

Application No. 113.  
Permit No. 50.  
Certificate No. 711.

Name The Drain Water Co.

By \_\_\_\_\_  
Address Cottage Grove Ore

Date filed \_\_\_\_\_  
Action suspended until \_\_\_\_\_

Stream Index, Page No. \_\_\_\_\_  
Application Record, Book, No. \_\_\_\_\_  
*See : Dam File D-39  
Map File C-36-2*

FEES PAID		
Date	Amount	Receipt No.
Total		

FEES REFUNDED		
Date	Amount	Check No.

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

Date completed \_\_\_\_\_  
Date of approval \_\_\_\_\_

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

Prior,  
June 1, 1919  
2.00 fee

Division No. 1 ..... Original Permit No. 50 ..... County of Douglas .....  
Enlargement #109  
Permit Application No. #1011

## Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Bear Creek ..... Tributary of Elk Creek .....

1. Name The Drain Water Company .....
2. Postoffice address Cottage Grove, Oregon. .....
3. For what purpose is water used? Irrigation, power and domestic supplies  
(For the City of Drain) (Municipal Supply) ✓
4. Did you begin the actual construction of the Drain Water Company pipe line ~~Ditch~~  
(or other distributing works described in said permit), on or before July 23, 1910 yes...? .....
5. Give the date of completion of such construction work July 1st, 1912 .....
6. When was all the water completely applied to the proposed use? August 1st, 1912 .....
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.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>Intake</u> <u>22 S.</u>	<u>located within</u> <u>6 W.</u>	<u>XX 25</u>	<del>SE 1/4</del> <u>N.W. 1/4 N.W. 1/4</u>		

8. During what months is water beneficially used? Continuous all the year .....

9. State the character of the soil and kind of crops raised.....
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
11. If not, state wherein such map is in error.....
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) 10 inch intake 10--8--and 6 inch line to city of Drain connecting with 6 inch mains in city.  
Elevation of intake above storage reservoir 60 feet.
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.....  
*22nd*  
*attn: city*  
Municipal use for city of drain

STATE OF OREGON,  
 County of Lane } ss.

I, George M. Hall, 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 22 day  
 of Oct, 1914

George M. Hall

Subscribed and sworn to before me this 22 day of Oct, 1914.

(Notarial Seal)

Ipha Widdersheim  
 Notary Public for Oregon.

AFFIDAVIT OF WITNESSES

We, - Geo. Lea - - - - - and - - Welcome Hubbell - - - - -,  
of Cottage Grove, Oregon, - - - - -, being first duly sworn, depose and say that  
we are well acquainted with the facts and conditions set forth in the foregoing statement relative  
original,  
to proof of appropriation of water under Permit No. 50; 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 appropria-  
tion, and that each and every statement contained therein is true to the best of our knowledge  
and belief.

*Geo. Lea*  
-----  
*Welcome Hubbell*  
-----

Subscribed and sworn to before me this 22d. day of October, 1914.

(Notarial Seal) *Rhea Widdowsheim*  
-----  
Notary Public for Oregon.

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD  
By Representative Taking Proof.

*This water is used to supply the city of  
Orain, the usual municipal purposes.  
It is a benefit proof and a license should  
be issued.*

*Rhea Luper*  
-----

OFFICE OF STATE WATER BOARD  
RECEIVED  
NOV 18 1914  
5:11 PM. OREGON.

October 13, 1958

113  
2018

Honorable A. C. Whipple  
Mayor  
City of Brain  
Brain, Ore on

Dear Mayor Whipple:

It has been brought to our attention that the City of Brain has started construction of a 22,000,000 gallon regulation reservoir, located on a sidehill above a County Road and several residences. In the event of structural failure extensive property damage and possible loss of life would result.

This letter is to advise you that in proceeding with this work you are in violation of ORS 540.350, Subsection 1, which reads as follows; "No person, firm or private or municipal corporation shall construct any dam, dike, or other hydraulic structure or works, the failure of which the State Engineer finds would result in damage to life or property, unless the State Engineer has made an examination of the site and of the plans and specifications and other features involved in the construction of such works, and has approved them in writing."

You are hereby directed to cease work on this structure and that no further construction work is to be undertaken or completed until plans and specifications have been approved, in writing, by this office.

Very truly yours,

Lewis A. Stanley  
State Engineer

AMP:LAS:mb  
cc: Mr. V. R. Thomas

February 27, 1947

Mr. Herbert W. Lombard  
Attorney at Law  
Cottage Grove, Oregon

Dear Mr. Lombard:

In reply to your letter of February 20, in which you inquire relative to rights covering use of water in the City of Drain, I am enclosing a copy of our letter of February 14.

The rights described in this letter are the only rights I can find of record in this office covering use in Drain.

Yours very truly,

CHAS. E. STRICKLIN  
State Engineer

By  
Ed K. Humphrey, Assistant

EKH:vc  
Enc.

REET

Herbert W. Lombard

ATTORNEY AT LAW  
COTTAGE GROVE, OREGON

February 20, 1947

113  
2008

RECEIVED  
FEB 24 1947  
STATE ENGINEER  
SALEM OREGON

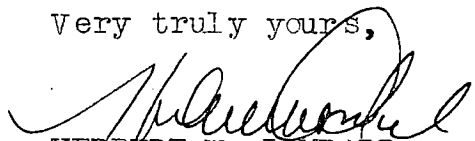
State Engineer  
Salem, Oregon

Dear Sir:

Would you kindly advise me as to whether or not the City of Drain holds any water right on what is known as Billy Creek, a tributary of Elk Creek, or on Bear Creek and its tributaries of Billy Creek or Elk Creek. Or does the City of Drain hold any other water rights for municipal water purposes?

Thanking you for this information, I am

Very truly yours,

  
HERBERT W. LOMBARD,  
City Attorney for Drain

HWL:jg



February 14, 1947

City of Drain  
Drain, Oregon

Gentlemen:

ATTN: Mr. L. C. Applegate  
City Recorder

In reply to your letter of February 12, this will advise you that rights are of record in this office covering use of water from Bear Creek as follows:

A right confirmed by a certificate recorded in the name of the Drain Water Company on Page 711, State Record of Water Right Certificates, covering the use of 2.0 c.f.s. for municipal supply with a priority of June 1, 1909.

A right in the name of Drain Water Company, recorded on page 1301, State Record of Water Right Certificates, covering use of 2.0 c.f.s. for municipal use with a priority of January 17, 1912.

The rights described above are in good standing according to our records.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

El K. Humphrey, Assistant

EKH:nw

# Bank of Cottage Grove

CAPITAL STOCK, \$25,000.00

GEORGE M. HALL, PRESIDENT  
B. LURCH, VICE PRESIDENT  
HARRY SHORT, CASHIER

Cottage Grove, Ore. February 17, 1914.

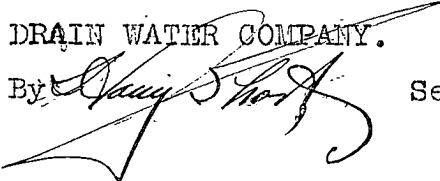
Mr. M. F. Mers, Secretary,  
State Water Board,  
Salem, Oregon.

OFFICE OF STATE WATER BOARD  
RECEIVED  
FEB 18 1914  
SALEM, OREGON.

Dear Sir:-

Under date of Feb 4th, you wrote us that we had not made final proof of water appropriated under permit No 50.

Will you kindly forward us the necessary blanks for completing our title as we have finished all the work on this project.

Yours very truly,  
DRAIN WATER COMPANY.  
By:  Sec & Treas.

Address Communications to

Drain Water Co,  
Cottage Grove, Oregon.

# Bank of Cottage Grove

CAPITAL STOCK, \$25,000.00

W. M. HALL, PRESIDENT  
J. J. BURCH, VICE PRESIDENT  
HARRY SHORT, CASHIER

Cottage Grove, Ore. February 5, 1914.

OFFICE OF STATE WATER BOARD

RECEIVED

FEB 6 1914

SALEM, OREGON.

Mr. M. F. Mers, Sec ry.,  
State Water Board,  
Salem, Oregon.

Dear Sir:-

We have your letter of the 4th., in regard to our water permit No 50.

We were under the impression that we had filed all the necessary papers to complete our title under this permit.

We would thank you very much to forward us such additional blanks as may be necessary to submit the final proof of the appropriation.

Thanking you for calling our attention to the matter, we are,,

Yours very truly,

DRAIN WATER COMPANY.

By Harry Short  
Secry and Treas.

HS/S

~~113~~ / 2 a

June 23, 1910.

Mr. Francis P. Kurtz,

Cottage Grove, Oregon.

Dear Sir:

I am in receipt of yours of the 21st inst., in regard to application No. 113, permit No. 50. Upon looking up this permit, I find that actual construction work, according to the terms of the permit, should begin on or before July 23, 1910, and be completed on or before July 23, 1911. I believe the time of commencement of work is so fixed by statute that it could not be extended. However, any reasonable showing before the Board of Control, I believe, would secure an extension of the time in which the work should be completed.

Very respectfully,

State Engineer.

*Francis R. Kurtz*

# TAYLOR & KURTZ

Engineers and  
Surveyors

CIVIL  
SANITARY  
HYDRAULIC

MINE  
MUNICIPAL  
STRUCTURAL

App # 113  
Permit # 50

Cottage Grove, Oregon,

June 21, 1910

Mr. John H. Lewis, State Engineer

S A L E M O R E

Dear Sir :-

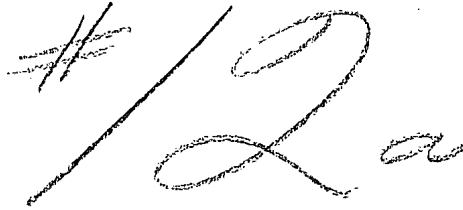
Owing to a carelessness in our blueprint room, we have had to wait until the prints could be made in Portland, meanwhile I beg to correct the impression that I desired an extension of time for the beginning of work on the Drain Water System, permit # 50, as the actual survey work has been made, and parties are rapidly getting the right of way straightened up, as the pipe line goes thru considerable rough land, and also some pretty fair farm land - which you know is hard to get permission to cross without trouble. I am in doubt as to whether we can construct the entire line this year, including repair and reconstruction of the reservoir, and we have a contract on a small spring owned by the City of Drain to furnish water sufficient for this season, providing it is impossible to get labor enough to do the work this year- in that case, I asked if our work would not hold our water right, and also your advice on securing the extension of time for completion of the system. As soon as possible will send you detail of the line, and gladly furnish any information you may desire of the line. Also kindly send me blanks for applications, and any late changes that may be made in or in regard to water laws under direction of your Office.

Respectfully Yours,

*Francis R. Kurtz*

*July 23 - 1910*  
*July 23 1911*  
*July 22 1913*

FPK-LM  
K-JHL

A handwritten signature in cursive, appearing to read "La", with a diagonal line through it.

June 13, 1910.

Mr. Francis P. Kurtz,

Cottage Grove, Oregon.

Dear Sir:

I am in receipt of yours of the 10th inst., in regard to the water right of the Drain water company under application No. 113, permit No. 50. As I understand the matter, you desire an extension of time in which to begin the actual construction of this project, and if such is the case, I desire to inform you that the law makes no provision for any such extension of time. The law provides that the time may be extended in which the works are to be completed, but not the time in which the work is to begin.

I believe the fact that the point of diversion is to be moved a short distance up stream will not affect your right in any way, so long as such change does not materially injure the rights of others. The blue print of the preliminary plan mentioned in your letter has not as yet been received, but upon receipt will be examined, and if such change does not appear to comply with the law, I will be glad to notify you.

Very respectfully,

State Engineer.

## TAYLOR &amp; KURTZ

Engineers and  
SurveyorsMINE  
MUNICIPAL  
STRUCTURALCIVIL  
SANITARY  
HYDRAULICPLATS  
PRINTS  
PROFILES

Application 113

Permit 50

Drain Water Co

Cottage Grove, Oregon,

6-10-10

Mr. John H. Lewis, State Engineer

Salem, Oregon

Dear Sir :-

Calling your attention to the above permit and water right of the Drain Water Company , previous survey made by Mr. Lea, I state that I have been retained as Consulting Engineer by the Company to make all necessary surveys, profiles, maps and estimates, and the work of obtaining complete right of way , in fact everything in furtherance of the construction of the system. There are two large systems to be built in this vicinity and the difficulty in getting labor is a serious problem just now, and the entire line will have to be built by hand. In running the levels I find that by going up the creek ( source of supply) a short distance I can obtain considerably more head, which I desire, and to make the matter clear I am sending you a blueprint of a preliminary plan, giving all the data of the line. I find that also a possible extension of time will be necessary to build the line conditional on labor and right of way troubles, and I would ask your assistance and permission for both, after you have noted the plan, and instructed me as to procedure.

Thanking you for your previous courtesy,

Respectfully Yours,

*Francis Kurtz, E.*

FPK-LM

113.

#12a

July 27th, 1909.

Mr. W.H. Hartung,

Cottage Grove, Oregon.

Dear Sir:

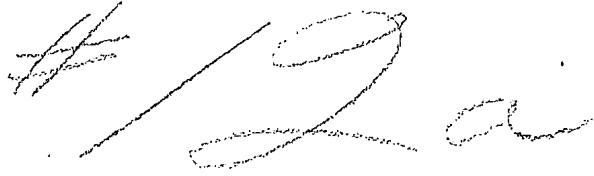
I am enclosing under separate cover application of The Drain Water Company, of Cottage Grove, Oregon, No. 115, Permit No. 50, together with tracing accompanying the same, which application I am returning to you approved.

Very respectfully,

PAC/JC  
Encl. under separate Cover.

State Engineer.



A handwritten signature in cursive script, appearing to read "H. La.", is written in the upper center of the page.

July 8, 1909.

Mr. W. A. Hartung,

Cottage Grove, Oregon.

Dear Sir:

I am in receipt of your application No. 113, corrected, together with maps and draft for five dollars, receipt of which is hereby acknowledged, these papers being transmitted by your letter of the 6th inst. This application will be examined for approval within a few days.

Very respectfully,

State Engineer.

H. ABRAMS, President  
URCH, Vice-President

CAPITAL (PAID IN) \$25,000.00

GEORGE M. HALL, Cashier  
HARRY SHORT, Assistant Cashier

# Bank of Cottage Grove

*Recd Group*

# *22*

Cottage Grove, Oregon, July 6, 1909

Mr. John H. Lewis

State Engineer,  
Salem Oregon.

OFFICE OF STATE ENGINEER

RECEIVED

JUL 7 1909

SALEM, OREGON.

*app - 113*

Dear Sir:-

We are today enclosing herewith application #113 as filed in your office June 1st. and returned for completion.

We are also mailing you this day under separate cover, Map in duplicate as required for completion of filing

We enclose herewith also draft #1549 on U.S. National Bank of Portland for \$5.00 for filing fee as required.

Please inform us soon as possible of the receipt and completion of filing and whether there are any filings of record in your office covering any of the flow of this stream prior to the enclosed.

Yours very truly.

Drain Water Company,

By *H. B. Hartung* Pres.

*Draft #5.00 Recd*

OFFICE OF STATE ENGINEER

RECEIVED

JUL 7 1909

SALEM, OREGON.

*of record*