

Protested

Application No. 37090

Permit No. 33231

Certificate No. 43074

Stream Index, Page No. 10-30

F.P. map in file # 37089

Priority September 12, 1961

Action suspended until OK Cert

Returned to applicant

Date of approval September 24, 1968

ASSIGNMENTS

Date for beginning September 24, 1969

Date for completion October 1, 1970.....

Extended to

Date for application of water October 1, 1971.....

Extended to

REMARKS

Form "A" filed

Form "B" filed

Form "C" filed Completed.....

FINAL PROOF MAR 24 1976

Blank mailed AUG 11 1975

Proof received _____

Date certificate issued MAY 19 19.....

Date	Amount	Receipt No.
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9/12/61	15.00	31/33
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B. P. Fee

4-1-76 \$2 Cert. Fee 5227

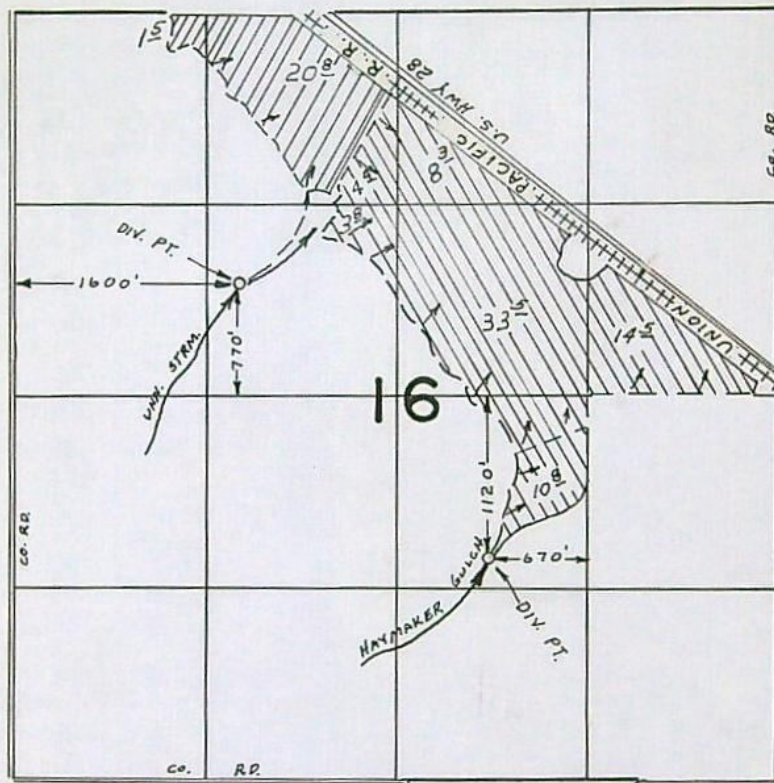
Date	Amount	Check No.
10/1/2023	100.00	1001
10/2/2023	200.00	1002
10/3/2023	300.00	1003
10/4/2023	400.00	1004
10/5/2023	500.00	1005
10/6/2023	600.00	1006
10/7/2023	700.00	1007
10/8/2023	800.00	1008
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10/15/2023	1500.00	1015
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10/18/2023	1800.00	1018
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10/20/2023	2000.00	1020
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10/25/2023	2500.00	1025
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10/27/2023	2700.00	1027
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11/5/2023	3600.00	1036
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11/16/2023	4700.00	1047
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11/19/2023	5000.00	1050
11/20/2023	5100.00	1051
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11/23/2023	5400.00	1054
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12/9/2023	7000.00	1070
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12/22/2023	8300.00	1083
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12/26/2023	8700.00	1087
12/27/2023	8800.00	1088
12/28/2023	8900.00	1089



Date	Amount	Check No.
10/1/20	100.00	1001
10/2/20	200.00	1002
10/3/20	300.00	1003
10/4/20	400.00	1004
10/5/20	500.00	1005
10/6/20	600.00	1006
10/7/20	700.00	1007
10/8/20	800.00	1008
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10/11/20	1100.00	1011
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12/3/20	6400.00	1064
12/4/20	6500.00	1065
12/5/20	6600.00	1066
12/6/20	6700.00	1067
12/7/20	6800.00	1068
12/8/20	6900.00	1069
12/9/20	7000.00	1070
12/10/20	7100.00	1071
12/11/20	7200.00	1072
12/12/20	7300.00	1073
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12/26/20	8700.00	1087
12/27/20	8800.00	1088
12/28/20	8900.00	1089
12/29/20	9000.00	1090
12/30/20	9100.00	1091
12/31/20	9200.00	1092

Date	To Whom	Address	Volume	Page
12-8-75	Jim Joe & Norma Culbertson	Rt. 2 Vale, OR 97918	5	733

0.50 cfs from an unnamed creek (Willow Creek) for supplemental irrigation of 25.0 acres

T.17S. R.44E. W.M.



SOURCE: UNNAMED STREAM 
HAYMAKER GULCH 

FINAL PROOF SURVEY
UNDER

Application No. 37 089 33230
37090 Permit No. 33231
IN NAME OF

JIM JOE AND NORMA CULBERTSON

Surveyed JUN 27 1974, by L. H. NUNN

STATE OF OREGON

COUNTY OF

MALHEUR

Proof of Appropriation of Water

JIM JOE AND NORMA CULBERTSON

of Rt. 2, Vale
has applied beneficially the waters of
an unnamed creek

, State of Oregon, 97918 ,

a tributary of Willow Creek
supplemental irrigation of 22.3 acres

for the purpose of

under Permit No. 33231 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 12, 1961

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

0.50 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 ~~SE~~ NW $\frac{1}{4}$, Section 16, T. 17 S., R. 44 E., W. M.,
770 feet North and 1600 feet East from W $\frac{1}{4}$ Corner, Section 16.

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 provided further that the right allowed
herein shall be limited to any deficiency in the available supply of any prior right
existing for the same land and shall not exceed the limitation allowed herein,

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:

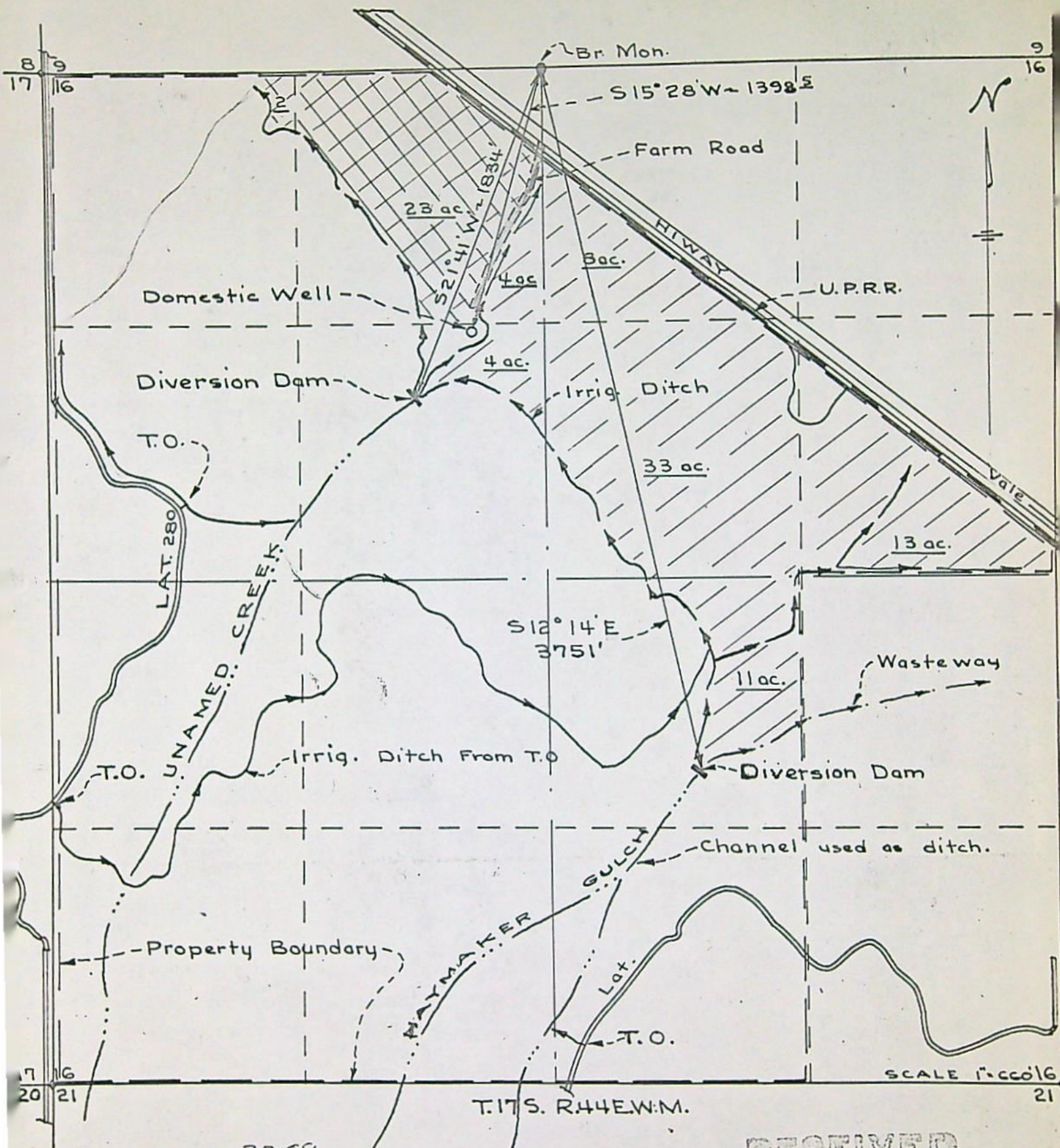
20.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 16
T. 17 S., R. 44 E., W. M.

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 30 day of March,
1976.

RECEIVED
APR 1 1976
WATER RESOURCES DEPT.
SALEM, OREGON

Jim Joe Culbertson Norma Culbertson



37059
 Application No. 37090 APPLICATION FOR PERMIT
 33020 B. Culbertson ~ Vale, Oregon.
 Permit No. 33231

RECEIVED
 SEP 12 1961
 STATE ENGINEER
 SALEM, OREGON

WCS 8/29/61

RECEIVED

SEP 29 1975

WATER RESOURCES DEPT.
SALEM, OREGONSTATE OF OREGON
COUNTY OF MALHEUR

Proof of Appropriation of Water

ESTATE OF J. E. CULBERTSON
97913

of c/o Gene Stunz, 106 Main Street, Nyssa, State of Oregon,
has applied beneficially the waters of
an unnamed creek

a tributary of Willow Creek for the purpose of
supplemental irrigation of 22.3 acres

under Permit No. 33231 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 12, 1961

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.50 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, T. 17 S., R. 44 E., W. M.,
770 feet North and 1600 feet East from W $\frac{1}{2}$ Corner, Section 16.

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; provided further that the right allowed herein
shall be limited to any deficiency in the available supply of any prior right ex-
isting for the same land and shall not exceed the limitation allowed herein,

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:

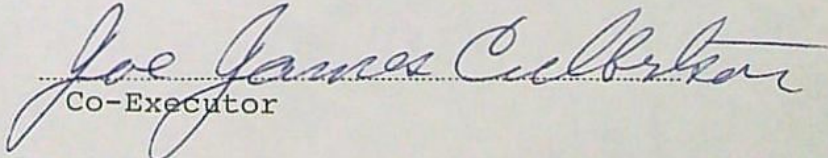
20.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 16
T. 17 S., R. 44 E., W. M.

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 3rd day of September,

ESTATE OF JOSEPH E. CULBERTSON, DECEASED

1975.


Co-Executor

December 10, 1975

37089

37090

Henigson, Stunz & Fonda
106 Main Street
Nyssa, OR 97913

Gentlemen:

The assignment of permits No. 33230 and No. 33231 from the Estate of J. E. Culbertson to Jim Joe and Norma Culbertson has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original is enclosed along with our receipt No. 50580 covering the recording fee of \$2.00 you submitted.

Sincerely,

Robert G. Mucken
Water Rights Engineer

RM:db

Encl: Receipt No. 50580

cc: Jim Joe and Norma Culbertson

37089
37090

October 2, 1975

Hanigson, Stunz, & Fonda
Attorneys At Law
106 Main Street
Nyssa, OR 97913

ATTENTION: Gene Stunz

Dear Mr. Stunz:

Enclosed is an assignment form for assigning permits numbered 33230 and 33231 from the Estate of J. E. Culbertson to Jim Hoe Culbertson and Norma Culbertson as indicated in your letter received September 29, 1975.

The assignment, when completed, should be submitted to this office along with \$2.00 for the statutory recording fee. We will then change our records accordingly.

Sincerely,

Robert G. Mucken
Assistant

RGM:tml
Enclosure

September 16, 1975

37089
37090

Estate of J. E. Culbertson
c/o Gene Stunz
106 Main Street
Nyssa, Oregon 97913

Dear Sir:

On August 11, 1975, we mailed you copies of proofs of the certificates in connection with the incomplete water rights represented by your permits numbered 33230 and 33231 granting a right to the use of water from Haymaker Gulch and an unnamed creek, together with the instructions that the statement at the bottom of each page be signed and the copies be returned to this office accompanied by the certificate recording fees in the amount of \$4.00, being \$2.00 for each permit.

To date these forms have not been received and we are not able to issue the certificates of water rights until the signed proofs have been submitted with the recording fees.

Very truly yours,

Vestal R. Garner
Assistant

VRG:cjw

December 18, 1968

Henigson, Stunz & Fonda
Attorneys at Law
106 Main Street
Nyssa, Oregon 97913

ATTENTION: Gene Stunz

Dear Sir:

This will acknowledge receipt of your letter dated November 13, 1968, in connection with permits numbered 33230 and 33231 in the name of the Estate of J. E. Culbertson.

Forms A, B and C for notifying this office of the progress of the project were not attached to the above permits because at the time the applications were filed, the projects were indicated as being completed and, therefore, no notices are required.

We have scheduled a customary final proof survey to be made. 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 is valid evidence of the water right in question so long as the continued use of water is made.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:slv

37089
37090

October 10, 1968

Estate of J. E. Culbertson
c/o Gene Stunz
106 Main Street
Nyssa, Oregon 97913

Gentlemen:

37089, permit No. 33230, application
No. 37090, permit No. 33231 with a blueprint and our refund check No. 2624 in the
amount of \$1.00.

37089
37090

August 26, 1968

Harold Henigson
106 Main Street
Nyasa, Oregon 97913

Dear Sir:

Your letter dated August 9 withdrawing the protest of the Vale Oregon Irrigation District against the approval of applications 37089 and 37090 filed by J. E. Culbertson is sufficient notice.

In our file, we have a copy of a letter dated June 7, 1968 from Yturri, O'Kief, Cox & Burnham to you. According to the letter, you are handling the Estate of J. E. Culbertson. Apparently there is some question as to whether or not there is any desire to continue these to obtain a permit.

Can you furnish us any information or perhaps name an address of the administrator of the estate or a new owner of the property?

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:slh

30

HENIGSON, STUNZ & FONDA
ATTORNEYS AT LAW
106 MAIN STREET
SEASIDE, OREGON
97132

RECEIVED
AUG 12 1968
STATE ENGINEER
SALEM, OREGON

HAROLD HENIGSON
GENE STUNZ
STEPHEN G. FONDA

TELEPHONE
372-2268
AREA CODE 503

August 9, 1968

Mr. James W. Carver, Jr.
Deputy State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Carver:

With reference to your letter dated May 24, 1968, concerning protests filed by the Vale-Oregon Irrigation District against the applications for water permits made by J. E. Culbertson, which were filed in your office on September 12, 1961, and bear Numbers 37089 and 39090.

At the meeting of the Board of Directors of the Vale-Oregon Irrigation District held on August 7, 1968, the Board approved the Culbertson applications and I was authorized to withdraw the protest filed by the District. You may consider this letter as the District's consent to the granting of the permits. If you require a more formal withdrawal of the protests kindly send me whatever you wish executed.

Thank you for your courtesy and cooperation.

Sincerely yours,



Harold Henigson

HH:pau

May 24, 1968

Mr. Carl Burnham, Jr.
Yturri Building
Ontario, Oregon 97914

Harold Henigson
Attorney at Law
106 Main Street
Nyssa, Oregon 97913

Gentlemen:

On September 12, 1961, applications were filed in the name of J. E. Culbertson for appropriation of waters of tributaries to Willow Creek for irrigation purposes.

One, an application for a permit to appropriate 0.5 second foot of water from seepage and spring waters that arise on the applicant's farm within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 17 South, Range 44 East, W.M., for supplemental irrigation of 25 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 16, is designated in the records of the State Engineer as application numbered 37090. The other, an application for a permit to appropriate 1.3 second feet of water from seepage and spring waters at a point of diversion located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 17 South, Range 44 East, W.M., for irrigation and supplemental irrigation of 73 acres of land in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16, is designated in the records of the State Engineer as application numbered 37089.

A protest by the Vale Oregon Irrigation District was filed against approval of the applications.

The applications are being held without action to allow the parties opportunity to settle the matter by stipulation. What is the present status of this matter?

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr.
Deputy

JWC:lisa

37089
37090

October 7, 1966

Mr. Carl Burnham, Jr.
Yturri Building
Ontario, Oregon 97914

Dear Sir:

Water right applications numbered 37089 and 37090 in the name of J. E. Culbertson have again come to my attention through our calendar card system.

In reviewing these matters, I note that it was your intention that we receive a copy of the letter by you to Robert D. Lytle dated April 15, 1966, but that it appears we may have received the original of the letter, raising some doubt as to what Mr. Lytle may have received.

I have made a photocopy of the letter for our file and am enclosing the copy we received from you. We will appreciate any further word you may have in regard to the disposition of this matter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver Jr.
Deputy State Engineer

JWC:sh

Enclosure

October 27, 1965

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Gentlemen:

Application files Numbered 37089 and 37090 in the name of J. E. Culbertson have again come to my attention through our calender card system.

A copy of my letter to you dated August 24, 1964 is enclosed. It appears that we have not heard from either of you in regard to the matter. Do you think it likely that the matter will be settled by stipulation or will it be necessary for us to go to a hearing.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr.
Deputy

Enclosure
JWC:lja

August 24, 1964

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Gentlemen:

On September 12, 1961, applications were filed in the name of J. E. Culbertson for appropriation of waters of tributaries to Willow Creek for irrigation purposes.

One, an application for a permit to appropriate 0.5 second foot of water from seepage and spring waters that arise on the applicant's farm within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 17 South, Range 44 East, W. M., for supplemental irrigation of 25 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 16, is designated in the records of the State Engineer as application numbered 37090. The other, an application for a permit to appropriate 1.3 second feet of water from seepage and spring waters at a point of diversion located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 17 South, Range 44 East, W. M., for irrigation and supplemental irrigation of 73 acres of land in the E $\frac{1}{2}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16, is designated in the records of the State Engineer as application numbered 37089.

A protest by the Vale Oregon Irrigation District was filed against approval of the applications.

(As noted in my letter to you of November 5, 1962,) the applications are being held without action to allow the parties opportunity to settle the matter by stipulation. What is the present status of this matter?

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr.
Assistant

JWC/gcc

March 13, 1964

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Gentlemen:

On September 12, 1961, applications were filed in the name of J. E. Culbertson for appropriation of waters of tributaries to Willow Creek for irrigation purposes: one, an application for a permit to appropriate 0.5 second foot of water from seepage and spring waters that arise on the applicant's farm within the SE 1/4 NW 1/4 of Section 16, Township 17 South, Range 44 East, W.M., for supplemental irrigation of 25 acres in the NW 1/4 NW 1/4 of said Section 16, is designated in the records of the State Engineer as application No. 37090; the other being an application for permit to appropriate 1.3 second foot of water from seepage and spring waters at a point of diversion within the NW 1/4 SW 1/4 of Section 16, Township 17 South, Range 44 East, W.M., for irrigation and supplemental irrigation of 73 acres of land in the NW 1/4 NW 1/4, NE 1/4, and the NW 1/4 SE 1/4 of said Section 16, is designated in the records of the State Engineer as application No. 37089.

The applications are being held without action to allow counsel the opportunity to settle the matter of the protest by stipulation. I would appreciate it if you would advise us of the status of negotiations between counsel in this matter.

Unless the protest can be disposed of by stipulation the matter should be set down for hearing before the State Engineer.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

November 5, 1962

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Gentlemen:

The proposed hearing in the matter of applications numbered 37038 and 37039 in the name of J. E. Culbertson and the protest by the Vale Oregon Irrigation District against the approval of said applications will be indefinitely postponed to allow the parties to work toward a mutually acceptable agreement.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

cc - Mr. J. E. Culbertson

ANTHONY YTURRI
JOHN C. O'KIEF
JAMES A. COX

YTURRI, O'KIEF & COX

ATTORNEY AT LAW
YTURRI - CALDWELL BUILDING
ONTARIO, OREGON

TELEPHONE
TUCKER 9-5368

September 24, 1962

RECEIVED
SEP 25 1962
STATE ENGINEER
SALEM, OREGON

James W. Carver, Jr.
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Dear Mr. Carver:

In answer to your letter of August 23, 1962, the dates for the hearing on the J. E. Culbertson applications numbered 27089 and 37090, which hearing is to begin on November 12, 1962, is agreeable to me.

Very truly yours,

YTURRI, O'KIEF & COX

BY:

John C. O'Kief

bjh

August 23, 1962

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Dear Mr. Lytle:

The State Engineer proposes to hold hearings in the matter of applications numbered 37089 and 37090 in the name of J. E. Culbertson and the protest by the Vale Oregon Irrigation District against approval of the applications, and in the matter of applications numbered R-33144 and 33145 in the name of the Otis Valley Irrigation Company, Inc., and the protest by the Vale Oregon Irrigation District during the week beginning with November 12, 1962, at Vale, Oregon.

We would appreciate it if you would advise us whether you could arrange your calendar to accommodate the proposed time.

It is intended to also set down for hearing in Vale during the same week the matter of several stock water pond applications by Eugenie (Mrs. Guss) Davis and the protest by Rankin Crow against approval of them.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

August 23, 1962

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

The State Engineer proposes to bring the matter of applications numbered 27089 and 37090 in the name of J. E. Culbertson and the protest by the Vale Oregon Irrigation District to a hearing at Vale, Oregon during the week beginning with November 12, 1962.

We would appreciate it if you would advise us whether you can arrange your calendar to accommodate the proposed time.

We intend to also hold hearings in matters concerning applications in the name of the Otis Valley Irrigation Company, Inc., which are protested by the Vale Oregon and Warm Springs Irrigation Districts, and applications in the name of Mrs. Eugenie Davis which are protested by Rankin Crow during the same week at Vale.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

August 23, 1962

Mr. Anthony Yturri
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. Yturri:

The State Engineer intends to bring the matter of applications numbered R-33144 and 33145 in the name of the Otis Valley Irrigation Company, Inc., and the protest by the Vale Oregon and Wamsprings Irrigation Districts against the applications to a hearing at Vale, Oregon during the week beginning on November 12, 1962.

We would appreciate it if you would advise us whether you can arrange your calendar to accommodate the proposed time.

It is intended that hearings also will be held in Vale during the same week in the matters concerning applications numbered 37089 and 37090 in the name of J. E. Culbertson and the protest by the Vale Oregon Irrigation District against the applications, and concerning applications by Mrs. Eugenie Davis for construction of stock water ponds and the protest by Rankin Crow against the several applications.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

July 13, 1962

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

Unless you believe the matter of applications numbered 37089 and 37090 in the name of J. E. Culbertson and the protest by Vale Oregon Irrigation District against the approval of said applications can be settled through an agreement between the parties, it appears that the matter should be brought to a hearing before the State Engineer.

If you would care to suggest a date for the hearing, at least 30 days into the future, we will attempt to arrange our calendar to accommodate the suggested time.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

cc - Mr. J. E. Culbertson

May 9, 1962

Mr. Robt. D. Lytle
Attorney at Law
P. O. Box 398
Vale, Oregon

Dear Mr. Lytle:

This will acknowledge your letter of May 2 transmitting the original and one copy of a protest by the Vale Oregon Irrigation District against the approval of applications numbered 37089 and 37090 in the name of J. E. Culbertson, together with your check in the amount of \$2 for which our receipt No. 33702 is enclosed.

The protest was filed as provided by law on May 4, 1962.

Very truly yours,

MAX F. ROGERS
Acting State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosure

LAW OFFICE OF
LYTLE, SCHROEDER & DENNING
VALE, OREGON

May 2nd, 1962

ROBT. D. LYTLE
W. F. SCHROEDER
D. S. DENNING, JR.

RECEIVED
MAY - 1 1962
STATE ENGINEER
SALEM, OREGON
TELEPHONE
GR 3-6331

SUBJECT: J. E. Culbertson Applications No. 37089 and 37090

Lewis A. Stanley
State Engineer
Salem, Oregon

Dear Mr. Stanley:

Enclosed herewith is original Objections
to the above captioned Applications, and 1 copy
and our check in the amount of \$2.00, which is
the necessary filing fee.

Very truly yours,

LYTLE, SCHROEDER & DENNING

By: Robt D Lytle
Robt. D. Lytle *mr*

RDL:mr

April 26, 1962

Mr. Robert D. Lytle
Attorney at Law
Vale, Oregon

Dear Mr. Lytle:

By letter of January 29, 1962, you advised this office that the Board of Directors of the Vale-Oregon Irrigation District planned to give further consideration to the matter of appropriation of water by Mr. J. E. Culbertson as proposed in his applications numbered 37089 and 37090. I believe this matter was to be taken up at the February 6, 1962 meeting of the Board.

The applications appear to be in satisfactory form to be considered for approval if the Board of Directors of the Vale-Oregon Irrigation District have no objection to such approval. Advisement of any decision reached in this connection by the Board will be appreciated.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:mgc

February 21, 1962

Mr. John C. O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

This will acknowledge receipt of your letter dated February 16, 1962, returning applications numbered 37089 and 37090 filed in the name of J. E. Culbertson and an excerpt from the minutes of the November 7, 1961 meeting of the Board of Directors of the Vale Oregon Irrigation District.

It is noted that the excerpt submitted is from a meeting held November 7, 1961. In view of this and Mr. Lytle's letter of January 29, 1962 in which he indicated that the Board of Directors of the Vale Oregon Irrigation District intend to give further consideration to the matter of Mr. Culbertson's proposed appropriations at their February 6, 1962 meeting, we will hold the applications without further action pending advisement of any action taken at the February 6th Board meeting.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:mgb

37089
37090

January 22, 1962

Mr. John O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

Applications Numbered 37089 and 37090 filed in the name of J. E. Culbertson, which were returned to you for completion, endorsed so that in order to retain their date of priority they should have been returned to this office on or before January 19, 1962, have not been received.

They have, therefore, lost their priority but may be reinstated and given a new priority date as of the day they are again received, if you will submit them at this time.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter W. Perry, Assistant

ngb
CC: J. E. Culbertson
Route 2
Vale, Oregon

37089
37090

October 19, 1961

Mr. John O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

This will acknowledge receipt of your letter dated October 4, 1961, with reference to applications numbered 37089 and 37090 filed in the name of J. E. Culbertson.

From the description of the source of water in both application number 37089 and 37090, it appears that seepage and waste waters have found their way into a natural stream channel and have become a part of the natural flow of that stream. The water is therefore subject to appropriation in accordance with the statutes of this state. If this seepage and waste water, which you state originates from water delivered to the applicant by the Vale-Oregon Irrigation District, never leaves the applicant's control or loses its identity by becoming a part of the natural flow of a stream, it would not be subject to appropriation and may be used by Mr. Culbertson for the irrigation of the lands for which the water was originally appropriated.

Applications numbered 37089 and 37090, as they are now written, appear to be in proper form. We have requested an excerpt from the minutes of a meeting of the Board of Directors of the Vale-Oregon Irrigation District in which they state that they do not wish to object to the proposed appropriation as the land to be irrigated, the source of appropriation and point of diversion are located within the boundaries of the Irrigation District. The Policy of requiring an excerpt from the minutes of the Board of Directors of an irrigation district was established a number of years ago at the request of the several irrigation districts in this state. It provides a means by which the districts may be made aware of the proposed appropriations and have opportunity to object to appropriations which might be detrimental to their interests.

October 19, 1961

As to a neighbor entering upon Mr. Culbertson's property to make an appropriation of water, a permit issued by this office does not and cannot grant the right of entry or trespass upon privately owned land.

In order that you might present the information contained in the applications to the Board of Directors of the Vale-Oregon Irrigation District, we are returning the applications for completion by attachment of the requested excerpt from the minutes of a meeting of the Board of Directors being endorsed so that in order to retain their date of priority they must be returned to this office on or before January 19, 1961.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:mg

Enclosures

CC: J. E. Culbertson
Route 2
Vale, Oregon

October 2, 1961

Mr. John O'Kief
Attorney at Law
Yturri-Caldwell Building
Ontario, Oregon

Dear Mr. O'Kief:

This will acknowledge receipt of your letter dated September 11, 1961, submitting two applications in the name of J. E. Culbertson; one for a permit to appropriate 1.3 cubic feet of water per second from Haymaker Gulch for the irrigation of 73 acres and one for a permit to appropriate 0.5 cubic foot of water per second from an unnamed creek for supplemental irrigation of 25 acres, a tracing and fees in the sum of \$37.45 for which our receipts numbered 31132 and 31133 are enclosed with the applicant's copy of this letter.

The applications have been examined and filed under files numbered 37089 and 37090 in the order of their acknowledgment. Before the applications may be considered for approval by issuance of permits, it will be necessary that an excerpt from the minutes of a meeting of the Board of Directors of the Vale Oregon Irrigation District in which they clearly state that they do not wish to object to the appropriation proposed in the applications be submitted.

It is noted in application number 37089 that not all of the land to be irrigated under this application now enjoys a right for its irrigation. It appears that there will be some 24 acres of new land to be irrigated under this application.

Further action on applications numbered 37089 and 37090 will be withheld pending receipt of the excerpt from the meeting of the Board of Directors of the Vale Oregon Irrigation District.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:agb
CC: J. E. Culbertson

Vale Oregon Irrigation District
Box 667
Vale, Oregon

RECEIVED
FEB 10 1962
STATE ENGINEER
SALEM, OREGON

" Attorney Lytle read a letter he had received from the law firm of Yturri and O'Kief representing J.E.Culbertson. The letter stated that due to differences of opinion between Culbertson and a neighbor, Culbertson wished to make application with the State Engineer for a permanent filing or right to waste and seepage waters on his own land. He asks the Board's approval and an excerpt from the minutes showing that the Board does not object to this appropriation. From the information at hand, and after discussion, it was decided that in keeping with the Board's policy it is their intention not to take action in the matter because it appears that the waters in question are in fact, already Culbertson's and that no filing is necessary. Provided however, that none of the water is flowing onto Culbertson's land from other sources. A motion to this effect was made by Director R. J. Hart, and seconded by Director Maag, the motion was passed."

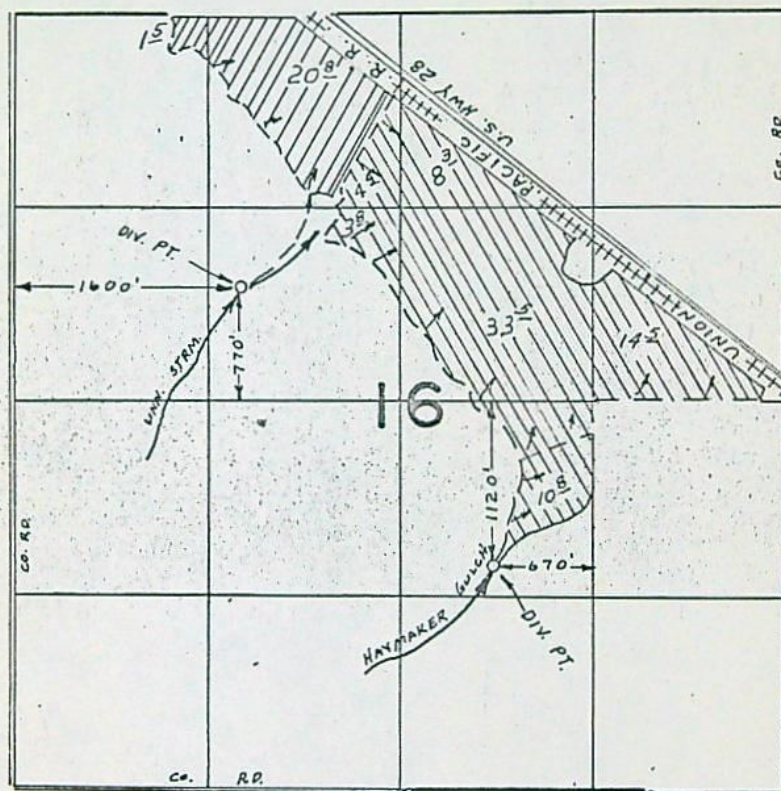
I hereby certify that the above excerpt is a true and correct copy of the original minute entry in the minutes of the November 7th, 1961 Board meeting of the Vale Oregon Irrigation District.

seal

Signed:

Ronald L. Reynolds
Secretary

T.17S. R.44E. W.M.



SOURCE: UNNAMED STREAM
HAYMAKER GULCH

FINAL PROOF SURVEY UNDER

Application No. 37089 33230
37090 Permit No. 33231

IN NAME OF

ESTATE OF

J.E. CULBERTSON

Surveyed JUN 27 1974, by L.H. NUNN

100

Abstract of Permit No. 33231

Application No. 37090

Certificate No.

Name _____

J. E. Culbertson

90 Gene Stunz

Address

~~Vele, Oregon~~

106 Main St.
Nyssa Oregon 97913

Source of water supply

An unnamed creek Trib Willow Cr.

Use

Supplemental irrigation of $22\frac{3}{4}$ A.

Point of diversion

~~S. 21^o 41' W. 1834' from N. corv., being within SE₄ NW₂,
Sec. 16, T. 17 S., R. 44 E., W. M., county of Malheur~~

Number of acres

770' N & 1600' E From 1st 1/4 Cor Sec 16

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

[illegible]

Priority date

September 12, 1961

Amount of water

0.50 c.f.s. ✓

Time limit to begin construction

~~September 24, 1967~~

Time limit to complete construction ~~10:1:30~~ extended to

extended to

Time limit to completely apply water ~~13-17~~ 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 provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officials.

Info: Mr. Culbertson

Source: Unnamed Cr. (trib Willow Cr.)

Diversion: Mr. Culbertson said he plugs the natural channel with dirt & opens the irrigation ditch

System: Gravity flow, using siphons & field corrugations

Crop: Pasture, Corn

Tie: BBC-6N-36

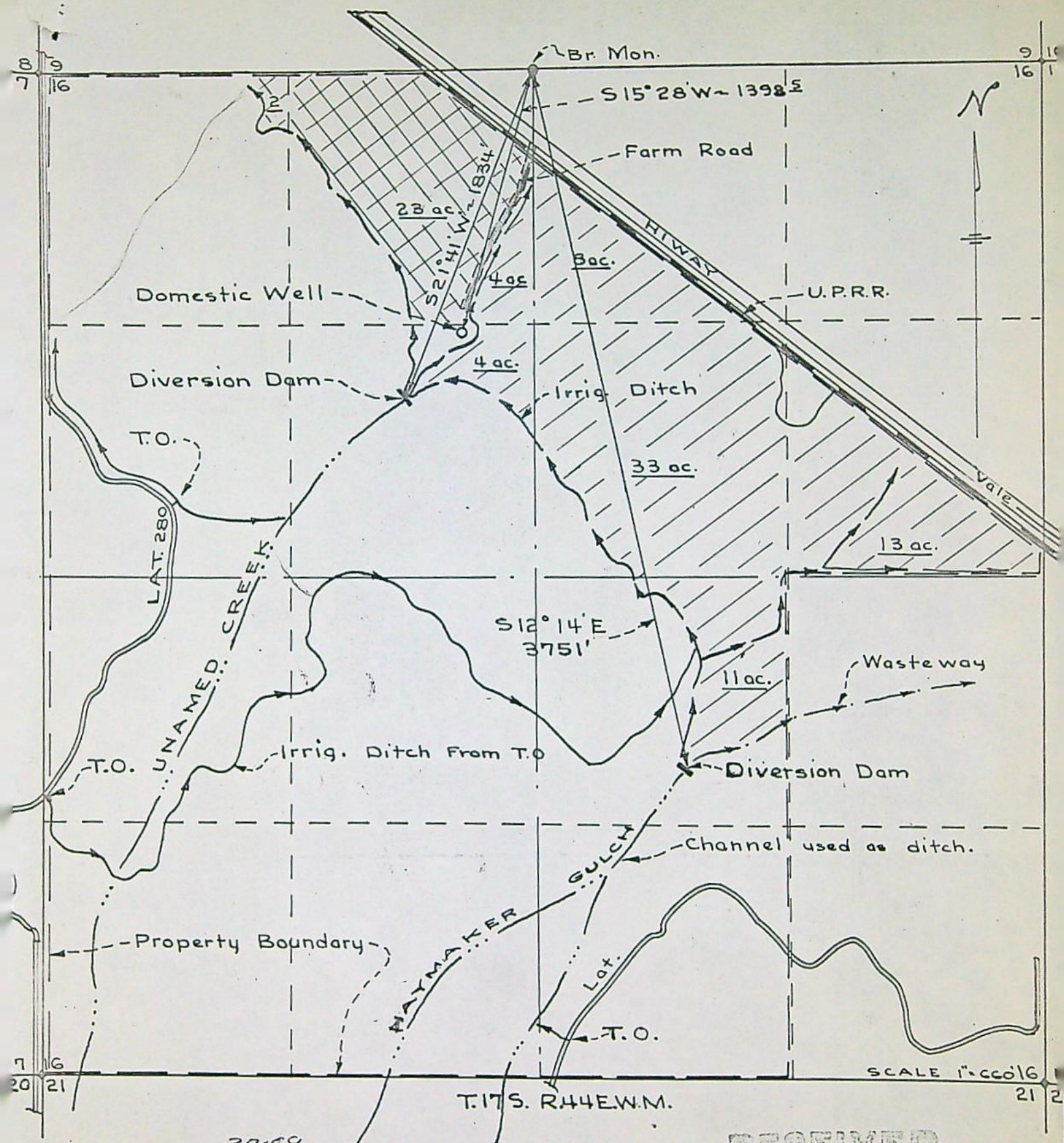
Remarks: Mr. Culbertson said he also uses this water on the lands SE ly of this permit, in conjunction with water from Haymaker Gulch (App # 37089). And He also uses the water on a field E. of Hwy.

Primary Source: Vale Irrigation Dist. according to Mr. Culbertson

6-27-74

Larry D. Funn

Field Engineer



37089
 Application No. 37090 APPLICATION FOR PERMIT
 33230 B. Culbertson ~ Vale, Oregon.
 Permit No. 33231

RECEIVED
 SEP 12 1961
 STATE ENGINEER
 OREGON

WCH 8/29/61