Name Glen L. Cluster

By

Address Riley, Oregon

See letter 3-7-55

Date filed September 17, 1951

Priority September 17 1951

Action suspended until OK cont

Returned to applicant

Date of approval March 31, 1952

CONSTRUCTION

Date for beginning March 31, 1953

Date for completion October 1, 1954

Extended to 10-1-56 10-1-57 10-1-59

Date for application of water October 1, 1955

Extended to 10-1-56 10-1-57 10-1-59

PROSECUTION OF WORK

Form "A" filed January 7, 1953

Form "B" filed February 8, 1960 See letter

Form "C" filed " " " 2-3-60

FINAL PROOF

Blank mailed

Proof received

Date certificate issued JANUARY 31 1962

Application No. 26456

Permit No. 20743

Certificate No. ~~29362~~ 61053

Port

CANCELLED

V43 p 35

Stream Index, Page No. 12-17

See also No. R-26455

FEES PAID

Date	Amount	Receipt No.
9/18/51	77.56	12979
	B. P. Fee	
10/24/61	$1 Cert. Fee	31541

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
~~2/11/55~~	~~Frank Cluster~~	~~3421 Franklin Blvd, Eugene, Ore~~	~~3~~	~~291-292~~
2-10-60	Frank Cluster	Riley, Oregon	4	192

REMARKS

21.5 cfs from Chickahominy Co and Res. for supplemental irrig. of 1705.9 Acres

OCT 26 1954 CARD FOR B

NOV 1 1956 CARD FOR B-C

OCT 28 1957 CARD FOR B-C

JAN 8 - 1958 FORM 100 REG.

OCT 9 - 1959 CARD FOR B-C

JAN 20 1960 FORM 100

State Printing Dept. 33881

Form A

Application No. 26456

NOTICE OF BEGINNING OF CONSTRUCTION

I, GLEN L CLUSTER, the holder of Permit No. 20743 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 8 day of OCTOBER, 1951.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of JAN., 1953

Glen L. Cluster (Signature of Applicant) Riley, Oregon (Address)

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

State Printing Dept. 41547

RECEIVED JAN 7 1953 STATE ENGINEER SALEM, OREGON

Applications No. R-26455 + 26456

Permits No. R-1256 + 20743

MAP

TO ACCOMPANY APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

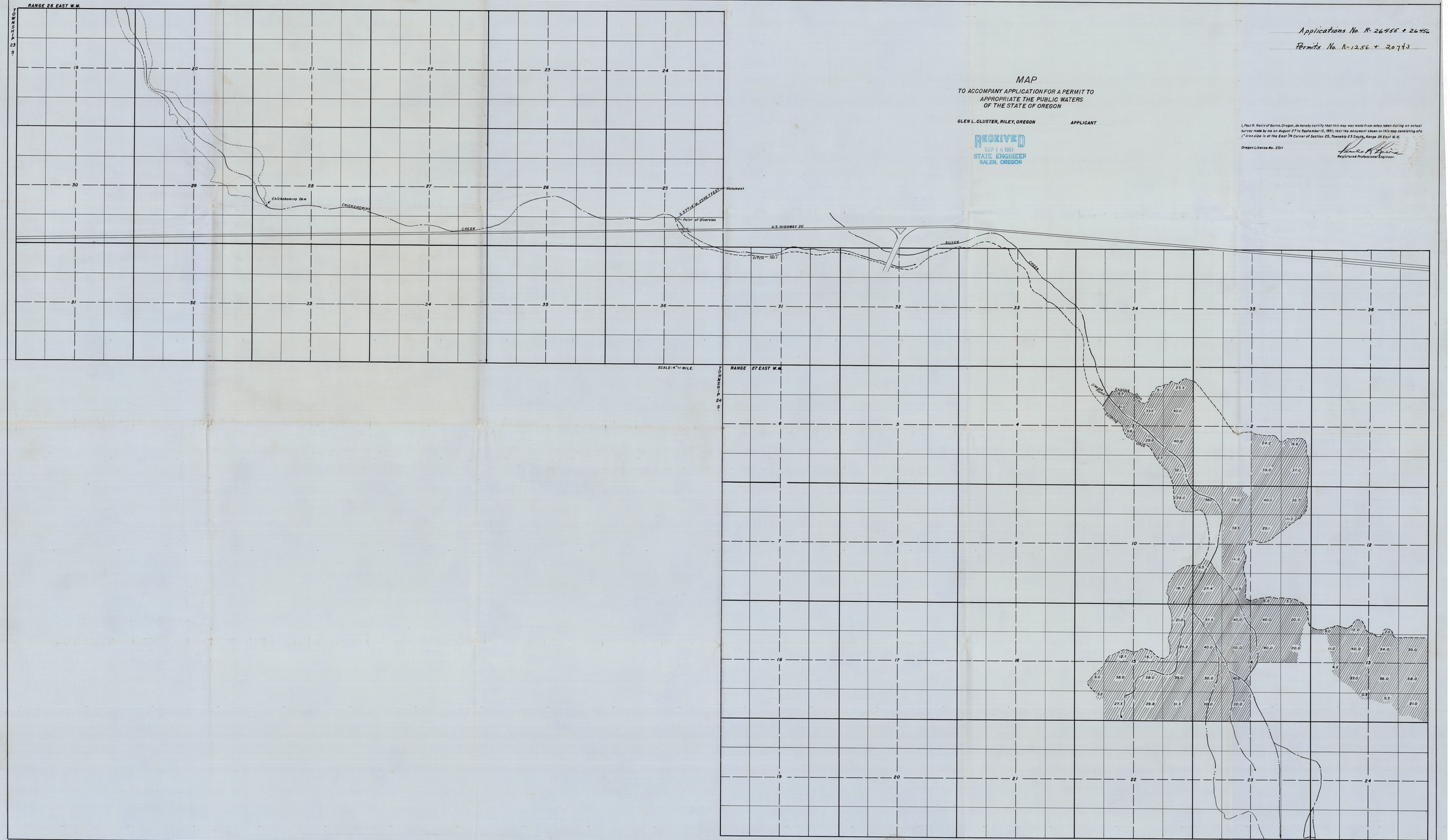
GLEN L. GLUSTER, RILEY, OREGON — APPLICANT

RECEIVED
SEP 14 1951
STATE ENGINEER
SALEM, OREGON

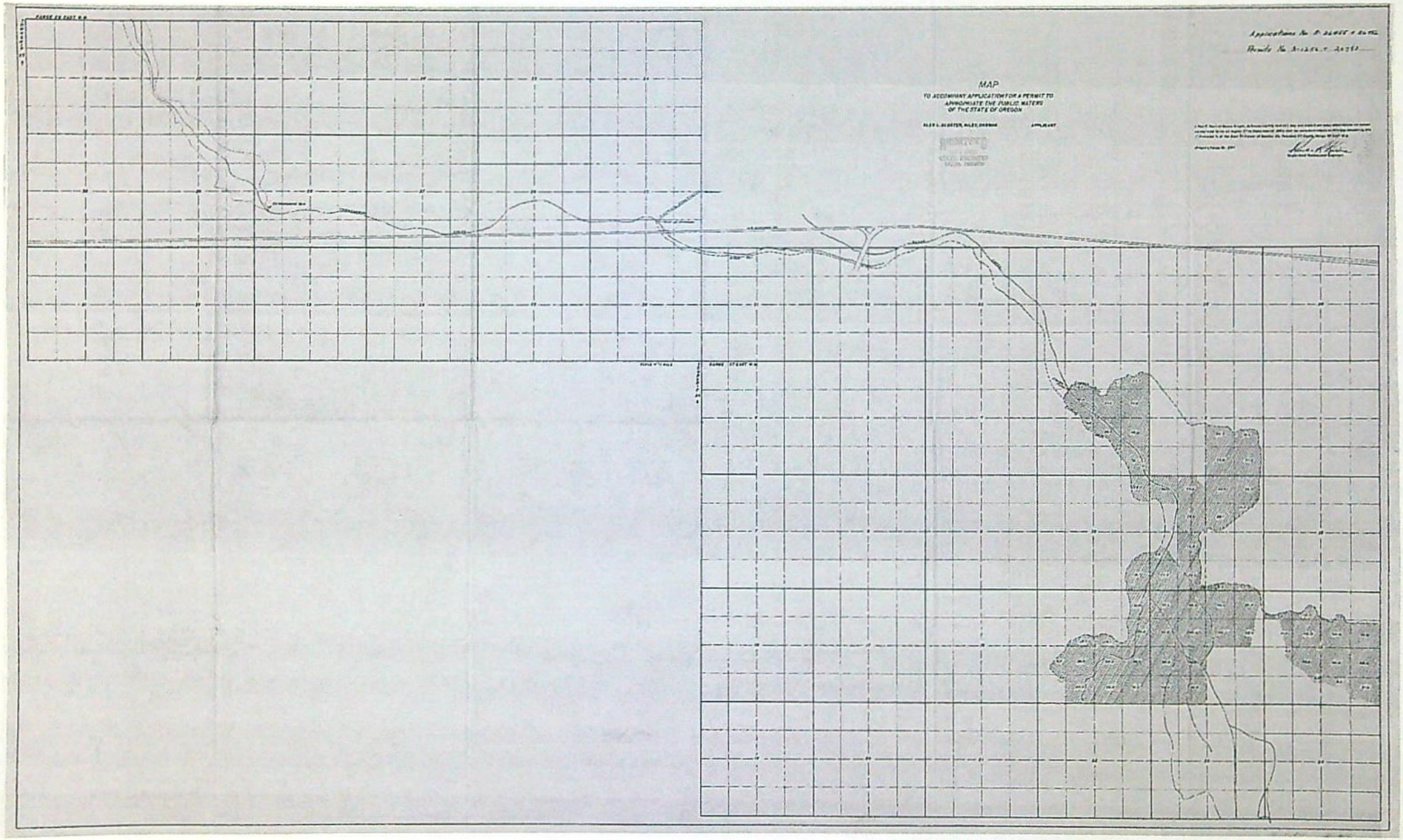
I, Paul R. Revis of Burns, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on August 27 to September 15, 1951; that the monument shown on this map consisting of a 1" iron pipe is at the East 1/4 Corner of Section 25, Township 23 South, Range 26 East W.M.

Oregon License No. 2511

Paul R. Revis
Registered Professional Engineer.



R-26455 26456


Applications No. P-26455 + 26456
Permits No. P-12856 + 20781
MAP
TO ACCOMPANY APPLICATION FOR A PERMIT TO
APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF OREGON
ALLEN L. ALLBRITTEN, MILES, OREGON
APPLICANT

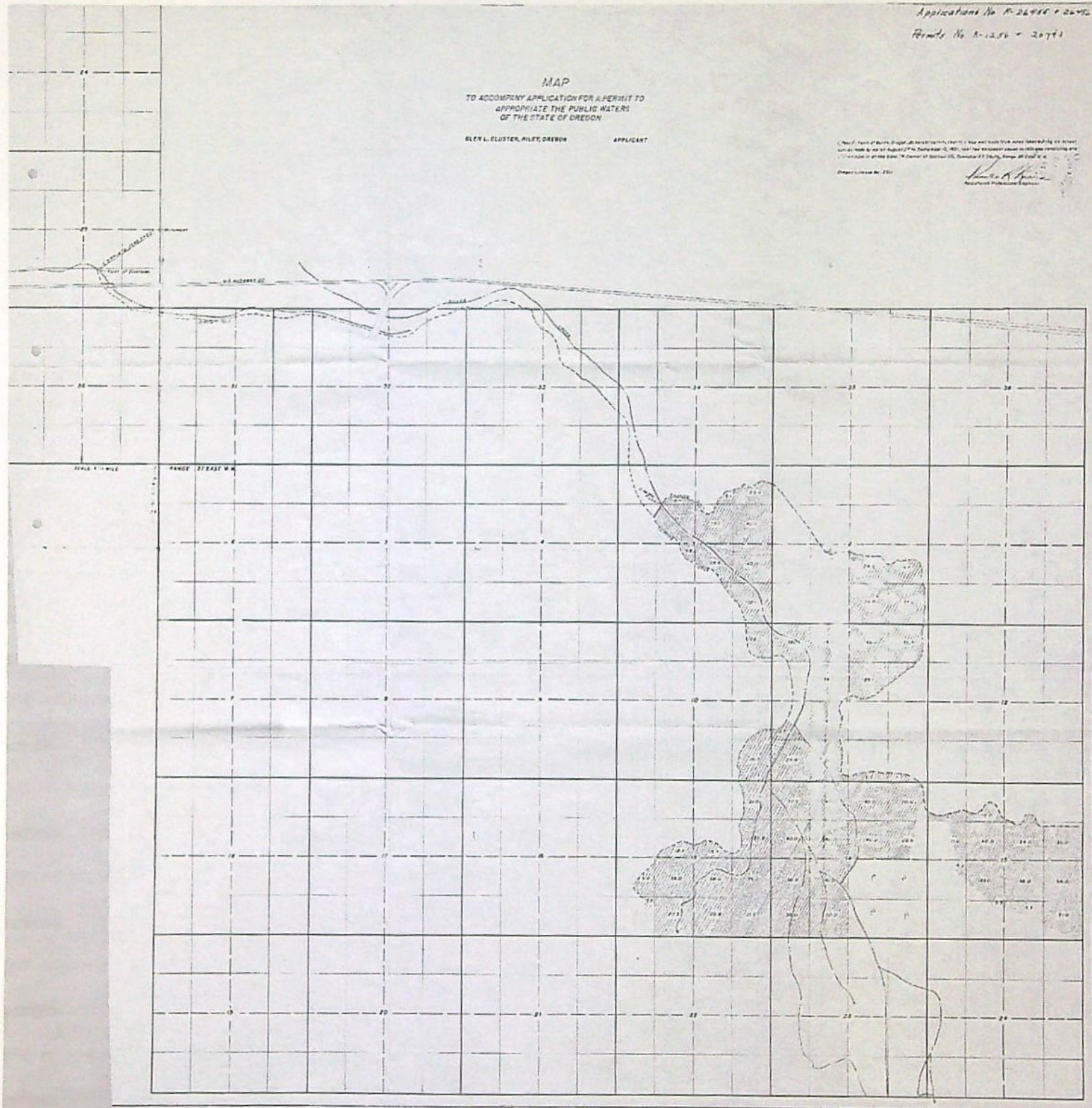
Applications No. R-26456 + 26452

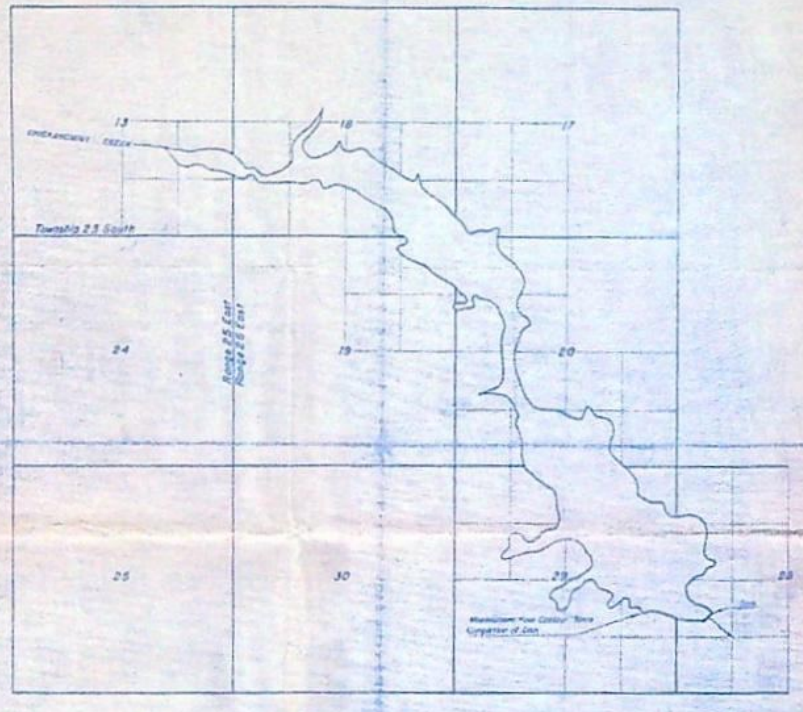
Permits No. R-1256 + 20743

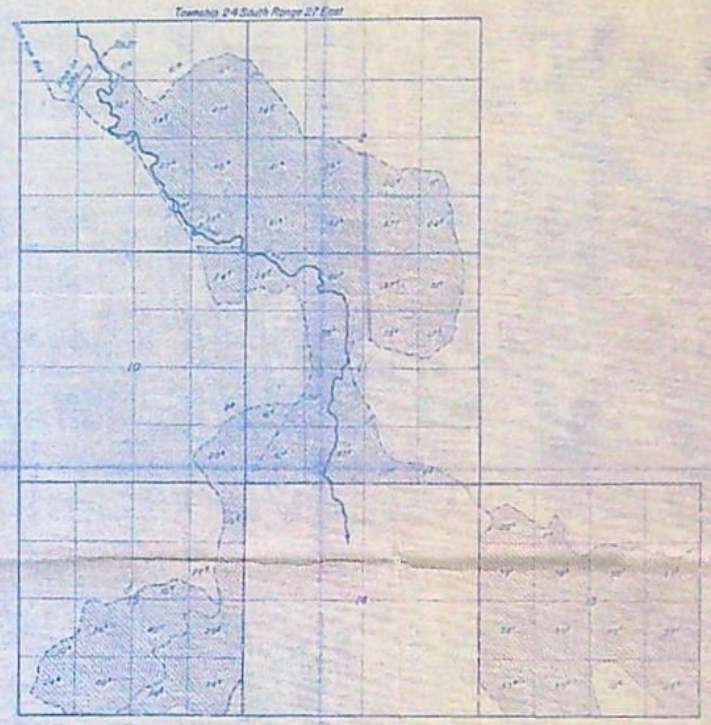
MAP

TO ACCOMPANY APPLICATION FOR A PERMIT TO
APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF OREGON

GLEN L. CLUSTER, RILEY, OREGON — APPLICANT







FINAL PROOF SURVEY

FOR

FRANK CLUSTER

APPLICATION NO	PERMIT NO
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

SURVEYED OCTOBER [illegible] BY [illegible]

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): Scott (First) and Margie (First) Runels (Last)

Mailing address: P.O. Box 6

Riley (City) OR (State) 97758 (Zip)

Phone: 541-493-2213 (Home) (Work) (Other)

PROPERTY BUYER INFORMATION

Applicant(s): Phillip (First) and Lorissa (First) Singhose (Last)

Mailing address: 62425 County Line rd.

Bend (City) OR (State) 97701 (Zip)

Phone: 541-317-0977 (Home) (Work) (Other)

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Harney Township: See Exhibit A Range: Section:

Tax lot number(s): See Attached

Attach a copy of your property deed or legal description of the property.

RECEIVED
JAN 24 2007
WATER RESOURCES DEPT
SALEM, OREGON

Street address of water right property: 18748 Hwy 20 W
Riley, OR 97758

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: S-26456 Permit #: S-20743 Certificate or page #: 61053

Will all the lands associated with this water right be owned by the buyer? ☒ Yes ☐ No

Name of individual completing this form: Lorissa Singhose (Print) Phone: 541-317-0977

Signature: Phillip W. Singhose Date: 1-12-07

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 23 S., R. 27 E., W.M.:

Sec. 33: W½, SE¼, EXCEPTING THEREFROM two parcels of land in the E½NW¼ and E½SE¼, described as follows:
Beginning at the Northwest corner of the NE¼NW¼ of said Sec. 33;
thence S. 28°15′ E. 1880.0 feet;
thence S. 64°00′ E. 490.0 feet to the center line of said Sec. 33;
thence North to the North section line of said Sec. 33;
thence West, along said North section line, to the point of beginning.
ALSO, beginning at the East quarter corner of said Sec. 33;
thence West 980.0 feet;
thence S. 55°00′ E. 465.0 feet;
thence S. 13°15′ E. 1290.0 feet;
thence S. 12°10′ E. 750.0 feet;
thence S. 88°16′ E. 163.0 feet to the East line of said Sec. 33;
thence North, along said East line, to the point of beginning.

Sec. 34: E½E½, NW¼NE¼.

Sec. 35: All, EXCEPTING THEREFROM right of way over the NE¼NW¼, N½NE¼, conveyed by Deed recorded October 22, 1930, in Book 35, Page 59, Deed Records.

In Twp. 24 S., R. 27 E., W.M.:

Sec. 1: Lots 1, 2, 3 and 4, S½N½, S½.

Sec. 2: Lots 1, 2, 3 and 4, S½N½, S½.

Sec. 3: Lots 1, 2, 3 and 4, S½N½, S½.

Sec. 4: Lots 1 and 2, S½N½, S½.

Sec. 5: Lots 1, 2, 3 and 4, S½N½, S½, EXCEPTING THEREFROM right of way over Lots 3 and 4, S½NW¼, conveyed by Deed recorded January 5, 1932, in Book 35, Page 429, Deed Records, and right of way and haul road over Lot 4, SW¼NW¼, conveyed by Deed recorded June 25, 1963, in Book 73, Page 383, Deed Records.

Sec. 6: Lots 6, 7 and 11, SE¼SE¼.

Sec. 7: All that portion of Section 7 lying Easterly of the highway right of way, as said right of way is described in Deeds recorded January 5, 1932, in Book 35, Page 429, and recorded June 25, 1963, in Book 73, Page 383, Deed Records.

Sec. 8: All.

Sec. 9: All.

Sec. 10: All.

Sec. 11: All.

Sec. 12: All.

Sec. 13: All

RECEIVED

JAN 24 2007

WATER RESOURCES DEPT
SALEM, OREGON

Sec. 14: All.
Sec. 15: All.
Sec. 16: All.
Sec. 22: NE¼.
Sec. 23: All.
Sec. 24: E½, E½W½.

In Twp. 24 S., R. 28 E., W.M.:
Sec. 18: Lots 2, 3 and 4, SE¼SW¼, SW¼SE¼.
Sec. 19: Lot 1, N½NE¼, NE¼NW¼.

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 27 E., W.M.:
Sec. 24: W½W½.

RECEIVED

JAN 24 2007

WATER RESOURCES DEPT
SALEM, OREGON

Attachment

Tax lot numbers:

2100

401

500

1700

100

300

700

200

2000

600

800

200

101

RECEIVED

JAN 24 2007

WATER RESOURCES DEPT
SALEM, OREGON

Permit A-3—1M—6-53

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

This Is To Certify, *That* FRANK CLUSTER

of Riley *, 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* Chickahominey Creek & Reservoir constructed under Appl. No. R-26455, Per. No. R-1256 *a tributary of* Silver Creek 1073.9 *for the purpose of* supplemental irrigation of 1302.3 acres *under Permit No.* 20743 *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 17, 1951 *;*

26456

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 ~~21.5~~ cubic feet per second

-2.6 17.9 21.7

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ SW¼, Section 28, T. 23 S., R. 26 E.; NE¼ NW¼, Section 32, T. 23 S., R. 27 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-sixtieth *of one cubic foot per second per acre,* or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-1256,

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:

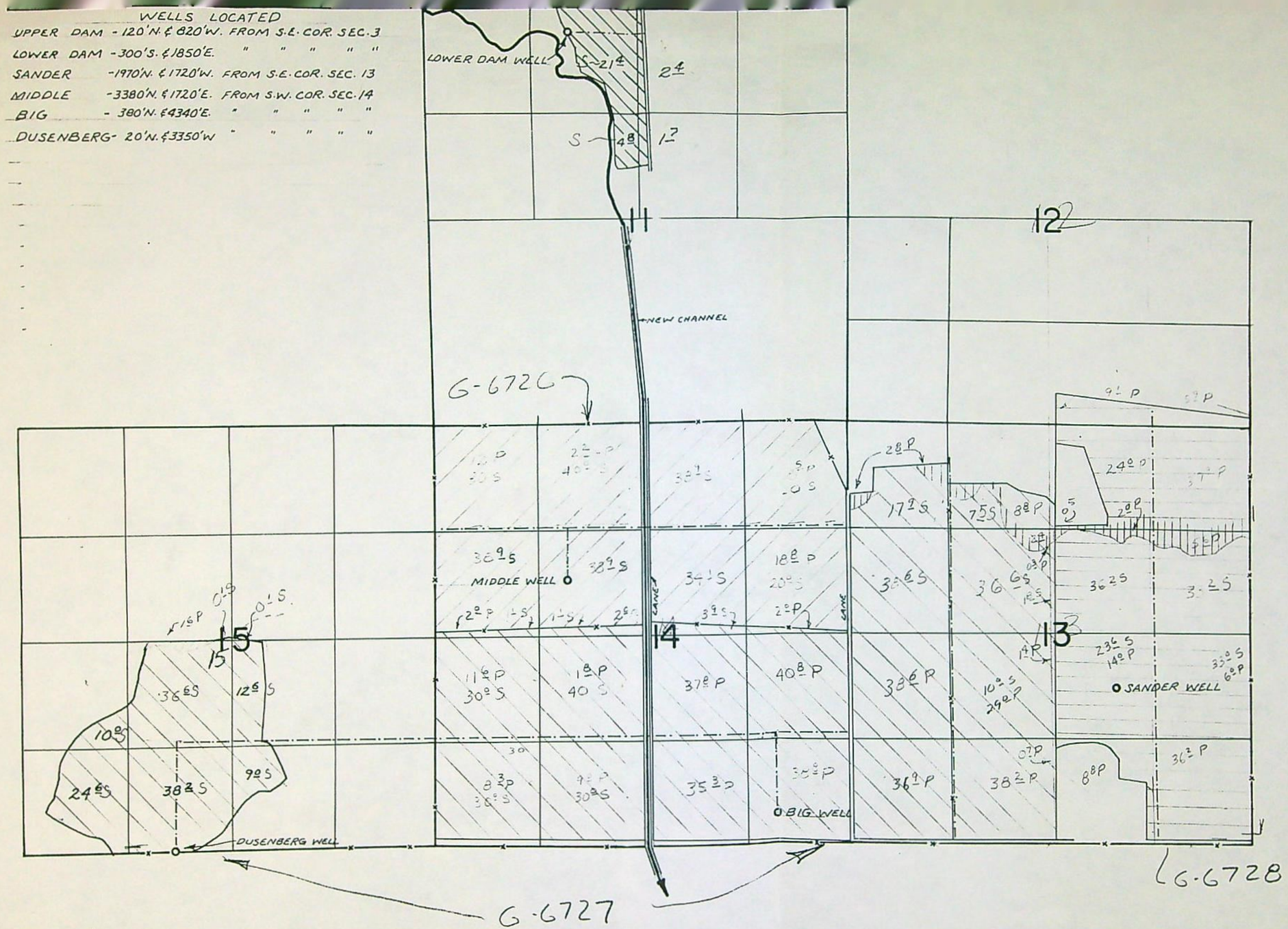
1302.3
228.4
1073.9

8.0 acres NE¼ SE¼
20.0 acres NW¼ SE¼
37.4 acres SW¼ SE¼
24.8 acres SE¼ SE¼
Section 2
16.0 acres NE¼ NE¼
0.8 acre NW¼ NE¼
34.2 acres SW¼ NE¼
40.0 acres SE¼ NE¼
0.4 acre NE¼ NW¼
16.0 acres SE¼ NW¼
40.0 acres NE¼ SE¼
27.6 acres NW¼ SE¼
5.0 acres SW¼ SE¼
33.0 acres SE¼ SE¼
Section 3
24.4 acres NE¼ NE¼
2.8 acres NE¼ SE¼
29.2 acres SE¼ SE¼
Section 10

269.9

WELLS LOCATED

UPPER DAM - 120'N. & 820'W. FROM S.E. COR. SEC. 3
LOWER DAM - 300'S. & 1850'E. " " " " "
SANDER - 1970'N. & 1720'W. FROM S.E. COR. SEC. 13
MIDDLE - 3380'N. & 1720'E. FROM S.W. COR. SEC. 14
BIG - 380'N. & 4340'E. " " " " "
DUSENBERG - 20'N. & 3350'W " " " " "



1976-Z-3, 1960-U & SV-63, 65, 145 & 147

Township 24 South Range 27 East
Ditch from Res
Ditch on Dike
Div. Pt.
Silver
Creek
2
3
10
11
14
15
13
28
Copy
5-7-76

TOWNSHIP 24S RANGE 27E W.M. SECTION 11

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
31 4	37 4	25 6	17 6	42 0	26 8		35 0	38 0	16 4		4 3	28	22 0	22 0	6 8	24497	19162	29359 - Silver Cr
36 7	40 1	29 1	11 2	39	38		38 5									U-361 Supplemental U-367	U-327	
																Supplemental U-363	U-335	CANCELLED
										42 0	37 7					24780	19525	29360 - Silver Cr
31 4	37 4	25 6	17 6	42 0	26 8		35 0	38 0	16 4	42 0	42 0	28	28	22 0	6 8	Supplemental 26456	20743	29362 ~~Chuckbo~~ & Chuckw
					14				25 8							G-4509	G-4250	CANCELED
31 4	37 4	25 6	17 6	42	26 8		35	38	16 4	42	42		28	22 0	6 8	Supplemental G-4509	G-4250	CANCELED
	2 6	2 4														G-6730	G5257	2
30 0	37 4	25 6	12 0	27 0	2 0		9 0									G-6730	G5257	2
31 4	37 4	25 6	17 6	27 0			9 0									G-11036		2
31 4	37 4	25 6	17 6	27 0			9 0									Supplemental 65353		3

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 24S RANGE 27E W.M. SECTION 13

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
	2 0	34 0	30 0	12 0	2 0	11 0	40 0	23 0	4 7		0 5	33 0	22 0	9 7	21 0	Supplemental U-363	U-335	CANCELLED
		38 0	33 2	7 6	20 0	39 0	36 6	10 0				33 0	23 6			24780	19525	29360
		38 0	33 2	7 6	20 0	39 0	36 6	10 0				33 0	23 6			Supl 26456	20743	29362
								30	40	40	40	7 0	6 4	40	40	G-4509	G-4250	CANCELED
		38 0	33 2	7 6	20	39	36 6	10				33	23 6			Supplemental G-4509	G-4250	CANCELED
				2 4		1 0	34	30	40	40	40					G-6727	G5254	3
				7 6	20	39	36 6	10								Supplemental G-6727	G5254	3
40	32 0	2 0	6 0									7 0	6 4	12 0	40	G-6728	G5255	
		38 0	33 2									33 0	23 6			Supplemental G-6728	G5255	
								40	40	40	40					G-11037	supl.	4

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 24S RANGE 27E W.M. SECTION 14

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
20	40	40	20													Decree, Vol. 12	Page 323	14044
				40	30	40	40	40	30	30	30					Decree, Vol. 12	Page 323	14044
					15											Supplemental U-363	U-335	CANCELLED
					7 5											24780	19525	29360
20	40	40	20	40	37 5	40	40	40	30	30	30					Supplemental 26456	20743	29362
15			20	29	12	29	29	20	12	12	12	40	41	41	40	G-4509	G-4250	CANCELED
20	40	40	20	40	30	40	40	40	30	30	30					Supplemental G-4509	G-4250	CANCELED
20			20		10											G-6726	G5253	
20	40	40	20	40	30	40	40									Supplemental G-6726	G5253	
									10	10	10	40	40	40	40	G-6727	G5254	3
								40	30	30	30					Supplemental G-6727	G5254	3

Silver Creek

TOWNSHIP 24 S. RANGE 27 E. W.M. SECTION 15

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
21.0		15.1	25.2				12.2	9.0	9.0	5.3	27.2	37.2	38.0	27.2	31.2	Supplemental ~~G-363~~	~~G-335~~	CANCELED
19.2		10.0	22.8				0.1	36.6	10.0	24.6	40.0	39.8	40.0	38.8	34.0	24780	19525	29360
19.2		10.0	22.8				0.1	36.6	10.0	24.6	40.0	39.8	40.0	38.8	34.0	Supplemental 26456	20743	29362
21.3	41.0	30	17.2	35		15	39.3	34	20							~~G-4509~~	~~G-4250~~	CANCELED
19.2		10	22.4					36.6	10	24.6	40	39.4	40	38.2	34	Supplemental ~~G-4509~~	~~G-4250~~	CANCELED
		3°						23°			40		20°	14°		Supplemental G-6727		"
23.8	43°	30°	17.2					3.4	30°	15.4		0.2		1.2	6°	G-8947	G8406	
19.2		10°	22.8					36.6	10°	24.6	40°	39.8	40°	38.8	34°	Sup. G-8947	G8406	

(SEE BACK OF CARD FOR PLAT OF SECTION)

15

V

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HARNEY COUNTY

IN THE MATTER OF THE CANCELLATION OF A PORTION OF A WATER RIGHT IN THE NAME OF FRANK CLUSTER	)))	O R D E R

On August 18, 1988, James Towery, Robert Young, and Vernon Morgan submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be cancelled.

The water right in question is a portion of the right described by the certificate recorded at page 29362, Volume 21, State Record of Water Right Certificates, in the name of Frank Cluster. It is for the use of not to exceed 3.60 cubic feet per second of water from Chickahominey Creek and Reservoir, with a date of priority of September 17, 1951, for irrigating 8.0 acres NE 1/4 SE 1/4, 20.0 acres NW 1/4 SE 1/4, 37.4 acres SW 1/4 SE 1/4, and 24.8 acres SE 1/4 SE 1/4, Section 2; 31.4 acres NE 1/4 NE 1/4, 37.4 acres NW 1/4 NE 1/4, 25.6 acres SW 1/4 NE 1/4, 17.6 acres SE 1/4 NE 1/4, 21.4 acres NE 1/4 NW 1/4, and 4.8 acres NW 1/4 NW 1/4, Section 11, Township 24 South, Range 27 East, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order cancelling the water right."

NOW THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 29362, Volume 21, State Record of Water Right Certificates, is cancelled.

If is FURTHER ORDERED that the said certificate of water right is cancelled and in lieu thereof, a new certificate be issued to describe the balance of water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 26th day of January, 1989.

William H. Young

WILLIAM H. YOUNG
Director

0400D/3

V 43 p 35

1M—7-61

Permit No. 20743

Application No. 26456 County Harney

RECEIVED
OCT 24 1961
STATE ENGINEER
SALEM, OREGON

Proof of Appropriation of Water

1. Name Frank Cluster 2. Address Riley, Oregon

3. Source of supply Chickahominy Creek and Res. Const. under A. #R-26455, P. #R-1256

Tributary of Silver Creek

4. Amount of water 21.5 c.f.s. 5. Priority date September 17, 1951

6. Use supplemental irrigation of 1302.3 acres - 1/60th and 2½ a.f. from dir. flow and storage from res. const. under P. # R-1256

7. Location of point of diversion NW¼ SW¼ (Legal Subdivision) Sec. 28, Twp. 23 S, Range 26 E, W.M.
NE¼ NW¼ 32 23 S 27 E

8. 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.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
	Willamette Meridian			
24 S	27 E	2	NE¼ SE¼	8.0
			NW¼ SE¼	20.0
			SW¼ SE¼	37.4
			SE¼ SE¼	24.8
		3	NE¼ NE¼	16.0
			NW¼ NE¼	0.8
			SW¼ NE¼	34.2
			SE¼ NE¼	40.0
			NE¼ NW¼	0.4
			SE¼ NW¼	16.0
			NE¼ SE¼ SEE ATTACHED SHEET-cont.	40.0

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 ..... day of ....., 19.....

Frank Cluster

6139

T.	R.	Section	Legal Subdivision	No. Acres Actually Irrigated	
24 S	27 E	3	NW¼ SE¼	27.6	
			SW¼ SE¼	5.0	
			SE¼ SE¼	33.0	
		10	NE¼ NE¼	24.4	
			NE¼ SE¼	2.8	
			SE¼ SE¼	29.2	
		11	NE¼ NE¼	31.4	Suppl.
			NW¼ NE¼	37.4	
			SW¼ NE¼	25.6	
			SE¼ NE¼	17.6	
			NE¼ NW¼	42.0	
			NW¼ NW¼	26.8	
			SE¼ NW¼	35.0	
			NE¼ SW¼	38.0	
			NW¼ SW¼	16.4	
			SW¼ SW¼	42.0	
			SE¼ SW¼	42.0	
			NW¼ SE¼	2.8	
			SW¼ SE¼	22.0	
			SE¼ SE¼	6.8	
		13	SW¼ NE¼	38.0	
			SE¼ NE¼	33.2	
			NE¼ NW¼	7.6	
			NW¼ NW¼	20.0	
			SW¼ NW¼	39.0	
			SE¼ NW¼	36.6	
			NE¼ SW¼	10.0	
			NE¼ SE¼	33.0	

T.	R.	Section	Legal Subdivision	No. Acres Actually Irrigated
CONT.				
24 S.	27 E.	13	NW¼ SE¼	23.6
		15	NE¼ NE¼	19.2
			SW¼ NE¼	10.0
			SE¼ NE¼	22.8
			SE¼ NW¼	0.1
			NE¼ SW¼	36.6
			NW¼ SW¼	10.0
			SW¼ SW¼	24.6
			SE¼ SW¼	40.0
			NE¼ SE¼	39.8
			NW¼ SE¼	40.0
			SW¼ SE¼	38.8
			SE¼ SE¼	34.0

October 27, 1970

R-26455
26456
C-186

O. D. Hotchkiss
P. O. Box 746
Burns, Oregon 97720

Dear Sir:

The certificate recorded at page 29361 was issued to Frank Cluster for the storage of 4767.0 acre feet of water from Chickahominy Creek for irrigation. Later there was a change in use of the stored water, so 1500.0 acre feet of the storage is held for recreation and public fishery. The remaining 3267.0 acre feet of water is for the supplemental irrigation of 1302.3 acres.

I do not know whom presently owns the land on which the water from the reservoir is used, but the use of water is restricted to the lands described in the certificate recorded at page 29362. The owners of the lands could submit an application for a change in place of use from the lands presently irrigated to other lands for which a valid primary right exists which could be irrigated from the stored water. If the place of use is changed to lands for which no right exists, the direct flow primary right would have to be changed along with the supplemental use from the reservoir.

Water legally stored during the runoff period may be held as long as physically possible for use. There is no restriction as to what part of the irrigation season the water may be used.

Very truly yours,

Trevor Jones
Assistant

TJ:cjs

26456

October 27, 1966

Mr. A. C. Goodrich
P.O. Box 1151
Bend, Oregon

Dear Mr. Goodrich:

Enclosed you will find State Engineer's Receipt No. 1323, in the amount of $1.40, which covers the cost of the copying fees of two maps which were sent to you on October 20, 1966.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

Enclosure
MBB:lja

STATE OF OREGON

OFFICE OF THE

STATE ENGINEER

WATER RESOURCES DEPARTMENT

SALEM 10

October 20, 1966

008

TO

ADDRESS

A. C. Goodrich
P. O. Box 1151
Bend, Oregon

copying fees - two maps re: application 26456	1	40

RECEIVED
OCT 27 1966
STATE ENGINEER
SALEM, OREGON

26456

October 21, 1966

A. C. Goodrich
P. O. Box 1151
Bend, Oregon

Dear Mr. Goodrich:

There are no other water rights other than those listed by the permit numbers on the Final Proof Survey map for Frank Cluster.

Also, there are no rights for the use of water from the Chickahominy Reservoir in Sections 17, 18, 19, 20, 28, 29, and 33 in Township 23 South, Range 26 East, W.M.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

py

26456

October 20, 1966

A. C. Goodrich
P. O. Box 1151
Bend, Oregon

Dear Mr. Goodrich:

Enclosed are the copies of two maps in regard to application No. 26456 in the name of Frank Cluster.

Also enclosed is our bill for copying fees in the amount of $1.40.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

py

Enclosures

26456
24497
24780
R-26455

October 5, 1961

Frank Cluster
Riley
Oregon

Dear Mr. Cluster:

Enclosed are the proof of appropriation of water forms in connection with your Permits numbered 20743, 19162, 19525 and R-1256. These have been prepared in the manner we discussed when you were in this office.

If you will examine these forms and sign each of them as indicated and return them together with the certificate recording fees of $4, we will be able to issue the four certificates.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:jh

30

24780
24497
R-26455-6

July 13, 1961

Mr. Frank Cluster
Riley,
Oregon

Dear Mr. Cluster:

On May 10, 1961 we wrote you regarding preparation of proofs in connection with your permits numbered 19162, 19525, 20743 and R-1256 and, to date, have had no reply.

Unless a reply is received in 30 days from the date of this letter, we will prepare the proofs preparatory to issuance of the certificates, conforming as nearly as possible to the original applications and within the area mapped by our field engineer.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:eh

26456
R-26455
24780
24497

May 10, 1961

Frank Cluster
Riley,
Oregon

Dear Mr. Cluster:

As you know the final proof survey in connection with your permits numbered 19525, 19162, 20743 and R-1256 was made in October, 1960. When we attempted to make the final proof forms for your signature a problem developed, in that the land being irrigated is not entirely the same as that described in the applications.

The application which was approved by permit 19525 lists lands in Sections 10, 11, 13 and 15 and a few acres in the northwest corner of Section 14. The application approved by permit number 19162 lists lands in Sections 2, 3, and 11. The land applied for under both of these permits is substantially the same as mapped by our field engineer, but did not include the number of acres we mapped. No problem developes under permit 19162 and the right apparently can be completed to the limit of the permit. This would leave 900 acres not covered; 668.6 of which could be covered by permit number 19162. This leaves 231.6 acres not covered by either permit.

I am enclosing a print of the final proof survey map so you may compare it with maps attached to permits 19162 and 19525.

Permit number 20743 describes the appropriation of water from Chickahominy Creek and Reservoir for supplemental irrigation. The application lists lands in Sections 2, 3, 10, 11, 13, 14 and 15. This is restricted to use of water on lands having a prior right. You will note that Section 14, most of which is covered by an earlier right from Silver Creek, was included in permit number 20743, but not claimed apparently when our field engineer mapped the area irrigated. You will also note that the W½ of Section 2 was not described in any of the applications. The total acres described in permit number 20743 is very close to that listed by our field engineer, but we could not include the 231.6 acres mentioned above in a certificate confirming permit 20743 as this land does not have a primary right.

We could prepare the proof for permit number 20743 covering lands described in the other two permits; you could then make application for a new permit from both Silver Creek and Chickahominy Creek and Reservoir for the 231.6 acres for which no right exists. To conform as closely as possible to the applications, this land should be that in the southerly part of Section 13.

Further action will be withheld to enable you to reply to this letter. If any further information is required we will furnish it on request.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:kr
Enclusure

1 final proof map

R-26455
26456

February 15, 1960

Mr. Glen Cluster
713 East Lake
Watsonville, California

Dear Mr. Cluster:

The assignment of permits numbered R-1256 and 20743 from Glen L. Cluster over to Frank Cluster has been recorded in the records of this office and is enclosed.

Our receipt No. 24311 covering the statutory fee you submitted in the amount of $1 is also enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

eh
enclosures - 2

251 FINANCE BUILDING
170 12TH STREET, S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. ~~24780~~
R-26455
26456

February 9, 1960

Mr. Frank Cluster
Riley
Oregon

Dear Mr. Cluster:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 19525, R-1256 and 20743.

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,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 128
lk

Riley, Oregon.
February 3, 1960

Mr. Lewis E. Stanley
State Engineer
Water Resources Department
251 Finance Building
120 12th Street S. E.
Salem, Oregon.

RECEIVED
FEB 8 1960
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

R-26455
26456

Water from Chickahominy Creek and Reservoir

Application No. R-26455 - Permit No. R-1256

Please accept this as formal notice of the completion of Chickahominey Dam and Chickahominey Reservoir, spillway, canal and diversion from Chickahominey Creek near Highway 395.

The water is now available and has been used on the land. In fact it was used during the year 1958 and 1959.

This project can be inspected any time that the weather permits.

Yours very truly,

Frank Cluster

Frank Cluster

fc;hplc

R-26455
26456

February 3, 1960

Mr. Glen L. Cluster
713 East Lake Avenue
Watsonville, California

Dear Mr. Cluster:

You are the record holder of permits numbered 20743 and R-1256 and, therefore, we must address correspondence to you.

If Mr. Frank Cluster controls this property, it may be advisable to assign the permits to him and, upon receipt of such assignment for recording, we can change our records accordingly.

In case you wish to do this, we are enclosing a simple assignment form. We have not yet received the completion notices from Mr. Frank Cluster.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:rb
Enc.

cc/Mr. Frank Cluster
Riley
Oregon

Glen L. Cluster
713 East Lake Avenue
Watsonville, California

January 23, 1960

Lewis A. Stanley, State Engineer
Water Resources Department
251 Finance Building
170 12th Street, S. E.
Salem, Oregon

RECEIVED
JAN 26 1960
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

Re: Your File No. R-26455
No. 26456

We received today your letter under date of January 20, 1960, concerning permit No. 20743 for appropriation of water from Chickahominy Creek and reservoir, and calling our attention to the necessity of submitting notice of complete application, which same notice was due October 1, 1959.

We left the ranch in October, 1954, and since that time everything concerning it has been completely in the hands of my father, Mr. Frank Cluster, Riley, Oregon. We are forwarding your letter to him, and suggest that all further correspondence concerning water rights, etc., be carried on directly with him.

We are sorry for the tardiness in the filing of notice of complete application, but previous letters have not reached us, and were probably mislaid somewhere along the line.

Yours truly,

Glen L. Cluster

Glen L. Cluster

GVC:gc

R-26455
26456

January 20, 1960

Mr. Glen L. Cluster
Riley,
Oregon

Dear Mr. Cluster:

According to the terms of your permit No. 20743, which is for the appropriation of 21.5 cubic feet per second of water from Chickahominy Creek and reservoir, application No. R-26455, permit No. R-1256, complete application of water was to have been made on or before October 1, 59. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on October 9, 1959.

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the p ou should promptly submit notice describing the extent

ORS 537.260 provi any appropria-
tion under a permit he owner of
the permit mit to the
Stat ed by
ORS otice by
regis

notifi e hereby
the dat days from
will be

describe ct
the prope e. If
and addre ve us the name

ery truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

R26455-B

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee ☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Glen L. Cluster

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Helen Cluster

DATE DELIVERED

JAN 23 1960

ADDRESS WHERE DELIVERED (only if requested in item #1)

GH

CSS-16-71548-4 GPO

R-26455
26456

January 20, 1960

Mr. Glen L. Cluster
Riley,
Oregon

Dear Mr. Cluster:

According to the terms of your permit No. 20743, which is for the appropriation of 21.5 cubic feet per second of water from Chickahominy Creek and reservoir, application No. R-26455, permit No. R-1256, complete application of water was to have been made on or before October 1, 59. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on October 9, 1959.

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the permit, you should promptly submit notice describing the extent of completion.

ORS 537.260 provides: Whenever the time within which any appropria- tion under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereaft[illegible] it to the State Engineer proof of completion of the appropri[illegible] by ORS 537.230 and 537.250, the State Engineer [illegible] ice by registered mail, order the cancelatio[illegible]

In accordance [illegible] hereby notified that unless [illegible] days from the date of [illegible] will be [illegible]

describe[illegible] ct [illegible] e. If the prope[illegible] us the name and addre[illegible]

POD Form 3811
REGISTERED NO.
CERTIFIED NO. 21400
INSURED NO.
STREET AND NO. OR P.O. BOX
CITY, ZONE AND STATE
CSS-16-71548-4
DATE DELIVERED JAN 23 1960
ADDRESS WHERE DELIVERED (only if requested in item #1)
Glen Cluster
GH
CSS-16-71548-4 GPO

LEWIS A. STANLEY
STATE ENGINEER
SALEM, OREGON

[illegible]ery truly yours,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

R-26455
26456

January 20, 1960

Mr. Glen L. Cluster
Riley,
Oregon

Dear Mr. Cluster:

According to the terms of your permit No. 20743, which is for the appropriation of **21.5 cubic feet per second of water from Chickahominy Creek and reservoir, application No. R-26455, permit No. R-1256,** complete application of water was to have been made on or before October 1, 59. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on **October 9, 1959.**

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the permi[illegible]u should promptly submit notice describing the extent of com[illegible]

ORS 537.260 provides: W[illegible] any appropriation under a permit should [illegible] he owner of the permit fails [illegible] mit to the State E[illegible] ed by ORS [illegible] otice by regi[illegible]

R26455-6

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE
☐ Deliver ONLY to addressee ☐ Show address where delivered
(Additional charges required for these services)
RETURN RECEIPT
Received the numbered article described on other side.
SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
Glen L. Cluster
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

[illegible]e hereby notifi[illegible] within 60 days from the da[illegible] and 20743 will be [illegible]

[illegible] are no longer interested in the project describe[illegible] we would appreciate it if you would so advise. If the prope[illegible]ved in the project has changed hands, please give us the name and add[illegible] of the new owner.

Very truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

R-26455
26456

January 20, 1960

Mr. Glen L. Cluster
Riley,
Oregon

Dear Mr. Cluster:

According to the terms of your permit No. 20743, which is for the appropriation of **21.5 cubic feet per second of water from Chickahominy Creek and reservoir, application No. R-26455, permit No. R-1256,** complete application of water was to have been made on or before October 1, 59. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on **October 9, 1959.**

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the per[illegible] ou should promptly submit notice describing the extent o[illegible]

ORS 537.260 provides: [illegible] any appropriation under a permit should have [illegible] he owner of the permit fails or refuses with[illegible] mit to the State Engineer proof of completi[illegible] ed by ORS 537.230 and 537.250, the Sta[illegible] otice by registered mail, order the cancel[illegible]

In accordance with the p[illegible] e hereby notified that unless proof of bene[illegible] days from the date of this letter, your permi[illegible] will be canceled without further no[illegible]

If for any reason you are [illegible] ct described by the permit, we would app[illegible] e. If the property involved in the project [illegible] us the name and address of the new owner.

Ve[illegible]

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

R-26455
26456

January 20, 1960

Mr. Glen L. Cluster
Riley,
Oregon

Dear Mr. Cluster:

According to the terms of your permit No. 20743, which is for the appropriation of 21.5 cubic feet per second of water from Chickahominy Creek and reservoir, application No. R-26455, permit No. R-1256, complete application of water was to have been made on or before October 1, 59. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on October 9, 1959.

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the permit, you should promptly submit notice describing the extent of completion.

ORS 537.260 provi the time within which any appropria-
tion under a permit ted has expired and the owner of
the permit f nths thereafter to submit to the
Sta propriation as required by
ORS may, after 60 days' notice by
reg permit. ****"

f ORS 537.260, you are hereby
noti s received within 60 days from
the c R-1256 and 20743
will

terested in the project
descril if you would so advise. If
the pro hands, please give us the name
and add

y yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

#1-INSTRUCT
Deliver ONLY to addressee
(Additiona
Received the nu
SIGNATURE OR NAME OF AD
SIGNATURE OF ADDRESSEE'S
DATE DELIVERED
JAN 23 1960
ADD

RETURN TO
STANLEY
ENGINEER
REGON

8586

LIAM D. CRAMER
WENDELL GRONSO

CRAMER & GRONSO
ATTORNEYS AT LAW
Burns, Oregon

P. O. Box 646
Phone 3121

RECEIVED
FEB 4 1959
STATE ENGINEER
SALEM, OREGON

February 2, 1959

State of Oregon
Office of the
State Engineer
Water Resources Department
Salem, Oregon

Gentlemen:

Enclosed herewith you will find our office check in the amount of $3.50 in payment of your recent statement for copies of Glen L. Cluster Permits Nos. R-1256 and 20743 and application map.

Very truly yours,

CRAMER & GRONSO

BY _____
William D. Cramer

WDC:MY
Encs.

Receipt No. 21165
Mailed Feb. 4, 1959.

R-26455
26456

January 26, 1959

Cramer & Gronso
Attorneys At Law
P. O. Box 646
Burns, Oregon

Attention Mr. Wendell Gronso

Gentlemen:

The copies of Permits Nos. R-1256 and 20743 and the print of the accompanying map, as requested by your letter of January 15, 1959, are enclosed.

We are also enclosing our bill for copying services in the amount of $3.50.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:lk
enc. 3

RAMER
GRONSO

CRAMER & GRONSO
ATTORNEYS AT LAW
Burns, Oregon

P. O. Box 646
Phone 3121

January 15, 1959

State of Oregon
State Engineer
Water Resources Department
Salem, Oregon

RECEIVED
JAN 19 1959
STATE ENGINEER
SALEM, OREGON

Gentlemen:

This office represents Mr. Frank Cluster who was the builder of Chickahominy Reservoir which is located in Township 23 South, Ranges 25 and 26, East of the Willamette Meridian. He is unable to locate his permit to construct the reservoir. However, he has in his possession a letter dated October 22, 1951, directed to Mr. Glen Cluster, his partner, stating that his application number R-26455-6 appears to be satisfactory and is being placed in line for approval by issuance of permits. Would you be so kind as to send us a copy of his permit giving the permit number, date of issue and other pertinent data.

Also, we are in need of the plat filed by Mr. Revis who was the Engineer on the job. Therefore, would you be so kind as to send us a copy of same. We need these documents since there is a minor question in regard to some of the boundaries of the reservoir.

Thank you very much for your cooperation.

Very truly yours,

CRAMER & GRONSO

BY Wendell Gronso
Wendell Gronso

WG:MY

Prints of permits
copy of map

U-361
U-363
24780
26456

January 10, 1958

Frank Cluster
140 South 17th
Springfield, Oregon

Dear Sir:

This acknowledges receipt of your application for an extension of time for the completion of construction and complete application of water under Permit No. U-327, U-335, 19525 and 20743.

The application indicates that reasonable diligence has been shown in the prosecution of work under this project, and the time limits are being extended to October 1, 1959.

Yours very truly,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 122
Dlf.

Application No. 26456

RECEIVED
JAN 10 1958
STATE ENGINEER
SALEM, OREGON

Permit No. 20743

Application for Extension of Time

To the State Engineer of Oregon:

I, Frank Shuster, of Riley Oregon, state of Oregon, am the owner and holder of Permit No. 20743 to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before Oct 1, 1957, and complete application of water is required to be made on or before Oct 1, 1957

I have heretofore done the following work described under said permit during the past year: Completed Ditch in Educahorning Canyon Widened and reinforced banks and did Rock work on entire South of ditch

and did the following work prior to last year: Built ditch of 50% capacity of Present completed ditch.

During 1957 did work on canal and Rock work

costing $ 2750, and I estimate the cost of completion to be $ 250.00

I have heretofore used water under said permit to the following extent: All and except the South ~~East~~ Central portion Irrigated about 1590 acres Estimate 1200

I am unable to {complete construction work / make complete application of water} within the required time, for the following (Strike out phrase not applicable)

reasons, to wit: ~~[illegible]~~ Since we used the old ditch to irrigation use during the irrigation season of 1957 and did the Dirt and Rock work the weather was bad and froze up before we could complete the work

(If additional space is required, attach separate sheet)

(The fee provided by law in the amount of $2.00 for filing an application for an extension of time should accompany the application for extension.)

(OVER)

$2.00 FEE PAID - 14566

Extend to 59 same date up

WHEREFORE, I ask that the State Engineer extend the time for the

{completion of construction work / complete application of water} under said permit to Oct-1- , 1959

(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon
County of Marion } ss.

I, Frank Cluster, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of January, 1958.

Frank Cluster

Subscribed and sworn to before me this 9th day of January, 1958.

[Notarial Seal]

Notary Public for Oregon

My commission expires Sept. 8, 1960

State Printing 97602

24656

January 8, 1958

Mr. Glen Cluster
140 South 17th
Springfield, Oregon

Dear Mr. Cluster:

According to the terms of your Permit No. 20743, which is for the appropriation of 27.5 second-feet of water from Chickahominy creek & reservoir complete application of water was to have been made on or before October 1, 19 57 It appears from our records that you have failed to submit the notice of complete application, although a notice, calling this matter to your attention, was mailed to you on October 28, 1957.

ORS 537.260 provides: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation of the permit.***"

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water, after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be canceled without the necessity for following the legal procedure.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, your permit will be canceled without further notice.

Very truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
REGISTERED
Return receipt requested

U-361
U-363
24497
24780
26456

November 27, 1956

Frank Cluster
140 S. 17th
Springfield, Oregon

Dear Sir:

This acknowledges receipt of your application for an extension of time for the completion of construction and complete application of water under Permit No. U-327, U-335, 19162, 19525, 20743.

The application indicates that reasonable diligence has been shown in the prosecution of work under this project, and the time limits are being extended to October 1, 1957.

Yours very truly,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 122

bks

$2.00 FEE PAID

M—9-56 JP-9064

RECEIVED
NOV 26 1956
STATE ENGINEER
SALEM, OREGON

Application No. 26457 Permit No. 20743

Application for Extension of Time

To the State Engineer of Oregon:

I, Grant Cluster, of Riley, state of Oregon, am the owner and holder of Permit No. 20743, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before Oct. 1, 1956, and complete application of water is required to be made on or before Oct 1, 1957

I have heretofore done the following work described under said permit during the past year: Completed 80% of Ditch and built diversion Concrete structure in Chuckahoming creek and in new ditch

and did the following work prior to last year: did some Rock work on ditch at rocky points

costing $ 1500.00, and I estimate the cost of completion to be $ 500.00

I have heretofore used water under said permit to the following extent: Used about 8 cuft per sec for 73 days and irrigated approx. 1480 acres.

I am unable to {complete construction work / ~~make complete application of water~~} within the required time, for the following reasons, to wit: After using water the past season water table was too high to use tractor or equipment.

(Strike out phrase not applicable)

(If additional space is required, attach separate sheet)

(The fee provided by law in the amount of $2.00 for filing an application for an extension of time should accompany the application for extension.)

(OVER)

Extend to 57 cons & app

WHEREFORE, I ask that the State Engineer extend the time for the

{completion of construction work / ~~complete application of water~~} under said permit to Oct 1, 19 57

(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon
County of Marion } ss.

I, Frank Cluster, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of November, 1956

Frank Cluster

Subscribed and sworn to before me this 26th day of November, 1956

[Notarial Seal]

Chris L. Schuler
Notary Public for Oregon

My commission expires Sept. 8, 1960

State Printing 97602

R-26455
26456

March 7, 1955

Mr. James M. Burns
Burns, Oregon

Dear Mr. Burns:

This will acknowledge receipt of your letter of March 5 returning copies of Permit Numbers R-1256 and 20743 and your check in the amount of $2.80 as payment for copying these permits, for which our Receipt No. 3341 is enclosed.

Pursuant to your request these permits have been certified and we are enclosing them together with our bill in the amount of $1 for the certification, which you may remit at your convenience.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

EH
enc. 4

JAMES M. BURNS OF BURNS, OREGON
ATTORNEY AT LAW

March 5, 1955

Mr. Chris L. Wheeler
Assistant Engineer
Office of State Engineer
Salem, Oregon

RECEIVED
MAR 7 1955
STATE ENGINEER
SALEM, OREGON

Dear Mr. Wheeler:

Enclosed please find copies of Permits No's. R-1256 and 20743, which you recently sent to me. It would appear to me that in order for these to be used in a court proceeding, that they should be certified to be true copies from the originals on file in your office. I should appreciate it therefore, if you would have these copies properly certified so that they would be admissible in evidence, and then return them to me.

I enclose a check in the amount of $2.80, and if there is any further fee, please let me know.

Thank you very kindly.

Very truly yours,

JMBurns

James M. Burns

JMB:dr

Enc.

U-361
U-363
24497
24780
26456

March 7, 1955

Mr. Frank Cluster
3421 Franklin Blvd.
Eugene, Oregon

Dear Mr. Cluster:

This will acknowledge receipt of your applications for extensions of time in which to complete construction and make complete application of water under Permit Numbers U-335, U-327, 19525, 19162 and 20743.

The applications indicate that reasonable diligence has been exercised, therefore, the time is being extended to October 1, 1956.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

eh

RECEIVED
FEB 25 1955
STATE ENGINEER
SALEM, OREGON

Application No. 26-456 (26-456)

Permit No. 20743 (20743)

APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Frank Chester, of Riley Oregon,

state of ....., am the owner and holder of Permit No. 20743 (20743), to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before October 1 (10-1), 1954, and complete application of water is required to be made on or before October 1 (10-1), 1955.

I have heretofore done the following work described under said permit: The reservoir as a source of supply has been completed and about 50% of distribution ditches which are used in conjunction with the other permits have been completed main supply ditch from Chuckahonny creek yet to be constructed.

costing $ 2500.00, and I estimate the cost of completion to be $ 3000

I have heretofore used water under said permit to the following extent: Since completion have been able to store only about 1/10 of reservoir capacity. This water has been used thru natural channels of Chuckahonny and Libau Creeks with heavy losses from

I am unable to {complete construction work / make complete application of water} within the required time, for the following (Strike out phrase not applicable) reasons, to wit: seepage and evaporation as soon as the main supply ditch is completed these losses will be minimized and water will be used the first season following sufficient runoff to fill Reservoir

(If additional space is required, attach separate sheet)

(OVER)

Extend to 56 cons & app

WHEREFORE, I ask that the State Engineer extend the time for the

{completion of construction work / complete application of water} under said permit to Oct. 1, 1956

(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon
County of Jackson } ss.

I, Frank Cluster, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of Feb, 1955

Frank Cluster

Subscribed and sworn to before me this 25 day of Feb, 1955

[Notarial Seal]

Chas. L. Parker
Notary Public for Oregon

My commission expires Sept. 8, 1956

STATE PRINTING DEPT.

R-26455
26456

February 23, 1955

Mr. James M. Burns
Attorney at Law
Burns, Oregon

Dear Mr. Burns:

Pursuant to your request I am enclosing copies of Permit Numbers R-1256 and 20743 in the name of Glen L. Cluster together with our bill in the amount of $2.80 to cover the fees, which you may remit at your convenience.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

ch
enc. 3

M E M O R A N D U M

February 11, 1955

Mr. Frank Cluster, 3421 Franklin Blvd., Phone 4-7524, Eugene, Oregon, was in the office this date in regard to Permits Nos. 19525, 19162, U-327, U-335, R-1256 and 20743. He submitted an assignment from his son, Glen L. Cluster, of Permits Nos. 19525, 19162, U-327 and U-335. He stated that he would submit applications for an Extension of Time in which to complete projects set out under the permits within two weeks. He left his check in the amount of $11.00, covering the statutory recording fee for the assignment and fees for the Extensions of Time.

Chris L. Wheeler

Chris L. Wheeler, Assistant

CLW:bl

26456
R- 26455

May 1, 1952

Mr. Paul R. Revis
Registered Professional Engineer
Burns, Oregon

Dear Mr. Revis:

Pursuant to your request by letter of April 28, 1952, enclosed are certified copies of Permits No. R-1256 and 20743 in the name of Glen L. Cluster.

Our receipt No. 14512 is enclosed in acknowledgement of the $3.00 which you submitted to cover the cost of copying and certification.

Yours very truly

CHAS. E. STRICKLIN
State Engineer

By
Chris L. Wheeler, Assistant

CLW:lhs
Encl.

26456

March 31, 1952

Glen L. Cluster
Riley, Oregon

Dear Mr. Cluster:

Enclosed find Application No. 26456, Permit No. 20743, together with blueprint.

R-26455
26456

October 22, 1951

Mr. Glen L. Cluster
Riley, Oregon

Dear Mr. Cluster:

This is to notify you that your completed Application No. R-26455 for a permit to construct a reservoir and store therein 7408.7 acre feet of water from Chickahominy Creek for irrigation, and your completed Application No. 26456 for a permit to appropriate 21.5 second-foot of water from Chickahominy Creek and reservoir for irrigation, now appear to be in satisfactory form and are being placed in line for approval by issuance of permits.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dlh

C 35
R 26455

October 1, 1951

Mr. Paul R. Revis
Registered Professional Engineer
P. O. Box 1184
Burns, Oregon

Dear Mr. Revis:

The plans and specifications submitted by you for the construction of the Chickahominy Creek Dam by Mr. Glen Cluster have been examined and have been found to comply with the standards and requirements of this office.

An examination has also been made of the site of the proposed dam and the conditions have been found suitable for the dam as planned.

Accordingly, the plans and specifications are approved pursuant to the provisions of Section 116-502, O. C. L. A.

Yours very truly

CHAS. E. STRICKLIN
State Engineer

CES;lh
cc Glen Cluster

R-26455
26456

September 20, 1951

Mr. Glen L. Cluster
Riley
Oregon

Dear Mr. Cluster:

This will acknowledge receipt of your application for a permit to construct Chickahominy Creek Dam and reservoir and store therein 7408.7 acre feet of water and your application for a permit to appropriate water from Chickahominy Creek and reservoir for the irrigation of 1705.9 acres, together with fees in the amount of $133.70 for which our Receipt No. 12979 is enclosed.

The applications have been filed and given Nos. R-26455 and 26456, respectively.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dec
Enc.

Burns, Oregon
September 13, 1951.

RECEIVED
SEP 18 1951
STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin, State Engineer,
State Office Building,
Salem, Oregon.

Dear Mr. Stricklin:

Attached is map to accompany application of Mr. Glen L. Cluster, Riley, Oregon, for appropriation of the waters of Chickahominy Creek and Chickahominy Creek Dam.

Very truly yours,

Paul R. Revis

Paul R Revis

Township	Range	Section	Fourty-Acre Tract	Acreage
24 S	27 E	2	NE¼ SE¼	19.6
			NW¼ SE¼	24.2
			SW¼ SE¼	39.0
			SE¼ SE¼	37.0
		3	NE¼ NE¼	23.4
			NW¼ NE¼	5.1
			SW¼ NE¼	33.6
			SE¼ NE¼	40.0
			NE¼ NW¼	8.9
			SE¼ NW¼	31.0
			NE¼ SW¼	9.8
			NE¼ SE¼	40.0
			NW¼ SE¼	29.8
			SW¼ SE¼	3.3
			SE¼ SE¼	32.1
		10	NE¼ NE¼	28.0
			SE¼ SE¼	18.7
		11	NE¼ NE¼	36.7
			NW¼ NE¼	40.0
			SW¼ NE¼	29.1
			SE¼ NE¼	11.2
			NE¼ NW¼	39.0
			NW¼ NW¼	38.0
			SE¼ NW¼	38.5
			NE¼ SW¼	14.6
			NW¼ SW¼	9.5
			SW¼ SW¼	27.4
			SE¼ SW¼	22.5
			SW¼ SE¼	6.6
			SE¼ SE¼	3.2
		13	NW¼ NE¼	2.0
			SW¼ NE¼	34.0
			SE¼ NE¼	30.0
			NE¼ NW¼	12.0
			NW¼ NW¼	6.0
			SW¼ NW¼	11.0
			SE¼ NW¼	40.0
			NE¼ SW¼	23.0
			NW¼ SW¼	4.2
			SE¼ SW¼	0.5
			NE¼ SE¼	38.0
			NW¼ SE¼	36.0
			SW¼ SE¼	9.3
			SE¼ SE¼	21.0
		14	NE¼ NE¼	20.0
			NW¼ NE¼	40.0
			SW¼ NE¼	40.0
			SE¼ NE¼	20.0

T.	R.	Sec.	40 Ac. Tract	No. Acres
24 S	27 E	14	NE¼ NW¼	40.0
			NW¼ NW¼	37.5
			SW¼ NW¼	40.0
			SE¼ NW¼	40.0
			NE¼ SW¼	40.0
			NW¼ SW¼	30.0
			SW¼ SW¼	30.0
			SE¼ SW¼	30.0
		15	NE¼ NE¼	21.0
			SW¼ NE¼	15.1
			SE¼ NE¼	25.2
			SE¼ NW¼	12.7
			NE¼ SW¼	38.0
			NW¼ SW¼	9.0
			SW¼ SW¼	5.2
			SE¼ SW¼	27.3
			NE¼ SE¼	39.0
			NW¼ SE¼	38.0
			SW¼ SE¼	29.8
			SE¼ SE¼	31.3
			Total . . .	1705.9

3M—4-57

SV-145 Partial
147

Permit No. 20743

Application No. 26456

County Harney

Proof of Appropriation of Water

1. Name Frank Cluster 2. Address Riley, Oregon

3. Source of supply Chickahominy Creek and res. const. under A.# R-26455, P.# R-1256

Tributary of Silver Creek

4. Amount of water 21.5 c.f.s. 5. Priority date September 17, 1951

6. Use ~~irrigation~~ suppl irrigation of 1302.3a ~~(supplamental)~~ 1/60th and 2½ a.f. from dir. flow & storage from res. const. under P.# R-1256.

7. Location of point of diversion NW¼SW¼ Sec. 28 (Legal Subdivision), Sec. ~~25~~ NENW Sec. 32, Twp. 23 S 23 S, Range 26 E 27 E, W. M.

8. 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.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
Willamette Meredian				
24 south	27 East	2	~~NW¼ NW¼~~	~~2.4~~
			SW¼ NW¼	28.2
			NE¼ SW¼	39.0
			NW¼ SW¼	41.6
			SW¼ SW¼	41.6
			~~SE¼ SW¼~~	~~42.0~~
			NE¼ SE¼	8.0
			NW¼ SE¼	20.0
			SW¼ SE¼	37.4
			SE¼ SE¼	24.8
		3	NE¼ NE¼	16.0
			NW¼ NE¼	0.8
			SW¼ NE¼	34.2
			SE¼ NE¼	40.0
			NE¼ NW¼	0.4
			SE¼ NW¼	16.0
			NE¼ SE¼	40.0
			NW¼ SE¼	27.6
			SW¼ SE¼	5.0
			SE¼ SE¼	33.0
		10	NE¼ NE¼	24.4
			NE¼ SE¼	2.8
			SE¼ SE¼	29.2

~~Suppl~~

3M—4-57

5V-145 Partial

Permit No. 20746

Township	Range	Section	40 Ac. Tract	Acres Irrigated	
24 south	27 East	11	NE¼ NE¼	31.4	Suppl
			NW¼ NE¼	37.4	✓
			SW¼ NE¼	25.6	✓
			SE¼ NE¼	17.6	✓
			NE¼ NW¼	42.0	✓
			NW¼ NW¼	26.8	✓
			SE¼ NW¼	35.0	✓
			NE¼ SW¼	38.0	✓
			NW¼ SW¼	16.4	✓
			SW¼ SW¼	42.0	✓
			SE¼ SW¼	42.0	✓
			NW¼ SE¼	2.8	✓
			SW¼ SE¼	22.0	✓
			SE¼ SE¼	6.8	✓
		13	SW¼ NE¼	38.0	✓
			SE¼ NE¼	33.2	✓
			NE¼ NW¼	7.6	✓
			NW¼ NW¼	20.0	✓
			SW¼ NW¼	39.0	✓
			SE¼ NW¼	36.6	✓
			NE¼ SW¼	10.0 ~~50~~ ~~16.8~~ ~~39.0~~	~~22.2 Suppl~~
			~~NW¼ SW¼~~	~~39.0~~	
			~~SW¼ SW¼~~	~~33.0~~	
			~~SE¼ SW¼~~	~~39.0~~	

Township	Range	Section	40 Acre Tract		Acres Irrigated
24 South	27 East	13	NE 1/4 SE 1/4	33.0 ~~22.8~~	~~+6.8~~ ~~39.0~~	~~22.2 supp 1~~
			NW 1/4 SE 1/4	23.6 ~~+3.8~~	~~+6.8~~ ~~39.0~~	~~22.2 supp 1~~
			~~SW 1/4 SE 1/4~~		~~10.6~~	
			~~SE 1/4 SE 1/4~~		~~35.2~~	
		15	NE 1/4 NE 1/4		19.2	supp 1
			SW 1/4 NE 1/4		10.0	
			SE 1/4 NE 1/4		22.8	
			SE 1/4 NW 1/4		0.1	
			NE 1/4 SW 1/4		36.6	
			NW 1/4 SW 1/4		10.0	
			SW 1/4 SW 1/4		24.6	
			SE 1/4 SW 1/4		40.0	
			NE 1/4 SE 1/4		39.8	
			NW 1/4 SE 1/4		40.0	
			SW 1/4 SE 1/4		38.8	
			SE 1/4 SE 1/4		34.0	
			total		~~1,704.3~~	
					1302.3	

3M—4-57

SV-145 Partial
147

Permit No. 20743

Application No. 26456 County Harney

Proof of Appropriation of Water

1. Name Frank Cluster 2. Address Riley, Oregon

3. Source of supply Chickahominy Creek and res. const. under A.# R-26455, P.# R-1256

Tributary of Silver Creek

4. Amount of water 21.5 c.f.s. 5. Priority date September 17, 1951

6. Use ~~irrigation~~ suppl irrigation of 1302.3a ~~(supplemental)~~ 1/60th and 2½ a.f. from dir. flow & storage from res. const. under P.# R-1256.

7. Location of point of diversion NW¼SW¼ Sec. 28 (Legal Subdivision), ~~Sec.~~ 25, Twp. 23 S., Range 26 E., W. M.

NENW Sec. 32 23 S 27 E

8. 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.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
			See attached pages	

Willamette Meredian

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 ..... day of .....,

19.....

.....

REPORT OF PERSON MAKING INSPECTION

Description of works:

Water from Dam is released into Chickahominy Creek as shown & is ditched to fields through 11° wide at top, 8° wide at bottom, 1ft water depth Ditch. There is a diversion structure 200° East of the East R/W line of Hwy 395 as shown in pencil on Revis Appl. Map. Structure in Cr. is Concrete, 14° wide x 5ft deep & has concrete headgate to ditch, headgate is 10° wide x 3° deep.

Diversion from Silver Creek is Concrete, 46° wide x 7ft high, with flashboards to 7ft. Dam has 32" steel pipe across it which carries water to & from flat ditch running east & west between this div. & ditch from Res.

Ditches around Fields: 13° wide at top
8° wide at bottom
1° water depth
Falls = 5° to 8° per mile

Info.: Frank Cluster

I, ..., do hereby certify that I have made an inspection of the works described herein and in Permit No. ....., on the ..... day of ....., 19....., and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of ..... (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

O. Barth
(Name)

Field Engineer
(Title)

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

State Printing 2995

Township	Range	Section	Fourty-Acre Tract	Acreage
24 S	27 E	2	NE¼ SE¼	19.6
			NW¼ SE¼	24.2
			SW¼ SE¼	39.0
			SE¼ SE¼	37.0
		3	NE¼ NE¼	23.4
			NW¼ NE¼	5.1
			SW¼ NE¼	33.6
			SE¼ NE¼	40.0
			NE¼ NW¼	8.9
			SE¼ NW¼	31.0
			NE¼ SW¼	9.8
			NE¼ SE¼	40.0
			NW¼ SE¼	29.8
			SW¼ SE¼	3.3
			SE¼ SE¼	32.1
		10	NE¼ NE¼	28.0
			SE¼ SE¼	18.7
		11	NE¼ NE¼	36.7
			NW¼ NE¼	40.0
			SW¼ NE¼	29.1
			SE¼ NE¼	11.2
			NE¼ NW¼	39.0
			NW¼ NW¼	38.0
			SE¼ NW¼	38.5
			NE¼ SW¼	14.6
			NW¼ SW¼	9.5
			SW¼ SW¼	27.4
			SE¼ SW¼	22.5
			SW¼ SE¼	6.6
			SE¼ SE¼	3.2
		13	NW¼ NE¼	2.0
			SW¼ NE¼	34.0
			SE¼ NE¼	30.0
			NE¼ NW¼	12.0
			NW¼ NW¼	6.0
			SW¼ NW¼	11.0
			SE¼ NW¼	40.0
			NE¼ SW¼	23.0
			NW¼ SW¼	4.2
			SE¼ SW¼	0.5
			NE¼ SE¼	38.0
			NW¼ SE¼	36.0
			SW¼ SE¼	9.3
			SE¼ SE¼	21.0
		14	NE¼ NE¼	20.0
			NW¼ NE¼	40.0
			SW¼ NE¼	40.0
			SE¼ NE¼	20.0

T.	R.	Sec.	40 Ac. Tract	No. Acres
24 S	27 E	14	NE¼ NW¼	40.0
			NW¼ NW¼	37.5
			SW¼ NW¼	40.0
			SE¼ NW¼	40.0
			NE¼ SW¼	40.0
			NW¼ SW¼	30.0
			SW¼ SW¼	30.0
			SE¼ SW¼	30.0
		15	NE¼ NE¼	21.0
			SW¼ NE¼	15.1
			SE¼ NE¼	25.2
			SE¼ NW¼	12.7
			NE¼ SW¼	38.0
			NW¼ SW¼	9.0
			SW¼ SW¼	5.2
			SE¼ SW¼	27.3
			NE¼ SE¼	39.0
			NW¼ SE¼	38.0
			SW¼ SE¼	29.8
			SE¼ SE¼	31.3
			Total . . .	1705.9
				1704.3
				0001.6