the agreement dated August 26, 1946, which you recently  
left in this office in connection with your applications  
number R-20341 and number 20342.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:nw  
Encl.

R-20341  
20342

August 15, 1946

Sutherlin Timber Products Inc.  
Sutherlin, Oregon

Gentlemen:

This will acknowledge receipt of an assignment of Applications No. R-20341 and No. 20342 by Smith Wood Products Inc. to Sutherlin Timber Products Inc., together with \$1.00 recording fee for which our Receipt No. 1693 is enclosed.

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

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

HEH:CI  
Enc.

July 29, 1946

Sutherlin Timber Products, Inc.  
Sutherlin, Oregon

Attention Mr. D. B. Kesner

Dear Mr. Kesner:

Pursuant to your letter of July 23, I am enclosing herewith a form for your convenience in having applications No. R-20341 and No. 20342 assigned to you by the Smith Wood-Products, Inc.

As soon as the assignment has been executed, it should be mailed to this office with the statutory \$1.00 fee for recording so that the applications may be placed of record in your name and permits issued accordingly.

In answer to your question, the holder of a permit with a certain priority does not have a right to prevent the holder of a permit with an older priority from securing water under a permit.

Yours very truly,

GRAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

REH:vc  
Enc.

# SUTHERLIN TIMBER PRODUCTS, Inc.

(XCO-PARTNERSHIP)

MANUFACTURERS OF DOUGLAS FIR

SUTHERLIN, OREGON

July 23, 1946

RECEIVED

JUL 24 1946

STATE ENGINEER  
SALEM, OREGON

Oregon State Engineers  
State Office Bldg.  
Salem, Oregon

Gentlemen:

Please be referred to filing #20341 - Smith Wood Products, Inc., Reservoir 79.08 acre feet Sutherlin Creek filed July 20, 1944. #20342 - Smith Wood Products, Inc., approximately 9 cubic feet Secondary Sutherlin Creek, filed July 20, 1944.

February 1, 1946, Sutherlin Timber Products, Inc., acquired the holdings of Smith Wood Products, Inc., in Sutherlin, Oregon, and it is our desire that you transfer the above mentioned filing from Smith Wood Products, Inc., to Sutherlin Timber Products, Inc.

It is very important and necessary that we have water from Sutherlin Creek to fill our reservoir for log storage at our plant. We would appreciate it very much if you would advise us if other firms who filed at a later date have any right to dam up Sutherlin Creek ahead of our plant to the extent of taking practically all the flow of water.

I thank you kindly.

Very truly yours,

SUTHERLIN TIMBER PRODUCTS, INC.

By *D. B. Jensen*  
Supt.

db

MEMBER



G. R. BOATWRIGHT  
CIVIL ENGINEER  
402 OREGON BUILDING  
SALEM, OREGON

PHONE 9503

July 20, 1944.

State Engineers Office,  
State House,                      Atten. Mr. E. K. Humphrey.  
Salem, Oregon.

Gentlemen:

The questions raised in our conversation of this day are answered as follows:

The point of division is 1930 feet north and 1254 feet east of the southwest corner of Section 20, twp 25 S, R 5 W, Willamette Meridian, Douglas County, Oregon.

The place of use the NW $\frac{1}{4}$  of the SW $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, Twp 25 S, Range 5 W, Willamette Meridian and the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 19, Twp 25 S, Range 5 W, Willamette Meridian, Douglas County, Oregon.

Yours truly,



GRB:LB

R-20341  
20342

August 15, 1946

Sutherlin Timber Products Inc.  
Sutherlin, Oregon

Gentlemen:

This will acknowledge receipt of an assignment of Applications No. R-20341 and No. 20342 by Smith Wood Products Inc. to Sutherlin Timber Products Inc., together with \$1.00 recording fee for which our Receipt No. 1698 is enclosed.

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

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

SEN:CI  
Enc.

Smith Wood Prod. Reservoir 79.08 acre feet Sutherlin Creek  
Filed July 20, 1944

#20342 Smith Wood Prod. app .9 cu ft secondary Sutherlin Creek  
Filed July 20th, 1944.

#20419 D and W Lbr Co store 59.9 acre feet Sutherlin Creek  
Filed Aug 25, 1944

#20420 D and W Lbr Co appropriate .9 cu ft per sec Sutherlin Creek  
Filed Aug 25th, ~~1944~~ 1944

#19590 Springfield Plywood Corpn 1.6 cu ft per sec. No reservoir permit  
Filed Dec 8 1941 Sutherlin Creek

#13828 Clyde C Holman .21 cu ft per sec. irrigate 17 acres land  
Filed Nov 15 1930 Cooper Creek.

*Ore. State Eng.  
Salmon ore State office Bldg.*

RECEIVED  
AUG 8 1946  
STATE ENGINEER  
SALMON DIVISION

*(Water filings - Sutherlin Creek)*

July 29, 1946

Sutherlin Timber Products, Inc.  
Sutherlin, Oregon

Attention Mr. D. B. Kesner

Dear Mr. Kesner:

Pursuant to your letter of July 23, I am enclosing herewith a form for your convenience in having applications No. R-20341 and No. 20342 assigned to you by the Smith Wood-Products, Inc.

As soon as the assignment has been executed, it should be mailed to this office with the statutory \$1.00 fee for recording so that the applications may be placed of record in your name and permits issued accordingly.

In answer to your question, the holder of a permit with a certain priority does not have a right to prevent the holder of a permit with an older priority from securing water under a permit.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

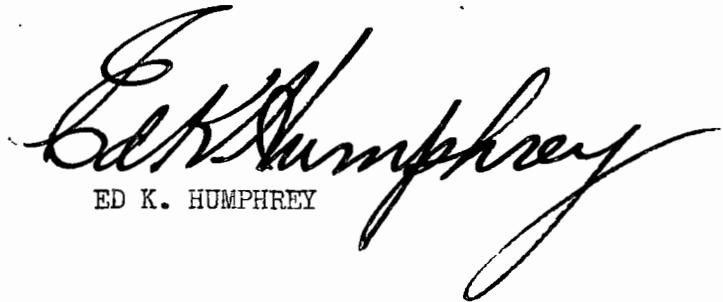
EKH:vc  
Enc.



August 20, 1946

MEMORANDUM

Mr. Stricklin was this date in conversation with the Sutherlin Timber Products, Inc. As a result of this conversation, he suggests that action under Applications No. R-20341 and 20342 be suspended pending receipt of plans and specifications to be submitted in connection with the dam figuring in the appropriation proposed by the two applications.

A handwritten signature in cursive script, reading "Ed K. Humphrey". The signature is written in black ink and is positioned above the typed name.

ED K. HUMPHREY

**SUTHERLIN TIMBER PRODUCTS, INC.**  
**SUTHERLIN, OREGON**

No. **2739**

THE ACCOMPANYING CHECK IS IN FULL SETTLEMENT OF THE ACCOUNT AS STATED HEREIN. THIS IS YOUR MEMORANDUM. NO RECEIPT IS DESIRED.

NAME		DATE FROM		TO		S.S. No.				
REG. TIME	HOURS	RATE	AMOUNT	GROSS EARNINGS	STATE	S. I. A. C.	O. A. S. I.	HOSP.	WITH TAX	ADVANCES
REG. TIME										
OVERTIME										
							ACCS. REC.	MISC.	TOTAL DED'NS.	NET CHECK

State of Oregon,  
 Office of State Engineer,  
 Water Resources Dept.

Recording fees for Permit No. 17686 \$1.00  
 Permit No. R-875 1.00  
\$2.00

DETACH BEFORE PRESENTING

**SUTHERLIN TIMBER PRODUCTS, INC.**  
**SUTHERLIN, OREGON**

No. **492**

THE ACCOMPANYING CHECK IS IN FULL SETTLEMENT OF THE ACCOUNT AS STATED HEREIN. THIS IS YOUR MEMORANDUM. NO RECEIPT IS DESIRED.

HOURS	AMOUNT
REG. TIME	
OVERTIME	
GROSS EARNINGS	
<u>DEDUCTIONS:</u>	
ADVANCES	
HOSPITAL	
O. A. S. I.	
S. I. A. C.	
ACCT'S. REC.	
INCOME TAX	
<u>TOTAL DEDUCTIONS</u>	
NET TOTAL	

DATE FROM \_\_\_\_\_ TO \_\_\_\_\_ S.S. No. \_\_\_\_\_  
 PAYABLE TO **Oregon State Engineers**  
**Water Resources Department**  
**Salem, Oregon**

Fee for recording of applications R-20341 & 20342.

*100 check*

**RECEIVED**  
**1100 PM**

DETACH BEFORE PRESENTING

# STATE ENGINEER'S RECEIPT AND STATEMENT STATE OF OREGON

No 306

Salem, Oregon, July 21, 1944  
(check from G. R. Boatwright)

RECEIVED FROM    Smith Wood - Products, Inc.

Postoffice address    Sutherlin, Oregon

The sum of - - Sixteen and 00/100 - - - - - Dollars (\$ 16.00)

FUND	ON WHAT ACCOUNT	AMOUNT
State Engineer	No. R-20341, Examination, \$5.00	
	Recording <u>1.00</u>	
	and	
	Applications                20342, Examination        5.00	16.00
	Recording <u>5.00</u>	

Examination . . . . . \$ 10.00 Recording . . . . . \$ 6.00 Blue printing . . . . . \$ Recording certificates . . . \$ Transfer fee . . . . . \$ Annual license fee . . . . \$ Penalty . . . . . \$ Filing fee . . . . . \$ Investigation fee . . . . . \$ License fee . . . . . \$ Miscellaneous fees . . . . \$		Copying . . . . . \$ Certification . . . . . \$ Miscellaneous recording . \$ Adjudication fee . . . . . \$ Proof and entry fee . . . . \$ Other fees note here with full st Application No. see above Permit . . . No. Claim . . . . No. Project . . . No.
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NOTE—State Engineer is also a member of and secretary of the Hydroelectric Commission of Oregon and secretary of the State Reclamation Commission.

Received payment.

*Chas. E. Strick*

State

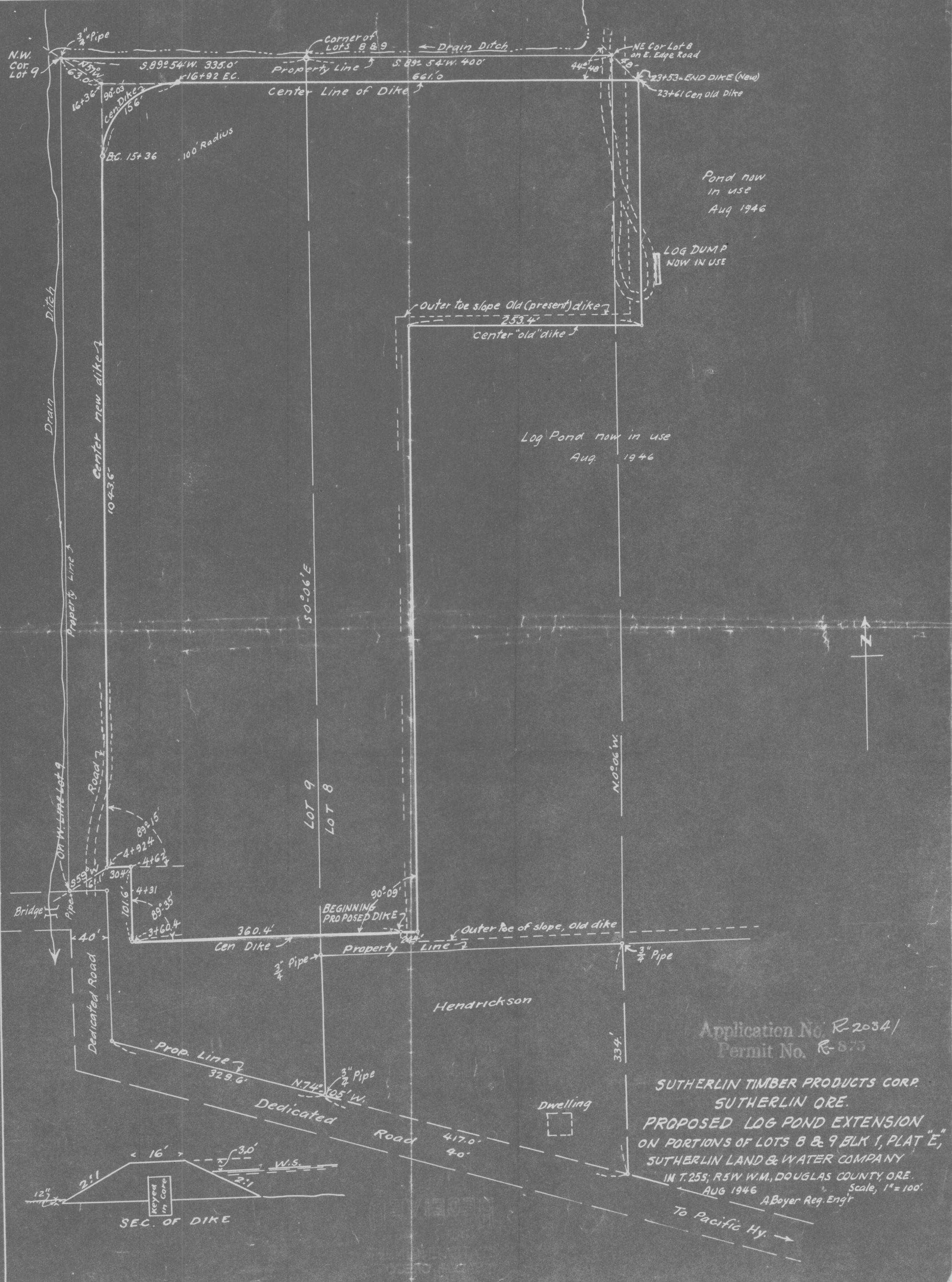
M E M O R A N D U M

RE: Application Number R-20341

The plan submitted for the dike to be constructed under the above application shows a 2-1 slope on the down-stream side and a  $2\frac{1}{2}$ -1 slope on the up-stream side thereof.

G. R. Boatwright, engineer for the Smithwood-Products Ind., after discussing the matter with Mr. Stricklin and me, states he staked the dike for a  $2\frac{1}{2}$ -1 slope on the down-stream side and a 3-1 slope on the up-stream side; with this change in slopes, the plans are conformed to the standard set by this office.

*John Leece*



Application No. R-2034/  
 Permit No. R-875

SUTHERLIN TIMBER PRODUCTS CORP.  
 SUTHERLIN ORE.  
 PROPOSED LOG POND EXTENSION  
 ON PORTIONS OF LOTS 8 & 9 BLK 1, PLAT "E",  
 SUTHERLIN LAND & WATER COMPANY  
 IN T. 25S; R. 5W W.M., DOUGLAS COUNTY, ORE.

AUG 1946 Scale, 1" = 100'.  
 A. Boyer Reg. Eng'r

To Pacific Hy. →

SEC. OF DIKE

Keyed in Core

Dwelling

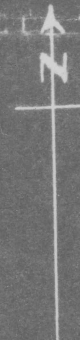
Hendrickson

LOT 9  
 LOT 8

Pond now  
 in use  
 Aug 1946

LOG DUMP  
 NOW IN USE

Log Pond now in use  
 Aug. 1946



M E M O R A N D U M

RE: SUTHERLIN TIMBER PRODUCTS LOG POND

SUTHERLIN, OREGON

According to data in the files, Application No. R-20341 for a permit to construct a reservoir together with application No. 20342 for a permit to appropriate 0.9 cubic feet per second of the water of Sutherlin Ditch in Douglas County, was filed on July 20, 1944, by Smith Wood-Products Inc. Included in the application No. R-20341 file is a vandike showing a plan, section and a vicinity map of the log pond to be constructed under the above application, prepared by Mr. G. R. Boatwright.

According to the plan shown on the vandike, the log pond for which application for permit was made is an addition to an existing log pond. The cross section of the proposed dike shown on the drawing shows the dike to have a top width of 12 feet, a slope on the water side of  $2\frac{1}{2}$  to 1 and on the lower side of 2:1, and a core of select material tapering from a width of 20 feet at the base to 12 feet at the top and with the top soil removed over the area of the base.

A memorandum in the file by Mr. D. J. McLellan indicates that objection was made to the side slopes of the dike and that after discussing the matter with Mr. Stricklin and Mr. McLellan, Mr. Boatwright stated that he staked the dike for a  $2\frac{1}{2}$  to 1 slope on the down stream side and a 3 to 1 slope on the up stream side. With this change of the slopes from those shown on the drawing, according to the memorandum, the plans are conformed to the standards set by this office. In conversation with Mr. McLellan relative to this matter, he stated that Mr. Stricklin had verbally instructed Mr. Boatwright to submit new prints showing the revision in the side slopes and that for the reason that Mr. Boatwright failed to do so, the permits were not issued.

There is nothing in the record to indicate that anything more transpired in connection with this case until July 23, 1946, when a request was received for the assignment of the filing of applications Nos. 20341 and 20342 from the Smith Wood-Products Inc. to Sutherlin Timber Products Inc. The request was granted and the assignment recorded.

According to such records as are available, Mr. A. J. Standley, Secy-Treas. of Sutherlin Timber Products Inc., called at the office on October 7, 1946, and left an application for a permit to increase the size and capacity of the log pond, and a tracing and print showing the location of center line of the proposed extension, and a cross section of the proposed dike prepared by Mr. A. Boyer, registered engineer. No specifications of any kind either on the drawing, or separately, were included. In a letter dated October 8, 1946, the State Engineer suggested the side slopes of the dike and the cut-off trench be flattened and requested to be advised relative to the compaction and soil moisture. Mr. Standley replied in a letter dated October 10, 1946, giving the information on compaction and soil moisture requested, but made no comment relative to the suggestion that the slopes of the dike be flattened. In a reply made on October 11, 1946, the State Engineer rejected the plan prepared by Mr. Boyer and suggested the revision of the side slopes and the inclusion of additional information relative to the construction of the dike. No reply was made to this letter, and, it appears, construction of the dike proceeded and was completed without approval of the plans and specifications by the State Engineer and with complete disregard to his suggestions and instructions.

In a letter dated May 28, 1947, the Sutherlin Timber Products, Inc. made a request for copies of the original applications No. 20341 and 20342, as though the permits had been issued and were in good standing. By letter of May 29, 1947, the organization was informed that the applications had not been approved or the permits issued and that no reply had been received to office letter of October 14, 1946, which date is believed to be in error and should have been October 11, in which letter the plans submitted for the dam were rejected and suggestions for revisions were made. In a reply dated June 2, 1947, Mr. Standley, Secy-Treas. of the organization, again attempted to create the impression that the original permits had been issued and requested that a more thorough search therefor be made in this office.

As a result of the last letter, a visit to the plant and an inspection of the dikes forming the log ponds was made on June 5, 1947, in company with Mr. Standley and Mr. Kesner:

With exception of a short section extending westward from the southeast corner of the dike built in 1944, where repairs made in an effort to stop leakage through the base of the dike had not been entirely completed, (the leakage had been stopped, but the outside slope of the bank had not been restored to full dimensions) the dikes were found to be in very good condition. The dike for which application for permit was filed last October has a 12 foot top width and an outside or down stream slope slightly steeper than 2:1 which resulted from staking the lower toe for a 2:1 slope and providing additional height of dike for settlement that did not occur. With water in the pond no determination of the inside slope could be made. The freeboard was designed for 3 feet, but is nearer an average of 3.5 feet. The height of all of the dikes vary from 10 to 11.5 feet above natural ground surface. According to Mr. Standley in constructing the dike the entire area of the base of the dike and of the borrow pits was stripped of all roots and vegetation, a cut-off trench backfilled with compacted impervious material was constructed to extend to the impervious material in the foundation at a depth of from 3 to 13 feet below the surface. To obtain maximum travel of the fill placing equipment over the surface of the fill, it was not permitted to deposit the material in layers in excess of 12 inches in thickness and the slope from the top of the newly placed material to the surface of the compacted material was required to be at least 500 feet in length. That good results were obtained is believed to be apparent by the lack of any evidence of seepage through dike or foundation.

The old dikes, the first built in 1941 and the second in 1944, have practically the same dimensions, these being a top width of 12 to 16 feet, an outside slope of about 2:1 and a freeboard of from 15 to 18 inches. The inside slope could not be determined with water in the pond. Piles had been driven at 16 to 20 foot intervals to which had been attached a one log boom to break wave action on the dike.

The old dikes were covered with a very heavy growth of grasses, which had been seeded, and with weeds. On the new dike built last fall, English rye had been planted and a good stand obtained. This, according to Mr. Standley, was done to shade the surface of the fill to prevent drying out and shrinkage cracks from forming, and that until such time as the grass was sufficiently heavy to prevent this, he would disc and mulch the surface of the dike.

By reason of the height of the pond, a gravity flow into the pond is not feasible, and it is required to pump. Water is pumped from Sutherlin ditch or creek which flows parallel to the dike along the entire east side of the pond. A gas engine driven 4" pump and an electric motor driven 2" pump have been installed for this purpose. According to an estimate made by Mr. Kesner, superintendent of the plant, it is required to pump from 6,000 to 8,000 gallons daily to keep the log pond filled. This is

undoubtedly in error, as a mean of 7,000 gallons would give a loss in seepage and evaporation of only .0005 foot over the area of the pond, which, it is believed, would not be equal to the evaporation alone.

The pond is drained through a 6" steel pipe through the dike at the south east corner of the pond. The pipe discharges directly into Sutherlin Creek. The control valve is located at the lower or outlet end of the pipe. A circular removable screen around the inlet and extending from the bottom of the pool to above the water surface prevents the pipe from becoming plugged with debris. It was not learned whether cut-off collars had been constructed around the drain pipe. However, there is no evidence of seepage or leakage around the lower end of the pipe.

The dikes are built of a gumbo like, clayey material that from casual inspection appears to be extremely impervious, but lacking in stability. There is some evidence of sloughing in the downstream slope of the dike in two short reaches where seepage through the dike mentioned previously had occurred. With the leaks repaired, no more sloughing appears to have taken place, nor is there any evidence of sloughing elsewhere on the dikes.

The dikes appear to be well constructed and in good condition and far superior to the general average seen over the state, and from this angle no justification for denying the applications for permit is apparent, and a statement to this effect was made to Mr. Standley and Mr. Kesner. However, at the time this statement was made, no knowledge was had of some of the correspondence and information that has been cited, and it was not known that after his call at the office on October 7, 1946, Mr. Standley had proceeded with the construction of the dike in complete disregard of the suggestions and instructions of the State Engineer and in violation of the laws of the State. It was not realized that the sole purpose of Sutherlin Timber Products in attempting to obtain issuance of the permit at this time was to establish a legal position in which they can force the owners of the adjoining saw mill to release a portion of the flow of Sutherlin Creek, which they now have dammed and are using exclusively. A portion of the flow is needed by the Sutherlin Timber Products to maintain the water level in their log pond.

The owners of the adjoining mill have permits to appropriate water and to construct a reservoir, obtained by compliance with the law to the extent of obtaining approval of the plans and specifications for the construction of the log pond dike by the State Engineer. However, the applications for the permits were filed on August 25, 1944, or 35 days after the applications for permits were filed by Smith Wood-Products, predecessors of the Sutherlin Timber Products, thus giving the latter prior rights whenever the permits now under consideration are issued to them.

There appears to be ample justification for refusal by the State Engineer to issue the permits desired by Sutherlin Timber Products and such refusal would undoubtedly have a beneficial effect in obtaining compliance with the laws related to the construction of dams in the future. However, there may be a question whether the courts would sustain the State Engineer in his refusal to issue the permits and furthermore this is not believed to be the proper course to follow. The Sutherlin Timber Products has requirement for a portion of the flow of Sutherlin Creek for the efficient operation of their plant and to some extent for the protection of their investment in the mill and log pond. On the other hand, it does not appear reasonable



that the adjoining mill owners should have requirement for the entire flow of the creek. With proper care taken to conserve water, there should be sufficient to serve both mills. Issuance of the permits to the Sutherlin Timber Products will undoubtedly result in the two organizations becoming involved in a court action through which an equitable distribution of the water should be effected.

It is believed and it is so recommended that Applications Nos. R-20341 and 20342, inclusive of the application for the increase in capacity of R-20341 be approved and that permits be issued to the Sutherlin Timber Products, and also that this organization be reprimanded for their complete disregard of the suggestions and instructions of the State Engineer, and their violation of the laws of the State.

*Ferd Schlapkohl*  
Ferd Schlapkohl