

Name **FRED BUBB ASSIGNED**  
 By 1714 Washington St.  
 Address Baker, Oregon 97814

Application No. 41359  
 Permit No. 30895  
 Certificate No. 36715

**FEEES PAID**

Date	Amount	Receipt No.
9-13-65	\$15.00	From P-6
4/11/70	\$1 Cert. Fee	18215

Stream Index, Page No. 9-8B

See files 55750, 55749, & T-3639

**FEEES REFUNDED**

Date	Amount	Check No.
------	--------	-----------

Date filed September 10, 1965  
 Priority September 10, 1965  
 Action suspended until

**ASSIGNMENTS**

Returned to applicant  
 Date of approval April 7, 1966

Date	To Whom	Address	Volume	Page
5-8-67	Earl Switter & Wilma Switter	Box 6, Durkee, Oregon 97905	4	904

**CONSTRUCTION**

Date for beginning April 7, 1967  
 Date for completion October 1, 1968  
 Extended to  
 Date for application of water October 1, 1969  
 Extended to

**REMARKS**

0.65 cfs from Manning Creek (Snake River) for the irrigation of 26 acres

MAY 2 1967 CARD FOR A

**PROSECUTION OF WORK**

Form "A" filed  
 Form "B" filed  
 Form "C" filed May 8, 1967

FINAL PROOF  
 MARCH 25 1970

Blank mailed  
 Proof received  
 Date certificate issued JUNE 16 1970

**Form C**

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

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. ....

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

RECEIVED  
MAY 8 1967  
STATE ENGINEER  
SALEM OREGON

I, Irvin S. Bubb, the holder of Permit No. 30895

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of October, 1966.

Remarks: .....

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of May, 1967.

Irvin S. Bubb  
(Signature of Applicant)

1714 Washington - Beers, Oregon  
(Address)



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

April 27, 1998

EDWIN C. AND BEVERLY M. WHITE  
687 MINGO MOUNTAIN ROAD  
KETTLE FALLS, WA 99141

Dear Mr. and Mrs. White:

REFERENCE: **File 41359** and Transfer File T-3639

Staff discovered a conflict with an existing water right while preparing the proposed certificate of water right for Transfer File T-3639. A conflict, in this case, is when there is more than one water right for lands allowing the use of water from the same source.

Certificate 36715 allows for the use of 0.4 cubic foot per second of water from Manning Creek for the irrigation of 16.0 acres with a priority date of September 10, 1965. The proposed certificate for Transfer T-3639 describes the use of up to 3 acre-feet of water for the same lands with a priority date of 1879.

On the assumption that you wish to voluntarily authorize the cancellation of the duplicate right, I have prepared an affidavit, when properly completed before a notary public and returned will allow the Director to enter an order canceling that portion of Certificate 36715 in conflict with the area proposed to be allowed by Transfer T-3639.

Another option you have is to request transferring the 16.0 acres of the 1965 water right to other lands. In either case, the cancellation or transfer should be accomplished prior to the issuance of a certificate for Transfer T-3639.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

STEVE BROWN  
Water Rights Program Analyst  
Water Rights/Adjudication Division

Enclosures

cc: Vern Church, Watermaster, District 8

A F F I D A V I T

STATE OF OREGON )  
 ) SS  
County of Baker )

We, Edwin C. and Beverly M. White, 687 Mingo Mountain Road, Kettle Falls, Washington 99141, being first duly sworn say:

- 1. We are the legal property owners of the SE 1/4 NE 1/4 of Section 34 and the SW 1/4 NW 1/4 of Section 35, Township 11 South, Range 43 East, of the Willamette Meridian, in Baker County, Oregon;
- 2. Water right certificate number 36715 issued to Earl Switter and Wilma Switter, with a date of priority of September 10, 1965, includes the use of 0.4 cubic foot per second of water from Manning Creek for the irrigation of 15.1 acres within the SE 1/4 NE 1/4, Section 34 and 0.9 acre within the SW 1/4 NW 1/4, Section 35, Township 11 South, Range 43 East, W.M.; and
- 3. We have abandoned any and all interest in the above described portion of Certificate 36715 appurtenant to our property and request the portion of the right and certificate be canceled.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this \_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires \_\_\_\_\_

*Make correction*

AFFIDAVIT

STATE OF OREGON )  
County of *Baker* ) SS

~~1~~We, Edwin C. and Beverly M. White, 687 Mingo Mountain Road, Kettle Falls, Washington 99141, being first duly sworn say:

1. We are the legal property owners of <sup>the</sup> property SE 1/4 NE 1/4 of Section 34 and the SW 1/4 NW 1/4 of Section 35, Township 11 South, Range 43 East, of the Willamette Meridian, in Baker County, Oregon;
2. Water right certificate number 36715 issued to Earl Switter and Wilma Switter, with a date of priority of September 10, 1965, includes the use of 0.4 cubic foot per second of water from Manning Creek for the irrigation of 15.1 acres within the SE 1/4 NE 1/4, Section 34 and 0.9 acre within the SW 1/4 NW 1/4, Section 35, Township 11 South, Range 43 East, W.M., appurtenant to our property; and
3. We have abandoned any and all interest in the above described portion of Certificate 36715 appurtenant to our property and request the portion of the certificate be canceled. *right & and*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires \_\_\_\_\_

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

**This Is to Certify,** That **EARL SUITTER and WILMA SUITTER**

of **Box 6, Durkee**, 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 **Manning Creek**

a tributary of **Burnt River** for the purpose of irrigation of **26.0 acres**

under Permit No. **30895** 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 **September 10, 1965**

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 **0.65 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW $\frac{1}{4}$  SE $\frac{1}{4}$** , Section **35**, T. **11 S.**, R. **43 E.**, W. **M.** Diversion point located: **2690 feet South and 6100 feet East from NW $\frac{1}{4}$  Corner, Section 34.**

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-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during the irrigation season of each year,

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:

**25.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 34**

**0.9 acre SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 35  
T. 11 S., R. 43 E., 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.

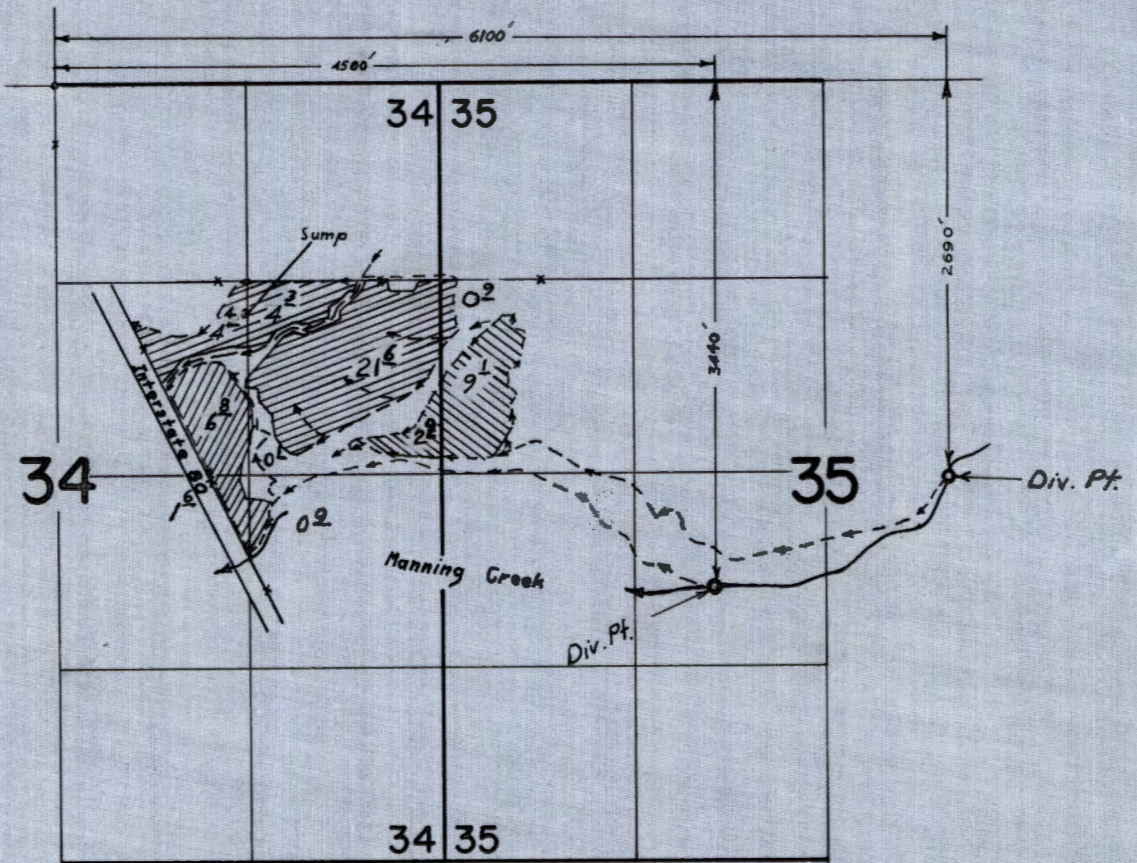
WITNESS the signature of the State Engineer, affixed

this date. **June 16, 1970**

**CHRIS L. WETTLER**

State Engineer

# T.IIS.R43E.W.M.



## FINAL PROOF SURVEY UNDER

Transfer No. B-148

40297

41359

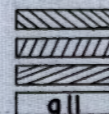
30056

30895

Application No. 43207 Permit No. 32301

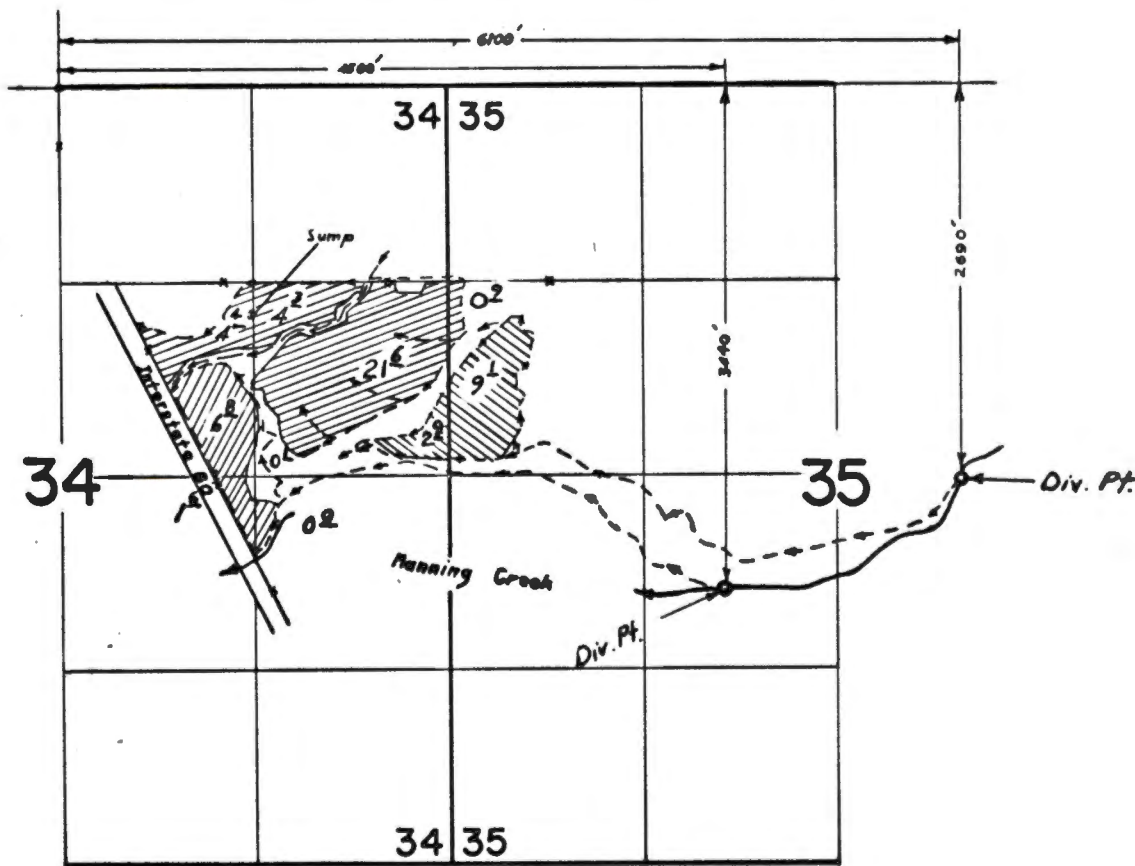
IN NAME OF

**EARL SUITTER**








Surveyed Oct 18 1969, by L. E. Gould

# T.11S.R43E.W.M.



## FINAL PROOF SURVEY UNDER

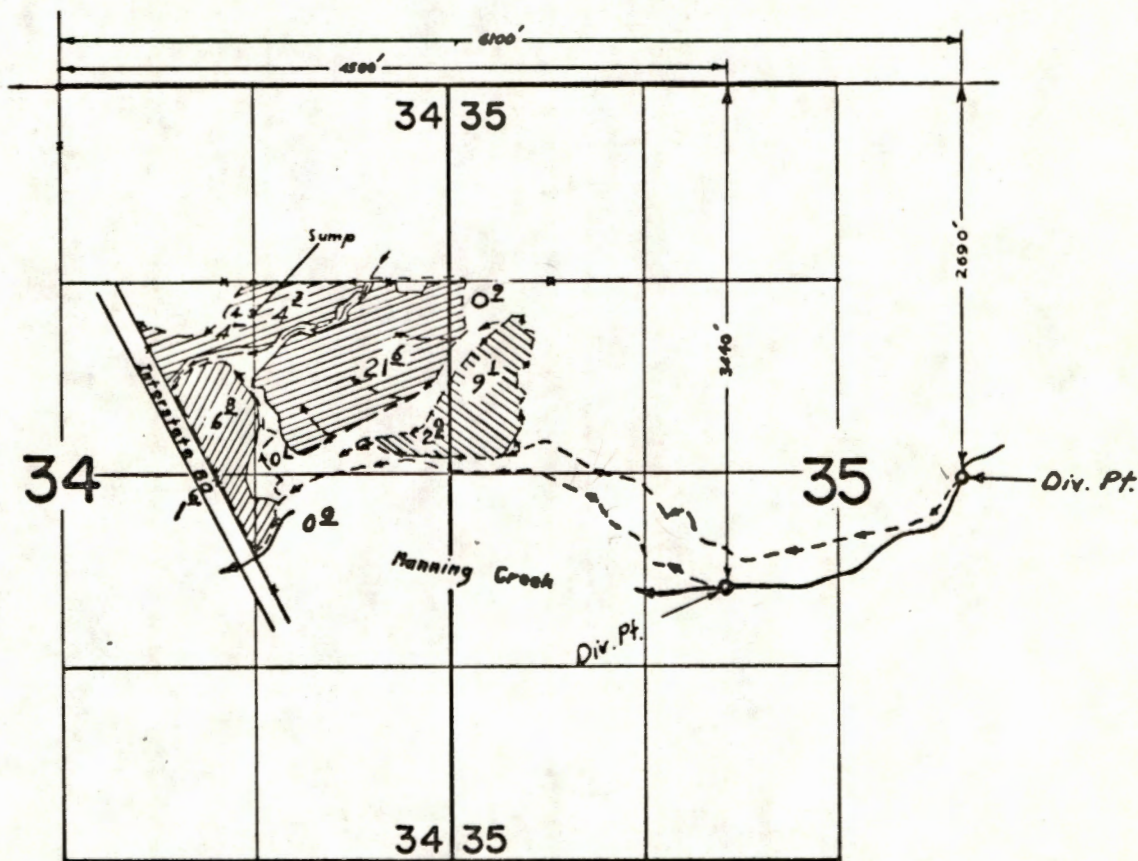
Transfer No. B-148		
40297	30056	
41359	30895	
Application No. 43207	Permit No. 32301	
IN NAME OF		

**EARL SUITTER**

Surveyed Oct. 18, 1969, by L. E. Gould

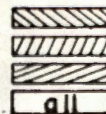


# T.I.S.R43E.W.M.



## FINAL PROOF SURVEY UNDER

Transfer No. B-148  
 40297                      30056  
 41359                      30895  
 Application No. 43207    Permit No. 32301



IN NAME OF

**EARL SUITTER**

Surveyed Oct 18 1969, by L. E. Gould

STATE OF OREGON

COUNTY OF BAKER

Proof of Appropriation of Water

RECEIVED  
APR 1 1970  
STATE ENGINEER  
SALEM OREGON

EARL SUITTER and WILMA SUITTER

of **Box 6, Durkee**, State of **Oregon**,  
has applied beneficially the waters of  
**Manning Creek**

a tributary of **Burnt River** for the purpose of  
**irrigation of 26.0 acres**

under Permit No. **30895** 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 **September 10, 1965**

that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of  
**0.65 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 35, T. 11 S., R. 43 E., W. M.**  
**Diversion point located: 2690 feet South and 6100 feet East from NW Corner,**  
**Section 34.**

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-fortieth** of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited  
**to a diversion of not to exceed 3 acre feet per acre for each acre irrigated**  
**during the irrigation season of each year,**

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:

**25.1 acres SE 1/4 NE 1/4**  
**Section 34**  
**0.9 acre SW 1/4 NW 1/4**  
**Section 35**  
**T. 11 S., R. 43 E., W. M.**

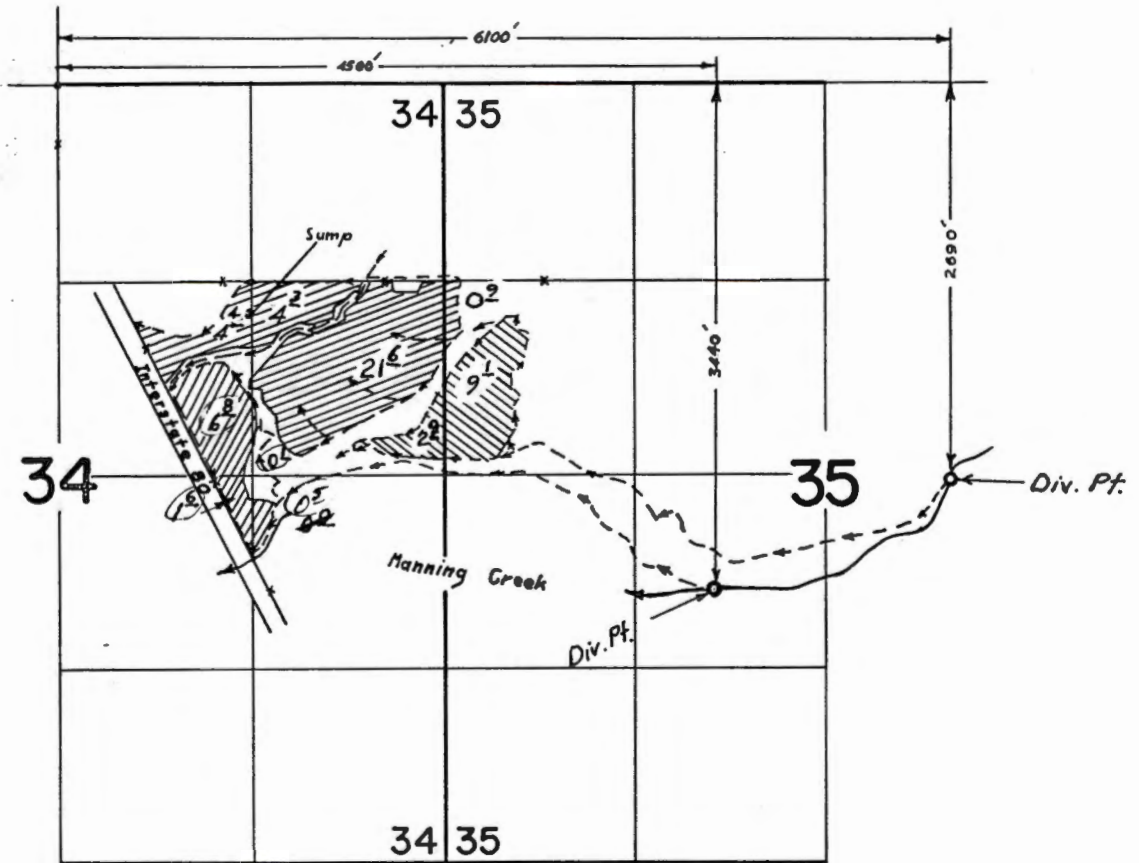
I have read the above and foregoing proof of appropriation of water; I know the contents  
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of March,

1970

*(Earl Suitter - Wilma Suitter)*

# T.IIS.R43E.W.M.



## FINAL PROOF SURVEY

UNDER

Transfer No. B-148

40297

41359

30056

30895

Application No. 43207... Permit No. 32301

IN NAME OF

EARL SUITTER

Surveyed Oct. 18, 1969, by L. E. Gould



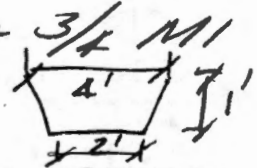


INFO: EARL SUITTER.

DIVERSION

POINT: A 4' CONCRETE DAM CONTROLS  
H.G.L., DIVERTS WATER THROUGH  
HEADGATE INTO DITCH.

DITCH: A WELL-CLEANED, EARTH-LINED  
DITCH CARRIES WATER ~  $3\frac{1}{2}$  MI  
FROM P.O.D. TO FIELD.



NOTE: PLACE OF USE IS TRANSFERRED  
FROM BOTTOM LAND NOW COVERED  
BY 55780, 42751 TO BENCH LAND  
BELOW DITCH.

CROP: ALFALFA, PASTURE

TIE: PTS-1978-P-E

OCTOBER 31, 1978

*[Signature]*  
FIELD ENGINEER

41359  
40297  
43207  
B-148

March 25, 1970

Earl and Wilma Switter  
Box 6  
Durkee, Oregon 97905

Dear Sir and Madam:

Enclosed are the final proofs in connection with your permits numbered 30056, 30895 and 32301, and also your transfer number B-148.

The data contained in the proofs, 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 and transfer number B-148. The proofs should be dated and signed by you and returned to this office.

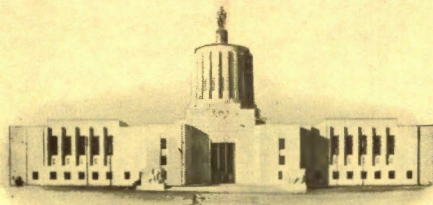
Upon receipt of the proofs, properly executed and accompanied by the statutory recording fee of \$3, certificates of water rights will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

Myron V. Bish  
Assistant

MVB:cjs

Enclosures



STATE OF OREGON  
STATE ENGINEER  
516 PUBLIC SERVICE BUILDING  
SALEM 10

REFER TO  
FILE NO. 41359

May 8, 1967

Fred Dobb  
1714 Washington Street  
Baker, Oregon 97814

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. 30895.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

Form 128

ks

cc Earl & Wilma Suttter

41359

May 8, 1967

Fred and Emma Bubb  
1714 Washington Street  
Baker, Oregon 97814

Dear Sir and Madam:

This will acknowledge the assignment of water right permit number 30895 from you to Earl Switter and Wilma Switter, which has been recorded in the Records of the State Engineer, and our records have been changed accordingly.

Enclosed is our receipt number 3663 of \$1.00 covering the recording fee.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Myron V. Bish  
Assistant

MVB:pju

Enclosure



41359

May 8, 1967

Earl Switter and Wilma Switter  
Box 6  
Durkee, Oregon 97905

Dear Sir and Madam:

Enclosed is the assignment of water right permit number 30895 from Fred Bubb and Emma Bubb to you. This has been recorded in the Records of the State Engineer, and our records have been changed accordingly.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Myron V. Bish  
Assistant

MVB:pju

Enclosure

B-148  
41359  
40297  
43207

March 3, 1967

Karl Suitter  
Box 6  
Durkee, Oregon

Dear Sir:

This will acknowledge receipt of your returned application No. 43207 and the map.

If you intend to irrigate from October 1 to March 31 of each year on lands that now have existing rights for irrigation during the summer months, then the map and the number of acres to be irrigated in each forty must agree with the location of these lands, as shown in the earlier rights.

The map, which you submitted, does not now agree to the location of the lands irrigated with the older rights. The application map is made a permanent part of the record, and should therefore, be a more durable quality of tracing paper, if at all possible. The area to be irrigated should be more clearly defined by cross-hatching as shown on Page 8 of the enclosed booklet of Rules and Regulations.

I am returning your application and the map for correction and completion. The application is endorsed so that in order to retain its date of priority, it must be returned on or before May 3, 1967.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Larry W. Jebousek  
Assistant

LWJ:dly  
Enclosures

41359

April 19, 1966

Fred Bubb  
1714 Washington Street  
Baker, Oregon

41359, Permit No. 30895 with blueprint.

41359

October 1, 1965

Fred Bubb  
1714 Washington St.  
Baker, Oregon

Dear Sir:

This will acknowledge your application for a permit to appropriate 0.65 cubic foot of water per second from Manning Creek for the irrigation of 26 acres, the accompanying tracing, and fees in the sum of \$15 for which our receipt No. 6723 is enclosed.

The application, which has been filed under file numbered 41359, is 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

WNP:bjjs  
Enclosure

September 7, 1965

Fred Bubb  
1714 Washington St.  
Baker, Oregon

Dear Sir:

This will acknowledge your application for a permit to appropriate 0.65 cubic foot of water per second from Manning Creek for the irrigation of 26 acres and the accompanying map.

Your application cannot be filed at this time as the State Engineer is required 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 \$5 recording fee.

Since there is no provision whereby an application and the accompanying data may be held in this office pending receipt of the required fees, your application and map are returned herewith.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Walter N. Perry, Assistant

WNP:bjs  
Enclosures-2

174 Washington  
Baker, Oregon



State Engineer  
516 Public Service Bldg  
Balem, Oregon 97310

No  
Money

RECEIVED  
AUG 23 1965  
STATE ENGINEER  
SALEM OREGON

1714 Washington  
Baker, Oregon  
August 19 - 1965

Office of State Engineer  
Salem, Oregon.

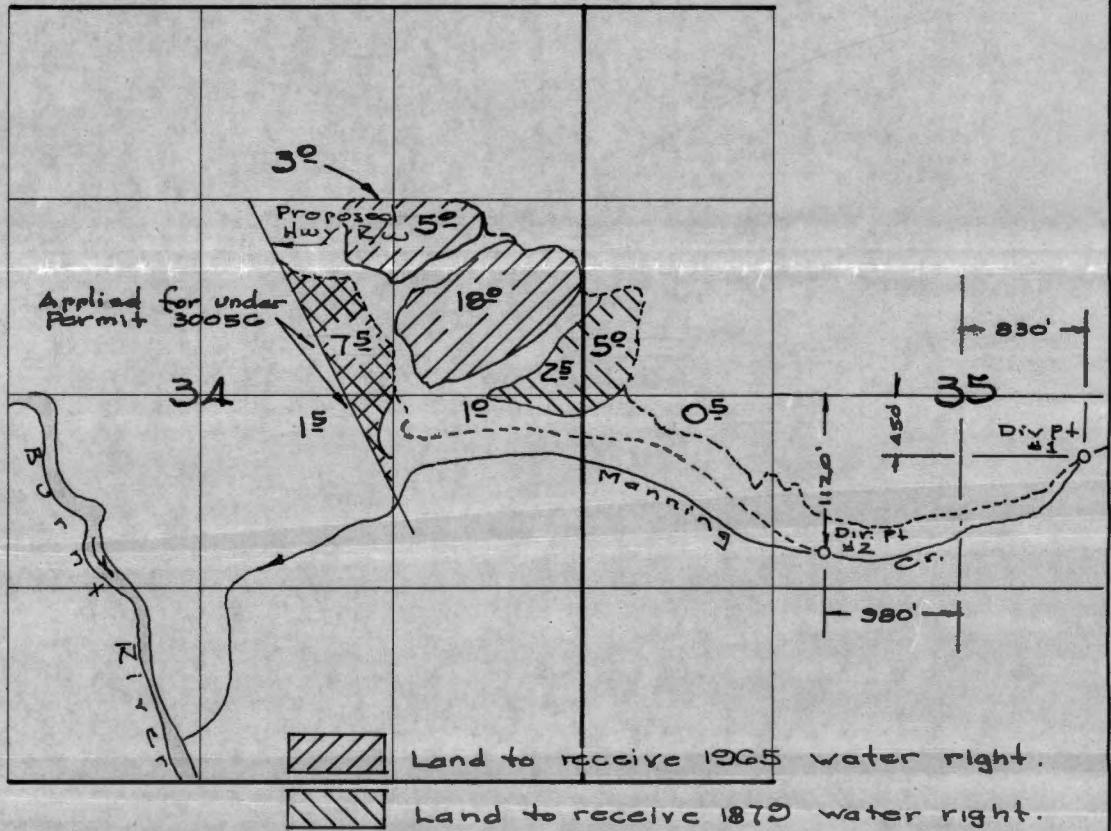
Dear Sir:

Enclosed is an application to appropriate  
0.65 cubic feet of water from Manning Creek for  
use on 26.0 acres of farm lands.

These lands are located in Twp 11S. R4E E, Sec 34.

Yours truly  
Fred A. Bubb

**T. 11 S., R. 43 E.W.M.**



**MAP TO ACCOMPANY APPLICATION  
OF  
FRED BUBB**

**COUNTY: BAKER**  
**DATE: AUG. 1965 SCALE 4" TO 1 MILE**

Note: This map prepared from aerial photographs.

David D. Hall  
Watermaster, District No. 8

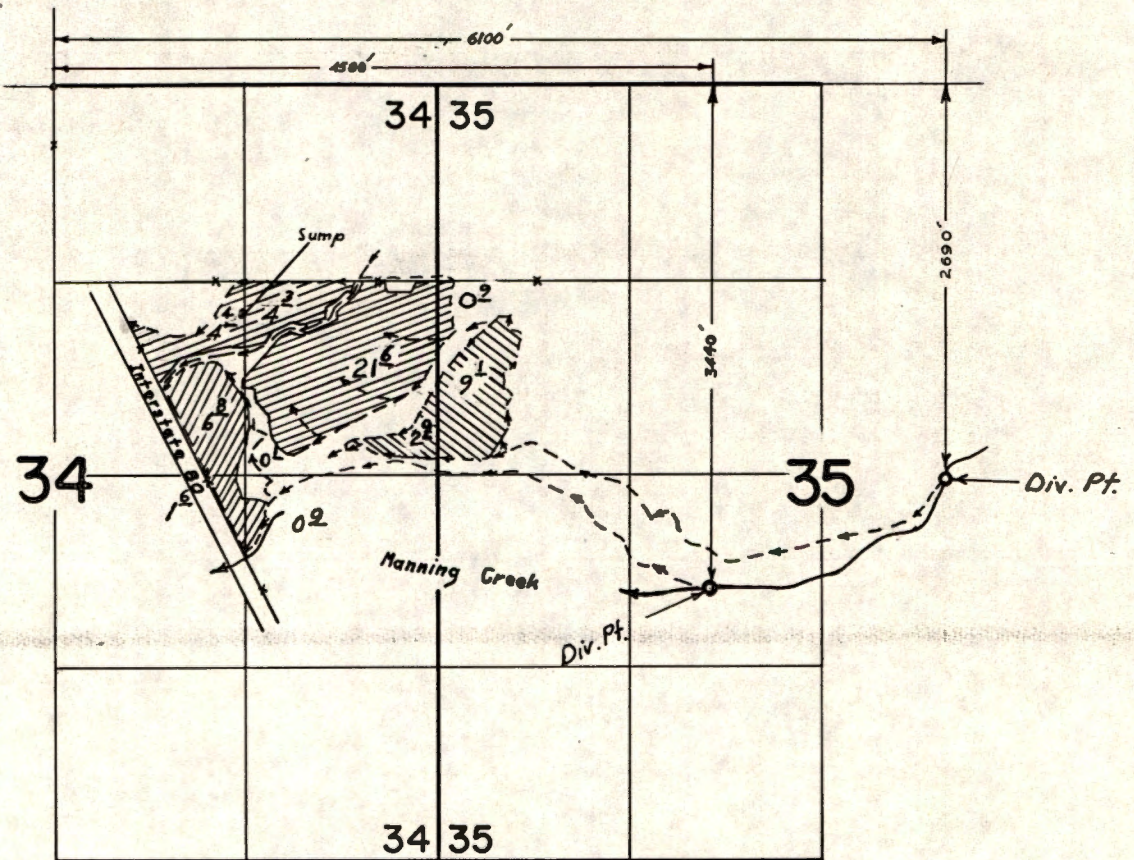
**RECEIVED**  
AUG 23 1965  
STATE ENGINEER  
SALEM, OREGON

**RECEIVED**  
SEP 10 1965  
STATE ENGINEER  
SALEM, OREGON

**Application No. 41359**  
**Permit No. 30895**



# T.IIS.R43E.W.M.



## FINAL PROOF SURVEY UNDER

Transfer No. B-148  
 40297                      30056  
 41359                      30895  
 Application No. 43207... Permit No. 32301...  
 IN NAME OF



**EARL SUITTER**

Surveyed Oct. 18, 1969, by L. E. Gould

# Abstract of Permit No. 30895

Application No. **41359**  
**ASSIGNED**

Certificate No.

Name

**Fred Rabb**  
**1714 Washington St.**  
**Baker, Oregon**

**Earl Switter & Wilma Switter**  
**Box 6**

Address

**Durkee, Oregon**

Source of water supply

**Manning Creek; tributary of Burnt River**

Use

**Irrigation of 26 acres.**

Point of diversion

~~450' S. and 830' N. from center of Sec. 35, being within NW 1/4~~  
**Sec. 35, T. 11 S., R. 43 E., N.H., county of Baker**

Number of acres

**DIV. PT. located 2690 ft. S & 6100 ft E. from N. 1/4 cor Sec 34**

## 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	
118	43E	34			<del>3</del>	<del>23</del>													
		31			SW 1/4	NE 1/4													4.4
					SE 1/4	NE 1/4													25.9
		35			SW 1/4	NW 1/4													0.9
																			26.0

Priority date

**September 10, 1965**

Amount of water

**0.65 c.f.s.**

Time limit to begin construction

~~April 7, 1967~~

Time limit to complete construction

~~10-1-68~~ extended to

extended to

Time limit to completely apply water

~~10-1-69~~ extended to

extended to

Remarks: This appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

P. 1. S. 1-1969. W  
October 18, 1969  
L. E. G.

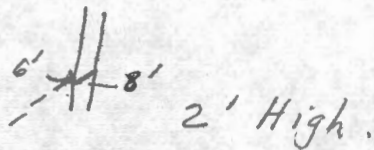
NOV

Basin 9, Vol. 1

31.2

Info: Mr. Earl Suiter

Div. Pti: Concrete Dam L Shape

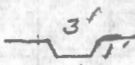


Irrigation: Main Ditch runs Northwesterly along N.E. edge and N. edge of fields, see RT. S.-1969 W.

Lateral ditches run along S. edge of South field and between 2 fields.

South field slopes to the North West, so flooding occurs from lateral along S. edge.

North field slopes slightly to the middle of field and to the West. Flooding occurs from both ditches mostly toward middle.

Ditches: Main:  Av.

Slope - 2%

Laterals:  Av.

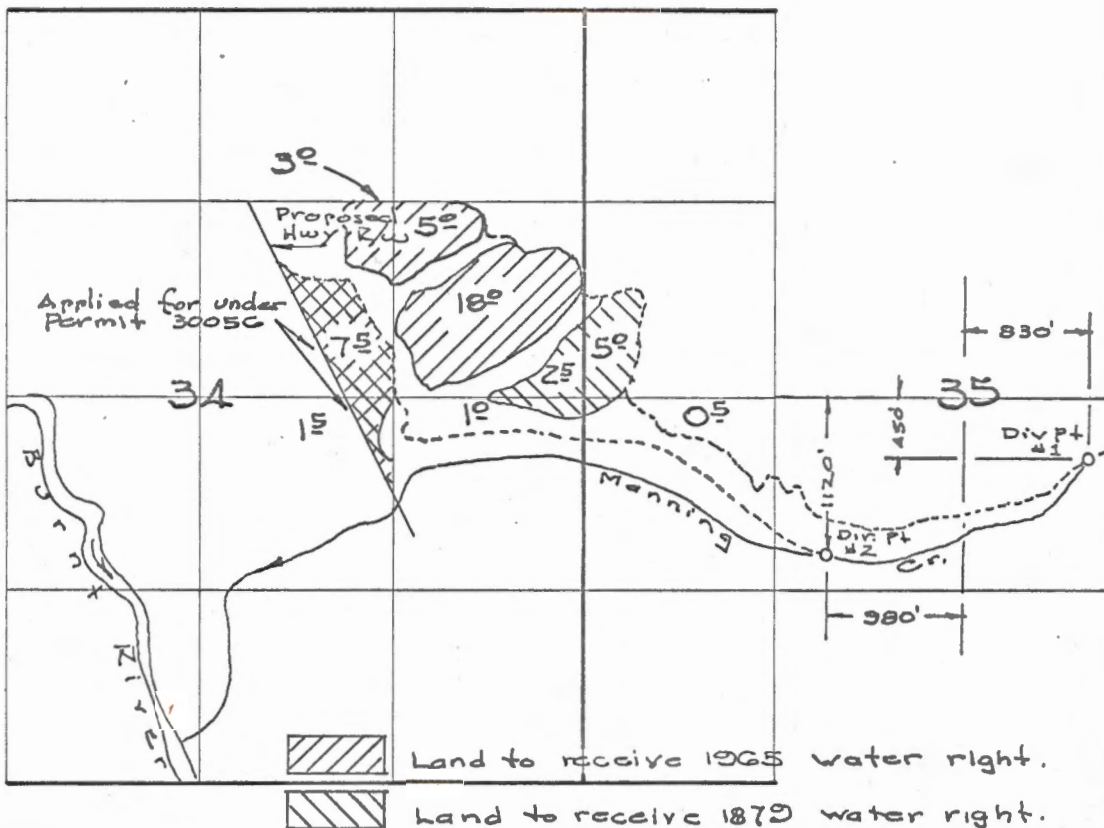
Slope - from 2% to 5%.

Crop: Hay & Pasture

Tie: To N.  $\frac{1}{4}$  Cor. Sec. 34, & To S.E. Cor. Sec. 35.

October 18, 1969, L. E. Gould  
Field Engineer

T. 11 S., R. 43 E.W.M.



MAP TO ACCOMPANY APPLICATION  
OF  
FRED BUBB

COUNTY: BAKER

DATE: AUG. 1965 SCALE 4" TO 1 MILE

Note:

This map prepared from aerial photographs.

David B. Hall

Watermaster, District No. 8

RECEIVED  
AUG 21 1965  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
SEP 10 1965  
STATE ENGINEER  
SALEM, OREGON

Application No. 41359  
Permit No. 30895