

Name EDITH ISMERT AND MURRAY WALKER  
By \_\_\_\_\_  
Address Pistol River, Oregon

97444

Date filed May 1, 1964

Priority May 1, 1964

Action suspended until OK cert.

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

Date of approval June 19, 1964

**CONSTRUCTION**

Date for beginning June 19, 1965

Date for completion October 1, 1966

Extended to \_\_\_\_\_

Date for application of water October 1, 1967

Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

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

Form "C" filed Complete

**FINAL PROOF**

Blank mailed JANUARY 13 1968

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

Date certificate issued JANUARY 31 1968

Application No. 39817

Permit No. 29590

Certificate No. 34548

Stream Index, Page No. 15-2 I

**FEEES PAID**

Date	Amount	Receipt No.
<u>5-1-64</u>	<u>\$20.00</u>	<u>770</u>
<u>1-25-68</u>	<u>\$1 Cert. Fee</u>	<u>7461</u>

**FEEES REFUNDED**

Date	Amount	Check No.
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**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
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**REMARKS**

0.01 c.f.s. from an unnamed creek (Pistol River) for the domestic use of two families.



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

January 12, 2018

Eileen Carpenter  
23472 Carpenterville Rd.  
Brookings, Oregon 97415

Reference: Application S-39817, Permit S-29590, Certificate 34548

The requested assignment cannot be made as this right has been perfected as evidenced by the issuance of Certificate 34548. Under Oregon water law, once a certificate is issued, the right is appurtenant to the property regardless of ownership. There currently is no provision to change the name on a certificate.

The Department is returning your request and check.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Request and check

cc: File



STATE OF OREGON  
COUNTY OF CURRY  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      EDITH ISMERT and MURRAY WALKER

of Pistol River      , 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  
Unnamed Creek

a tributary of Pistol River      for the purpose of  
domestic use of two families

under Permit No. 29590      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 May 1, 1964

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<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 29, T. 38 S., R. 14 W., W. M.  
Diversion point located 1430 feet South and 120 feet East from the NE Corner,  
SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 29.

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:

SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
Section 29  
T. 38 S., R. 14 W., W. M.

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

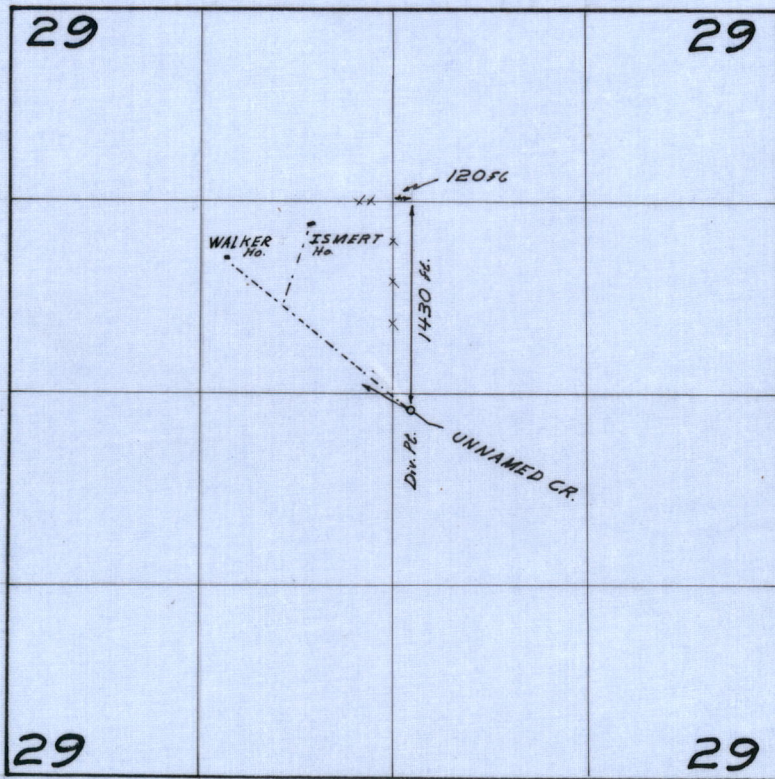
WITNESS the signature of the State Engineer, affixed

this date.      January 31, 1968

-----CHRIS L. WHEELER-----  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 26 , page 34548

T.38S. R.14W. W.M.

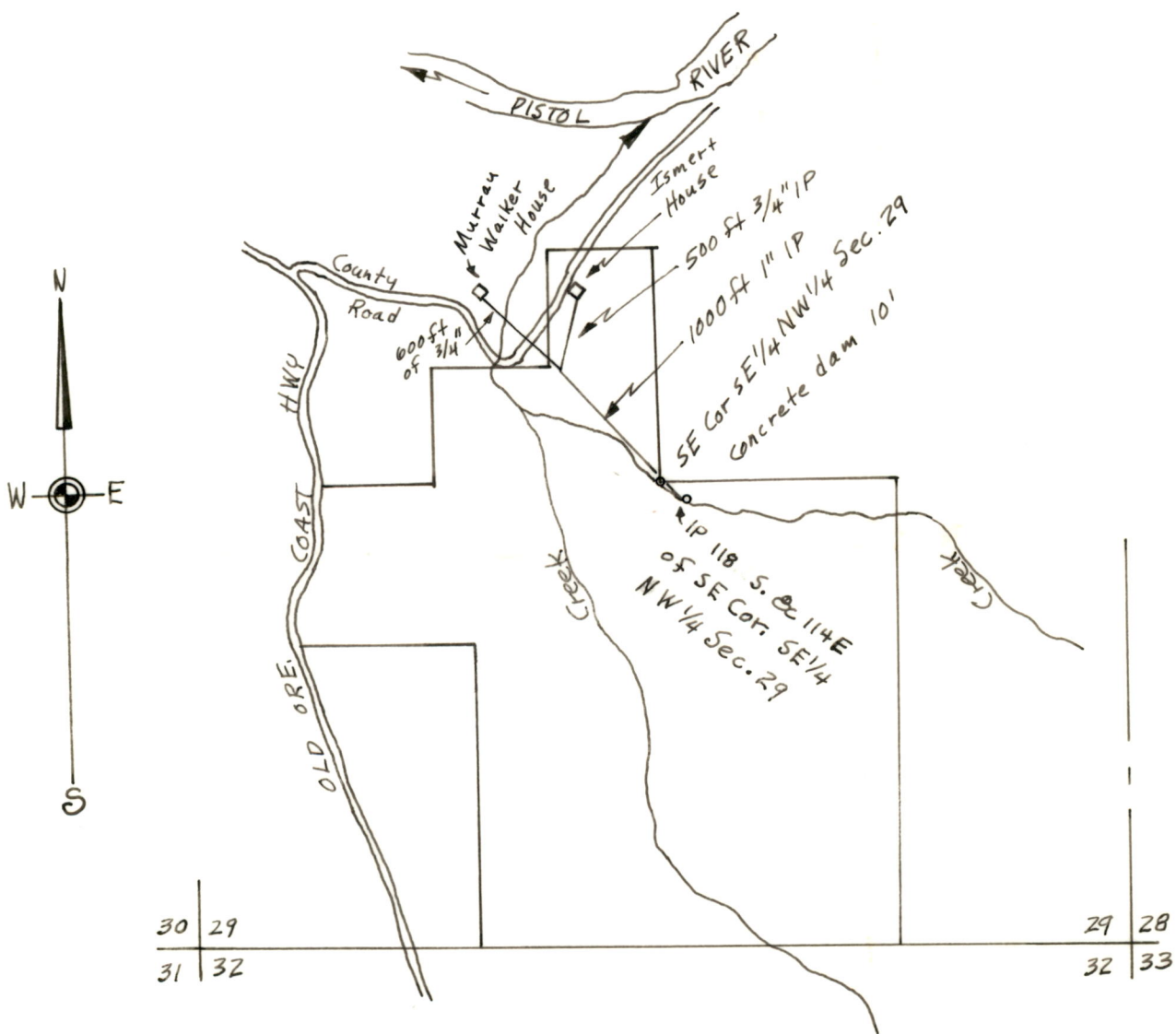


FINAL PROOF SURVEY  
UNDER

Application No. 39817 Permit No. 29590  
IN NAME OF

EDITH ISMERT & MURRAY WALKER

Surveyed Sept 19 1966, by W. J. Ruppert



*[Faint blue stamp]*

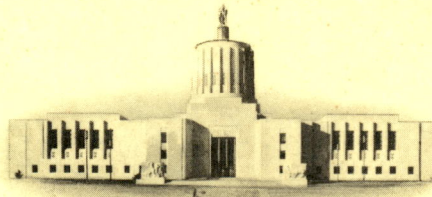
*[Faint blue stamp]*

WATER FILING FOR  
 EDITH ISMERT  
 IN SEC. 29, T. 38 S., R. 14 W.  
 W.M., CURRY CO, ORE  
 Scale 1 in = 1000 ft Feb. 1964

REGISTERED  
 OREGON  
 LAND SURVEYOR

*H. J. Newhouse*  
 MAY 10, 1957  
 H. J. NEWHOUSE  
 402

Application No. 39817  
 Permit No. 29590



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

REFER TO  
FILE NO. 39817

January 15, 1968

Edith Ismert and Murray Walker  
Pistol River,  
Oregon 97444

Dear Sir and Madam:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No. 29590.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

Form 117

Enclosure

kmh

October 30, 1967

William Cook  
Pistol River, Oregon 97444

Dear Sir:

We have received no reply to our letter dated January 30, 1967, concerning the assignment of Murray Walker's portion of permit number 29590 to you.

We are ready at this time to mail the final proof of appropriation to the record holders of the permit, Edith Ismert and Murray Walker. Failure on their part to both sign and return the proof form could result in cancelation of the permit.

If you are the legal owner of the Walker property in connection with this permit, you should obtain an assignment of Mr. Walker's interest in this permit to you, and submit it to this office for recording so that we may change our records accordingly.

We will withhold action on this permit for 30 days pending receipt of your reply.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Myron V. Bish  
Assistant

MVB:pju

January 30, 1967

William Cook  
Pistol River, Oregon

Dear Mr. Cook:

According to our field engineer who recently made the final proof survey for water right permit number 29590 in the name of Edith Ismert and Murray Walker, you are the owner of the property originally in the name of Murray Walker.

If our information is correct and you are the legal owner of this property in connection with permit number 29590, you should obtain an assignment of Mr. Walker's interest in this permit to you.

Enclosed is an assignment form with the proper application and permit numbers entered for your use. This form when completed should be submitted to this office along with \$1.00 for statutory recording fees.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Myron V. Bish  
Assistant

MVB:pju

Enclosure



39817

July 23, 1964

Edith Ismert and Murray Walker  
Pistol River  
Oregon

39817, permit No. 29590 with blueprint.

May 25, 1964

Edith Ismert and  
Murray Walker  
Pistol River, Oregon

Dear Sir and Madam:

This will acknowledge receipt of a legal description of Mr. Walker's property and a copy of an easement to accompany your application numbered 39817.

Your application now appears to be in satisfactory form to be considered for approval by issuance of a permit with the next group.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Walter N. Perry, Assistant

egw

May 19, 1964

Edith Ismert and Murray Walker  
Pistol River  
Oregon

Dear Sir and Madam:

This will acknowledge your application for a permit to appropriate 0.02 cubic foot of water per second from an unnamed stream for the domestic use of two families, the accompanying tracing, legal description, copy of an agreement, and fees in the sum of \$20 for which our receipt numbered 770 is enclosed.

Your application has been examined and filed under file number 39817. Upon receipt of a legal description of the property owned by Mr. Walker, we may proceed toward approval of your application by issuance of a permit with the next group. This description should be copied word for word from the deed, abstract, title insurance policy, or sales contract.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Walter N. Perry, Assistant

WNP:egw

Enclosure

April 28, 1964

Edith Ismert and Murray Walker  
Pistol River  
Oregon

Dear Sir and Madam:

This will acknowledge your application for a permit to appropriate 0.02 cubic foot of water per second from an unnamed creek for the domestic use of two families, the accompanying map, legal description, and easement.

Your application cannot be filed at this time as the State Engineer is required by law to collect a \$10 examination fee before an application for permit to appropriate water for any purpose may be filed. The fees necessary to your application as it is now written are a \$10 examination fee and a \$10 recording fee.

Since there is no provision whereby submitted data may be held in this office pending receipt of the required examination fee, we are returning the above acknowledged items.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Walter N. Perry, Assistant

WNP:egw  
Enclosures-4

DESCRIPTION FOR EDITH ISMERT

That portion of the Southwest quarter of Section 29, Township 38 South, Range 14 West, Willamette Meridian, Curry County, Oregon, lying East of the right of way of the Old Oregon Coast Highway, except that certain tract of land described in Volume 39, page 407, Deed Records of Curry County, Oregon.

Also the West half of the Southeast quarter; the South half of the Southeast quarter of the Northwest quarter; and the Northeast quarter of the Southeast quarter of the Northwest quarter of said Section 29.

RECEIVED  
APR 27 1964  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
MAY 1 1964  
STATE ENGINEER  
SALEM, OREGON

Application No. 29817  
Permit No. 29590

Application No. 30817  
Permit No. 8425

**DEPARTMENT OF THE ARMY**  
**RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION**

-----  
Lost Creek

(Project, Installation or Activity)

(Tract Number or Other Property Identification)

The undersigned, hereinafter called the "Owner", hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government", a permit or right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of twelve ( 12 ) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Government.

2. The permit includes the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.

4. The Government agrees to be responsible for damages arising from the activity of the Government, its officers, employees, or representatives on said land, in the exercise of rights under this permit or right-of-entry, either by repairing such damage or at the option of the Government by making an appropriate settlement with the Owner in lieu thereof.

5. The land affected by this permit or right-of-entry is located in the State of Oregon, County of Jackson, and is described as follows:

Tax Lot 2 on Map 12-33-2E in Section 12, Township 33 South, Range 2 East of W.M. as shown on County Assessor's records.

WITNESS MY HAND AND SEAL this

day of

May 18, 1964.

Mrs Eva Rusk (SEAL)

----- (SEAL)

UNITED STATES OF AMERICA

Piepenbrink, Fred C. and Edith O.  
c/o Rusk, Loren Henry and Eva S.  
Star Route, Box 80  
Prospect, Oregon.

By

Application No. 39817  
 Permit No. 29590  
 DEPARTMENT OF THE ARMY  
 RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION

\_\_\_\_\_ (Project, Installation or Activity) Lost Creek  
 \_\_\_\_\_ (Tract Number or Other Property Identification)

The undersigned, hereinafter called the "Owner", hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government", a permit or right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of twelve ( 12 ) months from the date of this instrument, in order to survey, make test borings, and carry out such other exploratory work as may be necessary to complete the investigation being made of said lands by the Government.
2. The permit includes the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.
3. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
4. The Government agrees to be responsible for damages arising from the activity of the Government, its officers, employees, or representatives on said land, in the exercise of rights under this permit or right-of-entry, either by repairing such damage or at the option of the Government by making an appropriate settlement with the Owner in lieu thereof.

5. The land affected by this permit or right-of-entry is located in the State of Oregon, County of Jackson, and is described as follows:

\_\_\_\_\_ of W.M. as shown on County Assessor's records.  
 Tax Lot 2 on Map 12-33-2E in Section 12, Township 33 South, Range 2 East

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of May, 1964.  
 \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_ (SEAL)

UNITED STATES OF AMERICA

By \_\_\_\_\_  
 Plebenbrink, Fred C. and Edith O.  
 c/o Rex, Loren Henry and Eva S.  
 Star Route, Box 80  
 Prospect, Oregon

Application No. 29290  
Permit No. 29817  
Property Description for Murray R. Walker

The Northwest quarter of the Southeast quarter of the Northwest quarter of section 29, Township 38 South, Range 14 West Willamette Meridian in Curry County Oregon, saving and except the following described parcel containing 2.1 acres more or less heretofore conveyed for Road Purposes and more particularly described as follows.

A strip of land for public road purposes lying in the Northwest quarter of the Southeast quarter of the Northwest quarter of section 29, Township 38 South, Range 14 West, Willamette Meridian, Curry County, Oregon. Said strip of land being of variable width, but parallel to the following described center line:

Beginning at a point on the west line of the Southeast  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of section 29, said point being South 1575.9 ft. & East 1293.6' from the NW corner of section 29; thence 100' in width, being 75' on the southerly side & 25' on the northerly side of a line which bears South  $18^{\circ} 42'$  East 325' thence 100' in width being 50' each side of a line which bears South  $79^{\circ} 12'$  East 115'; and continuing North  $47^{\circ} 03'$  East 184.6'; thence 50' in width being 25' each side of a line which bears North  $25^{\circ} 03'$  East 338.7' more or less to a point on the Easterly line of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 29, this being the terminal point of the strip of land.



Application No. 39817  
Permit No. 29590

Property Description for Murray R. Walker

The Northwest quarter of the Southeast quarter of the Northwest quarter of section 29, Township 38 South, Range 14 West, Willamette Meridian in Curry County Oregon, saving and except the following described parcel containing 2.1 acres more or less heretofore conveyed for road purposes and more particularly described as follows:

A strip of land for public road purposes lying in the Northwest quarter of the Southeast quarter of the Northwest quarter of section 29, Township 38 South, Range 14 West, Willamette Meridian, Curry County, Oregon. Said strip of land being of variable width but parallel to the following described center line:

Beginning at a point on the west line of the Southeast 1/4 of the NW 1/4 of section 29, said point being South 152.5 feet East 123.6' from the NW corner of section 29, thence 100' in width being 25' on the southerly side & 25' on the northerly side of a line which bears South 18° 42' East 322' thence 100' in width being 50' each side of a line which bears South 20° 12' East 112'; and continuing North 14° 03' East 184.6' thence 50' in width being 25' each side of a line which bears North 25° 03' East 338.7' more or less to a point on the easterly line of the NW 1/4 of the NW 1/4 of section 29, this being the terminal point of the strip of land.

# Abstract of Permit No. 29590

Application No. 39617

Certificate No.

Name **Edith Ismert and Murray Walker**  
 Address **Pistol River, Oregon**

*Govt Assign Form*  
~~William Cook~~  
~~Pistol River~~

Source of water supply **Unnamed Creek, trib., Pistol River**

Use **Domestic use of two families**

Point of diversion **118' S. and 114' E. from SE cor., SE 1/4 NW 1/4, Sec. 29, being within NW 1/4 SE 1/4, Sec. 29, T. 38 S., R. 14 W., W.M., in County of Curry**

Number of acres **Div pt. located 1430' S & 120' E from NE Cor SE 1/4 NW 1/4 Sec 29**

## DESCRIPTION OF LAND TO BE IRRIGATED OR 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	
38S	14W	29																	
				SE 1/4															
					NW 1/4														

Priority date **May 1, 1964**

Amount of water **0.01 c.f.s., measured at the point of diversion**

Time limit to begin construction ~~June 19, 1965~~

Time limit to complete construction ~~10-1-66~~ extended to \_\_\_\_\_ extended to \_\_\_\_\_

Time limit to completely apply water ~~10-1-67~~ extended to \_\_\_\_\_ extended to \_\_\_\_\_

Remarks:

14703 2

7-19-66

Basin 15, Vol. \_\_\_\_\_

Info - Mr. Ismert & Mr. Cook

Has walkot no  
gave H&H mat from

Abstract of Permit No. 88-1010 - 8 ft long 1' 7" deep (concrete Dam) with 4" drain plugg.

1" & 3/4" plastic pipe to houses  
Fall - Between 120-130 ft both houses.

Domestic use 2 families & two houses.

Tie - NE cor SE 1/4 NW 1/4 Fence cor.

9-17-66  
MJK

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range	Sec	NE 1/4			NW 1/4			SE 1/4			SW 1/4		
			SW	SE	NE	SW	SE	NE	SW	SE	NE	SW	SE	NE

Priority date

Amount of water

Time limit to begin construction

Time limit to complete construction

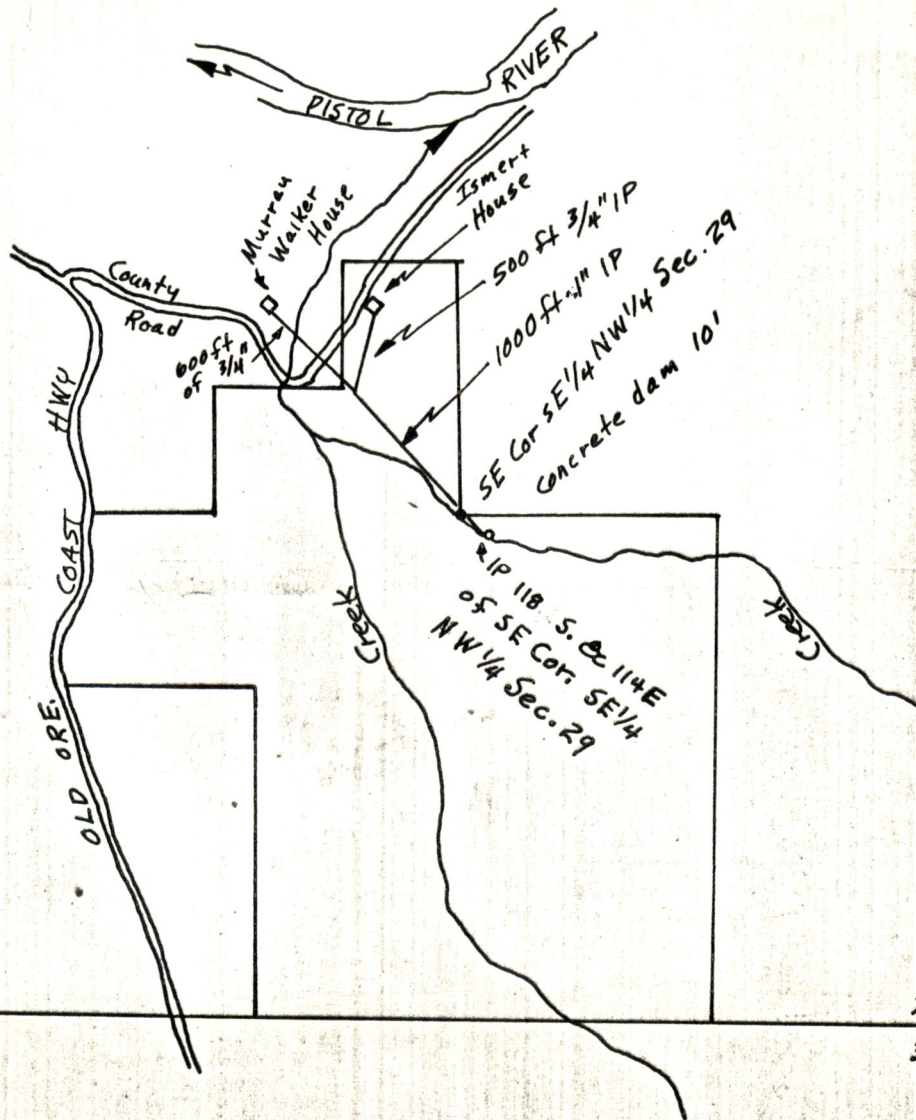
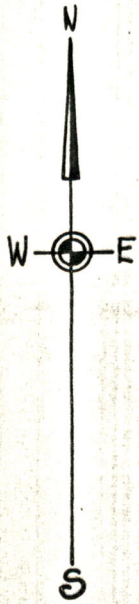
Time limit to completely apply water

Remarks:

extended to

extended to

Let 21 sheet



30 | 29  
31 | 32

29 | 28  
32 | 33

RECEIVED  
APR 27 1964  
STATE ENGINEER  
LANDS DIVISION

RECEIVED  
MAY 7 1964  
STATE ENGINEER  
LANDS DIVISION

REGISTERED  
OREGON  
LAND SURVEYOR

*H. J. Newhouse*  
MAY 10, 1957  
H. J. NEWHOUSE  
402

WATER FILING FOR  
EDITH ISMERT  
IN SEC. 29, T. 38 S., R. 14 W.  
W.M., CURRY CO., ORE

Scale 1 in = 1000 ft Feb. 1964

Application No. 39817  
Permit No. 29590

# STATE OF OREGON

COUNTY OF CURRY

*Handwritten:* 12/31/64  
S. J. WALKER  
STATE ENGINEER  
OREGON

## Proof of Appropriation of Water

EDITH ISMERT and MURRAY WALKER

of Pistol River, State of Oregon,  
has applied beneficially the waters of  
Unnamed Creek

a tributary of Pistol River for the purpose of  
domestic use of two families

under Permit No. 29590 of the State Engineer, and that the use of said waters has been  
completed under the terms of said permit; that the priority of the  
right dates from May 1, 1964

that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of  
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 1/4 SE 1/4, Section 29, T. 38 S., R. 14 W., W. M.  
Diversion point located 1430 feet South and 120 feet East from the NE Corner,  
SE 1/4 NW 1/4, Section 29.

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, and to which such right is appurtenant, is  
as follows:

The undersigned owners of the intake location in the Southeast quarter of the Northwest quarter of Section 29, Township 38 South, Range 14 West, Willamette Meridian, hereby give and grant unto Murray Walker, his heirs and assigns, for the benefit of his adjoining property an undivided one-half interest in and to the water right applied for to the State of Oregon, together with the right to lay and maintain pipelines thereto, subject however, to one-half the maintenance cost on any and all joint facilities installed.

Edith E. Ismert  
Ralph Ismert

STATE OF OREGON )  
                  : ss.  
County of Curry )

BE IT REMEMBERED, That on this 23rd day of April, 1964 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Edith Ismert and Ralph Ismert, her husband, to me personally known, and known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily, for the uses and purposes therein contained.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above in this, my certificate, written.

William E. Taylor  
Notary Public for Oregon  
My Commission Expires: 4/9/68

Application No. 39817  
Permit No. 29590