

~~XXXXXXXXXX~~
Application No. ^R 51
Permit No. R 7
Certificate No. 690

FEES PAID

Date	Amount	Receipt No.
Total		

FEES REFUNDED

Date	Amount	Check No.

Name Orion Gold Mining Co.

By

Address Chalice Oregon

Date filed

Action suspended until

Stream Index, Page No.

Application Record, Book No.

See index

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

See No 4 B app

WR.I.S.	
Assembled	12-31-84 by <u> </u>
Entered	by
Verified	by

CONSTRUCTION

Date for beginning

Date for completion

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

Proof received

Date certificate issued

Receipt for recording fee No.

October 18, 1967

Robert B. Steimer
Watermaster, District 14
525 N. W. 5th Street
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Enclosed is a copy of your letter to this office dated March 27, 1962, regarding the possible cancelation of certain water rights as confirmed by certificate No. 16494, Rogue River Decree. It does not appear that any action was taken in respect to any request for cancelation of these rights.

This may be a good winter project for you or your assistant to follow up on and ascertain if these rights are now subject to abandonment. If so, perhaps the present owners of the lands in question would be willing to submit affidavits requesting cancelation or secure the necessary information so that this office could proceed with notice of intention to cancel.

We have had no reply from Raymond J. Salisbury to the letter written by James Carver on August 2, 1967, in regard to the Robert Groebli protest of the cancelation of the mining right under power claim No. 772, for Lawrence Mine. Would you call Mr. Salisbury or arrange a meeting with him in an attempt to get some action on this.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin D. Bennett
Assistant

MBB:ks
Enclosure

June 2, 1967

Robert L. Steiner
Watermaster, District 14
525 E. W. 5th Street
Trants Pass, Oregon 97526

Dear Mr. Steiner:

We are enclosing a print of Special Order Volume 2, page 500, which approved a change in place of use of this mining right, also a map which denotes the lands under certificates 19065, 19066, and 19067, Illinois River Decree.

If and when you have the time to inspect the lands, ditches, etc. under these mining rights and ascertain the names and addresses of the owners of record, occupants and/or contract purchaser, this office may be able to institute proceedings to have these rights canceled. Also certificate 19065 confirms the right for irrigation of certain described lands within Sections 22 and 27, those may be abandoned also.

Paragraph 13 at page 9 of this decree records two names of these ditches, one of which appear to agree with the adjudication map.

It may be advisable to postpone this action until after the irrigation season, however, I believe you stated there was no activity nor to reopen some of these old ditches.

It would also be wise to have some affidavits of non use of these water rights before any cancellation proceedings would be started.

It would be advisable for you to check the area outlined on the map to be certain all lands are included.

Very truly yours,

CHARLES L. WILKINSON
State Engineer

By
Harvin E. Bennett
Assistant

ELB:ks
Enclosure

WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO

ROBERT B. STEIMER
COURT HOUSE ANNEX
GRANTS PASS, OREGON

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATERMASTER
DISTRICT NO. 16
PHONE GR 6-4313

March 27, 1962

RECEIVED
MAR 28 1962
STATE ENGINEER
OREGON

Lewis A. Stanley,
State Engineer,
Salem, Oregon

Att: Max F. Rogers, Deputy

Dear Mr. Rogers:

cc 1/16494 all address ?

I have come across three water rights that I feel could be included for cancelation. They are found in the Rogue River Decree page 35, col. 2, in the name of Swastika Mine Co., priority 1871, for 0.55 c.f.s. for power, 2 hp, Oct. 1st to May 15th, Tetherow & Steel ditch, water returned to stream in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 32, Twp 34 S, R 5 WWM, place of use SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 32, Twp 34 S, R 5 WWM. This land is presently owned by the Portola Lumber Co.

newly dug 16494 Jeff Co. ?

Priority 1871 (next paragraph to above) 12 $\frac{1}{2}$ c.f.s. for placer mining, Tetherow & Steel ditch, water returned to stream in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 32, Twp 34 S, R 5 WWM, place of use Section 28, 29 and 32, Twp 34 S R 5 WWM, Josephine County, Oregon.

The point of return to the stream is presently owned by the Portola Lumber Co.

new 3

Proof 566, Vol 9 priority Sept. 23, 1895, 20 cfs for mining, Oct. 1 to June 1, Swastika Mining Co. piping ditch, place of use, Section 28, 29 and 32, Twp 34 S, R 5 WWM, Josephine County, Ore.

I was out today in the company with the Josephine County assessor and Mr. Ed Grosh who manages the Portola Tree Farms. He stated that he has been acquainted with the Portola Tree Farms in Section 32, Twp 34 S, R 5 WWM since 1955. No water for mining or power purposes has been used in that area.

We inspected the ditches and the Tetherow & Steel ditch carries irrigation water to Mr. Hamilton and Humphrey property. The Tetherow-Steel ditch couldn't possibly carry 12 $\frac{1}{2}$ c.f.s. of water. We inspected the Swastika piping ditch and it has apparently been unused for 10 to 20 years. I am sure that I can find people to testify if you care to cancel these.

page 2

We are having some trouble with a Mr. C. E. Johnson, who owns 20 acres in the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 32, Twp 34 S, R 5 WWM. Mr. Johnson as near as I can determine wants to cancel his ditches but not his water right. The assessor has been charging him taxes on the ditches. Mr. Johnson formerly owned several forties in the area. After inspecting the area the assessor said he didn't feel that there was anything in ditches that was taxable property.

Very truly yours,

Robert B. Steimer

Robert B. Steimer
Watermaster, District #14

rbs.fan

May 16, 1968

Mr. Raymond J. Salisbury
Attorney at Law
210 N. W. 6th Street
P. O. Box 378
Grants Pass, Oregon 97526

Dear Mr. Salisbury:

Enclosed are copies of letters to you dated January 10 and May 2, 1967, in reference to the water rights in the name of Oriole Gold Mining Company, which are reported to be within the property of Rocky Gulch Mining Company.

We would very much appreciate hearing from you in regard to the authorization to cancel these rights, or if the State Engineer should initiate proceedings to cancel under the provisions of ORS 540.631 to 540.650.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

MBB:ks
Enclosures

AFFIDAVIT

STATE OF CALIFORNIA)
County of _____)

SS.

I, _____,

being first duly sworn, depose and say that Rocky Gulch Mining Company is the legal owner of the lands and the water right appurtenant thereto, which is for the right to store not to exceed 0.5 acre foot of the waters of Right Fork of Rocky Gulch, tributary of Rogue River, for the purpose of power development and to supplement the water supply under permit No. 44, (certificate No. 709), said storage to be in the reservoir located in Section 23, Township 34 South, Range 8 West, W.M., with a date of priority of April 26, 1909, evidenced by certificate of water right issued in the name of Oriole Gold Mining Company and recorded at page 690, Volume 1, State Record of Water Right Certificates; that we have abandoned any and all interest in and to said water right and request the same to be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 1966.

Subscribed and sworn to before me this ____ day of _____, 1966.

My commission expires _____.

June 13, 1967

Robert W. Steiner
Watermaster, District 14
505 N. W. 5th Street
Tampa, Fla., 33606

Dear Mr. Steiner:

In regard to Applications No. 45 and 51, in name of Oriole Gold Mining Company, which you stated is now owned by Rocky Gulch Mining Company, we have attempted through Roy Salisbury, Attorney at Law, to have them authorize cancellation of Permit No. 7, Certificate No. 669, for storage of 0.7 acre foot in a reservoir in Section 23, Township 34 North, Range 3 West, T.1N., to supplement water under Permit No. 44, Certificate 709.

Certificate 709, for development of 425 theoretical horsepower Power Claim No. 149, expired and is no longer in force or effect, however, we have not cleared the records in regard to the storage right.

We have written to Mr. Salisbury, the last time by letter dated May 2, 1967, but have heard nothing from him in answer to our request.

If we cannot receive an authorization to cancel this right under Certificate 669, we perhaps had better attempt to cancel it by notice to the owners of record, etc., of the land where this reservoir was located, which may be hard to ascertain.

When you have the time and opportunity, please call Mr. Salisbury and inform him that unless we receive such authority from him within the next ten days, as agent or power of attorney, we must proceed with notice of intention to cancel.

Robert D. Steiner

-2-

June 13, 1967

It would be appreciated if you will ascertain from the assessor's records the name, address etc., of the owner of record of the land upon which this reservoir was located so that we can send notices of intention to cancel this water right, if Mr. Salisbury does not secure such affidavit to cancel.

Very truly yours,

CHARLES L. STEINER
State Engineer

By
Marvin E. Bennett
Assistant

END:ks

January 10, 1967

Mr. Robert B. Steimer
Watermaster Dist. 44
525 N.W. 5th
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Thank you for submitting the name of Ray Salisbury, Attorney at Law, 210 N.W. 6th Street, Grants Pass, Oregon, as being the legal advisor in connection with the Rocky Gulch Mining Company and that the records indicate that Mr. Rogers, 1127 Hyde Street, San Francisco, California, is their listed agent.

We shall send copies of the past correspondence with Mr. Rogers in regard to the possible cancelation of Permit R-7, Certificate 690, as the power right under Permit No. 44 has long since expired under the 40 year limitation.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

MBP:lja

January 10, 1967

Mr. Ray Salisbury
Attorney at Law
210 N.W. 6th Street
Grants Pass, Oregon

Dear Mr. Salisbury:

According to information received from Mr. Robert S. Steimer, Watermaster District 14, Grants Pass, Oregon, you are involved with Mr. Rogers of San Francisco, California, as agent of the Rocky Gulch Mining Company who are owners of certain mining claims located in Josephine County; also Mr. Steimer stated that you wished to be informed of any past correspondence with Mr. Rogers which pertained to the water rights of this company.

We are enclosing a copy of a letter under date of November 2, 1966, addressed to Mr. Rogers as their agent, no reply to this letter has been received in this office. Also, enclosed is a print of an affidavit form which was mailed to Mr. Rogers with a request that this affidavit be executed and returned to the State Engineer with your authority to cancel this water right.

I believe the letter dated November 2, 1966, to be self explanatory and states the status of both of these water rights in the name of Grisle Gold Mining Company, of which the Rocky Gulch Mining Company is the successor in interest.

If you, or the Rocky Gulch Mining Company, do not wish to authorize the State Engineer to cancel the water right under Certificate recorded at page 690, Volume 1, State Record of Water Right Certificates, by executing this affidavit, the State Engineer could proceed under the provisions of ORS 540.631 and 540.641 as our information indicates that this water right has been abandoned through nonuse for many years.

We will appreciate hearing from you within the immediate future as to your intention in regard to this matter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

Harvin S. Bennett, Assistant

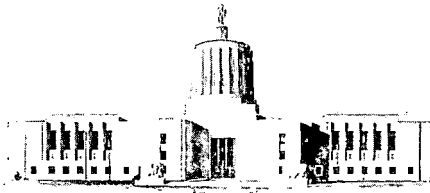
cc: Mr. Robert S. Steimer
Watermaster Dist. 14
Enclosures
KSE:lja

WATERMASTER DISTRICT NO. 14

525 NW 5TH STREET

GRANTS PASS 97526

TEL. 476-6828



STATE OF OREGON

STATE ENGINEER

WATER RESOURCES DEPARTMENT

January 4, 1967

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

REFER TO A-48
FILE NO. A-51

RECEIVED
JAN 5 1967

STATE ENGINEER
OREGON

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Marvin B. Bennett, Asst.

Dear Marvin:

In regards to permit #R-7 and #44 in the name of Rock Gulch Mining Co. in Section 23 of Township 34 South, Range 8 West, W.M., according to the assessor's records, Mr. Rogers at 1127 Hyde St., San Francisco, Calif. is the name and address of the agent of the Rocky Gulch Mining Co.

Upon further investigation I found a local attorney, Ray Salisbury, 210 N. W. 6th St., Grants Pass, had been involved with Mr. Rogers. I called Mr. Salisbury's office to determine if he still represented the owners of this mine. According to the information I received he is still retained by Mr. Rogers and would like a copy of any correspondence concerning his client.

Very truly yours,

Robert B. Steimer
Watermaster, District #14

Rs:dc

November 2, 1966

Mr. Rogers, Agent
Rocky Gulch Mining Co.
1127 Hyde Street
San Francisco, California

Dear Mr. Rogers:

A water right issued in the name of Oriole Gold Mining Company, for the use of not to exceed 12.5 cubic feet per second of the waters of Right Fork of Rocky Gulch, a tributary of Rogue River for the development of 425 theoretical horsepower, under priority date of April 26, 1909 and recorded at Page 709, Volume 1, State Record of Water Right Certificates, was reduced by Power Claim No. 149 to 199 horsepower. This certificate contains a clause which provides that the rights to the use of water purposes are limited to a period of forty years from the date of priority. This power claim expired April 26, 1949 and since 1953 your company has not paid any fees.

As the power claim expired by this date, our records regarding this water right are marked as EXPIRED, and this right to the use of water for the development of horsepower is no longer in force or effect.

The last correspondence from this office with the Rocky Gulch Mining Company was addressed to Irving H. Frank, President, 311 California Street, San Francisco, California. Your address was obtained from the Josephine County Assessor's records at Grants Pass, Oregon.

A water right issued to Oriole Gold Mining Company, being certificate recorded at Page 690, Volume 1, State Record of Water Right Certificates, confirmed the right to store 0.5 acre foot of water from Right Fork of Rocky Gulch to be used in conjunction with this expired power right, and to supplement water supply under permit No. 44, certificate 709. This right remains a matter of record in this office, however, it apparently should be canceled through abandonment and non-use.

Mr. Rogers, Agent

-2-

November 2, 1966

We are enclosing an affidavit form for you to complete by signature and having notarized, which is to request the State Engineer to cancel from the records this old water right. Also enclosed is a stamped and addressed envelope for your use in returning the affidavit to this office. We would appreciate an early reply from you in regard to this matter.

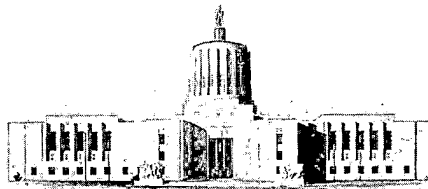
Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

MBS:hlz
Enclosures

WATERMASTER DISTRICT NO. 14
COUNTY COURTHOUSE
GRANTS PASS 97526
TEL. 476-6927



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

November 1, 1966

REFER TO
FILE NO. A-48
A-51

RECEIVED
NOV 2 1966
STATE ENGINEER
SALEM, OREGON

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Marvin B. Bennett, Asst.

Dear Marv:

In answer to your letter of October 28,
the Assessor has Mr. Rogers listed as Agent
of the Rocky Gulch Mining Company located in
Section 23, Township 34 South, Range 8 West,
W.M. His address is 1127 Hyde St., San
Francisco, California.

Very truly yours,

Bob

Robert B. Steimer
Watermaster, District #14

RS:dc

October 28, 1966

Mr. Robert B. Steimer
Watermaster Dist. 14
525 N.W. 5th
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Permits No. R-7 and 44, in name of Oriole Gold Mining Company, were confirmed by issuance of Certificates No. 690 and 709. Permit No. 44, Certificate 709, was for the development of 425 theoretical horsepower for the use in Bluebird Mining Claim in Section 26, Township 34 South, Range 8 West, W.M., later reduced under Power Claim No. 149. This power claim expired under date of April 26, 1949 and the certificate is so noted, however Permit No. R-7, Certificate No. 690, for storage under Permit No. 44 of $\frac{1}{2}$ a.f. of the waters of Right Fork of Rocky Gulch was never canceled.

The last power fees paid were by Rocky Gulch Mining Company, c/o Irving Frank, President, San Francisco, California (311 California Street). This company may or may not be the owner of these lands at this time.

Will you please ascertain from the County Assessor's office the name and address of the legal owner of these lands and send this information to this office. We will attempt to secure their affidavit to cancel the storage right as the power right has long been expired.

The Rogue River Adjudication map shows the Oriole Mine as being within SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23 and Certificate 709 states the Bluebird Mining Claim as being in Section 26, Township 34 South, Range 8 West, W.M.. We should be interested only in Section 23 as this is the stated location of the reservoir.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

MBB:lja

October 28, 1966

Mr. Robert B. Steimer
Watermaster Dist. 14
525 N.W. 5th
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Permits No. R-7 and 44, in name of Oriole Gold Mining Company, were confirmed by issuance of Certificates No. 690 and 709. Permit No. 44, Certificate 709, was for the development of 425 theoretical horsepower for the use in Bluebird Mining Claim in Section 26, Township 34 South, Range 8 West, W.M., later reduced under Power Claim No. 149. This power claim expired under date of April 26, 1949 and the certificate is so noted, however Permit No. R-7, Certificate No. 690, for storage under Permit No. 44 of $\frac{1}{2}$ a.f. of the waters of Right Fork of Rocky Gulch was never canceled.

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Will you please ascertain from the County Assessor's office the name and address of the legal owner of these lands and send this information to this office. We will attempt to secure their affidavit to cancel the storage right as the power right has long been expired.

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Very truly yours,

CHRIS L. WIENLER
State Engineer

By
Marvin B. Bennett
Assistant

MBB:lja

See file under 48-49-50

48-51