

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Permit No. 66

Application No. 150

I, Lewis A Clark, the holder of Application No. 150, being
 Permit No. 66, issued by the State Engineer of the State of
 Oregon for the appropriation of 0.25 second feet of the waters of Small Spring
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engi-
 neer, have completely applied the water to a beneficial use, on the 20 day of December 1949
 being the time limitation as fixed in said permit for the complete application of water to a beneficial
 use.

Remarks:

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state,
 so that subsequent appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of December 1949.

437 E 15th North
 (Present Address)
Portland Oregon

Lewis A Clark
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

Aug 25-10
11
12

Permit No. 66

Application No. 150

I, Lewis A Clark, holder of Application No. 150, being
 Permit No. 66, issued by the State Engineer of the State of
 Oregon for the appropriation of 0.25 second feet of the waters of Small Spring
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engi-
 neer, have completed the construction of the works described therein for the application of water to
 a beneficial use on the 20 day of December, 1949 being within the time limitation as
 fixed in said permit for the completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your
 plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be
 unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of December 1949.

437 E 15th North
 (Present Address)
Portland Oregon

Lewis A Clark
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon. Form D should be used in reporting
 progress of work if more than one year has been allowed for completion.

NOTICE OF BEGINNING OF CONSTRUCTION

Permit No. 66

Application No. 150

I, Lewis A Clark, the holder of Application No. 150, being
 Permit No. 66, issued by the State Engineer of the State of
 Oregon for the appropriation of 0.25 second feet of the waters of Small Spring
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engi-
 neer, began the actual construction of the works described thereon by the application of water to a
 beneficial use on the 20 day of December 1949, being within the time limitation as fixed
 in said permit for the beginning of construction work.

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

11. If not, state wherein such map is in error. u

No error

12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)

O. K.

13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use.

Domestic use and sprinkling for Lawns, Gardens.

STATE OF OREGON,
County of *Washington* } ss.

I, *L. A. Clark*, being first duly sworn,

depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this *31st* day of *July*, 191*4*.

L. A. Clark

Subscribed and sworn to before me this *31st* day of *July*, 191*4*.

J. Dittmann
Notary Public for Oregon.

(Notarial Seal)

AFFIDAVIT OF WITNESSES

We, John Livingston and E. M. Tucker,
of Washburn County, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 66; that we and each of us have
been over and upon each tract described in said proof and from such personal inspection, have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.

John Livingston
E. M. Tucker

Subscribed and sworn to before me this 1st day of August, 1914.

(Notarial Seal)

J. Dittmann
Notary Public for Oregon.

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD
By Representative Taking Proof.

.....
.....
.....
.....
.....

OFFICE OF STATE WATER BOARD
RECEIVED

AUG 3 1914

SALEM, -- OREGON.

W. J. ...

November 19, 1965

Mr. L. Guy Marshall
Attorney at Law
1201 Yeon Building
Portland, Oregon 97204

Dear Mr. Marshall:

I believe the present owner of lands described in certificate recorded at page 712 could request that a new certificate be issued describing the right for the area you believe correct. You should support the request with more evidence of error than I cite in my letter to Mr. Barker. Among other things should be an affidavit from the owner of the land describing the use of water now and claiming that the use has always been made in the same manner. An affidavit from someone having personal knowledge of what was installed when the right was initiated would help.

Mr. Barker said in his letter that L. A. Clark on June 24, 1909 was the owner of lands located in NE 1/4, NW 1/4, and perhaps it would be well to determine the owner of the lands in the NE 1/4, SW 1/4 for the same time.

I am not personally familiar with this situation so can only suggest that you file what proof you can assemble to support the claim there was an error. It would be necessary to support the claim as to the extent of use as it is easily possible that there are several places added onto the pipeline in the intervening years.

Yours very truly,

CHRIS L. BRIDGER
State Engineer

By

Aravor Jones, Assistant

SUCCESSOR TO
CLARK & MARSHALL
A. E. CLARK 1875-1951
MALCOLM H. CLARK 1885-1964

L. GUY MARSHALL
ATTORNEY AT LAW
1201 YEON BUILDING
PORTLAND, OREGON 97204

AREA CODE 503
TELEPHONE 228-6541

November 12, 1965

RECEIVED
NOV 15 1965
STATE ENGINEER
SALEM OREGON

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

Attention: Trevor Jones

Gentlemen:

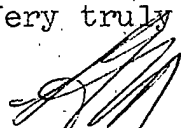
I am enclosing a copy of your letter to Vawter Parker and a copy of Mr. Parker's letter to me.

Betty J. Clark is the sole heir at law and beneficiary under the last wills and testaments of her parents, Frank Clark and Marjorie Clark, and said Betty J. Clark is now the owner of the lands which the water right serves.

At the present time said lands are still taking domestic water from the spring in question.

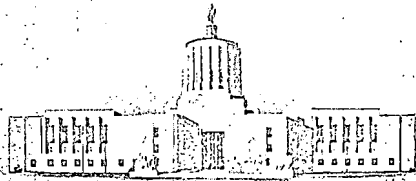
Please send the necessary forms or advise the information required to bring the records current indicating the true holder of the water rights.

Very truly yours,


L. Guy Marshall

LGM:cw

Enclosures



STATE OF OREGON
 STATE ENGINEER
 WATER RESOURCES DEPARTMENT
 516 PUBLIC SERVICE BUILDING
 SALEM 97310
 September 13, 1965

REFER TO
 FILE NO. 150
 205
 258

RECEIVED
 NOV 15 1965
 STATE ENGINEER
 SALEM OREGON

Mr. Vawter Parker
 Attorney at Law
 205 Third Street
 Hood River, Oregon 97031

Dear Mr. Parker:

There are three rights of record for appropriation of water from a spring in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7. Although the distances differ slightly, it is probable that the three describe the same spring you are interested in.

The certificate issued to Lewis A. Clark and recorded at page 712, State Record of Water Right Certificates describes the appropriation of water from a spring located on the application map as 316 feet south and 110 feet east from the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 8 East. The map shows a pipeline leading through the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7 but the place of use is listed as the NE $\frac{1}{4}$ SW $\frac{1}{4}$. What is the NE $\frac{1}{4}$ NW $\frac{1}{4}$ is designated on the map as the NE $\frac{1}{4}$ SW $\frac{1}{4}$? I assume this error was carried through and the certificate is probably in error. The use is for domestic purposes and the quantity of water is that which can be put to beneficial use not exceeding 0.25 cubic foot per second, with a date of priority of June 24, 1909.

The certificate recorded at page 512 describes the appropriation of not to exceed 0.14 cubic foot per second from Government Spring and a spring east of Government Spring for irrigation and domestic use. The place of use is indicated as three acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 2 North, Range 8 East. The application map which also accompanied the proof, locates Government Spring 275 feet south and 125 feet east from the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 7. The other spring is not located by distance but according to the map it is about 900 feet east of the first spring referred to as Government Spring. Apparently the irrigation was by ditch and a ram was used for domestic purposes, with a priority date of July 29, 1909. The application states "the

I believe this was the spring in question

Clark

XERO COPY

XERO COPY

XERO COPY

6428

Mr. Vawter Parker

2


September 13, 1965

appropriation to be made by an enlargement of use of water from said spring by former owner." The application also recognized a right of J. P. Lucas who filed an application on August 26, 1909.

The certificate recorded at page 719 was issued to J. P. Lucas describing the appropriation of not to exceed 0.13 cubic foot per second from a spring located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7 for the irrigation of two acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and domestic use, with a date of priority of August 6, 1909. The map submitted with the application locates the spring 275 feet south and 125 feet east from the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$. The place of use is listed on the proof form as being the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By 
Trevor Jones, Assistant

TJ/gcc

PARKER & ABRAHAM
ATTORNEYS AT LAW
205 THIRD STREET
HOOD RIVER, OREGON 97031

VAWTER PARKER
KENNETH M. ABRAHAM
5428

September 14, 1965

RECEIVED
NOV 15 1965
STATE ENGINEER
SALEM OREGON
TELEPHONE 386-1411

L. Guy Marshall
Attorney at Law
1201 Yeon Building
Portland, Oregon 97204

Dear Guy:

We are enclosing a copy of a letter which we received from the State Engineer, together with a sketch of the area involved.

We have been informed by local residents that there are three springs in the North 300 feet of the Southwest quarter of the Northeast quarter. The letter from the State Engineer confirms this. We have further made an exhaustive search of the records and find that Lewis A. Clark was on June 24, 1909, the owner of lands located in the Northeast quarter of the Northwest quarter of said Section 7 and in particular the lands which are now being purchased by the Chapmans. This is shown by a deed from Cora C. Kegler to L. E. Clark dated December 9, 1906, and recorded January 5, 1907, in Book 43 of Deed Records of Wasco County, Oregon, at page 160 and thereafter transcribed into Book L of Deed Records of Hood River County at page 95. We agree with the letter of the State Engineer that there is evidently an error in locating the place of use as the Northeast quarter of the Southwest quarter for the reason that would be causing the water to run up hill.

What is apparently required is the correction of the water right to show the true place of appropriation and then as to this particular water line there should be a written agreement as to the right of use of this water from this spring and its division amongst the six or seven parties who now are using the water.

As it appears that Betty Clark is the owner of the contracts on these properties and the principal party interested, we believe that she should take some steps at this

L. Guy Marshall

-2-

September 14, 1965

time to have this matter cleared on the record.

Very truly yours,



Vawter Parker.

VP/mp
Enclosures
cc. D. W. Chapman
1217 3rd Avenue
Longview, Washington

September 13, 1965

Mr. Vawter Parker
Attorney at Law
205 Third Street
Hood River, Oregon 97031.

Dear Mr. Parker:

There are three rights of record for appropriation of water from a spring in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7. Although the distances differ slightly, it is probable that the three describe the same spring you are interested in.

The certificate issued to Lewis A. Clark and recorded at page 712, State Record of Water Right Certificates describes the appropriation of water from a spring located on the application map as 316 feet south and 110 feet east from the N. corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 8 East. The map shows a pipeline leading through the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7 but the place of use is listed as the NE $\frac{1}{4}$ SW $\frac{1}{4}$. What is the NE $\frac{1}{4}$ NW $\frac{1}{4}$ is designated on the map as the NE $\frac{1}{4}$ SW $\frac{1}{4}$? I assume this error was carried through and the certificate is probably in error. The use is for domestic purposes and the quantity of water is that which can be put to beneficial use not exceeding 0.25 cubic foot per second, with a date of priority of June 24, 1909.

The certificate recorded at page 512 describes the appropriation of not to exceed 0.14 cubic foot per second from Government Spring and a spring east of Government Spring for irrigation and domestic use. The place of use is indicated as three acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 2 North, Range 8 East. The application map which also accompanied the proof, locates Government Spring 275 feet south and 125 feet east from the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 7. The other spring is not located by distance but according to the map it is about 900 feet east of the first spring referred to as Government Spring. Apparently the irrigation was by ditch and a ram was used for domestic purposes, with a priority date of July 29, 1909. The application states "the

September 13, 1965

appropriation to be made by an enlargement of use of water from said spring by former owner." The application also recognized a right of J. P. Lucas who filed an application on August 26, 1909.

The certificate recorded at page 719 was issued to J. P. Lucas describing the appropriation of not to exceed 0.13 cubic foot per second from a spring located in the SW 1/4 NE 1/4, Section 7 for the irrigation of two acres in the NW 1/4 NE 1/4, and domestic use, with a date of priority of August 6, 1909. The map submitted with the application locates the spring 275 feet south and 125 feet east from the NW corner of the SW 1/4 NE 1/4. The place of use is listed on the proof form as being the SW 1/4 NE 1/4, section 7.

Very truly yours,

CHARLES L. WELLS
State Engineer

By Trevor Jones, Assistant

WV/cc

October 29, 1914.

Mr. Lewis A. Clark,
458 N. 21 St E.,
Portland, Oregon.

Dear Sir,-

Acknowledgement is made of the receipt of \$1.00 recording fee for certificate to be issued under your Permit No. 66. Your proof of appropriation will be approved at the November meeting of the State Water Board, and certificate when issued will be sent to the County Clerk for recording. The clerk will thereafter send certificate to you.

Very respectfully,

Secretary.

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD
SALEM, OREGON

JAMES T. CHINNOCK
SUPERINTENDENT WATER DIVISION No. 1
SALEM, OREGON

GEO. T. COCHRAN
SUPERINTENDENT WATER DIVISION No. 2
LA GRANDE, OREGON

STATE OF OREGON

OFFICE OF THE STATE WATER BOARD

M. F. MERS
SECRETARY

SALEM, OREGON August 3, 1914.

OFFICE OF STATE WATER BOARD
RECEIVED
OCT 19 1914
SALEM, - OREGON.

Mr. Lewis A. Clark,
437 E. 15th St., North
Portland, Oregon.

Dear Sir,-

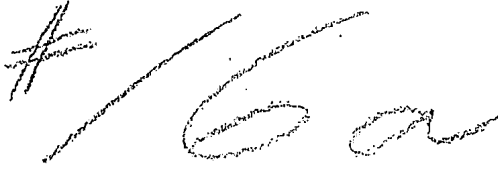
Acknowledgement is made of the receipt of proof
of appropriation of water under Permit No. 66.

This proof appears to be in proper form, and upon
receipt of \$1.00 recording fee required by law, will be presented
to the State Water Board for approval and issuance of certificate.

Very respectfully,

M. F. Mers

Secretary.

A handwritten signature in dark ink, appearing to be 'JHL', is written over a horizontal line.

August 26, 1909.

Mr. Lewis A. Clark,
Portland, Oregon.

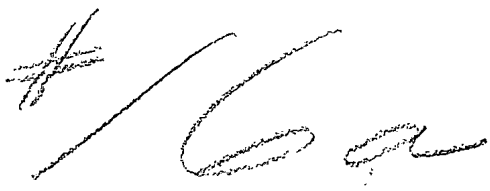
Dear Sir:

I enclose herewith application No. 150, being permit No. 66, which has been duly approved by this office; also your original application, together with one copy of the duplicate map submitted by you with this application.

Very respectfully,

State Engineer.

(2 enclosures.)

A handwritten signature in dark ink, appearing to be 'JHL', is written over a horizontal line.

August 17, 1909.

Messrs. Caldwell & Reeder,
509 Abington Building,
Portland, Oregon.

Gentlemen:

I hereby acknowledge receipt of yours of the 16th inst., together with check for five dollars to apply on fees in connection with application No. 150, by Lewis A. Clark. This application will be examined for approval as soon as the same can be reached.

Very respectfully,

State Engineer.

LAW OFFICES
CALDWELL & REEDER
509-510-511 ABINGTON BLDG.
PHONE MAIN 2791
PORTLAND, OREGON

OFFICE OF STATE ENGINEER
RECEIVED
AUG 17 1909
SALEM, - OREGON.

** 16a*

#150

August, 16-1909.

Hon John H. Lewis.

Salem, Oregon.

Dear Sir;.

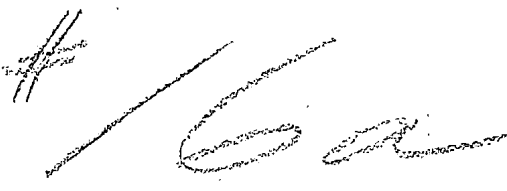
Enclosed we hand you herewith check of \$5.00 the balance of fees in the matter of the Application for appropriation of water by Lewis A. Clark. The reason of the delay in this matter was that Mr. Clark was out of the City and we could not communicate with him.

Yours truly.

Caldwell Reeder

check \$5.00 Recd

OFFICE OF STATE ENGINEER
RECEIVED
AUG 17 1909
SALEM, - OREGON.

A handwritten signature or set of initials, possibly 'E. A.', written in dark ink. The signature is somewhat stylized and appears to be written over a faint horizontal line.

July 27, 1909.

Messrs. Caldwell & Reeder,
509 Abington Building,
Portland, Oregon.

Gentlemen:

I beg to acknowledge receipt of yours of the 24th inst., transmitting application for permit to appropriate water, No. 150, in the name of Lewis A. Clark. Upon receipt of five dollars, the fee as provided by law for filing and recording applications of this nature, your application will be examined for approval. This fee is in addition to the three-dollar examination fee already paid.

Very respectfully,

State Engineer.

#/6a

LAW OFFICES
CALDWELL & REEDER
509-510-511 ABINGTON BLDG.
PHONE MAIN 2791
PORTLAND, OREGON

F. S. Reed

July 24th, 1909.

Mr. John H. Lewis, *app-150*
State Engineer,
Salem, Oregon.

Dear Sir:-

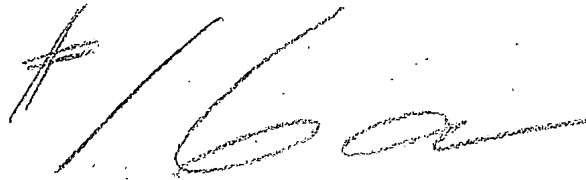
Enclosed we return the application for permit to appropriate water by Lewis A. Clark and under separate cover you will receive the drawings and maps of said proposed appropriation.

Yours truly,

Caldwell Reeder

Enc.-1.

Dict.G.W.C.-R.M.

A handwritten signature in dark ink, appearing to be 'F. G. ...', is written across the top center of the page.

June 28, 1909.

Messrs. Caldwell & Reeder,
509 Abington Building,
Portland, Oregon.

Gentlemen:

I am in receipt of yours of the 26th inst., in regard to the endorsement on application for permit No. 150. Replying, I will say that this application should have been endorsed July 26th, instead of June 26th; that is, you are allowed thirty days from the date of its return in which to make the necessary corrections. You may, therefore, consider the application so endorsed and proper notation will be made upon its return to this office.

Very respectfully,

State Engineer.

LAW OFFICES
CALDWELL & REEDER
509-510-511 ABINGTON BLDG.
PHONE MAIN 2791
PORTLAND, OREGON

16a

app - 150

June 26th, 1909.

Mr. John H. Lewis,
State Engineer,
Salem, Oregon.

OFFICE OF STATE ENGINEER
RECEIVED
JUN 28 1909
SALEM, - OREGON.

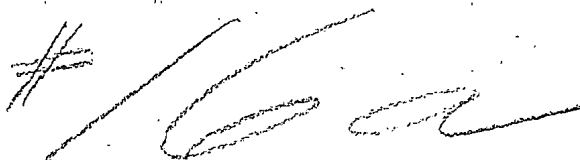
Dear Sir:-

We are in receipt of the return of application for permit No. 150 with an endorsement thereon that it must be returned June 26th. We did not receive it until this morning and the applicant is out of the City and it is impossible to get the map printed before Tuesday of next week and we therefore ask for an extension of time until next Tuesday in which to complete the application.

Yours truly,

Caldwell Reeder

Dict. G.W.C.-R.M.

A handwritten signature in dark ink, appearing to be 'G. A.', written in a cursive style.

June 25, 1909.

Messrs. Caldwell & Reeder,
509 Abington Building,
Portland, Oregon.

Gentlemen:

I am in receipt of yours of the 23d inst., transmitting application for permit to appropriate water, No. 150, together with the three-dollar examination fee, receipt of which is hereby acknowledged.

In accordance with the provisions of Section 47 of the 1909 water law, I am returning this application herewith for correction. The necessary corrections in this case would be the transfer of the application to the printed forms enclosed herewith and maps furnished according to the printed instructions, a copy of which is also enclosed.

Very respectfully,

State Engineer.

(Enclosures.)

LAW OFFICES
CALDWELL & REEDER
509-510-511 ABINGTON BLDG.
PHONE MAIN 2791
PORTLAND, OREGON

16a

app-150

June 23rd, 1909.

OFFICE OF STATE ENGINEER

RECEIVED

JUN 24 1909

SALEM, OREGON.

State Engineer,
Salem, Oregon.

Dear Sir:-

Enclosed we hand you check of Lewis A. Clark for the sum of \$3.00 for filing fees of the enclosed application for water right. In application of this kind we would like instructions as to what sort of a drawing you require to be filed and anything else that is required by ~~your~~ ^{his} office, that we may fully comply with the requirements in order to perfect the application.

Yours truly,

Caldwell Reeder

Encs-2.

Dict.G.W.C.-R.M.

Check
3.00
Reed