

Name Donald and Ruth Rencken

4213

DESCRIPTION OF WATER RIGHT

By \_\_\_\_\_

Address Route 2, Box 191

Milton-Freewater, OR 97862

Change in POD

Date filed May 3, 1979

Date of hearing Feb 20, 1980

Place of hearing Pendleton

Date of order 2-25-80 Vol. 33, page 30

Date for application of water complete

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream East Branch Mud Creek

Trib. of \_\_\_\_\_ County of Umatilla

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres 10<sup>2</sup>

Name of ditch Sporeleader

Date of priority 1892

In name of Frank Sporeleader

East Br. Mud Creek Adjudication, Vol. 1, page 58

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 31

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-3-79</u>	<u>85<sup>00</sup></u>	<u>10700</u>
TOTAL . . .		
	Cert. Fee	
<u>Valley Herald \$27.77 pd 2/20/80 ck # 4053</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>2/20/80</u>	<u>22<sup>23</sup></u>	<u>4054</u>

Ex 20<sup>00</sup>  
POD 15<sup>00</sup>  
Per 27<sup>77</sup>  
62<sup>77</sup>

Surveyed 10/8/80 -  
Back for Reels 4/86  
to survey 2/80  
Surveyed 3/14/87 - Rencken

REMARKS

W.R.I.S.

Assembled 5-2-85 by WJA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

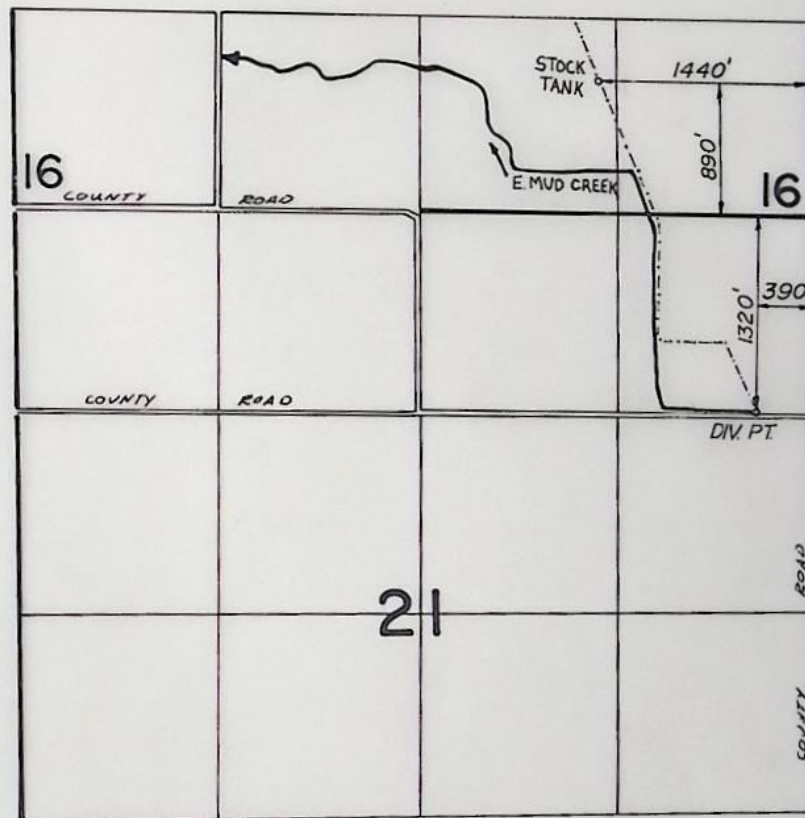
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Stream	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>WJA</u>	_____
CHECKED T. RECORDS:		
<input checked="" type="checkbox"/> Twp. & Tgo.	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Decree-map	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Cert. of W.R.	_____	_____
<input checked="" type="checkbox"/> Per. Folder	_____	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>WJA</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>WJA</u>	_____



T. 6N., R. 35E. W.M.



Scale 1"=1320'



**FINAL PROOF SURVEY**  
UNDER

TRANSFER 4213  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

.....DONALD & RUTH RENCKEN.....

Surveyed 10-8-1980, by V. Church  
3-16 87

REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN:

POD

POU

USE

Add'l POD

Transfer NO. 4213

County Umatilla

Old Certificate NO. 31

1. Name Donald & Ruth Pencken

Address Rt 2, Box 191, Milton-Freewater, OR 97862

2. Source of Supply E. Br. Mud Cr., Trib of Walla Walla River

3. Use stock & irrigation

4. Amount of Water 0.13 cfs Priority Date 1892

5. Proposed Point of Diversion for stock 270' N + 1230' W from SE Cor

See 16, w/in <sup>NW</sup> SESE, S. 16 + in from <sup>1320' S</sup> 30' N + <sup>390'</sup> 350' W from  
SE cor of NE 1/4 NE 1/4, See <sup>16</sup> 21, w/in NENE, S. 21, T 6N, R 35E, w/in

6. Completion Date Completed

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
6N	35	16	SWSE	11° - C 29
				4° C 3199
				10° - C 31 (Tr. 4213)
				<del>11°</del> - <del>11-224</del>
				<del>04</del> - <del>G 847</del>
				10° G 4169
				12° - Tr. 4243

G-5642  
G-3247

NE 5mm-29  
10-8-80  
5-16-87



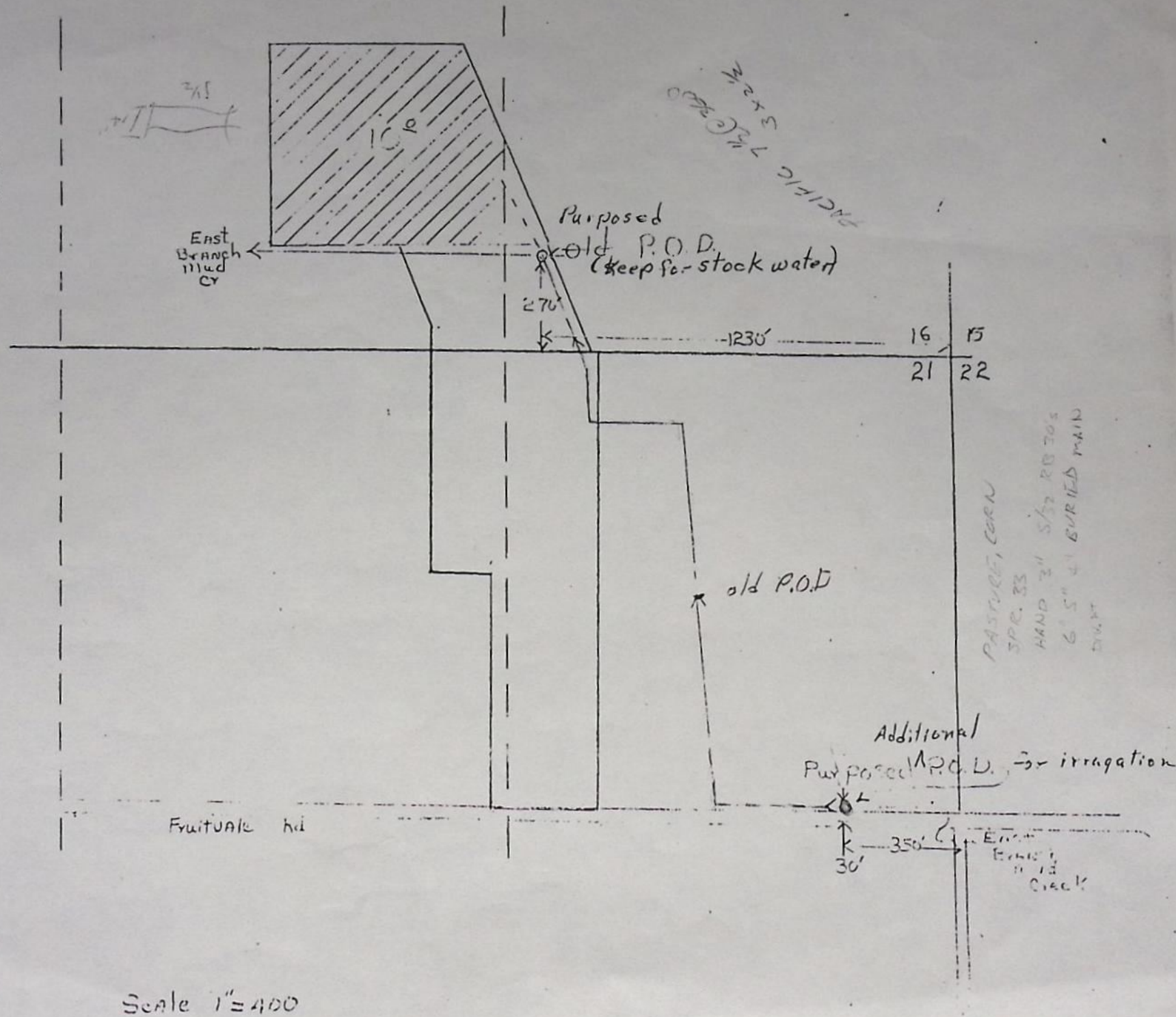
T. 6 N. R. 35 E. W. M.

T-4213

RECEIVED

NOV 10 1933

UNITED STATES DEPARTMENT OF AGRICULTURE

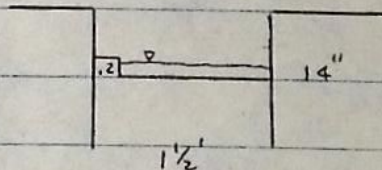


Scale 1"=400



INFO: DONALD RENCKEN CLAIMS AN ADDITIONAL POINT  
OF DIVERSION.

POINT OF DIVERSION: 2



RANS IT DOWN TO THE P.O.D. FOR STOCK WATER WHERE  
THERE IS A MOTOR & PUMP THAT IRRIGATES.

PUMP: PACIFIC 7 1/2 HP @ 3600 RPM

MOTOR: 1 PACIFIC 3" x 2 1/2"

PIPE: 1320' 3" HANDLINE

6" 5" 4" BURIED MAIN HOW MUCH?

HEAD: 33 RB 30'S 5/32" x 0" MAX

CROP: PASTURE

TIE: NB-SMM-71

LIFT: 0 to -5

OCT 8, 1980

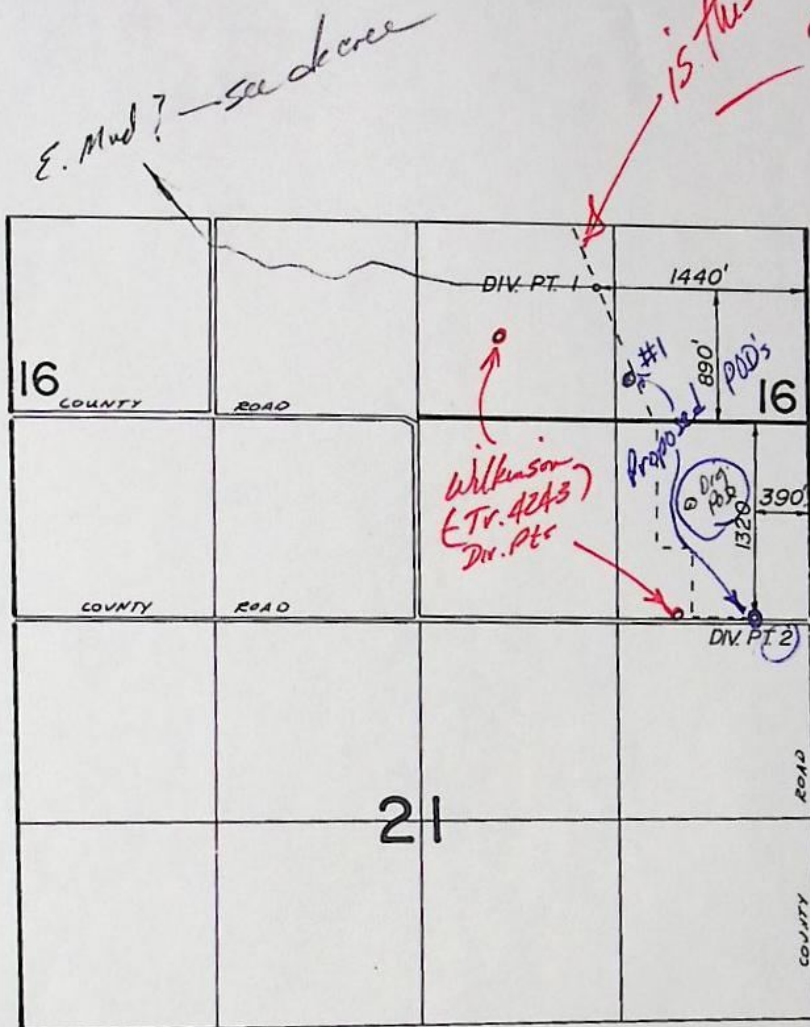
*Wm L. Christ*

FIELD ENGINEER.



NZ-SMM-29  
CHECK AT DAWY

T. 6N., R. 35E. W.M.



FINAL PROOF SURVEY  
UNDER

TRANSFER 4213  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

\_\_\_\_ DONALD & RUTH RENCKEN \_\_\_\_

Surveyed 10-8-1980, by V. Church



RECEIVED

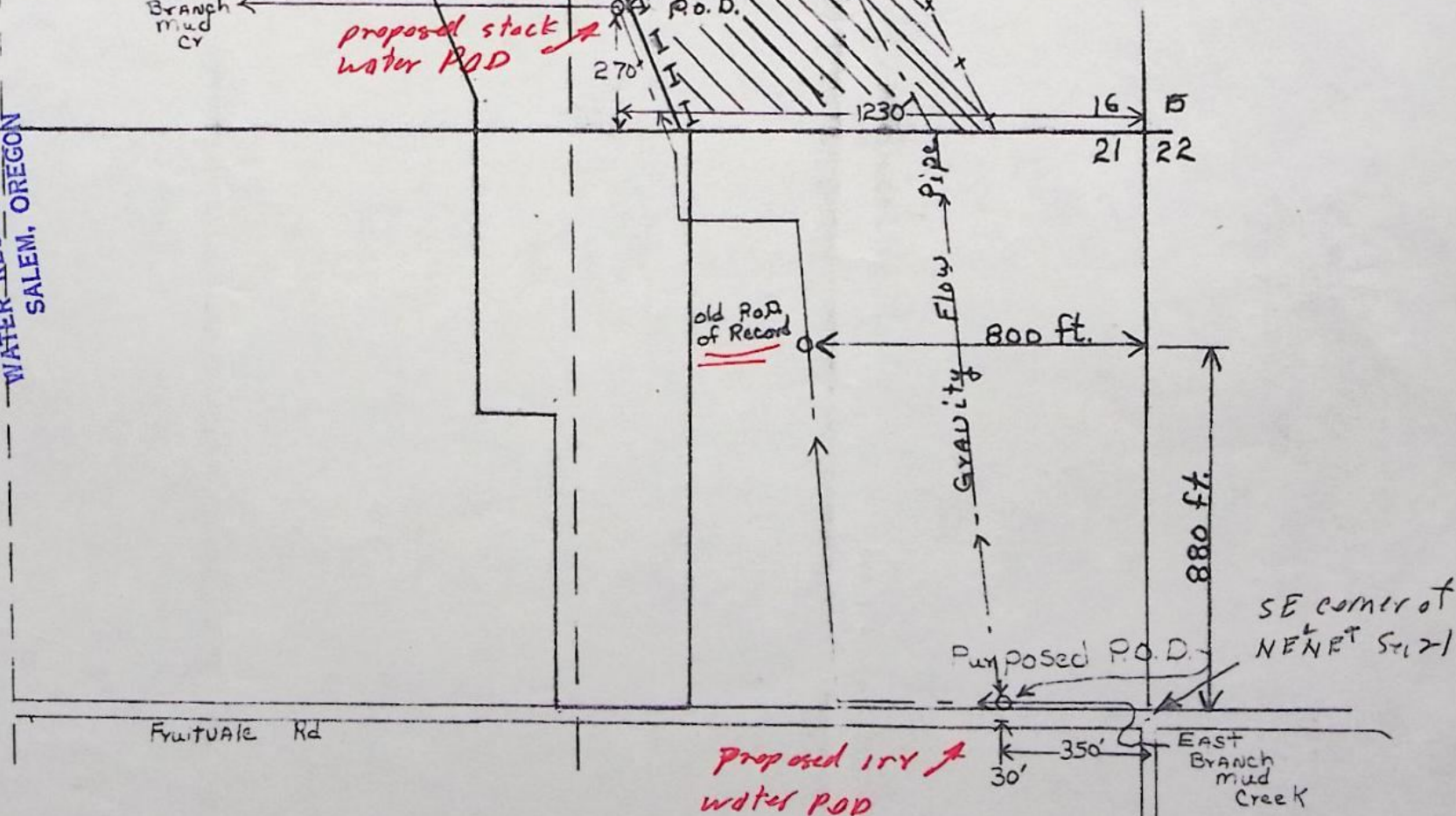
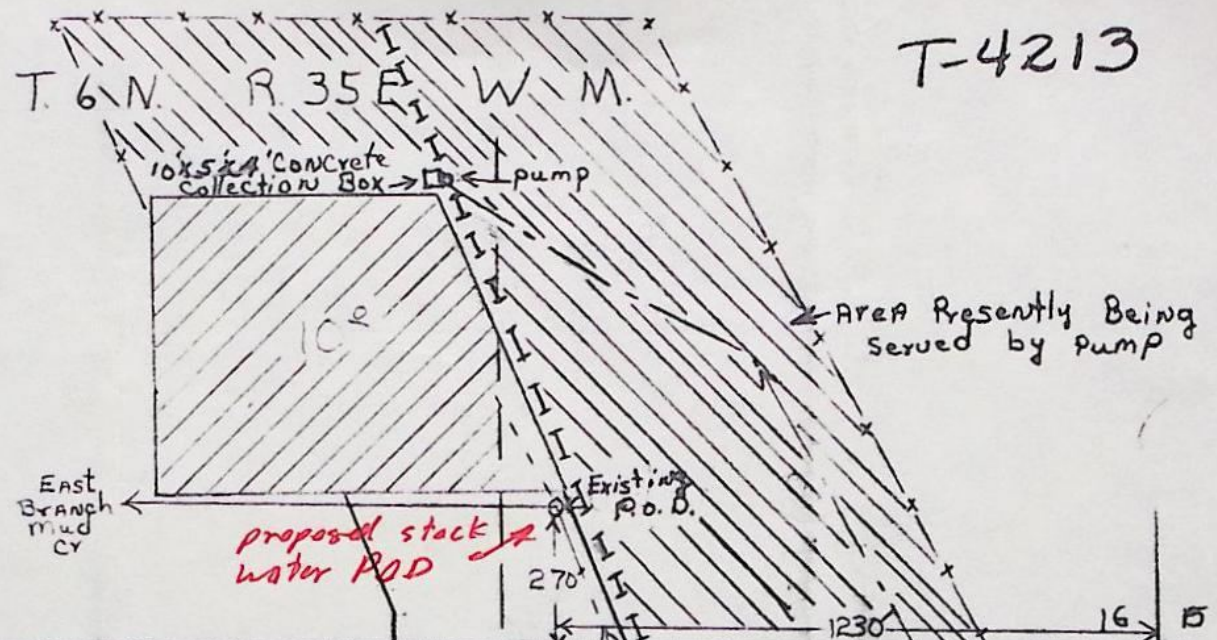
MAY 03 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

JUN 15 1979

WATER RESOURCES DEPT.  
SALEM, OREGON



--- Pressurized main line with Rise.

Scale 1"=400



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DONALD & RUTH RENCKEN FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4213

On May 3, 1979, an application was filed in the office of the Water Resources Director by Donald and Ruth Rencken for approval of a change in point of diversion of water from East Branch Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 31, Volume 1, State Record of Water Right Certificates, in the name of Frank Sporeleder, and is for the use of not to exceed 0.13 cubic foot per second from East Branch Mud Creek, under a priority date of 1892, for stock and for irrigation of a certain 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 6 North, Range 35 East, W.M.

The authorized point of diversion is located 880 feet North and 800 feet West from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 35 East, W.M. (Sporeleder Ditch).

The applicant proposes to change the point of diversion therefrom and divert stock water from a point located 270 feet North and 1230 feet West from the Southeast Corner of Section 16, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 16, and divert irrigation water from a point located 30 feet North and 350 feet West from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of December 27, 1979 and January 3 and 10, 1980.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.



NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed:

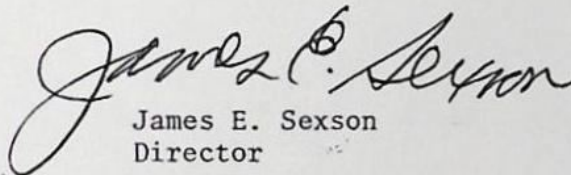
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the changes in point of diversion authorized herein, are completed.

It is FURTHER ORDERED that the certificate recorded at page 31, Volume 1, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 25th day of February, 1980.

  
James E. Sexson  
Director



T-4213

# Application for Transfer of Water Right **RECEIVED**

MAY 03 1979

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT.  
SALEM, OREGONI, DONALD and RUTH RENCKEN

(Name of applicant)

of ROUTE 2, BOX 191

(Mailing address)

MILTON FREEWATER

(City)

State of OREGON97862

(Zip Code)

938-7986

(Phone number)

, do hereby make application for ~~change~~  
in point of diversion

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

1. Is the water right recorded in your name? No, Frank Sporeleader  
(If not, give name)2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings  
(Yes or No)Circuit Court, Umatilla County Nov. 10, 1910 East Br. Mud Cr. number of certificate 313. Was your water right acquired by Water Right Permit? No If so, give number  
(Yes or No)

of permit ..... Number of certificate .....

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is East Branch of Mud Creek5. What is the date of priority of your water right? 18926. The authorized point of diversion is located 880' N and 800' W from the SE corner of Sec. 16 NE 1/4 NE 1/4 being within the SE 1/4 NE 1/4 of Section 21 Tp. 6N R. 35E W. M., in the county of Umatilla Wish to retain this point of diversion for stock water  
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
The name of the ditch used is Sporeleader

NOTE: Answer question if the application is for change in point of diversion,

7. The proposed point of diversion is located 270 N and 1230 W from the SE corner of Sec. 16 SE 1/4 SE 1/4 being within the NE 1/4 NE 1/4 of Section 21 Tp. 6N R. 35E W. M., in the county of Umatilla Umatilla  
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
The name of the ditch to be used is .....



8. The use to which the water is applied is Irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
6N	35E	16	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is   
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are Consolidation of pumping station, nine lines and ditch. Conserve water at less expense.

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before Completed

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

*Map on back*

**AFFIDAVIT OF APPLICANT**

I, Donald and Ruth Pencken, 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 6 day of April, 1979.

Donald Pencken  
Ruth Pencken  
(Name of applicant)

Subscribed and sworn to before me this 6 day of April, 1979.

[Notarial Seal]

William L. Pafily  
NOTARY PUBLIC FOR OREGON

My commission expires JAN 7, 1980



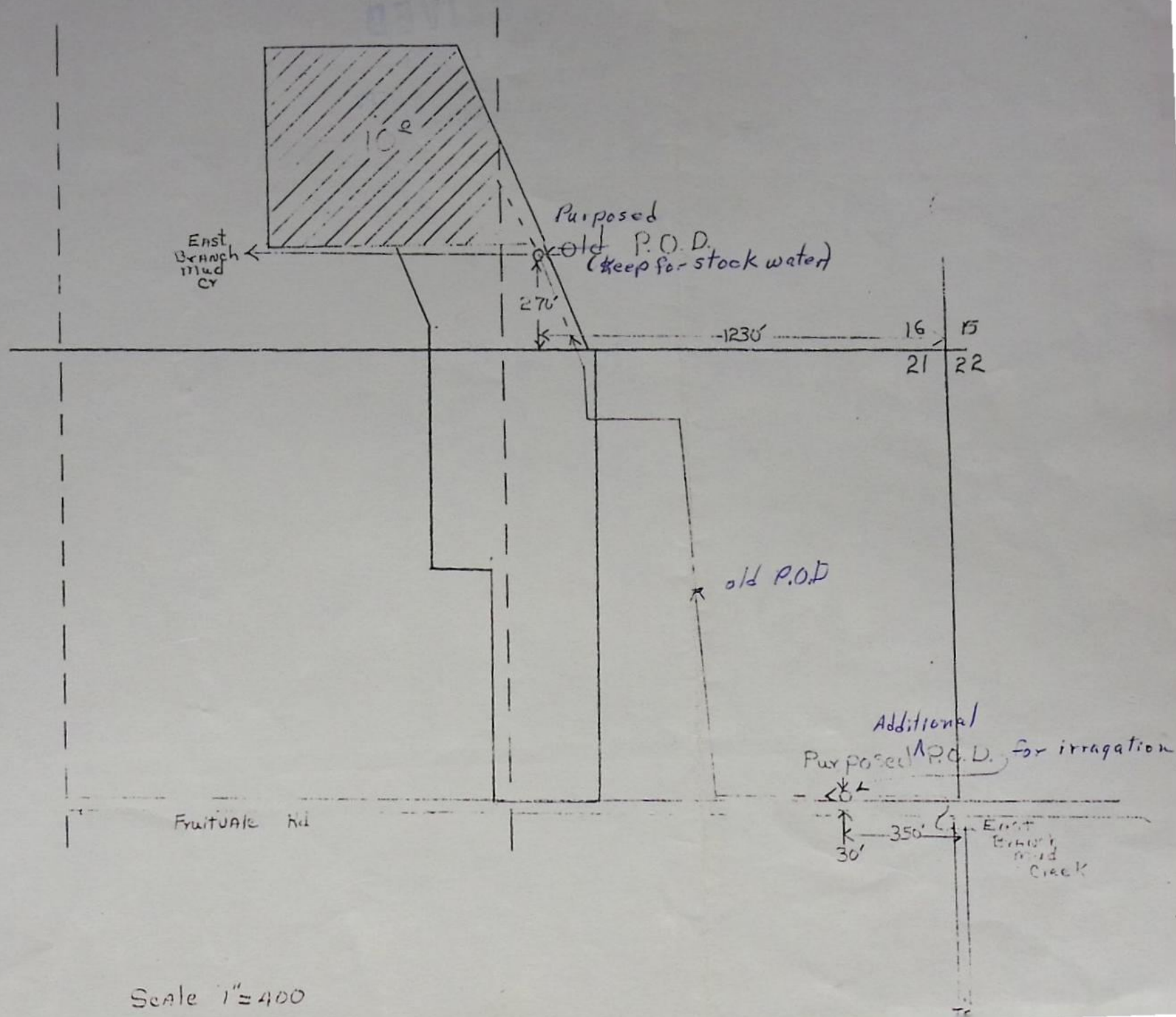
T. 6 N. R. 35 E W M.

T-4213

RECEIVED

APR 10 1900

WATER DIVISION  
SALT LAKE CITY





E. BR. MUD CR → WWR

WRT-0982-01

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

 PAGE 1  
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. 100204213 / PERMIT NO. 001058 CERTIF. NO.  
 ORIG. NO. 000000311 PREV. NO. 000000311 SUPER. NO.
NAME: DONALD & RUTH RENCKENADDRESS: RT2, BOX 191CITY/STATE/ZIP/COUNTY: MILTON-FREEWATER, OR 97862 30STREAM-ID 07 2700 0160

RIV. MI.

WM. DIST. 05 W.R. TYPE SC STATUS ✓

CANCEL YEAR--&gt;

CONSTR. COMPLT--> 02 25 1980

YR. LAST USED--&gt;

NEXT ACTION DUE--&gt;

PRIORITY--> 12 31 1892PUT TO USE--> 02 25 1980

LAST TRANS. DATE--&gt;

LAST TRANS. TYPE--&gt;

APPLICATION--> 05 03 1979

SURVEYED--&gt;

EXAM. FEE--&gt;

RECORDING FEE--&gt;

PERMIT ISSUE--> 02 25 1980

CONCURRENCE--&gt;

CYCLE STATUS--&gt;

REPORTED FLAG--&gt;

CONSTR. STRT.--> 02 25 1980

CERTIFIED--&gt;

CORRES. INIT.--&gt;

CORRES. DATE--&gt;

 POINT-OF-DIVERSION DATA:  
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

060N 350E 16 D D 07 2700 0160
0.130✓ P
1 1 21 AA

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

060N 350E 16 D C 30 LV 100 -
✓ P
1 1 1 DC
1R10.00
 \*\* REMARKS; - - - - -  
 \*\* DATED-->

 \*\* POD: & V, 270' N & 1230' W FM

 \*\* SE COR S16' IR, 30' N & 350' W FM

 \*\* SE COR NE 1/4 NE 1/4, S 21. CHANGES

 \*\* POD C-31. ORIGINAL POD:

 \*\* SPORELEDER DITCH, 880' N & 800'

 \*\* W FM SE COR NE 1/4 NE 1/4, S 21.

\*\*

W.R.I.S.

Assembled 5-2-85 by SDA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 14, 1979.

FROM: \*\* William I. Porfily, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4213

IN THE NAME OF Donald &amp; Ruth Rencken

RECEIVED

MAY 15 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

In my opinion the proposed change in point of diversion from East Branch Mud Creek  
MAY BE MADE WITHOUT INJURY ~~WILL BE MADE WITHOUT INJURY~~ to an existing water right.

Headgate notices HAVE ~~NOT BEEN~~ been issued for diversion from the sources which  
serves this right.

If for change in point of diversion, is there any intervening point of diversion  
between the authorized and the proposed points of diversion? YES  
(yes or no)

In my opinion, the order approving the subject transfer application should include  
the following in regard to the appropriator installing suitable measuring devices  
in the diversion works:

- XX (1) PRIOR to the diverting of water at the new point of diversion . . .  
\_\_\_\_\_ (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water  
rights because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*

W I P.

Watermaster's signature or initials



RECEIVED

FEB 7 1980

WATER RESOURCES DEPT  
SALEM, OREGON

Form 4. Proof of Publication. ORS 111,215(3).  
(Title of Court and Cause)

No. \_\_\_\_\_  
PROOF OF PUBLICATION OF  
NOTICE

State of Oregon )  
County of Umatilla ) ss.

I, Dianne Zimmerman, being first duly sworn,  
on oath say that I am the Principal Clerk  
of The Valley Herald, a newspaper of general circulation, as defined  
by ORS 193.010 and 193.020, printed and published at Milton-Freewater, Oregon, and that the notice, a copy of which is annexed, was  
published in the entire issue of said newspaper in the following \_\_\_\_\_  
issues.

Dec. 27 Jan. 3 Jan. 10

Subscribed and sworn to before me this 10 day of  
January, 1980.

Vi Helton  
Notary public for Oregon

My commission expires: July 5, 1981

**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION NO. 4213**

The Water Resources Director of Oregon has received and filed an application by Donald & Ruth Rencken for approval, without loss of priority, of an additional point of diversion of water under a certain water right.

The affected water right is described by the certificate recorded at page 31, Volume 1, State Record of Water Right Certificates, in the name of Frank Sporeleder, and is for the use of not to exceed 0.13 cubic foot per second from E. Branch Mud Cr., under a priority date of 1892, for stock and for irrigation of a certain 10.0 ac in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 16, T 6N, R 35E, WM.

The authorized point of diversion is located 880 ft N & 800 ft W from the SE Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 21, T 6N, R 35E, WM (Sporeleder Ditch).

The applicant proposes to change the point of diversion therefrom and divert stock water from a point located 270 ft N & 1230 ft W from the SE Corner of Sec 16, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 16, and divert irrigation water from a point located 30 ft N & 350 ft W from the SE Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 21, T 6N, R 35E, WM.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Wednesday, February 20, 1980, at the Umatilla County Courthouse, Pendleton, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicants at Rt 2, Box 191, Milton-Freewater, OR 97862; & one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 17th day of December, 1979.

James E. Sexson, Director  
52-2-C





## *Water Resources Department*

### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 7, 1979

Donald & Ruth Rencken  
Route 2, Box 191  
Milton-Freewater, Oregon 97862

RE: File No. T-4213

Dear Mr. and Mrs. Rencken:

In reviewing our records relative to the water right involved in your transfer No. 4213, it has been determined that the point where water was originally diverted for irrigation of the 10.0 acres described in your transfer application is located 880 feet North and 800 feet West from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, T 6N, R 35E, WM, as illustrated on the enclosed print of the map prepared in 1905.

Unless you have evidence indicating that the enclosed map is in error in showing the authorized point of diversion for the lands described in your application, it will be necessary for you to correct your supporting map and item No. 6 on the application by showing and entering the location as given above.

I have recently discussed this matter with Bill Porfily, the watermaster for your area, and I am returning your application and map to him along with a copy of this letter. He will contact you in regard to any corrections to be made on your application and map.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:lcj

cc: William I. Porfily, Watermaster

BILL: We will also need additional information in regard to how water will be conveyed from the proposed point of diversion to the lands and why the proposed point is further upstream. The location of the main ditches or pipe lines should be shown on the supporting map.

WJO





STATE OF OREGON

INTEROFFICE MEMO

TO: Wayne Overcash

DATE: May 14, 1979

FROM: Bill Porfily

Bill

SUBJECT: File T-4213

Enclosed is a copy of the Proof of Claim that you requested. Also my Watermasters report.

Mike Ladd mapped the East Branch of Mudd Creek on tax assessors maps in 1977. He used an old distribution map made by Abrey Perrey about 1920 and the 1977 location of the creek and points of diversion in the preparation of his map.

When I helped the Renckens prepare their Transfer Application I used Mike's Tax Assessor records. Our office does not have an Adjudication Map for East Branch of Mud Creek.

As you can imagine over the years the creek has been moved to the edges of fields and property lines. The point you describe near the S.E. corner of NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, four other properties divert water from the creek. These properties lie West and South of the Sporleder land.

If you have any further questions on this matter, call me.

RECEIVED

MAY 15 1979

WATER RESOURCES DEPT.  
SALEM, OREGON



WATER DIVISION NO. 2

Umatilla

COUNTY

In the Matter of the Determination of the Relative Rights to the

Waters of

East Branch of  
Mud Creek

STATEMENT AND PROOF OF CLAIMANT

Tributary of

Walla Walla River

In accordance with the provisions of Chapter 216, General Laws of Oregon for 1909

Frank Spoleder

being called as a witness in support of  
his statement of claim, and being first duly sworn to tell the truth, the whole truth and nothing but  
the truth, for his statement and proof of claim testified as follows:

1. Q.—What is your name and postoffice address?

A.— Frank Spoleder — R.F.D. No. 2 Walla Walla Wash

(Give street and number, if any)

2. Q.—Do you claim a right to any of the waters of East Branch of Mud Creek  
or any of its tributaries?

A.— Yes

3. State whether water is taken from the main stream, or a tributary thereof. If from a tributary,  
give its name.

A.— Main stream of Mud Creek

4. Q.—What is the nature of the use on which your claim is based?

A.— Irrigation, domestic and stock use

(Irrigation, power, mining, manufacturing, domestic, stock, etc.)

5. Q.—Upon what is your claim based?

A.— Appropriation to beneficial use + diversion from stream

(Appropriation, diversion and use, adverse use, etc.)

6. Q.—State the date of initiation of the water right which you claim to own?

A.— 1892 — by Fred Lonzen previous owner of the land

(Date of initiation by yourself or predecessor in interest)

7. Q.—State the date when water was first used for irrigation or other beneficial purpose.

A.— 1892 as above

(By yourself or predecessor in interest)

8. Q.—State the means of utilizing such water. If diverted through a ditch, give its name.

A.— Through gravity ditch — ditch not named

9. Q.—Are you the owner of said ditch or works? If not, state your proportionate interest therein.

A.— I own the ditch — no one else uses water from it

10. Q.—State the date of beginning of construction. A.— 1892

11. Q.—State the date of completion of construction. A.— 1892

12. Q.—If any enlargements were made, state the date of beginning and completion of each successive  
enlargement.

A.— No enlargements

(Whether made by yourself or predecessor in interest)

13. Q.—State the dimensions of your ditch as originally constructed just below the wasteway or head-  
gate, and if enlarged, of each successive enlargement of such ditch.

A.— Width (top) about 1 1/2 feet; width (bottom) about 1 1/2 feet;

depth about one foot; grade do not know — feet.

First Enlargement—Width (top) — feet; width (bottom) —

feet; depth — feet; grade — feet.

Second Enlargement—Width (top) — feet; width (bottom) —

feet; depth — feet; grade — feet.

(Give height of dam if storage or controlling works are involved)

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14. Q.—State the area of land irrigated the first year, and the number of acres irrigated each subsequent year up to and including the present time.

A.— *ten acres in tract has all been irrigated continuously since 1892*

(If claim for power, give horsepower developed each year to present time)

15. Q.—Give in detail the acreage in each smallest legal subdivision irrigated by you at the present time. (In answering this question use the following form):

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
67	35	16																
67	35	21		✓														10 $\frac{1}{2}$

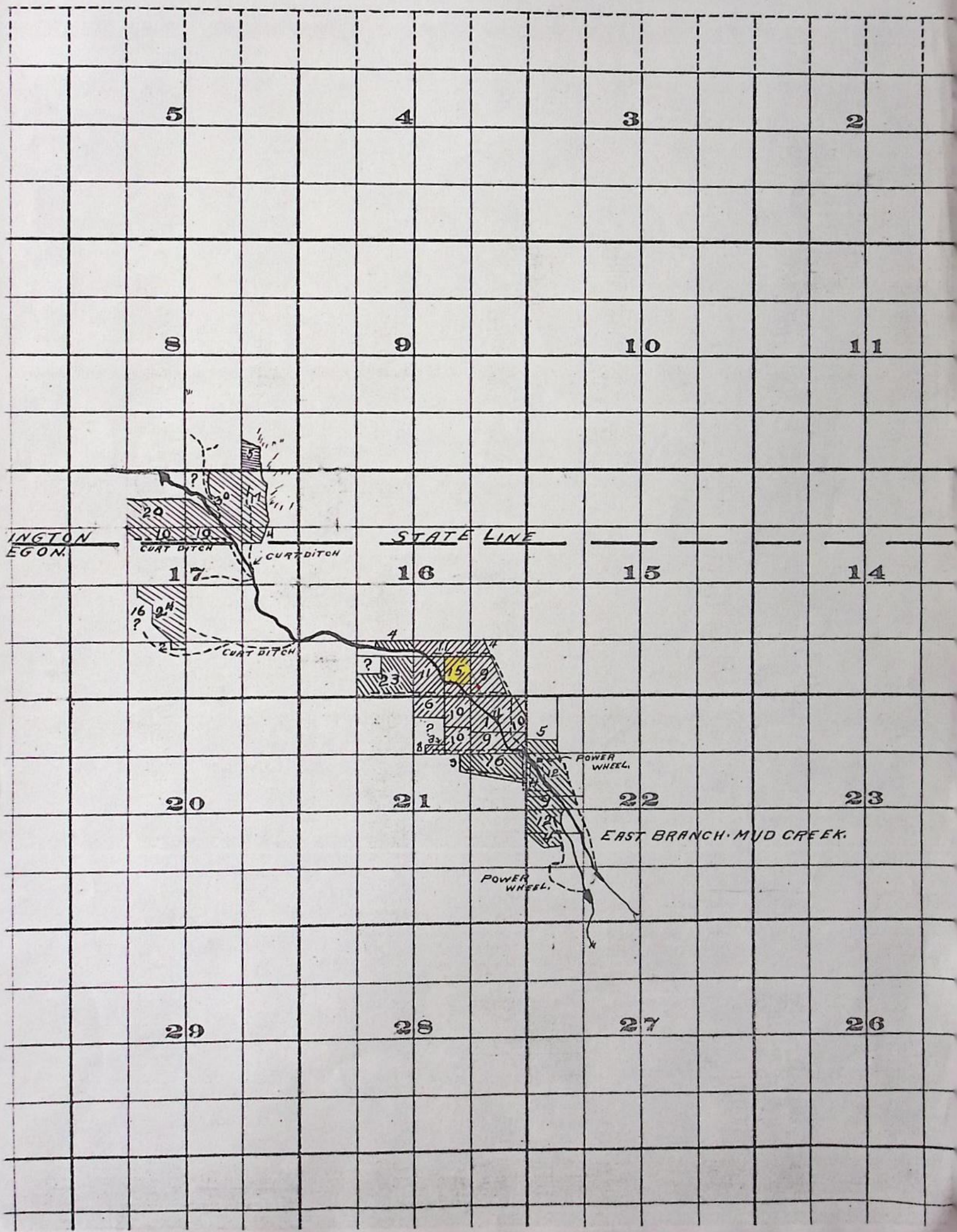
*Tract marked '15' on Engineers plat*

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Survey by R. D. Cooper  
Oct 1909

Township 6 NORTH, Range 35 EAST





16

Fallow

Alfalfa 10.97

Orchard Garden 6.29

Orchard Alfalfa 1.10

Stubble 4.80

Fallow

Alfalfa Pasture 33.55

Orchard 11.60

Orchard Garden 8.16

Alfalfa 1.36

Orchard Garden 3.05

Orchard 11.40

Corral

Garden 1.88

Alfalfa 3.16

Orchard 4.95

Orchard 4.85

Stubble

Orchard 4.30

Orchard 6.79

Garden 3.56

Alfalfa 0.66

Corral

Garden 0.55

Pasture 1.52

Alfalfa 2.20

Orchard 2.97

Orchard 10.00

Pasture 0.64

Orchard 9.25

Garden 2.05

Garden 6.23

Grain 10.44

Timber 3.63

Orchard 1.86

Orchard 1.84

Garden 3.70

Alfalfa 6.30

Orchard 8.15

Pasture 4.05

Pasture 2.44

Garden 7.77

Orchard 10.62

Pasture

Garden 7.12

Grain 7.57

Corral

Alfalfa 0.26

Alfalfa

Alfalfa