

Application No. 7034  
 Permit No. 4397 4449

FEES PAID  
 Date Amount Receipt No.

Name Wallace Osburn Kohler

Certificate No. 12312 (Wallace O. Kohler) 44083  
12313 (C.C. Babcock)

By \_\_\_\_\_

Stream Index, Page No. 15-52  
 Application Record, Book No. T-2579 Δ POD

Address Kerby, Ore.

Total \_\_\_\_\_

Date filed \_\_\_\_\_

~~88485 45764~~  
~~88486~~  
45763

FEES REFUNDED  
 Date Amount Check No.

Action suspended until \_\_\_\_\_

ASSIGNMENTS  
54955  
54957

Priority Date: 1-30-20

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

Date	To whom	Address	Volume	Page
<u>5/29/39</u>	<u>Chas. C. Babcock</u>	<u>Box 151 - Cave Junction, Ore.</u>	<u>2</u>	<u>931-8</u>

Date completed \_\_\_\_\_

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

REMARKS

CONSTRUCTION

Date for beginning March 16, 1921

Date for completion June 1, 1922

Extended to June 1, 1928

Date for application of water Oct. 1, 1924

Extended to Oct. 1, 1929

Extended to Oct. 1, 1931

Extended to Oct. 1, 1935

Form "A" filed Jan. 5, 1921

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

FINAL PROOF

Blank mailed Dec. 8, 1937

Proof received 12/23/38

Date certificate issued April 2, 1940

Receipt for recording fee No. 23641 for 1.00

Babcock → 25662 for 1.00

8.5 sec. ft. from Illinois River for irr. & supp. supp.  
for 307 acres & dev. 13.5 A. P.  
10/28/29 - Card for C  
12/4/29 - extension granted  
10-21-30 - Card for C  
10-27-31 - Card for C  
2-5-32 - Registered Letter  
2-27-32 - Extension granted  
10-7-32 - Card for B.  
10-7-32 - Card for C  
2-16-33 - Registered Letter  
3-8-33 - extension granted  
10-9-33 - Card for B  
10-9-33 - Card for C  
10-4-34 - Card for B & C  
1-9-35 - registered letter  
10-19-35 - Card for B & C  
1-10-36 - form 100 registered  
10-6-36 - Card for B & C  
1-13-37 - form 100 Registered

10-11-37 - Card for B & C  
6-14-38 - form 101

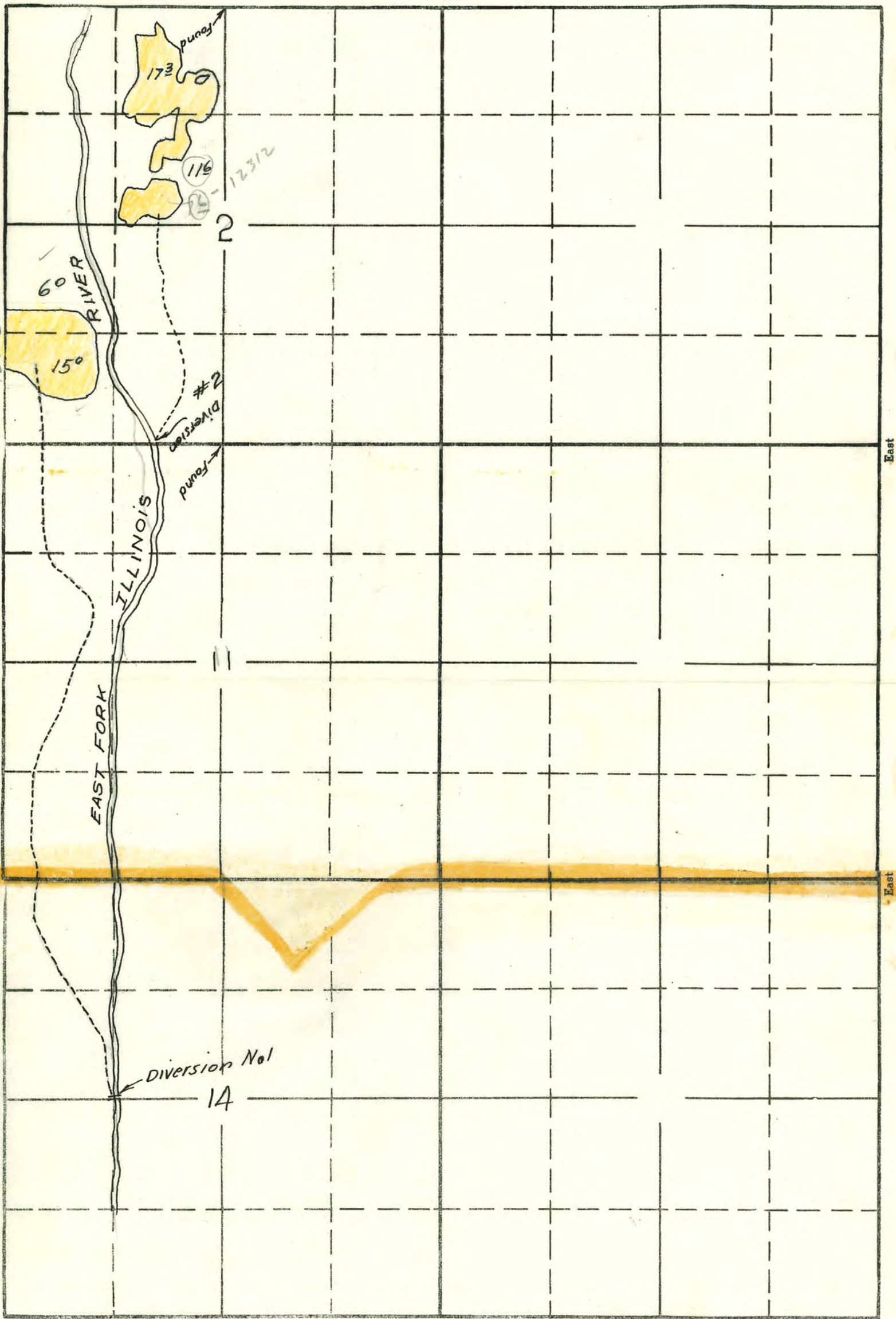
Note: No further extensions to be granted, unless delinquent power fees are paid.

JAN 18 1977

T-7563 Δ POD V50P637



North



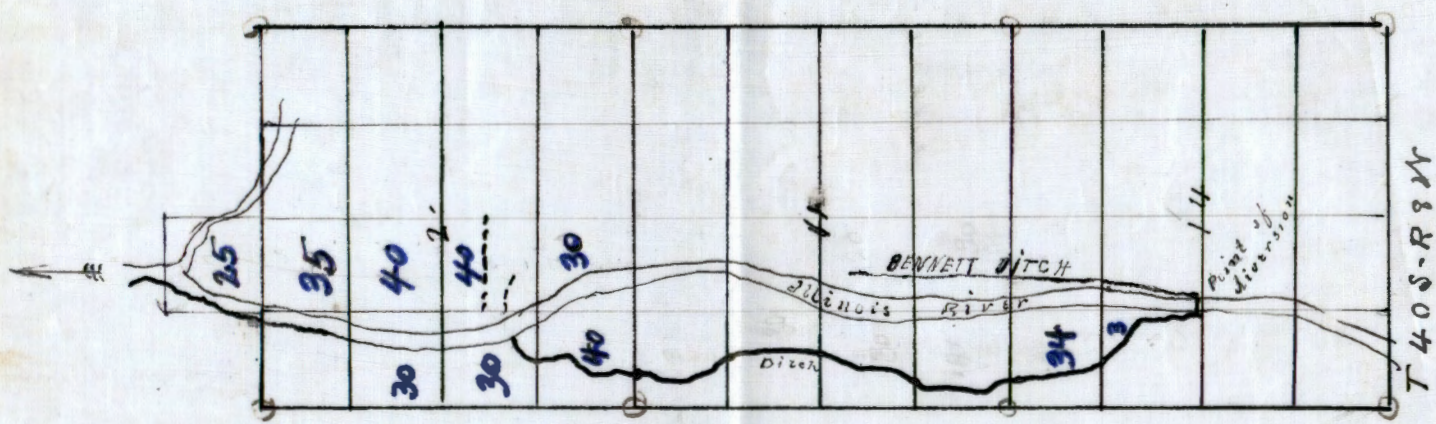
South

Surveyed by  
C.A. Cummings  
June 15 1939

APPLICATION No. 7034  
PERMIT No. 4449



7037



OFFICE OF STATE ENGINEER  
 RECEIVED  
 JAN 30 1890  
 BUREAU OF OREGON

Application No. 703  
 Permit No. 4449

I, Wallace O Kohler, of Kerby Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on January 26, 1920, and that it correctly represents the works described in the accompanying application, together with the location of streams and other ditches in the immediate vicinity.

Wallace O. Kohler.

7037

7037



COPY

STATE OF OREGON  
COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7563 submitted by

STEVEN M. AND MARY ANNE McMAHAN  
4300 BRIDGEVIEW/TAKILMA ROAD  
CAVE JUNCTION, OREGON 97523.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by Certificate 45764. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is 1881 FOR TRACT NO. 1 AND 1905 FOR TRACT NO. 2.

The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 30 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE CUBIC FOOT PER SECOND FOR EACH 50 ACRES OF LAND IRRIGATED DURING THE IRRIGATION SEASON FROM APRIL 1 TO NOVEMBER 1 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 12312, was perfected under Permit 4449 with a date of priority of JANUARY 30, 1920. The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized points of diversion: (#1) SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SECTION 14 AND (#2) SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SECTION 2, T 40 S, R 8 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation for Certificate 12312, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated.



The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized places of use are located as follows:

Certificate 45764

Tract No. 1

SE $\frac{1}{4}$  NW $\frac{1}{4}$  7.0 acres

Tract No. 2

NE $\frac{1}{4}$  NW $\frac{1}{4}$  20.0 acres

SE $\frac{1}{4}$  NW $\frac{1}{4}$  3.0 acres

Section 2

Township 40 South, Range 8

West, W.M.

Certificate 12312

SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.6 acres

Section 2

Township 40 South, Range 8

West, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the points of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 2, T 40 S, R 8 W, W.M.; 2290 FEET SOUTH AND 1120 FEET WEST FROM THE NORTH  $\frac{1}{4}$  CORNER, SECTION 2.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1997.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Regulation will be as a surface diversion. If the East Fork of the Illinois River goes dry immediately upstream of the new diversion points, water use will be curtailed.

Certificates 12312 and 45764 are cancelled. When satisfactory proof of the completed change is received, a new certificate confirming these water rights will be issued.

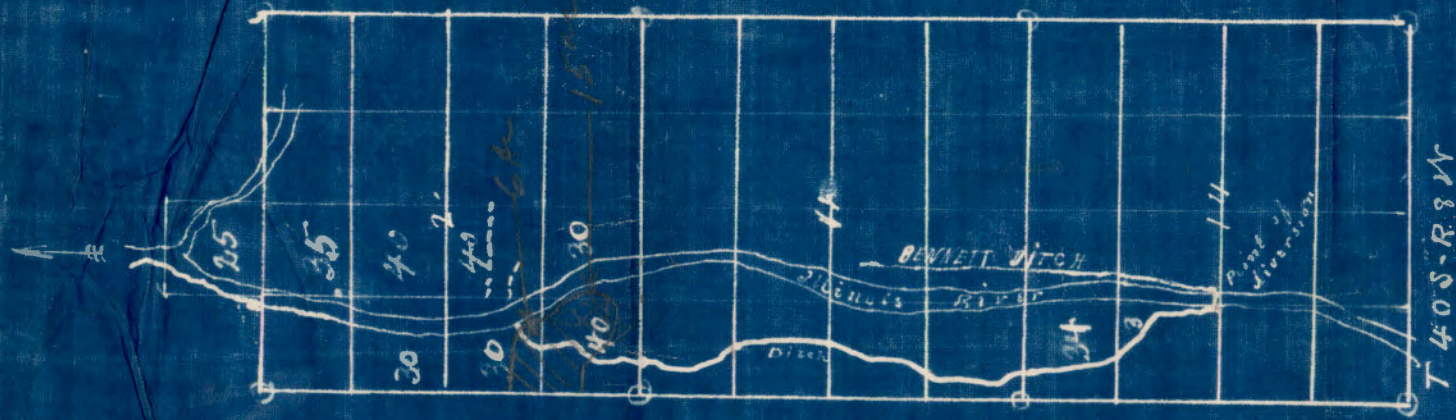


WITNESS the signature of the Water Resources Director,  
affixed SEP 30 1996.

  
\_\_\_\_\_  
Martha O. Pagel, Director



703



RECEIVED BY STATE ENGINEER  
FOR THE PERMIT  
JAN 30 1920

Application No. 703  
Permit No. 4449

I, Wallace O Kohler, of Kirby Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on January 26, 1920, and that it correctly represents the works described in the accompanying application, together with the location of streams and other ditches in the immediate vicinity.

Wallace O. Kohler.

703

703

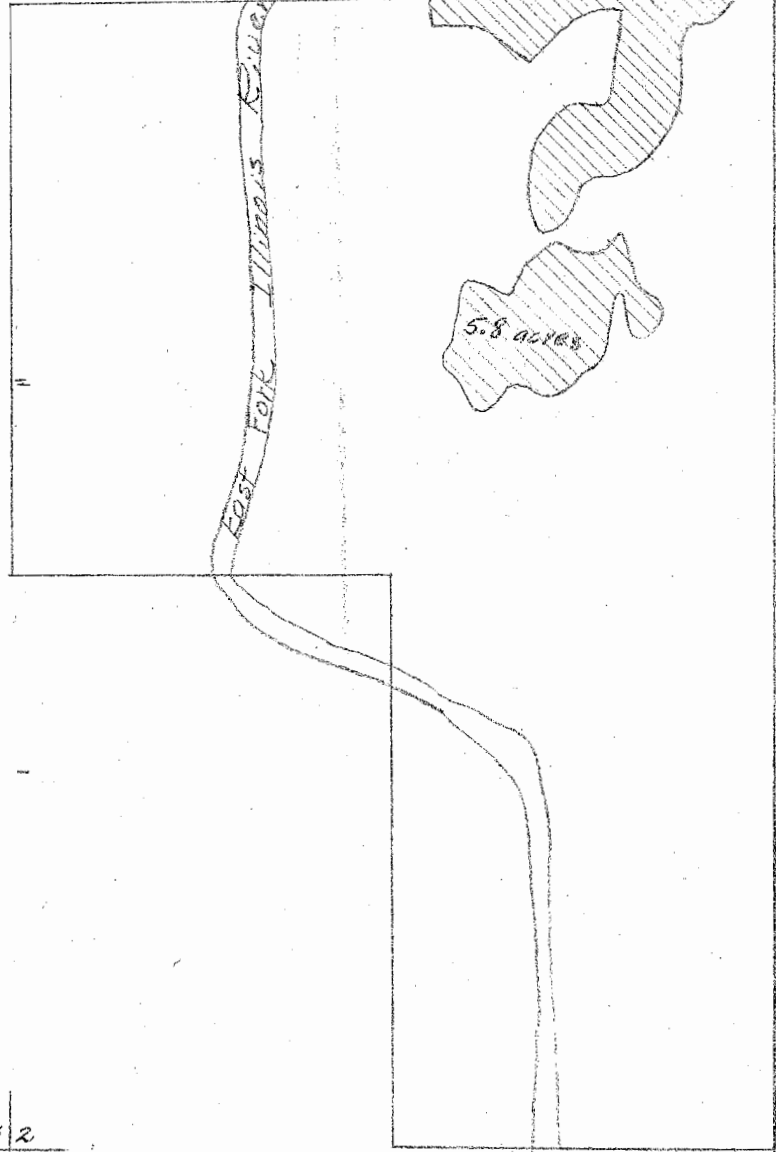


$\frac{34.35}{32}$

W.O. Kohler - Owner

Scale 1" = 660'

30.8 acres cultivated land



$\frac{32}{10.11}$



WRDT-0982-01

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*

\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. A000070341 PERMIT NO. 004449 CERTIF. NO. 0012312

NAME:

ORIG. NO.

PREV. NO.

SUPER. NO.

ADDRESS:

CITY/STATE/ZIP/COUNTY;

STREAM-ID 15-1680-0440-0710

RIV.MI. 0.0 WM.DIST. W.R.TYPE SA STATUS V

CANCEL YEAR---->

CONSTR.COMPLT-->

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY----->

PUT TO USE----->

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION---->

SURVEYED----->

EXAM.FEE----->

RECORDING FEE---->

PERMIT ISSUE-->

CONCURRENCE---->

CYCLE STATUS----->

REPORTED FLAG---->

CONSTR.STRT.-->

CERTIFIED----->

CORRES.INIT.----->

CORRES.DATE----->

POINT-OF-DIVERSION DATA;  
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI. RATE STATUS S OR P

\*\* REMARKS; - - - - -  
\*\* DATED-->

400S 080W 02 CD 15168004400710

0.0 0.030 V P

\*\*-----

400S 080W 02 CC 15168004400710

0.0 0.140 V P

\*\*-----

0.0 0.000

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PLACE-OF-USE DATA:  
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

\*\*-----

400S 080W 02 CD IR .00 .00

V P

\*\*-----

400S 080W 02 CC IR .00 .00

V P

\*\*-----

.00 .00

\*\*-----



\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. C000441301 PERMIT NO. CERTIF. NO. 0044130 NAME:  
ORIG. NO. PREV. NO. SUPER. NO. ADDRESS:  
CITY/STATE/ZIP/COUNTY;

STREAM-ID 15-1680-0440-0710 RIV.MI. 0.0 WM.DIST. W.R.TYPE SC STATUS V

CANCEL YEAR----> CONSTR.COMPLT--> YR.LAST USED-----> NEXT ACTION DUE-->  
PRIORITY-----> PUT TO USE-----> LAST TRANS.DATE--> LAST TRANS.TYPE-->  
APPLICATION---> SURVEYED-----> EXAM.FEE-----> RECORDING FEE---->  
PERMIT ISSUE--> CONCURRENCE----> CYCLE STATUS----> REPORTED FLAG---->  
CONSTR.STRT.--> CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA;  
TWNSP RNGE SECT QTR/QTR STREAM-ID

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
400S	080W	02	CC	15168004400710	0.0	0.600	V			P
					0.0	0.000				
					0.0	0.000				

\*\* REMARKS; - - - - ->  
\*\* DATED-->

PLACE-OF-USE DATA:  
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
400S	080W	02	CC		IR	.00	.00	.00	V			P
						.00	.00					
						.00	.00					

\*\* - - - - ->  
\*\* - - - - ->  
\*\* - - - - ->



01 C12004

WRDT-0982-01

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*

\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. C000364851 PERMIT NO. CERTIF. NO. 0036485 NAME:

ORIG. NO. PREV. NO. SUPER. NO. ADDRESS:

CITY/STATE/ZIP/COUNTY;

STREAM-ID 15-1680-0440-0710 RIV.MI. 0.0 WM.DIST. W.R.TYPE SC STATUS C

CANCEL YEAR----> 1969 CONSTR.COMPLT--> YR.LAST USED-----> NEXT ACTION DUE-->

PRIORITY-----> PUT TO USE-----> LAST TRANS.DATE--> LAST TRANS.TYPE-->

APPLICATION----> SURVEYED-----> EXAM.FEE-----> RECORDING FEE---->

PERMIT ISSUE--> CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG---->

CONSTR.STRT.--> CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

POINT-OF-DIVERSION DATA;  
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI. RATE STATUS S OR P

\*\* REMARKS; - - - - -  
\*\* DATED-->

400S	080W	02	BA	15168004400710	0.0	0.300	C	P
400S	080W	02	CB	15168004400710	0.0	0.300	C	P
400S	080W	14	CB	15168004400710	0.0	0.400	C	P

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PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

\*\*-----

400S	080W	02	BA	IR	.00	.00	C	P
400S	080W	02	CB	IR	.00	.00	C	P
400S	080W	14	CB	IR	.00	.00	C	P

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\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. C000138841 PERMIT NO. 013070 CERTIF. NO. 0013884

NAME: W O Kohler

ORIG. NO. PREV. NO. SUPER. NO.

ADDRESS: —

E7 See R

CITY/STATE/ZIP/COUNTY; Kerby, OR 97531 / 17

STREAM-ID 15-1680-0440-0710 RIV.MI. 0.0 WM.DIST. 14 W.R.TYPE SC STATUS C

CANCEL YEAR----> 1969	CONSTR.COMPLT-->	YR.LAST USED----->	NEXT ACTION DUE-->
PRIORITY-----> 12/31/1881	PUT TO USE----->	LAST TRANS.DATE-->	LAST TRANS.TYPE-->
APPLICATION--> 09/01/1941	SURVEYED----->	EXAM.FEE-----> 0	RECORDING FEE-----> 0
PERMIT ISSUE-->	CONCURRENCE----->	CYCLE STATUS----->	REPORTED FLAG----->
CONSTR.STRT.-->	CERTIFIED----->	CORRES.INIT.----->	CORRES.DATE----->

POINT-OF-DIVERSION DATA:

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
400S	080W	14	CB	15168004400710	0.0	0.140	C			P
400S	080W	14	CB	15168004400710	0.0	0.104	C			P
400S	080W	14	CB	15168004400710	0.0	0.460	C			P

\*\* REMARKS; - - - - -  
\*\* DATED-->  
See C000138842, 3, mult  
priority.

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
400S	080W	14	CB	17	IR	100.00	7.00		C			P
400S	080W	14	CB		IR	.00	.00		C			P
400S	080W	14	CB		IR	.00	.00		C			P

W.R.I.S.

Assembled \_\_\_\_\_ by \_\_\_\_\_  
Entered \_\_\_\_\_ by \_\_\_\_\_  
Verified \_\_\_\_\_ by \_\_\_\_\_



\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*  
\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. C000138842 PERMIT NO. 013070 CERTIF. NO. 0013884 NAME: W O Kohler  
ORIG. NO. \_\_\_\_\_ PREV. NO. \_\_\_\_\_ SUPER. NO. \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
E7 Ill R CITY/STATE/ZIP/COUNTY: Herby, OR 97531 1/17  
STREAM-ID 15.1680.0440.0710 RIV.MI. 0.0 WM.DIST. 14 W.R.TYPE SC STATUS C

CANCEL YEAR----> 1969 CONSTR.COMPLT--> \_\_\_\_\_ YR.LAST USED-----> \_\_\_\_\_ NEXT ACTION DUE--> \_\_\_\_\_  
PRIORITY-----> 12/31/1905 PUT TO USE-----> \_\_\_\_\_ LAST TRANS.DATE--> \_\_\_\_\_ LAST TRANS.TYPE--> \_\_\_\_\_  
APPLICATION----> 09/01/1941 SURVEYED-----> \_\_\_\_\_ EXAM.FEE-----> 0 RECORDING FEE-----> 0  
PERMIT ISSUE--> \_\_\_\_\_ CONCURRENCE-----> \_\_\_\_\_ CYCLE STATUS-----> \_\_\_\_\_ REPORTED FLAG-----> \_\_\_\_\_  
CONSTR.STRT.--> \_\_\_\_\_ CERTIFIED-----> \_\_\_\_\_ CORRES.INIT.-----> \_\_\_\_\_ CORRES.DATE-----> \_\_\_\_\_

POINT-OF-DIVERSION DATA;

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
<u>4005</u>	<u>080W</u>	<u>14</u>	<u>CB</u>	<u>15.1680.0440.0710</u>	<u>0.0</u>	<u>.46</u> <del>0.000</del>	<u>C</u>			<u>P</u>
					<u>0.0</u>	<u>0.000</u>				
					<u>0.0</u>	<u>0.000</u>				

\*\* REMARKS; - - - - ->  
\*\* DATED-->  
\*\* See C000138841, 3, mult  
\*\* priority  
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PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
<u>4005</u>	<u>080W</u>	<u>02</u>	<u>BA</u>	<u>E17</u>	<u>IR</u>	<u>100</u>	<u>.00</u>	<u>29.0</u>	<u>C</u>			<u>P</u>
<u>1</u>	<u>1</u>	<u>1</u>	<u>BD</u>	<u>1</u>	<u>1</u>	<u>.00</u>	<u>.00</u>	<u>3.0</u>	<u>1</u>			<u>1</u>
						<u>.00</u>	<u>.00</u>	<u>.00</u>				



\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*  
\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. C000138843 PERMIT NO. 013070 CERTIF. NO. 0013884 NAME: W O Kohler  
ORIG. NO. \_\_\_\_\_ PREV. NO. \_\_\_\_\_ SUPER. NO. \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
E 7 Jll R CITY/STATE/ZIP/COUNTY: Kerby, OR 97331 117  
STREAM-ID 15.1680.0440.0710 RIV.MI. 0.0 WM.DIST. 14 W.R.TYPE SC STATUS C

CANCEL YEAR----> 1969 CONSTR.COMPLT--> \_\_\_\_\_ YR.LAST USED-----> \_\_\_\_\_ NEXT ACTION DUE--> \_\_\_\_\_  
PRIORITY-----> 12/31/1907 PUT TO USE-----> \_\_\_\_\_ LAST TRANS.DATE--> \_\_\_\_\_ LAST TRANS.TYPE--> \_\_\_\_\_  
APPLICATION----> 09/01/1941 SURVEYED-----> \_\_\_\_\_ EXAM.FEE-----> 0 RECORDING FEE----> 0  
PERMIT ISSUE--> \_\_\_\_\_ CONCURRENCE-----> \_\_\_\_\_ CYCLE STATUS-----> \_\_\_\_\_ REPORTED FLAG----> \_\_\_\_\_  
CONSTR.STRT.--> \_\_\_\_\_ CERTIFIED-----> \_\_\_\_\_ CORRES.INIT.-----> \_\_\_\_\_ CORRES.DATE-----> \_\_\_\_\_

POINT-OF-DIVERSION DATA;

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
<u>4005</u>	<u>080W</u>	<u>14</u>	<u>CB</u>	<u>15.1680.0440.0710</u>	<u>0.0</u>	<u>.104</u>	<u>C</u>			<u>P</u>
					<u>0.0</u>	<u>0.000</u>				
					<u>0.0</u>	<u>0.000</u>				

\*\* REMARKS; - - - - ->  
\*\* DATED-->  
\*\* See C000138841, 2, mult  
\*\* priority.  
\*\* - - - - ->  
\*\* - - - - ->  
\*\* - - - - ->

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE	%	CNSMTV	ACRES	STATUS	S	OR	P
<u>4005</u>	<u>080W</u>	<u>02</u>	<u>CB</u>	<u>17</u>	<u>IR</u>	<u>100</u>	<u>.00</u>	<u>2.2</u>	<u>C</u>			<u>P</u>
		<u>CC</u>					<u>.00</u>	<u>3.0</u>				
							<u>.00</u>	<u>.00</u>				

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\*\* - - - - ->  
\*\* - - - - ->



Permit No. 4449

Application No. 7034

County Josephine

**PROOF OF APPROPRIATION OF WATER**

*Cent*  
12312  
12313

1. Name Wallace Osburn Kohler 2. Address Kerby, Oregon

3. Source of supply Illinois River

Tributary of Rogue River

4. Amount of water 8.5 c.f.s. *0.27* 5. Priority date January 30, 1920

6. Use Irrigation, Supplemental Irrigation and the development of 13.5 theoretical horsepower

7. Location of point of diversion, SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 14, Twp. 40 S., Range 8 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			
40 S	8 W	14	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3	This column must be filled in if water is used for irrigation			
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	34				
		2	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35				
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	30				
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40				
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40				
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	30				
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40				
		39 S	8 W	35		Lot 11	25	6
								15
40 S	8 W	2	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35	This column must be filled in if water is used for irrigation			
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40				
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40				
				<u>307 Acres</u>				

Of which the following land requires supplemental supply:

40 S	8 W	2	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35	
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	



**DESCRIPTION OF WORKS**

9. (a) If a dam has been constructed, give description: Height, 4 ft.; length on top, 120 ft.; length on bottom 120 ft.; material used and character of construction, .....

Log crib and plank

(b) Give description of headgate: Width, 4 ft.; depth, 2 ft.; material used and character of construction, ..... Lumber .....

(c) Size of canal: Width on top (at waterline) 3 ft.; width on bottom, 2 ft.; depth of water, 1.0 ft.; grade, 2 ft. fall per 1,000 ft. Actual capacity, 4 sec.-ft.

Give general description: Earth ditch

(d) Pipe line: Description of intake, .....

Length of pipe, ..... ft.; size at intake, ..... in.; size at ..... ft. from intake, ..... in.; size at place of use, ..... in. Difference in elevation between intake and place of use, ..... ft.

Is grade uniform? ..... 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? April 1st to Nov. 1st

11. State character of soil Kerby loam

Kind of crops raised Garden, alfalfa, pasture, corn.

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? No.

13. If not, wherein is such map in error? Area of land irrigated not properly shown

(see map inserted)

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

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Small power development not in use. Appears to be abandoned. Not recommended or claimed.



**AFFIDAVIT OF APPROPRIATOR**

STATE OF OREGON,

County of .....

} ss.

I, ....., 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 ..... day of ....., 193.....

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires .....

**AFFIDAVIT OF WITNESSES**

STATE OF OREGON,

County of .....

} ss.

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 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.

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires .....



**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 \_\_\_\_\_ and I recommend the issuance of water right certificate for this amount. (Quantity of water in second-feet or acre-feet)

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

ATTEST: \_\_\_\_\_

STATE OF OREGON

STATE PRINTING DEPT.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_

the contents thereof, and that the facts therein stated are true. I \_\_\_\_\_

County of \_\_\_\_\_

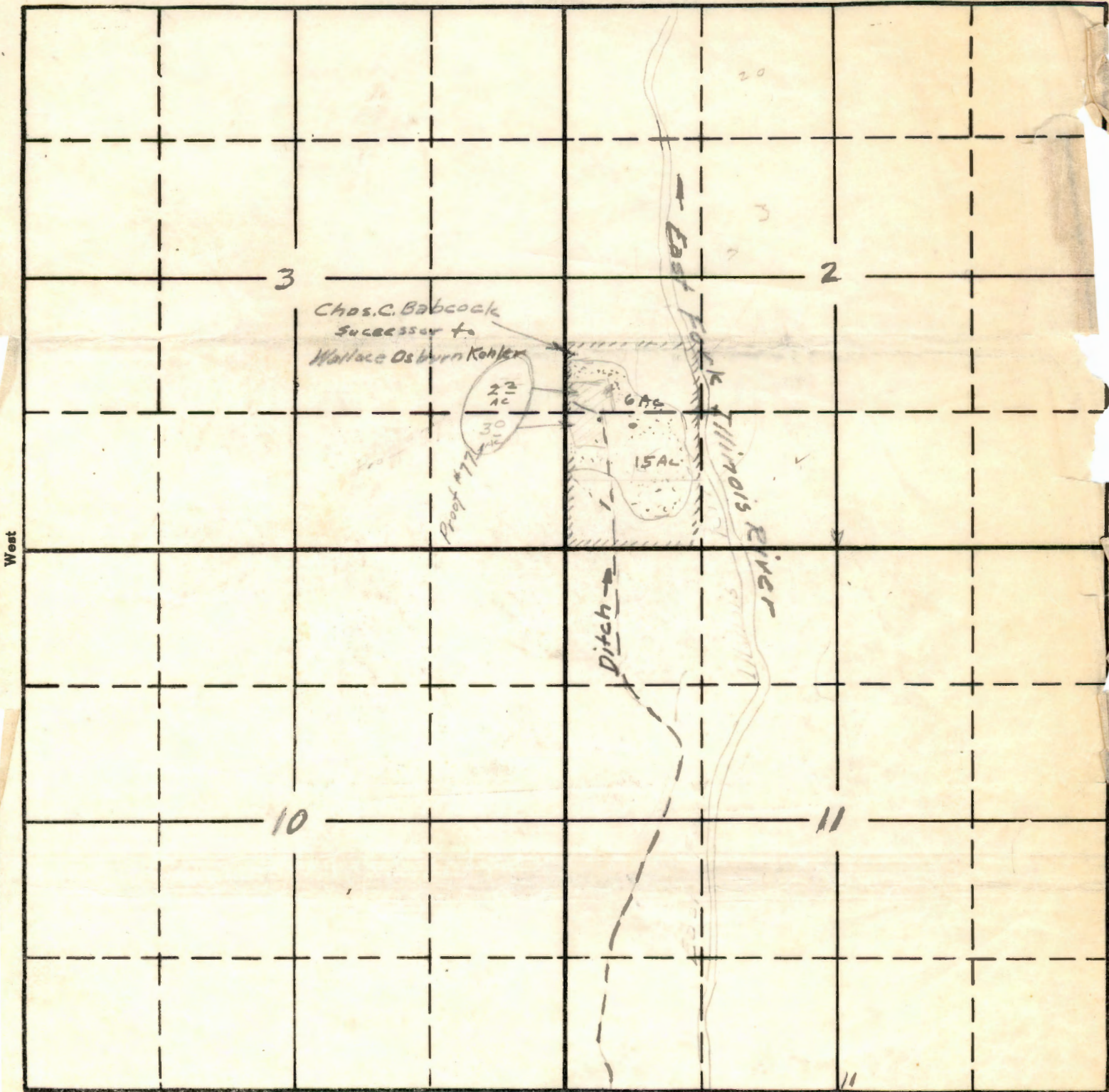
STATE OF OREGON

ATTEST: \_\_\_\_\_



TOWNSHIP 40 S, RANGE 8 W, W. M.

North



South

**RECEIVED**  
NOV 18 1938  
STATE ENGINEER  
SALEM, OREGON

APPLICATION No.  
PERMIT No. 4449

Watermaster Map  
Nov. 1938

Suby Map  
Sec 14



March 31, 1972

2579

Wilbur G. & Myra P. Bickmore  
4401 Rockydale Road  
Cave Junction, Oregon 97523

Dear Mr. & Mrs. Bickmore:

This will acknowledge your application for a change in point of diversion of water from the East fork of the Illinois River, two maps, and fees in the amount of \$55.00 for which our receipt number 25829 is enclosed. The application has been filed and numbered Transfer 2579.

Your application indicates that you propose to transfer the point of diversion for irrigation of 11.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West, W.M. This encompasses three separate water rights and involves two diversion points. Under item no. 4, you have listed only one diversion point. You must also indicate the second diversion point under item no. 4 on the application. According to the records of this office, the second diversion point is described as being located 530 feet North and 1500 feet East from the SW corner of Section 2, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West, W.M. The diversion point which you have described in item no. 4 is in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14 and not in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  as you have indicated. This needs to be corrected also.

The priority date of the 2.8 acre right is May 10, 1954, so the month and day must be added to item no. 8.

Since your proposed change in point of diversion is over  $\frac{1}{2}$  mile, the State Engineer is required to publish notice of your proposed change in a newspaper published and having general circulation in Josephine County. Please designate the newspaper of your choice.



Wilbur G. & Myra P. Bickmore  
March 31, 1972  
Page 2

We are returning your application for correction upon its return will promptly publish such notice and follow through for the completion of your transfer.

Very truly yours,

W. A. Carr  
Assistant

WAC:st  
Enclosures



12312

PERMIT No. 4449

APPLICATION No. 7034

COUNTY Josephine

# PROOF OF APPROPRIATION OF WATER

- Name Wallace Osburn Kohler 2. Address Kerby, Oregon
- Source of supply ILLINOIS RIVER
- Tributary of Rogue River
- Amount of water 8.5 c.f.s. 5. Priority date January 30, 1920
- Use Irrigation, supplemental irrigation and the development of 13.5 theoretical horsepower.
- Location of point of diversion, #2 SE SW Sec. 2, Twp. 40 S., Range 8 W., W. M. Kohler

*0.27 sf Babcock Kohler*

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			
40 S.	8 W.	14	SW 1/4 NW 1/4	3	0			
			NW 1/4 NW 1/4	34	0			
			2	NE 1/4 NW 1/4	35	173		
			Div. No. 2	SW 1/4 NW 1/4	30	0		
				SE 1/4 NW 1/4	40	116		
				NE 1/4 SW 1/4	40	6		
				SW 1/4 SW 1/4	40	15		
			39 S.	8 W.	35	SE 1/4 SW 1/4	30	0
						Lot 11	25	0
			Of which the following land requires supplemental supply:					
40 S.	8 W.	2	NE 1/4 NW 1/4	35				
			SE 1/4 NW 1/4	40				
			SW 1/4 SW 1/4	40	0			
				307 Acres.				

*OK for one cert*

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

1.6

*80*

(Attach separate sheet if necessary)



DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 4 ft.; length on top, 120 ft.; length on bottom 120 ft.; material used and character of construction, Log crib and plank.

(b) Give description of headgate: Width, 4 ft.; depth, 2 ft.; material used and character of construction, Lumber

#2  
#(c) Size of canal: Width on top (at waterline) 3 ft.; width on bottom, 2 ft.; depth of water, 1.0 ft.; grade, 2 ft. fall per 1,000 ft. Actual capacity, 4 sec.-ft.  
Give general description: Earth ditch

(d) Pipe line: Description of intake, \_\_\_\_\_  
Length of pipe, \_\_\_\_\_ ft.; size at intake, \_\_\_\_\_ in.; size at \_\_\_\_\_ ft. from intake, \_\_\_\_\_ in.; size at place of use, \_\_\_\_\_ in. Difference in elevation between intake and place of use, \_\_\_\_\_ ft.  
Is grade uniform? \_\_\_\_\_ 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? April 1st to Nov. 1st
11. State character of soil Kerby loam.  
Kind of crops raised Garden, alfalfa, pasture, corn.
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? No See inspection survey
13. If not, wherein is such map in error? Area of land irrigated not properly shown (see map inserted)
14. Domestic use: Give number of families actually using water at this time \_\_\_\_\_
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Small power development not in use. Appears to be abandoned. Not recommended or claimed.



AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Josephine

} ss.

I, Wallace O. Kohler, 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 12th day of November, 1938.

Wallace O Kohler

Subscribed and sworn to before me this 12th day of November, 1938.

Glady E. Youngblood

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires June 6, 1939

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of .....

} ss.

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 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.

Subscribed and sworn to before me this ..... day of ....., 193.....

[NOTARIAL SEAL]

My commission expires .....

RECEIVED  
STATE ENGINEER  
NOV 18 1938  
RECORDING DEPT  
RECEIVED  
RECORDING DEPT  
RECEIVED  
RECORDING DEPT



REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Tom R. Pearce, do hereby certify that I have made an inspection of the works described herein and in Permit No. 4449, on the 4th day of October, 1938, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.42 sec. ft. (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

*Charles A. Cummings*  
*Tom R. Pearce*

NOTICE 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.

Watermaster District No. 16  
(Title)

PROOF OF APPROPRIATION

Permit No. ....

Recording fee paid

Receipt No. ....

RECEIVED  
NOV 18 1938  
STATE ENGINEER  
SALEM, OREGON



IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1938, at \_\_\_\_\_, Oregon.

County of \_\_\_\_\_  
STATE OF OREGON



---

BEFORE THE STATE ENGINEER OF THE  
THE STATE OF OREGON. WATER  
RESOURCES DEPARTMENT, SALEM,  
OREGON:

IN THE MATTER OF FINAL PROOF  
UNDER PERMIT No. 4449, State  
ENGINEER'S FILE NO. 7034-  
FINAL PROOF:

---

RECEIVED

NOV 3 1939

STATE ENGINEER  
SALEM, OREGON

---

LAW OFFICES OF  
JAMES T. CHINNOCK

FIRST NATIONAL BANK BUILDING  
GRANTS PASS, OREGON



BEFORE THE STATE ENGINEER OF THE STATE OF OREGON  
WATER RESOURCES DEPARTMENT, SALEM, OREGON:

IN THE MATTER OF FINAL PROOF UNDER PERMIT NO.  
4449, STATE ENGINEER'S FILE NO. 7034- FINAL PROOF:

STATE OF OREGON,            )  
                                  {   SS.  
COUNTY OF JOSEPHINE. )

I, WALLACE O. KOHLER, of Kerby, Oregon, being first  
duly sworn, depose and say:

That heretofore Permit No. 4449 was issued by the  
State Engineer of Oregon, to me, for irrigation purposes,  
for irrigation of certain lands in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , of Section 2, in Township 40 South, Range 8 West  
of Willamette Meridian, in Josephine County, Oregon; said  
lands being more particularly described in said Permit, to  
which reference is hereby made, a portion of the said lands  
described in said Permit having been heretofore conveyed to  
Charles C. Babcock, and Certificate of Water Right issued to  
him separately, but not including any of the lands above des-  
cribed, to which title has been retained by affiant; that of  
the premises retained by and now belonging to Claimant, as above  
set forth, there has been irrigated <sup>under said Permit</sup> a total acreage of 28.6  
acres; that the lands covered by said Permit, and which have  
been brought under irrigation as aforesaid and acreage thereof  
is in addition to lands described in and allowed water rights  
under Proof No. 77, in the matter of the adjudication of the  
relative rights to the waters of the Illinois River and its  
tributaries, and the record of which appears upon the records  
of the said State Engineer's office, at Salem, Oregon, reference  
being hereby made to survey to survey recently made of these  
lands by Mr. Cummings of the office of the State Engineer.



This Claimant hereby requests that Water Right Certificate be issued to him in accordance with this Proof.

Wallace O Kohler

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 2nd day of November, 1939. Date of expiration of my notarial commission, January 12, 1940.

James T. Linnick  
Notary Public for Oregon.





RECEIVED

Pearce

MAR 5 1940

STATE OF OREGON

STATE ENGINEER  
SALEM, OREGON

COUNTY OF JOSEPHINE

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 12313

C. C. Babcock of Box 151, Cave Junction, Oregon, has made proof to the satisfaction of the State Engineer of Oregon, of a right to the use of the waters of East Fork Illinois River, tributary of Illinois River, a tributary of Rogue River, for the purpose of Irrigation, under Permit No. 4449 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 30, 1920;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.27 cubic foot per second

or its equivalent in case of rotation.

The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 14, Township 40 South, Range 8 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to one-eightieth of one cubic foot per second ~~per acre~~, or its equivalent for each acre irrigated,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$   
 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$   
 Section 2  
 Township 40 South, Range 8 West, W. M.

The right to the use of water for the purposes aforesaid is restricted to the lands or place of use herein described.

REMARKS:

O.K

Tom R. Pearce  
 Watermaster.

(Make any further remarks on reverse side)



RECEIVED

MAR 5 1940

STATE ENGINEER  
SALEM, OREGON

*Pearce*

STATE OF OREGON

COUNTY OF JOSEPHINE

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 12312

Wallace Osburn Kohler of Kerby  
State of Oregon, has made proof to the satisfaction of  
the State Engineer of Oregon, of a right to the use of the waters of  
East Fork Illinois River, tributary of Illinois River  
a tributary of Rogue River, for the purpose of  
Irrigation  
under Permit No. 4449 of the State Engineer, and that said right to the use of  
said waters has been perfected in accordance with the laws of Oregon; that the  
priority of the right hereby confirmed dates from January 30, 1920;

that the amount of water to which such right is entitled and hereby confirmed,  
for the purposes aforesaid, is limited to an amount actually beneficially used  
for said purposes, and shall not exceed 0.03 cubic foot per second;

or its equivalent in case of rotation.

The point of diversion is located in the (#1) SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 14; (2) SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Section 2, Township 40 South, Range 8 West, W. M.

The amount of water used for irrigation, together with the amount  
secured under any other right existing for the same lands shall be limited  
to one-eightieth of one cubic foot per second ~~per acre~~ or its equivalent for  
each acre irrigated

and shall conform to such reasonable rotation system as may be ordered by the  
proper state officer.

A description of the place of use under the right hereby confirmed,  
and to which such right is appurtenant, is as follows:

1.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$   
Section 2  
Township 40 South, Range 8 West, W. M.

The right to the use of water for the purposes aforesaid is restricted  
to the lands or place of use herein described.

REMARKS:

*O.K.*

*Frank R. Pearce*  
Watermaster.

(Make any further remarks on reverse side)



app # 7034

July 14 - 39

I certificate should  
be issued after cert. reviewing  
fees are paid

Kohler +  
Babcock



12313

Permit No. 4449

Application No. 7034

County Josephine

### PROOF OF APPROPRIATION OF WATER

*Box 151-Cava Junction*

1. Name C. C. Babcock 2. Address 1102 Ramona, Palo Alto, Cal.

3. Source of supply East Fork Illinois River

Tributary of Rogue River

4. Amount of water 0.27 13.5 c.f.s. 5. Priority date January 30, 1920

6. Use Irrigation, Supplemental Irrigation and the development of 13.5 theoretical horsepower.

7. Location of point of diversion, SW 1/4 NW 1/4 Sec. 14, Twp. 40 S., Range 8 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
40 S.	8 W.	14	SW 1/4 NW 1/4	3	
			NW 1/4 NW 1/4	34	
			NE 1/4 NW 1/4	35	
			SW 1/4 NW 1/4	30	
			SE 1/4 NW 1/4	40	
			NE 1/4 SW 1/4	40	
			NW 1/4 SW 1/4	30	6
			SW 1/4 SW 1/4	40	15
			SE 1/4 SW 1/4	30	
			39 S.	8 W.	35
Of which the following land required supplemental supply:					
40 S.	8 W.	2	NE 1/4 NW 1/4	35	
			SE 1/4 NW 1/4	40	
			SW 1/4 SW 1/4	40	
				307 Acres	

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

*attached letter 5/5/39*

*1/80*  
*OK for cert*

(Attach separate sheet if necessary)



DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 4 ft.; length on top, 120 ft.; length on bottom 120 ft.; material used and character of construction, Log crib and plank

(b) Give description of headgate: Width, 4 ft.; depth, 2 ft.; material used and character of construction, Lumber

(c) Size of canal: Width on top (at waterline) 5 ft.; width on bottom, 2 ft.; depth of water, 1.0 ft.; grade, 2 ft. fall per 1,000 ft. Actual capacity, 4 sec.-ft. Give general description: Earth Ditch

(d) Pipe line: Description of intake, Length of pipe, ft.; size at intake, in.; size at ft. from intake, in.; size at place of use, in. Difference in elevation between intake and place of use, ft. Is grade uniform? 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? April 1st to Nov. 1st

11. State character of soil Kerby loam. Kind of crops raised Garden, alfalfa, pasture, corn.

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? No

13. If not, wherein is such map in error? Area of land irrigated not properly shown (see map inserted)

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

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Small power development not in use. Appears to be abandoned. Not recommended or claimed.



**AFFIDAVIT OF APPROPRIATOR**

STATE OF OREGON,

County of .....

} ss.

I, ....., 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 ..... day of ....., 193.....

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires .....

**AFFIDAVIT OF WITNESSES**

STATE OF OREGON,

County of .....

} ss.

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 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.

Subscribed and sworn to before me this ..... day of ....., 193.....

Notary Public for Oregon

[Notarial Seal]

My commission expires .....



**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 water right certificate for this amount.

**NOTICE 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. ....

**RECEIVED**  
APR 21 1939  
**STATE ENGINEER**  
**SALEM, OREGON**

County of \_\_\_\_\_  
STATE OF OREGON

STATE PRINTING DEPT.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_.

I, \_\_\_\_\_, State Engineer, do hereby certify that the contents hereof, and that the facts therein stated are true, correct and true, and that I have read the above and foregoing proof of appropriation of water, and I know the contents thereof, and that the facts therein stated are true.

I, \_\_\_\_\_, do hereby certify that the contents hereof, and that the facts therein stated are true, correct and true, and that I have read the above and foregoing proof of appropriation of water, and I know the contents thereof, and that the facts therein stated are true.

County of \_\_\_\_\_  
STATE OF OREGON

VERIDVAIL OF APPROPRIATION



November 7, 1939

Mr. James T. Chinnock  
Attorney at Law  
First National Bank Bldg.  
Grants Pass, Oregon

Dear Sir:

This will acknowledge receipt of your letter of November 2nd calling our attention to the fact that Mr. Wallace O. Kohler is the holder of vested rights covering the irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and 10 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West, and enclosing an affidavit in the matter of the final proof under Permit No. 4449 together with \$1.00 which we are returning herewith since the certificate recording fees have already been paid.

Your statement to the effect that Mr. Kohler has 40 acres under irrigation in these two subdivisions is noted.

The survey made by Mr. Cummings of this office looking toward final proof under Permit No. 4449 in the name of Mr. Kohler shows an irrigated area of 17.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and 11.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of the above section, township and range as indicated on the enclosed blue print.

Since your client's vested right in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  exceeds the amount found by a survey to be actually irrigated, and since his vested right in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  is exceeded by the amount found to be irrigated, by 1.6 acres, I believe that certificate under Permit No. 4449 can be issued covering only this amount; namely, 1.6 acres. This would make a total acreage under all rights in these two subdivisions of 31.6 acres instead of 40 acres.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

EKH:RE

Ed K. Humphrey, Assistant



LAW OFFICES OF JAMES T. CHINNOCK

FIRST NATIONAL BANK BUILDING  
GRANTS PASS, OREGON

November 2, 1939.

Mr. Ed. K. Humphrey,  
Assistant State Engineer,  
Office of State Engineer,  
Salem, Oregon.

RECEIVED  
NOV 3 1939  
STATE ENGINEER  
SALEM, OREGON

Dear Sir: RE: 7034:

In reply to your letter of July 12, 1939, to Mr. Wallace O. Kohler, relative to Proof under Permit No. 4449,- I herewith enclose Proof executed by Mr. Kohler, for 28.6 acres of land which is in addition to the acreage in the same legal subdivisions for which water was decreed in the Illinois River Adjudication, and is in addition to the acreage for which Charles C. Babcock has been issued a Certificate, it being understood hereby that the total acreage Mr. Kohler has under irrigation in these legal subdivisions aggregates 40 acres under all rights owned by him, of which acreage this permit covers a part.

There is herewith enclosed postal money order in the sum of \$1.00 water Certificate fee.

If there is any uncertainty as to this matter please advise me, and please acknowledge receipt of this letter.

Very truly yours,

*James T. Chinnock*

*In accordance with above and  
enclosure for filing Certificate, I understand  
this will give me a certificate for  
21 acres water right as this was assigned  
to me by Wallace Kohler  
Yours resp.  
Charles C. Babcock*



STATE OF OREGON

OFFICE OF THE

STATE ENGINEER

WATER RESOURCES DEPARTMENT

SALEM

ADDRESS ALL COMMUNICATIONS  
CHAS. E. STRICKLIN, STATE ENGINEER  
SALEM, OREGON

AND REFER TO FILE NO. 7034

September 14, 1939

Mr. Charles C. Babcock  
Box 151  
Cave Junction, Oregon

Dear Sir:

In the matter of the water right covering certain lands purchased by you from Mr. Wallace O. Kohler, I wrote you on July 12th and to Mr. Kohler on the same date to the effect that Mr. Kohler would probably wish to pay the certificate recording fee when certificate is issued covering your part of the water right involved, but since I have not heard from him in this matter, it is possible that he believes you should pay this recording fee and if you wish to submit the \$1.00 to cover it, the matter of issuance of certificate covering your part of the right will be given consideration when the next group of certificates is issued.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

RECEIVED

OCT 10 1939

STATE ENGINEER

EKH:RE SALEM, OREGON

By

*Ed K. Humphrey*  
Ed K. Humphrey, Assistant

*In accordance with above and  
Enclosure 1<sup>st</sup> for filing certificate. I understand  
this will give me a certificate for  
21 acres water right as this was assigned  
to me by Wallace Kohler*

*Yours resp.*

*Charles C. Babcock*



September 14, 1939

Mr. Charles C. Babcock  
Box 151  
Cave Junction, Oregon

Dear Sir:

In the matter of the water right covering certain lands purchased by you from Mr. Wallace O. Kohler, I wrote you on July 12th and to Mr. Kohler on the same date to the effect that Mr. Kohler would probably wish to pay the certificate recording fee when certificate is issued covering your part of the water right involved, but since I have not heard from him in this matter, it is possible that he believes you should pay this recording fee and if you wish to submit the \$1.00 to cover it, the matter of issuance of certificate covering your part of the right will be given consideration when the next group of certificates is issued.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE

CHAS. E. STRICKLIN  
State Engineer

Ed K. Humphrey, Assistant



July 12, 1939

Mr. Wallace O. Kohler  
Kerby, Oregon

Dear Sir:

Mr. Cummings of this department has reported that you wish to have your proof under your Permit No. 4449 cover 28.6 acres of land, being the acreage as determined by his recent survey which acreage has been served through a ditch diverting water in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West.

I believe that since there appears to be no intervening diversions between the diversion point as described in your application and the one now in use, proof may properly cover the land as irrigated and if you will submit the certificate recording fee in the amount of \$1.00, a certificate will be issued with the next group. I assume that it was your intention that the \$1.00 previously submitted was to cover the recording of the certificate in the name of Mr. Charles C. Babcock to whom you assigned a part of your permit.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE



July 12, 1939

Mr. Charles C. Babcock  
Cave Junction, Oregon

July 12, 1939

Dear Sir:

Mr. Charles C. Babcock  
Cave Junction, Oregon

Dear Sir:

This will acknowledge receipt of your letter of July 12, 1939, enclosing the corrected instrument assigning to the use of certain waters all contained in the name of Wallace Osburn Kohler. If you will submit the statutory recording fee of \$1.00, being the statutory fee for recording the assignment of a part of Permit No. 4449 by Wallace Osburn Kohler to you, and Receipt No. 24691 for this amount is enclosed herewith.

Since Mr. Kohler and yourself are each desirous of a certificate covering your part of the right involved, there is due an additional \$1.00 certificate recording fee besides the \$1.00 certificate recording fee submitted by Mr. Kohler. I assume that since proof was first made on that part of the water right now in your name, Mr. Kohler wished the dollar which he submitted to apply on your right as the certificate recording fee but if it was not his intention, you will probably wish to submit the \$1.00 fee for the recording of your certificate. I am writing Mr. Kohler relative to this matter at this time.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE  
enc.1

The assignment has been recorded and is enclosed herewith.



May 31, 1939

Mr. Charles C. Babcock  
Cave Junction, Oregon

Dear Sir:

This will acknowledge receipt of your letter of May 27th with which you enclosed the corrected instrument assigning to you the right to the use of certain waters as covered by Permit No. 4449 in the name of Wallace Osburn Kohler.

If you will submit the statutory recording fee in the amount of \$1.00 as explained to you in our letter of December 23, 1938, that part of Mr. Kohler's permit covered by his assignment to you will be placed of record in this office in your name and the assignment will be returned to you.

Owing to the present status of this incomplete water right and to the fact that Mr. Kohler does not wish to stand on the proof which he has made, it will probably be necessary to make a further examination in the field of the appropriation in question and it may not be possible to issue your certificate until after this examination is made.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

EKH:RE

RECEIVED  
MAY 31 1939  
By Ed K. Humphrey, Assistant  
STATE ENGINEER  
SALEM, OREGON



NIEL R. ALLEN  
ATTORNEY AND COUNSELOR AT LAW  
GRANTS PASS, OREGON

May 22, 1939.

Cave Junction, Oregon.  
May 27th., 1939.

Mr. Charles C. Babcock,  
Mr. Chas. E. Stricklin,  
State Engineer,  
Salem, Oregon.

Dear Sir:-

In reply to your favor of the 9th., Inst. relative to certificate for water right, I mailed your letter with assignment to Mr. Allen, Grants Pass, Mr. Kohlers attorney, and I am just in receipt of reply of which I am enclosing herewith with corrected assignment which is self explanatory.

This will entitle me to the 21 acre certificate of which please forward to me as soon as possible, and oblige.

Yours respectfully,

*Charles C. Babcock*

RECEIVED  
MAY 29 1939  
STATE ENGINEER  
SALEM, OREGON



20100101  
State Engineer  
Mr. Allen, E. E.

**NIEL R. ALLEN**  
ATTORNEY AND COUNSELOR AT LAW  
FIRST NATIONAL BANK BUILDING  
GRANTS PASS, OREGON

May 22, 1939.

Mr. Charles C. Babcock,  
Box 151,  
Cave Junction, Oregon.

Dear Mr. Babcock:

Pursuant to receipt of your letter of the 12th instant enclosing letter from the State Engineer's office dated May 9th, 1939, and the form of Assignment of Water Right, I have checked the file in the matter and find that the recital of description as "Southeast Quarter of the Southwest Quarter" was a typographical error and should have read "Southwest Quarter of the Southwest Quarter" in accordance with the description contained in your contract and deed.

Accordingly the change has been made in the assignment and the same is returned to you herewith duly corrected.

I am also returning to you herewith the letter from the State Engineer's office which you will doubtless need in making your response thereto.

A copy of this letter is being sent Mr. Kohler for his information in the premises.

Very truly yours,

  
Niel R. Allen

NRA:LJR



CVA's 3/10/1939  
Box 751  
Mr. Charles C.

RECEIVED  
MAY 9 1939  
STATE ENGINEER  
SALEM, OREGON

Cave Junction, Oregon,  
May 5th., 1939.

May 9, 1939

Mr. Chas. E. Stricklin,  
Salem, Oregon.

Dear Sir:-  
Mr. C. C. Babcock  
Box 151  
Cave Junction, Oregon

Dear Sir:

This will acknowledge receipt of your letter of May 5th relative to Permit No. 4449 in the name of Wallace Osburn Kohler to the effect that you are entitled to a certificate covering the irrigation of 21 acres.

The assignment which was submitted by you to this office for the purpose of transferring certain parts of the above permit to you, specifies that the right assigned to you covers certain waters appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 8 West. The final proof as submitted by Mr. Kohler describes the land which has been irrigated as being 6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , making only 6 acres on which proof has been made on lands as described in the assignment.

For your convenience in having it properly corrected if an error exists in the assignment, I am enclosing the same herewith. If the assignment is correct as it reads, I believe that you would be entitled to a certificate covering only the irrigation of 6 acres.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE  
enc.1



RECEIVED  
MAY 6 1939  
STATE ENGINEER  
SALEM, OREGON

7034

Cave Junction, Oregon.  
May 5th., 1939.

Mr. Chas. E. Stricklin,  
Salem, Oregon.

Dear Sir:-

Referring to the application, 1920 filing, of Mr. Wallace Kohler for some 500 acres of land, I was in to see Mr. Pearce, water master the other day and he said all papers in connection with this matter had been returned to you.

I have quite a lot of dealings with Mr. Kohler and it seems like it takes him for ever and a to do anything. Mr. Pearce says that as far as my land is concerned that I am entitled to a certificate for the 21 acres listed in this application. I am willing to drop my power right if it complicates get this certificate in any way and any assistance you may be able to give me in this matter will be greatly appreciated.

Yours respectfully,

*C. C. Babcock*  
*Box 151*  
*Cave Junction Ore*



Des. 211:--  
Sejen. DL  
AL. Ches. B.

STATE ENGINEER  
MAY 10 1939

Stricklin  
Engineer  
Salem, Oregon

May 9, 1939

Mr. Wallace O. Kohler  
Kerby, Oregon

Dear Sir:

This will acknowledge receipt of your letter of April 27th to the effect that your proof as submitted by you under Permit No. 4449 is not correct and that you have actually irrigated more than 21 acres.

This department will make an effort to have one of its representatives make a survey of your property for the purpose of determining the acreage which has actually been irrigated under your appropriation and if necessary a hearing will be held to decide to what extent your appropriation has been completed. If such a hearing is held, you will be notified early enough to enable you to produce evidence relative to lands actually irrigated. Holders of permits subsequent to yours in priority will also be notified so that they may have an opportunity to contest your statements as to use of water if they believe such statements to be in error. This proceeding is as provided by Section 47-802 Oregon Code 1930.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

EKH:RE

Ed K. Humphrey, Assistant



Kerby Oregon  
April 27 1939

RECEIVED  
APR 28 1939  
STATE ENGINEER  
SALEM, OREGON

Trucklin  
Engineer  
Dear Sir

My application covered the entire  
57 acres and the point of diversion has been changed  
several times and no one else here has had his right  
canceled because of having to change location of dam  
But I am undoubtedly entitled to a right both in  
section two and fourteen where water has been applied  
I had over 31 acres at the time of adjudication and they  
cut down to thirty I now have a great deal more than  
the thirty acres and also some pasture land which is  
possible to irrigate This excluding the tract sold to C.C. Babcock  
I am entitled to priority ~~over~~ over recent rights that have been granted

Yours Truly

Wallace O Kohler  
Kerby Oregon

7034

Very truly yours,

Paul H. [Signature]



WATER RESOURCES DEPARTMENT

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

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

April 20, 1939

Mr. Chas. E. Stricklin,  
State Engineer,  
Salem, Oregon.

7034

Dear Sir:

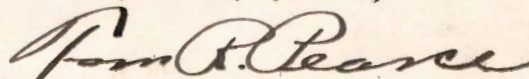
Enclosed is form for proof of appropriation under Permit No. 4449 and an assignment form executed by Wallace Osburn Kohler.

Report:

Referring to your file No. 7034 and your letter of Dec. 23rd, 1938; I have proceeded to assist Mr. Babcock in the matter of making proof. Mr. Babcock is willing to withdraw his claim for the development of 9.0 horsepower. He is not claiming a power right but wishes to retain the 21 for irrigation as recommended, in the proof. He has not signed the proof papers for the reason that Mr. Kohler has not granted a complete assignment of Permit No. 4449. Mr. Kohler proposes to assign only that part of the Permit which pertains to the land that was purchased by Babcock. Mr. Kohler, through his attorney Niel R. Allen, claims he has been using water on the land in the Babcock transaction and also on the other property included under the right. Mr. Kohler acknowledges that the "other property" does not appear to be irrigated but says he has been short of water. He states that the river channel changes so that he could not describe lower diversions in his original application nor could he maintain a flume across the river. He states that the land in section 14 is partly cleared and has been irrigated. He would like to have an extension of time to complete work under his part of the Permit that is not included in the Babcock transaction. He is willing for Mr. Babcock to acquire a water right certificate for that part of the land he purchased.

I do not know what further action to take and am therefore returning the papers to you.

Very truly yours,



Watermaster District No. 16.



April 19, 1939

Mr. Wallace O. Kohler  
Kerby, Oregon

Dear Sir:

This will acknowledge receipt of your letter of April 13th inquiring concerning the diversion of water from another point of diversion besides the one described in your Permit No. 4449 and asking also relative to lands not covered by the proof in the matter of the above permit which was signed by you November 12, 1938.

I do not believe that under the statutes, your permit could be amended at this time to cover diversion from two points. As to the use of water on land not covered by your proof, a new filing may be made covering any land described, at any time you wish.

A certificate will be issued in conformity with your proof as made, when the next group is issued.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

EKH:RE

Ed K. Humphrey, Assistant



RECEIVED April 14, 1939

Kersey Oregon  
April 13 1939

5 Stricklin

When Mr. Thor Pierce made his examination of my improve ments under permit No. 4449, he did not include my work on the east side of the river. I am given about thirty acres under the old right and I have cleared some since. The Conservation service in their survey found 4615 acres, and there was some which they did not include but listed as pastures. It was my intention to take the water from the ditch on ~~the~~ west side of river and bring it along the south line of sec 2 and either take across river in flume or dump it above head of ditch. Mr. Pierce says if I should put it into the river and take it out again, that it must be considered another diversion. Is there any way that I can amend the application so I may be given credit for the ten acres and more which I have cleared. I am still in hopes that I can apply water this spring to about seven acres that I once had in cultivation in sec 14.

I would like if possible to save my priority and the cost of a new application

Very Truly Yours

Wallace B. Kohler

Kersey 1st  
Oregon



December 23, 1938.

Mr. Tom R. Pearce,  
Watermaster District #16,  
Grants Pass, Oregon.

Dear Mr. Pearce:

It will be appreciated if you will, at your convenience, assist Mr. Babcock in making proof in the matter of Permit No. 4449 as suggested in the enclosed copy of a letter to Mr. Babcock and as covered by the enclosed papers.

I believe that this method of procedure under this right will simplify considerably the confirmation of the right.

This final proof when executed by Mr. Babcock will take the place of the proof made by Mr. Kohler. The map and data submitted by you with Mr. Kohler's proof will be sufficient in the matter of a new proof, but I believe an inspection by you will be required to determine whether or not Mr. Babcock is ready to make final proof covering 9.0 theoretical horsepower in addition to the irrigation of 21 acres of land.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By Ed K. Humphrey, Assistant.

EKH:BB  
encls.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

Ed K. Humphrey, Assistant.

RECORDED

INDEXED

DEC 23 1938



Under claim 480, permit 4449 there is listed an  
power for power purposes as follows per irriga-  
tion  
When Mr. Kohler recently made proof under the permit  
to claim the power right, I have discharged the  
duty and desire that the power right be perfected to the  
extent of 9 H.P. I have received the  
proof on 14 H.P. My development is for 9 H.P. and I under-  
stand there would be no annual fees for this amount. I am  
sending assignment to cover this power application.

December 23, 1938.

Mr. C. C. Babcock,  
1102 Remone,  
Palo Alto, California.

Dear Sir:

This will acknowledge receipt of your letter of  
December 21, stating that you are the present owner of pro-  
perty formerly held by Mr. Wallace Osburn Kohler, part of  
which property is covered by Permit No. 4449, and stating  
also that you wish to make proof covering the development  
of 9.0 horsepower.

Since you are now the owner of the property  
covered by the above permit, and since the permit includes  
the development of power, I believe that the matter of con-  
firmation of this water right by issuance of a certificate  
will be simplified considerably if you will have Mr. Kohler  
assign Permit No. 4449 to you. You will then be in a posi-  
tion to make final proof under your permit covering the 21  
acres of land irrigated by Mr. Kohler and on 9.0 theoretical  
horsepower, providing you are utilizing a total average fall  
of 14 feet as specified in your power claim and a flow of  
5.65 second-feet of water for power development.

I will mail the final proof papers to Mr. Pearce,  
watermaster of your district, with the request to assist you  
in making final proof as suggested above.

I am enclosing a blank for your convenience in  
having the permit assigned to you by Mr. Kohler. When the  
assignment is issued it should be submitted to this office  
with the statutory recording fee in the amount of \$1.00.  
There is no annual power fee incident to the development  
of less than 10.0 theoretical horsepower.

Very truly yours,  
CHAS. E. STRICKLIN,  
State Engineer.

By  
Ed K. Humphrey, Assistant.

EKH:BB  
encl.  
c.c. Mr. Tom R. Pearce.



Cave Junction Oregon.  
Dec. 21st., 1938.

Under claim 480, permit #4449 there is listed an  
on for water for power purposes as well as for irriga-

When Mr. Kohler recently made proof under the permit  
failed to claim the power right. I have purchased the  
property and desire that the power right be perfected to the  
extent of 9 H.P. I have received the annual statement, the  
fees on 14 H.P. My developement is for 9 H.P. and I under-  
stand there would be no annual fees for this amount. I am  
sending assignment to cover this power application.

034

When you issue a certificate I will be pleased  
if you will include 9 H.P. as well as the irrigation develop-  
ment.

If this procedure should hold up my water right  
I will withdraw my claim for power.

Yours respectfully,

Box 157  
Cave Junction, Ore.

*Babbitt*

Claim No. 480, is covered by Permit No. 4449 in the name of  
Wallace Osburn Kohler.

Mr. Kohler is making proof under this permit covering  
that part of the permit relating to irrigation. If you wish  
the part of this permit covering water for power to be of  
record in your name, you should have executed and submit to  
this office for recording, the enclosed assignment accompanied  
by the statutory recording fee of \$1.00.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE  
enc.1

7034

*File in...*

472



WATER RESOURCES DEPARTMENT

STATE OF OREGON

OFFICE OF  
WATER DISTRICT NO. 16

GRANTS PASS, OREGON

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
GROW SURVEYS

7034

Nov. 15th, 1934

RECEIVED

November 29, 1938 1939

Mr. Chas. E. Stricklin,  
State Engineer,  
Salem, Oregon.

STATE ENGINEER  
SALEM, OREGON

Mr. O. C. Babcock  
1102 Ramona  
Palo Alto, California

Dear Sir:

It has been brought to my attention that water required to satisfy the power right claimed by you under Claim No. 480, is covered by Permit No. 4449 in the name of Wallace Osburn Kohler.

Mr. Kohler is making proof under this permit covering that part of the permit relating to irrigation. If you wish the part of this permit covering water for power to be of record in your name, you should have executed and submit to this office for recording, the enclosed assignment accompanied by the statutory recording fee of \$1.00.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By

Ed K. Humphrey, Assistant

EKH:RE  
enc.1



WATER RESOURCES DEPARTMENT

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

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

Nov. 15th, 1938

RECEIVED

NOV 18 1938

STATE ENGINEER  
SALEM, OREGON

Mr. Chas. E. Stricklin,  
State Engineer,  
Salem, Oregon.

Dear Sir:

Enclosed is blank form for proof of appropriation under Permit No. 4449, in the name of Wallace Osburn Kohler, together with a \$1 bill for recording fees.

I found that Mr. Kohler had irrigated 21 acres but there was no supplemental irrigation development or power development.

Very truly yours,

*Tom C. Pearce*

Watermaster District No. 16.

7034

Fee in arrears - \$ 4.72



7084

December 8, 1937.

Mr. Tom R. Pearce,  
Watermaster Dist. #16,  
Grants Pass, Oregon.

Dear Sir:

I am enclosing a blank for making final proof under Permit No. 4449, in the name of Wallace Osburn Kohler.

You are requested to make your usual inspection at your convenience and submit the proof to this office with the \$1.00 certificate recording fee.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EB  
encl.



APPLICATION FOR EXTENSION OF TIME

7034

I, Wallace O. Kohler, of Kerby, Oregon,  
December 8, 1937.

am the owner and holder of Permit No. 4449, and  
proprietor of the waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed  
before October 1, 1937, and complete application of water is required to be

made on or before Mr. Wallace O. Kohler,  
Kerby, Oregon.

I have heretofore been diligent in carrying out the provisions of said permit.

Dear Sir:

This will acknowledge receipt of your applica-  
tion for an extension of time in which to complete con-  
struction work under your Permit No. 4449.

The law allows the State Engineer to extend the  
time for completion under a permit when due diligence has  
been executed by the permittee.

According to applications for extension of time,  
which you have submitted, your irrigated area under Permit  
No. 4449 has not been extended since 1935. Considering  
this, together with the fact that about eighteen years have  
elapsed since your filing was made, it would seem that due  
diligence has not been observed in this instance so that  
under the statutes the State Engineer cannot further extend  
the time for completion of construction, and, as stated in  
our letter of March 5, 1937, it will be necessary that you  
make proof on the development to the extent that it has been  
completed, and Mr. Pearce, Watermaster of your district, will  
make an inspection and assist you in making this proof.

I am unable to complete construction work  
make complete application of water

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EKH:BB



RECEIVED

DEC - 3 1937

STATE ENGINEER  
SALEM, OREGON

Permit No. 4449

APPLICATION FOR EXTENSION OF TIME

State Engineer of Oregon:

I, Wallace O Kohler, of Kerby, state of Oregon, am the owner and holder of Permit No. 4449, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before October 1, 1937, and complete application of water is required to be made on or before Oct 1, 1937.

I have heretofore done the following work described under said permit: In addition to that previously reported I have dug 32 rods of new ditch at head of ditch on east side of Illinois river at south line of sec 2 T40 S Range 8 west Willamette Meridian which required 22 days labor

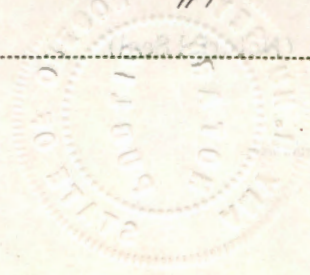
costing \$....., and I estimate the cost of completion to be \$.....

I have heretofore used water under said permit to the following extent: Irrigated 35 acres on east side of river and 5 on west side in section 2 and about 1/2 acre also small tract in sec 14

I am unable to ~~make complete application of water~~ {complete construction work} within the required time, for the following reasons, to wit: Low prices of what farm produce I sell and high tax and high prices I have to pay for supplies and labor. Also this year and last I have had to construct several break water dams in this river to prevent cutting of the bank these have been expensive

(If additional space is required, attach separate sheet)

(OVER)









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

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

Nov. 1, 1937

Mr. Chas. E. Stricklin,  
State Engineer,  
Attention Mr. Humphrey, Ass't  
Salem, Oregon.

RECEIVED

NOV 2 1937

STATE ENGINEER  
SALEM, OREGON

Dear Mr. Humphrey:

Referring to your file No. 7034 and water permit No. 4449 by Wallace O. Kohler, who claims he was unable to complete application of water because the deputy failed to deliver the necessary water to him.

Mr. Kohler has had 17 years to complete application of this water. I am sure that he has not been restrained from the use of water except during periods when water belonged to older rights. During proceedings of the Illinois River Decree Mr. Kohler was granted water rights under proof No. 77. I believe this constitutes most of his development and do not think it advisable to grant further extension of time under Permit No. 4449.

Very truly yours,

*Tom R. Pearce*

Watermaster District No. 16.



October 27, 1937.

Mr. Tom R. Pearce,  
Watermaster Dist. #16,  
Grants Pass, Oregon.

Dear Mr. Pearce:

In a letter dated October 25, Mr. Wallace O. Kohler states that the only reason he has not made complete application of water to his lands under Permit No. 4449 is that the deputy failed to deliver the necessary water to him.

If you are familiar with this development, will you kindly advise me as to the facts in the case. If you are not acquainted with the situation and should be in the vicinity in the near future, you might make some investigation relative to the appropriation.

Mr. Kohler has had since 1920 to perfect this right, and it would appear that he should have completed it by this time.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
Ed K. Humphrey, Assistant.

EKH:LN



Kerby Oregon  
October 23 1937  
**RECEIVED**

7034

OCT 25 1937  
STATE ENGINEER  
SALEM, OREGON

October 27, 1937.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of October 23 relative to your Permit No. 4449.

In order that you may make a report covering the progress of work under this permit, I am enclosing an application blank for an extension of time. Will you kindly state on this blank whether or not the failure of the watermaster to deliver water to you is the only reason that you have not made complete application of water to your lands as described in your permit.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

Ed K. Humphrey, Assistant.

EKH:LN  
encl.



Kerby Oregon  
October 23 1937

E. Stricklin  
State Engineer

RECEIVED

OCT 25 1937

STATE ENGINEER  
SALEM, OREGON

Dear Sir:

I have received your card notifying me of expiration of time limit on permit No 4449. I am at a loss to know what to do about this situation here. This summer I dug a new head for the ditch on east side of river in section 2 which brings it to the south line of section 2. I worked on hired labor to the amount of twenty days on this. I called the deputy to adjust the amount in the two ditches above in section 14. His estimate was that the Bennett ditch on east bank had 4 second feet and my ditch on west bank one second foot and that about four second feet passed the dam

7034

March 3, 1937.

your letter of March 1, with extension of time under your

your letter of February 12 progress during the past you are entitled to a further being extended until October that so much time has late this development, it be granted. I would suggest it possible to complete it will be necessary to report to the extent that its expire.

truly yours,

E. STRICKLIN,  
Engineer.

S. Bovelie, Assistant.



Kerby, Oregon  
March 1st 1937

7034

March 3, 1937.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

This acknowledges receipt of your letter of March 1, with which you submitted an application for extension of time under your Permit No. 449.

Your application, together with your letter of February 12 indicates that you have made reasonable progress during the past year and I believe, therefore, that you are entitled to a further extension of time. The time limits are being extended until October 1, 1937. However, in view of the fact that so much time has already been allowed within which to complete this development, it is doubtful if any further extensions can be granted. I would suggest, therefore, that you make every effort possible to complete the work within this time, as I believe it will be necessary to require that you make proof on the development to the extent that it has been completed when these time limits expire.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovellev, Assistant.

VSE:BB

reasons, to wit: ... apply to water already ...  
under ... and ...  
...  
...



Kerby Oregon  
March 1st 1937

7034

Permit No. 4449

Mr E. Stricklin  
Dear Sir

ION OF TIME

I lost all my notes and records by fire last September so the estimates here given will not be the same as those formerly given and I have also included in this estimate the cost of opening the ditch from the mine reservoir across to the river I will do this early this spring and I presume must bear all the expense myself. It will require about thirty days. The winter just past was very unfavorable being dry until late Dec then covered with snow through Jan and February.

Yours Truly  
W O Kohler  
Kerby Ore



RECEIVED  
MAR 2 1937

No. ....

Permit No. 4449

STATE ENGINEER

APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Wallace O Kohler, of Kersey Josephine County, state of Oregon, am the owner and holder of Permit No. 4449, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before ....., 19....., and complete application of water is required to be made on or before ....., 19.....

I have heretofore done the following work described under said permit: Two miles of ditch on west side of river one fourth mile on east side of river and enlarged 3/4 mile of ditch on east side of river Built brush and rock dam in river

*See letter 2/12/37*

costing \$ 1500, and I estimate the cost of completion to be \$ 500

I have heretofore used water under said permit to the following extent: East side of river in Section 2 total land in crops or pastures last year 35 acres West side of river Section 2 five acres In section 14 a small application beside ditch

I am unable to {complete construction work / make complete application of water} within the required time, for the following reasons, to wit: Lack of water to apply to crops on land already under cultivation, unfavorable weather and extremely low prices for crops grown left me with no funds available to complete the work.

(If additional space is required, attach separate sheet)

(OVER)



To the State Eng

Kerby, Ore

Feb 12 1937

Chas. E. Stricklin  
State Engineer  
Ore

7034

February 16, 1937.

I would like to know  
whether I may make proof part of  
Permit No. 4449 and make application  
for extension of time on remainder of land  
I have irrigated at the same  
time. I will not be able to complete a  
proof of land by late spring and  
that is why I am writing you.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

This is in reply to your letter of February 12, asking  
if you may make proof on part of the lands described in your Permit  
No. 4449, and then obtain an extension of time for the remaining  
lands.

The law requires that the State Engineer shall limit the  
right under a permit to the extent that it has been completed when  
final proof is made. Therefore, if proof should be made at this  
time on those lands which have been irrigated it will be necessary  
for you to make a new application for the remaining lands if you  
expect to perfect a right for them.

Before the matter of granting an extension of time can be  
given consideration it will be necessary for you to submit an ap-  
plication for an extension, and a form is enclosed for your convenience  
in making such an application.

Oregon

Very truly yours,  
CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

VSB:EE  
encl.



Kerby Or

Feb 12 1937

Mr. E. Stricklin  
State Engineer

FEB 15 1937

7034

STATE ENGINEER  
SALEM, OREGON

Dear Sir -

I would like to know whether I may make proof on part of Permit No 4449, and make application for extension of term on remainder or does proof have to be made on all at the same time? I expect to have the 40 acres in sec 14 ready for proof by late spring and about twenty more acres in sec 2 on east side of river. The west side of river in sec. 2. I will not be able to irrigate or clear of brush this season. I dug fifty rods of new ditch last summer.

Yours Truly  
Wallace O Kohler  
Kerby  
Oregon



January 13, 1937.

Mr. Wallace Osburn Kohler,  
Kerby, Oregon.

Dear Sir:

According to the terms of your Application No. 7054, Permit No. 4449, which is for the appropriation of 8.5 second-feet of water from Illinois River for irrigation and power, complete application of water was to have been made on or before October 1, 1936. It appears from our records that you have failed to submit the notice of complete application, although a postcard, calling this matter to your attention, was mailed to you on October 6, 1936.

Section 47-806, Oregon Code 1930, provides: "Whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation the State Engineer may, after the cancellation of

## RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

*Wallace Kohler*  
-----  
(Signature or name of addressee)

-----  
(Signature of addressee's agent)

Date of delivery, \_\_\_\_\_, 193

Form 3811

U. S. GOVERNMENT PRINTING OFFICE: 1935

of this permit, you application of water, in making final proof. development, we would t, so that the permit llowing the legal pro- appropriation, although plication for an extension it appears that proper

Section 47-806, Oregon you are hereby notified from the date of this

letter, your permit will be cancelled without further notice.

Very truly yours,

*Chas. E. Stricklin*

CHAS. E. STRICKLIN,  
State Engineer.

Form 100.  
REGISTERED.



January 13, 1937.

Mr. Wallace Osburn Kohler,  
Kerby, Oregon.

Dear Sir:

According to the terms of your Application No. 7054 ,  
Permit No. 4449 , which is for the appropriation of 8.5 second-  
feet of water from Illinois River for irrigation and power,  
complete application of water was to have been made on or before  
October 1, 1936 . It appears from our records that you have failed  
to submit the notice of complete application, although a postcard,  
calling this matter to your attention, was mailed to you on Oct-  
ober 6, 1936.

Section 47-806, Oregon Code 1930, provides: "Whenever  
the time within which any appropriation under a permit should have  
been perfected shall have expired and the owner of such permit shall  
fail or refuse within the period of three months thereafter to submit  
to the State Engineer proof of the completion of such appropriation  
as required by Section 47-508, Oregon Code, the State Engineer may,  
after 60 days' notice by registered mail, order the cancellation of  
such permit, \* \* \*."

If you have complied with the terms of this permit, you  
should promptly submit the notice of complete application of water,  
after which we will send you a blank for use in making final proof.  
If, however, you have abandoned your plan of development, we would  
appreciate your authority to cancel the permit, so that the permit  
may be cancelled without the necessity for following the legal pro-  
cedure. In case you have not completed your appropriation, although  
you still wish to do so, you may submit an application for an extension  
of time. Such an extension may be granted if it appears that proper  
diligence has been shown.

In accordance with the provisions of Section 47-806, Oregon  
Code 1930, a part of which is quoted above, you are hereby notified  
that unless we hear from you within 60 days from the date of this  
letter, your permit will be cancelled without further notice.

Very truly yours,

*Chas. E. Stricklin*

CHAS. E. STRICKLIN,  
State Engineer.



June 5, 1936.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

Your Permit No. 4449 has been called to my attention, and I note that you have not yet replied to my letter of May 4th, requesting that you advise regarding the amount of power which you expect to claim under this permit.

It will be appreciated if you will give this matter your early attention so that the records may be cleared.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

VS:LN

*C. C. Babcock will pay  
power fees, see power  
claim — 1102-Ranoma St  
Palmdale  
Calif.*



May 4, 1936.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

The matter of writing an order granting an extension of time under your Permit No. 4449 has been given attention, and it has been noted that your power claim has never been definitely established.

This permit grants a right to the use of 8.5 second-feet of water from the Illinois River for the irrigation of 307 acres and the development of 13.5 theoretical horsepower. The annual power fees required for 13.5 theoretical horsepower are \$2.10, and since the power fees have not been paid for 1934, 1935 and 1936, there are power fees due in the amount of \$6.30, plus a penalty in the amount of \$1.58, making a total of \$7.88.

Previous correspondence indicates that you intended to reduce the amount of power that you developed, but before an extension of time can be granted, I believe it will be necessary that you make a definite statement as to the amount of power which you expect to claim under this permit and bring any delinquent payments up to date. If the power is to be reduced to less than 10 theoretical horsepower, there will, of course, be no annual power fees required, but before the matter is definitely settled, I believe that you should furnish us with a statement as to the amount of power which you claim under this permit.

As soon as your statement in the above is received, the matter of ordering an extension of time will be given attention.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By

V. S. Bovellev, Assistant.

VSB:LN



March 17, 1936.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

It appears from the statements made in your letter dated March 14th that you are exercising reasonable diligence in the prosecution of work under Permit No. 4449. I am therefore granting the extension of time requested, and you will have until October 1, 1936, to complete construction work and make complete application of water under this permit.

Yours very truly,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN



Permit

9034

Kerby Oregon  
March 14 1936

RECEIVED  
MAR 17 1936

Mr Chas E Stricklin

Dear Sir.

STATE ENGINEER  
SALEM, OREGON

I dug 66 rods of new ditch through the field last year and enlarged 8 rods. I estimate the cost of this at about \$108. There is yet to be dug on the east side of the river in Sec 2 about three quarters of a mile of main ditch nearly all of it hand work. Also on the west side of the river about 80 rods of main ditch. Also you may reduce the amount of the power permit to Chas Babcock. He seems to be intending to complete the payments on the tract.

The low prices received for farm produce and the partial crop failure last year have made it impossible to hire any of this work done. After I get the necessary farm work done there is little time to apply on new improvements.



-2-

am going to try to make proof  
the 40a in Sec 14. this summer.

I dont know what Babcock will do  
with his tract. And I will also  
apply water to at least twenty acres  
more on the east side of the river in  
sec. 2.

Yours Truly  
Wallace O Kohler  
Kirby  
Oregon

Eight / year



STATE OF OREGON

ADDRESS ALL COMMUNICATIONS TO  
CHAS. E. STRICKLIN, STATE ENGINEER  
SALEM, OREGON

AND REFER TO  
FILE NO. 7034

7034

RECEIVED  
FEB 21 1936

February 21, 1936

Mr. Wallace O. Kohler  
Kerby, Oregon

Dear Sir:

This is in reply to your letter of February 18, request-  
ing an extension of time under your Permit No. 4449. Your letter  
indicates that some work was done during the past year, but since  
it does not state the amount and nature of the work I am unable to  
determine whether or not reasonable diligence has been shown in the  
prosecution of work. I am, therefore, inclosing a form for your  
convenience in submitting an application for an extension of time  
in which you should state fully the amount of work completed during  
the past year, what it consisted of and its approximate cost, as well  
as an outline of the amount of work remaining to be completed  
and your reasons for failure to complete the development within the  
time which has already been allowed.

I do not believe that an extension of time can be granted  
until the matter of the requested power fees has been taken care of.  
Correspondence in our files indicates that Mr. Babcock desired to  
reduce the amount of power to five or six theoretical horsepower,  
in which case annual power fees need not be paid, but if you desired  
to continue the claim for fourteen theoretical horsepower it will be  
necessary that the required fees be paid before the time limits can be  
extended under the permit.

If you wish to reduce the amount of power claim in accordance  
with Mr. Babcock's evident intention a letter from you stating  
that the claim is to be reduced will, I believe, be sufficient.

As soon as an application for extension of time is sub-  
mitted and the power matter is taken care of the question of granting  
an extension of time will be given immediate consideration and you  
will be advised of our action.

Very truly yours  
CHAS. E. STRICKLIN  
State Engineer

By  
V. S. Bovellev, Ass't.

VSB EL



7034  
Feb 18-1936  
Kerby Oregon

RECEIVED

FEB 21 1936

STATE ENGINEER  
SALEM, OREGON

Mr Chas E Stricklin  
State Engineer  
Dear Sir.

I would like to apply  
for another extension of time on  
permit No 4449. I have abote made  
arrangements so I can complete a  
large part of the project this summer.  
The power permit on the land I sold to  
Babcock and Marty I do not know  
just how to arrange. Babcock said  
he would be here about Jan 1st but I  
did not see him. He should pay that  
fee according to the contract with me.  
I do not desire to pay it until and un-  
less he abandons the place.

My work the past season was in  
enlarging the old ditches in Section 2  
and extending through the field.

Yours Truly  
Wallace Kohler  
Kerby Oregon



STATE ENGINEER  
OFFICE OF THE  
COMMISSION  
DIVISION OF OREGON

# STATE OF OREGON

OFFICE OF THE

## STATE ENGINEER

WATER RESOURCES DEPARTMENT

SALEM

ADDRESS ALL COMMUNICATIONS  
CHAS. E. STRICKLIN, STATE ENGINEER  
SALEM, OREGON

AND REFER TO FILE NO. 7034

January 10, 1936.

Mr. Wallace O. Koehler,  
Kerby, Oregon.

Dear Sir:

According to the terms of your Application No. 7034 ,  
Permit No. 4449 , which is for the appropriation of 8.5 second  
feet of water from Illinois River for irrigation and power,  
complete application of water was to have been made on or before  
October 1, 1935. It appears from our record that you have failed  
to submit the notice of complete application, although a postcard  
calling this matter to your attention, was mailed to you on  
October 19, 1935.

Section 47-806, Oregon Code 1930, provides that: "Whenever  
the time within which any appropriation under a permit should have  
been perfected shall have expired and the owner of such permit shall  
fail or refuse within the period of three months thereafter to submit  
to the State Engineer proof of the completion of such appropriation  
as required by Section 47-508, Oregon Code, the State Engineer may,  
after 60 days' notice by registered mail, order the cancellation of  
such permit, \* \* \*."

If you have complied with the terms of this permit, you  
should submit promptly this notice of complete application of water,  
after which we will send you a blank for use in making final proof.  
If, however, you have abandoned your plan of development, we would ap-  
preciate having you advise to that effect, so that the permit may be

allowing the legal procedure.  
appropriation, although you still  
application for an extension of time.  
appears that proper diligence

visions of Section 47-806, Oregon  
above, you are hereby notified  
thirty days from the date of this  
cancellation without further

Very truly,

Chas. E. Stricklin

Chas. E. Stricklin,  
State Engineer.

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original  
number of which appears on the face of this Card.

*Wallace O. Koehler*

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, 1-13- 1936

Form 3811

U. S. GOVERNMENT PRINTING OFFICE: 1933

REGISTERED.



STATE ENGINEER  
COMMISSION  
DIVISION OF OREGON

# STATE OF OREGON

OFFICE OF THE

## STATE ENGINEER

WATER RESOURCES DEPARTMENT

SALEM

ADDRESS ALL COMMUNICATIONS  
CHAS. E. STRICKLIN, STATE ENGINEER  
SALEM, OREGON

AND REFER TO FILE NO. 7034

January 10, 1936.

Mr. Wallace O. Koehler,  
Kerby, Oregon.

Dear Sir:

According to the terms of your Application No. 7034 ,  
Permit No. 4449 , which is for the appropriation of 8.5 second  
feet of water from Illinois River for irrigation and power,  
complete application of water was to have been made on or before  
October 1, 1935. It appears from our record that you have failed  
to submit the notice of complete application, although a postcard  
calling this matter to your attention, was mailed to you on  
October 19, 1935.

Section 47-806, Oregon Code 1930, provides that: "Whenever  
the time within which any appropriation under a permit should have  
been perfected shall have expired and the owner of such permit shall  
fail or refuse within the period of three months thereafter to submit  
to the State Engineer proof of the completion of such appropriation  
as required by Section 47-508, Oregon Code, the State Engineer may,  
after 60 days' notice by registered mail, order the cancellation of  
such permit, \* \* \*."

If you have complied with the terms of this permit, you  
should submit promptly this notice of complete application of water,  
after which we will send you a blank for use in making final proof.  
If, however, you have abandoned your plan of development, we would ap-  
preciate having you advise to that effect, so that the permit may be  
cancelled. It is necessary for following the legal procedure.  
In case you have not completed your appropriation, although you still  
wish to continue it, you may submit an application for an extension of time.  
Such an extension may be granted if it appears that proper diligence  
has been shown.

In accordance with the provisions of Section 47-806, Oregon  
Code 1930, a part of which is quoted above, you are hereby notified  
that unless we hear from you within sixty days from the date of this  
letter, your permit will be subject to cancellation without further  
notice.

Yours very truly,

*Chas. E. Stricklin*

CHAS. E. STRICKLIN,  
State Engineer.

REGISTERED.



March 12, 1935

Mr. Wallace O. Koehler  
Kerby, Oregon

Dear Sir:

This acknowledges receipt of your letter of March 9, with which you submitted an application for an extension of time under your Permit No. 4449. The application for extension indicates that you have done considerable construction work and that 45 of the 307 acres applied for have actually been irrigated, as well as the development of some power.

As previously explained, this permit was issued in 1920 and it appears doubtful to me if any further extensions of time should be granted inasmuch as a development of this size should seemingly have been completed in the fourteen years which have elapsed if reasonable diligence had been shown in the prosecution of work at all times. I realize, however, that the economic conditions prevailing in the last few years have made it very difficult, if not impossible, to make such progress in a development of this nature, and I believe, therefore, that you may be entitled to a further extension of time. I am, therefore, extending the time limits for the completion of construction work and complete application of water until October 1, 1935.

I note you request that the time limits be extended until October 1, 1937, but since the statutes contemplate that an annual report on the progress of work should be made to the State Engineer, I do not believe that extensions should be granted for periods longer than one year.

I also note that you state in your letter you believe you should be granted an extension of five years beyond the date of the completion of the adjudication, within which to complete your development under this permit. The only grounds for consideration in determining whether or not an extension may be granted under a permit is that reasonable diligence has been shown in the prosecution of work. Unless reasonable diligence is shown in the prosecution of work an extension of time cannot be granted.

In view of the fact that so many years have already elapsed within which to complete this development, I doubt if further extensions can be granted and I would advise that every effort should be made to complete the development within the above time limit.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By

V. S. Bovelie, Ass't.



Kerby Oregon  
March 9 1935

RECEIVED  
MAR 12 1935  
Chas E Stricklin  
Salem  
Oregon

Dear Sirs

I have not been able to find my copy of the permit and I suspect that it may have been burned in the fire which destroyed much of my records and household goods in 1931 so I have left blank the line referring to required date of completion. I feel that in justice to me I should have five years after adjudication in which to complete application. I will add at least 20 acres to the cultivated areas this year and you will agree with me that its hard to get water out of a dry river. At the time of making application we had water enough for the east side of the river in sec 2 which came down the Bennett ditch and



at the mill just above  
line of sec 2. This had been  
in for many years but the  
was dismantled that year and  
placed mines at Walds both turned  
water across into the West fork and  
kept this river dry they ran this water  
to waste and defied us to "make" them  
turn it back. They seemed to resort  
to any crime and there is much to be laid  
at their door in addition to wasting the  
water. You can partly make amends by  
granting me time. It is difficult enough  
now under this financial collapse.

Yours truly  
Wallace O Kohler  
Kirby  
Oregon



ion No. 7034

Permit No. 4449

APPLICATION FOR EXTENSION OF TIME

For completion of Construction Work and Complete Application of Water

RECEIVED  
MAR 13 1935

STATE ENGINEER  
OREGON

To the State Engineer of Oregon:

I, Wallace O Kohler, of Kerby, Josephine County  
State of Oregon, do hereby certify:

That I am the owner and holder of Permit No. 4449, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work was required to be completed and complete application of water was required to have been made by \_\_\_\_\_, 19\_\_\_\_.

That I have heretofore performed the following work described under said permit: Main ditch on west side of river 2 miles (\$1200) 1/2 mile in sec 14 on east side of field. Lateral ditches and leveling four acres in sec 2. East side of field sec 14 1/2 mile ditch. East side of river sec 2 new ditch 1/2 mi (\$500) enlarging old ditch 100 lateral ditches costing \$ 2200, and the estimated cost of completion is \$ 1000.

That I have heretofore made application of water under said permit to the following extent: 5 acres in sec 14, 35 acres in sec two east side of river, 5 acres on west side of river. This last now in possession of C.C. Babcock & P. Mastz and also power site with small water wheel

That I am unable to complete construction work and make the complete application of water within the required time, for the following reasons, to wit:

Adjudication was not completed until June 1932. I had little or no water to apply after about June 15 of each year and my crops suffered seriously. This reduced revenue did not permit or justify improvements. Also loss by fire in 1931 and the depression since that time

WHEREFORE, I ask that the State Engineer extend the time for completion of construction work and for the complete application of water under said permit

to October 1st, 1937.

Wallace O Kohler  
Signature of Applicant.

P.L. Housck. Kerby Ore  
Signature and Address of Witness.



February 6, 1935

Mr. W. O. Koehler  
Kerby, Oregon

Dear Sir:

This is in reply to your letter of January 28, requesting an extension of time under your Permit No. 4449, and asking how you may obtain a right to carry water through the Bennett ditch on the east side of the Illinois River.

This permit was issued in 1920, and I doubt, therefore, if any further extensions of time should be granted. However, our records do not indicate very clearly the amount of work which has been completed to date and I am, therefore, inclosing a form for your convenience in submitting an application for extension of time in which you should state clearly and definitely the amount of work which has been completed, the number of acres which have actually been irrigated and the reasons why the development has not been completed in the fourteen years which have elapsed since the issuance of the permit. If an application for extension of time is received, giving the above information, the matter of granting an extension will be given consideration.

According to the map filed in connection with your permit the Bennett ditch diverts water from the same point on the Illinois River as your ditch on the west side. I believe, therefore, that if you can arrange for a right of way through the Bennett ditch with its owners that you may legally convey water through that ditch to your lands on the east side of the river instead through your ditch on the west side. This office, however, has no jurisdiction regarding rights of way or ditch rights and you must, therefore, arrange with the owners of the ditch for a right of way through it.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

VSB EL

By V. S. Bovellev, Ass't.



Kerby Oregon  
January 28 1935

to E. Strucklin  
State Engineer  
Salem Oregon

RECEIVED  
FEB - 7 1935  
STATE ENGINEER  
SALEM OREGON

Dear Sir -

I am in receipt of your registered letter. I still desire to continue work on the ditch and land under permit No 4449. There is part of it that I may be able to make proof on this summer. Will it be desirable to make proof on part or must it be all completed before this is done?

Yours Truly

P.S. If you can do so I would like to have an extension of time. Also I would like to know what I can do in regard to getting the water for land on east side of river through the Bennett ditch now owned by Gus Thrasher and Henry Pefferle. This is diverted at the same dam and in former years



settled to come down to this  
there has been some controversy  
between Lem Harding and Geo  
Thrasher over water for Hardings  
place Harding and I took the matter  
before Thos Pierce who referred us  
to Sherman Smith county attorney  
But there has been no action that  
I know of to date. If I can get  
water through the Bunnet ditch  
I will save some leakage and a  
flume across the Illinois which  
would be some expense to maintain  
Thrasher maintains that it is a waste  
of water to let it run down the river  
channel so I can get it at the old  
point of diversion. I would like to  
have the matter settled and not  
necessarily as Thrasher desires it  
W. O. K.



July 16, 1934

Mr. Charles C. Babcock  
Route 1  
Kerby, Oregon

Dear Sir:

This is in reply to your letter of June 11, requesting information concerning an annual statement of water power claimant #480 issued under water right Permit No. 4449.

Prior to the 1933 session of the legislature all power developments of less than twenty-five horsepower were exempt from the payment of annual water power fees. The 1933 session of the legislature amended this act requiring that annual water power fees be paid on all developments of ten horsepower or more.

Water right Permit No. 4449 grants the right to the use of 8.5 second-feet of water from the Illinois River for the irrigation of 307 acres and the development of 13.5 horsepower.

As you have succeeded in the ownership of lands described under this permit, you should submit an assignment of the permit from Mr. W. O. Kohler to you for recording in the Miscellaneous Records of the State Engineer so that the permit may be placed in your name upon our records. A form is inclosed for your convenience in submitting such assignment, the fees for recording of which is \$1.00.

I note you state in your letter that you propose to develop five or six horsepower instead of the fourteen horsepower. If only five or six horsepower is to be developed it will be unnecessary to pay the annual fee, but the annual statement of water power fees should be returned with a notation to the effect that you are not developing more than the quantity of power desired.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

VSB EL

By V. S. Bovelle, Ass't.



Kerby Ore  
June 11th. 1934

W. Chas. E. Stricklin  
State Engineer  
Salem Ore.

RECEIVED  
JUN 12 1934

STATE ENGINEER  
SALEM, OREGON

Dear Sir:-

ap 10 34  
Please advise me in regard  
to Annual Statement of Water Power Claimant  
Claim # 480 issued under Permit 4449,  
No Certificate. The old development is gone  
I have purchased the property from W. O. Kohler  
and purpose to develop 5 or 6 H. P. instead  
of the 14 H. P. as listed

Thanking you for information

I am

Yours respectfully  
Charles O. Babcock  
Route # 1  
Kerby Ore.



December 4, 1933.

Mr. W. O. Kohler,  
Kerby, Oregon.

Dear Sir:

Your letter of November 28th indicates that you have done considerable work under your Permit No. 4449 during the past year, and in view of present economic conditions I believe that it is sufficient to be considered as constituting reasonable diligence in the prosecution of work, and I am therefore extending the time limits for the completion of construction work and complete application of water until October 1, 1934.

I note in checking this matter over, however, that the permit was originally issued in 1920 and under ordinary conditions it would appear that a development of this size should have been completed during the thirteen years which have elapsed if reasonable diligence had been shown. I would advise therefore that you make every effort possible to complete the development within the next year as it appears improbable that any more extensions of time can be granted.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

VSB:LN



Kerby Oregon  
Nov 28 1933

State Engineer  
Salem Ore

RECEIVED  
DEC 1 1933

Dear Sir-

STATE ENGINEER  
SALEM, OREGON

I would like to have another extension of time on Permit No. 4449. I have in the past year dug about 30 rods of ditch and cleared and leveled a small amount of land. We have also sold sixty acres that are under this permit and the purchasers are preparing to clear land and apply water next season as well as use the power privilege.

The sale of this land will enable me to clear land and apply water to much more land next year than I have been able to do heretofore.

Yours Truly

W O Kohler  
Kerby Ore



March 8, 1933.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

It appears from the statements contained in your letter of March 8th that you are prosecuting work with due diligence and are entitled to an extension of time under your Permit No. 4449. I am therefore extending the time limits for completion of construction work and complete application of water for another year, or until October 1, 1933.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN



Kerby Ore

STATE ENGINEER  
RECEIVED

March 6 1933

MAR 7 1933

Wes E Stricklin

SALEM, OREGON

Dear Sir -

In the past year I have dug  $\frac{1}{2}$  mile of ditch and cleared two acres of land under the ditch. We have not yet completed the ditch from the mine reservoir to the Oldman's River. Will you please grant another extension of time in which to complete ditch and application of water under permit No 4449.

Yours truly

Wallace O Kohler

Kerby Oregon

~~Grant 1 year~~



February 27, 1932.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

It appears from the statements made in your letter dated February 22nd that you are exercising reasonable diligence in the prosecution of work under Permit No. 4499. I am therefore granting the extension of time requested, and you will have until October 1, 1932, to complete construction work and make complete application of water under this permit.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
V. S. Bovelie, Assistant.

LN



ENGINEER  
RECEIVED  
FEB 24 1932

Kerby Ore  
Feb 22 1932

SALEM, OREGON

to Chas E Stricklin

Dear Sir

If you can do so I would like to have an extension of time on permit no 4449. I have been digging lateral ditch this fall or winter as weather and other conditions permitted

I have been waiting also to hear from James Chinmuck regarding our contract with Hale and Reamer. If in the settlement I obtain sufficient water to irrigate the land under this permit I would like to do so. If not then I may as well make proof on what I have ready to irrigate. I would like to have this coming season to determine what land can be irrigated <sup>per year</sup>

Yours Truly  
Wallace O Kohler  
Kerby Ore



January 8, 1931.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

We have received your letter dated January 5th and the application for extension of time for completion of the appropriation of water under Permit No. 4449. The statements contained in the letter and application are considered sufficient evidence of the exercise of due diligence, so an extension of time will be granted until October 1, 1931. I do not consider it advisable to extend the time to October 1, 1932, as requested.

This permit was issued in 1920, and it seems questionable whether or not the additional extensions of time should be allowed. It is recommended that you entirely complete your appropriation, if possible, before the expiration of this new time limit.

In answer to your question as to how you can secure a water supply for next year, I may state that there is no way in which this supply may be assured. The value of any water right, and its effect in securing for its holder the use of water as against other appropriators is dependent entirely upon priority. If rights earlier than yours require all of the flow of the Illinois River, there simply is no way for you to secure this water. In case of a shortage, or at any time you feel that you are not getting the water to which you are entitled, I suggest that you call upon the watermaster, Tom R. Pearce, at Grants Pass, and request him to make the proper distribution of water on this stream.

Very truly yours,

CHAS. E. STRICKLIN,  
State Engineer.

By  
Office Assistant.

LAS:LN



Kerby Oregon

January 5 1931

STATE ENGINEER

RECEIVED

JAN 7 1931

E. Stricklin

Engineer

Salem Ore

Dear Sir.

SALEM, OREGON

I enclose an application

for an extension of time on application  
of water under permit No 4449

I have not been able to apply water in the  
latter half of the irrigation season as you  
doubtless know because of its being  
wasted above me and my not having  
any to apply. The changes in ditches and  
use has operated to my detriment and  
where I pump the level got so low that  
I could not reach it with the suction

I would like very much to apply  
water this coming season and I would  
like to know what I should do to  
be sure to obtain sufficient for my use  
I would like to plant some 20 to 25  
acres of corn, beans, and potatoes. There



-2-  
now a good profit if I can  
if not they will be a large

2. I do not care to plant unless  
sure of water for I cannot afford  
is if the crop fails. I have had many  
at and total failures in the past ten  
ears and that is largely the reason  
that I have to ask for an extension now  
I will appreciate any suggestions you  
may make that will lead to a settle-  
ment of this case

Yours Truly

Wallace O Kohler

Kerby

Oregon



PERMIT No. ....

# Application for Extension of Time

FOR COMPLETION OF CONSTRUCTION WORK AND COMPLETE APPLICATION OF WATER

STATE ENGINEER  
RECEIVED  
JAN 7 1931

TO THE STATE ENGINEER OF OREGON:

SALEM, OREGON

I, Wallace O Kohler, of Kerby,

State of Oregon, do hereby certify:

That I am the owner and holder of Permit No. 4449 to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work was required to be completed and complete application of water was required to have been made by ....., 19.....

That I have heretofore performed the following work described under said permit: .....

Completed main ditch by enlarging old ditches and digging some new ditch

costing \$ 100, and the estimated cost of completion is \$.....

That I have heretofore made application of water under said permit to the following extent:

3 1/2 acres under the old ditch on east side of river and applied water on west side of river in Sec 2 to five acres and used water for power purposes and applied water to about five acres in Sec 14

That I am unable to complete construction work and make the complete application of water within the required time, for the following reasons, to wit:

I have not had sufficient water after June 15th or about that time of each year to enable me to grow such crops as corn beans and potatoes as I did prior to obtaining the above named permit. Returns from such crops as I have grown have not yielded sufficient returns to enable me to clear land and dig better ditches and apply water to crops

WHEREFORE, I ask that the State Engineer extend the time for completion of construction work and for the complete application of water under said permit to October 30, 1933.

Wallace O Kohler

Signature of Applicant

Signature and Address of Witness



December 5, 1930.

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

In order that we may be advised as to what progress is being made in the prosecution of work under Permit No. 4449, I am enclosing a blank upon which you may submit an application for an extension of time under this permit. Upon receipt of this application, the matter of granting such extension will be given further consideration.

Yours very truly,

CHAS. E. STRICKLIN,  
State Engineer

By  
Office Assistant.

L



STATE ENGINEER  
RECEIVED

DEC 2 1930

Kerby Oregon  
Dec 1 1930

SALEM, OREGON  
Mr. Chas. E. Stricklin  
Salem Oregon

Dear Sir-

I would like to  
have an extension of time in which  
to apply water in Permit No 4449

Yours truly

Wallace O Kohler

Kerby Oregon

Send application blank for B+C.



December 4, 1929.

Wallace O. Kohler,  
Pine Logging Co.,  
Mildebrand, Oregon.

Dear Sir:

As requested in your letter dated December  
3rd, I am extending the time for complete application  
of water under your Permit No. 4449 until October 1,  
1930.

Yours very truly,

RHEA LUPER  
State Engineer

By  
Office Assistant.

LN



7034

Kerby Ore  
STATE ENGINEER  
RECEIVED  
DEC 4 1929  
SALEM, OREGON

Mr Rhea Luper  
State Engineer

Dear Sir-

I would like to have an extension of time in the application of water under permit no 4449.

I used water for power last April and irrigated some of the NW 1/4 of the NW 1/4 of sec 14 TP 40 S R. 8. West last spring in addition to lands that have been previously irrigated.

Please send reply to me at Hildebrand Oregon (care of Pine Logging Co)

Yours Truly

Wallace O Kohler  
Hildebrand Ore

(care of Pine Logging Co)



4449

Wallace O. Kohler  
Kerby - Oregon -

App. 7034

8.5<sup>-</sup> sect from Illinois River for  
irr & suppl. supply for 307 acres & det.  
13.5 hp.

March 16-21

June 1-22

Oct 1-2

EXTENDED TO 6/1/25 6/1/26 6/1/27 6/1/28  
EXTENDED TO 10/1/25 10/1/26 10/1/27 10/1/28 10/1/29

a filed

- 6-12-22 - Card for B
- 3-26-24 - wrote about extension
- 3-31-24 - Extension requested.
- 4-30-24 - see letter encl
- 5-26-25 - extension requested
- 4-29-26 - extension granted
- 6-24-27 - card for B.
- 7-6-27 - see letter encl
- 7-13-27 - extension granted
- 6/21/28 - "
- 4/16/28 - see letter encl

FILED



## NOTICE OF BEGINNING OF CONSTRUCTION

I, Wallace Osburn Kohler, the holder of Application No. 7034, being

Permit No. 4449, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of 85 second-feet of the waters of Illinois River  
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 first day of March, 1920,  
being within the time limitation as fixed in said permit for the beginning of construction work.

Two men employed. Eighty rods completed  
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

and 480 rods of old ditch cleared of brush and cleaned  
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 20th day of December, 1920.

(Present Address)

(Signature of Applicant)



All out-lets, and used to the provisions of said State Laws, Rules, Orders, and Regulations.

(Name of Applicant)

(Name of Witness)

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of January, 1921.

Witness my hand and seal this 5th day of January, 1921.

RECEIVED  
JAN 5 1921  
File No.

Statement and any additional information upon this and so upon the contents of this permit.

The undersigned hereby certifies that the nature of the work described in this permit is such that it is necessary to the public interest and that the same should be completed as to the date of this permit.

being within the time limitation as fixed in said permit, for the beginning of construction work.

began the actual construction of the works described therein on the 15th day of January, 1921.

in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer.

for the appropriation of \$25,000 second-class of the waters of the State Engineer.

(Signature of Applicant) Permit No. 11111 issued by the State Engineer of the State of Oregon the holder of Application No. 11111 being

NOTICE OF BEGINNING OF CONSTRUCTION



November 16, 1928

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

Our files in connection with your Permit No. 4449 indicate that the time limit for complete application of water has already been extended until October 1st of next year. I presume from the statements made in your letter of November 14th, that you will have no trouble in completing your project before that time.

Yours very truly,

WHEA LUPER,  
State Engineer.

LAS:HB

By Office Assistant.



Kerby Ore  
Nov 14 1928

Mr Rhea Luper  
State Engineer  
Salem Ore

STATE ENGINEER  
RECEIVED  
NOV 15 1928  
SALEM

Dear Sir.

I would like to  
have an extension of time until January 1st  
in which to apply water for power pur-  
poses under permit No 4449. I have  
been forced to work away from the ranch  
this past summer, so could not get <sup>(water wheel)</sup> it com-  
pleted. Also I would like to have an  
extension on application of the water for  
irrigation until adjudication is complete  
and I have water sufficient for the crops  
The land under permit No 4449 is the  
lower down on the East Fork of the Illinois  
river and I believe water is wasted  
and used to excess above and that when



adjudication is complete I will be given  
sufficient for my needs. I have repeatedly  
had crops dry and fail to produce and I  
ask that I may not be required to plant  
until some water is assured. I will apply  
as I have in the past all the water available  
during irrigation season

Yours Truly

Wallace O. Kohler

Kerby Ore



June 21, 1928

Mr. Wallace O. Kohler,  
Route 3, Box 467,  
Olympia, Washington.

Dear Sir:

I am considering your letter of June 11th as notice of completion of construction work under Permit No. 4449. You requested that an extension of time be granted within which to make complete application of water under this permit.

From the statement made of conditions concerning the available water for your use during the remainder of this season, I believe that you are entitled to the extension requested. You will be allowed until October 1st, 1929 as a period within which to make this complete application of water.

Yours very truly,

Rhea Luper,  
State Engineer.

LAS:HB



Olympia Wash  
June 11 1928

STATE ENGINEER  
RECEIVED

JUN 19 1928

Mr Rhea Luper  
Salem Ore

Dear Sir

SALEM  
This is to notify you that I have completed work on the main ditch Permit No 4449. I would like to have an extension of time in which to complete application of the water both for power and irrigation because I cannot do this until users and masters above me are required to obey the law and use only their lawful amount. We will of course apply all we can get under present conditions. I would like to have an extension of time on the use of water for power until this coming winter.

Yours Truly

Wallace O Kohler

R3 Box 467

Olympia Wash.



July 13, 1927

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

In view of the statements contained in your letter of July 9th, we have extended the time for completion of construction under your Permit No. 4449 to June 1, 1928, and the time for complete application of water to October 1, 1928.

Yours very truly,

CH:EB

Rhea Inger,  
State Engineer.



Kerby Oregon  
July 9-1927

STATE ENGINEER  
RECEIVED

JUL 13 1927

Mr Rhea Luper  
State Engineer

Dear Sir

SALEM  
During the past year I

have enlarged 124 rods of ~~the old~~ ditch  
dug 27 rods of new ditch

5 days labor on dam

10 days cleaning ditch

There requires to be done 46 rods from  
present end of enlarged <sup>ditch</sup> to lower eight

ft's water has been used for power.

96 rods of main ditch to be enlarged

there has been expended in labor about  
\$950.00

90 rods to be enlarged at 50c per rod \$45.00

46 rods new ditch @ 2.00 per rod 92.00

total 137.00

This applies to permit No 4449

Wallace O Kohler

Kerby Oregon



July 6, 1927

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

Before granting you a further extension of time within which to complete construction and make a complete application of water under your Permit No. 4449, I must require that you submit a report to this office showing the amount of work which has been done during the past year and the amount yet to be done in order to complete your project. This report should also show the amount of money which has been spent in development and give an estimate of the probable cost of completion.

I note that your permit granted a right for the irrigation of 307 acres and the development of 13.5 H.P. I will be glad to know what progress has been made and whether or not you are using the water for power purposes. If you wish to maintain your permit in good standing, you should reply promptly to this letter.

Yours very truly,

Rhea Luper,  
State Engineer.

LAS:NB



Kerby Ore  
July 5 1927

Mr Rhea Luper  
Salem Ore

STATE ENGINEER  
RECEIVED

JUL 6 1927

Dear Sir

I would like to have an  
extension of time on Permit No 4449  
The ditch is nearly done but requires  
some work, which is not feasible in the  
summer time

Yours Truly

Wallace O Kohler  
Kerby Oregon



April 27, 1926.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

I am in receipt of your letter of April 23rd making application for a further extension of time under your Permit No. 4449.

This matter has been given careful consideration, and you will be allowed until June 1, 1927, within which to complete construction work, and until October 1, 1927, within which to completely apply the water to a beneficial use under the above permit.

Yours very truly,

Ehea Luper,  
State Engineer.

H.



Kirby Or  
April 23-1926

Mr Percy A Capper  
State Engineer  
Salem Or  
Dear Sir-

I am writing to you  
for another extension of time on my  
permit No 2449 The river has about  
stopped flowing here at my house  
and my old ditch has been dry some time  
so that I have not been able to irrigate  
my alfalfa at all this spring My neighbors  
next above claim ten thousand inches of  
water each and will not let any come down  
to the house to irrigate my garden and yard  
through <sup>new</sup> ~~the~~ ditch I dug and which Morgan  
claims, is flowing a fair head at present.  
He used all the flow of the ditch last year  
except I had it three half days. I see  
no way but to take this to court. and have my  
right and ownership established in the ditch  
I therefore ask for one year extension of time



<sup>-2-</sup>  
in which to complete the ditch and apply  
the water.

I dug forty rods of ditch last winter and  
have it down to my south line now but  
much of the old ditch above needs to be  
enlarged. I don't like to do this for someone  
else's benefit this year.

The mines above are wasting a large  
head as usual and running it into the  
West Fork.

Yours Truly,  
Wallace O Kohler  
Kerby Oregon

STATE ENGINEER  
RECEIVED

APR 27 1926

SALEM. -- OREGON



May 26, 1925.

Mr. Wallace O. Kohler,  
Kerby, Oregon.

Dear Sir:

I am in receipt of your letter of  
May 20th making application for an additional  
extension of time under your Permit No. 4449.

This matter has been given careful  
consideration, and you will be allowed until  
June 1st, 1926, within which to complete con-  
struction work, and until October 1st, 1926,  
within which to apply the water to the propos-  
ed use under the above permit.

Yours respectfully,

Enea Luper,  
State Engineer.

H.



STATE ENGINEER  
RECEIVED

MAY 21 1925

Kirby Ore

May 20 1925

SALEM, OREGON

Mr Percy B. Lippin

Salem Ore

Dear Sir:

I have not completed  
the ditch and preparation of land  
embraced in permit No. 4449. May  
I have another year in which to  
complete it. I had very little water  
last year as you will find by referring  
to this Pierces report on this case and  
raised only a small crop, and had to  
leave here and work for others so could  
not complete ditch

Yours truly

Wallace O. Kohler

Kirby Ore



April 30th, 1924.

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

I have your letter of April 21st and was sorry to learn that there is a shortage of water in your community so early in the season.

I have not appointed a water master for Josephine County yet, and I did not expect to until the first of next month. The water master will have authority to prevent the mining company from wilfully turning water from you unless the water is being used beneficially.

In accordance with your request I am enclosing under separate cover a copy of the water laws.

I will appoint a water master for that district as soon as arrangements can be made with the county court.

Yours respectfully,

RL:R

Rhea Luper,  
State Engineer.



Kerby Oregon  
April 21 1924

Mr. Rhea Luper  
Salem Oregon

Dear Sir-

I have received your notice of an extension of time on permit No 4449. Thank you.

There is a serious shortage of water in the creek now. We have all there is left of the water in the ditch now and it is not sufficient to irrigate one check. We could get one good irrigation if the mine above were required to return the water to this stream instead of diverting it to the west fork. This mine has wilfully wasted water for years and I am making complaint to you and ask if you can act on this matter under section 6669 and 6675 of the Water Laws of Oregon. Also there is at least one ditch above that is more recent than mine that has been using water all summer in former years while mine was dry. I hope you can take this matter up immediately.

Please send me a copy of the Water Laws.

Yours Truly

Wallace O Kohler

Kerby Oregon

STATE ENGINEER  
RECEIVED

APR 23 1924

SALEM,

OREGON



March 31, 1924.

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Mr. Kohler,

I am in receipt of your letter of March 29th, making application for an extension of time within which to complete construction work and completely apply the water to the proposed use under your permit number 4449.

This matter has been given careful consideration and you will be allowed until June 1st, 1925 within which to complete construction work, and until October 1st, 1925 within which to completely apply the water to the proposed use under the above permit.

Trusting you will find this satisfactory, I remain

Yours respectfully,

Rhea Laper,  
State Engineer.

H.



STATE ENGINEER  
RECEIVED

*Bevy Oregon*  
March 27 1924

*Mr Rhea Super* MAR 31 1924

*Salem Oregon*

*Dear Sir* SALEM,

OREGON

I am in receipt of your letter of March 26, 1924 requesting more information relative to permit No. 4449 on which I applied for an extension of time.

My reasons for not completing said ditch in specified time are; financial losses in 1920 (live stock to the amount of \$300 or more). Bad weather conditions resulting in small crop. High taxes and low prices for my produce. The long illness of my mother which caused her death in June 1922. Ditches above taking all water leaving river dry about June 15 each year. Bad weather through the winter of 1921 and 1922 preventing me from working on ditch. My own illness since early spring of 1922.

There is about eighty rods completed at head of ditch. (From this we are using an old abandoned ditch) Near the lower end about seventy rods. part of which I have dug this spring. Right of way is cleared except about eighty rods. About eighty rods of main ditch have been dug on the



2-

farm to connect with old ditch  
system

I have been clearing and leveling land  
as much as my means permit and have  
applied water to some of the land em-  
braced in the permit. Some of the land  
has been irrigated for many years

Yours Truly,  
Wallace O. Kohler  
Kerby Oregon



March 26, 1924.

Mr. W. O. Kohler,  
Kerby, Oregon.

Dear Sir:

I am in receipt of your letter of March 24th requesting an extension of time under your permit number 4449.

According to the terms of your permit construction work was required to be completed on or before June 1st, 1922, and if you have not yet completed your construction work you should write this office more fully giving reasons why you were unable to complete the work before such date, and stating the amount of work that has been done up to the present time.

Upon receipt of this information we will be glad to consider your application for an extension of time.

Yours respectfully,

Rhea Luper,  
State Engineer.

RR:H



Kerby Oregon  
March 24 - 1924

Mr Percy A. Cushman  
State Engineer  
Salem Ore.

Dear Sir

Is it possible for me  
to get an extension of time on permit No  
4449. (The Application No was 7834)  
I would like to have until August 1925  
if it can be given

Yours Truly

W O Kohler

Kerby Ore

STATE ENGINEER  
RECEIVED

MAR 26 1924

SALEM,

OREGON



7034

March 24, 1920

Mr. Wallace Osbun Kohler,  
Kerby, Josephine Co., Ore.

Dear Sir:- Herewith you will find Application No. 7034, being Permit No. 4449, together with check for fifty cents, excess fees, also sketch map. This application has been approved and recorded in this office.



- Application No. 7034.

March 2nd, 1920.

Mr. Wallace O. Kohler,  
Kerby,  
Oregon.

Dear Sir:

Enclosed please find my official receipt No. 7377 for \$16.00 which amount was transmitted with your letter of recent date as balance of fees on your application No. 7034.

The application will be taken up for approval as soon as same can be reached and you will be further advised.

Very respectfully,

Percy A. Capper,  
State Engineer.

RS-R.  
Enc.



Application No. 7034

February 14th, 1920.

Mr. Wallace A. Kohler,  
Kerby,  
Oregon.

Dear Sir:

In reply to your letter of February 12th in regard to the fees due on your application No. 7034, you will note that fees at the rate of 15 cents per acre are required for all land up to 100 acres, after which fees are to be collected at the rate of 5 cents per acre.

I believe this will give you the desired information.

Very respectfully,

Percy A. Cupper,  
State Engineer.

RS-R.  
Enc.



Kerby Ore  
Feb 12 - 1920

Mr. Percy B. Copper  
Salem Ore.

OFFICE OF STATE ENGINEER  
RECEIVED  
FEB 14 1920  
S. 1120  
CORVALLIS

Dear Sir -

In regard to application  
No. 2037 you say the fees are recording  
187 acres \$19.35. I remitted .05 cent per  
acre at \$9.35 as per instructions in "How to  
Appropriate Water" also I remitted \$3.25  
for recording 13 horse power (25c per H.P.)

quantity in second ft. X feet in fall

$$\frac{8.5 \times 1.4}{8.8} = 13 \frac{40}{88}$$

Kindly point out my mistake

Yours Truly

Wallace O. Kohler



January 30th, 1920.

Mr. Wallace A. Kohler,  
Kerby,  
Oregon.

Dear Sir:

Enclosed please find my official receipt No. 7289 for \$15.60 which amount was transmitted with your letter of January 24th together with your application for permit to appropriate water. I am also in receipt of map and tracing. This application has been numbered 7034 and is returned herewith for completion.

Under question Number 9 you will note that the Section in which part of the land to be irrigated is located, is not given. Questions Nos. 12, 13, 14, and 15, should be answered and the application should be signed and should bear the signature of witnesses.

The fees on this application are as follows:

Examination fee	\$3.00
Recording fee for irrigation of 187 acres	\$19.55
Recording fee for 17 horse- power	4.25

making a total of \$26.80, or \$11.00 in addition to the amount you have transmitted.

I am returning the maps in order that the same may be made to correspond with the application.

In order to retain its original date of priority, this application completed and accompanied by the required fees and maps should be returned to this office on or before March 1st, 1920.

Very respectfully,

Percy A. Cupper,  
State Engineer.

RS-R.  
Enc.



Kirby Ore  
Jan 24 - 1920

Mr Percy A. Cooper  
Salem Ore

OFFICE OF STATE ENGINEER  
RECEIVED  
JAN 30 1920  
SALMON & CROSSLAND

Dear Sir

7034

Enclosed find appli-  
cation for irrigation right also power  
right with meter and P.O. Money  
Order for fifteen and  $\frac{60}{100}$  dollars

187 acres	\$9.35-
fee	3.00
Power fee	3.25-
	<hr/>
	15.60

Yours Truly  
Wallace O. Kohler  
Kirby Ore

1 map tracing	Jan 187 a	19.35
		3.00
Ret. for Sig. maps & fees	171409	4.25
Auto. Laws &		<hr/>
		26.60
		15.60



## ANNUAL STATEMENT OF WATER POWER CLAIMANT

Required by Section 47-1701, Oregon Code 1930, as amended by Chap. 74, Sec. 1, Oregon Laws, 1933, and Section 47-1702, Oregon Code 1930.

1. Name of claimant C. C. Babcock
2. P. O. address 1102 Ramona, Palo Alto, California
3. Stream from which appropriation is claimed Illinois River
4. Date of initiation of right January 30, 1920
5. Maximum amount of water claimed 8.5 sec. ft.
6. Total average fall utilized 14 ft.
7. Total number of theoretical H. P. claimed 14 horsepower.
8. Total power developed \_\_\_\_\_ horsepower.
9. Location of point of diversion from stream SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 14, Tp. 40 S., R. 8 W.
10. Location of point at which water is returned NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 2, Tp. 40 S., R. 8 W.
11. Manner of developing power \_\_\_\_\_
12. Use to which power is applied General farm use and generating electric current.  
If storage is used:
  13. Location of reservoir, Secs. \_\_\_\_\_, Tp. \_\_\_\_\_, R. \_\_\_\_\_
  14. Capacity of reservoir, \_\_\_\_\_ acre-feet.
  15. Stream from which reservoir is filled \_\_\_\_\_
  16. Date of initiation of storage right \_\_\_\_\_
  17. Area of reservoir, \_\_\_\_\_ acres.
  18. Height of dam, \_\_\_\_\_ feet; mean depth, \_\_\_\_\_ feet.

The foregoing statement is true to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Fees due for year 1938,	\$2.10
Penalty for 1938	0.52
Fees due for year 1939	2.10
Total	\$4.72

Claimant.

This statement, accompanied by the necessary fees, should be mailed to the State Engineer at Salem, Oregon. Checks, drafts, or money orders should be made payable to the State Engineer.



## Title XLVII, Chapter XVII, Oregon Code 1930—Power Development Fees

Section 47-1701. *Annual Fees; Amount*—Every person, firm, or corporation or association hereinafter called "claimant," claiming the right to the use of water for power development, shall, on or before the first day of January, 1916, and on or before the first day of January of each year thereafter, pay to the State of Oregon in advance an annual license fee based upon the theoretical water horsepower claimed under each and every separate claim to water, graduated as follows, to wit: 15 cents for each and every theoretical water horsepower up to 100, inclusive; 10 cents for each and every theoretical water horsepower in excess of 100 and up to and including 1,000; and 5 cents for each and every theoretical water horsepower in excess of 1,000; provided, however, upon filing the statement as hereinafter provided, the United States, or the state, claiming the right to the use of water to any extent for the generation of power, or any other claimant to the right to use water for the generation of 10 theoretical water horsepower, or less, shall be exempted from the payment of all fees herein provided. [Laws 1911, Chap. 236, Sec. 1; Laws 1915, Chap. 213, Sec. 1; Laws 1927, Chap. 294, Sec. 3; Laws 1933, Chap. 74, Sec. 1.]

Section 47-1702. *Contents of Statement Furnished State Engineer; Penalty; Excess Water; Computation of Horsepower*—The fees herein provided shall be paid to the State Engineer in advance, and shall be accompanied by a written statement showing the extent of such claim. Said statement shall set forth the name and address of the claimant; the name of the stream from which the water is appropriated or claimed for power development; a description of the 40 acres, or smallest legal subdivision in which the point of diversion and point of return are located; the date of the right as claimed; the maximum amount of water claimed expressed in cubic feet per second of time; the total average fall utilized under such claim; the manner of developing power, and the use to

which the power is applied. If the regular flow is supplemented by water stored in a reservoir, the location of such reservoir, its capacity in acre-feet and the stream from which it is filled and fed, should be given, also the date of the right as claimed, for storage purposes.

Should any claimant fail or neglect to file such statement within the time specified, or fail or neglect to pay such fees within the time specified, the fees due and payable shall be the amount specified in section 47-1701, Oregon Code 1930, as amended by Chap. 74, Sec. 1, Oregon Laws, 1933, increased 25 per cent, and the state shall have a preference lien therefor, together with interest at the rate of 10 per cent per annum from date of delinquency, upon the property of the claimant used, or necessary for use, in the development of the right of claim, together with any improvement erected thereon for such development, and upon notice from the State Engineer, the Attorney General shall proceed to foreclose the lien, and collect the amount due, as herein provided, in the same manner as other liens on real property are foreclosed.

The filing of a claim to water in excess of the amount to which the claimant is legally entitled shall not operate to vest in such claimant any right to the use of such excess water, nor shall the payment of the annual license fees, provided for herein, operate to vest in any claimant any right to the use of such water beyond the amount to which claimant is legally entitled. The filing of any such claim to water shall be conclusive evidence as to the abandonment by the claimant of all rights to water for power purposes in excess of the claim as filed.

The amount of theoretical water horsepower upon which fees shall be paid under the provisions of this act shall be computed by multiplying the maximum amount of water claimed, expressed in cubic feet per second, by the average total fall utilized, expressed in feet, and dividing the product by 8.8. [Laws 1911, Chap. 236, Secs. 2, 3, 4.]