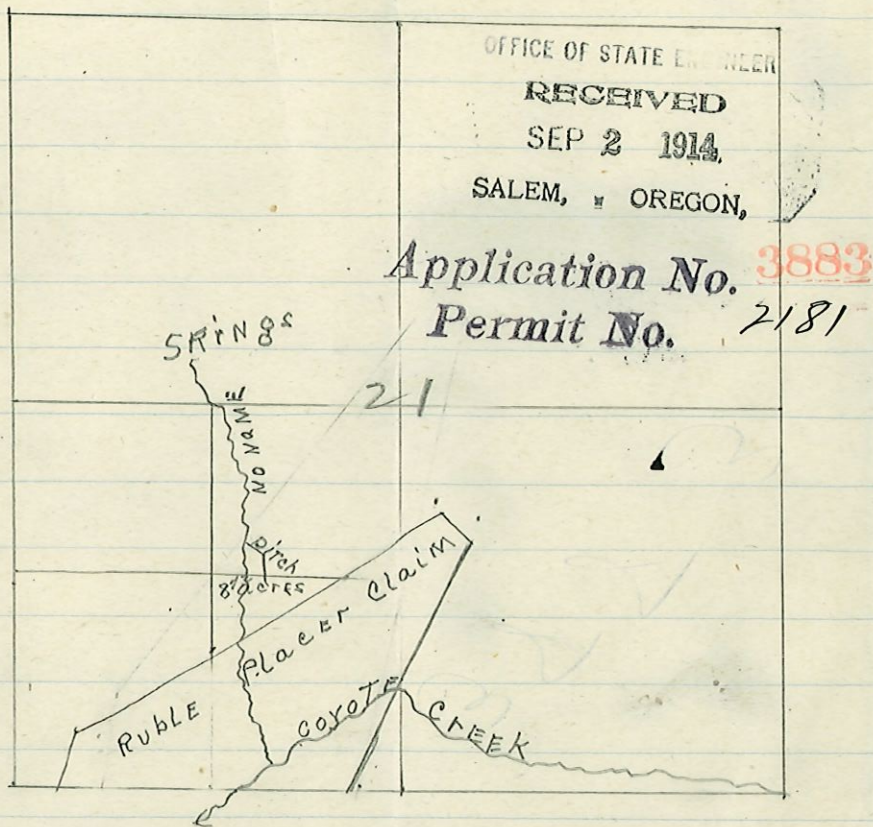




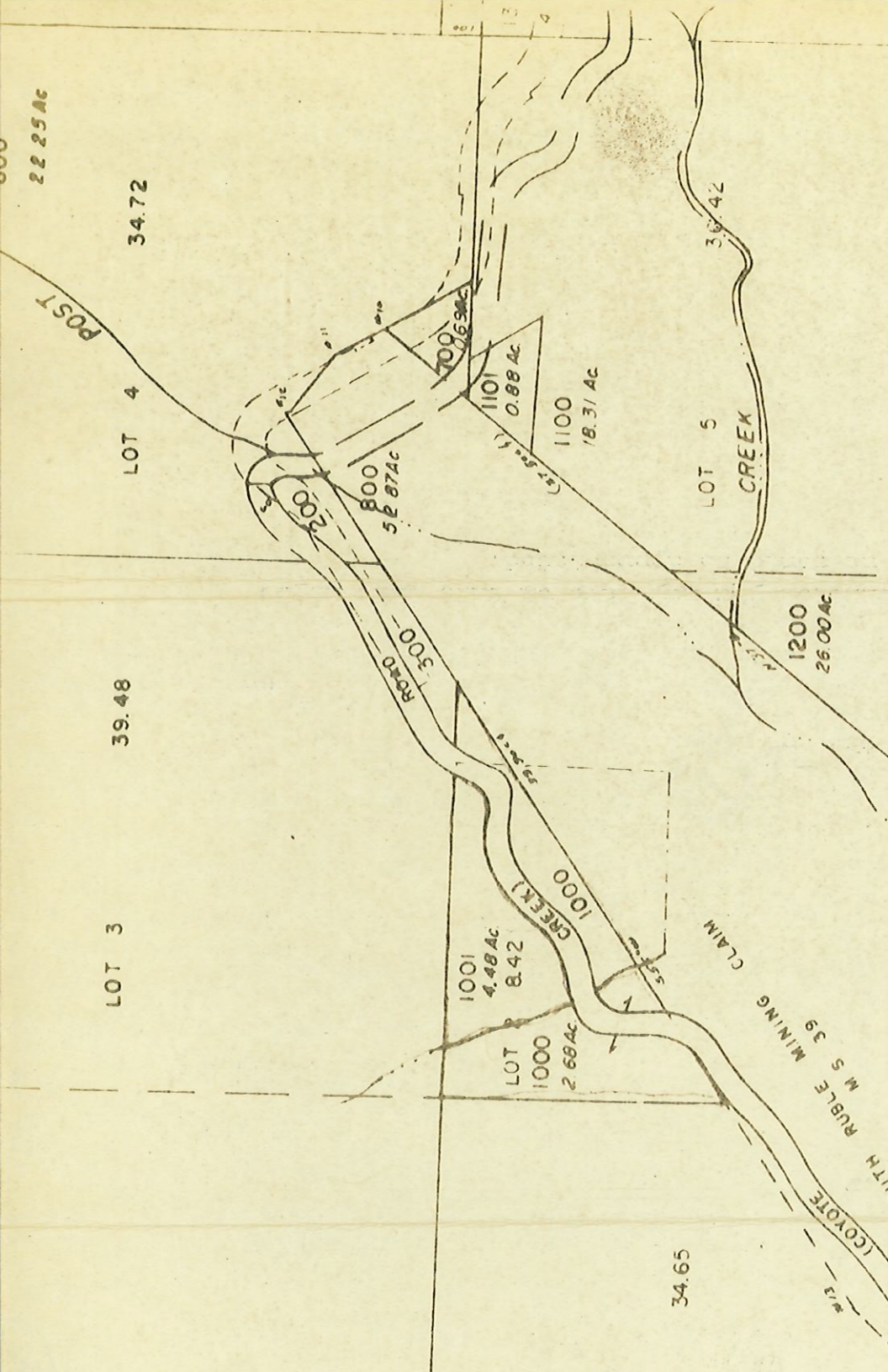
Section 21 - Township 33 - S. R. 5 N. W. M.



The land to be irrigated is known as Lot 2  
in Sec 21 of Old Ruble estate.

It is located in S. E  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of Sec.  
21 - T. 33 S. - R. 5 W. of W. M. 1

The ground consists of 8.42 acres



22.25 AC

POST

34.72

LOT 4

39.48

LOT 3

200

800  
52.87 AC

700  
16.9 AC

1101  
0.88 AC

1100  
18.31 AC

300  
ROAD

1001  
4.48 AC  
8.42

LOT 2  
1000  
2.68 AC

1000  
(CREEK)

39.42

LOT 5

CREEK

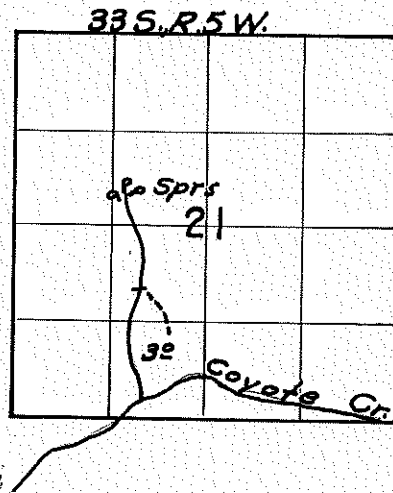
1200  
26.00 AC

34.65

RUBLE MINING CLAIM

M S 39

(COYOTE



Sketch of app map.  
acreage from proof

A. 3883

378-3066

September 8, 1976

3883

Jack M. Vaughan  
8983 Elk Cr. Rd.  
Trail, OR 97541

Dear Mr. Vaughan:

Enclosed are the copies of the permit No. 2181 and supporting map. Our receipt No. 55860 covering the copying fee of \$1.85 you submitted is also enclosed.

The Water Resources Department has no jurisdiction over rights of access. All rights of access and right of way must be obtained from the owner of the property. A permit or a water right certificate issued by this office for the use of water shall not be construed in any sense as granting a right of access to any source of water.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WO:db  
Enclosures

~~175~~  
10  
878-2934

August 29, 1976

Jack M. Vaughan  
8983 Elk Cr. Rd.  
Trail, Or. 97541

Water Resources Department  
1178 Chemeketa Street, N.E.  
Salem, Or. 97310

Dear Sirs;

Please send me a copy of the original application No. <sup>3883</sup> 3885  
Certificate No. 1382, I have a copy of the Abstract of Permit  
No. 2181.

Also I would like any information possible on the existance  
or requirements for right of way on this matter over O&C railroad  
lands in 1914.

We have been told by B.L.M. that this right is no good since  
the water originates on government land and is captured there.  
We plan to go to court if necessary so would like help possible  
on this. Thank You.

Respectfully Yours;

*Jack M. Vaughan*

**RECEIVED**

AUG 31 1976

WATER RESOURCES DEPT  
SALEM, OREGON

*Called Mrs Vaughan  
she will send 1985  
for copy of map and  
permit # 2181*

*See also 52580*

3883

November 14, 1974

Mr. Robert B. Steimer  
Watermaster, District No. 14  
714 NW "A" Street  
Grants Pass, Oregon 97526

Dear Mr. Steimer:

I am enclosing a copy of the map submitted with application No. 3883 which doesn't help in locating the 3.0 acres in the resulting certificate No. 1382. On the proof of appropriation submitted by Mr. Livingston he said the map was not correct and "I have corrected the map which I will inclose." We have another map in the file. I assume it was prepared here from the application which could not have been blueprinted. On this map there is a colored area east of and adjacent to the stream and I assume that this is the correction Mr. Livingston referred to on the proof. This is the best evidence of the location of the 3.0 acres we have, and if the stream divides tax lots 1001 and 1000, the right is appurtenant to tax lot 1001.

There is no indication that more than one house was to be served for domestic use. The right was completed in 1916 and if assessment records show only one house then there cannot be two now. The usual quantity for domestic use was 0.1 cubic foot per second when this certificate was issued.

Very truly yours,

Trevor Jones  
Assistant

TJ:whh

RECEIVED

NOV 14 1974

STATE ENGINEER  
SALEM, OREGON

November 13, 1974

Chris L. Wheeler  
State Engineer  
Salem, Oregon 97310

52580

Dear Sir:

This letter is being written in addition to a letter sent to you by the Watermaster, Mr. Steimer, in Grants Pass, concerning a problem we have encountered concerning the water rights on our property in Wolf Creek. It has been approximately two weeks since Mr. Steimer wrote you and he has not yet received an answer.

Enclosed is a description of our property. We would simply like to know if the water rights are valid and have you confirm the amount.

This is a very important matter to us and we would appreciate your co-operation at your earliest convenience.

Sincerely,

*Martha Smith*

Martha N. Smith  
5258 Coyote Creek Road  
Wolf Creek, Oregon 97499

Encl.

cc: J. Chapman



November 19, 1974

Bureau of Land Management  
Oregon State Office  
P. O. Box 2965  
Portland, Oregon 97208

**RECEIVED**

NOV 20 1974

STATE ENGINEER  
SALEM, OREGON

Dear Sir:

It has been brought to our attention that an easement is being requested and applied for from your bureau that would seriously affect our property, home and lives.

This particular easement runs from the top of our property (description enclosed from our Sales Contract) to the stream where we obtain our water rights (description enclosed from our Sales Contract) for a portion of our property which includes our home and another for which we just recently applied for additional irrigation rights for an orchard which is presently under construction. Through this particular easement runs a community pipe that serves the home of Hazel Kincaid as well as ours and has several outlets for irrigation on a portion of our property. The line has been in use for years - well before we purchased our home. The original water rights were filed in 1916.

Our concern is heightened by the fact that the people applying for the easement (our mortgage holders) have threatened our water supply because we have refused to give them an easement to a creek on our property. Should our new water rights be granted, to irrigate our orchard, this easement would deprive us of a way to obtain the water needed for our orchard in which we are investing a substantial amount of money. Most certainly, it is not our intention to deprive any other party of water and would find it acceptable that the easement be granted to the parties applying for it (Jack and Judy Vaughn - Hazel Kincaid) if the easement were to state that we have the right of usage of the pipe already in use and the right of way for the pipe for the new water rights we applied for, with the stipulation that our pipes are not to be tied into by a new party, since the present system can barely take care of the two homes it serves. Any additional cost that would be incurred because of our request we would be happy to share.

Your decision would be sincerely appreciated by return mail so that we can determine what course of action we must take if it is indicated that we will be deprived of water.

Page 2

It is possible that this letter may reach you before their application since they are just now in the process of having the easement surveyed.

Sincerely,

*Martha Smith John Chapman*

Martha Smith and John Chapman  
5258 Coyote Creek Road  
Wolf Creek, Oregon 97497

cc: Bureau of Land Management - Medford, Oregon  
Bureau of Land Management - Washington, D. C.  
Senator Bob Packwood  
Cliff Brower - attorney  
Oregon State Engineer  
Watermaster, Grants Pass, Oregon

DESCRIPTION OF PROPERTY -

All of that part of Lot 2, Section 21, Township 33 South, Range 5 West of the Willamette Meridian, Josephine county, Oregon, lying Northerly of the center of the County Road known as Coyote Creek Road, as presently located, and East of the Western Bank of the only year round creek running through said above described Lot 2.

DESCRIPTION OF WATER RIGHTS -

One and one-half acres of existing water rights for irrigation at .0125 per acre and .0200 of Domestic Water Rights.

DESCRIPTION SHEET

RECEIVED

NOV 14 1974

STATE ENGINEER  
SALEM, OREGON

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

All of that part of Lot 2, Section 21, Township 33 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, lying Northerly of the center of the County Road known as Coyote Creek Road, as presently located, and East of the Western Bank of the only year round creek running through said above described Lot 2.

33-5-21 TL 1001 Code No. 5  
-----

29504

Order No.



**STATE  
ENGINEER**

**WATER RESOURCES DEPARTMENT**

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

**RECEIVED**

OCT 23 1974

STATE ENGINEER  
SALEM, OREGON

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

October 22, 1974

FILE NO.

Chris L. Wheeler  
State Engineer  
Salem, Oregon

Attention: Trevor Jones

Dear Trevor:

I have enclosed a portion of the assessor's map, showing Tax Lot 1001 and Tax Lot 1000 of Section 21, Township 33 South, Range 5 West.

Mrs. Smith, who owns Tax Lot 1001, is complaining about other filings and the shortage of water in the area. I am enclosing a copy of the abstract of permit and a copy of the map which we have in our files. It shows a 1914 water right in the 40 acre parcel, but unless you have better information than I do, you can see from the assessor's map that I am in trouble.

Any information you may have on this that might be of help to us would be appreciated.

Very truly yours,

*Robert B. Steimer*

Robert B. Steimer  
Watermaster, District #14

RBS/sj  
Enclosures

P.S. Also enclosed is partial copy of contract on TL 1001.  
How many domestic rights are allowed?

3883  
51981

THIS AGREEMENT, made in multiple originals at Grants Pass, Oregon, on this <sup>25th</sup> day of July, 1973, between JACK M. VAUGHAN and JUDITH L. VAUGHAN, Husband and Wife, hereinafter designated Seller, and JOHN CHAPMAN and RUBY CHAPMAN, hereinafter designated Buyer.

W I T N E S S E T H :

In consideration of the mutual covenants herein contained, Seller hereby agrees to sell, and Buyer hereby agrees to purchase, that certain land with the buildings and improvements thereon, if any, and all tenements, hereditaments and appurtenances thereunto belonging, described as follows:

All of that part of Lot 2, Section 21, Township 33 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, lying Northerly of the center of the County Road known as Coyote Creek Road, as presently located, and East of the Western Bank of the only year round creek running through said above described Lot 2.

Also, One and One-half acres of existing water rights for irrigation at .0125 per acre and .0200 of Domestic Water Rights. RESERVING UNTO SELLER HEREIN an EASEMENT 5 feet wide along existing pipeline for service and maintenance of said line  
SUBJECT TO:

1. Easement granted the California Oregon Power Company set forth in Volume 164, Page 438, Josephine County Deed Records. (Specific location not given in recorded document.)
2. Rights of the public over any portion lying within the limits of public roadways.

on the following terms and conditions:

FIRST. TOTAL PURCHASE PRICE: The total purchase price is the sum of Seventeen Thousand and no/100ths (\$17,000.00) Dollars.

SECOND. DOWN PAYMENT: Buyer shall pay to Seller as a down payment on said total purchase price the sum of Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars, to be paid

# Abstract of Permit No. 2181

Application No. 2323

Certificate No. 1882

Name Frank O. Livingstone

Address Golden, Oregon

Source of water supply A small gulch fed by springs, tributary of Coyote Creek.

Use Irrigation & Domestic use.

Point of diversion 140 rods from Section corner of Sections 20, 21, 28 & 29, Twp. 23 N., R. 5 W., T. M. being within the NE $\frac{1}{4}$  SW $\frac{1}{2}$  of said

Number of acres Section 21.

3

### DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
23	5	W 21																3

Priority date September 2, 1912

Amount of water 0.14 cfs.\*\*

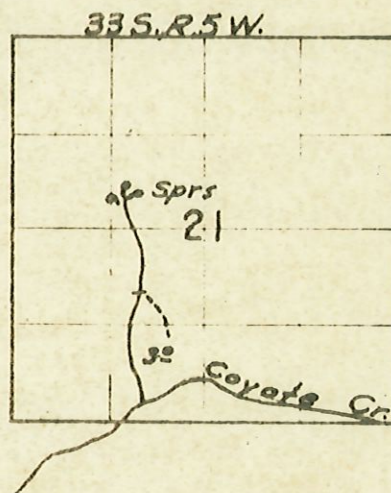
Time limit to begin construction

Time limit to complete construction extended to extended to

Time limit to completely apply water extended to extended to

Remarks: \*\*The use for irrigation purposes shall be limited to one-eightieth of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation; balance for domestic use. The use of for irrigation purposes shall conform to any reasonable rotation system ordered by the proper State Officer.

Per. 2181  
Appl. 3883



Sketch of app map.  
acreage from proof

A. 3883



November 8, 1916.

Mr. Frank C. Livingstone.

Golden, Oregon.

Dear Sir:-

I enclose blank for proof of appropriation of water under permit No. 2181 which you will please fill out and return to this office, together with \$1.00 to cover recording fee, and the matter will be presented to the State Water Board at its next meeting for approval and issuance of certificate.

Very respectfully,

Secretary.

GB.

Golden, Ore  
Sept 11-14.

Mr. John H. Lewis  
Dalton, Ore,  
Dear Sir,

OFFICE OF STATE ENGINEER

RECEIVED

SEP 14 1913

SAI.FM

OREGON,

Am forwarding last statement regarding my water right, also water permit, as I notice I failed to have witnesses signatures, so will send same, so you can record them.

I find the amount of water barely enough to irrigate 2 acres, for past two seasons, consequently, I guess I have not taken more than permit calls for.

Hoping everything is satisfactory  
I remain,

Yours Respectfully

F. C. Livingston

Golden

Oregon.

September 16, 1916.

Mr. F. C. Livingstone.

Golden, Oregon.

Dear Sir:-

Form C in connection with permit No. 2181 has been received and filed in this office.

In due course, proof of appropriation of water under this permit will be taken by the State Water Board, and final water right certificate issued thereafter in accordance with such proof.

I am returning your permit.

Very respectfully,

Secretary.

GB.

December 4, 1916.

Mr. Frank C. Livingstone.

Golden, Oregon.

Dear Sir:-

Proof of appropriation of water under permit No.2181, together with \$1.00 recording fee, has been received and filed in this office.

This proof appears to be in proper form and will be presented to the State Water Board at its next meeting for approval and issuance of certificate.

Very respectfully,

Secretary.

GB.

Application No. ~~2883~~ 3883

May 9, 1916.

Mr. F. C. Livingstone,  
Golden, Oregon.

Dear Sir:

I am in receipt of your letter of the 7th instant transmitting notice of completion of construction work under application No. 2883, permit No. 2181, and the same has been placed on file in the office of the State Water Board.

Chapter 279, Laws of 1913, provides that five years non use of water constitutes abandonment. It is probable that after a water right certificate has been issued by the Board that the failure to use the water for less than five years would not deprive you of the right.

Very respectfully,

John H. Lewis,

State Engineer.

RS.

Golden, Ore.

May 7-16.

Mr. J. H. Lewis

Salem, Ore.

Dear Sir,

Am inclosing notice of completion of construction work.

Will you kindly tell me, in case, (after receiving my water right patent,) it is necessary for me to leave my ranch for a period of one to two years; and do not use the water, will I loose my right?

Regarding the water right, we have been corresponding about, for power wheel, there is still some trouble about the property & will write later, if I am able to take same.

Yours Respectfully  
F. C. Livingstone

Golden

Oregon.

Application No. 3833.

Apr. 12, 1916.

Mr. F. C. Livingstone,  
Golden, Oregon.

Dear Sir:

In accordance with your request I am enclosing application blanks and a copy of instructions. Upon application being filed in this office in proper form it will be promptly approved and permit forwarded to you.

Very respectfully,

John H. Lewis,  
State Engineer.

RS.

Enc.

3883-2181

Golden, Ore.

Apr. 10-16.

Mr. Percy A. Cupper,  
Salem, Ore.,

Dear Sir,

Your letter of Mar. 24<sup>th</sup> at hand, regarding a water right on my claims and I find after inquiry, that the original locator, was M. H. Thompson in 1902, who sold to Foster & Gummel in same year, said parties filing a water right for milling purposes. However, neither right has been followed up & as the stream, I am located on is the north fork of Coyote Creek, (in fact the creek commences on the claims) there is one claim prior to mine, the Ruble Place Mines, who located water rights nearly fifty years ago.

I am satisfied, there is no other party claiming a right & as for the afore mentioned party, when there is enough water to answer



my purpose, they have a large surplus, so I cannot see how a second right, would interfere with them.

If you think it advisable, I will simply make application for water right for power purposes only & leave it date from now & waive old rights.

As I am anxious to get started for next winter, would like to have it settled soon as possible, so as to begin work this spring & summer.

Yours Respectfully  
F. C. Livingstone  
Golden

Ore.

P. S. Kindly enclose application blanks.

W. S. 72 - Col. C. S. 1 - 2 - 3 - 4 - Col. C. S. 1 - 2 - 3

J. C. L. M. Co. by (C. S. 1 - 2 - 3)

March 24, 1916.

Mr. F. C. Livingstone,

Golden, Oregon.

Dear Sir:-

I am in receipt of your inquiry of the 23rd instant relative to the establishment of your rights under the provisions of the new law. If the stream in which you claim a right is a tributary directly or indirectly to Rogue River, it is probable that the rights were submitted and recorded in the adjudication of the water rights for Rogue River and its tributaries. The decree of the State Water Board is now filed with the County Clerk and may be inspected at Grants Pass.

If no claim was submitted to the Board in this proceeding and there is no adverse claim which would effect your rights your best plan would be to file an application and secure a permit from this office. If, however, adverse rights subsequent to yours are likely to interfere in case you abandon your original appropriation and rely upon a subsequent priority date, it is probably that you could intervene in the adjudication proceedings and establish your rights in this way.

If you would give us more definite information with reference to the right, including the source of appropriation, the location and the party who owned the right prior to the time you secured it, we can doubtless give you the information you desire.

Very respectfully,

Percy A. Cupper,  
Acting State Engineer.

PAC/H

941 RM. OREGON  
MAY 24 1916  
RECEIVED  
OFFICE OF STATE ENGINEER  
Golden Ore  
Mar. 23-16

Mr. J. H. Lewis,  
Salem, Ore.

Dear Sir,

Will you kindly inform me of the cost to use water in the following case.

I wish to use water to turn a 14 ft. wheel to run an arastra during the winter & spring. It takes about 4 in. in a 12 in. flume, with a drop of 2 in. in 16 ft. During most of the season there is not over 1 in. of water in the flume & in the summer, it dries up entirely.

There is a water right on the

creek under the old law, filed  
on in 1902 & as I have taken  
over the property, would like to  
establish my water right, under  
the new law.

Kindly enclose a permit. As  
near as I can make out, it  
takes \$3.00 for application and  
25 cents for a fraction of 1 h.p.

Kindly inform me if there  
is any additional charge.

Yours, Respectfully

F. C. Livingstone  
Golden

Ariz.

Application No. 3883.

October 10, 1914.

Mr. Frank G Livingstone,

Golden, Oregon.

Dear Sir:-

Herewith your Application No. 3883, being Permit No. 2181, which has been approved and recorded in this office. I also enclose 20¢ in postage stamps, excess fees paid on this application.

App. No. 3883.

Sept. 8, 1914.

Mr. Frank C. Livingstone,  
Golden, Oreg.

Dear Sir:-

I am in receipt of your corrected application No. 3883. This application will be taken up for approval as soon as same can be reached.

Very respectfully,

John H. Lewis,  
State Engineer.

RWP

Sept. 2, 1914.

Mr. Frank C. Livingstone,  
Golden, Oreg.

Dear Sir:-

Enclosed find my official receipt for \$9.48, which amount was transmitted by your letter of the 31st ult., together with your application for permit to appropriate water, No. 3883; also one map.

I note that you failed to sign the application, and I am returning same herewith for that purpose, and will also ask that you answer questions 7, 8, 12, 13, 14 & 15. In order to retain its original date of priority, this application must be completed and returned to this office on or before Oct. 2nd.

Very respectfully,

John H. Lewis,

State Engineer.

RWP

Encls.

OFFICE OF STATE ENGINEER  
RECEIVED  
SEP 2 1913  
SALEM. - OREGON.

3883

Golden, Ore

Aug 31-14

J. H. Lewis, State Engineer,  
Salem, Ore.

Dear Sir,

I am sending  
my application for water right  
according to my interpretation of the  
literature you sent me.

As shown by my application &  
maps, I have 8.42 acres to irrigate,  
which is \$3.00 and 8 1/2 acres at 15¢  
an acre is \$1.48 in addition the \$5.00  
for domestic use, totals \$9.48.

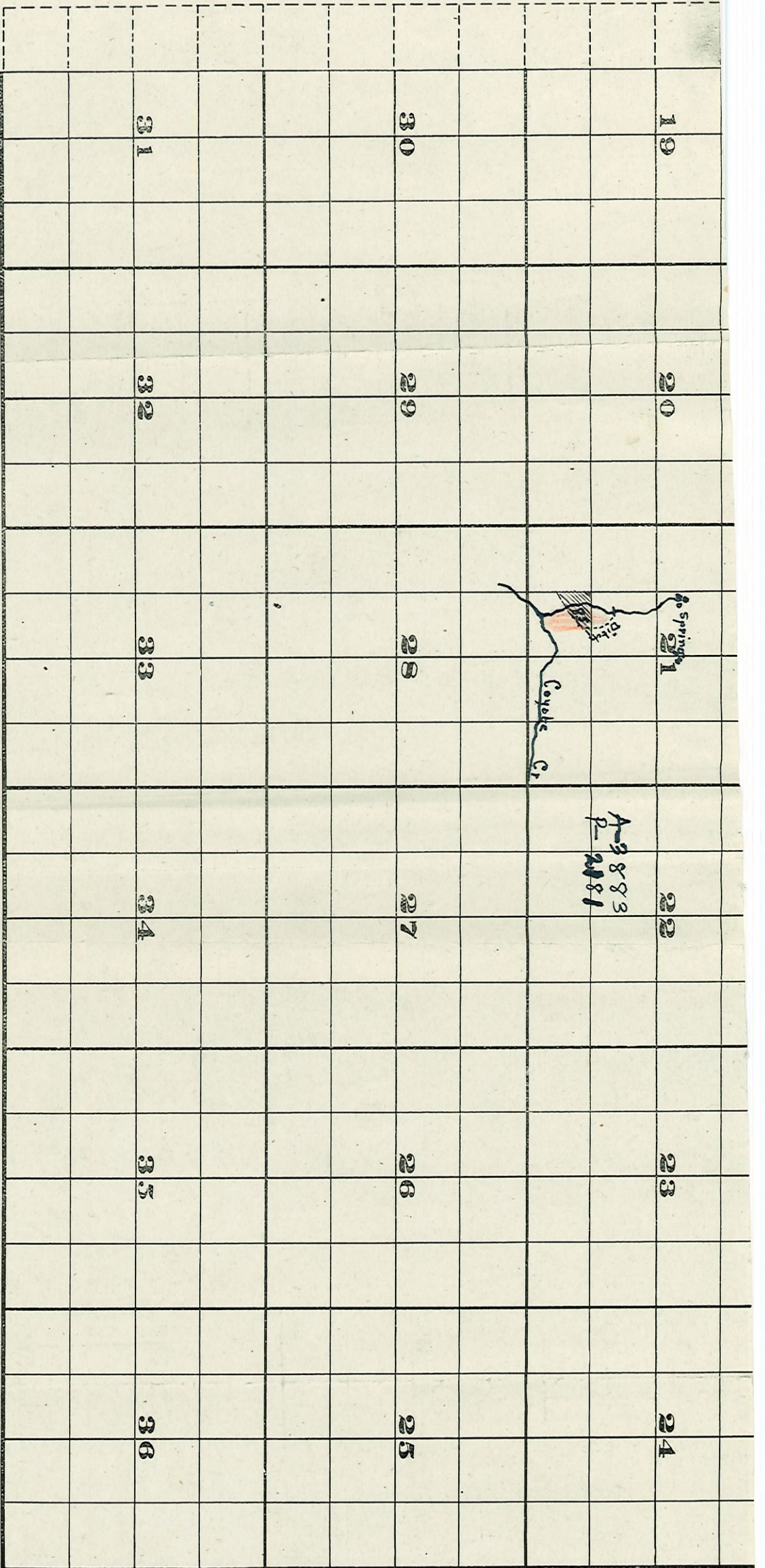
If this is not right, kindly  
let me know.

There is one point I wish to  
call to your attention. I just



recently bought this land & cannot find out for sure if there is any water right filed previous to mine. There is not enough water for more than one man & if there is a right ahead of me, of course I would like to withdraw mine. If there is an old right, the water has not been used for 2 yrs, by them. Hoping this is all satisfactory I beg to remain

Yours Respectfully  
Frank C. Livingstone  
Golden, Ore.



THE S. BRISTOL CO., PRINTERS & BOOKBINDERS, CHEVENE, WYO

T. 33 S. R. 5 W.

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON



8. During what months is water beneficially used? *For irrigation June, July, August. For domestic use, the whole year.*
9. State the character of the soil and kind of crops raised *clay soil. Corn, beans, potatoes & garden truck & clover*
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? *Yes No*
11. If not, state wherein such map is in error *I have corrected the map which I will enclose. The land lay in the N.W. part of the S.E. 1/4 of the S.W. 1/4 of Sec. 21-T. 33 S. R. 5 N. W.M.*
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use
- 0.21 cfs per second granted for the irrigation of 8.42 acres of land and domestic use*

STATE OF OREGON, }  
 County of *Josephine* } ss.

I, *F. C. Livingstone*, 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 *14<sup>th</sup>* day of *November*, 191*6*.

*F. C. Livingstone*

Subscribed and sworn to before me this *14<sup>th</sup>* day of *November*, 191*6*.

*M. C. Davis*  
 Notary Public for Oregon.  
 My commission expires *Wolf Creek*

(Notarial Seal)



PROOF OF APPROPRIATION

Permit No. 2181

\$1.00 fee paid

OFFICE OF STATE WATER BOARD  
RECEIVED

DEC 3 1918

SALEM, - OREGON.

Approved: .....

Priority date - Sept. 2, 1914

*Handwritten notes in left margin:*  
No. 2181  
Priority date Sept. 2, 1914  
Permit No. 2181

*Handwritten notes in right margin:*  
Priority date Sept. 2, 1914  
Permit No. 2181

REGISTERED TO THE STATE