

31400

~~CANCELED~~Name John Hockstre

By

Address Route 1, Box 265 176Dallas, OregonDate filed March 1, 1957Priority March 1, 1957Action suspended until ok cert

Returned to applicant

Date of approval May 20, 1957**CONSTRUCTION**Date for beginning May 20, 1958Date for completion October 1, 1959

Extended to

Date for application of water October 1, 1960

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed May 2, 1958Form "C" filed September 8, 1959**FINAL PROOF**Blank mailed APRIL 17 1962

Proof received

Date certificate issued JULY 13 1962Application No. 31400Permit No. 24792Certificate No. 29901Stream Index, Page No. 2-90ZSee A. 32279~~CANCELLED~~~~JAN 10 1961~~~~Special Order Record Vol 11 Pg 8~~
Reinstated Vol 11 Pg 457-8**FEES PAID**

Date	Amount	Receipt No.
<u>3-1-57</u>	<u>15-</u>	<u>16800</u>
<u>5-8-62</u>	<u>\$1 Cert. Fee</u>	<u>33747</u>

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS0.31 c.f.s. from Salt Creek (Yamhill River) for irrigation of 25.3 acres.Reinstated

Form B

Application No. 31400

NOTICE OF COMPLETION OF CONSTRUCTION

I, John Hackett, the holder of Permit No. 24792
to appropriate the public waters of the state of Oregon, completed the construction of the works described
herein on the 23rd day of April, 1958.

Remarks:

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.
attached necessary equipment

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of April, 1958

John Hackett
(Signature of Applicant)

PT. Box 176
(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. 31400

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, John Hackett, the holder of Permit No. 24792
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the 1st day of July, 1959.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Sept, 1959

John Hackett
(Signature of Applicant)

PT. Box 176, Dallas Co.
(Address)

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN HOCKSTRE

92338

of Route 1, Box 263, Dallas, 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 Salt Creek

a tributary of Yamhill River
irrigation of 22.8 acres

for the purpose of

under Permit No. 24792 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 March 1, 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 0.31 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Frederick DIC 38, Section 6, T. 7 S., R. 5 W., 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 2 $\frac{1}{2}$ 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:

2.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
1.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
both as projected within Frederick DIC 38
Section 5
0.7 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
4.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
all as projected within Frederick DIC 38
Section 6
T. 7 S., R. 5 W., W. M.

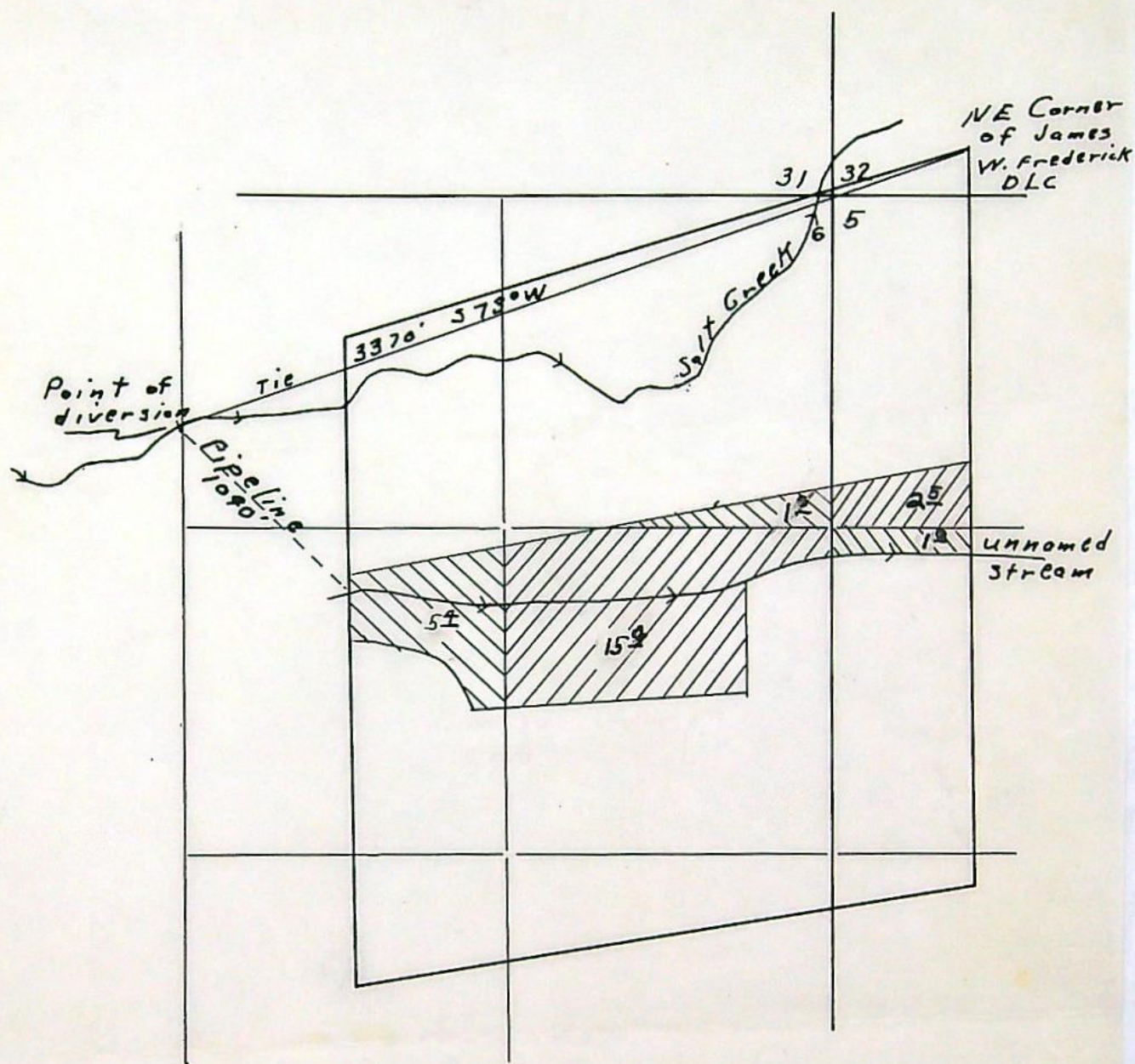
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. JULY 13 1962

CHRIS L. WHEELER

State Engineer



RECEIVED
MAY 1 1957
STATE ENGINEER
SALEM, OREGON

John Hockstre
T7S R5W WM
Scale: 8" = 1 mile

Application No. 31400
Permit No. 24792

Permit No. 24792

Application No. 31400

County Polk

Proof of Appropriation of Water

1. Name John Hockstre 2. Address Rt. 1 Box 176 - Dallas, Oregon 263
3. Source of supply Salt Creek
Tributary of Yamhill River
4. Amount of water 0.31 c.f.s. 5. Priority date March 1, 1957 10-1-60
6 + 22.8 c.f.s.
6. Use irrigation - 1/80th and 2 1/2 a.f.
7. Location of point of diversion NE 1/4 NW 1/4 NE 1/4 in Frederick DLCS 8
(Legal Subdivision) Sec. 6, Twp. 7 S, Range 5 W, 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
7 S	5 W	6	SW 1/4 NE 1/4	
			(4) SW 1/4 NE 1/4	5.4 4.4
			(3) NE 1/4 NE 1/4	1.0 0.7
			(5) SE 1/4 NE 1/4	15.4 14.0
		5	(1) NW 1/4 NW 1/4	2.5 2.1
			(2) SW 1/4 NW 1/4	1.0 1.6
				25.3 22.8

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:

Built Res. in Salt Cr. & filed new Permits
to cover same land- no longer uses this
method of piping water from Salt Cr.
to unnamed stream - July 8 1960
O. Bartsch

See correspondence & report of
equipment in 32219

Mr. Hobbs does not claim all land built
surveyed. All in excess of number of acres & area
applied for was sprinkled over to sprout grain.

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 _____
and I recommend the issuance of water right certificate for this amount.

(Quantity of water in
second-feet or acre-feet)

NOTICE TO INSPECTORS

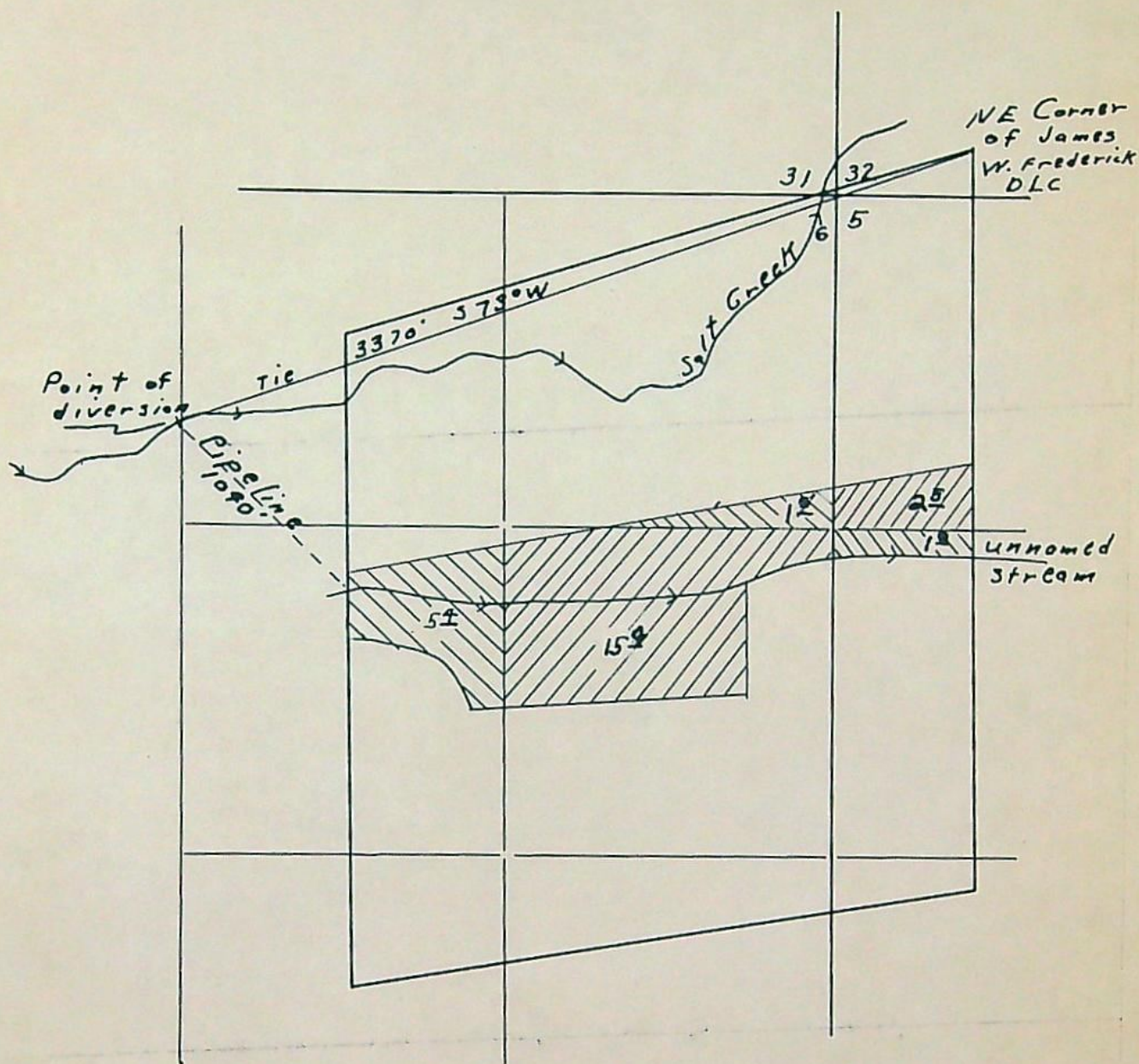
If conditions do not justify the above re-
port by you, please return this form without
your signature, with a full report by letter.

(Name)

(Title)

Beginning at the Northeast corner of the Donation Land Claim of James W. Frederick and wife, Not. No. 1980, Claim No. 37 in Township 7 South, Range 5 West of the Willamette Meridian Polk County, Oregon., thence running South 44.55 chains; thence South 82°50' West 38.36 chains; thence North 39.58 chains to the North line of said Donation Land Claim; thence North 75°54' East along said line 38.72 chains to the place of beginning, and containing 160 acres, more or less.

RECEIVED
MAR 1 1957
STATE ENGINEER
SALEM, OREGON



John Hockstree
 T7S R5W WM
 Scale: 8" = 1 mile

Application No. 31400
 Permit No. 24792

31400
R32278
32279

April 3, 1962

John Hockstre
Rt. 1, Box 263
Dallas, Oregon

Dear Mr. Hockstre:

The State Engineer has entered an order reinstating permit number 24792 so we can now prepare drafts of the proposed certificates in connection with this permit and also permits numbered R-2123 and 25458. This will be done shortly and sent to you for signature.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:jh

32279
R-32278
31400

January 24, 1962

John Hockstre
Route 1, Box 176
Dallas, Oregon

Dear Mr. Hockstre:

In attempting to prepare the draft of the proposed certificate in connection with your Permits numbered 25458 and R-2123, we have encountered a problem in the restriction of water for supplemental irrigation and also the quantity described in the permit. In addition, there is a greater amount of land being irrigated than described in the permit.

Rather than attempting to explain this by letter, which might only lead to just more confusion, possibly it would be convenient when you are in Salem for you to come to this office so the matter may be made entirely clear. If this is not possible, would you please so advise us? Our office has moved from its former location to the fifth floor of the Public Service Building.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:jh

60

31400

September 7, 1960

Mr. John Hockstre
Route 1, Box 176
Dallas, Oregon

Dear Mr. Hockstre:

Pursuant to your authorization of cancelation dated July 8, 1960 permit No. 24792 is being stricken from the records of this office and will be of no further force or effect.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

eh

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

Dear Mr. Stanley:

I hereby authorize the cancellation of my Application
No. 31400, Permit No. 24792, which defines a right to the
use of 0.31 second-foot of water from Salt Creek
_____ for Irrigation .

John J. Hockstetter
NAME

July 8, 1960
DATE

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 32100

September 9, 1959

John Hockstro
Route 1, Box 176
Dallas, Oregon

Dear Sir:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 24792.

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

May 6, 1958

John Hockstre
Route 1 Box 265
Dallas, Oregon
.

Dear Sir:

This acknowledges receipt of Form B, being notice of completion of construction under Permit No. 24792.

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.

May 20, 1957

Mr. John Hockstre
Route 1, Box 265
Dallas, Oregon

Dear Mr. Hockstre:

Enclosed find Application No. 31400, Permit No. 24792 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

31400

May 10, 1957

John Hockstre
Route 1, Box 265
Dallas, Oregon

Dear Mr. Hockstre:

This will acknowledge receipt of your returned Application No. 31400 and the accompanying corrected map.

Your application now 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

CLW:jl

March 27, 1957

John Hockstre
Route 1, Box 265
Dallas, Oregon

Dear Sir:

This will acknowledge receipt of your application for a permit to appropriate 0.31 cubic foot of water per second from Salt Creek for the irrigation of 25.3 acres, the accompanying map, legal description, and payment of fees in the amount of \$15, for which our receipt No. 10800 is enclosed.

Your application has been examined, given File No. 31400, and the following observations are noted:

Upon comparing your map to records of previous surveys on file in this office, it is noted that the Government Land Office records of U. S. Government Surveys places the NE corner of the James W. Frederick ^{DIC} approximately 2.0 chains north and 8.5 chains east of the section corner common to Sections 31 and 32 of T. 6 S. and Sections 5 and 6 of T. 7 S., R. 5 W., W. M.

If the location of the section corner in reference to the donation land claim corner as shown on your map is in error, it would appear that the listing of the area to be irrigated by 1/16's of a section as shown on the map and as entered in Item 8 of the application would be in error.

For your convenience in the correction of the above mentioned possible error, we are returning herewith your Application No. 31400 and the submitted map. The application bears an endorsement which requires that in order to retain its date of priority it must be returned to this office on or before May 27, 1957.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By James W. Carver, Jr., Assistant

JWC:bks
Enc: receipt, map &
application

RECEIVED
MAY - 8 1962
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JOHN HOCKSTRE**

of **Route 1, Box 263, Dallas**, 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 **Salt Creek**

a tributary of **Yamhill River** for the purpose of **irrigation of 22.8 acres**

under Permit No. **24792** 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 **March 1, 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 **0.31 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 **NE 1/4 NE 1/4**, as projected within Frederick DIC 38, **Section 6, T. 7 S., R. 5 W., 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 **2 1/2 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:

2.1 acres NW 1/4 NW 1/4
1.6 acres SW 1/4 NW 1/4
both as projected within Frederick DIC 38
Section 5
0.7 acre NE 1/4 NE 1/4
4.4 acres SW 1/4 NE 1/4
11.0 acres SE 1/4 NE 1/4
all as projected within Frederick DIC 38
Section 6
T. 7 S., R. 5 W., W. M.

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

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

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

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

251 FINANCE BUILDING
170 12TH STREET S. E.

REFER TO
FILE NO. 31400

John Hockstre
Route 1, Box 263
Dallas, Oregon

Dear Sir:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. 24792 You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following final proof. A fee of \$1.00 is required for recording your certificate of water right in the office of the County Clerk. The fee of \$1.00, together with this signed draft, must be returned to the State Engineer.

Very truly yours,

LEWIS A. STANLEY
State Engineer

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.

May 9th
(Date)

John Hockstre
(Signature)

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF RESCINDING }
AN ORDER CANCELING PERMIT }
NO. 24792 IN THE NAME OF }
JOHN HOCKSTRE ----- }

FINDINGS OF FACT
CONCLUSIONS
AND ORDER

Permit No. 24792 was issued to John Hockstre on May 20, 1957 in approval of his application No. 31400. The permit granted the right to appropriate not to exceed 0.31 cubic foot per second of water from Salt Creek within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M., with the priority date of March 1, 1957, for irrigation of 25.3 acres in the NW $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ of Section 6 of said township and range.

On May 26, 1958, permits numbered R-2123 and 25458 were issued to John Hockstre in approval of his applications numbered R-32278 and 32279. These permits granted the right to construct a reservoir within the NE $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M. and to store therein 3.5 acre feet of water from Salt Creek for irrigation purposes, and to appropriate the 3.5 acre feet of stored water only for supplemental irrigation of the same 23.5 acres of land covered by permit No. 24792.

Pursuant to an authorization by John Hockstre dated July 8, 1960, permit No. 24792 was canceled by an order of the State Engineer entered on January 10, 1961 at pages 7 and 8, Volume 11, Special Order Record of the State Engineer.

Subsequent to entering of the order, it has been determined that John Hockstre was not aware of the effects of the action of canceling permit No. 24792. Mr. Hockstre did not understand that the rights granted by the later reservoir and secondary permits were dependent upon the continued existence of the right granted under permit No. 24792, and that the later reservoir and secondary permits covered the storage and use

of stored water only and did not duplicate the right granted by permit No. 24792.

From information contained in reports submitted to this office in connection with permit No. 24792, it appears that the intended appropriation was completed within the provisions of the said permit.

CONCLUSIONS

It appears that permit No. 24792 should not have been canceled on the records of the State Engineer. Said permit should be reinstated and the permittee, John Hookstre, should be allowed to submit proof of appropriation under the provisions of said permit.

ORDER

It is ORDERED that that portion of the State Engineer's order entered on January 10, 1961 at pages 7 and 8, Volume 11, Special Order Record of the State Engineer, regarding permit No. 24792 in the name of John Hookstre be rescinded, and that said permit No. 24792 be reinstated without loss of priority.

Dated at Salem, Oregon this 12th day of March 1962.

/s/ LEWIS A. STANLEY
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF RESCINDING }
AN ORDER CANCELING PERMIT }
NO. 24792 IN THE NAME OF }
JOHN HOCKSTRE ----- }

FINDINGS OF FACT
CONCLUSIONS
AND ORDER

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On May 26, 1958, permits numbered R-2123 and 25458 were issued to John Hockstre in approval of his applications numbered R-32278 and 32279. These permits granted the right to construct a reservoir within the NE $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M. and to store therein 3.5 acre feet of water from Salt Creek for irrigation purposes, and to appropriate the 3.5 acre feet of stored water only for supplemental irrigation of the same 23.5 acres of land covered by permit No. 24792.

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Subsequent to entering of the order, it has been determined that John Hockstre was not aware of the effects of the action of canceling permit No. 24792. Mr. Hockstre did not understand that the rights granted by the later reservoir and secondary permits were dependent upon the continued existence of the right granted under permit No. 24792, and that the later reservoir and secondary permits covered the storage and use

of stored water only and did not duplicate the right granted by permit No. 24792.

From information contained in reports submitted to this office in connection with permit No. 24792, it appears that the intended appropriation was completed within the provisions of the said permit.

CONCLUSIONS

It appears that permit No. 24792 should not have been canceled on the records of the State Engineer. Said permit should be reinstated and the permittee, John Hockstre, should be allowed to submit proof of appropriation under the provisions of said permit.

ORDER

It is ORDERED that that portion of the State Engineer's order entered on January 10, 1961 at pages 7 and 8, Volume 11, Special Order Record of the State Engineer, regarding permit No. 24792 in the name of John Hockstre be rescinded, and that said permit No. 24792 be reinstated without loss of priority.

Dated at Salem, Oregon this 12th day of March 1962.

/s/ LEWIS A. STANLEY
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF RESCINDING
AN ORDER CANCELING PERMIT
NO. 24792 IN THE NAME OF
JOHN HOCKSTRE

FINDINGS OF FACT
CONCLUSIONS
AND ORDER

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On May 26, 1958, permits numbered R-2123 and 25458 were issued to John Hockstre in approval of his applications numbered R-32278 and 32279. These permits granted the right to construct a reservoir within the NE $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M. and to store therein 3.5 acre feet of water from Salt Creek for irrigation purposes, and to appropriate the 3.5 acre feet of stored water only for supplemental irrigation of the same 23.5 acres of land covered by permit No. 24792.

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of stored water only and did not duplicate the right granted by permit No. 24792.

From information contained in reports submitted to this office in connection with permit No. 24792, it appears that the intended appropriation was completed within the provisions of the said permit.

CONCLUSIONS

It appears that permit No. 24792 should not have been canceled on the records of the State Engineer. Said permit should be reinstated and the permittee, John Hockstre, should be allowed to submit proof of appropriation under the provisions of said permit.

ORDER

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Dated at Salem, Oregon this 12th day of March 1962.

/s/ LEWIS A. STANLEY
State Engineer