

Form A

Application No. 31731

NOTICE OF BEGINNING OF CONSTRUCTION

I, JOHN RUIZ, the holder of Permit No. 25013,
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
therein on the 11th day of September, 19 57.

Remarks: Constructed 1200 feet of ditch approximately 1 1/2 feet in depth
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed
and three feet in width.
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 16th day of September, 19 57
McDermitt, Nevada
(Address)

(Signature of Applicant)

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

State Printing 92284

Form B

Application No. 31731

NOTICE OF COMPLETION OF CONSTRUCTION

I, JOHN RUIZ, the holder of Permit No. 25013,
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 4th day of OCTOBER, 19 57.

Remarks: CONSTRUCTION OF 1200 FT. OF DITCH AND A DIVERSION
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you
MADE OF ROCK AND DIRT AT THE MENTIONED POINT
should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of OCTOBER, 19 57

(Signature of Applicant)

(Address)

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

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, when all of the water has been applied.

Application No. 31731

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, JOHN RUIZ, the holder of Permit No. 25013,
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 24th day of March, 19 58.

Remarks: all 29 acres have been irrigated. Ditches and
all necessary dams are completed

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of March, 19 58

(Signature of Applicant)

(Address)

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE

HAROLD F. PHILLIPPE, AssistantI, ~~MARK O. HOFFFIELD~~, Secretary of State of the State of Oregon, and Custodian of the

Seal of said State, do hereby certify: _____

That I have carefully compared the annexed photo copy of Chapter 93,
Oregon Laws 1959, Senate Bill No. 155, Fiftieth Legislative Assembly, with the
original thereof filed in the office of the Secretary of State, March 13, 1959,
and that the same is a full, true and correct copy of Senate Bill No. 155 as
it appears on file at this time. _____



_____ In Testimony Whereof, I have hereunto set my hand and
affixed hereto the Seal of the State of Oregon.

Done at the Capitol at Salem, Oregon, this

—25th— day of —MARCH—, A. D. 19 59.

Harold F. Phillippe
Assistant Secretary of State

Enrolled

Senate Bill No. 33

Introduced by Senator VERNER on December 11, 1957

33

CHAPTER

AN ACT

Relating to the appropriation by John Ruiz of Nevada, of certain waters in Malheur County, Oregon, for irrigation of lands in Nevada; and creating chapter 701, Oregon Laws 1957.

Be It Enacted by the People of the State of Oregon:

Section 1. Section 1, chapter 701, Oregon Laws 1957, is amended to read as follows:

Sec. 1. Pursuant to the provisions of ORS 537.820, consent is hereby given to John Ruiz of McDermitt, Nevada, to appropriate waters from that certain unnamed stream located in Section 14, 24, Township 41 South, Range 12, 13, (E-W-M) East of the Willamette Meridian, Malheur County, Oregon, for use upon lands in the State of Nevada; provided, however, that the said John Ruiz shall first make application for such appropriation to the State Engineer and such appropriation shall be allowed upon such terms, conditions, exceptions, reservations, restrictions and provisions as the State Engineer shall impose.

John Ruiz

RECEIVED
OCT 10 1958
STATE ENGINEER
SALEM, OREGON

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, John Ruiz

(Name of applicant)

of McDermitt, Nevada

(Mailing address)

State of Nevada

do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Unnamed Stream

(Name of stream)

, a tributary of Quinn River2. The amount of water which the applicant intends to apply to beneficial use is one

cubic feet per second.

(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is irrigation

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 38 ft. North and 445 ft. West from the NE

(N. or S.)

(E. or W.)

corner of Section 31, Township 48 North, Range 38 East of the Mt. Diablo

(Section or subdivision)

Meridian,

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the Lot 2 of Sec. 24, Tp. 41 S.

(Give smallest legal subdivision)

(N. or S.)

R. 42 E., W. M., in the county of Malheur

(E. or W.)

5. The Ditch to be 1,200

(Main ditch, canal or pipe line)

(Miles or feet)

in length, terminating in the S¹/₂ of Lot 1 of Sec. 31, Tp. 48 N.

(Smallest legal subdivision)

(N. or S.)

R. 38 East of the Mt. Diablo Meridian, Humboldt County, Nevada,

(E. or W.)

the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom

..... feet; material to be used and character of construction

(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate

(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description

(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use Lot 1, Sec. 31, Twp. 48 N., R. 38 E. Mt. Diablo Meridian, Humbolt County, Nevada.

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
48 N	38 E	31	Lot	29 acres

(If more space required, attach separate sheet)

(a) Character of soilSandy loam.....

(b) Kind of crops raisedHay, Grain.....

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....250.00.....
12. Construction work will begin on or beforeImmediately.....
13. Construction work will be completed on or beforeSeptember 1, 1959.....
14. The water will be completely applied to the proposed use on or beforeSeptember 1, 1959.....

X John Ruiz
(Signature of applicant)

Remarks: Legislative permission was obtained from the 49th Legislative Assembly, Chapter 701, Oregon Laws 1957, for the appropriation herein applied for. The Act, however, misdescribed the Section and Range within which said stream and point of diversion were located. The Act gave the legislative consent required by O.R.S. 537.810 but described the location of the stream and diversion point as being in Sec. 19, Twp. 41 S., R. 43 E.W.M.; whereas, the true location of said stream and point of diversion in Malheur County, Oregon, is in Sec. 24, Twp. 41 S., R. 42, E.W.M. A private bill will be introduced in the 50th Legislative Assembly through Senator Yturri amending Chapter 701, Oregon Laws 1957, to correct the misdescription above set forth. As soon as the Act has been enacted, a copy of the same will be furnished to your office.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By

ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

Application No.

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the day of,
19....., at o'clock M.

Returned to applicant:

Approved:

Recorded in book No. of
Permits on page

STATE ENGINEER

Drainage Basin No. page

Fees

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

RECEIVED
APR 29 1960
STATE ENGINEER
SALEM, OREGON

This Is to Certify, That JOHN RUIZ

of McDermitt, State of Nevada, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed stream a tributary of Quinn River for the purpose of irrigation of 29.0 acres,

under Permit No. 25013 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 July 19, 1957,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.36 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 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 24, Township 41 South, Range 42 East, 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-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

29.0 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 31
Township 48 North, Range 38 East, M. D. B. & M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

251 FINANCE BUILDING
170 12TH STREET S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

April 22, 1960

REFER TO
FILE NO. 31731

Mr. John Ruiz
McDermitt,
Nevada

Dear Mr. Ruiz:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. 25013. You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following certificate. You should return this paper, along with a fee of \$1.00 for recording your water right certificate, when issued, in the office of the County Clerk.

Very truly yours,

LEWIS A. STANLEY
State Engineer

Return this paper to the State Engineer. Do not record in County Clerk's Office.

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

April 26, 1960
(Date)

John Ruiz
(Signature)



waterresource
consulting engineers

100 WASHINGTON STREET • RENO, NEVADA 89503 • (702) 322-9443

RECEIVED

APR 11 1974

STATE ENGINEER
SALEM, OREGON

File 7233-B
April 8, 1974

31731
State Engineer
Water Resources Department
1178 Chemeketa Street, N.E.
Salem, Oregon 97310

Dear Sirs,

A project is now in design to construct a new lagoon-type sewage treatment plant in McDermitt, Nevada, some 3,000 ft. southeast of town. This facility will replace an existing small sewage lagoon, located in Oregon some 1,000 ft. west of town, which is presently considered a nuisance and potential health hazard to the community.

It is possible that water rights on the existing Oregon lagoon may exist (under the name of John Ruiz). The State Engineer in Nevada has no record of a water right for John Ruiz in Nevada.

From available information, as best as we can ascertain, the existing lagoon just inside Oregon lies in the SW 1/4, SE 1/4, Sec. 19, T 41 S, R 43 E.

The McDermitt Sewer Board has made application to the Nevada State Engineer for a primary water right on the proposed new lagoon contents. The Board has directed WATERRESOURCE to make this inquiry. It is desired to know what effect the project will have on the Ruiz right, if indeed it does exist. And conversely does an existing right effect the proposed project scope?

Your attention in this matter is appreciated.

Sincerely,

WATERRESOURCE Consulting Engineers

James E. Arden
James E. Arden, P.E.

JEA/mjh

CC: Nevada State Engineer (App1. 28060)
Lee McDonald, M.S.D.

April 12, 1974

Mr. James E. Arden
WATERESOURCE Consulting Engineers
100 Washington Street
Reno, Nevada 89503

Dear Mr. Arden:

There is no right of record in Section 19, Township 41 South,
Range 43 East.

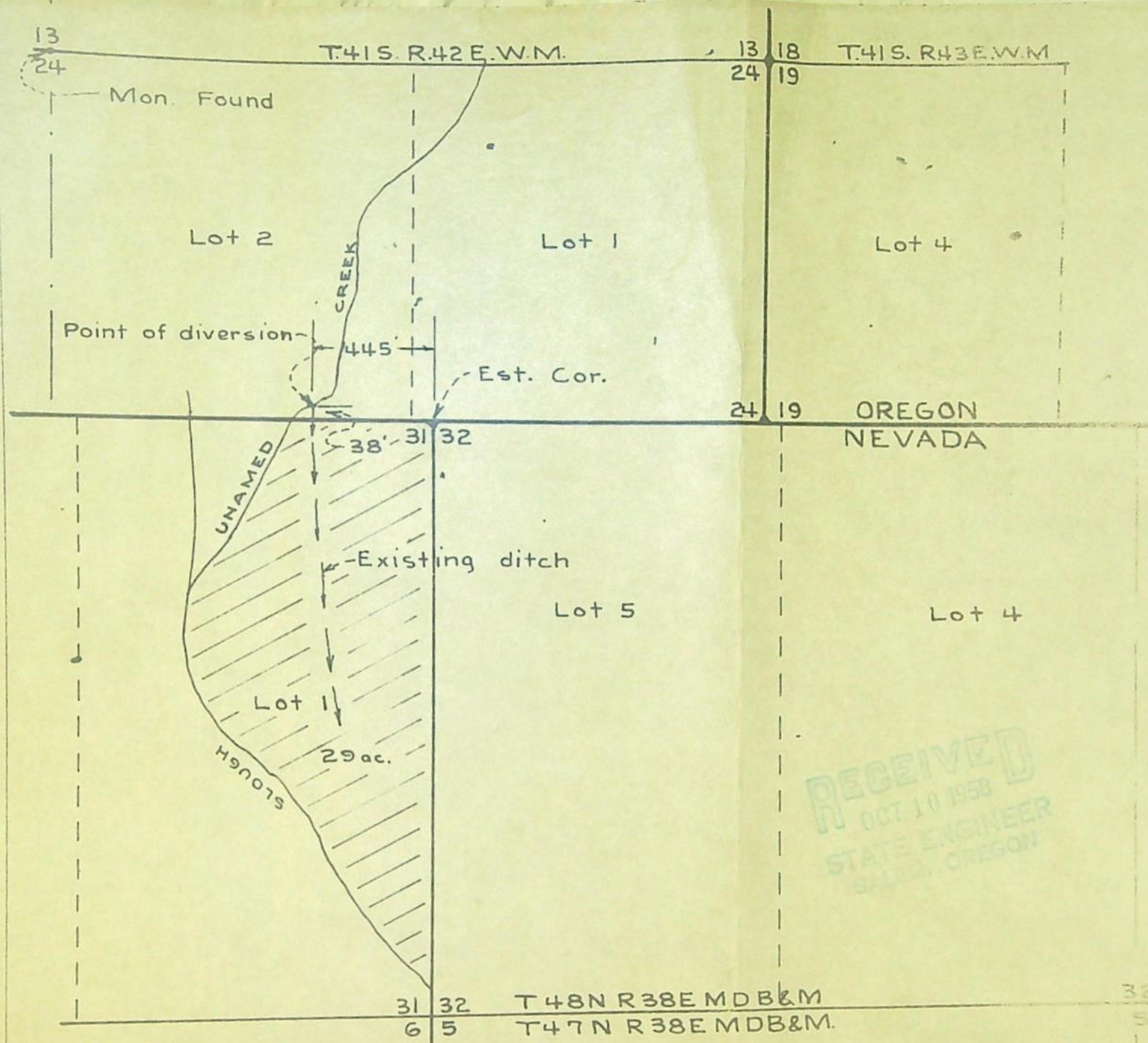
John Ruiz was issued certificate recorded at page 26972 of
the State Record of Water Right Certificates for the appropriation of not to exceed 0.36 cubic foot per second of waters of an unnamed stream diverted in Lot 2, Section 24, Township 41 South, Range 42 East for irrigation of 29.0 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 31, Township 48 North, Range 38 East, M.D.B. & M. in Nevada.

We would not issue a permit for appropriation of water for a sewage lagoon and perhaps you could direct your inquiry to the Department of Environmental Quality, 1234 S.W. Morrison Street, Portland, Oregon 97205.

Very truly yours,

Trevor Jones
Assistant

TJ:whh



CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE



WARNE H. NUNN

I, ~~WARNE H. NUNN~~, Secretary of State of the State of Oregon, and Custodian of the Seal of said State, do hereby certify: _____

That I have carefully compared the annexed copy of Chapter 701, Oregon Laws 1957 (Senate Bill No 477, Forty-ninth Legislative Assembly), with the original thereof filed in the office of the Secretary of State, June 13, 1957, and that the same is a full, true and correct transcript therefrom. _____

_____ In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

Done at the Capitol at Salem, Oregon, this

— 2nd — day of — July — , A. D. 19 57.



Warne H. Nunn
Assistant Secretary of State

Enrolled

Senate Bill No. 477

CHAPTER701.....

AN ACT

[S. B. 477]

Relating to the appropriation by John Ruiz of waters from an unnamed stream in Malheur County, Oregon, for application to lands in Nevada for irrigation.

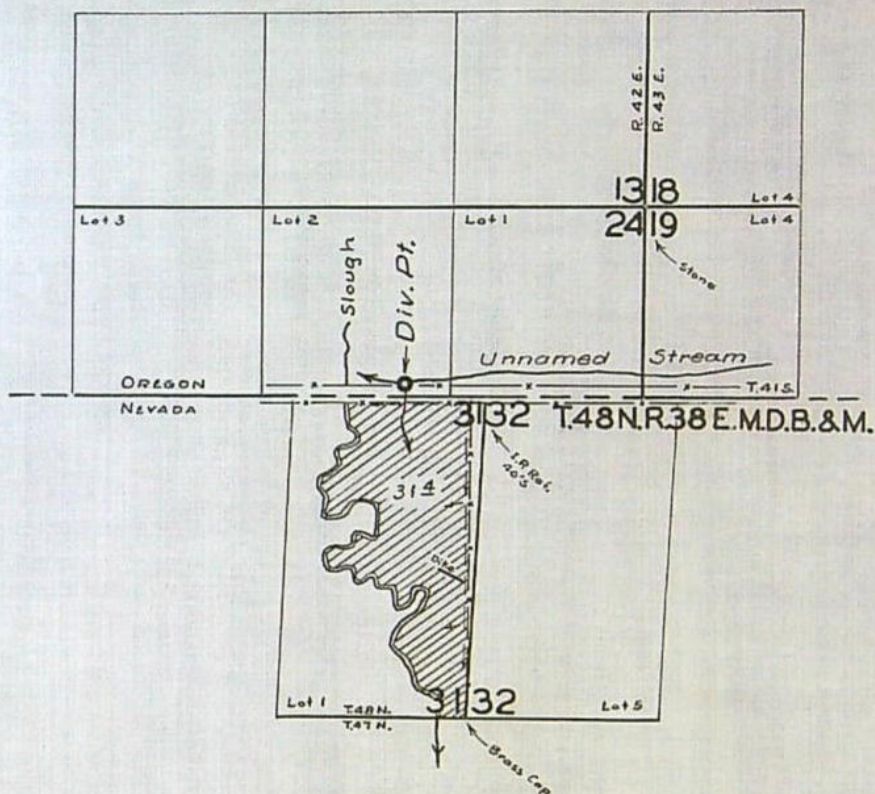
Be It Enacted by the People of the State of Oregon:

Section 1. Pursuant to the provisions of ORS 537.810, consent is hereby given to John Ruiz of McDermitt, Nevada, to appropriate waters from that certain unnamed stream located in Section 19, Township 41 South, Range 43 E. W. M., Malheur County, Oregon, for use upon lands in the State of Nevada; provided, however, that the said John Ruiz shall first make application for such appropriation to the State Engineer and such appropriation shall be allowed upon such terms, conditions, exceptions, reservations, restrictions and provisions as the State Engineer shall impose.

Approved by the Governor June 13, 1957.

Filed in the office of the Secretary of State June 13, 1957.

T.41 S.R.42 E.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 31731 Permit No. 25013
IN NAME OF

JOHN RUIZ

Surveyed 19 Sept. 1959, by M. B. Bih

July 3, 1968

Mr. John C. Bartlett
Attorney at Law
P. O. Box 281
Reno, Nevada 89501

Dear Mr. Bartlett:

I have been unable to find any record of an interstate compact between the states of Nevada and Oregon concerning McDermitt Creek or the Quinn River judgment. To be perfectly frank, we have had no difficulty on McDermitt Creek but there is some question in my mind if I could recognize the Nevada decree to the point of prohibiting Oregon landowners from using water.

The acreage in Oregon is somewhat limited which is suitable for irrigation developments from McDermitt Creek and much of it has been irrigated for many years. Therefore, it may not be a practical problem.

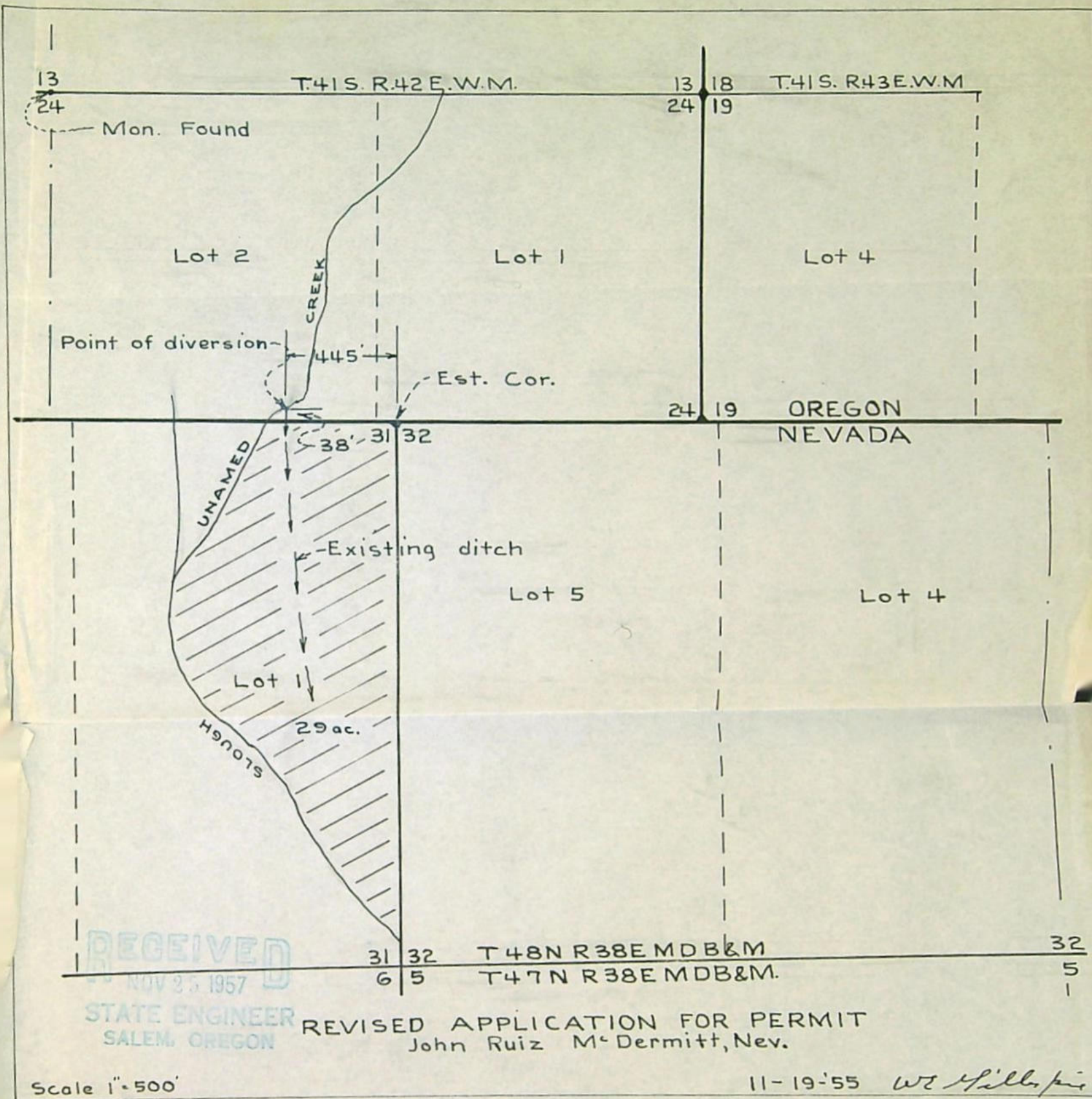
I assisted a Nevada landowner in obtaining special legislative permission for an Oregon permit to divert water from an unnamed stream, a tributary of the Quinn River, in 1957. This right covers the irrigation of 29 acres in Nevada and the priority will, of course, be recognized by Oregon.

Very truly yours,

CHRIS L. WHEELER
State Engineer

CLW:eh

*General file
out of state*



31731
June 29, 1957

Secretary of State
Salem
Oregon

RECEIVED
JUL 1 1957
STATE ENGINEER
SALEM, OREGON

ATTENTION: David O'Hara

C
Dear Sir:

O
The recent legislature passed a private bill consenting to the appropriation and diversion of certain waters by John Ruiz in the State of Oregon to be applied and used in Nevada. I believe that the act was originated in a Senate Bill. ORS 537.840 requires that we file a certified copy of the act in the office of the State Engineer, certified to by the Secretary of State, to accompany our application for permit to appropriate such waters.

P
Kindly send us a certified copy of the act, together with your statement.

Very truly yours,

YTURRI & O'KIEF

By John C. O'Kief

JO'K:ly

Y
cc: ✓ Mr. Chris L. Wheeler
Assistant State Engineer
Water Resources Department
Salem, Oregon

4/25/57
Discussed on Phone with
Ramon of Bar Assoc. who
is waiting bill for
act.

Chris

File

April 22, 1957

RECEIVED
APR 24 1957
STATE ENGINEER
SALEM, OREGON

Mr. Anthony Yturri
Senator
Oregon State Senate
Salem, Oregon

Dear Tony:

Mr. John Ruiz of McDermitt, Nevada, has for several years been appropriating water from an unnamed stream in Malheur County, Oregon, near the State boundary with Nevada and diverting the same at a point in Oregon for application to lands in Nevada for irrigation.

Enclosed herewith please find a copy of letter from the State Engineer to Mr. Ruiz concerning this matter.

It appears that under the provisions of ORS 537.810 it is necessary to obtain the consent of the Legislature of the State of Oregon by Private Act prior to filing an application for appropriation of water with the State Engineer.

Enclosed herewith please find a map prepared by W. E. Gillespie which shows the point of diversion and also the lands irrigated in Nevada. Mr. Ruiz desires the introduction of a private bill in this legislative assembly granting consent to his appropriation, diversion and use. The statute provides that the consent may be given upon such terms, conditions, provisions, etc. as the Legislature cares to make. In that regard the bill should probably set forth the amount of water which Ruiz may divert, appropriate and use. The area to be irrigated as shown by the map is 29 acres located in Lot 1, Section 31, Township 48 North, Range 38 E. The rules and regulation of the State Engineer provide for irrigation purposes, 1/80 of a cubic foot per acre. However, as you well know, this is not adequate for the type of sandy loam soil found in this area. I suggest that the consent, if given, be for not less than 1/2 cubic foot per second which is the equivalent of .99 acre-feet per day or 20 miner's inches.

I am taking the liberty of sending a copy of this letter to Chris L. Wheeler, Assistant State Engineer, and trust that his office will supply whatever additional information is necessary to properly prepare a bill for introduction in the Legislature concerning this matter.

Very truly yours,

YTURRI & O'KIEF

By JOHN C. OKIEF

JO'K:ly
cc: Chris L. Wheeler
Assistant State Engineer
Water Resources Department
Salem, Oregon

June 21, 1956

Mr. John Ruiz
McDermitt, Nevada

Dear Mr. Ruiz:

With reference to your letter of recent date, it appears therefrom that your use of water would be in Nevada. If this is correct please be advised that Oregon law requires that for any diversion of water in this state for use in the neighboring states you must first obtain legislative permission.

After obtaining legislative permission as set out in ORS 537.810 to 537.840 you could file your application for a permit with the State Engineer, which application must be accompanied by a copy of the act.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

McDermitt, Nevada

June 2, 1956

Mr. Lewis H. Stanley
State Engineer
Salem, Oregon

RECEIVED
JUN 4 1956
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley

I would like to file for a water right for Irrigate and stock water on a Creek that runs through

T. 41 S. R. 43 E.W.M. SEC. 17 SE. $\frac{1}{4}$ N.W. $\frac{1}{4}$, N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$

Sec. 18 W. $\frac{1}{2}$ S.E. $\frac{1}{4}$ owned by George Wilkerson located between French Creek and Two mile. If the above mentioned land does not have a filing on the Creek

I would like to put the diversion Box in Oregon right next to the Nevada line. I would like to file year around 12 months. and at the same time file on waste water from Two mile, this year there is lot of waste water running off Two mile.

If it is right for me to file on what I have mentioned, please send me the necessary forms

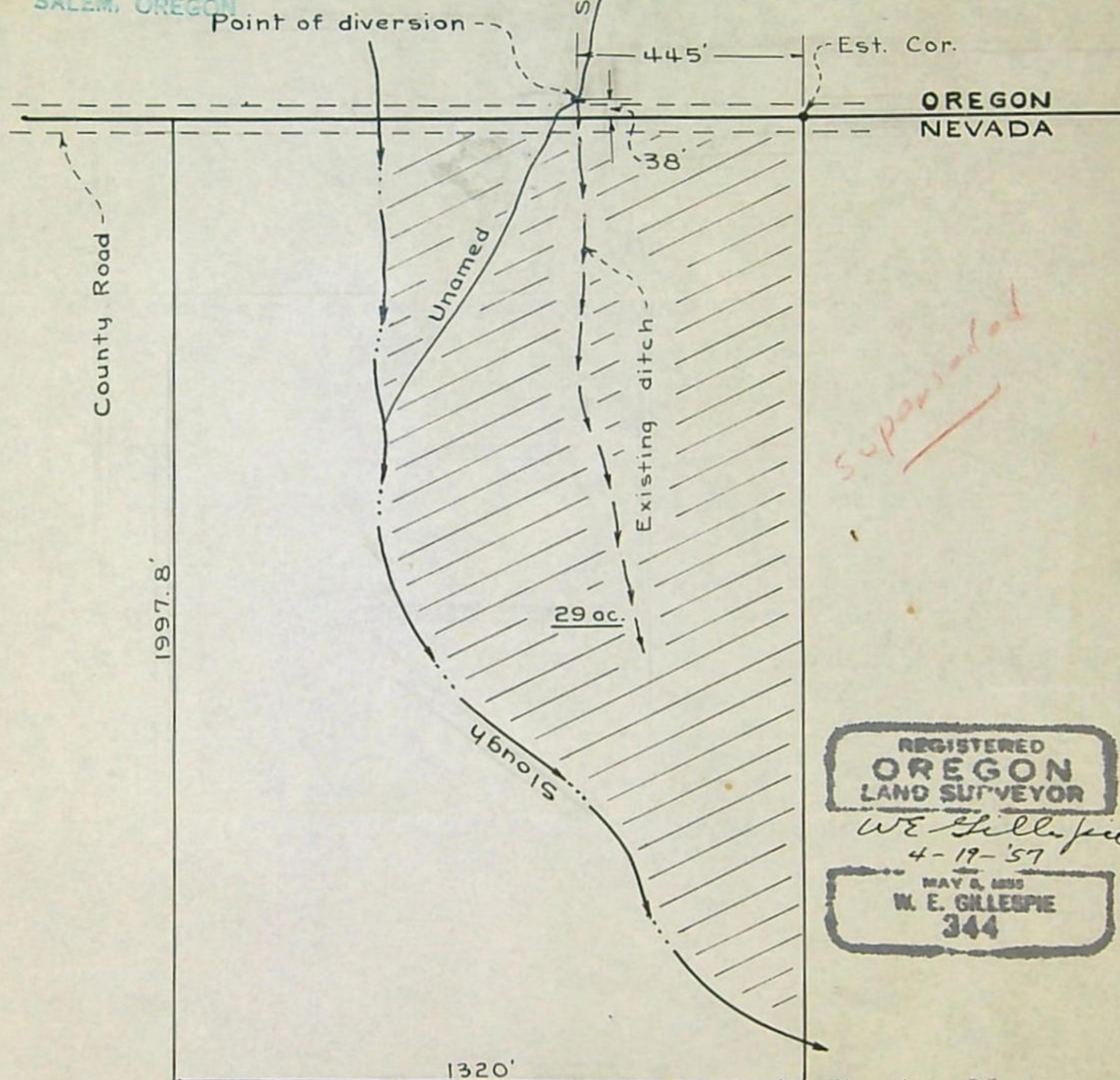
Yours truly
John Ruiz

My land is in Nevada
up against Oregon line

RECEIVED
JUL 19 1957

STATE ENGINEER
SALEM, OREGON

Sec. 19, T.41S. R.43E.



REGISTERED
OREGON
LAND SURVEYOR
W. E. Gillespie
4-19-'57
MAY 6, 1955
W. E. GILLESPIE
344

Lot 1, Sec. 31 T.48N. R.38E.
APPLICATION FOR DIVERSION
John Ruiz ~ McDermitt, Nevada.

Application No. 31731
Permit No. 25013

50TH LEGISLATIVE ASSEMBLY - REGULAR SESSION

SENATE BILL NO. _____

Introduced by SENATOR YTURRI and read first time

_____.

BILL FOR AN ACT

Relating to the appropriation by John Ruiz of waters from an unnamed stream in Malheur County, Oregon, for application to lands in Nevada for irrigation; amending Chapter 701, Oregon Laws 1957.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1: Chapter 701, Oregon Laws 1957, is amended to read as follows:

Pursuant to the provisions of O.R.S. 537.810, consent is hereby given to John Ruiz of McDermitt, Nevada, to appropriate waters from that certain unnamed stream located in Section 24, Township 41 South, Range 42, East of the Willamette Meridian, Malheur County, Oregon, for use upon lands in the State of Nevada; provided, however, that the said John Ruiz shall first make application for such appropriation to the State Engineer and such appropriation shall be allowed upon such terms, conditions, exceptions, reservations, restrictions and provisions as the State Engineer shall impose.

October 11, 1960

Mr. John Ruiz
McDermitt,
Nevada

Dear Mr. Ruiz:

I have your letter of September 30 requesting information on other rights to appropriate water from the stream system described in your permit No. 25013 and the right evidenced by your certificate recorded at Volume 19, Page 26972, State Record of Water Rights Certificates.

Since you did not include a description of the property in question I am not able to make a thorough check of our records. However, any right established to the appropriation of water by virtue of use since before February 24, 1909 should be a matter of record within the Judgment on Mandate in the matter of Lulu M. Simpson versus Joe Bankoffier, et al., a copy of which decree is enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosure

RECEIVED
OCT 3 1960

STATE ENGINEER
SALEM, OREGON

McDermitt, Nev.

Sept. 30, 1960

Lewis H. Stanley
State Engineer
Salem, Oregon

Dear Mr. Stanley

I am a permit holder from your Office. Permit No. 25013 for Water used for Irrigation. (between S. Ruiz + Wilkins). I would like to know if he has a Water right over my Permit on land that was taken up in Sept. 21, 1908

I've been told him not having a filing in your office, he can not have a right over my permit with land that was taken up since December 31, 1907

Will you please let me know as soon as possible.

Very truly yours
John Ruiz

P.S. Also how much inches per acre of water is allowed on land taken before 1907

McDermitt, Nev.

April 22nd 59

State Engineer

Dear Mr. Wheeler

Have you in your office
an application No. 31731 to
be Recorded for John Ruiz?

Yours truly
John Ruiz

RECEIVED

APR 27 1959

STATE ENGINEER

SALEM, OREGON

April 11, 1960

Gallagher and Gallagher
Attorneys at Law
Gallagher Building
Ontario, Oregon

Gentlemen:

Pursuant to your request of this date, I am enclosing copies of permit No. 25013 in the name of John Ruiz, print of the map that accompanied the application, print of the final proof survey map, and our bill in the amount of \$1.20 for which you may remit at your convenience.

As you will note on the final proof survey map, 31.4 acres have actually been irrigated. However, the final proof form will be prepared to show only the 29 acres for which the permit was issued.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Max F. Rogers, Deputy
State Engineer

eh
enclosures - 4

April 30, 1959

Mr. John Ruiz
McDermitt, Nevada

Dear Mr. Ruiz:

In answer to your letter of April 22, our records show that your application No. 31731 was approved by issuance of permit No. 25013 on August 20, 1957, and that we have received reports from you stating that the project was completed on or before March 24, 1958. A survey of your project is scheduled to be made the first time we have a field crew in that area.

As was discussed in Mr. Wheeler's letter to you of December 31, 1957, since the location of the stream as described in Chapter 701, Oregon Laws 1957 and in your permit was in error, there was some question as to whether or not permit No. 25013 actually covers the project as developed.

Since Chapter 93, Oregon Laws 1959, expressly amended the wording of Chapter 701, Oregon Laws 1957, it would appear that you could choose to make proof on permit No. 25013, and that the error in the location of the stream as listed in the permit could be corrected at the time of final proof.

If you should decide not to rely on permit No. 25013 and choose to cancel this permit and file a new application for a new permit, it would be necessary for you to pay \$15 in filing fees for the new application which was received from you October 10, 1958.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
cc - Mr. John O'Kief

April 2, 1959

Yturri and O'Kief
Attorneys at Law
Yturri-Caldwell Building
Ontario, Oregon

Attention: Mr. John O'Kief

Gentlemen:

This will acknowledge receipt of your letter of March 24, 1959, inquiring as to the appropriation of water from the stream referred to in File No. 31731.

There is no record in this office of an application being filed in the name of George Wilkerson for a permit to appropriate water from the unnamed stream referred to in Application No. 31731, filed in the name of John Ruiz.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:bks



STATE OF OREGON
DEPARTMENT OF STATE
SALEM, OREGON

HOWELL APPLING, JR.
SECRETARY OF STATE

March 25, 1959

Mr. Jim Carver
State Engineers Office
Finance Building
Salem, Oregon

RECEIVED
MAR 26 1959
STATE ENGINEER
SALEM, OREGON

Dear Mr. Carver:

Pursuant to your request of March 24, 1959, we are enclosing herewith a certified copy of Chapter 93, Oregon Laws 1959 Senate Bill No. 155, Fiftieth Legislative Assembly.

Sincerely,

HOWELL APPLING, JR.
Secretary of State

By

A handwritten signature in dark ink, appearing to read "Jack F. Thompson", written over a horizontal line.

Jack F. Thompson
Director of Elections

JFT:J
Enc.

YTURRI AND O'KIEF

ATTORNEYS AT LAW

YTURRI-CALDWELL BUILDING

ONTARIO, OREGON

ANTHONY YTURRI

JOHN C. O'KIEF

JAMES A. COX

TELEPHONES

920 AND 921

March 24, 1959

STATE ENGINEER
Salem, Oregon

Attention: Chris L. Wheeler

Dear Mr. Wheeler:

Re: John Ruiz
File # 31731

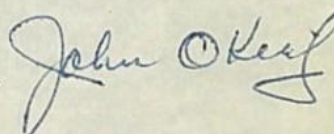
I have received an inquiry from our client, John Ruiz, as to whether a George Wilkerson has filed application to appropriate waters from the stream which is involved in the above captioned application for irrigation purposes for lands lying in Secs. 10, 17 and 18 in Twp. 41 S, Range 43 EWM, Malheur County, Oregon, or any other lands.

Your advice will be appreciated.

Very truly yours,

YTURRI & O'KIEF

By



JO'K/ah

RECEIVED
MAR 26 1959
STATE ENGINEER
SALEM, OREGON

*Chris
Jim*

YTURRI AND O'KIEF

ATTORNEYS AT LAW
YTURRI-CALDWELL BUILDING
ONTARIO, OREGON

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

TELEPHONES
920 AND 921

March 19, 1959

State Engineer
Water Resources Department
Salem, Oregon

Attention: Chris L. Wheeler

Dear Mr. Wheeler:

Re: John Ruiz
File # 31731

RECEIVED
MAR 20 1959
STATE ENGINEER
SALEM, OREGON

The Legislature has now passed the amending Act in the above captioned matter, and the Governor signed the same on March 13th.

Would you please obtain a copy of the Act, and I believe that you have all of the necessary maps and applications and fees required in this matter upon which to issue your permit.

Very truly yours,

YTURRI & O'KIEF

By *John O'Kief*

JO'K/dh

cc: Mr. Walter Gillespie
Graham Boulevard
Vale, Oregon

Mr. John Ruiz
McDermitt, Nevada

October 27, 1958

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

Dear Mr. O'Kief:

This will acknowledge receipt of your letter of recent date transmitting a copy of a bill to be introduced in the coming legislature and a new application for a permit in the name of John Ruiz.

Before we could issue the new permit, I believe it would require the payment of \$15 filing fees and that this should not be done until after the Act has been passed. We will retain the information submitted in our files until this has been done.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

YTURRI AND O'KIEF

ATTORNEYS AT LAW

YTURRI-CALDWELL BUILDING

ONTARIO, OREGON

ANTHONY YTURRI

JOHN C. O'KIEF

JAMES A. COX

TELEPHONES

920 AND 921

October 8, 1958

STATE ENGINEER
Water Resources Department
Salem, Oregon

Attention: Chris L. Wheeler

Dear Mr. Wheeler:

Re: 31731, John Ruiz

Mr. W. E. Gillespie has handed me your correspondence relative to the above captioned matter pointing out that it will take an amended Act of the Legislature to correct the misdescription contained in the original Application and Act.

I have prepared an amending Act, which Mr. Yturri will introduce in the forthcoming Legislature, and enclose herewith a copy of same, together with a new Application containing the proper legal description and a new Map which correctly describes the property in question and the point of diversion.

Possibly you might have to wait until the amending Act is delivered to you before granting the Permit. As soon as I have received a copy of the same, I will send it to you.

Very truly yours,

YTURRI & O'KIEF

By

John C. O'Kief

JO'K/dh
Enclosures

September 22, 1958

Mr. John Ruiz
McDermitt
Nevada

Dear Mr. Ruiz:

We have no right of record in the name of George Wilkerson and no record of application being filed in Section 10, Township 41 South, Range 43 East. I did not take sufficient time during your phone call to check the records completely and I am enclosing a letter of Mr. Chris L. Wheeler's dated December 31, 1957, concerning your permit. A copy of this letter has also been sent to Mr. John O'Kief.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:pm
Enc: 1

September 22, 1958

Yturri and O'Kief
Attorneys at Law
Yturri - Caldwell Bldg.
Ontario, Oregon

Attention: Mr. John O'Kief

Gentlemen:

Mr. John Ruiz called this date in reference to his Permit No. 25013. The telephone conversation was perhaps too hasty.

Enclosed is a copy of a letter received from Mr. W. E. Gillespie and a copy of the reply of Mr. Chris L. Wheeler.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:pm
Enc: 2

March 27, 1958

John Ruiz
McDermitt,
Nevada

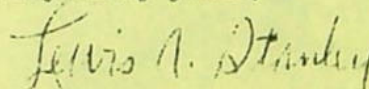
Dear Sir:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 25013.

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
State Engineer

Form 128
Dlf.

December 31, 1957

Mr. W. E. Gillespie
Vale, Oregon

Dear Mr. Gillespie:

This will acknowledge receipt of your letter of recent date transmitting a new map for John Ruiz and returning his permit No. 25013.

The change that you have requested under the circumstances such as this has no precedent. I have discussed the matter with the Attorney General and it is his opinion that, since the legislative Act specifically described the stream from which the water was to be appropriated as being located in in Section 19, Township 41 South, Range 43 East, W.M. and your present map would not indicate that the stream passes through Section 19, it would take an amending act of the legislature. Whether or not it would affect Mr. Ruiz's priority date would probably depend upon the wording of the Act.

I am returning the permit for Mr. Ruiz's records.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh
enclosure

W. E. Gillespie
Vale, Oregon
Nov. 22, 1957

31731
Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
NOV 23 1957
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

With reference to the application for permit for John Ruiz, No. 25013, a mistake was made in the application as to the location of the point of diversion. At the time I was preparing the map, I could not find any reliable tie between the Nevada and Oregon surveys; and also the only corner that could be found was the NE corner of Section 31, T. 48 S., R. 38 E., M.D. B. & M. In preparing the plat I referred to a map at the office of the Bureau of Land Management at Vale which I have subsequently found to be in error by approximately one mile.

Since then, the State of Nevada has resurveyed that area and established ties. On a recent trip to McDermitt I secured that information and also located the North $\frac{1}{2}$ corner of section 24, T. 41 S., R. 42 E.

I have prepared a new map which shows the point of diversion as it actually exists.

Mr. O'Kief, attorney for John Ruiz, is of the opinion that the recent act of the Legislative Assembly, Senate Bill No. 477, would still apply and could be corrected by your office.

If it is necessary to introduce an amended act at the next session of the legislature, would it affect Mr. Ruiz' priority date of July 19, 1957?

Thank you for your attention to this matter.

Sincerely yours,

W. E. Gillespie

W. E. Gillespie

31731

October 10, 1957

John Ruiz
McDermitt,
Nevada

Dear Mr. Ruiz:

This acknowledges receipt of Form B, being notice of completion of construction under Permit No. 25013.

The report has been filed with other matter pertaining to the permit, which is in good standing until October 1, 1960, when, under its terms, all the water which it is intended to use at any time should be used to the full extent intended.

Very truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 119
Dlf.

September 18, 1957

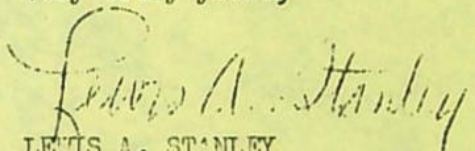
John Ruiz
McDermitt,
Nevada

Dear Mr. Ruiz:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 25013.

The report has been filed with other matter pertaining to the permit, which is in good standing until October 1, 1959, when, under its terms, construction should be completed.

Very truly yours,


LEWIS A. STANLEY
State Engineer

Form 118
Dlf.

31731

August 28, 1957

Yturri and O'Kief
Attorneys At Law
Yturri - Caldwell Bldg.
Ontario, Oregon

Attention: Mr. John O'Kief

Gentlemen:

In response to your request this is to advise you that Application No. 31731 in the name of John Ruiz has been approved by issuance of Permit No. 25013, which was transmitted to Mr. Ruiz with our letter of August 20, 1957.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:ld

August 20, 1957

Mr. John Ruiz
McDermitt
Nevada

Dear Mr. Ruiz:

Enclosed find Application No. 31731, Permit No. 25013 with blueprint.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS

Your permit has been recorded in this office but you should hold the original permit as evidence of your water right. If the land is sold an assignment to the new owner should be recorded in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the last page of the application, limits the time within which you may begin and complete construction of your project. According to the law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed and when the water has been completely applied to the proposed use, unless you have already submitted such information.

If your use of water is for irrigation, proof can be made and certificate issued only after you have actually irrigated ALL of the land described in the permit which you intend to irrigate at any time.

Whenever a measuring device becomes necessary for the proper distribution of water, the permittee will be required to install one to the satisfaction of the State Engineer as provided by ORS 540.310 and 540.330.

In connection with your proposed appropriation, please be advised that the late summer flow in most of the streams is required to satisfy existing rights and your permit as provided by law, grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Very truly yours,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 110
Enclosures

YTURRI AND O'KIEF

ATTORNEYS AT LAW
YTURRI - CALDWELL BUILDING
ONTARIO, OREGON

ANTHONY YTURRI
JOHN C. O'KIEF

July 16, 1957

State Engineer
Water Resources Department
Salem, Oregon

RECEIVED
JUL 19 1957
STATE ENGINEER
SALEM, OREGON

ATTENTION: Chris L. Wheeler

Re: John Ruiz

Gentlemen:

Your letter of June 22 addressed to John Ruiz of McDermitt, Nevada, was delivered to me and a private bill was introduced at the last legislature granting permission for such appropriation.

Enclosed herewith please find the application of Mr. Ruiz, together with a copy of the map and a certified copy of Senate Bill No. 477, Chapter 701, Oregon Laws 1957. Also enclosed herewith please find Mr. Ruiz' check in the sum of \$15 in payment of the examination fee and irrigation fee.

Kindly advise us when the permit has been issued.

Very truly yours,

YTURRI & O'KIEF

By *John O'Kief*

JO'K:ly

Enclosures

cc: Mr. John Ruiz
McDermitt
Nevada

August 15, 1957

Yturri and O'Kief
Attorneys at Law
Yturri - Caldwell Building
Ontario, Oregon

Attention: John O'Kief

Gentlemen:

This will acknowledge receipt of your letter of July 16, 1957, transmitting an application in the name of John Ruiz for a permit to appropriate water from an unnamed tributary of Quinn River at a point in Oregon for the irrigation of 29.0 acres within Nevada, the accompanying map of the project, a certified copy of Senate Bill No. 477, Chapter 701, Oregon Laws 1957, and payment of fees in the amount of \$15 for which our Receipt No. 12779 is enclosed with the applicant's copy of this letter.

The application which has been examined, given file No. 31731, appears to be in satisfactory form and is being placed in line for approval by issuance of a permit with the next group.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

mb

cc: John Ruiz

Permit No. 25013

Application No.31731.....

County.....Malheur.....

Proof of Appropriation of Water

1. Name John Ruiz 2. Address McDermitt, Nevada
3. Source of supply unnamed stream
- Tributary of Quinn River
4. Amount of water 0.36 c.f.s. 5. Priority date July 19, 1957
6. Use Irrigation - 1/80th and 3 a.f.
7. Location of point of diversion Lot 1 (NW 1/4 Sec. 24), Twp. 41 S, Range 43 E, W. M. (Legal Subdivision)
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.

[illegible]

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:

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.

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.

.....
(Name)

.....
(Title)

No pic

Permit No. 25013 ✓

Application No. 31731 ✓

County Malheur ✓

Proof of Appropriation of Water

1. Name John Ruiz ✓ 2. Address McDermitt, Nevada ✓
3. Source of supply Unnamed stream ✓
Tributary of Quinn River ✓
4. Amount of water 0.36 c.f.s. ✓ 5. Priority date July 19, 1957 ✓
6. Use Irrigation - 1/80th and 3 a.f. ✓
7. Location of point of diversion Lot 2 (NW/NE 1/4) Sec. 24 ✓, Twp. 41 S ✓, Range 42 E ✓, W. M.
(Legal Subdivision)
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			
48 N	38 E	31 ✓	Lot 1 L (NE 1/4 NE 1/4)	31.4 29.0 ✓
	M.D.B. & M			
	Mt. Diablo Meridian			
			(* Mt. Diablo Meridian)	
			Sec. 24 approx. 20 chains N & S only	
			see map. Tie to CC Secs. 31-32 & also NW corner	
			Section 24.	

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.....

AS9-E
Sept. 19, 1959
M.B.

REPORT OF PERSON MAKING INSPECTION

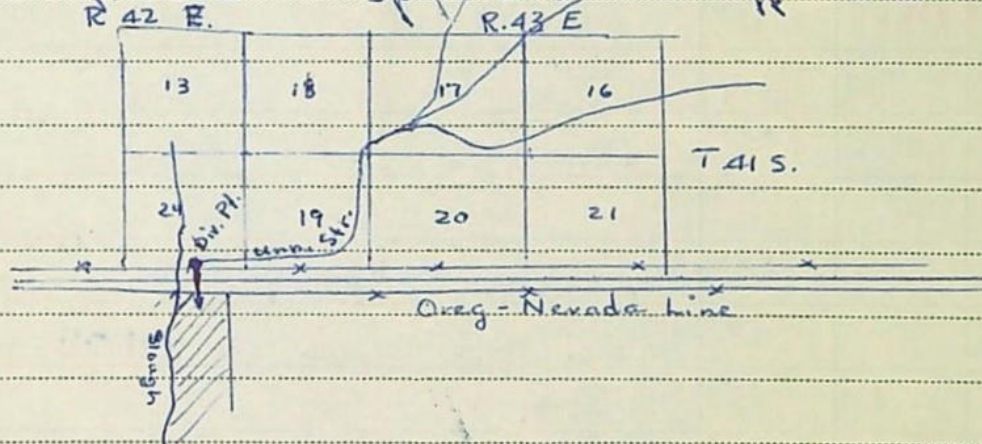
Description of works:

Info - Mr. Ruiz

Div. Pt. Earth Dam to block all water thru Rd. Culvert
Flat Bottom 3' height 49' width Fall 0' / 500'
originally all of cr. did flow thru at Culvert location
and into center of irrig. gr. - later years
cr. channel began filling up and 1/2 of water
was flowing straight ahead into slough -

Div. Pt. 15 ft N. of N. Fence line of old Rd.
One Nevada state line is 40' N. of S. Rd. fence.

Ditch Bulldozer ditch on N. side of land &
dike along E. side fence line - land is
flooded in Spr. with run-off water



origin of unm. Str.

I, Myron Bish, do hereby certify that I have made
an inspection of the works described herein and in Permit No. 25013, on the 19 day
of Sept., 1959, 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.

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.

Myron Bish
(Name)

Field Engineer
(Title)