



# WATER-RIGHT DOCKET

## Crater Lake National Park

Docket No: 2

*BEAR CREEK DRAINAGE*

Preliminary Docket Information

12-20-1989: note to the file ; december 20, 1989

### NOTE TO THE FILE

**PERMIT NO. 15157 WAS CANCELLED  
PERSUANT TO AN NPS REQUEST  
DATED DECEMBER 20, 1989**

Ken

1990  
January 16, 1990

LS4(479)  
CRLA Water Rights

Memorandum

To: Superintendent, Crater Lake National Park  
From: Chief, Water Rights Branch, Water Resources Division  
Subject: Status of Appropriative Water Rights Within Crater Lake National Park

We have recently received notice (copies attached) from the State of Oregon, Water Resources Department that our applications for an extension of time for water right permits numbers 15136 and 15138 have been approved. The time to complete construction and make complete application of water was extended to October 1, 1994.

In addition, the State notified us that, in conformance with our request of December 20, 1989, water right permit numbers 15157 and 15159 through 15163 have been cancelled and will be of no further force or effect. Based on field investigations and a review of office files, we had previously determined that these water right applications were not consummated as valid appropriative water rights as required by Oregon Water Laws, Chapter 537.430.

If you have any questions, please call Ken Czarowski or me at (303) 221-8339 or (303) 221-8301, respectively.

**Owen Williams**

Attachments

cc: RNP, Wyre (w/attachments)  
SOL, Stein (w/attachments)

RNP:KCAROWSKI:01/16/90:303-221-8339:WANG #123

**STATE OF OREGON**  
**Water Resources Department**  
**Salem, Oregon 97310**

Pursuant to your authorization letter dated December  
20, 1989 your permit No. 15157  
is being canceled from the records of this office and will be  
of no further force or effect.

Form 690-10-PC

**STATE OF OREGON**  
**Water Resources Department**  
**Salem, Oregon 97310**

Pursuant to your authorization letter dated \_\_\_\_\_  
December 20, 1989 your permit No. 15159  
is being canceled from the records of this office and will be  
of no further force or effect.

Form 690-10-PC

**STATE OF OREGON**  
**Water Resources Department**  
**Salem, Oregon 97310**

Pursuant to your authorization letter dated \_\_\_\_\_  
December 20, 1989 your permit No. 15160  
is being canceled from the records of this office and will be  
of no further force or effect.

Form 690-10-PC

*K. Dan*

December 20, 1989

L34(479)  
PNR/CBLA

Mr. Stephen C. Brown  
Senior Water Rights Specialist  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310

Dear Mr. Brown:

This is in response to your letter of June 5, 1989, in which you requested information regarding the status of water rights applications numbered 19574 through 19581 for appropriation of water within Crater Lake National Park (CLNA) by the United States.

The National Park Service (NPS) by this letter withdraws applications numbered 19578 (National Creek drainage), 19579 (Bybee Creek drainage), 19580 (Whitehorse--Castle Creek drainage) and 19581 (Red Blasket drainage) all of which are located within the Rogue River Basin. In addition, the NPS withdraws applications numbered 19575 (Bear Creek drainage) and 19577 (Sun-Vidaa Creek drainage), both located in the Klamath River Basin. However, the NPS specifically reserves the right to make Federal reserved water right claims for these and all other drainages in CLNA.

Enclosed are completed Applications for Extension of Time for water developments on Annie Creek and Sand Creek (applications numbered 19574 and 19576, respectively). Please find enclosed a requisition for \$200.00; the purchase order number will be PX 1299-Q-0596. This amount is paid in the interest of comity and to cover state-incurred expenses associated with these applications. While this fee is being paid at this time, the NPS reserves the right to challenge any and all fees which are inconsistent with established law. Further information regarding the construction of these projects and the beneficial uses to which the water has been put will be included with the United States' claims for water rights in the Klamath River Basin Adjudication.

If you have any questions, please call Ken Czarnowski or me at (303) 221-8339 or (303) 221-8301, respectively.

Sincerely,

**Owen Williams**

Owen R. Williams  
Chief, Water Rights Branch

Enclosure

cc: GRLA - Superintendent  
PNR - Hyra  
SOL - Stein

PWP:KZARNOWSKI: jr:221-8339:10/27/89:WANG #825

1967 DEC 20 PM 45

CRATER LAKE NAT'L PARK  
CRATER LAKE, OREGON



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

*Docket No. 2*

December 19, 1967

19574  
19575  
19576  
19577  
19578  
19579  
19580  
19581

REFER TO  
FILE NO.  
Your File L54

U. S. Department of Interior  
National Park Service  
Crater Lake National Park  
Crater Lake, Oregon 97604

Attention: Marvin L. Nelson  
Administrative Officer

|                                     |              |  |
|-------------------------------------|--------------|--|
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| <input checked="" type="checkbox"/> | CHIEF I & RM |  |
|                                     | A TO SUPT.   |  |
| <input checked="" type="checkbox"/> | ADM O        |  |
|                                     | PSNL         |  |
|                                     | PURCH        |  |
|                                     | NAT          |  |
|                                     | MAINT        |  |
|                                     | BIO          |  |
|                                     | COMM         |  |

Gentlemen:

From the examination of your applications for extension of the time limits under Permits Nos. 15156, 15157, 15158, 15159, 15160, 15161, 15162, and 15163, it appears due diligence has been exercised toward completion of the proposed projects; therefore, the time limits to complete construction and make complete application of water under all of the permits are being extended to October 1, 1972.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By *Trevor Jones*  
Trevor Jones  
Assistant

TJ:py

2M-8-64

- WR DUCKET #2  
Bear Cr. Dam

Application No. 19575

**Application for Extension of Time**

To the State Engineer of Oregon:

Paul A. Larson, Acting Superintendent

I, for the United States of America, of Crater Lake National Park

state of Oregon, am the owner and holder of Permit No. 15157, 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 during the past year:

None

and did the following work prior to last year: Small dam with 3/4 inch pipe diversion for patrol cabin.

costing \$ 300.00, and I estimate the cost of completion to be \$ 500.00.

I have heretofore used water under said permit to the following extent: 1000 gallons per day.

I am unable to {complete construction work } within the required time, for the following reasons, to wit: ~~make complete application of water~~ construction funds not available.

(Strike out phrase not applicable)

(If additional space is required, attach separate sheet)

(A fee of \$2.00 for each permit involved must accompany this application.)

(OVER)

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }  
{ ~~complete application of water~~ } under said permit to October 1, 1972  
(Strike out phrase not applicable)

**AFFIDAVIT OF APPLICANT**

STATE OF Oregon  
County of Klamath } ss.

I, Paul A. Larson, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of September, 19 67.

  
Paul A. Larson, Acting Superintendent

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

[Notarial Seal]

\_\_\_\_\_  
Notary Public for Oregon

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

*Handwritten:* 251 Finance Building  
170 12th Street S. E.

*Handwritten:* I held this until  
then from super arrives.



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

REFER TO  
FILE NO. 19574-81

*Handwritten:* X ~~Signature~~  
Ketchum

July 16, 1962

Crater Lake National Park  
P. O. Box 672  
Medford, Oregon

Attention Mr. Ward Yeager, Superintendent

Gentlemen:

Enclosed is a copy of the State Engineer's order extending the time limits in which to complete construction work and make application of water under permits numbered 15156 through 15163, inclusive, to October 1, 1967.

Our receipt No. 34303 covering the statutory filing fee you submitted in the amount of \$16 is also enclosed.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr., Assistant

eh

enclosures  
cc - Mr. John B. Vosky

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF EXTENSIONS )  
OF TIME IN WHICH TO COMPLETE )  
CONSTRUCTION WORK AND MAKE )  
APPLICATION OF WATER UNDER )  
PERMITS NOS. 15156 to 15163, )  
INC., IN THE NAME OF CRATER )  
LAKE NATIONAL PARK - - - - )

ORDER

The United States of America, Crater Lake National Park, is the holder of permits numbered 15158, 15157, 15160, 15161, 15162 and 15163 for municipal purpose and permits numbered 15156 and 15159 for municipal purposes and operation of a dam, to appropriate a total of 2.108 cubic feet per second of water from a number of springs and streams in Crater Lake National Park.

Mr. Neal G. Guse, Acting Superintendent, has advised the State Engineer that the appropriations have not been made as described in the permits, but it is the desire of Crater Lake National Park to preserve the rights for these developments.

Mr. Guse has further advised that although some construction work has been completed under the permits and a portion of the water has been applied to beneficial use there are no funds available for further construction work at the present time.

The statements in the applications for extensions filed regarding completion of the projects indicate reasonable diligence.

NOW, THEREFORE, it is ORDERED that the time limits in which to complete construction and make complete application of water under the terms of permits numbered 15156, 15157, 15158, 15159, 15160, 15161, 15162 and 15163 be extended to October 1, 1967, under the provisions of ORS 537.230.

Dated at Salem, Oregon this 13th day of July 1962.

/s/CHRIS L. WHEELER  
State Engineer

C  
O  
P  
Y

180 New Montgomery  
San Francisco 5, California

May 8, 1962

State of Oregon  
Water Resources Department  
516 Public Service Building  
Salem 10, Oregon

Attention: Mr. Lewis A. Stanley  
State Engineer

WATER DOCKET NO. 2

Dear Mr. Stanley:

In accordance with Acting Superintendent Guse's letter of May 2, 1962 we are enclosing the original copies of Applications for Extension of Time for Permit Nos. 15156 to 15163 inclusive, covering water rights in the Crater Lake National Park.

You will note that in each case requests are made for extensions of time to October 1, 1967, as was recommended by Assistant State Engineer Trevor Jones in his letter of February 27, 1962 to Superintendent Yeager.

Sincerely yours,

(Sgd) John B. Wosky

John B. Wosky  
Regional Chief of Operations

Enclosures 9

Copy to: Director w/c of each application and copy of incoming letter  
Superintendent, Crater Lake w/c of each application  
Chief, WODC (2) w/c of each application

C O P Y

2M-9-56

Application No. ....

Application  
Permit No. 19575**Application for Extension of Time**

To the State Engineer of Oregon:

**Neal G. Guse, Acting Superintendent**  
 I, **for the United States of America**, of **Crater Lake National Park**,  
 state of **Oregon**, am the owner and holder of Permit No. **15157**, 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 during the past year:

**None**

and did the following work prior to last year: **Small dam with 3/4 inch pipe diversion for**  
**patrol cabin.**

costing \$ **300.00**, and I estimate the cost of completion to be \$ **500.00**

I have heretofore used water under said permit to the following extent: **1000 gallons**  
**per day.**

I am unable to ~~(complete construction work)~~ within the required time, for the following  
~~(make complete application of water)~~  
 (Strike out phrase not applicable)  
**Construction funds not available.**  
 reasons, to wit:

(If additional space is required, attach separate sheet)

(The fee provided by law in the amount of \$2.00 for filing an application for an extension of time should accom-  
 pany the application for extension.)

(OVER)

WHEREFORE, I ask that the State Engineer extend the time for the  
{ completion of construction work } under said permit to October 1, 1967.  
{ ~~complete application of water~~ }  
(Strike out phrase not applicable)

**AFFIDAVIT OF APPLICANT**

STATE OF Oregon }  
County of Klamath } ss.

I, Neal G. Guse, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of May, 1962.

Neal G. Guse  
**Neal G. Guse, Acting Superintendent**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[ Notarial Seal ]

Notary Public for Oregon

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

Recd  
1/26/62



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 10

January 25, 1962

3  
S. J. Smith  
volunteer

Permits 15156  
through 15163

Crater Lake Na-  
Park

Your File No.  
L-54-CBL

Norman

Mr. Lawrence C. Merriam, Regional Director  
National Park Service, Region Four  
180 New Montgomery Street  
San Francisco, California

Dear Mr. Merriam:

Reference is made to the letter dated July 27, 1961 from Lewis A. Stanley, State Engineer, to Mr. A. van V. Dunn, Chief, Water Resources Section, National Park Service and Mr. van V. Dunn's reply dated August 2, 1961 regarding permits to appropriate water for Crater Lake National Park. Mr. van V. Dunn notified us that the matter was referred to you and I presume copies of previous correspondence have been furnished you.

Your attention is invited to the last paragraph of Mr. Stanley's letter of July 27, 1961 regarding application for extension of the time limits under these permits if you are not using the full amount of water as set forth in the permits as the correspondence seems to indicate. Although action under the permits in question had been suspended for some time, we believe that it is advisable to make application for an extension of the time limits to avoid any possible question regarding the permits. The date for complete application of water specified in the permits is October 1, 1964 so application for extension of time should be for a sufficient period not only to bring this up to date but also to provide for a reasonable time to complete the appropriations.

We should have continued correspondence after Mr. van V. Dunn's letter and we apologize for not doing so particularly in reference to Mr. van V. Dunn's question regarding proofs. Deferring proof until beneficial use of water to the extent intended would be the normal course of action and we believe preferable to attempting proof on the basis of installed capacity of the systems only. If the appropriation has been completed under any of the permits, then proof could be made on these and extension of time requested on the others. In line with this, I have enclosed forms for making application for extension of time. You may rewrite the form so as to include all necessary permits in one application but a fee of \$2.00 for each permit will be required even if a single form is used.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

TJ:jh - Enc.

cc: Park Superintendent  
Crater Lake National Park

cc: U. S. Dept. of Interior  
Attention: Mr. A. van V. Dunn

By Trevor Jones, Assistant

August 2, 1961

L54-OEL

Mr. Lewis A. Stanley  
State Engineer  
251 Finance Building  
170 12th Street, S.E.  
Salem, Oregon

Re: Water Right Appl. 19574-19581  
Permits 15156-15163  
Crater Lake National Park

Dear Mr. Stanley:

We are very pleased to accept the suggestions in your letter of July 27, to make proof for confirming certificates under each subject permit by stream system tributary to the points where those streams leave the Park. The matter is being referred to our Regional Director, Mr. Lawrence G. Merriam, Region Four, 180 New Montgomery Street, San Francisco, and the Park Superintendent, to whom the responsibility for such proofs has been delegated since I prepared the applications for the Superintendent in 1941.

The detailed form of the applications resulted from my attempt to comply with rules and regulations of your office. Mr. Stricklin did not prescribe any particular form although he spoke favorably of it when issued the permits. Neither he nor those in the Park Service anticipated the post war recreational trends and resulting changes in Park developments and proof.

The only point which was discussed by Mr. Stricklin and our attorneys before the applications were filed was whether the water should be appropriated for municipal purposes. The same question was considered at about the same time in connection with the applications for Bryce and Zion National Parks, Utah, and the North and South Rim developments at Grand Canyon National Park, Arizona. Municipal status was accepted in each case. Proof of completed installed capacity for full municipal use has been made, and the certificates have been issued on the permits for Zion and the South Rim of Grand Canyon without too much evidence that the full use was made at the time of licensing, although the rights have been fully exercised at times. A supplemental claim for the South Rim is still in permit form, and there has

been no proof on that, or for the North Rim of Grand Canyon because the water systems are only being enlarged as the demand justifies.

This leads to the question whether you will require proof under the municipal permit of only the adequate installed capacity, as in Utah, or actually of at least one date on which the authorized quantity of water was fully used, as in Arizona. The type of proofs may dictate the number of proofs which are possible at this time. Your reply to this question and any special proof forms for municipal use might be sent to the Regional Director, with a copy to us.

Sincerely yours,

**SIGNED**

A. van V. Dunn  
Chief, Water Resources Section

Copy to: Regional Solicitor, Portland, Oregon  
✓ Regional Director, Region Four  
Superintendent, Crater Lake  
Chief, WQBC (2)



251 FINANCE BUILDING  
170 12TH STREET S. E.



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

REFER TO 15156 throu  
FILE NO. 15163

Crater Lake National  
Park, Oregon

July 27, 1961

L54

Mr. A. van V. Dunn, Chief  
Water Resources Section  
U. S. Department of the Interior  
National Park Service  
Washington 25, D. C.

*Price*  
*EE Lee*  
*Dunn* 8/2/61

Dear Mr. Dunn:

On examination of our files and correspondence in connection with Permits Nos. 15156 through 15163, it seems to me that there may have been unwarranted and unnecessary refinement in the applications and permits, particularly in the descriptions of diversion points and quantities of water to be appropriated at each point. I do not know whether this resulted from your desire to meticulously comply with our rules, or whether this office recommended the procedure.

It surely is in the public interest to take any steps indicated to establish and preserve the rights of the National Park Service to take water as needed for use anywhere within the Park. I do not believe you should be tied down to specific quantities and specific points of diversion unless you desire it that way. If the matter was before me now for determination, I would be favorable to issuance of blanket permits which would set forth the total quantity of water desired from a stream and its tributaries, to be diverted at any point and used at any point within the Park. I think the Park Service should have that right so that changes can be made to meet changing patterns of development. In my view, such blanket rights cannot injure downstream water rights because the total depletion of flow downstream from the Park is dependent on the quantity used in the Park and not upon the specific location of use.

If you concur in this thinking, I suggest that I could issue you a water right certificate confirming the right under each permit for that particular stream system. The certificate would confirm the right to the quantity of water specified in the permit from the stream named and its tributaries for use within the Park and to be diverted

CRLA

A. van V. Dunn

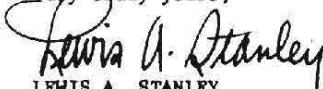
-2-

July 27, 1961

within the Park. Priority would be the date of filing the applications, November 28, 1941. Then if you determine that the quantity of water covered by these permits is not sufficient for future needs, you could file a new application for additional water.

If you are not now using the full amount of water as set forth in the above numbered permits, and if you expect to increase the use, there is no reason why you must make final proof at this time. I will extend the times for completion of construction and complete application of water if you so request.

Very truly yours,



LEWIS A. STANLEY  
State Engineer

LAS:ks

cc: Harry J. Hogan  
Regional Solicitor

L54-GEL

July 20, 1961

State Engineer  
State of Oregon  
Salem, Oregon

|                        |  |
|------------------------|--|
| RECEIVED               |  |
| NPS REGION FOUR OFFICE |  |
| JUL 21 '61             |  |
| SURNAME/DATE           |  |
| REG. DIR.              |  |
| ASST. DIR.             |  |
| ADMIN.                 |  |
| INFORMATION            |  |
| INTERP.                |  |

Re: Water Right Application 1957-1961  
Permits 15156-15163, Crater Lake

Attention: Mr. Jones

Dear Sir:

The enclosed copy of memorandum to Mr. Hogan, Regional Solicitor, Department of the Interior, is in reply to the one forwarded to you with letter of July 13 from Mr. Lufgren of Mr. Hogan's Office.

The problem hinges on whether you consider each application and related permit as one right to water tributary to the designated stream system where it leaves the Park, as I intended in 1941, or a group of rights to the individual sources within that tributary stream system. There are no private lands, or other water claimants within the Park, and I hope that we agree that the controlling points of diversion are on the Park boundary.

The longer we can defer proof of water use for any Park or Monument, the better we can preserve valuable priorities for the increasing public demand. However, the present trends of public use suggest that supplemental appropriations may be needed before proof should be made on the existing permits. I also hope that no rights are restricted by any premature adjudications where some conditional rights might not be recognized.

Sincerely yours,

SIGNED  
A. van V. Dunn  
Chief, Water Resources Section

Enclosure

Copy to: Regional Solicitor, P. O. Box 3537, Portland, Oregon  
Regional Director, Region Four, w/c incoming  
Superintendent, Crater Lake, w/c incoming

154-CBL

July 20, 1961

|                        |                   |
|------------------------|-------------------|
| RECEIVED               |                   |
| NPS REGION FOUR OFFICE |                   |
| JUL 21 '61             |                   |
| SURNAME/DATE           |                   |
| REG. DIR.              |                   |
| ASST. R.D.             |                   |
| OPERATIONS             | <i>[initials]</i> |
| ADMIN.                 |                   |
| RECREATION             |                   |
| INTERP.                |                   |
| RANGER ACT             |                   |

*[Handwritten signature]* 155 7/21

Memorandum

To: Regional Solicitor  
1001 W.E. Lloyd Blvd.  
P. O. Box 3537  
Portland, Oregon

From: Chief, Water Resources Section

Subject: Water Right Applications 19574 - 19581, Permits 15156-15163,  
Crater Lake National Park, Oregon

Your memorandum of July 13 indicates that Mr. Jones of the State Engineer's Office confirmed their conception of the status of the subject rights to you and Mr. Bysart as previously suggested in a letter of July 7, 1955, to me from State Engineer Stanley. The most important point is the more up-to-date confirmation that proofs for licenses may be further deferred until full use is made of the claimed quantities, or until a smaller demand is found to be adequate.

My concern resulted from a report of my counterpart in the Fish and Wildlife Service, about two years ago, that the Klamath Termination Act (68 Stat. 715) would become effective on this past January 1, 1961, and an adjudication would follow. I have heard nothing further about an adjudication, but anticipated some confusion over the number of claims to water at different points in the drainage, and at different stages of development, which are covered by such filings as Application 15974, Permit 15156 for water from Annie Creek and its tributaries above the point where that Creek leaves the Park, to use one example.

As Mr. Jones apparently suggested, it will be desirable, and in the public interest, to defer proof at this time because most of the water systems are being reconstructed in our MISSION 66 development program. That program, which was started in 1956, is to provide the facilities needed for the anticipated demand of about 1966. The construction and reconstruction may not be complete by 1966, and the full use of the facilities may not occur as soon as they are available although some units are being completed and fully used ahead of schedule.

As a further consideration the MISSION 66 development plans of 1956 have made those described in the subject water right applications of 1941 partially obsolete. The number of annual Park visitors is increasing more rapidly than originally anticipated, and the visitors do not want the same type of facilities or wish to stay in the areas for the same lengths of time. The quantity of water diverted at some points, or tributary sources, may never be as great as anticipated in 1941, but the quantity diverted at other points may be greater, while the estimated ultimate demand at other points may still be good except for the date when that demand will be reached.

I have assumed that the Park Service can modify the portions of the total claim to 1.26 c.f.s. from Annie Creek, which are diverted at each of the nine points at the time of proof (changes in points of partial diversion) without difficulty. For all practical purposes, the permit is to divert the combined quantity from Annie Creek before it becomes available to others, at the Park boundary, and the portion from Annie Spring and Castle Garden Springs, respectively, does not matter.

However, without confirming records, I believe that Park water use is still within the quantities authorized by the permits, but diversions at some designated points are so close to the authorized totals that they must be supplemented by transfer or new application. I do not know whether a supplemental claim to more water from Annie Creek will be needed by 1966 or 1975, and this is now a matter for our Regional Office, rather than for me, to determine. However, we should establish the priority for any necessary supplemental appropriation as soon as possible.

I do not believe that any of the eight permits should be abandoned, as Mr. Jones seems to have suggested, because the trend of Park attendance does not suggest any ultimate limits of public demand. We may hope at this time that expanded, concentrated facilities at the Lodge area, on the rim, at the Headquarters Area, just below the rim, and at Annie Spring area will eliminate the need for part of the development and water demand at the South Entrance which was contemplated in 1941, but I should hate to see the authorized quantity of water for the South Entrance Area reduced materially by transfer of part of the claim to Annie Spring until we know whether unanticipated future increases in the number of Park visitors may require restoration of plans for more development at the South Entrance.

In talking with Mr. Dysart, I suggested that he might see if we could make proof of full use of the available supply from a source such as Annis Creek before making proof of full use of Castle Garden Spring which was to be a supply to supplement the Manson Springs supply for the Lodge and Headquarters Areas under the 1941 plan. Mr. Jones advised that there would be no point in such action, and I agree that this might place an undesirable restriction on the priority of rights under which part of the most essential water might be diverted in 1975 unless rights under the established permits, and new ones which may become necessary, were redistributed by another amendment in 1975.

By copies of this memorandum to the State Engineer and our Regional Director, I am suggesting that all of the subject permits be left in their present status until the MISSION 66 development is complete, or until the full authorized quantity of water is used from the stream system to which each permit applies. I also recommend that supplemental applications for the appropriation of water in excess of the authorized quantity from each stream system be filed as soon as the estimates of excess demands from individual sources or points of diversion, of 1975 or 1980 can be determined. The ties to, and descriptions of headgates in the supplemental applications would cover minor changes in points and methods of diversion under the subject permits. The new applications should cover the inter-changeability of rights under the two priorities, and there would doubtless be a somewhat excessive claim to water until eliminated by final proofs for licenses.

**SIGNED**

A. van V. Dunn  
Chief, Water Resources Section

Copy to: State Engineer, Salem, Oregon  
Regional Director, Region Four  
Superintendent, Crater Lake

July 13, 1961

State Engineer  
State of Oregon  
Salem, Oregon

Re: National Park Service Water Right  
Applications 19574-19581,  
Permits 15156-15163

Attention: Mr. Jones

Dear Sir:

Attached for your information is a copy of the report to  
Mr. Dunn of the National Park Service of our telephone  
conversation this morning regarding the subject applica-  
tions and permits.

I trust that this properly reflects the information re-  
ceived from your office on this matter.

Yours very truly,

For the Regional Solicitor

David E. Lofgren, Jr.  
Attorney

Enclosure

cc: Chief, Water Resources Section, NPS ✓



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
PORTLAND REGION  
1001 N.E. LLOYD BLVD.  
P.O. BOX 3537  
PORTLAND, OREGON

154  
Pace  
N.E. Lee  
Dunn

July 13, 1961

Memorandum

To: Mr. Allison van V. Dunn  
Chief, Water Resources Section, NPS  
Washington, D. C.

From: Regional Solicitor, Portland

Subject: Applications for Water Right Permits, State of Oregon

During Mr. Dysart's conference with you in Washington, D.C., recently you indicated your concern about the status of applications to the State of Oregon for water rights which date back several years.

This matter has been taken up with the State Engineer's office, and we have been advised that in so far as that office is concerned the order of the State Engineer dated November 17, 1942, which granted permits 15156 to 15163, allowed you to defer indefinitely the development of the rights covered by applications numbered 19574 to 19581, and this sufficiently protects the Government as to the rights applied for. Mr. Jones, with whom we talked, advised that there would be no point in obtaining a final certificate for each diversion, particularly since the rights are clearly in the public interest, being located on federal lands, and are not controverted. He suggested, however, that if all the rights applied for on one or several of the applications are developed, certificates could be issued for those applications and the corresponding permits. He also indicated that when you review this matter further you may wish to drop some of the rights applied for in the event you find they are no longer needed. This, however, would merely serve to clear the record to reflect changes you may wish to make. I did not receive the impression, however, that this is something you must undertake immediately.

If we can be of further assistance to you in this matter, please do not hesitate to call on us.

Harry J. Hogan  
Regional Solicitor

cc: State Engineer  
State of Oregon

Reg. J.

C  
O  
P  
Y

L-54-L

July 1, 1955

Rec'd: July 6, 1955

Mr. Lewis A. Stanley  
State Engineer  
Salem, Oregon

2/  
re: Application 19574 - 19581  
Permits 15156 - 15163  
Crater Lake National Park

Dear Sir:

An Order suspending action on the eight designated water rights was issued on November 17, 1942, in response to a letter of November 12, 1942, from former Superintendent E. P. Leavitt of the Park. The action was requested due to war time conditions which were followed by a recovery period during which Congress appropriated few funds for development of the national parks and monuments. In fact, we are still unable to obtain adequate funds to complete and enlarge the Park facilities to accommodate the Park visitors which have increased from an annual total of 273,564 in 1941 to 370,554 in 1954 at Crater Lake.

We assumed that Mr. Stricklin would notify us when he considered more rigid compliance with the state water laws necessary but none were received before he retired. We shall appreciate your suggestions as to whether to leave the claims in suspended status or reactivate them, and apply for an extension of time in which to complete construction. You will note from Mr. Leavitt's letter of November 12, 1942, that we did not anticipate completion of the systems and full use of the water until 1960 when we expected the national population and probable Park use to reach a stable maximum. On that basis, we could now request a five-year extension of time.

Of course, the date for maximum national population, and its magnitude have been re-estimated since the war, and the assurance of a limit within a reasonable time is less clear. We are now re-appraising park uses and working on a program to try to cope with 1966 attendance which may still be increasing. For that reason, the suggested five-year extension of time for water right perfection may, or may not, be sufficient.

You will also note that the water right applications each cover a number of water systems in one drainage. If all water systems covered by one application and permit must be completed before proff for final license is made, the time will have to be extended until

C O P Y

C O P Y

the most backward development is completed. I wonder, therefore, whether we have to wait until we can prove up on all systems under one claim, or whether we could prove up on each unit as the use of the authorized quantity of water or lesser maximum available supply is reached. We are doubtless using all available or authorized water from some of the spring sources now.

Yours sincerely,

(Signed)

A. van V. Dunn  
Chief, Water Resources Section

Copy to: Regional Director, Region Four  
Superintendent, Crater Lake  
Western Office of Design and Construction

C O P Y





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON 25, D. C.

US451-1 Y REFER TO:

July 15, 1955

Mr. Lewis A. Stanley  
State Engineer  
Salem, Oregon

Dear Mr. Stanley:

We are pleased to accept your suggestion to leave Water Right Applications 19574 through 19581, Permits 15156 through 15163, for the use of water at Crater Lake National Park, in their present inactive status until we are ready to make proof on all use authorized under a single permit. We shall advise you as each proof can be made.

Sincerely yours,

/s/ A. van V. Dunn

A. van V. Dunn  
Chief, Water Resources Section



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

REFER TO  
FILE NO. \_\_\_\_\_

July 7, 1955

*P. Miller*

Mr. A. van V. Dunn, Chief  
Water Resources Section  
U. S. National Park Service  
Washington 25, D. C.

Dear Mr. Dunn:

This will reply to your letter dated July 1, 1955 referring to Applications Nos. 19574 through 19581, Permits Nos. 15156 through 15163.

I note that Mr. Stricklin, former State Engineer, entered an order on the 17th day of November 1942, reciting the facts with regard to these applications and stating:

"IT IS HEREBY ORDERED that action under Permits No. 15156 to No. 15163, inclusive, in the name of The United States of America, be suspended until such time hereafter as general conditions have reached a stage permitting the resumption of work under these permits and it is further ordered that the permits remain in good standing during the interim."

I believe his action was properly in the public interest and that no change in the status of the permits should be made until you are ready to make your final proof. If you so desire, we will simply hold the permits in an inactive status until you advise that you are ready to make proof under them. With that concept it will not be necessary for you to make final proof on any particular portion of the appropriation until all have been completed or until you have completed the appropriation to your own satisfaction.

Very truly yours,

*Lewis A. Stanley*

LEWIS A. STANLEY  
State Engineer

LAS:VC

7

*State Engineer*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
CRATER LAKE NATIONAL PARK  
MEDFORD, OREGON

OFFICE OF THE SUPERINTENDENT

*Sent copy to Director  
10/27/44*

October 23, 1944.

|                |              |
|----------------|--------------|
| OCT 26 1944    |              |
| ROUTING        | DATE         |
| <i>RDW</i>     | <i>10/26</i> |
| <i>Crawley</i> | <i>10/27</i> |
| FILE           | <i>RDW</i>   |

MEMORANDUM for the Regional Director,  
Region Four.

I have received a letter from the office of Charles E. Stricklin, State Engineer, stating that the mailing of their postal card in connection with Water Right Permit No. 15157 was inadvertant, and should be disregarded.

We are advised that we are correct in our understanding that permits numbered 15156 to 15163, inclusive, have been suspended until general conditions warrant the completion of the projects involved.

An extra copy of this memorandum is enclosed for the Office of the Director, if desired.

*E. P. Leavitt*

E. P. Leavitt,  
Superintendent..



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
CRATER LAKE NATIONAL PARK  
MEDFORD, OREGON

OFFICE OF THE SUPERINTENDENT

OCT 23 1944

| ROUTING    | DATE         |
|------------|--------------|
| <i>See</i> | <i>10/30</i> |
|            |              |
|            |              |
|            |              |
|            |              |

October 19, 1944.

*See*

C O P Y

*Crater Lake*  
*Dec 10*

STATE OF OREGON  
OFFICE OF THE  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

File No. 19574-81

November 18, 1942

Mr. E. P. Leavitt, Superintendent  
Crater Lake National Park  
Medford, Oregon

Dear Mr. Leavitt:

This will acknowledge receipt of your letter of November 12, with which you enclosed reports of beginning of construction under Permits No. 15156 to No. 15163, inclusive, in the name of The United States of America.

Pursuant to the request contained in your letter, action on these permits is being suspended, as indicated in State Engineer's Order of November 17, 1942, a copy of which order is enclosed herewith.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

By /s/ Ed. K. Humphrey

Ed K. Humphrey, Assistant

EKH:LD  
Enclosure

11-28-1941: order ; november 28, 1941

BEFORE THE STATE ENGINEER OF OREGON

Klamath County

IN THE MATTER OF THE SUS-  
PENSION OF ACTION UNDER  
PERMITS NO. 15156 TO NO.  
15163, INCLUSIVE, IN THE  
NAME OF THE UNITED STATES  
OF AMERICA (CRATER LAKE  
NATIONAL PARK).  
-----

ORDER  
SUSPENDING ACTION

On November 28, 1941, the United States National Park Service through its agent, Mr. E. P. Leavitt, the superintendent of Crater Lake National Park, filed Applications No. 19574 to No. 19581, inclusive, for permits to use water from a number of springs and streams in Crater Lake National Park for municipal purposes.

These applications were approved January 30, 1942, by issuance of Permits No. 15156 to No. 15163, inclusive.

On November 13, 1942, reports of beginning of construction indicating due diligence in the prosecution of work under all of the above-numbered permits, were received by the State Engineer.

These reports were transmitted by a letter from Mr. Leavitt, setting forth that the present national emergency seriously curtails the use of water as contemplated under the permits in question and that no further funds nor equipment will be available to the Park Service during the war and for an indeterminate period thereafter and requesting that the usual requirements as to the submitting of reports of progress under the filings involved, be waived for the duration of the emergency.

Upon consideration of the foregoing facts and the further fact that diligence has been shown by the permittee in the preparing and submitting of comprehensive reports, maps and data in connection with the permits in question, and that the water involved is for the use of the public,

IT IS HEREBY ORDERED that action under Permits No. 15156 to No. 15163, inclusive, in the name of The United States of America, be suspended until such time hereafter as general conditions have reached a stage permitting the resumption of work under these permits and it is further ordered that the permits remain in good standing during the interim.

Dated at Salem, Oregon this 17th day of November, 1942.

CHAS. E. STRICKLIN  
State Engineer

C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
CRATER LAKE NATIONAL PARK  
MEDFORD, OREGON

Nov. 12, 1942

State Engineer,  
Salem, Oregon.

Re: Water Right Applications 19574-19581.

Dear Sir:

We enclose notices of beginning of construction of the water systems covered by the above applications. May we also take this opportunity to request the most liberal consideration possible in time limits to complete these developments.

We have claimed municipal status to permit us to develop and expand the systems as needed with increasing park attendance, which we do not expect to reach its peak until about 1960. In addition, for the duration of the war no further funds can be expected for construction even if we could find the labor and obtain high enough priority to permit delivery of materials. Park attendance has also fallen to less than half of that of 1941 during the current season so that no proof of beneficial use can be expected until after the war. Even the permanent staff is greatly depleted.

For these reasons, we make the added suggestion that all further reports might be suspended until one or two years after the war with resulting saving in work for your staff as well as ours. On request, California has already granted us certain similar concessions.

We might add that the Federal Government is preparing for post war stabilization activity. The Park Service is now preparing an "on the shelf program" of designs mentioned in the notices of beginning of construction so far as the past summer's work has applied to the completion of designs for the diversions from Castle Crest Garden Spring, Annie Creek and Wheeler Creek. It is anticipated

that, subject to reconversion of manufacturing plants, and the time needed to assemble crews, there will be considerable work on water systems shortly after the close of the conflict and much completed construction should be reported within two years.

Yours very truly,

/s/ E. P. Leavitt

E. P. Leavitt,  
Superintendent.

Enclosure 2122062.

Form A

Application No. 19575

NOTICE OF BEGINNING OF CONSTRUCTION

I, United States of America, by E. P. Leavitt, Supt.,  
Crater Lake National Park, the holder of Permit No. 15137

to appropriate the public waters of the state of Oregon, began the actual construction of the works described  
 about the 15th day of July, 1934  
 therein on the 15th day of July, 1934

Remarks: Pipe line is completed in accordance with permit and has been in use  
 The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed  
since 1934.

up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith

---

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 1934.

E. P. Leavitt  
 (Signature of Applicant)  
 By E. P. Leavitt  
 (Signature of Applicant)  
 Superintendent, Crater Lake National Park.  
Medford, Oregon.  
 (Address)

E. thel Wilkinson  
 (Signature of Witness)  
113 Vancouver Ave., Medford, Oregon  
 (Address)

STATE PRINTING DEPT.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

C O P Y

STATE OF OREGON  
Office of the  
STATE ENGINEER  
Water Resources Department  
February 14, 1942

United States Dept. of the Interior  
Crater Lake Nat'l. Park  
Crater Lake, Oregon

Attention: Mr. E. P. Leavitt, Superintendent

Gentlemen:

Herewith you will find Application No. 1947<sup>5</sup>/<sub>4</sub>, Permit No. 15157,  
together with blue print.

The application has been approved and recorded in this office.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS:

Your permit has been recorded in this office, but you should hold the original as evidence of your water right unless the land described therein is disposed of. In that event you should file an assignment to the new owner for record in this office. Assignment blanks will be furnished upon request.

It appears from the statements made in your application that construction work has already been completed but water has not been applied to beneficial use. You will note that the permit, which appears on the back page of the application form, fixes time limits for beginning and completion of construction and complete application of water, but the first two need be given no further consideration. The only requirement is that you make application of water to beneficial use within the time limit there designated.

Whenever a measuring device becomes necessary for the proper distribution of water the permittee will be required to install one to the satisfaction of the State Engineer as provided by Section 116-501, O. C. L. A.

A form is attached to the permit for your convenience in submitting notice of complete application of water as soon as the appropriation is completed. When this form is submitted, the State Engineer will give consideration to the matter of final proof, after which a water right certificate will be issued.

If your use of water is for irrigation, proof can be made only after you have actually irrigated ALL of the land described in your permit, which you intend to irrigate.

Very truly yours,

/s/ Chas. E. Stricklin

CHAS. E. STRICKLIN  
State Engineer

FORM #110

Permit—6M-6-39

Received  
8:00 A.M.  
NOV 28 1941  
STATE ENGINEER  
SALEM, OREGON

2 - Klamath River

Permit No. 15157

1. received by State Engineer  
Nov 28 1941

## \* APPLICATION FOR A PERMIT

## To Appropriate the Public Waters of the State of Oregon

United States of America,  
I, Ernest F. Leavitt, Superintendent of Crater Lake National Park  
(Name of applicant)  
of Crater Lake (Winter address, Medford), County of Klamath  
(Post office)  
State of Oregon, do hereby make application for a permit to appropriate the  
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation.....

1. The source of the proposed appropriation is Bear Creek  
(Name of stream)  
a tributary of the Klamath River through Klamath Marshes.
2. The amount of water which the applicant intends to apply to beneficial use is 0.005  
cubic feet per second. (If water is to be used from more than one source, give quantity from each)
- \*\*3. The use to which the water is to be applied is municipal at Crater Lake National Park.  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
4. The point of diversion is located ft. and ft. from the  
(N. or S.) (E. or W.)  
corner of N 81°33' W 5622 feet from Boundary Monument No. 82 in unsurveyed land.  
(Section or subdivision)  
(If preferable, give distance and bearing to section corner)
- (If there is more than one point of diversion, each must be described. Use separate sheet if necessary)  
being within the probable NW 1/4 of the SW 1/4 of Sec. 21, Tp. 30 S  
(Give smallest legal subdivision) (N. or S.)  
R. 6 1/2 E, W. M., in the county of Klamath See rider.  
(E. or W.)
5. The Bear Creek Pipe Line is to be 732 feet  
(Main ditch, canal or pipe line) (Miles or feet)  
in length, terminating in the NW 1/4 of the SW 1/4 said  
(Smallest legal subdivision) of Sec. 21, Tp. 30 S  
R. 6 1/2 E, W. M., the proposed location being shown throughout on the accompanying map.  
(E. or W.)

## DESCRIPTION OF WORKS

## DIVERSION WORKS—

6. (a) Height of dam 2 feet, length on top 10 feet, length at bottom  
4 feet; material to be used and character of construction masonry  
(Loose rock, concrete, masonry,  
rock and brush, timber crib, etc., wasteway over or around dam)
- (b) Description of headgate 3/4 inch pipe intake is screened and capable of  
capping. (Timber, concrete, etc., number and size of openings)
- (c) If water is to be pumped give general description  
(Size and type of pump)  
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

\*A different form of application is provided where storage works are contemplated.

\*\*Applications for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.



Rider

4. Points of Diversion:

Bearing is based on azimuth of central meridian of Crater Lake National Park, differing by 1°07' from grid azimuths shown on Plane Coordinate Map.

The next township to south is Range 7½ E, but the area seems to be part of the greater survey which has been partially completed to the east of Diamond Lake where the range east of R 6 E is designated as R 6½ E.

10. Municipal or Domestic Supply:

For details of Crater Lake municipal use see application by the claimant for diversions from Annie Creek, a tributary of the Klamath River.

Bear Creek Patrol Cabin is used periodically throughout the year by patrol rangers. It is on a truck trail for fire protection purposes and its water supply is thus a potential supply for truck trail maintenance crews and fire fighting crews.

## MUNICIPAL OR DOMESTIC SUPPLY

10. (a) To supply ~~the city of~~ an administrative unit of Crater Lake National Park,  
Klamath County, having a present population of 3000  
(Name of)  
 and an estimated population of 5000 in ~~193~~ 1960. See rider.

(b) If for domestic use state number of families to be supplied.....

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$. 1500.

12. Construction work ~~will begin~~ <sup>was begun</sup> on or before 1934.

13. Construction work ~~will be completed on or before~~ <sup>is</sup>.....

14. The water will be completely applied to the proposed use on or before 1960.

UNITED STATES OF AMERICA

By E. P. Leavitt

(Signature of applicant)

Superintendent

Crater Lake National Park.

Signed in the presence of us as witnesses:

(1) Thomas C. Parker 1324 Queen Ave. Medford Oregon  
(Name) (Address of witness)

(2) G. T. Hopper 331 - N - 6th Medford Oregon  
(Name) (Address of witness)

Remarks: .....

STATE OF OREGON, }  
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before....., 193.....

WITNESS my hand this..... day of....., 193.....

STATE ENGINEER

PERMIT

STATE OF OREGON } ss.  
County of Marion, }

This is to certify that I have examined the foregoing application and do hereby grant the same,  
SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use  
and shall not exceed 0.005 cubic feet per second measured at the point of diversion from the  
stream, or its equivalent in case of rotation with other water users, from.....

Rear Creek

The use to which this water is to be applied is Municipal

If for irrigation, this appropriation shall be limited to..... of one cubic foot per  
second .....

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

The priority date of this permit is November 28, 1941

Actual construction work shall begin on or before January 30, 1943 and shall  
thereafter be prosecuted with reasonable diligence and be completed on or before.....  
October 1, 1943

Complete application of the water to the proposed use shall be made on or before.....  
October 1, 1944

WITNESS my hand this 30th day of January, 1942

/s/ Chas. E. Stricklin STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

Application No. 13275  
Permit No. 15157

**PERMIT**  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

Division No. .... District No. ....

This instrument was first received in the  
office of the State Engineer at Salem, Oregon  
on the 28th day of November  
1941, at 9:00 o'clock A. M.

Returned to applicant: .....

Corrected application received: .....

Approved: .....

Recorded in book No. 37 of .....

Permits on page 13275

CHAS. E. STRICKLIN  
STATE ENGINEER

Drainage Basin No. 14 Page 23

Fees Paid 10.00

x Mt. Rainier-Tipsee Lake  
x Mt. Rainier-Ohanapeecosh  
x Mt. Rainier-White River  
x Mt. Rainier-Carbon River  
x Yosemite-Mariposa Grove  
x Tonto 660-05.7  
Crater Lake 660-05.7  
x Pinnacles 660-05.7

C O P Y  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
CHICAGO, ILLINOIS  
54

March 24, 1944.

MEMORANDUM for the Regional Director, Region Four.

This will acknowledge Mr. Dunn's memorandum of March 6, together with complete assemblies of Pinnacles National Monument deeds Nos. 4 and 5, and water right applications 8969 and 9083 respectively.

This will also acknowledge Mr. Dunn's memorandum of March 16, together with Yosemite National Park deed No. 47; Mt. Rainier National Park deeds 3-13 inclusive; Tonto National Monument deeds Nos. 3 and 4; and Crater Lake National Park deeds Nos. 9-17 inclusive.

/s/ Conrad Wirth

Chief of Lands.

Supporting Hydro Data

154  
(PNR)PS

November 1, 1972

Mr. Chris L. Wheeler  
State Engineer  
State of Oregon  
1178 Chemeketa N.E.  
Salem, Oregon 97310

Dear Mr. Wheeler:

As a follow up to our discussions in your office on September 10,  
and a phone conversation held the next day with Regional Hydrologist  
Don Barrett, we are sending you a tabulation of water usage data  
from Crater Lake National Park.

| <u>Permit No.</u> | <u>Name of Drainage</u>         | <u>Current Usage</u>                                                               | <u>Remarks</u>                                                                                                                               |
|-------------------|---------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 15156             | Annie Creek (inc. Munson Creek) | 66,000 GPD                                                                         | Maximum use in summer. In use all year.                                                                                                      |
| 15157             | Bear Creek                      | None                                                                               | Area recommended for wilderness.                                                                                                             |
| 15158             | Sand Creek                      | 2,000 GPD at Lost Creek (seasonal use).<br>1,000 GPD at Kerv Notch (seasonal use). |                                                                                                                                              |
| 15159             | San-Vida Creeks (Vida Falls)    | None                                                                               | Proposed four-unit flush toilet.                                                                                                             |
| 15160             | National Creek                  | Diversion at patrol cabin removed. Spring at Devil's Backbone not being used.      | Area recommended for wilderness except North Junction. Proposed development at Devil's Backbone and North Junction would require some water. |

|       |                             |                                                                              |                                                                        |
|-------|-----------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 15161 | Bybee Creek                 | Estimated maximum<br>use: 1,000 gal./<br>month; present<br>use: 100 gal./mo. | Area recommended for wilderness<br>except for Watchman (seasonal use). |
| 15162 | Whitehorse-Castle<br>Creeks | None                                                                         | Area recommended for wilderness.                                       |
| 15163 | Red Blanket Creek           | None                                                                         | Area recommended for wilderness.                                       |

The National Park Service intends to make every effort to cooperate with the State in keeping records of usage current. If we can be of further aid to you, please feel free to call upon us.

Sincerely yours,

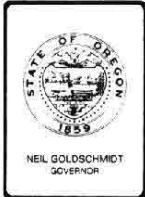


Bennett T. Gale  
Associate Director,  
Professional Support

DCBarrett:jcp 11/1/72

Other Supporting Information

15157



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

December 20, 1988

National Park Service  
Water Rights Branch  
301 S. Howes Street, Room 335  
Fort Collins, Colorado 80521

Attention: Jeff Albright

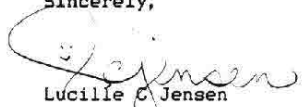
Dear Mr. Albright:

Enclosed is the water rights information for Crater Lake National Park you requested by letter received December 1, 1988. Our Receipt 56857 covering the copying fees of \$26.50 is enclosed.

In line with the general practice of this office, a survey of the use of water perfected under permits will be made at a later date. After the survey, proof may be made and certificate issued covering the actual use of water perfected under the permit. ]

If I can be of further assistance, please contact me.

Sincerely,

  
Lucille C. Jensen  
Permit Technician

Permit No. 1519

Permit No. 1519

## \* APPLICATION FOR A PERMIT

## To appropriate the Public Waters of the State of Oregon

United States of America,  
I, Ernest P. Leavitt, Superintendent of Crater Lake National Park  
(Name of applicant)  
of Crater Lake (Winter address, Medford), County of Klamath  
(Post office)  
State of Oregon, do hereby make application for a permit to appropriate the  
following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation \_\_\_\_\_

1. The source of the proposed appropriation is Bear Creek  
(Name of stream)  
\_\_\_\_\_, a tributary of the Klamath River through Klamath Marshes

2. The amount of water which the applicant intends to apply to beneficial use is 0.005  
cubic feet per second  
(If water is to be used from more than one source, give quantity from each)

\*\*3. The use to which the water is to be applied is municipal at Crater Lake National Park  
(Irrigation, power, mining, manufacturing, domestic supply, etc.)

4. The point of diversion is located \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the  
(N. or S.) (E. or W.)  
corner of N 31°32' W 5622 feet from Boundary Monument No. 82 in unsurveyed land,  
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary.)  
being within the probable NW 1/4 of the SW 1/4 of Sec. 21, Tp. 30 S.  
(Give smallest legal subdivision) (N. or S.)

R. 62 E., W. M., in the county of Klamath See rider.  
(E. or W.)

5. The Bear Creek Pipe Line is to be 732 feet  
(Main ditch, canal or pipe line) said (Miles or feet)  
in length, terminating in the N 1/4 of the SW 1/4 of Sec. 21, Tp. 30 S.  
(Smallest legal subdivision) (N. or S.)  
R. 62 E., W. M., the proposed location being shown throughout on the accompanying map.  
(E. or W.)

## DESCRIPTION OF WORKS

## Diversion Works—

6. (a) Height of dam 2 feet, length on top 10 feet, length at bottom  
4 feet; material to be used and character of construction masonry.  
(Lower rock, concrete, masonry,  
rock and brush, timber crib, etc., waterway over or around dam)

(b) Description of headgate 3/4 inch pipe intake is screened and capable of  
capping. (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description \_\_\_\_\_  
(Size and type of pump)  
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

\* A different form of application is provided where storage works are contemplated.

\*\* Applications for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydro-electric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Rec'd from OR Water Resources Dept.  
12/22/88



Rider

4. Points of Diversion:

Bearing is based on azimuth of central meridian of Crater Lake National Park, differing by 1°07' from grid azimuths shown on Plane Coordinate Map.

The next township to south is range 7<sup>1</sup> E, but the area seems to be part of the greater survey which has been partially completed to the east of Diamond Lake where the range east of R 6 E is designated as R 8<sup>1</sup> E.

10. Municipal or Domestic Supply:

For details of Crater Lake municipal use see application by the claimant for diversions from Annie Creek, a tributary of the Klamath River.

Bear Creek Patrol Cabin is used periodically throughout the year by patrol rangers. It is on a truck trail for fire protection purposes and its water supply is thus a potential supply for truck trail maintenance crews and fire fighting crews.

Municipal or Domestic

10. (a) To supply city of an administrative unit of Crater Lake National Park,  
Klamath County, having a present population of 3000  
(Name of)  
 and an estimated population of 5000 in 1960. See rider.

(b) If for domestic use state number of families to be supplied \_\_\_\_\_

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 1500.

12. Construction work <sup>was begun</sup> ~~will begin~~ on or before 1934.

13. Construction work <sup>is</sup> ~~will be~~ completed on or before \_\_\_\_\_.

14. The water will be completely applied to the proposed use on or before 1960.

UNITED STATES OF AMERICA

By E. P. Leavitt(Signature of applicant)SuperintendentCrater Lake National Park.

Signed in the presence of us as witnesses:

(1) Thomas C. Parker 1324 Queen Ann, Medford, Oregon  
(Name) (Address of witness)

(2) G. T. Hopper 331 W. 6th, Medford, Oregon  
(Name) (Address of witness)

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

STATE OF OREGON, }  
 County of Marion, }

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before \_\_\_\_\_ 194

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 194

STATE ENGINEER

No. 19575  
 No. 15157  
**PERMIT**  
 TO APPROPRIATE THE PUBLIC  
 WATERS OF THE STATE  
 OF OREGON

Division No. \_\_\_\_\_ District No. \_\_\_\_\_

This instrument was first received in the  
 office of the State Engineer at Salem, Oregon  
 on the 28th day of November  
 1941 at 8:00 o'clock A. M.  
 Returned to applicant: \_\_\_\_\_  
 Corrected application received: \_\_\_\_\_  
 Approved: \_\_\_\_\_  
 January 30, 1942  
 Recorded in book No. 27 of  
 Permits on page 15157  
 CHAS. E. STRICKLIN  
 STATE ENGINEER  
 Drainage Basin No. 14 Page 23  
 Fees Paid \$10.00

STATE OF OREGON } ss PERMIT  
 County of Marion, }  
 This is to certify that I have examined the foregoing application and do hereby grant the same,  
 SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:  
 The right herein granted is limited to the amount of water which can be applied to beneficial use  
 and shall not exceed 0.005 cubic feet per second measured at the point of diversion from the  
 stream, or its equivalent in case of rotation with other water users, from \_\_\_\_\_  
 Bear Creek  
 The use to which this water is to be applied is Municipal  
 If for irrigation, this appropriation shall be limited to \_\_\_\_\_ of one cubic foot per  
 second  
 and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.  
 The priority date of this permit is November 28, 1941  
 Actual construction work shall begin on or before January 30, 1943 and shall  
 thereafter be prosecuted with reasonable diligence and be completed on or before  
 October 1, 1943  
 Complete application of the water to the proposed use shall be made on or before  
 October 1, 1944  
 WITNESS my hand this 20th day of January, 1942  
 CHAS. E. STRICKLIN  
 STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1939.

Entered in Oct. 1, 1942  
 Entered in Oct. 1, 1942

December 1, 1988

LS4(479)  
CRLA

Ms. Lucille Jensen  
Oregon Department of  
Water Resources  
3830 Portland Rd. NE  
Salem, OR 97310

Dear Ms. Jensen:

On 3 November, Jeff Albright of our Water Rights Branch spoke with Bruce Bates of your office concerning water right filings in Crater Lake National Park. Mr. Bates verified that photocopies of filings are available at a rate of \$2.00 per order plus \$0.50 per page (for pp. 2- last of the first filing, and all pages of remaining filings).

Enclosed is a topographic map of the Park, with boundaries indicated by brown and yellow shaded margins. Yellow margins outline areas added to the Park since the map was published. We request information on all surface and ground water filings within the indicated Park boundaries. The specific information needed for each filing is:

1. Filing number
2. Name of record holder
3. Date of priority
4. Water source
5. Point of diversion and use (legal subdivision, quarter-quarter section, or distance from surveyed point)
6. Uses
7. Type (spring, well, etc.)
8. Dates of use (specified time period when water can be used)
9. Amount (flow rate and/or total annual volume)

If processing charges reach \$50.00, please contact us before proceeding further. Send water right filings and billing information to:

National Park Service  
Water Rights Branch  
351 S. Howe St., Rm 336  
Fort Collins, CO 80521  
Attn: Jeff Albright

2

If you have any questions, please contact Jeff Albright at (303)221-8306.  
Your cooperation is appreciated.



Owen R. Williams  
Chief, Water Rights Branch

Enclosure

FNP:JALBRIGHT:jr:221-8306:11/15/88:WANG #131  
Revised 11/30/88

L54-QBL

March 21, 1960

## Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights, Sand Creek and Bear Creek Tributary to  
Klamath River, Dockets 2 and 3, Crater Lake

The information in the memoranda of March 4 from the Superintendent and March 10 from Mr. Maier, indicate that the water systems have not been materially altered since the water right applications were filed in November 1941. The proposed Wheeler Creek system has not been included in the MISSION 66 program, but the Kerr Notch and Lost Creek systems will be improved under Permit 15158, Docket 3. The existing claim is to only 0.15 sec.ft. through the three systems. Permit 15157, Docket 2, is for only 0.005 sec.ft., or 3232 gpd from Bear Creek.

We have had no information concerning potential adjudication since we wrote on January 6. Such information usually reaches us through the Solicitor's Office at about the same time that regional offices are advised by the Regional Solicitors. Some Superintendents learn of the proposed actions earlier.

We should have time to prepare our case after the first notice is received. However, last minute rush can be prevented if you review attendance trends, MISSION 66 proposals, and the water right permits as soon as practical to see whether the claims are now adequate, or should be supplemented. Since the rights are for municipal use, we will not have to prove ultimate use. However, some consideration should be given to the rate of increasing water use, and whether the MISSION 66 developments are scheduled to provide "diligent" developments at the required rate.

SIGNED

A. van V. Dunn  
Chief, Water Resources Section

Copy to: Superintendent, Crater Lake  
Chief, WODC (2)

|                  |     |
|------------------|-----|
| W O D C          |     |
| MAR 28 '60       |     |
| CHF              |     |
| ADM              |     |
| PERS             |     |
| P & P            |     |
| ARCH             |     |
| 4 ENGR           | 4/6 |
| L.A.             |     |
| SPEC             |     |
| CONT             |     |
| SFTY             |     |
| ACTION TAKEN - D |     |



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Crater Lake National Park  
Medford, Oregon

March 4, 1960

*Docket 2*

IN REPLY REFER TO:  
L 54

RECEIVED  
NPS REGION FOUR OFFICE  
MAR-7 '60

| SUMMARY    |  |
|------------|--|
| REG. DIR.  |  |
| ASST. R.D. |  |
| OPERATIONS |  |
| ADMIN.     |  |
| RECREATION |  |
| INTERP.    |  |
| RANGER ACT |  |

Memorandum

To: Regional Director, Region Four  
From: Superintendent, Crater Lake  
Subject: Water Rights, Sand Creek and Bear Creek  
Tributary to Klamath River, Dockets 2 and 3, Crater Lake

*X Spradling 3/4*  
*✓ Whitworth*  
*✓ Lundy BFM*  
*3/6*

Reference is made to Regional Chief of Operations Wosky's memorandum dated February 19, 1960

There have been no changes in the subject water systems since 1941, except for the removal of a Ranger Station at Lost Creek. The water formerly used in this ranger station is still used at the same location in a house-trailer stationed there seasonally, so we regard this system as unchanged.

The Wheeler Creek System (Proposed) has never been constructed.

The status of these systems has been indicated in red on one copy of the map Mr. Wosky supplied, and it is attached hereto.

*Otto M. Brown*  
Otto M. Brown  
Superintendent

Attachment

154

February 19, 1960

Memorandum

To: Superintendent, Crater Lake  
From: Regional Chief of Operations  
Subject: Water Rights, Sand Creek and Bear Creek Tributary to Klamath River, Dockets 2 and 3, Crater Lake

Please let us have your comments on Mr. Dunn's memorandum of January 6, a copy of which you probably received.

To identify the water systems involved we prepared the two attached sketches based on the USGS Crater Lake National Park map. The diversions are shown in better detail on drawing NP-CL 6976, copies of which are in Dockets 2 and 3.

Please let us know if any changes in the systems have been made since 1941 and if the Wheeler Creek system was constructed as proposed. One set of the sketch maps may be marked and returned showing changes.

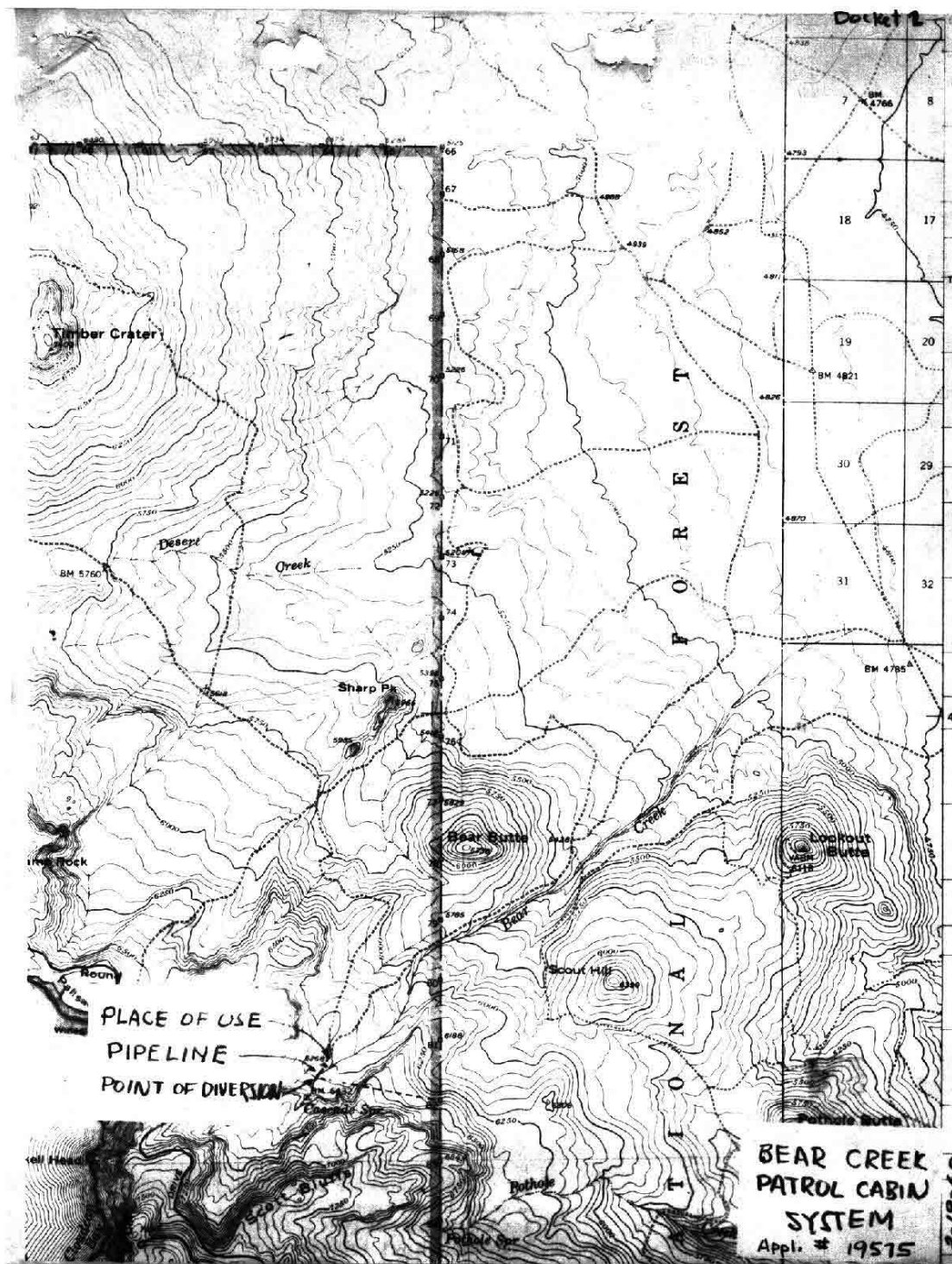
(SGD) JOHN B. WOSKY  
Regional Chief of Operations

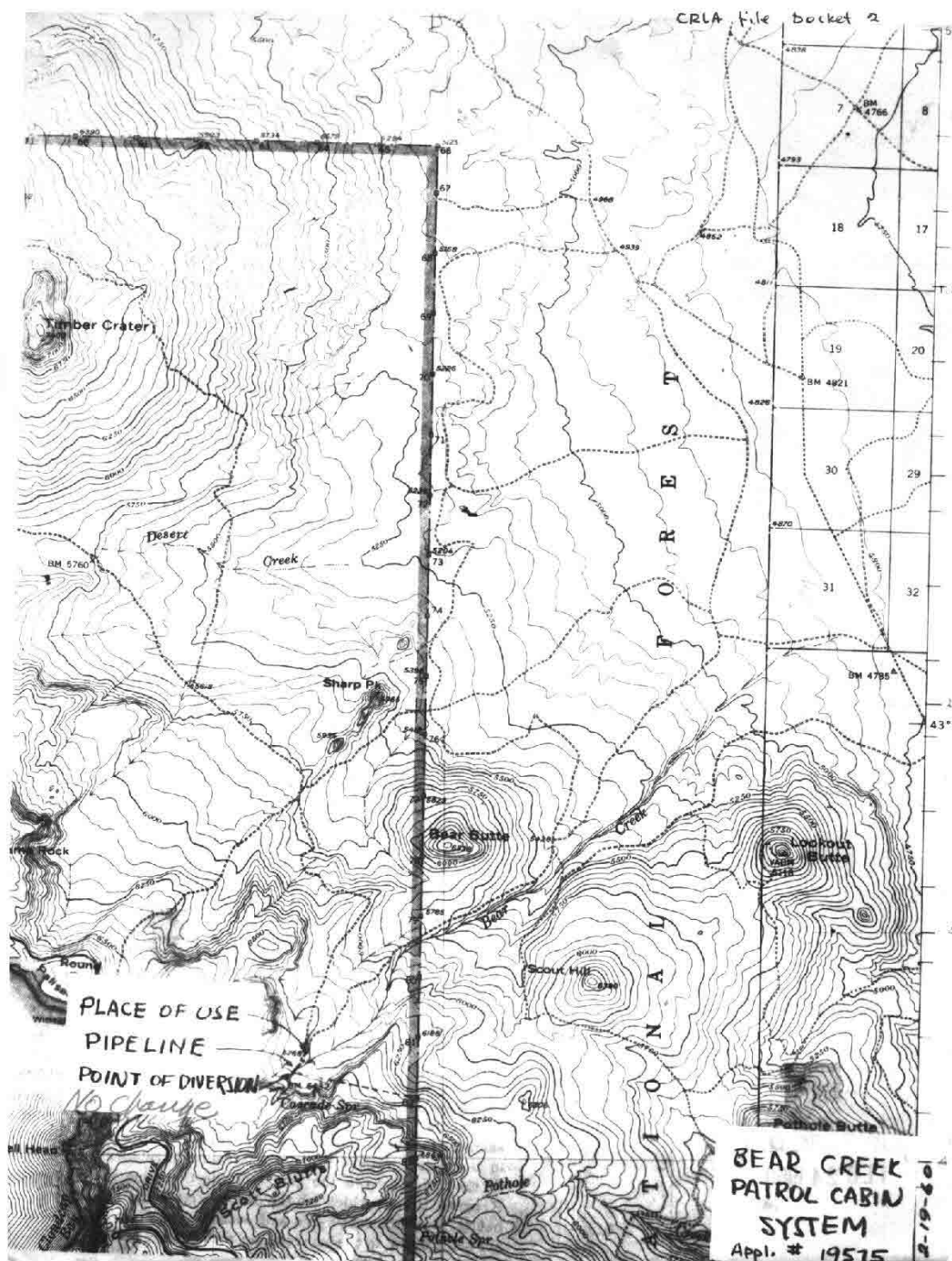
Attachments

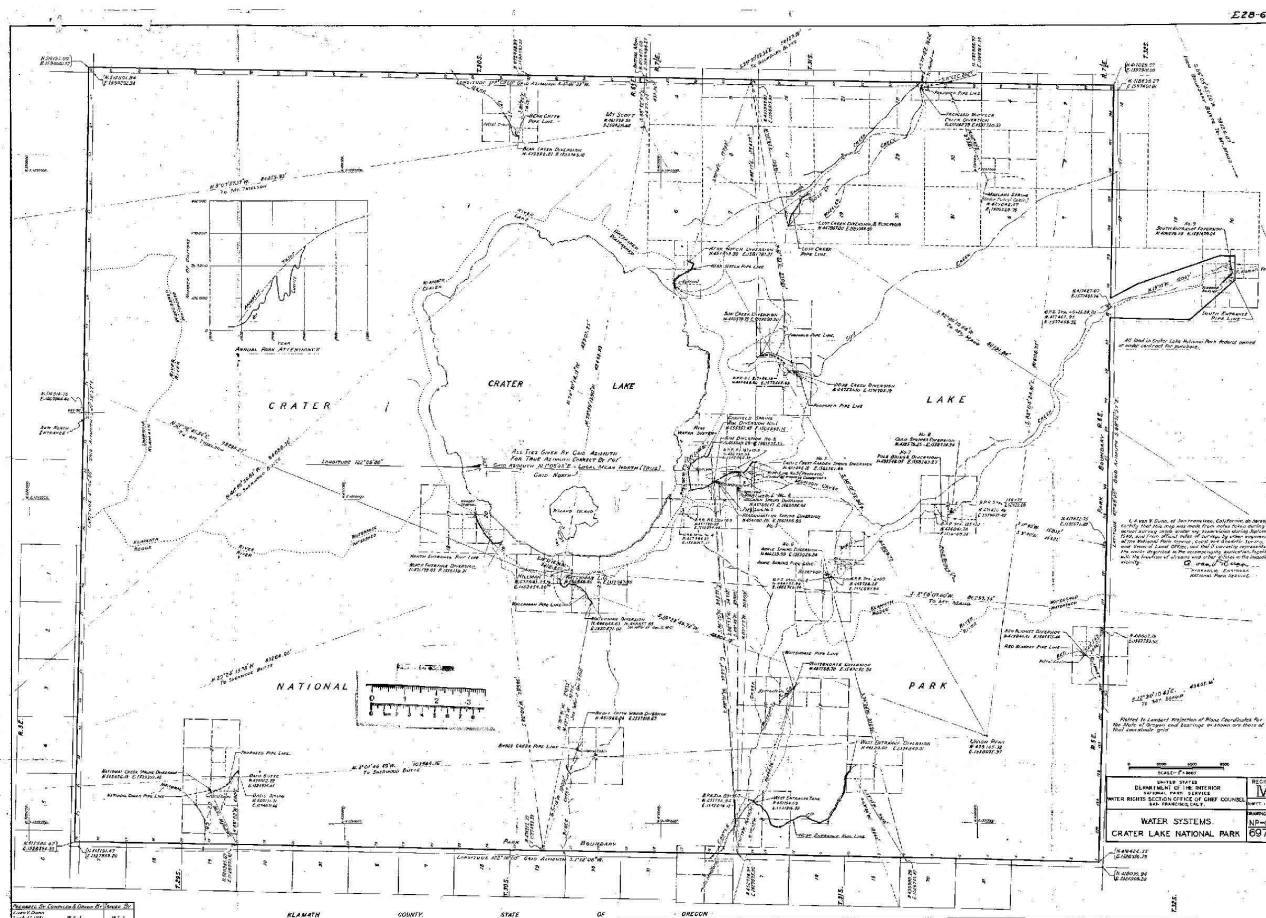
Copy to: Director (2)(with attachments  
Chief, WODC (2)(with attachments ✓

| W O D C                              |                                       |
|--------------------------------------|---------------------------------------|
| FEB 24 1960                          |                                       |
| CHF                                  |                                       |
| ADM                                  |                                       |
| PERS                                 |                                       |
| P & P                                |                                       |
| ARCH                                 |                                       |
| 3                                    | <del>ENCL</del> <i>copy Dunn 2/24</i> |
| L. A.                                |                                       |
| SPEC                                 |                                       |
| CONT                                 |                                       |
| SFTY                                 |                                       |
| <i>1 copy 2/24</i>                   |                                       |
| <i>2 <del>Handwritten</del> 2/24</i> |                                       |
| ACTION TAKEN - DATE                  |                                       |
| <i>file</i>                          |                                       |

Maps and Miscellaneous Information







### Docket Information

Number of Documents in Docket 60

Documents Dated from 7/15/1934 to 1/16/1990

Docket Compiled: 2/14/2011