

Application No. 14339

Permit No. 10368

Certificate No. 9558

Stream Index, Page No. 1-10

Application Record, Book No. 1-56

**FEES PAID**

Date	Amount	Receipt No.
9/25/31	\$10.00	14399

Total .....

**FEES REFUNDED**

Date	Amount	Check No.

A. L. Godfrey

Mollev, Oregon

September 25, 1931

4:30-73 WJD

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page

**REMARKS**

See map in 9953  
0.5 sec. ft. from an unmeasured stream, Trib. S.F. Mollev Reservoir for domestic  
O.K. for Cert.

**CONSTRUCTION**

or beginning Nov. 27, 1932

or completion 10-1-33

ended to .....

or application of water 10-1-34

ended to .....

**PROSECUTION OF WORK**

'A' filed Dec. 14, 1931

'B' filed Dec. 14, 1931

'C' filed " " "

**FINAL PROOF**

mailed Dec. 16, 1931

received Dec. 30, 1931

ertificate issued January 28, 1932

t for recording fee No. 14772 for 1.00

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

I, A. L. Godfrey, the holder of Application No. 14339, being  
Reservoir Permit No. 10368, issued by the State Engineer of the State of Oregon  
(Reservoir or Enlargement)  
for the appropriation of 0.5 second-feet of the waters of Unnamed Stream  
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,  
completely applied the water to a beneficial use, on the 15 day of September, 1931,  
being the time limitation as fixed in said permit or as extended by the State Engineer for the complete  
application of water to a beneficial use.

Remarks: \_\_\_\_\_

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may

have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of December, 1931.

Box 124 MOHLER, OREG  
(Present Address)

A. L. Godfrey  
(Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

**Form B**  
**NOTICE OF COMPLETION OF CONSTRUCTION**

I, A. L. Godfrey, the holder of Application No. 14339, being  
Reservoir Permit No. 10368, issued by the State Engineer of the State of Oregon  
(Reservoir or Enlargement)  
for the appropriation of 0.5 second-feet of the waters of Unnamed Stream  
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,  
have completed the construction of the works described therein the 10 day of September, 1931,  
being within the time limitation as fixed in said permit or as extended by the State Engineer for the  
completion of construction work.

Remarks: \_\_\_\_\_

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described  
in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of December, 1931.

Box 124 MOHLER, Oregon  
(Present Address)

A. L. Godfrey  
(Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Form D should be used in reporting progress of work if more than one year has been allowed for completion.

**Form A**  
**NOTICE OF BEGINNING OF CONSTRUCTION**

I, A. L. Godfrey, the holder of Application No. 14339, being  
Reservoir Permit No. 10368, issued by the State Engineer of the State of Oregon  
(Reservoir or Enlargement)  
for the appropriation of 0.5 second-feet of the waters of Unnamed Stream  
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,  
began the actual construction of the works described therein on the 6 day of September, 1931,  
being within the time limitation as fixed in said permit for the beginning of construction work.

The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this  
statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of December, 1931.

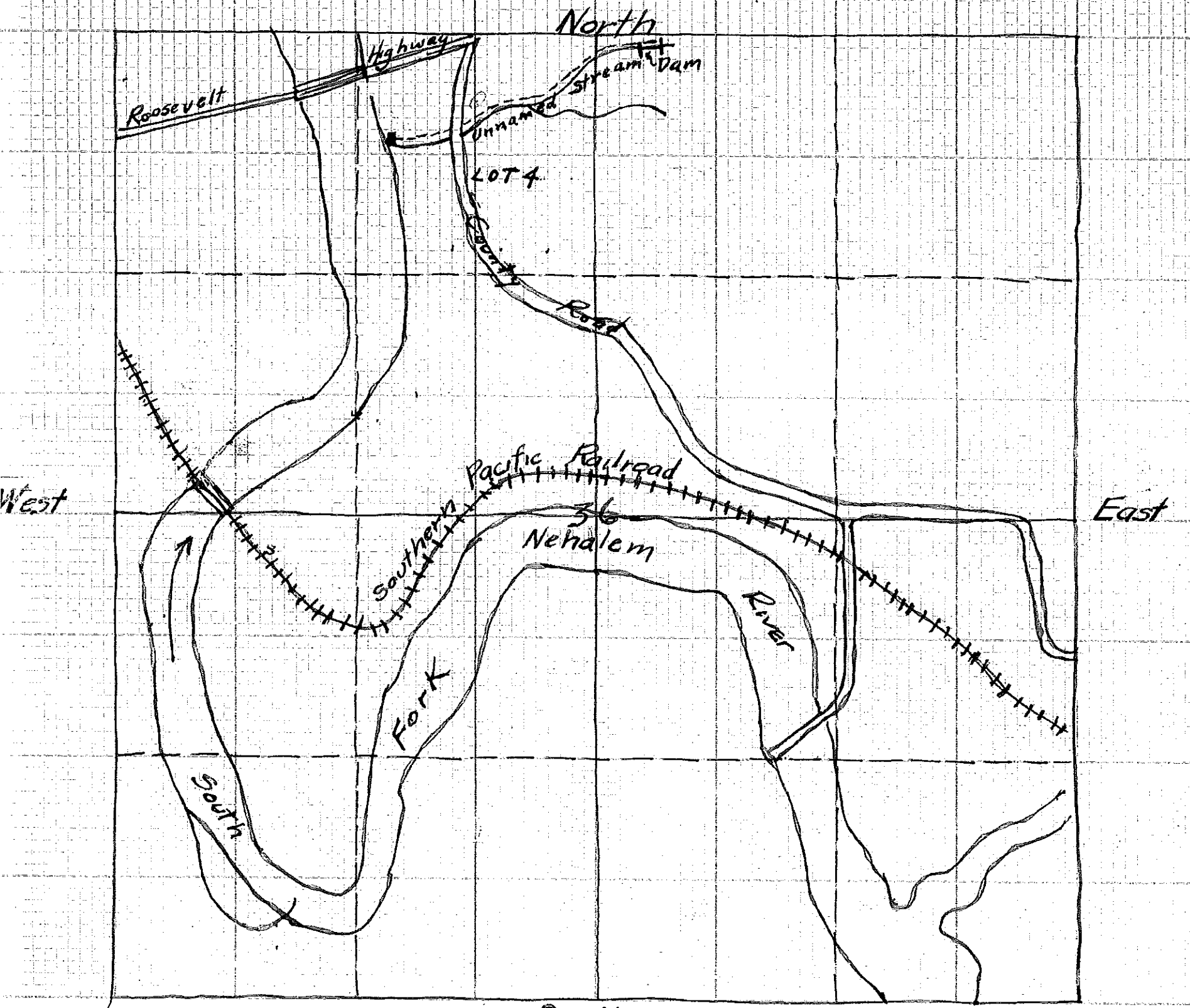
Box 124 MOHLER, OREG  
(Present Address)

A. L. Godfrey  
(Signature of Applicant)

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Township 3 North Range 10 West W.M.

Section 36

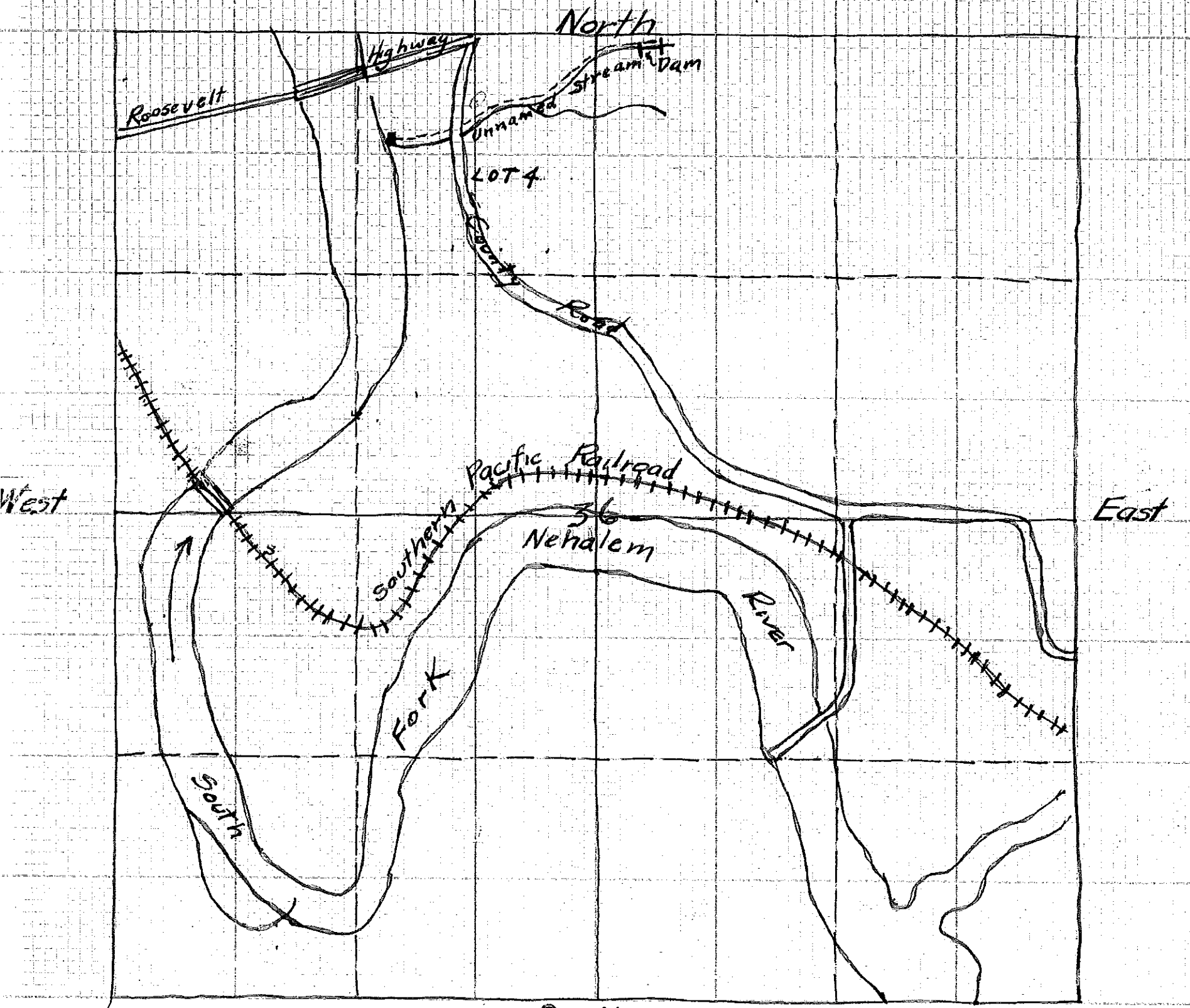


a. L. Godfrey

App. No. 14339  
Permit No. 10368

Township 3 North Range 10 West W.M.

Section 36

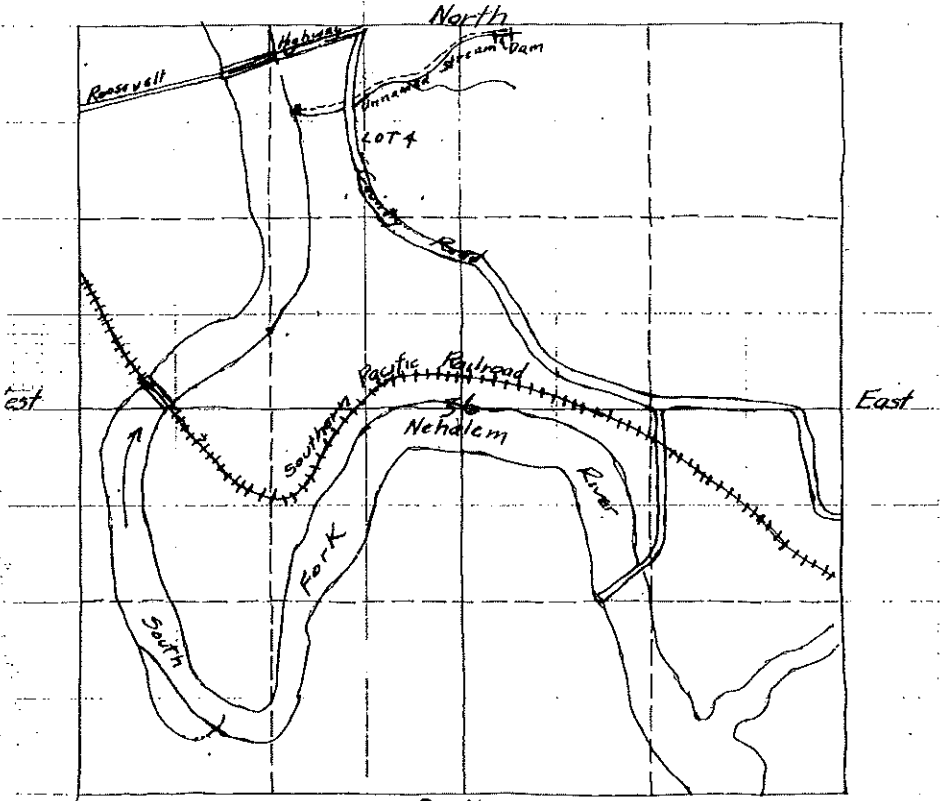


a. L. Godfrey

App. No. 14339  
Permit No. 10368

*[Handwritten signature]*

Township 3 North Range 10 West W.M.  
Section 30



*a. L. Gidney*

App. No. 14334  
Permit No. 10368

### PROOF OF APPROPRIATION OF WATER

1. Name A. L. Godfrey 2. Address Mahler, Oregon

3. Source of supply an unnamed stream

Tributary of South Fork Nehalem River

4. Amount of water 0.5 5. Priority date September 25, 1931

6. Use Domestic

7. Location of point of diversion, NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 36, Twp. 3 N, Range 10 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
3 N	10 W	36	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> or Lot 4: PLACE OF USE.		

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

(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, *3 1/2" pipe 6 ft long reduced to 1 1/4"* .....

Length of pipe, *1500*.....ft.; size at intake, *1 1/4*.....in.; size at .....ft. from intake, .....in.; size at place of use, *1 1/4*.....in. Difference in elevation between intake and place of use, *150*.....ft.

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

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

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

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

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

10. During what months is water beneficially used *continuously* .....

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? *Yes* .....

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

14. Domestic use: Give number of families actually using water at this time *10* .....

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 Marion } ss.

I, A. L. Godfrey, 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 29th day of December, 1931.

A. L. Godfrey

Subscribed and sworn to before me this 29 day of December, 1931.

Wm. H. Hammond  
Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires April 15, 1935

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Marion } ss.

We, Sam Tomlinson, and Russell Smith of Robert and Doreen, 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. 10368; 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.

Sam Tomlinson  
Russell Smith

Subscribed and sworn to before me this 29 day of December, 1931.

Wm. H. Hammond  
Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires April 15, 1935



**REPORT OF PERSON MAKING INSPECTION**

(For use by representative of State Engineer)

I, \_\_\_\_\_, do hereby certify that I have made an inspection of the works described herein and in Permit No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_, 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 a water right certificate for this amount.

**NOTE 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. \_\_\_\_\_

May 22, 1975

9953  
14339  
49958  
23391

Delbert Mayer  
P.O. Box 272  
Tillamook, OR 97141

Dear Mr. Mayer:

The certificate of water right issued to A. L. Godfrey recorded at page 9558 is for the appropriation of not to exceed 0.1 cubic foot per second of water of an unnamed stream for domestic use. The proof of appropriation of water lists 10 houses using water. The place of use is Lot 4 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 36, Township 3 North, Range 10 West, W. M., but we have no record of specific house locations beyond this.

There have been several letters between this office and the Secretary of the Association discussing the earlier right but I do not find a positive statement that use of water is being made in the houses of association members and if so that water is taken from the stream as located under the early right. We were furnished a list of owners whose property "may have been involved in the original right ----."

The diversion point for the early right was described as being 100 feet South and 200 feet East of the North quarter corner of Section 36 which places it about 550 feet North of the proposed diversion point as located by Mr. Carlieh and possibly not on the same water course.

There are two other rights in the immediate area but may be for diversion from a small stream just north of that under the Association's permit.

Delbert Mayer  
May 22, 1975  
Page 2

If there are no other rights to divert from the stream the association intends then the difference in priority between the Godfrey right and the association's permit has no practical effect. If there are other rights to the same water course and if the Godfrey right is valid and is for diversion from the same stream then the possibility of a change in point of diversion should be considered.

I have listed file numbers at the top of this letter to identify the four applications I refer to.

Very truly yours,

Trevor Jones  
Assistant

TJ:mm

January 7, 1975

49958  
14339

Mohler Water Association  
P.O. Box 203  
Nehalem, OR 97131

ATTENTION: Carolyn C. Tate, Secretary

Dear Ms. Tate:

This will acknowledge return of your application No. 49958 and map. The letter from Doris N. Kay advising us of her knowledge of the properties involved in the earlier right was also received.

Since our records and information submitted are not definite in locating the place of use under the earlier water right evidenced by the certificate recorded at page 9558, action towards clearing the record of the existing right shall not be made at this time.

The Association's application No. 49958 is in satisfactory form and will be placed in the next group being processed for issuance of a permit.

Very truly yours,

WAYNE J. OVERCASH  
Assistant

WO:db

October 16, 1974

49958  
14339

Mohler Water Association  
P.O. Box 203  
Nehalem, OR 97131

ATTENTION: Doris N. Kay, Secretary

Dear Ms. Kay:

This will acknowledge return of your application No. 49958 and map.

If the right to the use of water evident by the certificate of water right issued to Mr. Godfrey recorded on page 9558 State Record of Water Right Certificates is still valid for some of the house sites to be served water, those house sites and families should be deleted from your application No. 49958 and supporting map. As mentioned in my previous correspondence, the use of water of the earlier right would only be valid at the house sites where the use of water was perfected under the terms of the permit No. 10368 in September of 1931 and would remain valid and in force as long as the right or the portion of the right has not been lost to non-use for a period of any five successive years.

I am returning your application and map for correction and completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before December 16, 1974.

Very truly yours,

WAYNE J. OVERCASH  
Assistant

WO:db  
Enclosures

cc: John L. Carlech

January 9, 1974

14339  
49958

Mohler Water Association  
P.O. Box 203  
Honalea, OR 97131

Attention: Doris N. Kay

Dear Ms. Kay:

We have been withholding action on your application numbered 49958 since it was returned with the map to allow you time to review the proposed project. According to the report from our representative, Clayton Gardner, Watermaster of District No. 1, you may wish to amend your application and map to describe a different point of diversion and delete part of the project that is covered by the earlier water right evidenced by the certificate recorded at page 9558.

As mentioned in my previous correspondence, the certificate recorded at page 9558 issued to Mr. Godfrey evidenced the right to the use of 0.1 cubic foot of water per second from an unnamed stream for domestic use in Lot 4 (NE<sup>1</sup> NW<sup>1</sup>) of Section 36, Township 3 North, Range 10 West with a priority date of September 25, 1973. The use of water under this right would only be valid at the house sites where the use of water was perfected under the terms of the permit No. 10368 in September of 1931 and would remain valid and in force so long as the right or portion of the right has not been lost through non-use for a period of five successive years.

I am returning your application and map for correction and completion. Your application is endorsed so that in order to retain its date of priority, it must be received in this office on or before March 11, 1974.

Very truly yours,

WAYNE J. OVERCASH  
Assistant

WJO:mma  
encl  
cc: Clayton Gardner

January 12, 1973

49958  
14339

Mohler Water Association  
P.O. Box 203  
Nehalem, OR 97131

Gentlemen:

This will acknowledge your application for a permit to appropriate 0.08 cubic foot of water per second from an unnamed creek for domestic use for eight families. The original application you submitted in February of 1971, a map prepared on tracing paper, copies of seven legal descriptions, and fees of \$25 were also received. Our receipt No. 32033 is enclosed. Your application has been filed and numbered 49958.

The map shows service lines into the Lorette property, Guess property, Bush property, Kay property, Carrara property, and possibly the Angelus property, being seven properties. Your application states that eight homes will be served water. Is one of the service lines omitted from the map, or will one of the service lines presently shown serve two homes?

The Angelus property, according to the map submitted, is located within Government Lot 5 of Section 36. If so, item No. 8 on the application should be amended to state the number of homes to be supplied water in Government Lot 5.

According to our records, A. L. Godfrey was issued a certificate of water right recorded at page 9558 State Record of Water Right Certificates. The certificate issued to Mr. Godfrey evidenced the right to the use of 0.1 cubic foot of water per second from an unnamed stream for domestic use in Lot 4 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 36, Township 3 North, Range 10 West with a priority date of September 25, 1931. The point of diversion was located in the northwesterly part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36 and was for the use of water for ten families between the county roads and the south Fork Nehalem River south of the Roosevelt Highway. Your application indicates use in the same area. Will you please advise us of the status of the earlier right.

Mohler Water Association

Page 2

January 12, 1973

I am returning the application you originally submitted February 18, 1971, since it was not filed. I am also returning your application No. 49958 and map for completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before March 12, 1973.

Very truly yours,

WAYNE J. OVERCASH

Assistant

WJO:mjf

Enclosures



December 8, 1931

Mr. A. L. Godfrey,  
Mohler, Oregon.

Dear Sir:

Herewith you will find Application No. 14339, Permit No. 10368, together with blue print.

This application has been approved and recorded in this office.

November 25, 1951.

Mr. A. L. Godfrey,  
Mohler, Oregon.

Dear Sir:

In preparing a new system of indexing in this office it has been discovered that the map submitted with your Application No. 14389 is apparently in error. The maps which are on file in this office made by a registered engineer indicate a stream in the location as shown in pencil on your tracing.

It is requested that you check this matter carefully to determine the correct location of the stream from which you intend to appropriate water. It is very important that the stream, the point of diversion and place of use be clearly shown on your map and if you are unable to locate it correctly, I would advise that you obtain the services of a surveyor.

Prompt action on your part in this matter will be appreciated as we are prepared to issue the permit.

Yours very truly,

CHAS. E. STRICKLIN,  
State Engineer.

By

L. A. Stanley, Assistant.

VSB:LN  
encl.