

4

Application No. 214

Permit No. 132

Certificate No. ~~722~~ 30038

**36706**  
SUPERSEDING  
CERT. ~~33032~~

*Ch. in Pt of Div of Place of Use = Sp. O. Vol. 12, p 58*

**FEES PAID**

Date	Amount	Receipt No.
Total		

Name Oruel E. Ryder + John Hug.

By Elgin Ore.

Address Elgin Ore.

Date filed .....

Action suspended until .....

Returned to applicant .....

Date completed .....

Date of approval .....

Stream Index, Page No. 8-13

Application Record, Book No. ....

**FEES REFUNDED**

Date	Amount	Check No.

**ASSIGNMENTS**

Date	To whom	Address	Volume	Page
			1	336-7

**REMARKS**

**CONSTRUCTION**

Date for beginning .....

Date for completion .....

Extended to .....

Date for application of water .....

Extended to .....

**PROSECUTION OF WORK**

Form "A" filed .....

Form "B" filed .....

Form "C" filed .....

**FINAL PROOF**

Blank mailed .....

Proof received .....

Date certificate issued .....

Receipt for recording fee No. ....

CERT. 33032 ISSUED MARCH 11 1966



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

**This Is to Certify, That** PETER C. WESTENSKOW

of Imbler, 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 Clark's Creek

a tributary of Grande Ronde River for the purpose of irrigation of 97.2 acres of land

under Permit No. 132 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 August 4, 1909

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 1.22 cubic feet 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 SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, T. 1 N., R. 39 E., W. M. Diversion point located: 2110 feet North and 1780 feet West from the SE Corner, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25.

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 one-eightieth 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:

15.6 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
30.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 23  
- 3.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
- 40.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
- 5.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24  
3.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 25  
T. 1 N., R. 39 E., W. M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the State Engineer entered June 6, 1966, and supersedes certificate of water right heretofore issued to John Klinghammer and L. J. Furgason and recorded at page 30038, Volume 22, State Record of Water Right Certificates.

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. April 14, 1970

CHRIS L. WHEELER

State Engineer



C-170  
V-12 P 58

STATE OF OREGON  
COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAVON AND VERA CULVER

of Box 359, Elgin, 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 Clarks Creek

a tributary of Grande Ronde River for the purpose of irrigation of 130.0 acres

under Permit No. 132 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 August 4, 1909

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 1.63 cubic feet 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 $\frac{1}{4}$  NW $\frac{1}{4}$  and SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 23, T. 1 N., R. 39 E., W. M.

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 one-eighth 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:

- 2.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 5.3 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$
- 15.5 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$
- 28.5 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$
- 35.2 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$
- 18.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$
- 25.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 23  
T. 1 N., R. 39 E., W. M.

This certificate is issued to confirm a change in point of diversion and place of use approved by an order of the State Engineer entered June 27, 1962, and together with the certificate recorded at page 30038, Volume 22, supersedes certificate of water right heretofore issued to John Klinghammer and L. J. Furgason and recorded at page 722, Volume 1, State Record of Water Right Certificates.

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 11, 1966

.....  
CARRIS L. MHELETT  
State Engineer

Confirming Cont.  
for transfer



August 12, 1959

L. and Vera Culver  
Route 1, Box 101  
Summerville, Oregon

Dear Sir and Madam:

In reply to your request of August 7, we are enclosing four water right application forms and a copy of the Rules and Regulations of the State Engineer. Each completed application when submitted to this office should be accompanied by the supporting data described on the enclosed instruction sheet.

With regard to the status of the right on Clarks Creek, the law provides that if a completed and perfected right is not exercised for a period of five or more continuous years the right is conclusively presumed to have been lost through abandonment.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
James W. Carver, Jr., Assistant

JWC:eh  
enclosures



RECEIVED  
AUG 10 1959

STATE ENGINEER  
SALEM, OREGON

Aug 7, 1959

Summersville, Ore

Box 101. Rt.

Dear Sir,

We would like you to send the proper papers for filing on H springs on property that we now own and property that we are buying -

We now own the Geo. McDonald place which is colored in red on the map that we have enclosed and we are buying the Annasthing-hammer place also colored on the map and the springs are located approximately where the blue dots are on both places.

We would like this map back please.

We would like to know if we have to use the water out of Clark's Creek to keep the water right that was granted to that property in Dec. 19, 1914 in Book 1 of Certificates of water Rights at page 47, records of Union Co. This is for irrigation of 233 acres of land under permit no 132 of the State engineer.

Entered in the record of proceedings of said Board, at Salem in Volume 1 at page 168 on the



18th day of Nov. 1914, the amount not to  
2.92 cubic feet per second. This was granted  
to or with other parties. Could you send us a  
separate copy on this property?

Could you tell us how we could locate the  
corner stones or markers for both places?

Thank you very much.

Sincerely yours,  
Lawson & Vera Culver  
Box 101 Rt. 1  
Summersville, Ore



August 21, 1914.

Mr. L. Denham,  
Elgin, Oregon.

Dear Sir,-

Acknowledgement is made of the receipt of proof of appropriation of water under Permit No. 132, of John Klinghammer, together with \$1.00 recording fee for certificate.

This proof will be considered by the State Water Board at its November meeting, and the certificate when issued will be mailed to the County Clerk of Union County for recording. The County Clerk will mail certificate to the holder.

Very respectfully,

Secretary.



L. DENHAM  
ATTORNEY AT LAW  
NOTARY PUBLIC

OFFICE OF STATE WATER BOARD  
RECEIVED  
AUG 21 1914  
SALEM, - OREGON.

ELGIN, OREGON Aug. 20-1914.

State Water Board.

Salem, Ore.

Gentlemen,

Re, Permit #132, John Klinghammer, Elgin, Ore.: - Herewith  
"Proof of Appropriation of Water", together with fee \$1.00.

Respectfully,

*L. Denham*



August 7, 1914.

Mr. Chas. E. Stricklin,

Joseph, Ore.

Dear Sir,-

If you happen to be in the vicinity of Elgin, you might run down and inspect Permit No. 132, now held by John Klinghammer, of Elgin. He has sent for proof blanks, and I have mailed them to him, and an inspection will probably not be necessary unless you find it convenient and inexpensive. I am enclosing blue print of land and ditches covered by this permit.

Very respectfully,

Secretary.



August 7, 1914.

Mr. L. Denham,  
Elgin, Oregon.

Dear Sir:-

In accordance with your request of August 3rd,  
I enclose proof of appropriation of water under Permit No.  
132, together with printed instructions, which should be  
followed carefully in filling out this blank.

Very respectfully,

Secretary.



L. DENHAM  
ATTORNEY AT LAW  
NOTARY PUBLIC

214-132

ELGIN, OREGON Aug. 3-1914.

John H. Lewis, Esq. -- State Engineer, WATER BOARD

RECEIVED

Salem, Ore.

AUG 5 1914

SALEM - OREGON

Dear Sir,

SALEM, - OREGON.

John Klinghammer of Elgin, assignee of interests in the "Ryder and Hug" Ditch near Elgin desires to make proof of final completion of ditch. Will you please furnish necessary blank.

Respectfully,

*L. Denham*

*Permit 132*

*Strick*



August 1, 1914.

Mr. O. E. Ryder,

Elgin, Oregon.

Dear Sir,-

Acknowledgement is made of the receipt of proof of appropriation of water under Permit No. 132, in your name, and that of John Hug.

Upon receipt of the \$1.00 recording fee required by law, your proof will be presented to the State Water Board for approval and issuance of certificate.

Very respectfully,

Secretary.



Please find inclosed one dollar  
for recording of transfer

214

L J Turgison

Elgin Ore



Application No. 214.

July 6, 1914.

Mr. O. E. Ryder.

Elgin, Oregon.

Dear Sir:-

I am in receipt of yours of the 3rd instant in which you state that you wish to transfer ~~all~~ your right in an to Application No. 214, Permit No. 132 to L. J. Ferguson. I am enclosing a form of assignment which you should sign and return to this office. The fee, as provided by law for recording such an instrument in this office is \$1.00.

Very respectfully,

John H. Lewis,

State Engineer.

PAC/H

Encl.



214

Elgin Ore  
7/3/14

Mr Lewis  
Salem Ore

Dear sir I wish  
to transfer all my right  
title and interest in Permit  
Royds and Hung ditch Permit  
132 apl 214 to L J Ferguson  
as he owns the lands  
at present time  
I as was O. E. Royds



214

Sept. 25, 1913.

Mr. L. Denham,

Elgin, Oreg.

Dear Sir:-

Enclosed find my official receipt for 50 cents,  
which amount was transmitted by your letter of the 24th inst.,  
to cover fee as provided by law for furnishing copy of  
application No. 214, Permit No. 132, by Oriel E. Ryder &  
John Hug for the waters of Clark Creek. A copy of the  
above application is enclosed.

Very respectfully,

Percy A. Cupper,

Acting State Engineer.

PAC-p

Encl.



L. DENHAM  
ATTORNEY AT LAW  
NOTARY PUBLIC

2/4 13<sup>2</sup>

OFFICE OF STATE ENGINEER  
RECEIVED  
SEP 25 1913  
SALEM - OREGON

ELGIN, OREGON. Sept. 24-1913.

Hon. John H. Lewis.

State Water Commissioner.

Salem, Ore.

Dear Sir,

Please furnish me with a copy of the "Application of Henry H. Hug to appropriate the water of Clark's Creek" in Union County, Ore. Fee 50¢ inclosed.

Respectfully,

*Orvil E. Rader & John Hug*

*L. Denham*



Application 214.

#22a

March 31, 1913

Mr. L. Denham,

Elgin, Oregon.

Dear Sir:

In accordance with your request of the 29th inst., I am inclosing a copy of application No. 214, permit No. 132 by Ryder and Hug. The fees, as provided by law for furnishing this copy is 50 cents.

Very respectfully,

John H. Lewis,

State Engineer.

PAC-W

Enc.



L. DENHAM  
ATTORNEY AT LAW  
NOTARY PUBLIC

214-132  
#222  
MAY 22 1913  
REGISTER

ELGIN, OREGON, March 29-1913.

Hon. John H. Lewis--Water Superintendent.  
Salem, Ore.

Dear Sir,

Please be referred to your records "Ryder & Hug Ditch T.I.N. R. 39 & 40 E.W.M." in Union Co.: One of owners of this ditch has gone East taking the original Application and data ; the other part owner now requests such information by copy of your records in the matter to enable him to answer questions at the Hearing to be held at Elgin, Ore. 8th. April. Will you please furnish same advising of expense.

Respectfully,

*L. Denham*



# 22a

October 26, 1909.

Mr. Oriel E. Ryder,  
Elgin, Oregon.

Dear Sir:

I enclose herewith application No. 214, by yourself and John Hug, approved, being permit No. 132, together with blue print map, under separate cover.

Very respectfully,

State Engineer.

(2 enclosures.)



#22a

August 4, 1909.

Mr. Oriel E. Rider,  
Elgin, Oregon.

Dear Sir:

I am in receipt of your application No. 214, for permit to appropriate water, together with \$29.50, receipt of which is hereby acknowledged. This application will be examined as soon as the same can be reached and, if found insufficient, will be returned for correction, as provided by law.

Very respectfully,

State Engineer.



Division No. 2

Permit No. 132

County of Union

Application No. 214

### Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Clarke Creek Tributary of .....

1. Name Oriel E Ryder and John Hug

2. Postoffice address Elgin Ore

3. For what purpose is water used? Irrigation

4. Did you begin the actual construction of the Ryder & Hug Ditch,  
(or other distributing works described in said permit), on or before Oct 25 - 1910 ?  
yes

5. Give the date of completion of such construction work Nov 20 same year

6. When was all the water completely applied to the proposed use? .....

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>1N</u>	<u>39E</u>	<u>23</u>	<u>W 1/2 NW</u>	<u>50</u>	<u>40<sup>0</sup></u>
			<u>NE SW</u>	<u>40</u>	<u>50<sup>0</sup></u>
			<u>NW SE</u>	<u>40</u>	<u>10<sup>0</sup></u>
			<u>SW SE</u>	<u>30</u>	<u>30<sup>0</sup></u>
			<u>SE SE</u>	<u>40</u>	<u>30<sup>0</sup></u>
		<u>26</u>	<u>NE NE</u>	<u>40</u>	<u>25<sup>0</sup></u>
		<u>25</u>	<u>NW NW</u>	<u>30</u>	<u>30<sup>0</sup></u>
		<u>24</u>	<u>SW SW</u>	<u>40</u>	<u>40<sup>0</sup></u>
			<u>SE SW</u>	<u>20</u>	<u>50<sup>0</sup></u>

8. During what months is water beneficially used? may June July & August



9. State the character of the soil and kind of crops raised Gravelly formation  
Grain & Hay
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Yes
11. If not, state wherein such map is in 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) .....
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.....

STATE OF OREGON,  
 County of Union } ss.  
 I, L. J. Ferguson, 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 29 day  
 of July, 1914.

L. J. Ferguson  
 Subscribed and sworn to before me this 29 day of July, 1914  
W. Shoemaker  
 Notary Public for Oregon.

(Notarial Seal)



AFFIDAVIT OF WITNESSES

We, O. E. Ryder and J. W. Cummings  
of Elgin, Ore, 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. 137; 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 appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

O. E. Ryder

J. W. Cummings

Subscribed and sworn to before me this 29 day of July, 1914.

[Signature]

(Notarial Seal)

Notary Public for Oregon.

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

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

I recommend that a certificate be issued

H. W. Donnelly



APPROPRIATE OF WITHHELD

OFFICE OF STATE WATER BOARD  
RECEIVED  
JUL 31 1914  
SALEM, OREGON.

*No fees*



*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



Division No. 2

Permit No. 132

County of Union

Application No. 214

### Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Clark's Creek Tributary of .....

1. Name John Klinghammer

2. Postoffice address Elgin Oregon

3. For what purpose is water used? Irrigation

4. Did you begin the actual construction of the Ryder & Hug Ditch,

(or other distributing works described in said permit), on or before Oct 25, 1910?

Yes

5. Give the date of completion of such construction work 15<sup>th</sup> June 1911.

6. When was all the water completely applied to the proposed use? 15<sup>th</sup> June 1911.

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
17	39 E	23	nw 4 nw 4	50	20	
			sw 4 nw 4		30	
			ne 4 sw 4	40	40	
			nw 4 se 4	40	40	
			sw 4 se 4	30		
			se 4 se 4	40		
			26	ne 4 ne 4	40	
			25	nw 4 nw 4	30	
			24	sw 4 sw 4	40	
				se 4 sw 4	20	

8. During what months is water beneficially used?

May, June, July, August



9. State the character of the soil and kind of crops raised Black loam and Gravelly.
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? yes.
11. If not, state wherein such map is in 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.

STATE OF OREGON, Union } ss.  
 County of Union

I, John Klinghammer, 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 11<sup>th</sup> day of August, 1914.

John Klinghammer

Subscribed and sworn to before me this 11<sup>th</sup> day of August, 1914.

L. A. Benham  
 Notary Public for Oregon.

(Notarial Seal)



AFFIDAVIT OF WITNESSES

We, H.S. Sommer and A. E. Hug,  
of Elgin, Oregon, 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. 132; 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 appropri-  
ation, and that each and every statement contained therein is true to the best of our knowledge  
and belief.

H.S. Sommer

A. E. Hug

Subscribed and sworn to before me this 15<sup>th</sup> day of August, 1914

L. Senham  
Notary Public for Oregon.

(Notarial Seal)

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

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

I recommend that a certificate be issued.

.....  
.....

H. P. Donnelly





OFFICE OF STATE WATER BOARD  
RECEIVED  
AUG 21 1914  
SALEM, OREGON.