

Application No. 9121

Permit No. 5976

Certificate No. 7615

**FEES PAID**

Date	Amount	Receipt No.
.....	.....	.....
.....	.....	.....
Total	.....	.....

Name L. E. Bean

By .....

Address Eugene, Ore.

Date filed .....

Action suspended until .....

Returned to applicant .....

Date completed .....

Date of approval .....

Stream Index, Page No. ....

Application Record, Book No. ....

**FEES REFUNDED**

Date	Amount	Check No.
.....	.....	.....

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

**REMARKS**

**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**

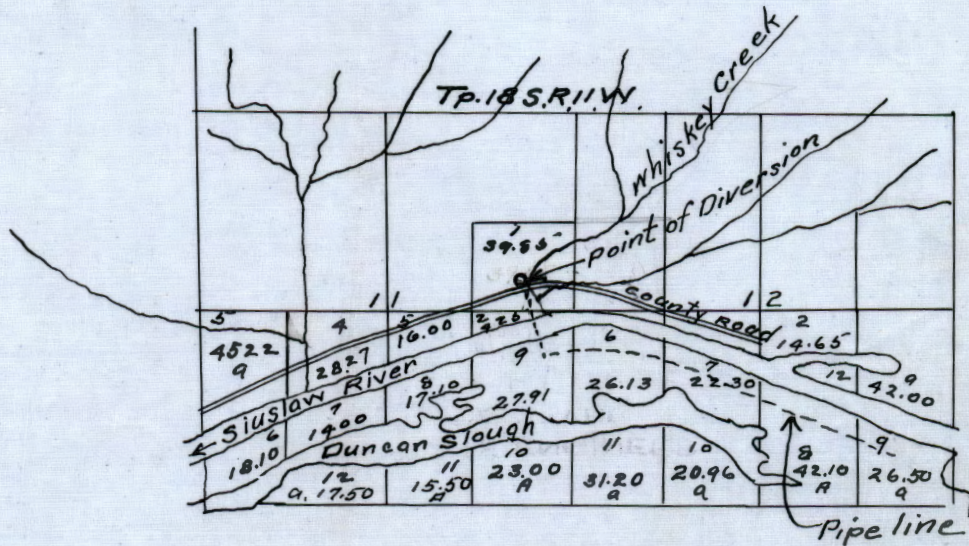
Blank mailed .....

Proof received .....

Date certificate issued .....

Receipt for recording fee No. ....

1510



STATE ENGINEER  
RECEIVED

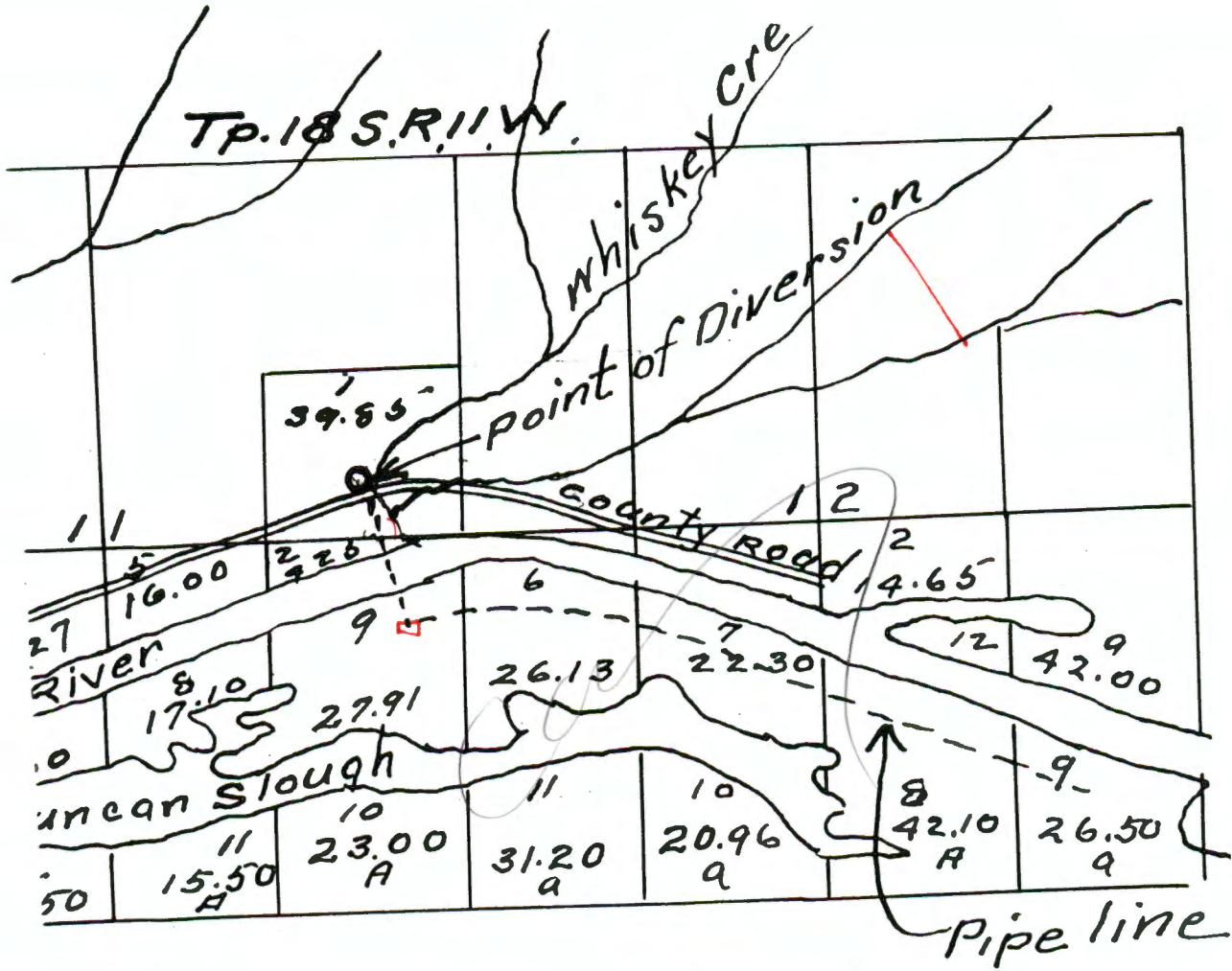
AUG 6 1923

SALEM, OREGON

Application No 9121  
Permit No. 5976

1510

Tp. 18 S. R. 11 W.



PERMIT No. 5976

APPLICATION No. 9121

COUNTY LANE

# Proof of Appropriation of Water

1. Name L. E. Bean 2. Address Eugene, Oregon

3. Source of supply Whiskey Creek

Tributary of Siuslaw River

4. Amount of water 0.2 5. Priority date August 6, 1923.

6. Use Domestic

*Diversion SE NE Sec. 11-18S-11W*

7. 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
			Lot 9, Sec. 11, Tp. 18 S., R. 11 W., W.M.		This column must be filled in if water is used for irrigation.

(Attach separate sheet if necessary)

## DESCRIPTION OF WORKS

8. (a) Location of point of diversion, ~~SE NE~~ Sec. 11, Twp. 18, Range 11 W. W. M. (Legal Subdivision)

(b) If a dam has been constructed, give description: Height, .....ft.; length on top, .....ft.; length on bottom, .....ft.; material used and character of construction, .....

(c) Give description of headgate: Width, .....ft.; depth, .....ft.; material used and character of construction, .....

(d) Size of canal: Width on top (at waterline) .....ft.; width on bottom, .....ft.; grade, .....ft. fall per 1,000 ft. Actual capacity, .....sec.-ft. Give general description, Installed 3" pipe line for about 200', reduced to 2" and piped to house and barn.

8. (Cont'd.)

(e) Pipe line: Description of intake, Timber. Circular penstock.

Length of pipe, <sup>over</sup> 1800ft.; size at intake, 200in.; size at 3 ft. from intake, 2 in.; size at place of use, 1 in. Difference in elevation between intake and place of use, 60 ft.

Is grade uniform? no Actual capacity of pipe line, about 2 sec.-ft.

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

(f) 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.

GENERAL

9. During what months is water beneficially used Continuously.

10. State character of soil \_\_\_\_\_

Kind of crops raised \_\_\_\_\_

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

12. If not, wherein is such map in error? \_\_\_\_\_

13. Domestic use: Give number of families actually using water at this time One family and stock.

14. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Will increase use as tract is subdivided.

STATE OF OREGON,

County of Marion } ss.

I, L. E. Bean, 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 25th day of June, 1928.

Subscribed and sworn to before me this 25th day of June, 1928.

[NOTARIAL SEAL]

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

W. E. Bean  
Notary Public for Oregon  
STATE ENGINEER

**AFFIDAVIT OF WITNESSES**

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 neces-  
sary 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 state-  
ment contained therein is true to the best of our knowledge and belief.

*Q.T.C. Certificate  
R.L.*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_\_

Notary Public for Oregon

[NOTARIAL SEAL]

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

**REPORT OF PERSON MAKING INSPECTION**

I, \_\_\_\_\_, do hereby certify that I have made  
an inspection of the works described herein and in Permit No. \_\_\_\_\_, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 192\_\_\_\_\_, and found the foregoing statements and descriptions of works to  
be accurate. In my opinion the appropriation has been completed to the extent of \_\_\_\_\_  
and I recommend the issuance of a water right certificate for this amount. \_\_\_\_\_  
(Quantity of water in  
second-feet or acre-feet)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

**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.

PROOF OF APPROPRIATION

Permit No. 5976

Recording fee paid

Receipt No. 8345

NOTICE OF BEGINNING OF CONSTRUCTION

I, L E Bear, the holder of Application No. 9121, being Permit No. 5976, 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 Whiskey Creek 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 15<sup>th</sup> day of August, 1923, being within the time limitation as fixed in said permit for the beginning of construction work.

Put in temporary intake tank - connected and laid 2 1/2 inch pipe across Simlaw River distance of 870 feet to point  
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 lot 9 in sec 11 Tp 18 SR 11 West

IN WITNESS WHEREOF, I have hereunto set my hand this 29 day of September, 1923,

Eugene Oregon  
(Present Address)

L E Bear  
(Signature of Applicant)



NOTICE OF BEGINNING OF CONSTRUCTION

*L. C. Brown*

Permit No. *0776*, issued by the State Engineer of the State of Oregon, the holder of Application No. *9151*, being

second-foot of the waters of *William Creek* for the appropriation of *0.2* in accordance with the terms and the limitations endorsed thereon by the State Engineer, began the actual construction of the project described therein on the *15th* day of *August*, 19*23*, being within the time limitation fixed in said permit for the beginning of construction work.

**STATE ENGINEER RECEIVED**

**OCT 1 1923**

**SALEM, OREGON**

The applicant should state the nature of the proposed construction work, number of men and teams employed, the amount of work completed up to the date of this report, and any additional information that may lead to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this *29th* day of *September*, 19*23*.

*L. C. Brown*  
(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, L E Bean, the holder of Application No. 9121, being

(Reservoir or Enlargement) Permit No. 5-976, issued by the State Engineer of the State of Oregon for the appropriation of 0.5 second-feet of the waters of Whiskey Creek 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<sup>th</sup> day of September, 1924, being the time limitation as fixed in said permit or extended by the State Water Board 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 10 day of July, 1925,

Eugene Oregon  
(Present Address)

L E Bean  
(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

I, L E Bean, the holder of Application No. 9121, being

(Reservoir or Enlargement) Permit No. 5-976, issued by the State Engineer of the State of Oregon for the appropriation of 0.5 second-feet of the waters of Whiskey Creek 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 15<sup>th</sup> day of Sept, 1924, being within the time limitation as fixed in said permit or extended by the State Water Board 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 10 day of July, 1925,

Eugene Oregon  
(Present Address)

L E Bean  
(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

the holder of Application No. *1121* being  
 issued by the State Engineer of the State of Oregon  
 Permit No. *2772*  
 for the appropriation of *second-foot* of the waters of *Whitaker Creek*  
 in accordance with the permit and the limitations endorsed thereon by the State Engineer,  
 completely applied the water to a beneficial use, on the *1st* day of *July*, 1925,  
 being the time limitation as fixed in said permit or extended by the State Water Board for the complete  
 application of water to a beneficial use.

**STATE ENGINEER RECEIVED**  
 JUL 11 1925

SALEM, OREGON

Remarks:  
 Will out detach and mail to the Secretary, State Water Board, Salem, Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand this *10th* day of *July*, 1925.  
*L. B. Brown*  
 (Signature of Applicant)  
 (Printed Address)

NOTICE OF COMPLETION OF CONSTRUCTION

the holder of Application No. *1121* being  
 issued by the State Engineer of the State of Oregon  
 Permit No. *2772*  
 for the appropriation of *0.2* second-foot of the waters of *Whitaker Creek*  
 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 *1st* day of *July*, 1925,  
 being within the time limitation as fixed in said permit or extended by the State Water Board for the  
 completion of the construction work.

**STATE ENGINEER RECEIVED**  
 JUL 11 1925

SALEM, OREGON

Remarks:  
 in your permit, you should so state in order that the works may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this *10th* day of *July*, 1925.  
*L. B. Brown*  
 (Signature of Applicant)  
 (Printed Address)

Will out detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form B should be used in reporting progress of work if more than one year has been allowed for completion.

L. C. Bean

Eugene, Oregon

app. 9121

0.5 sec. ft. from Mikey Creek for  
domestic use.

August 14, 1924

June 1, 1925

October 1, 1926

A filed

7-9-25 - Card for B.

B & C filed + ack.

Final Proof mailed 7/30/25

Receipt No. 8345

mailed 6/26/28

OK

July 30, 1925.

Mr. L. E. Bean,  
Eugene, Oregon.

Dear Sir:

I am enclosing herewith blanks for making final proof ~~of~~ appropriation of water under Permit No. 5976.

After the proof has been carefully filled out and signed before a notary public, it should be returned to this office, together with \$1.00 for the purpose of recording the water right certificate in the county records.

I am also enclosing a copy of instructions which may be found helpful in completing the proof.

Yours respectfully,

H.  
Enclosures.

Rhea Luper  
State Engineer

LAW OFFICE OF  
**WILLIAMS & BEAN**  
EUGENE, OREGON

July 10, 1925

Rhea Luper,  
State Engineer,  
Salem, Oregon.

Dear Sir:

I am inclosing herewith notice of completion of construction, and also notice of complete application of water to a beneficial use under permit No. 5976.

If there is anything further required in connection with this matter please let me know.

Respectfully yours,



LEB:DJ  
inc.

STATE ENGINEER  
RECEIVED  
JUL 11 1925  
SALEM, OREGON

App. #9121  
Per. #5976  
Cert. #7615

Mr. B. A. Murray - Page 2

July 3, 1939

desire to use the water for irrigation, it is  
you to initiate a new right by asking application to this  
office for a permit, blanks and instructions for which are

July 3, 1939

Mr. B. A. Murray  
Florence, Oregon

Very truly yours,

Dear Sir:

Replying to your letter of July 1, relative to  
the water right evidenced by Certificate No. 7615, please be  
advised that our records show that this right was initiated for  
the purpose of supplying water for domestic purposes.

CES:nlw  
Encs.

The application stated as follows:

"It is intended to supply twenty-five or  
more families with a domestic water supply upon  
platted tracts, and the pipe line will be extended  
to include additional tracts as needed."

The proof filed in connection with the issuance  
of certificate under this right stated under Question 13:

"13. Domestic use: Give number of families actually  
using water at this time: One family and stock."

The place of use in the proof is described as Lot 9,  
Section 11, Township 18 South, Range 11 West, W. M.

In construing the certificate in connection with the  
proof, it is my interpretation that the water right evidenced by  
Certificate No. 7615 is appurtenant to Lot 9, Section 11, Township  
18 South, Range 11 West, W. M., and is limited to supplying domestic  
water to one family and within the tract as described above.

If no reference were made in regard to this water right  
in the deed or contract of sale, the water right being appurtenant to  
the lands belongs to the purchaser of the lands.

Our courts have held that domestic water includes  
water for household use and for the watering of such domestic animals  
as are ordinarily kept on a farm. It would be my interpretation that  
this right does not include water for irrigation. Therefore, if you

Clatsop, Oreg.

July 1, 1939

July 3, 1939

Mr. B. A. Murray - Page 2

State Engineer

Salmon River

Permit

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ENGINEER  
OREGON

desire to use the water for irrigation, it is necessary for you to initiate a new right by making application to this office for a permit, blanks and instructions for which are enclosed.

Very truly yours,

I would like you advise <sup>about</sup> Water Rights.

L. E. Bean for <sup>Washby Creek</sup>, a tributary of Sunslaw, in June or July 1923 and it was approved Aug. 1928, located in the D.E. 1/4 of the NE 1/4 of Section 11, T.18-R11W.2M. to irrigate Lot 9 in same section and for domestic use.

CHAS. E. STRICKLIN  
State Engineer

CES:afw  
Encls.

This Water Right was recorded in Eugene but does not appear on any of the deeds. The house is located in Section 12.

Does the Water Right give a person privilege to run the water to a house or houses located any place on any part of the land one owns?

Is this Water Right the property of L. E. Bean or does it automatically go with the property for which it was filed on, or



Florence, Oreg.  
July 1, 1939

Mr. Charles E. Stricklin  
State Engineer  
Salem, Oreg.

RECEIVED

JUL 8 1939

STATE ENGINEER  
SALEM, OREGON

Dear Sir:-

I would like your advise <sup>about</sup> Water Rights.

L. E. Bean filed on Whiskey Creek, a tributary of Siuslaw, in June or July 1923 and it was approved Aug. 1928, located in the D.E.  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 11, T.18-R.11 W.W.M. to irrigate Lot 9 in same section and for domestic use.

This Water Right was recorded in Eugene but does not appear on any of the deeds. The house is located in Section 12.

Does the Water Right give a person privilege to run the water to a house or houses located any place on any part of the land one owns?

Is this Water Right the property of L. E. Bean or does it automatically go with the property for which it was filed on, or

\* It is intended to supply 25 or more families with a domestic water supply upon plotted tracts, and the pipe line will be extended to include additional tracts as needed.

domest supply

STEWART OBESON  
CIVIL ENGINEER  
1911

RECEIVED

Should  
have

Should I file a new Water Right if it is lawful? I have just bought this property.

If the water was to supply more than one house and irrigate would it be possible to increase the amount of water feet per second?

I find by the map that Whiskey Creek is located in the U.S. National Forest.

Please advise me on the above and any other information that I should know.

Thanking you I am

Yours truly  
R. A. Murray.

0.2  
lot 9 (NE SE) <sup>lot 9-5011</sup>  
18-11E  
domestic

APP 9/21  
per 5976  
CCV 7615

9121

August 16th, 1923.

Mr. L. E. Bean,  
Eugene,  
Oregon.

Dear Sir:- Herewith you will find Application No. 9121, being Permit No. 5976, together with blue print. This application has been approved and recorded in this office.

SIUSLAW BOOM COMPANY

CUSHMAN, OREGON

L. E. BEAN, ENG. AND TRSAR  
EUGENE, OREGON

SECRETARY'S OFFICE  
EUGENE, OREGON

AUGUST 7th, 1923.

August 8th, 1923.

Mr. Louis E. Bean,  
Eugene,  
Oregon.

Dear Sir:-

Enclosed please find my official receipt No. 10215 for \$8.00, which amount was transmitted with your letter of August 7th, as fees on your application No. 9121, and the application will be taken up for approval.

I note that the water is to be used in supplying a number of families, and the application will be approved for the full amount.

Trusting you will find this satisfactory, I remain

Yours respectfully,

Rhea Luper,  
State Engineer.

RJS-LA

Respectfully yours,

LE:DJ  
1123-

*I have my pipe ready to put in and hope to commence in a next week*

**STUSLAW BOOM COMPANY**

CUSHMAN, OREGON

L. E. BEAN, SEC. AND TREAS.  
EUGENE, OREGON

SECRETARY'S OFFICE  
EUGENE, OREGON

August 7th, 1923.

STATE ENGINEER  
RECEIVED

AUG 8 1923

SALEM, OREGON

Rhea Luper,  
State Engineer,  
Salem, Oregon.

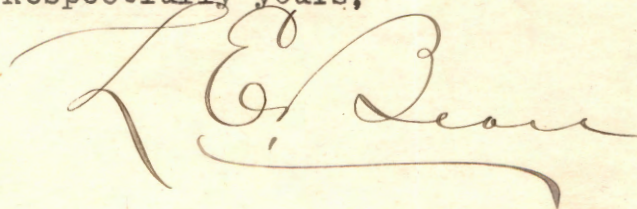
Dear Sir:

I am in receipt of your favor of the 6th instant with reference to my application for permit to appropriate water from Whiskey Creek for domestic purposes. I am inclosing herewith my check on the U. S. National Bank for \$8.00 to cover examination and recording fee.

In designating the one-half second foot of water as the amount sought to be appropriated I simply put it in large enough to cover future needs. I am supplying a tract of land which I had recently platted and the pipe line to be put in will ultimately supply twenty or twenty-five families. The Creek does not carry to exceed one-half second foot of water and probably not much over half that amount. If it is really material there would be no objection to cutting the amount to one-quarter second foot.

Respectfully yours,

LB:DJ  
inc.



*I have my pipe ready to put in and hope to commence on it next week*

August 6th, 1923.

Mr. L. E. Bean,  
Eugene, Lane County,  
Oregon.

Dear Sir:-

I am in receipt of your application for permit to appropriate water from Whiskey Creek for domestic purposes. I am also in receipt of map. This application has been numbered 9121 and placed on file.

The fees on the application are a \$7.00 examination fee and a \$5.00 recording fee.

I note the application covers the appropriation of one-half second foot of water for domestic purposes. We usually limit the amount to be appropriated to one-tenth second foot for from one to five families, and the application gives no information as to the number of families to be supplied.

Upon receipt of fees and information in regard to the number of people to be supplied, the application will be taken up for approval.

Very respectfully,

Rhea Luper,  
State Engineer.

RJS-LA