

Name HORTEN & PHILIP WORSHAM
By _____
Address Box 24
Brogan, OR 97903

Date filed May 10, 1972
Priority August 2, 1973
Action suspended until Ok cert

Return to applicant _____
Date of approval July 23, 1975

CONSTRUCTION

Date for beginning July 23, 1976
Date for completion October 1, 1977
Extended to _____

Date for application of water October 1, 1978
Extended to _____

PROSECUTION OF WORK

Form "A" filed started
Form "B" filed September 2, 1975
Form "C" filed September 2, 1975

FINAL PROOF

Blank mailed JUN 5 1979
Proof received _____
Date certificate issued JUL 3 1979

Application No. 49234
Permit No. 37904
Certificate No. 48283

Stream Index, Page No. 10-30B

see file 49233 for tracing

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

0.125 c.f.s. from Mormon Basin Creek (Willow Creek) for the irrigation of 5.0 acres.

FEES PAID

Date	Amount	Receipt No.
<u>5-10-72</u>	<u>20.00</u>	<u>28333</u>
<u>6/14/79</u>	<u>\$2.00</u>	<u>11860</u>

FEES REFUNDED

Date	Amount	Check No.
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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. 49234

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Horten and Philip Korsham, the holder of Permit No. 37904
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 first day of June, 1973

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of August, 1975

Philip Korsham Horten Worsham
(Signature of Applicant)

Brogan Oregon
(Address)

Form B

Application No. 49234

NOTICE OF COMPLETION OF CONSTRUCTION

I, Horten and Philip Korsham, the holder of Permit No. 37904
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the May day of May, 1973

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you
should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of August, 1975

Philip Korsham Horten Worsham
(Signature of Applicant)

Brogan Oregon
(Address)

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

7-18 rock pile

Pt. of Div. 1410' South and 1370' East of NW cor. Sec. 8

Existing Pt. of Div. Per No 24217

5 ac.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

W.E. Gillespie
5/4/72

OREGON
MAY 6, 1955
W. E. GILLESPIE
344

RECEIVED

SEP 20 1973

STATE ENGINEER
SALEM, OREGON

T. 14 S. R. 42 E. W. M.

Rock Pile 7 8
18 17

Pt. of Div. 205' South and 55' East of NW cor. Sec. 17

MORMON
DITCH

LOST
WATCH CREEK

Application No. 49233, 49234
Permit No.

County Road

5 ac.

Supplemental

4 ac.

APPLICATION FOR PERMIT
Horten & Philip Worsham
Brogan, Ore.
Scale 1"=660'

49234
RECEIVED

JUN 14 1979

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF

MALHEUR

Proof of Appropriation of Water

HORTEN & PHILIP WORSHAM

of **P.O. Box 24, Brogan**
has applied beneficially the waters of
Morman Basin Creek

, State of **Oregon, 97903**,

a tributary of **Willow Creek**
irrigation of **4.6 acres**

for the purpose of

under Permit No. **37904** and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
August 2, 1973

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.12 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 **Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 8, T. 14 S., R. 42 E.,
W. M., 1240 feet South and 1420 feet East from the NW Corner, Section 7**

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:

2.7 acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
1.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
As projected within Brown & Estabrook Placer Claim
Section 8
T. 14 S., R. 42 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 12 day of June, 1973

19.....

Philip Worsham
Horten Worsham

August 25, 1975

Philip and Horten Worsham
Box 24
Brogan, OR 97903

49233
49234

37903 and Permit No. 37904 with two map prints

49233
49234

January 16, 1974

Phillip & Horten Worsham
Box 24
Brogan, OR 97903

Dear Sirs:

This will acknowledge return of your application No. 49233 and map, the application now describing the proposed use of 0.25 cubic foot of water per second from Mormon Basin Creek for the irrigation of 4.0 acres and supplemental irrigation of 6.0 acres.

Your applications No. 49233 and 49234 were reinstated when they were received August 2, 1973, and given the priority as of August 2, 1973.

Your applications No. 49233 and 49234 are in satisfactory form for approval by the issuance of permits.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mjf

August 20, 1973

49233
49334

Philip & Horten Worsham
Box 24
Brogan, OR 97903

Dear Sirs:

This will acknowledge return of your applications numbered 49233 and 49234 with Philip's signature. In addition to requiring Philip's signature on the application, there was also a question regarding the status of an existing right in the area.

As mentioned in my previous correspondence, according to our records, a portion of the lands described in your application No. 49233 are covered by an existing right to the use of water from Lost Watch Creek as evidenced by the certificate of water right recorded at page 1546, State Record of Water Right Certificates. This certificate was issued to W.A. Andrews and evidenced the right to the use of 0.15 cubic foot of water per second from Lost Watch Creek for the irrigation of 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 14 South, Range 42 East, W.M., under a priority date of 1903.

If the existing right has been abandoned or forfeited by nonuse for five successive years and you wish to establish a primary right to the use of water from Basin Creek for the irrigation of the same lands, it will be first necessary to clear our records of the existing right involved. If you wish to clear the record of the existing right, we can prepare the necessary affidavit of abandonment if you will submit the legal description of your property. The legal description can be copied from your deed, sales contract, or title insurance policy.

However, if you wish to retain the existing right as a primary source, it will be necessary for you to amend your application No. 49233 and map to list and show the specific lands to receive a supplemental supply of water.

A supplemental source can only be used to make up the deficiency in supply at the primary source.

Philip & Horten Worsham

Page 2

August 20, 1973

I am returning your application No. 49233 and your map for correction and completion. Your application No. 49233 is endorsed so that in order to retain its priority date, it must be received in this office on or before October 23, 1973.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mjf
Enclosures

RECEIVED
AUG 2 1973
STATE ENGINEER
SALEM OREGON

Brogan Oreg.
July 31 - 73

State Engineer
Salem Oreg.
Dear Sir:-

Enclose find Application blanks that had gotten misplaced with some old letters and I had often wondered why we had never gotten them but after getting your letter a search was made and the applications found this was sure an error on our part.

As I understand all that was necessary was to have Philip's signature.

Yours truly
Horton and Philip Worsham
P. H. W.

July 27, 1973

49233
49234

Philip & Horten Worsham
Box 24
Brogan, OR 97903

Gentlemen:

We have been withholding action for quite some time now on your applications No. 49233 and 49234 which described the proposed use of water from Mormon Basin Creek for irrigation purposes pending return of the applications.

Your applications were returned to you for completion and were endorsed so that in order to have retained their priority dates, should have been returned to this office and received on or before August 1, 1972. To date, the applications have not been received. Therefore, they have lost their priority, but may be reinstated and given new priority dates as of the day they are received.

If you have reconsidered the matter of your proposed appropriation and have decided to abandon the project, you should request that your applications be withdrawn. The recording fees in the amount of \$10.00 will be returned; however, the examination fees in the amount of \$30.00 are required by law to be paid into the General Fund of the State and are, therefore, not returnable.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mjf

June 2, 1972

49233
49234

Philip and Horten Worsham
Box 24
Brogan, OR 97903

Gentlemen:

This will acknowledge your application for a permit to appropriate $\frac{1}{4}$ cubic foot of water per second from Mormon Basin Creek for the irrigation of 10 acres, a reproducible map, and the fee of \$20 for which our receipt numbered 28332 is enclosed. Your application has been filed and numbered 49233.

Also acknowledged is your application for a permit to appropriate 0.125 cubic foot of water per second from Mormon Basin Creek for the irrigation of 5 acres, and the fee of \$20 for which our receipt numbered 28333 is enclosed. This application has been filed and numbered 49234.

Both applications should also be signed by Philip Worsham in the spaces provided following Items Number 14.

According to our records, a portion of the lands described in your application number 49233 have an existing right to the use of water from Lost Watch Creek as evidenced by certificate of water right recorded at page 1546, State Record of Water Right Certificates. This certificate was issued to W. A. Anders and evidenced the right to the use of 0.15 cubic foot of water from Lost Watch Creek for the irrigation of 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 14 South, Range 42 East, W. M., under a priority date of 1903.

If the existing right has not been abandoned or forfeited by nonuse for 5 successive years and you wish to supplement the supply of water in Lost Watch Creek by diversion of water from Basin Creek, this should be indicated on your application map and in Item Number 3 and Item Number 8 on the application.

However, if you wish to appropriate water from Mormon Basin Creek as a primary source, it will be necessary to authorize cancelation of the existing

June 2, 1972

right involved. If this is your intention, we can prepare the necessary affidavit of abandonment if you will submit the legal description of your property. The legal description can be copied from your deed, sales contract or title insurance policy.

I am returning both of your applications and map for completion. The applications are endorsed so that in order to retain their dates of priority, they must be received in this office on or before August 1, 1972.

Very truly yours,

WAYNE J. OVERCASH
Assistant

dg
Enclosures

70)

App # 49234 Per # 37904

Horton & Philip Worsham

P.O. Box 24

Brogan Oregon 97903

Source: Mormon Basin Cr. trib Willam Cr.

Use: Irrigation of 4⁶ ac.

POD: Lot 1 (NE¹/₄ NW¹/₄), sec. 8, T14S, R42E, Wm County: Malheur

1240' S & 1420' E from NW cor. sec. 7

Use:

T14S R42E S Lot 2 (SW¹/₄ NW¹/₄)

27

SW¹/₄ NW¹/₄ w/in Brown & Estabrook ^{Placer Claims} ~~37~~

12

46

Priority: Aug 2, 1973

Amt. of Water: 0.12 cfs

Limits: 1/40 ; 3 a.f.

RE-DO - 1-11-78

BBC-~~6KK-15~~
5KK-86 & 88

Abstract of Permit No. 37904

Application No. 49234

Certificate No.

Name Hotten & Philip Worsham

Address Box 24,
Brogen, Oregon, 97903

Source of water supply Morman Creek Basin, trib., Willow Creek

Use Irrigation of 2.5 Acres

Point of diversion 1410' S & 1570' E from N.W. cor., sec. 8, being within S.W. 1/4 Sec. 8,
T.14 S., R.42 E., W.M.; Malheur County

Number of acres 5.0

Div. Pt located 4270' N. & 1610' E. from S.W. Cor. Sec. 8.

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
14 S	42 E	8							5.0									
		8	Lot 2 (S.W. 1/4 N.W. 1/4). S.W. 1/4 N.W. 1/4 As projected Within Brown & Estabrook Placer Claim #37															1.5 - 1.0 -

Priority date August 2, 1973

Amount of water 0.06 c.f.s.

0.125 c.f.s.

Time limit to begin construction

~~7-23-76~~

Time limit to complete construction

~~10-1-77~~

extended to

extended to

Time limit to completely apply water

~~10-1-78~~

extended to

extended to

Remarks: Limitations: 1/40th c.f.s., 3 a.f.

2.5

P.T.S. 1976-K
Apr 130, 1976
L.E. Gould
BBC-5KK-15
6-24-78 LHNFidelity Onion Skin
201% COTTON

Info: Mr. Horton Warshaw

Div. Pt: Water from Mormon Creek Basin flows into Ditch.

Ditch: Has 2' wide bottom with sides sloping from 1:1 to 4:1 & approx. 2' deep.

Field ditches run along N. & W. edges of field with flooding toward S. & E.

Slope of ditches approx. 5%.

Crop: Alfalfa.

Tie: P.T.S. 1976-K Tie to NW cor. Sec. 8 (stone cairn)
see Wm. Rupert survey 1967

Note: N.E. field has been sold to a gold mining co. & is not irrigated.

April 30, 1976, L. E. Gould
Field Engineer

7-8 Rock pile

Pt. of Div. 1410' South and 1370' East of NW cor. Sec. 8

Existing Pt. of Div. Per No 24217

CREEK

BASIN

T.14 S. R.42 E.W.M.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

W.E. Gillespie
5/4/72

OREGON
MAY 6, 1955
W. E. GILLESPIE
344

RECEIVED

SEP 20 1973

STATE ENGINEER
SALEM, OREGON

Rock Pile

7 8
18 17

Pt. of Div. 205' South and 55' East of NW cor. Sec. 17

Ditch

NORMON

WATCH CREEK

LOST

Application No. 49233, 49234
Permit No. 37903 37904

County Road

5 ac.

Supplemental

APPLICATION FOR PERMIT
Horten & Philip Worsham
Brogan, Ore.
Scale 1"=660'

FIELD COPY

Worsham, Horton & Phillip

49234 37904

Info: Phil Worsham

Source: Mormon Basin Cr.

Div: cat pushed dam across cr. to divert entire flow into ditch. Point surveyed is where ditch ~~left~~ leaves cr. channel. Cr. channel is mine tailings & cr. changes course each year. From pt. surveyed, they dig a ditch to the cr. where ever the present channel is.

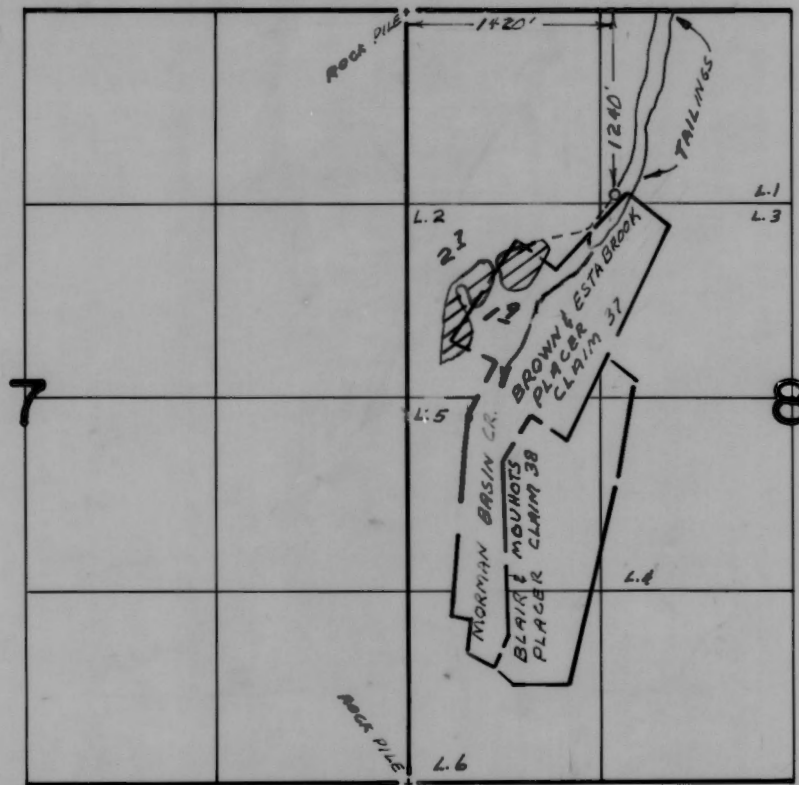
Remarks: Land owned by mining co. is leased by Worsham. It was irrigated all except 76 & 77. It will be irrigated again, probably 79.

Tie: Found a rock which may be NW cor. of sec. 8. Tied corner to photo BBC-6KK-15 with 1978-Q
Land on BBC-6KK-15.

6-24-78

Larry A. Funn
Field Engineer

T14S. R.42E. W.M.



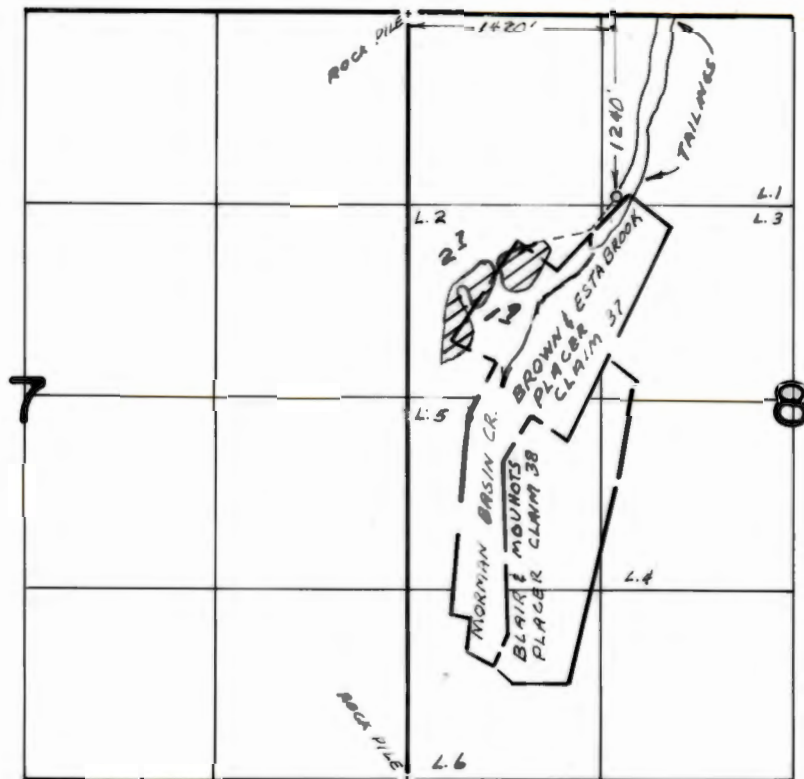
FINAL PROOF SURVEY
UNDER

Application No. 49234 Permit No. 37904
IN NAME OF

HORTON & PHILIP WORSHAM

Surveyed JUN. 24. 1978., by L.H. NUNN

T14S. R.42E. W.M.



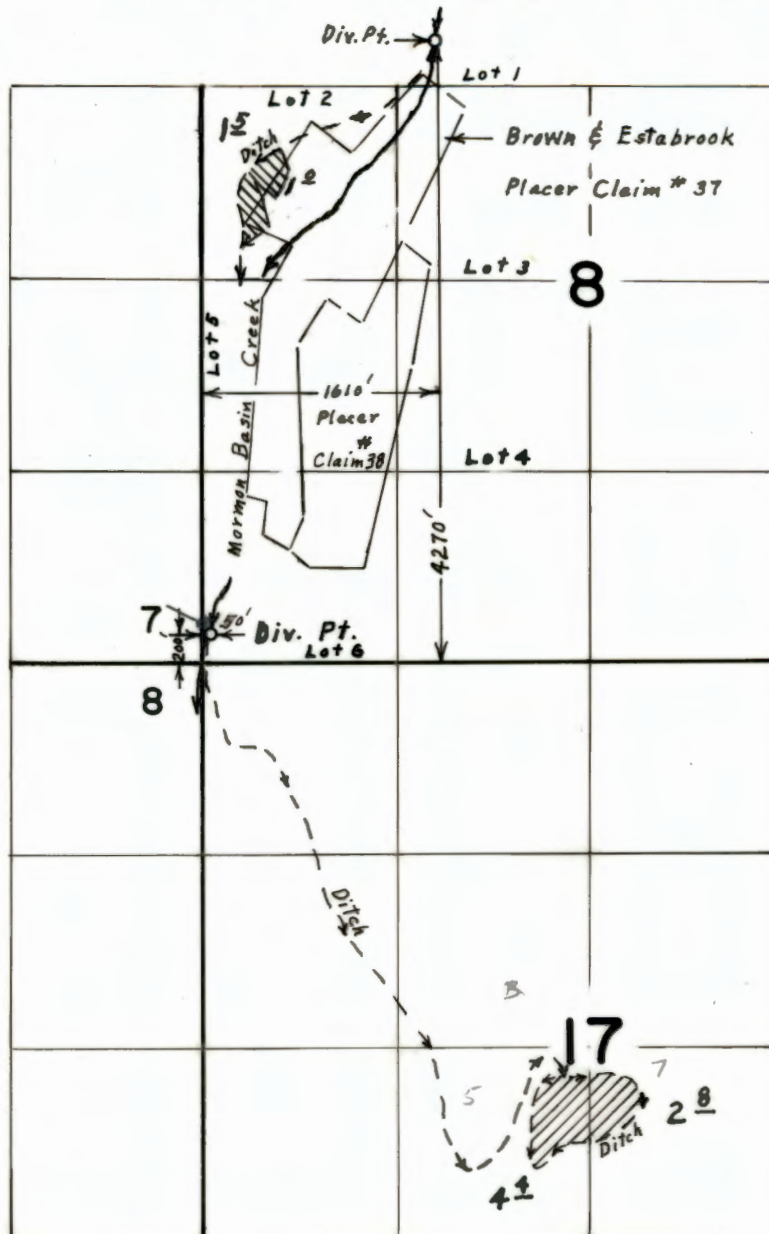
FINAL PROOF SURVEY
UNDER

Application No. 49234... Permit No. 37904...
IN NAME OF

HORTON & PHILIP WORSHAM

Surveyed JUN. 24. 1978., by L.H. NUNN

T.14S. R.42E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 49234 Permit No. 37904 
49233 Permit No. 37903 
 IN NAME OF

HORTEN & PHILIP WORSHAM

Surveyed April 30, 1976, by L. E. Gould