



# WATER-RIGHT DOCKET

## Oregon Caves National Monument

Docket No: 3

UNNAMED STREAM. LAKE CREEK TRIBUTARY

Preliminary Docket Information

00-00-0000: water dockets information

WATER DOCKET INFORMATION

A R E A OREGON CAVES N M

DOCKET NO. 3

APPLICATION NO. 33771

PERMIT NO. 26663

CERTIFICATE NO.

TITLE OF DOCKET UNNAMED STREAM- RANGER RESIDENCE

PRIORITY

REMARKS:

23D926  
30926  
STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

23D926  
VOL 4 PAGE 345

**This Is to Certify, That** UNITED STATES OF AMERICA  
OREGON CAVES NATIONAL MONUMENT

of Box 672, Medford, 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  
an unnamed stream

tributary of Lake Creek for the purpose of  
domestic use of one family and fire protection

under Permit No. 26663 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 March 23, 1960

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  
0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, T. 40 S., R. 6 W., W. H.

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 - - - - - of one cubic foot per second  
per acre,

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:

NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 9  
T. 40 S., R. 6 W., W. H.

and  
Recorded  
at Page 215  
of Volume 4  
Water Right  
Records of Josephine County, Oregon.  
LEN W. COLEMAN, Co. Clerk  
By J. W. Spelman, Deputy

State of Oregon  
County of Josephine  
I, the undersigned, County Clerk and  
ex-officio Recorder of said County, in  
and for said County, do hereby certify  
that the foregoing instrument was pre-  
pared for record at the time and place  
indicated on the foregoing instrument.

23D926

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

WITNESS the signature of the State Engineer, affixed  
this date, MARCH 9, 1960

Lewis A. Peterson  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 29525

## Form C

**IMPORTANT**—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

Application No. 33771

## NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Otto M. Brown for the United States of America, the holder of Permit No. 26663 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 11th day of July, 1960.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 1960.

Otto M. Brown  
(Signature of Applicant)

Crater Lake National Park, Oregon  
(Address)

## Form B

Application No. 33771

## NOTICE OF COMPLETION OF CONSTRUCTION

I, Otto M. Brown for the United States of America, the holder of Permit No. 26663 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 16th day of November, 1959.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 1960.

Otto M. Brown  
(Signature of Applicant)

Crater Lake National Park, Oregon  
(Address)

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

## Form A

Application No. 33771

## NOTICE OF BEGINNING OF CONSTRUCTION

I, Otto M. Brown for the United States of America, the holder of Permit No. 26663 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 11th day of July, 1959.

Remarks: The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 1960.

Otto M. Brown  
(Signature of Applicant)

Crater Lake National Park, Oregon  
(Address)

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

301 FINANCE BUILDING  
170 18TH STREET S.E.



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

May 23, 1960

|             |  |
|-------------|--|
| SUPT        |  |
| ASST. SUPT. |  |
| ADM. OFF.   |  |
| PSNL.       |  |
| PURCH.      |  |
| L. ARCH.    |  |
| C. RGR.     |  |
| NATLST.     |  |
| ENGR.       |  |
| CC PARK     |  |
| CC OCNM     |  |
| FILE        |  |

33771

United States of America  
Oregon Caves National Monument  
Box 672  
Medford, Oregon

Gentlemen:

Enclosed find Application No. 33771, Permit No. 26663 with blueprint.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS

Your permit has been recorded in this office but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner should be recorded in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the last page of the application, fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of construction and for complete application of water upon proper showing but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for your convenience in submitting (A) Notice of Beginning of Construction; (B) Notice of Completion of Construction; and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is complete, or that complete application of water has been made, only the appropriate and needed forms, if any, will be attached.

If the proposed appropriation of water will require only a portable pumping plant and portable pipe lines, and no permanent construction is contemplated, acquisition by the permittee of pumping or distribution machinery or equipment will be considered as beginning of construction. Acquisition and installation of all of the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been accomplished, Form C should be submitted. Thereafter, an inspection or survey will be made by the State Engineer and the permittee will be given opportunity to submit final proof of appropriation. When proof satisfactory to the State Engineer has been made, the right will be confirmed by issuance of a water right certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The late summer flow in many streams is required to satisfy existing rights and your permit, as provided by law, grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.



FORM 110  
Enclosures

Very truly yours,

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer

331 FINANCE BUILDING  
170 1ST STREET S.E.

STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

ROOM 10  
FLOOR 10

December 22, 1959

Mr. Otto M. Brown, Superintendent  
Crater Lake National Park  
Medford, Oregon

Re: Your file L54-CE

Dear Mr. Brown:

With your letter of December 21 you enclosed an application for a change in point of diversion and place of use of water for which you hold a right under State Engineer's Permit No. 11986. Your application and all of the enclosures listed in your letter are returned herewith for the following reasons:

It is my opinion that this proposed change in point of diversion and place of use of water does not properly come within the provisions of ORS 540.510 to 540.530 because the new water supply which you propose to develop is entirely separate and distinct from the water supply from which you hold a right. This is true regardless of the fact that both the original source and the proposed new source are tributaries of the same stream. There is a possibility that your proposed new water supply would interfere with existing rights when the existing right under the permit does not so interfere. That would be true if the amount of water appropriated from the new source exceeds the amount available at the old point of diversion.

As an example and so that you may benefit by our thinking on this matter, if you were to apply for a change in point of diversion to a point lower down on Cave Creek that application probably would be granted but on condition that the amount of water you were to take at the new point of diversion should not exceed the amount which would be available at the old point.

Another point which controls our thinking in this matter is how far this principle could be expanded if we granted changes from one tributary to another. Under that concept we could approve a change from the Willamette River to the Deschutes River because they are both tributaries of the Columbia River.

Mr. Otto M. Brown

- 2 -

December 22, 1959

I suggest that the best procedure for you in this case is to file a new application for a permit describing the new source of water.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

LAS:EC  
Encs. 1

RECEIVED  
JAN 12 1958

STATE ENGINEER

BUREAU OF IRRIGATION

Returned by State 12/17/58

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Thomas J. Williams, for the United States of America

(Name of applicant)

of Oregon Caves National Monument, Medford, County of Jackson

(Postoffice)

State of Oregon, do hereby make application for change in point of diversion,place of use and use heretofore made of the water.

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is two small springs, tributary to Cave Creek, a tributary of Sucker Creek.

(Name of stream)

2. The use to which the water is applied is domestic, hotel supply and fire protection.

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is unnamed pipelineof lower spring4. The point of diversion is located 620 ft. S and 1090 ft. E from the SE

(N. or S.)

(E. or W.)

corner of Section 9 being within the NW 1/4 of NW 1/4

(Section or subdivision)

of Section 15 Tp. T 40 S R. R 6 W W. M., in the County of JosephinePoint of diversion of upper spring is located 820 ft. S and 1365 E of SE Cor. Sec. 9,T40 S, R 6 W. and up NE NW

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

| Twp. | Range | Sec. | NE 1-4 |        |        |        | NW 1-4 |        |        |        | SW 1-4 |        |        |        | SE 1-4 |        |        |        |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 40S  | 6W    | 9    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

X = place of non-irrigation use

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. What is the priority date of your water right? December 9, 19358. Was your water right acquired by State Engineer's Permit? Yes

(Yes or No)

of permit 11986

9. Do you hold a water right certificate? **Yes** If so, give number of certificate **11-11917**  
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?

**No** If so, give title of proceedings  
(Yes or No)

11. Is the water right recorded in your name? **No Oregon Caves National Monument but should be amended to show title in United States. See attached statement by David H. Canfield.**

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

| Twp.       | Range     | Sec.     | NE 1-4   |        |        |        | NW 1-4 |        |        |        | SW 1-4 |        |        |        | SE 1-4 |        |        |        |
|------------|-----------|----------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|            |           |          | NE 1/4   | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| <b>40S</b> | <b>6W</b> | <b>9</b> | <b>X</b> |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|            |           |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**X = place of non-irrigation use (domestic)**

(Attach separate sheet if necessary)

NOTE: Do not answer questions 12, 14, 15 and 16, if the application is not for change in point of diversion.

13. The proposed point of diversion is located **536** ft. **S** and **108** ft. **E** from the **NW** corner of **Section 10** being within the **NW 1/4 NW 1/4** of Section **10** Tp. **40S** R. **6W** W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.)  
in the county of **JOSEPHINE** The name of the ditch to be used is **unnamed pipeline**

14. Are you the owner of the land on which the proposed point of diversion is to be located? **Yes**

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.  
**Proposed point of diversion is on land of Siskiyou National Forest.**

**Right of way is covered by a Memorandum of Understanding between the United States Forest Service and the National Park Service, dated June 12, 1958 issued by H. C. Obye, Forest Supervisor, Siskiyou National Forest to Thomas J. Williams, Superintendent of Crater Lake National Park and Oregon Caves National Monument.**

16. Are there any diversions between your present point of diversion and the proposed point of diversion? **No**

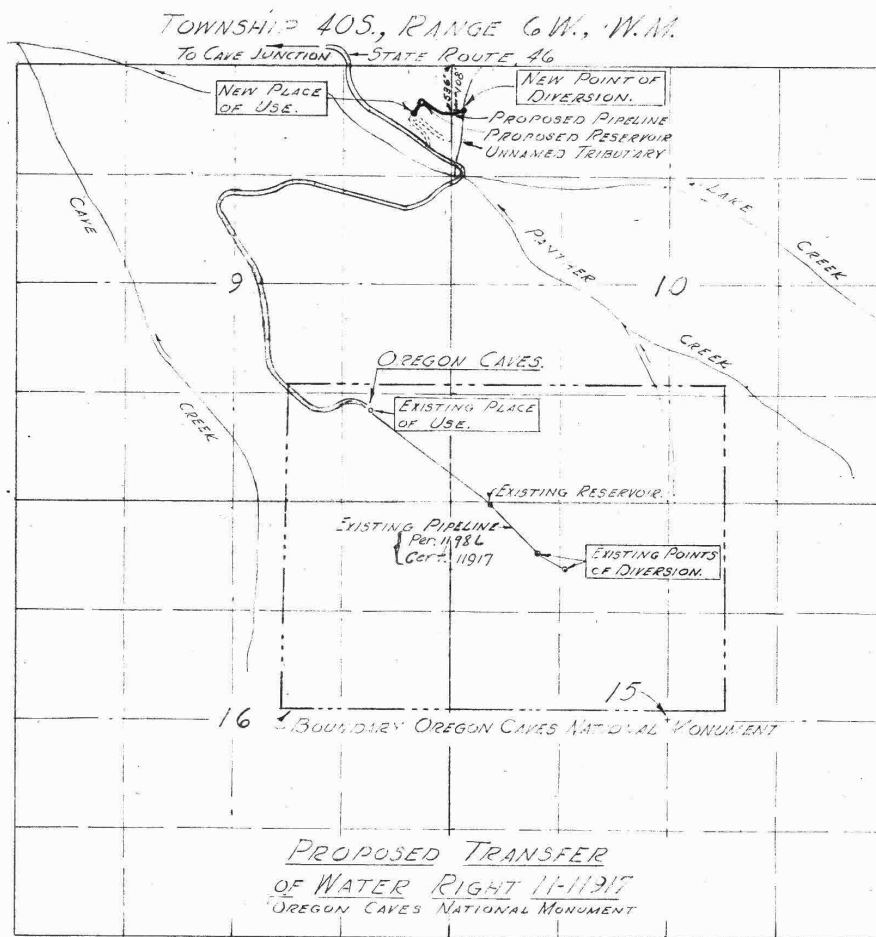
NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

17. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? **Yes**  
(Answer Yes or No)

18. If not, give below a description of existing encumbrances:

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
|                       |         |        |
|                       |         |        |
|                       |         |        |
|                       |         |        |

19. Reasons for the proposed changes are **Decentralization of population centers will require a water diversion closer to a proposed ranger station. Previous place of use will be supplied entirely from a separate supply from Lake Creek which supply is covered by Water Right Certificate No. 10 - 11631.**



SCALE 4"=1 MILE  
PREPARED BY: HMR  
3/19/58  
Revised 11/3/58

RECEIVED

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
ENGINEERING BRANCH  
PREPARED BY  
REGION III  
OFFICE



**AFFIDAVIT OF APPLICANT**

STATE OF OREGON,

County of Jackson } ss.

I, Thomas Williams, for the United States of America, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 9 day of DECEMBER, 1958.

Thomas Williams  
(Name of applicant)

Subscribed and sworn to before me this 9 day of December, 1958.

[Notarial Seal]

Mary Elizabeth Cronin  
NOTARY PUBLIC FOR OREGON

My commission expires Jan 1 1959.

Remarks Nothing herein shall constitute a waiver of any other rights which the United States may have to the same water.

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

**Map dated November 3, 1958 is attached.**

*Signed and submitted with letter  
of December 11, 1958 to State Engineer  
from Acting Superintendent R. K. Runkell  
J Spaulding 11/19/60*

**Application for Transfer  
of Water Right**

Name of applicant .....

Date filed .....

Date returned for further data .....

Date application completed .....

Date notice published .....

Date of hearing .....

Place of hearing .....

Date of final order  
of State Engineer .....

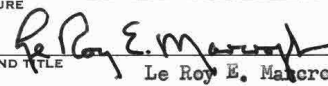
Date of issuance of certificate  
confirming change .....

Recorded in State Record of Water Right Certificates,

volume ....., page .....

Fees paid .....

Receipt No. ....

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                              |                                                                                               |                                                                    |                                                                                                                                                |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>METHOD OF PURCHASE:</b> FORM APPROVED<br>Budget Bureau No. 48-R101<br>Indicate Method by Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                              | UNITED STATES<br>DEPARTMENT OF THE INTERIOR<br>NATIONAL PARK SERVICE<br><b>PURCHASE ORDER</b> |                                                                    | THIS NUMBER MUST APPEAR ON ALL<br>PACKAGES AND PAPERS<br>RELATING TO THIS ORDER.<br>ORDER NO. <b>34-438</b><br>DATE <b>November 4, 1958</b>    |                    |
| 1. Federal Supply Schedule.<br>2. Bureau of Federal Supply Stock.<br>3. Excess Property Transfer.<br>4. Advertising (R. S. § 3709).<br>5. Other Exemption from R. S. § 3709.<br>6. Miscellaneous.<br>(See Bureau of Federal Supply Circular No. B69)                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                              | POINT OF ISSUE <b>180 New Montgomery Street<br/>San Francisco 5, California</b>               |                                                                    |                                                                                                                                                |                    |
| <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> OTHER BUSINESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                              | REQUISITION NO.                                                                               |                                                                    | APPROPRIATION SYMBOL AND TITLE<br><b>14X1035 Construction, NPS</b>                                                                             |                    |
| ACCOUNT<br><b>128.2 R0</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                              | TO: <b>State Engineer<br/>State of Oregon<br/>Salem, Oregon</b>                               |                                                                    | CONSIGNEE AND DESTINATION<br><b>National Park Service<br/>Region Four Office<br/>180 New Montgomery Street<br/>San Francisco 5, California</b> |                    |
| INVITATION NO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                              | CONTRACT NO.<br><b>O.M.</b>                                                                   |                                                                    | TIME FOR DELIVERY                                                                                                                              |                    |
| F.O.B. POINT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                              | SHIP VIA                                                                                      |                                                                    | GOV'T B/L NO.                                                                                                                                  |                    |
| ITEM NO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ARTICLES AND SERVICES                                                                                                                                                                                                        | QUANTITY                                                                                      | UNIT                                                               | UNIT PRICE                                                                                                                                     | AMOUNT             |
| 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Fees for the examination and recording<br>of a application to change the point<br>of diversion, place of use and purpose<br>of use of licensed water right, permit<br>No. 11986.<br><br>Examination Fee<br><br>Recording Fee |                                                                                               |                                                                    |                                                                                                                                                | 10.00<br><br>10.00 |
| INVOICING INSTRUCTIONS:<br>1. Itemize fully on your invoice forms and refer to this purchase order number.<br>2. Mail invoice in duplicate to the "point of issue."                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                              |                                                                                               | PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICE.              |                                                                                                                                                | TOTAL <b>20.00</b> |
| SIGNATURE<br>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                              |                                                                                               | NAME AND TITLE<br><b>Le Roy E. Macroft<br/>Procurement Officer</b> |                                                                                                                                                |                    |
| NONDISCRIMINATION IN EMPLOYMENT CLAUSE: In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. |                                                                                                                                                                                                                              |                                                                                               |                                                                    |                                                                                                                                                |                    |
| FORM 10-131 (REV. 2/57)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                              |                                                                                               |                                                                    |                                                                                                                                                |                    |

ORIGINAL

(1)

16—22900-3

#### METHOD OF ADVERTISING

- ### ABSENCE OF ADVERTISING

- NOTE.—The above form "Method of or Absence of Advertising" is to be used when purchases are made or services secured under proper authority without written agreement in any form. In case of a written agreement (formal contract, proposal, and acceptance, or less formal agreement) Standard Form No. 1036—Revised should be used for abstracting the method of or absence of advertising and award of contract. (See General Regulations No. 51, as amended.)



Standard Form No. 1143—Revised  
Form prescribed by  
Comptroller General, U. S.  
January 2, 1951  
Gen. Reg. No. 109—Rev., Supp. No. 1

## ADVERTISING ORDER

No. \_\_\_\_\_

U. S. \_\_\_\_\_, 19 \_\_\_\_\_

The Publisher of \_\_\_\_\_

## AUTHORITY TO ADVERTISE

Date \_\_\_\_\_, 19\_\_\_\_\_

No. \_\_\_\_\_

Sir:

You are hereby authorized to publish the enclosed advertisement relating to \_\_\_\_\_

to be set solid, without paragraphing, and without any display in the heading unless otherwise expressly authorized in the specifications attached to the advertisement, in the \_\_\_\_\_ edition of your paper, \_\_\_\_\_ times, prior to \_\_\_\_\_ or on \_\_\_\_\_

(Give date on which publication is desired)

provided your rates are not in excess of the commercial rates charged to private individuals, with the usual discounts.

Respectfully,

## INSTRUMENT OF ASSIGNMENT

Date \_\_\_\_\_, 19\_\_\_\_\_

No. \_\_\_\_\_

Title \_\_\_\_\_

## INSTRUCTIONS TO PUBLISHERS

Extreme care should be exercised to insure that the specifications for advertising to be set other than solid be definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order and copies of both documents will be transmitted to the General Accounting Office with the voucher. The following is a sample of solid line advertisement set up in accordance with the usual Government requirements.

TREASURY DEPARTMENT, Office of the  
Supervising Architect, Washington, D. C., May 16,  
1913.—Sealed proposals will be received at this office  
until 3 o'clock p. m. on the 20th day of June, 1913,  
and then opened, for an electric vault-protection  
system in the United States post office at Indian-  
apolis, Ind., in accordance with the specification,  
copies of which may be had at this office or at the  
office of the custodian at the discretion of the Super-  
vising Architect, O. Wenderoth, Supervising Archi-  
tect.

Your bill for this service should be rendered upon the voucher form printed on the reverse hereof immediately after the last insertion of the advertisement. The voucher, together with a marked copy of each issue of the paper containing the advertisement, should be addressed to \_\_\_\_\_

\_\_\_\_\_ If copies of the publication are not available, it will be satisfactory if an affidavit of publication is furnished in lieu thereof.

## IMPORTANT

Charges for advertising when a cut, matrix, stereotype, or electrotpe is furnished will be based on actual space used and no allowance will be made for shrinkage.

In no case shall an advertisement extend beyond the date and edition herein named for publication.

1 FINANCE BUILDING  
10 12TH STREET S.E.



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

December 17, 1958

Mr. R. L. Rundell  
Acting Superintendent  
Crater Lake National Park and  
Oregon Caves National Monument  
Medford, Oregon

Re: Your file L-54

Dear Mr. Rundell:

This will acknowledge receipt of your letter of December 11  
submitting the following attachments:

1. Application for Transfer of Water Right
2. Affidavit of David H. Canfield relating to  
the appropriation of public waters for use  
at Oregon Caves National Monument
3. Purchase Order 34-438 for examination and  
recording fees
4. Voucher for examination and recording fees
5. Voucher for advertising.

From an examination of the application it appears that you  
desire to change the point of diversion to an entirely different  
source and not actually change the use, place of use and point of  
diversion of the water involved in the original appropriation.  
The source of supply cannot be changed through an application for  
transfer of water right. Since it will be a new appropriation from  
a different source, an application for a permit should be filed in  
this office. Blank form for this purpose is being enclosed.

The enclosures or attachments mentioned above are being  
returned herewith.

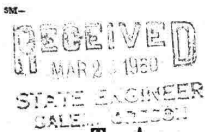
Very truly yours,

LEWIS A. STANLEY, State Engineer

By  
Max F. Rogers, Deputy

MFR:VR  
Enc.

*Explore Oregon...Centennial Exposition June 10-September 17...1959*

Permit No. 26663

## \*APPLICATION FOR PERMIT

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

I, Otto M. Brown, for the United States of America  
 of Oregon Caves National Monument, Box 672, Medford,  
 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 unnamed stream, tributary to Lake Creek,  
 a tributary of Cave Creek, a tributary of Sucker Creek  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is .01  
 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 domestic and fire protection  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 536 ft. S. and 108 ft. E. from the N.W.  
 corner of Section 10, Township 40 S, Range 6 W, WM  
(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 NW 1/4, NW 1/4 of Sec. 10, Tp. 40 S.  
(Give smallest legal subdivision) (N. or S.)

R. 6W, W. M., in the county of Josephine  
(E. or W.)

5. The pipeline to be 1039  
(Main ditch, canal or pipe line) (Miles or feet)  
 in length, terminating in the NE 1/4, NE 1/4 of Sec. 9, Tp. 40S.  
(Smallest legal subdivision) (N. or S.)  
 R. 6W, 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 \_\_\_\_\_ feet, length on top \_\_\_\_\_ feet, length at bottom \_\_\_\_\_ feet; material to be used and character of construction underground infiltration  
 system in stream bed consisting of 50 feet of open joint pipe.  
(Loose rock, concrete, masonry)  
 rock and brush, timber crib, etc., wasteway over or around dam

(b) Description of headgate None  
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description not pumped.  
(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.

\*Application 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.

Sp. 01/14 7-27-34 1112  
 50/14 Cr.

(i) The nature of the mines to be served .....

Municipal or Domestic Supply

26663

10. (a) To supply the city of .....  
 ..... County, having a present population of .....  
 (Name of)  
 and an estimated population of ..... in 19.....

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

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

11. Estimated cost of proposed works, \$10,200.....  
 12. Construction work will begin on or before July 1, 1959.....  
 13. Construction work will be completed on or before June 30, 1960.....  
 14. The water will be completely applied to the proposed use on or before July 1, 1960.....

  
 Otto M. Brown (Signature of applicant)  
 Supt., Oregon Caves National Monument

Remarks: Water is to be appropriated by the United States and is to be  
 used by the National Park Service within Siskiyou National Forest under a  
 Memorandum of Understanding between the United States Forest Service and the  
 National Park Service, dated June 12, 1958, issued by H. C. Obye, Forest Supervisor,  
 Siskiyou National Forest to Thomas J. Williams, Superintendent of Crater Lake  
 National Park and Oregon Caves National Monument.

Nothing herein shall constitute a waiver of any other rights which  
 the United States may have to the same water.

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 correc-  
 tions on or before ....., 19.....

WITNESS my hand this ..... day of ....., 19.....

STATE ENGINEER

By .....  
 ASSISTANT

## PERMIT

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

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 0.01 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 unnamed stream.

The use to which this water is to be applied is domestic use of one family and fire protection.

If for irrigation, this appropriation shall be limited to - - of one cubic foot per second or its equivalent for each acre irrigated

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 March 23, 1960

Actual construction work shall begin on or before May 13, 1961 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1962

Complete application of the water to the proposed use shall be made on or before October 1, 1963

WITNESS my hand this 13 th day of May, 1960

Lewis A. Stanley  
STATE ENGINEER

Application No. 33771  
Permit No. 26663

## PERMIT

TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 23 day of March,  
1960, at 4:00 o'clock P. M.

Returned to applicant:

Approved:

May 13, 1960

Recorded in book No. 72  
Permits on page 26663

LEWIS A. STANLEY

STATE ENGINEER

Drainage Basin No. 15 page 79

Fees 20.00

State Printing 9837

Land History

Region Four  
180 New Montgomery Street  
San Francisco 5, California

May 9, 1958

L-54  
Whitworth  
Moffatt  
Manbey

FILE COPY

Memorandum

To: Superintendent, Crater Lake National Park  
From: Acting Regional Chief of Operations, Region Four  
Subject: Water Rights for Proposed Ranger Residence, Oregon Caves

Thank you for your memorandum of May 5, giving us information requested by Mr. Dunn in his memorandum of January 8, on the above subject.

In reviewing past correspondence relative to this subject and more particularly, paragraph No. 3 of Mr. Dunn's January 8 memorandum, it appears that not only is the land between the Monument and the confluence of Cave Creek and Lake Creek within the Siskiyou National Forest but, apparently, based on State Engineer Stanley's letter of May 2, there are no privately owned claims to the use of the waters of this watershed between the confluence of Cave Creek and Lake Creek and the proposed diversion for the Ranger residence. Thus, it appears that it might be advisable to transfer rights accruing from the Cave Creek diversion to the new diversion.

We hope that Mr. Spaulding will be able to get to Oregon Caves this summer or fall, at which time the matter can be reviewed further if it then appears necessary to do so.

G. F. WHITWORTH

George F. Whitworth  
Acting Regional Chief of Operations

Copy to: Director  
Chief, WODC

cc: Johnston  
cc: Spaulding (later) AH  
GFWhitworth:hat

2ND FINANCE BUILDING  
120-12TH STREET, S.E.



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM  
May 2, 1958

3336  
15515  
REFER TO  
FILE NO. 16177

*Recd 5/3/58 en*

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

Attention Mr. Thomas J. Williams

Gentlemen:

In addition to the two rights of the National Parks Service, we have on record a certificate recorded on Page 2441, State Record of Water Rights Certificates, which was issued December 4, 1919 and confirmed the right to the use of not to exceed 7.0 cubic-feet per second of water from Cave Creek for placer mining in Township 40 South, Range 6 West, W.M., under a date of priority of December 10, 1913.

In the decree of the court in the Matter of the Determination of the Relative Rights to the use of the waters of Sucker Creek and its tributaries, a right was allowed in the name of Frank B. Barriok which granted the right to the use of not to exceed 0.05 cubic-foot per second from Cave Creek for the irrigation of one acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 39 South, Range 7 West, W.M. and one acre in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 1, Township 40 South, Range 7 West, W.M., and for 2.5 cubic-feet per second for placer mining in Section 1, Township 40 South, Range 7 West, W.M. and Section 6, Township 40 South, Range 6 West, W.M. and known as the Hearst Placer claims, under a date of priority of 1907.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Chris L. Wheeler, Assistant

CLW:eh

Administrative Agreements

Director  
Oregon Caves Natl. Mon.  
Part 1  
C  
O  
P  
Y

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, FOR THE USE OF LANDS WITHIN THE SISKIYOU NATIONAL FOREST FOR CONSTRUCTION AND MAINTENANCE OF A PERMANENT PARK RANGER RESIDENCE AND RELATED FACILITIES.

WHEREAS, the National Park Service, United States Department of the Interior, desires to construct and maintain residences and related facilities on lands within the Siskiyou National Forest, and

WHEREAS, the Forest Service, United States Department of Agriculture, is desirous of making available to the National Park Service, United States Department of the Interior, the use of the desired national forest lands for this purpose;

NOW, THEREFORE, the Forest Service, United States Department of Agriculture, herein referred to as the Forest Service, acting by and through the Forest Supervisor, Siskiyou National Forest, Grants Pass, Oregon, and the National Park Service, United States Department of the Interior, herein referred to as the Park Service, acting by and through the Superintendent, Crater Lake National Park, Medford, Oregon, agree as follows:

- A. 1. Grant permission, subject to all valid existing claims and to limitations included herein, to the Park Service for the use of lands in the Siskiyou National Forest, as shown on the attached map for the purpose of constructing, improving, maintaining, and using a permanent Park Ranger Residence, together with necessary related facilities, such as a driveway into said residence from the adjacent State Highway, a two-inch pipeline from Lake Creek, storage tank for domestic water, telephone and electric lines, septic tank and drain field, all within the NE- $\frac{1}{4}$  Sec. 9 and NW- $\frac{1}{4}$  Sec. 10, T. 40 S., R. 6 W., W.M., Oregon.
2. Cooperate fully with the Park Service in all matters relating to the use and administration of national forest lands covered by this Memorandum of Understanding hereinafter referred to as Memorandum.
- B. The Park Service Will:
  1. Prior to use and occupancy of national forest lands, will establish liaison with the Forest Supervisor of the Siskiyou National Forest, Grants Pass, Oregon, and all matters relating to such use of national forest lands will be taken up directly with the forest supervisor.
  2. Will, prior to undertaking actual construction work, obtain review and approval by the forest supervisor of the proposed plans for all construction or betterment in the interest of affording adequate protection to national forest resources.

submitted for docket with  
whitened memo of Nov. 18, 1959  
@ 4/2/60

C  
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P  
Y

3. Will take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulations without the written consent of the forest supervisor, or his authorized representative.
4. Make available Park Service personnel on the project area for fire suppression activities in the immediate area where their use will not interfere with Park Service operations and when such use is approved by the Superintendent, Crater Lake National Park.
5. Will, as directed by the Forest Service, cut into specified log lengths and deck for disposal by the Forest Service, any and all merchantable timber which is cut from the national forest lands occupied hereunder. This material will be disposed of by the Forest Service unless needed by the Park Service for use on the area covered by this Memorandum. Unmerchantable material, including tops, branches, etc., shall be piled and burned as directed by the forest supervisor.
6. Will obtain all necessary permits involved, such as water rights, access to State Highway, electric and telephone connections.
7. Will construct all buildings to recognized high standards and will observe recognized Oregon State sanitary requirements in the construction and maintenance of septic tanks and disposal fields.
8. Will permit no unsightly conditions to develop in the area during its use nor unsanitary conditions to exist.

The Forest Service and the Park Service mutually agree:

1. That this Memorandum shall automatically terminate three months after receipt of written notice from the Park Service stating that the lands within the terms of this Memorandum are no longer needed for the intended purpose, and shall revert to and re-vest in the Forest Service without further formality as if this agreement had never been executed.
2. This Memorandum may be amended by the mutual consent of the Forest Service and Park Service.
3. That upon termination of this Memorandum, the Park Service may remove any improvements that have been erected. Prior to removal of improvements, removal plans will be submitted for review and approval.

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Y

of the Forest Service so that damage to the underlying real property may be held to a minimum. If determination is made to leave said improvements in place, the Park Service to the extent that it may lawfully do, will transfer said improvements to the Forest Service.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

By /Sgd./ H. C. Obye

Title Forest Supervisor

June 12, 1958  
(Date)

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

By /Sgd.) Thos. J. Williams

Title Superintendent

June 28, 1958  
(Date)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
Crater Lake National Park  
Medford, Oregon

IN REPLY REFER TO:

L-54 *Orca*

|                        |      |
|------------------------|------|
| <b>RECEIVED</b>        |      |
| NPS REGION FOUR OFFICE |      |
| DEC 18 '57             |      |
| December 16, 1957      |      |
| SURNAME                | DATE |
| REG. DIR.              |      |
| ASST. R.D.             |      |
| OPERATIONS             |      |
| ADMIN.                 |      |
| RECREATION             |      |
| OTHER                  |      |
| LEGAL                  |      |

Memorandum

To: Regional Director, Region Four

From: Superintendent, Crater Lake

Subject: Water Rights for Proposed Ranger Residence, Oregon Caves National Monument

Mr. Johnston's memorandum of November 29 requests certain information pertaining to water rights data for the new ranger residence at Oregon Caves National Monument.

We shall comment on the questions as listed in the above mentioned memorandum:

1. Engineer James T. Brooks of WODC has the information on the location and elevation of points of diversion and place of use.
2. Mr. Brooks stated that he will provide the information covering the proposed water system with size of diversion works, length and size of pipeline and capacity of storage tank.
3. Under the new prospectus for Oregon Caves, there will be a maximum of two families in this residential area. Therefore, 0.02 cubic foot per second of use should be sufficient.
4. Construction will be undertaken in July 1958 and completed that summer if the project is retained in the 1959 program. Mr. Brooks has promised to secure the data pertaining to cost of the water system.
5. We recall that Mr. Brooks stated the stream flow to be 8 gallons per minute.

Mr. Brooks has one copy of the map which was enclosed with your memorandum. Therefore, by copy of this memorandum, we are requesting that he mark the map with the location of the stream involved, together with the proposed point of diversion and the place of use.

*action on water right can be prepared - see attached*  
*12-26*  
*Land*  
*12/21/57*

The stream in question is small and not named and does not appear on the map. It empties into Lake Creek, which in turn flows into Cave Creek, thence into Sucker Creek and finally into Grayback Creek.

The former Cave Creek diversion, under water rights Certificate No. 11,917 as described on page 17 of the MISSION 66 prospectus dated November 15, 1957, is closed entirely. Therefore, there are no known existing diversions on Cave Creek within the present boundary nor within the proposed boundary extension.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Thomas J. Williams", with a long horizontal flourish extending to the right.

Thomas J. Williams  
Superintendent

Copy to: Director (2)  
Chief, WODC  
Engineer Brooks, WODC

File Docket 2 WRCB

March <sup>21</sup> 10, 1960

L54

Spaulding JSS

McGlellan

Whitworth

Manbey OFM

Wosky JSS

Memorandum

To: Superintendent, Oregon Caves  
From: Regional Chief of Operations, Region Four  
Subject: Water Right Application, Ranger Residence, Docket 2,  
Oregon Caves National Monument

Attached are an application and supporting material for the appropriation of water for use at the ranger residence of Oregon Caves National Monument. The attachments are:

1. Original Application
2. Tracing of drawing NMOC 2101, Ranger Residence Water System
3. Purchase Order No. 34<sup>390</sup> to State Engineer for examination and recording fees.
4. Voucher for examination and recording fees
5. Apeco copy of Application
6. Two prints of drawing NMOC 2101

Items 1, 2, 3, 4, and one print of NMOC 2101 have been assembled for submission to the State Engineer. If satisfactory, the application should be signed and mailed to the State Engineer. The State Engineer should be asked to sign and return the voucher for payment. The copy of the application and one print of NMOC 2102 are for your file.

The final form of the application has not been changed from the draft distributed for review on January 5. We appreciate receiving your views expressed in your memorandum of March 1. Your views and Mr. Dunn's of January 28 and March 4 received consideration in the preparation of the final form of the application.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Attachments

Copy to: Director (2) (with copy of application & map)  
Chief, WOBC (2) (with copy of application & map)

LSSpaulding:lq

0512 Doc 2

154

February 19, 1960

*Signed*  
~~Spaulding~~ *ISS*  
 McClellan *get it after 2 PM*  
 Whitworth  
 Manbey *B/E*  
 Wosky *W*

Memorandum

To: Superintendent, Crater Lake  
 From: Regional Chief of Operations

Subject: Water Right for Ranger Residence, Docket 2, Oregon Caves

The memorandum of January 28, 1960 from Acting Chief Berte of the Water Resources Section which we received on February 18 comments on the State's rejection of transfer of rights under Certificate 11-11917 and asks reconsideration of three questions concerning a proposed new application. A draft of the new application under discussion was sent you with a copy of our memorandum of January 5.

For your information as to the requirements of filing a water right application we are attaching a copy of "Rules and Regulations of the State Engineer," 1958 edition.

In regard to Mr. Dunn's question No. 1 concerning the use to which water is to be applied we prepared the draft of the application and decided on uses on the basis of Master Plan drawing WROC 2053. According to the drawing water is to be provided for the use of a one family residence with no expansion contemplated. Since a fire hydrant was being provided near the road we presumed some use might be made of the facility for filling water tanks of fire trucks as well as use for fire protection in the immediate vicinity. In preparing the draft we considered that listing irrigation as a use would not be proper because proposed development seemed limited in extent and the State provides under domestic use for the irrigation of a lawn and garden not exceeding 1/2 acre. (See Page 10 of the attached Rules and Regulations.) However, we are not adverse to listing irrigation as a use if an appreciable area is to be planted. (In this regard we note that PCP M-14-1 proposes seeding and planting of approximately one acre.) We would like to know if we have overlooked any other use which may have been planned for the system.

Question two asks reconsideration of the quantity of water (0.01 cfs) listed on the new application, reasoning that a portion or all of the 0.035 cfs right we now have under Certificate 11-11917 can be saved by the new application. We do not believe any of the old right will be retained and transferred to the new site by the filing of a new application. The quantity of water listed on the draft (0.01 cfs, equal to 8463 gallons per day) was selected solely on

COPY FILE

needs at the new site and is amount considered by the State to be sufficient for one family. (See Page 18 of the Rules and Regulations.) We believe that this quantity is more than adequate for the ranger residence development, described on the master plan. Unless there are uses we have overlooked showing proof of beneficial use of even 0.01 cfs may be difficult.

Thirdly, Mr. Dunn asks consideration of the adding of a paragraph stating that the new application has the nature of a transfer of rights. We have no objection to adding the paragraph.

Please let us have your comments on these three questions. Unless you think otherwise we propose to leave the quantity and uses (Questions 2, 3 and 8 of the application) as stated in the draft of January 5, 1960. A copy of this memorandum together with Mr. Berte's memorandum is being submitted to Field Solicitor McClellan for his comment.

(SGD) JOHN B. WOSKY  
Regional Chief of Operations

Attachment

Copy to: Director (2)  
Chief, WDC (2)  
Field Solicitor McClellan (with copy of Berte's memo)

LSPaulding:lq



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

January 28, 1960

IN REPLY REFER TO:

L54-OBL

|                        |      |
|------------------------|------|
| <b>RECEIVED</b>        |      |
| NPS REGION FOUR OFFICE |      |
| FEB 18 '60             |      |
| SURNAME                | DATE |
| REG. DIR.              |      |
| ASST. R.D.             |      |
| OPERATIONS             |      |
| ADMIN.                 |      |
| RECREATION             |      |
| INTERP.                |      |
| RANGER ACT             |      |

Memorandum

To: Regional Director, Region Four

From: Acting Chief, Water Resources Section

Subject: Application for Transfer of Water Rights Under License 11-11917,  
Docket 2 to new Ranger Residence, Oregon Caves

The letter of December 22, 1959, from the State Engineer, with the memorandum of January 5 from Mr. Maier, indicates that the application for transfer is rejected because of possible conflicts with other diversion between the old and new points of diversion. The Park Service indicated in answer to question 16 on the application that there were no other diversions on the two tributaries above their confluence, on the Federal land which is partially within the Monument, and partially within the adjacent Forest. The Park Service also submitted copy of the agreement of June 1958 for the NPS use of Forest Service land, which may be considered to eliminate potential Forest Service protest.

Publication of the notice of the application, as prescribed by state law, would permit any other appropriator to challenge the answer to question 16, and the anticipated lack of protest would prove that the change would not be injurious to other appropriators. Hence, we consider the State Engineer's reason for rejection unjustified. However, we doubt if the Solicitor or Department of Justice would care to fight any protest, if one were offered.

The alternative application for a new appropriation as revised January 5, 1960, is nominally satisfactory, but three questions should be reconsidered:

1. The domestic use of 0.01 sec.ft. is based on at least some water use for lawn irrigation. Answer to question 3 should be domestic, incidental irrigation and fire protection, and the answer to question 8 should be the same with the further statement that only normal type of hose irrigation of lawns and shrubbery are contemplated. This portion of the claim may not be exercised, but only about 250 gpd would be justified for the normal residence if there were no irrigation, fire protection, car washing and such uses.

2. License 11-11917 authorizes the use of 0.035 with 0.025 sec.ft. from one spring, and 0.01 sec.ft. from the other. We understand that the Cave Creek springs are no longer to be used. Hence the new application for only 0.01 sec.ft. will constitute abandonment of rights to 0.025 sec.ft., either by allowing them to lapse, or by possible declaration. Hence, the new claim should be for as much of 0.035 sec.ft. as may conceivably be used, and consideration should be given to the disposition of the rights to the rest of the water. We believe Oregon still recognizes the need for 1.0 sec.ft. or 80 acres as minimum.

3. The application for new appropriation will be published, just as the application for change in point of diversion would be. There may be considerably more reason for protest of a new application by appropriators further down stream. For this reason, subject to concurrence, and possible editing by the Field Solicitor, we suggest that the following statement be added under "Remarks" on page 3, as a second paragraph to precede the statement concerning nonwaiver of other rights:

"This application and appropriation constitute a change in point of diversion and place of use in the drainage of Cave and Lake Creeks, above their confluence, the diversion and use of waters tributary to Cave Creek under Application 16177, Permit 11986, Certificate 11-11917 will be reduced by an equivalent amount, and there are no other appropriations from the two streams between the old and new sources and the junction of the two streams."

These comments will not make it necessary to have further Washington Office approval of the application to be filed. Your decision will be satisfactory if they are considered. This has been prepared by Mr. Dunn, just before leaving for Everglades.

*Victor A. Berte-*

Victor A. Berte  
Acting Chief, Water Resources Section

Copy to: Superintendent, Oregon Caves  
Chief, WODC (2)

614 0513 100 2

154

LSS

~~Spaulding~~

McClan

Manbey <sup>BFH</sup>

Wos

Maier

January 5, 1960

Memorandum

To: Director  
From: Assistant Regional Director  
Subject: Application for Transfer of Water Rights for Ranger Residence, Pocket 2, Oregon Caves

Attached are copies of the following:

1. Letter of December 22 from Oregon State Engineer Lewis E. Stanley to Superintendent Brown, returning our application for transfer of our Cave Spring water right to the new ranger residence.

2. Memorandum of December 24 to this office from Superintendent Brown returning all the papers we had submitted to the State.

3. Revised draft dated January 5, 1960 of an Application to appropriate the water of the unnamed stream serving the ranger residence.

Attachment 1 gives the State's reasons for not accepting our petition to transfer our existing Cave Spring water right to serve the new ranger residence and suggests that the best procedure is to file a new application.

Mr. Dunn had suggested by memorandum of February 4, 1959 that in the event the State again rejects the transfer (which has occurred) that a new application would be necessary. We have, therefore, revised the application form dated January 2, 1959 sent you with our memorandum of January 2, 1959. The first paragraph under "Remarks" has been changed as Mr. Dunn suggested but we have left the amount to be appropriated at 0.01 cfs. This flow amounts to 6463 gallons per day and is the amount the state of Oregon considers sufficient for the use of one family. We know of no additional use for water which would justify increasing the amount.

If the draft is satisfactory, we will prepare it in final form for submission by Superintendent Brown.

(SGD) HERBERT MAIER

Assistant Regional Director

Attachments

Copy to: Superintendent, Oregon Caves (w/cy of application)

Copy to: Chief, WASC (2) (w/cy of application)  
LSSpaulding:bat

FILE COPY



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
Crater Lake National Park  
Medford, Oregon

October 30, 1958

Memorandum

To: Regional Director, Region Four  
From: Superintendent, Crater Lake

Subject: Application for Transfer of Water Rights for Ranger  
Residence, Docket 2, Oregon Caves

We are listing below further information requested in  
Mr. Whitworth's memorandum of October 16 and Mr. Dunn's memorandum  
to you of October 7 pertaining to the Oregon Cave application  
for transfer of water rights.

Question No. 13, pertaining to the survey tie, should  
read as follows:

"The proposed point of diversion is located 535.68  
feet S and 108.07 feet E from the NW corner of Section 10,  
etc., etc."

This information was obtained by Engineers Tibey and  
Holmes from surveys on the ground.

Question No. 15 - The last sentence should be changed  
to read as follows:

"Right of way is covered by a Memorandum of Understanding  
between the United States Forest Service and the National  
Park Service, dated June 12, 1958 issued by H. C. Obye,  
Forest Supervisor, Siskiyou National Forest to Thomas J.  
Williams, Superintendent of Crater Lake National Park and  
Oregon Caves National Monument."

*Thomas J. Williams*

Thomas J. Williams  
Superintendent

Copy to: Director  
Chief, WODC

IN REPLY REFER TO:

L54

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NPS REGION FOUR OFFICE

NOV-3-58

|            | SURNAME | DATE |
|------------|---------|------|
| REG. DIR.  |         |      |
| ASST. R.D. |         |      |
| OPERATIONS |         |      |
| ADMIN.     |         |      |
| RECREATION |         |      |
| INTERP.    |         |      |
| LEGAL      |         |      |

✓LANDS

Whitworth

Spaulding  
L55 10/3

see memo to  
Supt. of 4/5  
12/1



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WESTERN OFFICE, DESIGN AND CONSTRUCTION  
1000 GEARY STREET, SAN FRANCISCO 9, CALIFORNIA

IN REPLY REFER TO:

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| December 30, 1957      |      |
| SURNAME                | DATE |
| REG. DIR.              |      |
| ASST. R.D.             |      |
| OPERATIONS             |      |
| ADMIN.                 |      |
| RECREATION             |      |
| INTERP.                |      |
| LEGAL                  |      |

## Memorandum

To: Regional Director, Region Four

From: Supervisory Engineer, WODC

Subject: Water Rights for Proposed Ranger Residence, Oregon Caves  
National Monument

As requested in a memorandum dated December 16, 1957, from the Superintendent, Crater Lake National Park to you, copy of which was sent to this office, we are sending you the copy of the map he referred to and also a print of Drawing No. NM-OC-3108, "Proposed Water System for Residence, Residential Area, Oregon Caves Nat'l Mon.", which has on it most of the information you requested from the Superintendent in your memorandum dated November 29.

We have put a 5,000-gallon storage tank in the system to provide some fire protection and to have a means of chlorination if the water requires it.

The cost is estimated as follows:

|                                                                  |                   |
|------------------------------------------------------------------|-------------------|
| 10' Deep Leaching Trench with drain tile - 50 Lin.Ft., @ \$10.00 |                   |
| per Lin. Ft.                                                     | \$ 500.00         |
| Sand and Gravel for a Filter - 60 C.Y. @ \$8.00 per C.Y.         | 480.00            |
| 2" G.S. Pipe - 1,250 Lin.Ft., @ \$2.50 per Ft.                   | 3,125.00          |
| Tank - 5,000-gallon                                              | 2,000.00          |
| Valves, etc.,                                                    | 395.00            |
| <b>Total</b>                                                     | <b>\$6,500.00</b> |

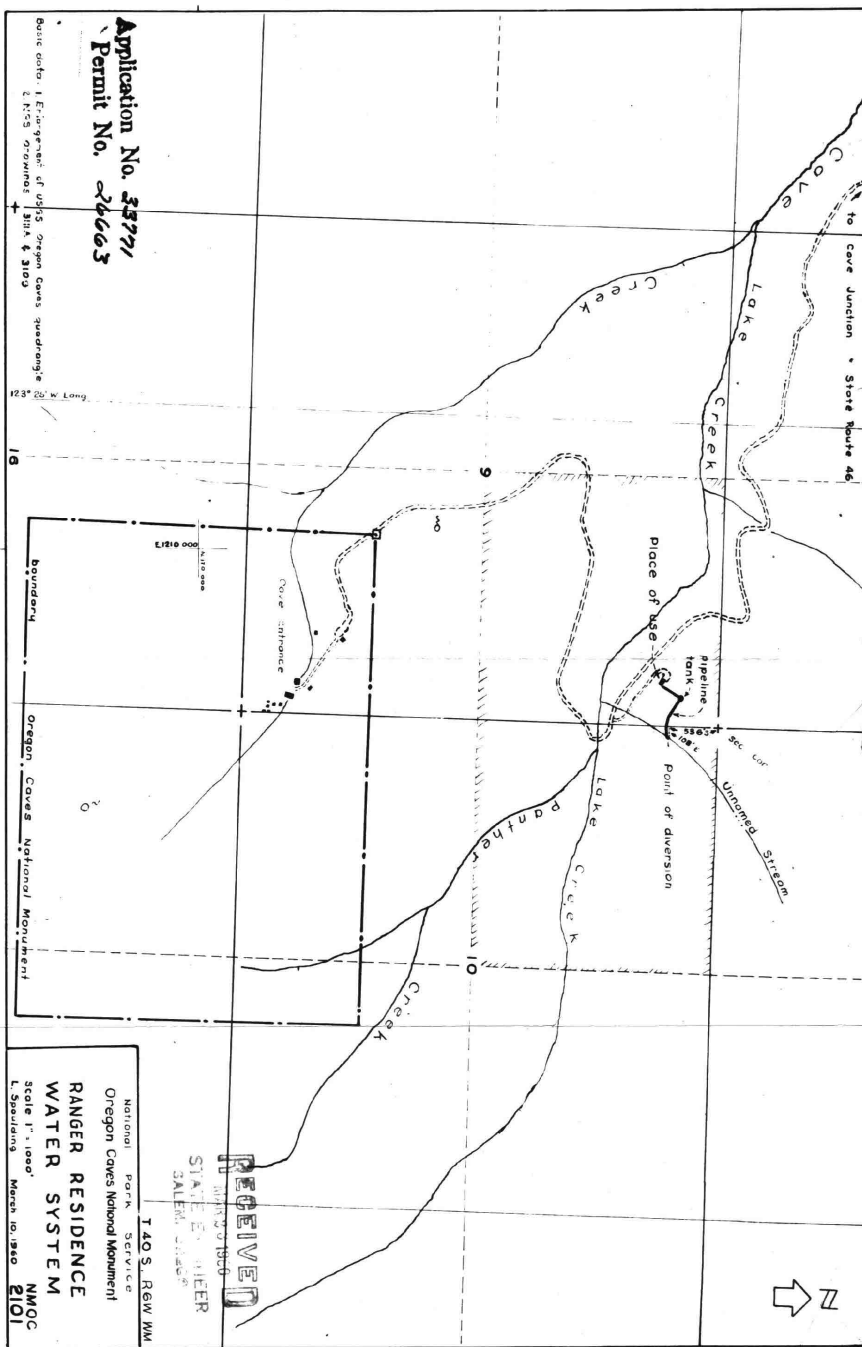
P. E. Smith  
Supervisory Engineer

In duplicate

Attachments

Copy to: Director  
Supt., Crater Lake NP w/two attachments

Maps and Miscellaneous Information



|                               |            |    |           |
|-------------------------------|------------|----|-----------|
| Number of Documents in Docket | 38         |    |           |
| Documents Dated from          | 10/30/1957 | to | 5/23/1960 |
| Docket Compiled:              | 6/3/2011   |    |           |