

OWNERSHIP UPDATE

Name GLENN E. HIGH
 By ZSOYAKIMA ST. S.
 Address Vale, OR 97918

Application No. 52367
 Permit No. 37571
 Certificate No. 48390

see also 59710
 Stream Index, Page No. 10-24

FEES PAID

Date	Amount	Receipt No.
8-29-74	39.50	42715
7-2-79	\$1 Cert. Fee	10510

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed August 29, 1974
 Priority August 29, 1974
 Action suspended until Ok Cert
 Return to applicant _____
 Date of approval January 13, 1975

CONSTRUCTION

Date for beginning January 13, 1976
 Date for completion October 1, 1976
 Extended to _____
 Date for application of water October 1, 1977
 Extended to _____

PROSECUTION OF WORK

Form "A" filed May 7, 1975
 Form "B" filed December 11, 1975
 Form "C" filed June 7, 1976

FINAL PROOF

Blank mailed JUN 26 1979
 Proof received _____
 Date certificate issued JUL 23 1979

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
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REMARKS

2.2 c.f.s. from Willow Creek for the irrigation of 88.0 acres.
Form 131 7-3-79
Agreement recorded in Misc. Records Vol. 5, Page 551

NOTICE OF COMPLETION OF CONSTRUCTION

OK
B1

I, Glenn E. High, the holder of Permit No. 37571, to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 5th day of October, 1975.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of December, 1975. Glenn E. High (Signature of Applicant), 250 Yakima St. So, Vale, Ore. 97918 (Address)

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

RECEIVED

NOTICE OF BEGINNING OF CONSTRUCTION

OK
B1

I, Glenn E. High, the holder of Permit No. 37571, to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of May, 1975.

Remarks: Completed excavation at pump site for installation of Sump. The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed done by permit holder. Sump is being constructed by R.S. Humphrey at his shop and will be delivered to site for installation.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May, 1975. Glenn E. High (Signature of Applicant), 250 Yakima St. So, Vale, Ore. 97918 (Address)

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

RECEIVED

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

OK
B1

I, Glenn E. High, the holder of Permit No. 37571, 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 12th day of May, 1976.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June, 1976. Glenn E. High (Signature of Applicant), 250 Yakima St. So, Vale, Ore. 97918 (Address)

RECEIVED

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): The heirs of Glenn High
Mailing Address: c/o Jacqueline M. Reed
P.O. Box 1322,
Klamath Falls OR 97601
City State Zip
Phone: _____
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Raymond S. Belnap
Mailing Address: 4137 Kochsmeier Rd.
Vale OR 97918
City State Zip
Phone: _____
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Malheur Township: 18 S Range: 45 E Section: 17
Tax Lot Number(s): 900

Street address of water right property: _____

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

Application #: S-52367 Permit #: S - 37571 Certificate or Page #: 48390

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

Name of individual completing this form: Malheur County Title Co. Phone: 551-889-7625
Debbie Jerman

Signature: [Signature] Date: 12-9-14

Please be sure to attach a copy of your property deed or legal description of the property.

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SALEM, OR

a tributary of Malheur River
irrigation of 88.0 acres

for the purpose of

under Permit No. 37571 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 August 29, 1974 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 2.2 cubic feet 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 NW $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17, T. 18 S., R. 45 E., W. M., 350 feet South and 1050 feet East from the NW Corner, Section 17

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of an agreement or a satisfactory replacement between the Warm Springs Irrigation District and the applicant, a copy of which is on file in the records of the Water Resources Department, and by reference made a part hereof.

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:

- 3.2 acres SW $\frac{1}{2}$ NE $\frac{1}{4}$
 - 6.6 acres NE $\frac{1}{2}$ NW $\frac{1}{4}$
 - 6.4 acres NW $\frac{1}{2}$ NW $\frac{1}{4}$
 - 15.2 acres SW $\frac{1}{2}$ NW $\frac{1}{4}$
 - 35.2 acres SE $\frac{1}{2}$ NW $\frac{1}{4}$
 - 17.4 acres NE $\frac{1}{2}$ SW $\frac{1}{4}$
 - 2.2 acres NW $\frac{1}{2}$ SW $\frac{1}{4}$
 - 1.8 acres NW $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 17
T. 18 S., R. 45 E., W. M.

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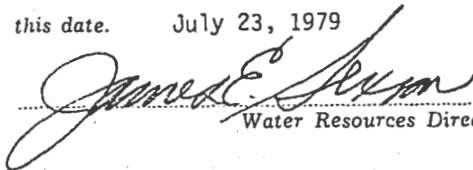
DEC 12 2014

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. July 23, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41 , page 48390

The true consideration for this conveyance is: \$24,000.00, which is the whole consideration.

184517
900

STATUTORY WARRANTY DEED

ISRAEL G. BURSHATIN, DONALD J. HIGH, MARY ANN HIGH, DAVID G. HIGH, HELEN ROBIN PARTINGTON and JACQUELINE M. REED, individually and/or as an heir or devisee of BRADLEY E. HIGH, deceased, Grantor, conveys and warrants to RAYMOND S. BELNAP, Grantee, land in Malheur County, Oregon, described on the attached Exhibit "A", free and clear of all encumbrances except as specifically set forth herein.

This conveyance is subject to the following exceptions:

1. Additional taxes or penalties and interest, if any, by reason of the disqualification of said lands for farm use purposes.
2. Regulations of the Warmsprings Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.
3. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Willow Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
4. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of Willow Creek.
5. Ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of Willow Creek as it now exists or at any time has existed.

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"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEB TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEB TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

Page 1 - STATUTORY WARRANTY DEED

M:Reed, Jackie/Real Estate/Document/Statutory Warranty Deed/RDB:jlc

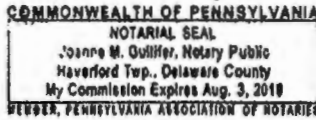
HELEN ROBIN PARTINGTON

JACQUELINE M. REED

STATE OF PENNSYLVANIA)
:SS
County of Delaware)

The foregoing instrument was acknowledged before me this 7th day of ~~October~~ ^{November}, 2014, by ISRAEL G. BURSHATIN.

Joanne M. Gullifer
Notary Public for Pennsylvania
My commission expires: August 3, 2018



STATE OF WASHINGTON)
:SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by DONALD J. HIGH.

Notary Public for Washington
My commission expires: _____

STATE OF IDAHO)
:SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by MARY ANN HIGH.

Notary Public for Idaho
My commission expires: _____

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SALEM, OR

HELEN ROBIN PARTINGTON

Jacqueline M. Reed
JACQUELINE M. REED

STATE OF PENNSYLVANIA)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by ISRAEL G. BURSHATTIN.

Notary Public for Pennsylvania
My commission expires: _____

STATE OF WASHINGTON)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by DONALD J. HIGH.

Notary Public for Washington
My commission expires: _____

STATE OF IDAHO)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by MARY ANN HIGH.

Notary Public for Idaho
My commission expires: _____

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SALEM, OR

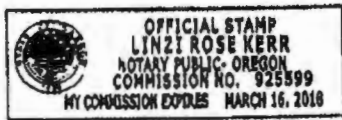
STATE OF WASHINGTON)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by HELEN ROBIN PARTINGTON.

Notary Public for Washington
My commission expires: _____

STATE OF OREGON)
)
:ss
County of Klamath)

The foregoing instrument was acknowledged before me this 7 day of ~~October~~ ^{November 2014}, 2014, by JACQUELINE M. REED.



Linzi Rose Kerr

Notary Public for Oregon
My commission expires: 3/16/18

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SALEM, OR

HELEN ROBIN PARTINGTON

JACQUELINE M. REED

STATE OF PENNSYLVANIA)
:SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by ISRAEL G. BURSHATTN.

Notary Public for Pennsylvania
My commission expires: _____

STATE OF WASHINGTON)
:SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by DONALD J. HIGH.

Notary Public for Washington
My commission expires: _____

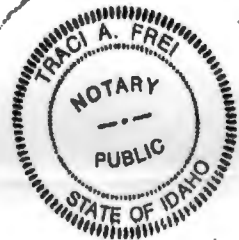
RECEIVED BY OWRD

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SALEM, OR

STATE OF IDAHO)
:SS
County of Idaho)

The foregoing instrument was acknowledged before me this 7th day of TF November ~~October~~, 2014, by MARY ANN HIGH.



Traci A. Frei
Notary Public for Idaho
My commission expires: 2/1/2017


HELEN ROBIN PARTINGTON

JACQUELINE M. REED

STATE OF PENNSYLVANIA)
 :SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by ISRAEL G. BURSHATTIN.

Notary Public for Pennsylvania
My commission expires: _____

STATE OF WASHINGTON)
 :SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by DONALD J. HIGH.

Notary Public for Washington
My commission expires: _____

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DEC 12 2014

SALEM, OR

STATE OF IDAHO)
 :SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by MARY ANN HIGH.

Notary Public for Idaho
My commission expires: _____

STATE OF WASHINGTON)
)
:SS
County of Pierce)

The foregoing instrument was acknowledged before me this 7th day of October, 2014, by
HELEN ROBIN BARNWINGTON.



[Signature]
Notary Public for Washington
My commission expires: 4-29-17

STATE OF OREGON)
)
:SS
County of Klamath)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by
JACQUELINE M. REED.

Notary Public for Oregon
My commission expires: _____

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DEC 12 2014

SALEM, OR

HELEN ROBIN PARTINGTON

JACQUELINE M. REED

STATE OF PENNSYLVANIA)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by ISRAEL G. BURSHATIN.

Notary Public for Pennsylvania
My commission expires: _____

STATE OF WASHINGTON)
)
:ss
County of Pierce)

The foregoing instrument was acknowledged before me this 6 day of November ~~October~~, 2014, by DONALD J. HIGH.



[Signature]
Notary Public for Washington
My commission expires: 9/4/2018

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DEC 12 2014
SALEM, OR

STATE OF IDAHO)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of ~~October~~, 2014, by MARY ANN HIGH.

Notary Public for Idaho
My commission expires: _____

HELEN ROBIN PARTINGTON

JACQUELINE M. REED

STATE OF PENNSYLVANIA)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by ISRAEL G. BURSHATIN.

Notary Public for Pennsylvania
My commission expires: _____

STATE OF WASHINGTON)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by DONALD J. HIGH.

Notary Public for Washington
My commission expires: _____

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DEC 12 2014

SALEM, OR

STATE OF IDAHO)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by MARY ANN HIGH.

Notary Public for Idaho
My commission expires: _____

STATE OF WASHINGTON)
)
:ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by HELEN ROBIN PARTINGTON.

Notary Public for Washington
My commission expires: _____

STATE OF OREGON)
)
:ss
County of Klamath)

The foregoing instrument was acknowledged before me this _____ day of October, 2014, by JACQUELINE M. REED.

Notary Public for Oregon
My commission expires: _____

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DEC 12 2014

SALEM, OR

of way boundary of the Union Pacific Railroad;
thence Northwesterly along said right of way, 2037 feet;
thence East 664 feet;
thence North 1263.5 feet to the intersection with the
West branch of Willow Creek;
thence Southerly along the West branch of Willow Creek
to the Point of Beginning.

TOGETHER WITH an easement for ingress and egress as described
in Basement Deed, recorded November 4, 1981, as Instrument
No. 81-97055, records of Malheur County, Oregon,

EXCEPTING THEREFROM the following described parcel
of land:

Commencing at the Southeast corner of the NE1/4 SW1/4 of said Sec. 17;
thence North 600 feet;
thence West 1321 feet to a point on the Easterly right of way boundary
of the Union Pacific Railroad, said point being the POINT OF BEGINNING:
thence Northwesterly along the said right of way, 2037 feet;
thence East 644 feet;
thence Southeasterly, and 644 feet parallel with the Union Pacific Railroad
right of way, to a point due East from the point of beginning;
thence West to the POINT OF BEGINNING.

Map 184517

Tax Lot 900

Acct. No. 13761

Code 43

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DEC 12 2014

SALEM, OR

EXHIBIT
PAGE

OF

2014-3647

Page 11 of 11

MALHEUR COUNTY, OREGON

2014-3647

THIS AGREEMENT, made and entered into this 17th day of January, 1975, by and between WARMSPRINGS IRRIGATION DISTRICT, a quasi-municipal corporation organized and existing pursuant to the laws of the State of Oregon, having its principal office at 318 A Street West, Vale, Oregon, hereinafter referred to as the "District", and GLENN E. HIGH, residing at 250 Yakima Street South, Vale, Oregon, hereinafter referred to as the "Applicant", WITNESSETH:

WHEREAS, the District, since 1916, has been using Willow Creek, which courses within the district through Sections 1 and 25 in Township 17 South, Range 44 E.W.M., Section 31 in Township 17 South, Range 45 E.W.M. and Sections 6, 7, 8, 17, 20 and 31 in Township 18 South, Range 45 E.W.M., in Malheur County, Oregon, as a project facility for conveying irrigation water for delivery to its waterusers and for ultimate return to the Malheur River; and

WHEREAS, the Applicant is the purchaser of certain lands presently non-irrigable, situated in Section 17, Township 18 South, Range 45 E.W.M., which lands are hereinafter more particularly described; and

WHEREAS, the Applicant has applied to the State Engineer of the State of Oregon for a permit to appropriate waters from Willow Creek for the purpose of irrigating the Applicant's following described lands:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>FORTY ACRE TRACT</u>	<u>NUMBER OF ACRES TO BE IRRIGATED</u>
18S	45E	17	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5
18S	45E	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7
18S	45E	17	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15
18S	45E	17	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.5
18S	45E	17	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.5
18S	45E	17	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5
18S	45E	17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.5
18S	45E	17	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0

WHEREAS, the Applicant intends to divert water for said lands by installing a pump adjacent to said Willow Creek located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 18 South, Range 45 E.W.M., at a point approximately 1,062 feet Southeasterly from the Northwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and intends to pump such water from Willow Creek through an open ditch

to the lands to be irrigated; and

WHEREAS, the pump to be installed by the Applicant will be situated above the point of location of the Nevada Dam in the Malheur River, at which point the District withdraws water from said Malheur River for delivery to its waterusers through the Nevada Canal; and

WHEREAS, during irrigation seasons there are times when the amount of water in Willow Creek would be inadequate to fulfill the requirements of the District and the entitlement of the Applicant, if the permit applied for is granted; and

WHEREAS, the Applicant is desirous of obtaining the consent of the District to the diversion of water from said Willow Creek for the purpose of irrigating said above described lands in order that favorable action can be taken by the State Engineer on his application for a water permit; and

WHEREAS, the District is reluctant to consent to permitting the Applicant to pump water from Willow Creek at a point above the Malheur River where the District withdraws its water for the Nevada Canal, as it may result in curtailment of water deliveries required to be made by the District, whenever the supply of water in Willow Creek and in the Malheur River shall be insufficient to fulfill the allotments of the waterusers of the District entitled to receive irrigation water through the Nevada Canal; and

WHEREAS, the District has agreed to consent to the granting of said water permit and the diversion of water from said Willow Creek upon the terms, covenants and conditions hereinafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND UNDERSTANDINGS BETWEEN THE PARTIES HERETO, IT IS MUTUALLY AGREED AS FOLLOWS:

1. That the District hereby approves Application No. 52367 filed by the Applicant with the State Engineer of the State of Oregon on the 29th day of August, 1974, to appropriate irrigation water from the above described Willow Creek at the point of diversion indicated in said application and consents to the granting of a water permit thereon, sub-

ject to the rights, reservations and conditions of the District, as hereinafter set forth.

2. That the District reserves all rights to the use of any or all of the waters of Willow Creek for beneficial use, as aforesaid, on the Warm Springs Irrigation District project, at any time, including the right to divert water from said Willow Creek to other ditches, canals or laterals of the project.

3. That the District, by approving said application and consenting to the granting of a permit, shall not be deemed to have released or relinquished any easement or right of way the District now has relating to said Willow Creek, nor any of its rights to operation and maintenance of said Willow Creek as a facility of the Warm Springs Irrigation District and for its uses and purposes.

4. That the District shall not be required, at any time, or in any manner, to maintain any flow of water in said Willow Creek at the point of diversion specified in said application.

5. That the Applicant shall not pump water from Willow Creek at his point of diversion as indicated herein upon receipt of notice from the District requesting discontinuance of pumping of water. Notice not to pump irrigation water or to stop operation of Applicant's pump may be given by any means of communication.

It is understood that water shortages in Willow Creek may occur on short notice and that the District may not have sufficient warning of a water shortage to provide Applicant with prior notice. The Applicant, therefore, authorizes the District, by and through its respective officers, directors, servants, agents and employees, to enter upon the Applicant's lands where his said diversion pump is located, at any time, with or without notice, and to turn off said pump and cut off the pumping of water by the Applicant from said Willow Creek whenever the District shall determine, in its sole and absolute discretion, that a shortage of water exists in said Willow Creek and that the water therein is required for the use of the District for delivery to its waterusers,

6. It is the intention of the parties that whenever a shortage of water in Willow Creek shall occur, the District shall not require the Applicant to completely discontinue pumping water at his diversion point unless all of the water in Willow Creek is required by the District for delivery to its waterusers and, instead of total discontinuance of pumping, the District shall only require the Applicant to reduce his pumping operations to the extent that he will be able to withdraw from Willow Creek all water in excess of the requirements of the District for delivery to its waterusers.

7. That the Applicant shall operate said diversion pump in such manner so as not to interfere with the use of Willow Creek by the District as a facility for accomplishing delivery of irrigation water to the waterusers of the District. That in taking water out of Willow Creek, the Applicant shall conduct his operations in full compliance with the laws of the State of Oregon affecting such operations and all of the terms and conditions of this agreement. The failure or neglect by the Applicant to comply with any of the terms and conditions of this agreement or with any laws of the State of Oregon applicable to this agreement shall cause this agreement to be subject to immediate termination at the option of the District and upon notice of termination, all of the Applicant's structures in or about Willow Creek shall be removed immediately thereafter. In the event the Applicant shall fail or neglect to remove said structures within 15 days after termination of this agreement, the District may do so at the Applicant's expense and the latter shall pay all charges for the same upon demand. Thereafter, the consent granted herein shall be deemed revoked and rescinded and the Applicant shall refrain from further use of said Willow Creek for diversion of water to the described lands.

8. That the District, and any person acting by and through it, shall not be liable for any damage to or loss of crops or injury to the Applicant or his pumping facilities or operations, caused by reason

the pumping of water from Willow Creek or by reason of the District causing the Applicant's diversion pump to be shut off, and the Applicant does hereby release and agree to indemnify and hold harmless the District, its officers, servants, agents and employees on account of all damages paid or claims for damages by whomsoever made and of any nature whatsoever arising out of, or in any manner connected with the exercise of the privileges granted by this agreement.

9. The Applicant hereby consents that his lands described herein shall be subject to a lien in favor of the District for payment of all charges for irrigation water assessed by the District annually. The per acre rate assessed by the District against said lands of the Applicant shall be the same as that assessed against the regular irrigable lands of the District and the Applicant shall be entitled to the same per acre water allotment as that allotted to all other irrigable lands of the District, except as herein otherwise provided.

The Applicant covenants and agrees to pay all such assessments for irrigation water, commencing with the 1975 irrigation season, as and when the same become due and payable by order of the District. It is understood and agreed that the Applicant will only be entitled to a conditional right to water from Willow Creek, subject to its availability and the right of the District to its prior use, and the Applicant further agrees that payment by the Applicant of annual assessment charges for operation and maintenance, in any irrigation year, shall not entitle the Applicant to an uninterrupted delivery of water in that year, in the event the District determines its need for delivery to its regular waterusers.

In the event the District shall curtail the Applicant's water deliveries during any irrigation season, it shall refund to the Applicant such proportion of the water charges paid by the Applicant for which water delivery was not made.

10. It is understood and agreed by the parties that the Applicant

pump instalation to measure the amount of water to be pumped from Willow Creek to the lands of the Applicant. However, the District reserves the right, for any reason whatsoever, to require the Applicant, on demand, to instal a measuring device at the Applicant's point of diversion from Willow Creek, and in such event, the Applicant covenants and agrees to instal such device at his own expense, to the satisfaction of the District. The District shall not require the Applicant to instal any measuring device except at a time when it will not interfere with the irrigation of Applicant's crop lands.

11. It is understood and agreed that the Applicant intends to return his waste water from the irrigation of his said lands, together with any seepage water which may develop, into Willow Creek at points contiguous to the Applicant's land. In the event the quality of such waste and drainage water returned to Willow Creek is such as to impair its use by the waterusers of the District for irrigation purposes, without treatment, the Applicant, on demand by the District, will either discontinue the use of Willow Creek for such purposes or will undertake such water conservation and environmental control practices as may be required by the District to raise the quality of such water for irrigation purposes and to comply with all existing laws applicable to such conditions.

12. The Applicant shall not assign or transfer any of his rights under this agreement without the prior written consent of the District.

13. All notices provided herein shall be given, and shall be deemed completed, by sending such notice in writing, by United States Registered or Certified Mail, addressed to the party upon whom said notice is to be given at its or his respective address hereinbefore set forth or at such other address which may be furnished by either of the parties to the other.

14. That this agreement shall be binding upon and the benefits inure to the parties hereto, their respective heirs, executors, administrators, successors and assigns, except as herein otherwise provided.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed the day and year first above written.

WARMSPRINGS IRRIGATION DISTRICT

ATTEST:

Edwin A. Reilly
Secretary

By Lowell Harrod
Chairman
(District)

Glenn E. High
Glenn E. High
(Applicant)

STATE OF OREGON)
) ss.
County of Malheur)

On this 17th day of January, 1975, before me appeared Lowell Harrod and Edwin A. Reilly, both to me personally known, who being duly sworn, did say that he, the said Lowell Harrod is the President, and he, the said Edwin A. Reilly is the Secretary of Warmsprings Irrigation District, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by the authority of its Board of Directors and said Lowell Harrod and Edwin A. Reilly acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this, the day and year first in this, my certificate written.

James S. Bunker
Notary Public for Oregon

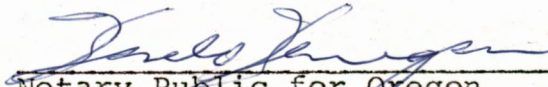
My Commission Expires
JANUARY 10, 1977

STATE OF OREGON)
)
County of Malheur)

ss.

BE IT REMEMBERED, That on this 17th day of January, 1975, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Glenn E. High, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Notary Public for Oregon

My Commission Expires 9/3/75

Recorded IN Misc. Records Volume 5, PAGE 351

✓

✓



[Faint handwritten signature]

11

Regular Meeting
July 1, 1974

Present: Directors Girvin, Harrod and Ingle, Manager Bunker, Assistant Manager Peterson, Secretary Reilly and Attorney Henigson.

Visitor: Glen High.

The minutes of the previous meeting were approved:

The purpose of Glen High's visit was to discuss obtaining a pump permit for some 94 acres of land that does not have a water right. Mr. High has dug a drain ditch on his property North of Vale and he wants to dump water from this drain into Willow Creek and pump it out again at a different location. Mr. High stated that he would pay the same rate of assessments as other land owners with water rights. He also stated that he would not install the pump until 1975. Attorney Henigson informed Mr. High of the procedure to follow in order to obtain a pump permit from the State Engineer. A motion was made by Director Ingle, seconded by Director Harrod, not to protest this application if Mr. High will sign an agreement protecting the rights of the District. The agreement, to be drawn up by Attorney Henigson, will be made a part of the pump permit. The motion passed unanimously.

A request from Ron Rindlisbach to acquire a water sale for land without a water right, located south west of Vale, was tabled until more information is obtained on the matter.

A discussion was held on the delivery of excess water for the 1974 irrigation season. This matter was tabled until a later date.

The following bills were read by the Secretary:

Malheur Home Telephone Company	\$22.29
Henigson, Stunz and Fonda	75.00
Public Employes Retirement System	11.00
U.S. National Bank of Oregon	571.10
State of Oregon, Department of Revenue	188.50
Blue Cross	251.55
Public Employes Retirement Board	619.00
Harney Electric Cooperative	12.00
Bowler & Bledsoe	500.00
Vale Rural Fire Department	10.00
Vale Shoe Shop	3.50
Nolan Field--Waldo Company	1,489.11
The Malheur Enterprise	2.52
Aldred Electric Shop	5.60
Newman's Arco Service	54.72
Nordling Parts Company	20.52
Halton Tractor	425.48
Glen Dick Equipment Company	234.00
Thatcher Chemical Company	1,622.48
Vale Auto Body Shop	92.80
Woodpecker Truck	15.45
Nyssa Machine & Welding	78.18
Morrison Electric Company	124.87
Treasure Valley Welding Supply, Inc.	5.00
Western Equipment Company	545.85
State Accident Insurance Fund	1,288.53

RECEIVED

AUG 29 1974

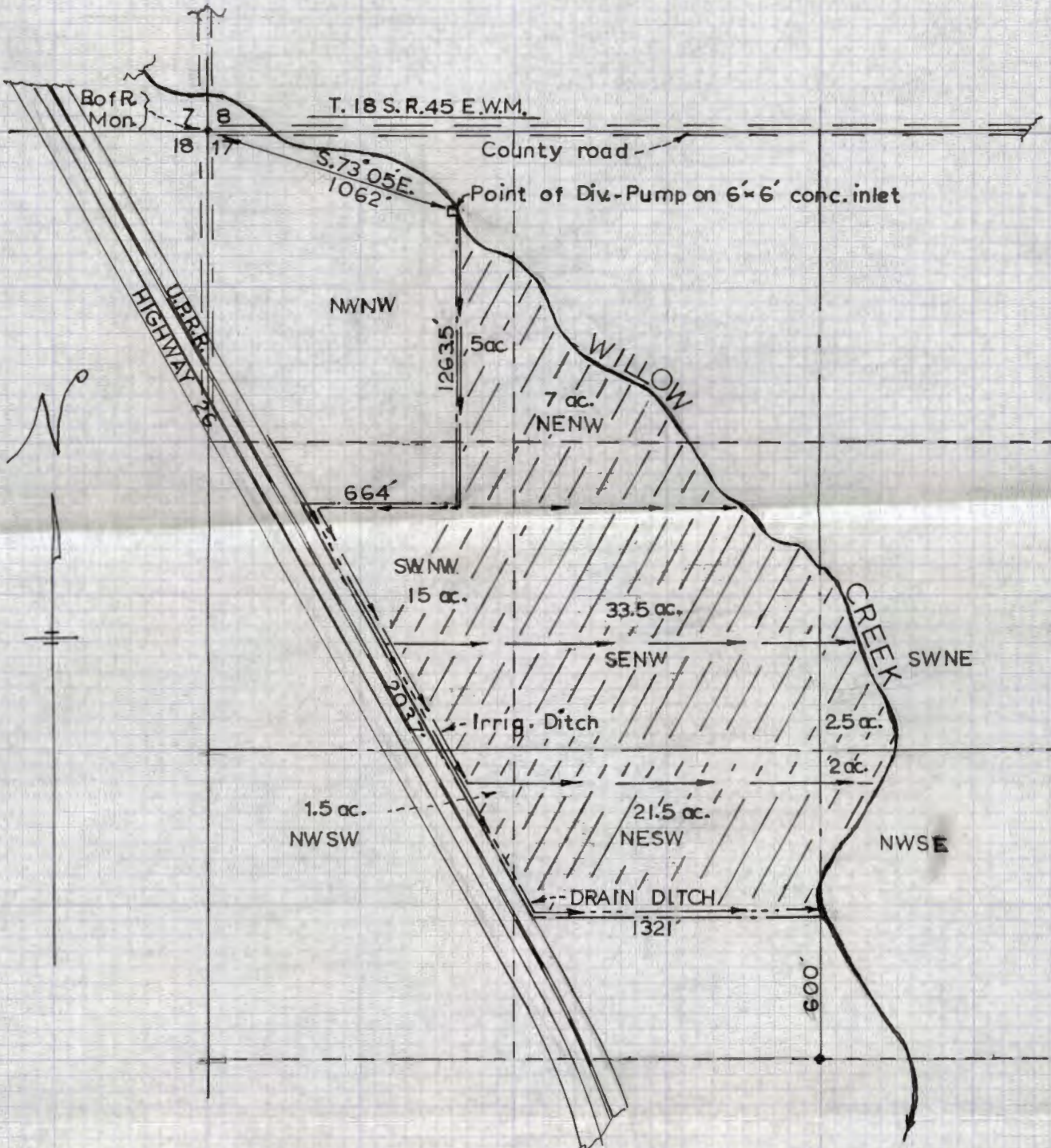
STATE ENGINEER
SALEM, OREGON

Application No. 52367
Permit No.

1870
1871

1872
1873
1874

OREGON
MAY 6 1968
W. E. GILLESPIE
344



APPLICATION FOR PERMIT
Glenn High ~ Vale, Oregon.
Scale 1"=660'

RECEIVED
AUG 29 1974
STATE ENGINEER
SALEM, OREGON

Application No. 52367
Permit No. 37571



APPLICATION FOR PERMIT
State of Oregon
Bottle Water

Permit No. 1947
Application No. 1947

of **250 Yakima St., South, Vale**, State of **Oregon, 97918**,
has applied beneficially the waters of
Willow Creek

a tributary of **Malheur River** for the purpose of
irrigation of 88.0 acres

under Permit No. **37571** and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
August 29, 1974

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
2.2 cubic feet 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 **NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T. 18 S., R. 45 E., W. M.,**
350 feet South and 1050 feet East from the NW Corner, Section 17

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed **3 acre feet per acre for each acre irrigated**
during the irrigation season of each year, and is subject to the terms and
conditions of an agreement or a satisfactory replacement between the Warm Springs
Irrigation District and the applicant, a copy of which is on file in the
records of the Water Resources Department, and made by reference made a part hereof.

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

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

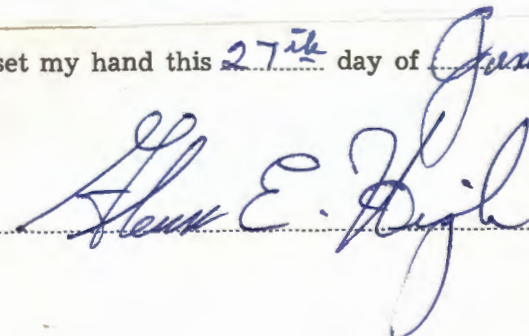
3.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
6.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
6.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
15.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
35.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
17.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 17
T. 18 S., R. 45 E., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June,

19...79



[Handwritten signature]

T. 13 21' S. 42 E. 1/4 N. 1/4

SECTION 11

1.1	ACRES	1/4	2E
5.5	ACRES	1/4	2W
11.4	ACRES	1/2	2E
32.5	ACRES	2E	1/4
12.5	ACRES	2W	1/4
4.4	ACRES	1/4	1/4
4.4	ACRES	1/4	1/4
3.1	ACRES	2W	1/4

... the allocation season of each year. ...
... a division of not to exceed 3 acres per acre for each acre allocated
... of its production for each acre allocated and shall be further limited
... one-fourth

... the corner, section 11
... section 11, T. 13 21' S. 42 E. 1/4 N. 1/4

... second

... first

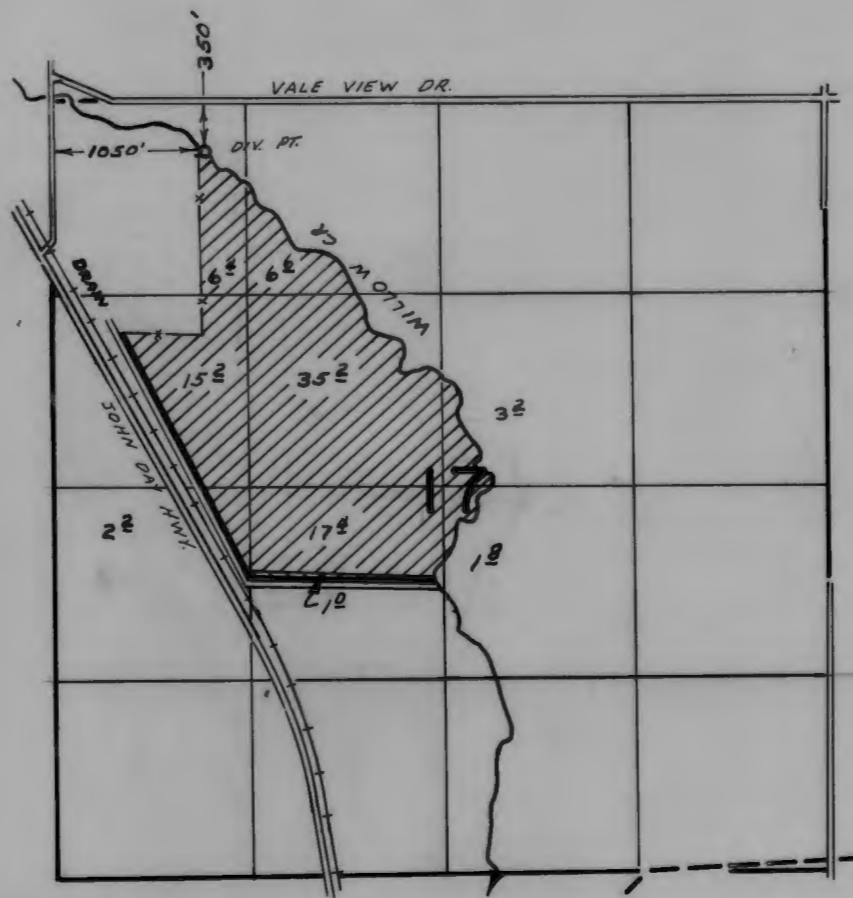
... section 11

... north


... 220 acres

... 220 acres

T.18S. R.45E. W.M.



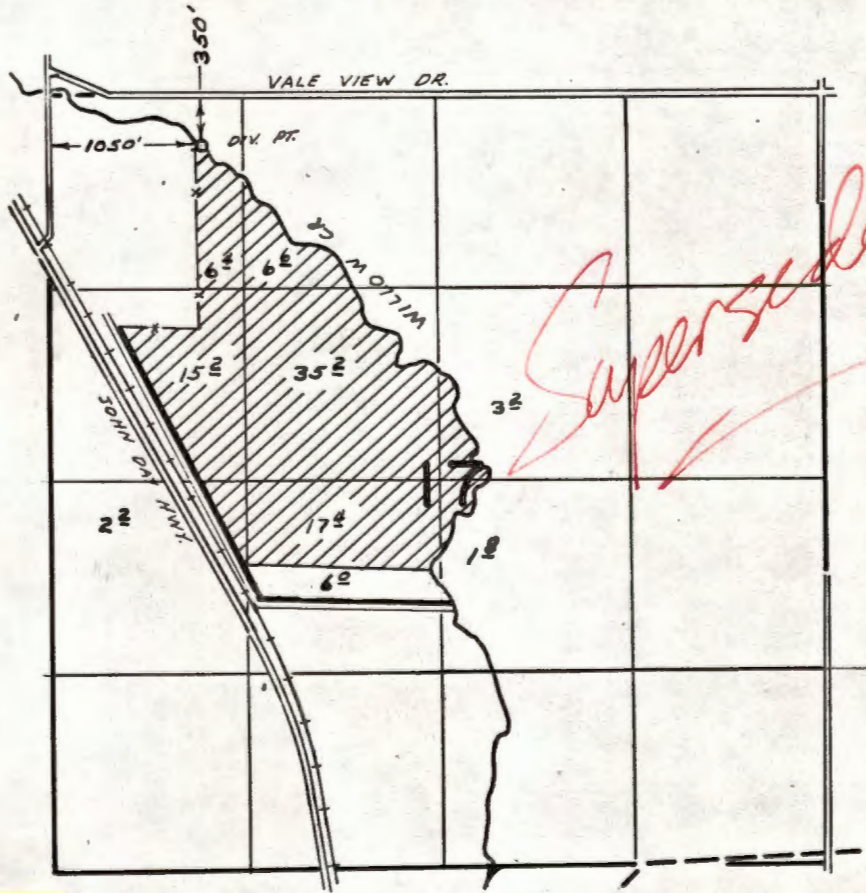
FINAL PROOF SURVEY UNDER

Application No. 59710 52367 Permit No. 44906 37571 

IN NAME OF
GLENN E. HIGH

Surveyed JUN 28 1978, by L. H. NUNN
Aug. 23 1983 by L. M. TOLL

T.18S. R.45E. W.M.



Bud
Not in
Abstract
Book
Lamy

REDRAFTED
2/8/84
LMT

FINAL PROOF SURVEY
UNDER

Application No. 52367... Permit No. 37571...
IN NAME OF

GLENN E. HIGH

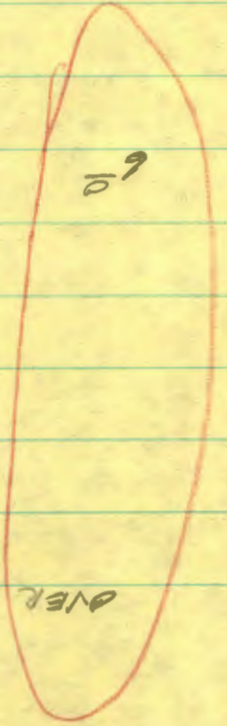
Surveyed JUN 28, 1978, by L.H. NUNN

2. m

L-66-4785
Probably drafted
wrong No. for first
board on district
location

SW 1/4 NE 1/4
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
NW 1/4 SE 1/4

185 45E 17



OVER

(Allow)

32

66

67

152

352

177

22

12

880

SN-06

JED

Abstract of Permit No. 37571

Application No. 52367

Certificate No. *Yellow*

Name **Glenn E. High**
Address **250 YAKIMA ST. S.**
Vale, OR 97918

*up Hwy to left
cut of Yellow*

Source of water supply **Willow Creek, tributary of Malheur River**

Malheur

Use **Irrigation of 88² ac**

Point of diversion ~~679'05" N, 1042' ft from the NW corner, Sec 17, being within the NW1/4, Sec 17, T 18 S, R 45 E, County of Malheur~~

Number of acres **350'S & 1050' E from NW cor. Sec. 17**

~~88.~~

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
18	24	17	SE 1/4 NE 1/4	2.5			7.5	5	15	32.5			21.5	1.5				3
			NE 1/4 NW 1/4															6
			NW 1/4 NW 1/4															4
			SW 1/4 NW 1/4															15
			SE 1/4 NW 1/4															26
			<i>Water Resources Dept.</i>															
			file in the records of the State Engineer and by reference, made a part hereof, and shall be subject to such reasonable rotation system as may be ordered by the proper state official.															

Priority date **August 29, 1974** 76

Amount of water **2.2 cfs**

Time limit to begin construction ~~1-1-75~~

Time limit to complete construction ~~10-1-75~~ extended to extended to

Time limit to completely apply water ~~10-1-77~~ extended to extended to

Remarks: This appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed three acre feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of an agreement between the Warm Springs Irrigation District and the applicant, a copy of which is on

or satisfactory replacement

1988-9
6-28-79
MHT
81-28-9

10-15-77 JSD
103-13-77

6-3-80
6-27-85

Abstract of Permit No. 2571

Application No. 2571

520 YAKIMA ST.

Name

Address

Source of water supply: Mill Creek, City of Yakima, Wash.

Use: Irrigation

Point of diversion: 12.00 ft. above the ground surface at the point of diversion.

Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR TRACT OF LAND

Tract No.	Acres	SW 1/4		NW 1/4		SE 1/4		Total
		Cont.	Uncont.	Cont.	Uncont.	Cont.	Uncont.	
1	1.00		1.00					1.00
2	1.00		1.00					1.00
3	1.00		1.00					1.00
4	1.00		1.00					1.00
5	1.00		1.00					1.00
6	1.00		1.00					1.00
7	1.00		1.00					1.00
8	1.00		1.00					1.00
9	1.00		1.00					1.00
10	1.00		1.00					1.00
11	1.00		1.00					1.00
12	1.00		1.00					1.00
13	1.00		1.00					1.00
14	1.00		1.00					1.00
15	1.00		1.00					1.00
16	1.00		1.00					1.00
17	1.00		1.00					1.00
18	1.00		1.00					1.00
19	1.00		1.00					1.00
20	1.00		1.00					1.00
21	1.00		1.00					1.00
22	1.00		1.00					1.00
23	1.00		1.00					1.00
24	1.00		1.00					1.00
25	1.00		1.00					1.00
26	1.00		1.00					1.00
27	1.00		1.00					1.00
28	1.00		1.00					1.00
29	1.00		1.00					1.00
30	1.00		1.00					1.00
31	1.00		1.00					1.00
32	1.00		1.00					1.00
33	1.00		1.00					1.00
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36	1.00		1.00					1.00
37	1.00		1.00					1.00
38	1.00		1.00					1.00
39	1.00		1.00					1.00
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91	1.00		1.00					1.00
92	1.00		1.00					1.00
93	1.00		1.00					1.00
94	1.00		1.00					1.00
95	1.00		1.00					1.00
96	1.00		1.00					1.00
97	1.00		1.00					1.00
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99	1.00		1.00					1.00
100	1.00		1.00					1.00

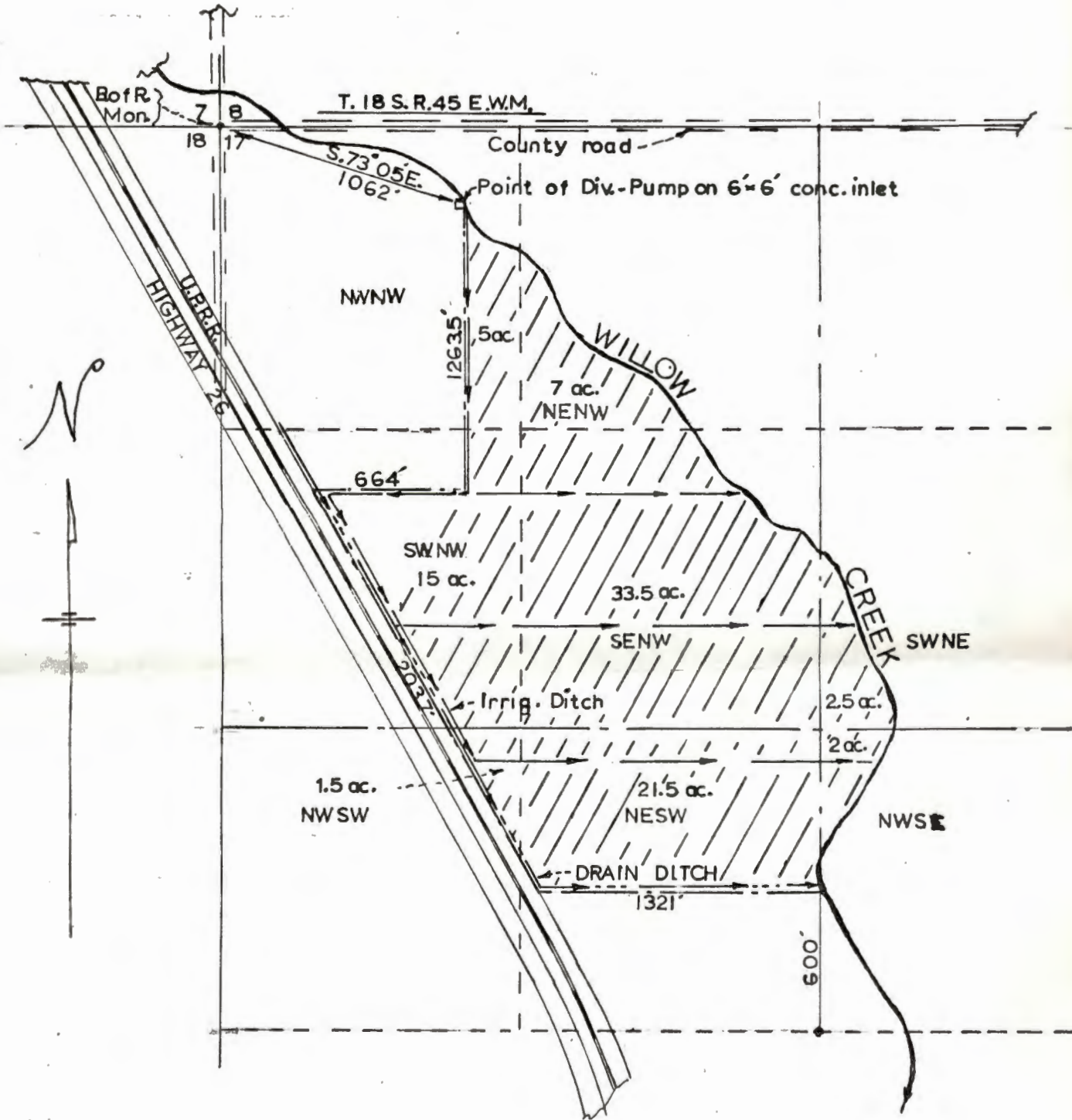
File in the records of the State Engineer and by reference, made a part hereof, and shall be subject to such reasonable regulations as may be ordered by the State Engineer.

Yakima, Wash. 1915

State Engineer

Remission: This appropriation shall be limited to \$100,000 of one cubic foot per second at its outlet for each acre irrigated and shall be furnished in a division of not to exceed three feet per acre for each acre irrigated under the project...





APPLICATION FOR PERMIT
Glenn High ~ Vale, Oregon.
Scale 1"=660'

RECEIVED
AUG 11 1974
STATE ENGINEER
SALEM, OREGON

Application No. 52367
Permit No. 37571

Info: Mr. High

Source: Willow Cr. trib Melheur Riv.

Div: pump from Cr.

Pump: US 15HP @ 1200

Lift pump DD 12" out

Ditches: 3' top, 1' bottom, 2' dp 5-04 in 100' dirt ditches

Tubes: 50-2" siphon tubes

Remarks: Land was irrigated in 1976, not in 77 or 78

Tics 88C-5N-06 For dir pt & most of land. 1978-9 tied to photo

for west & south edge of irrigation.

6-28-78

Joseph H. Jensen
Field Engineer



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 27, 1979

GLENN E HIGH
250 YAKIMA STREET S
VALE OR 97918

RE: File No. 52367

Dear Mr. High:

Enclosed is the application for a permit describing the proposed use of 0.13 cubic foot per second of water from Willow Creek for the irrigation of the 6.2 acres found irrigated that could not be allowed under the terms of your permit No. 37571. A map showing this acreage is also enclosed.

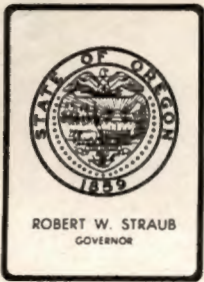
You should review the entries on the application and information shown on the map for correctness, and if you are in agreement, sign the application in the space provided on the third page and submit the application and map with the required fees of \$30.00.

Since the additional 6.2 acres was not included in your original agreement with the Warm Springs Irrigation District, it will be necessary to enter into another agreement for the additional 6.2 acres or submit an excerpt from the minutes of one of their board meetings, indicating that they have no objections to your proposed source and use of water as described in the enclosed application.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:jfv
enclosures



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

June 22, 1979

File No. 52367

Glenn E. High
250 Yakima St., South
Vale, OR 97918

Dear Mr. High

Enclosed is the proof of appropriation of water under your water right permit number 37571

The data contained in the proof is based on an inspection and survey of your project made by a representative of this office. It defines the extent to which the water right has been completed within the terms of your permit. The proof should be carefully examined, dated and signed and returned to this office.

Upon receipt of the proof and the recording fee of \$2.00, a certificate of water right will be issued confirming the right and, after recording in the county records, will be forwarded to you.

You may keep the map print for your records.

Sincerely,

Bruce A. Estes, Supervisor
Survey-Certificate Section
Water Rights Division

Form 690-10-132

Our field engineer found a total of 94.0 acres claimed irrigated in connection with Permit No. 37571 which exceeds the limits of 88.0 acres under the permit. If you intend to establish a legal water right for the additional 6.0 acres, a permit must be obtained. We will assist in making an application for a permit for the additional land at your request.

February 4, 1975

Glenn E. High
Vale, OR 97918

52367

Dear Mr. High:

52367, Permit No. 37571 with a map print.

52367

January 23, 1975

Mr. Glenn E. High
250 Yakima Street South
Vale, Oregon 97918

Dear Mr. High:

The permit has been issued approving your application No. 52367 for the appropriation of 2.2 cubic feet per second of waters of Willow Creek for the irrigation of 88.0 acres in Section, Township 18 South, Range 45 East, W.M. The permit will be mailed to you within a few days, as soon as our office has had an opportunity to mark records.

We have recorded the agreement you have with the Warm Springs Irrigation District and by reference made it part of the permit. Our receipt No. 44853 covering the recording fees is enclosed.

By copy of this letter we are advising the Department of Veterans Affairs and the Warm Springs Irrigation District of this action.

Very truly yours,

Trevor Jones
Assistant

TJ:whh
cc: Les Tvedt, DVA
cc: Harold Henigson
Enc: Receipt No. 44853 \$16.00/

52367

January 23, 1975

Mr. Glenn E. High
250 Yakima Street South
Vale, Oregon 97918

Dear Mr. High:

A permit is being issued approving your application No. 52367 for 2.2 cubic feet per second of waters of Willow Creek for the irrigation of 88.0 acres. The permit will be mailed to you within a few days, as soon as our office has had an opportunity to mark our records.

We have recorded the agreement you sent us and it is enclosed, along with our receipt No. 44853 for \$16.00 covering the recording fee.

By copy of this letter we are advising the Department of Veterans Affairs and Harold Henigson of this action.

Very truly yours,

Trevor Jones
Assistant

TJ:whh
cc: Les Tvedt, DVA
cc: Attorney Harold Henigson
Enc: Receipt No. 44853 \$16.00/Agreement

RECEIVED

JAN 20 1975

STATE ENGINEER
SALEM, OREGON

Vale, Oregon
January 17, 1975

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

Attention: Mr. Trevor Jones

Gentlemen:

I am enclosing herewith permit application #52367 which had been sent to me for the purpose of making a copy of the filed application. Also enclosed is a copy of an agreement between the Warm Springs Irrigation District and myself on the usage of this water.

This property described in the application is being purchased by me on an option agreement. I have applied for a State Veteran's loan and have received the commitment letter from them for the loan. It is presently being held up pending proof of available water for irrigation. The option will expire in a few days and I am desperately trying to get the deal closed and exercise the option before this expiration date.

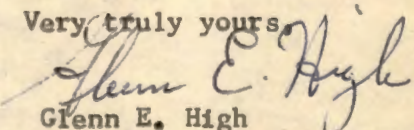
Would you please write a letter and mail it to me stating that the application has been approved (Assuming that the agreement is acceptable to you) and that a permit will be issued. Also, would you please send a copy of that letter to the Department of Veterans' Affairs, 2150 N. E. Studio Rd., Bend, Oregon 97701, and direct it to the attention of Mr. Les Tvedt, Loan Officer.

A check in the amount of sixteen (\$16.00) dollars is enclosed for the recording fee for the eight pages of the agreement.

Enc. 3

GEH/per

Very truly yours,


Glenn E. High
250 Yakima St. South
Vale, Oregon 97918

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52367

January 3, 1975

Glenn E. High
Vale, Or 97918

Dear Mr. High:

As requested, I am returning your application numbered
52367.

The application is endorsed so that in order to retain
its date of priority, it must be received in this office
on or before March 3, 1975.

Very truly yours,

THOMAS E. SHOOK
Assistant

TES:mm
enc:

HENIGSON, STUNZ & FONDA
ATTORNEYS AT LAW

RECEIVED

DEC 16 1974

STATE ENGINEER
SALEM, OREGON

HAROLD HENIGSON
GENE STUNZ
STEPHEN B. FONDA
DANIEL J. VAN DYKE

106 MAIN STREET
NYSSA, OREGON 97913
503 372-2268

December 12, 1974

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Re: File No. 52367
Glenn High

Dear Mr. Jones:

Thank you for your letter dated December 3, 1974, regarding the above numbered application. The minutes of the Warm Springs Irrigation District, which Mr. High submitted to you, reflected the action of the Board to the effect that it would approve Mr. High's application for a water permit provided he entered into an agreement with the District, regarding the use of the water from the drain. It is our understanding that an executed copy of this agreement when completed, will be filed in your office and will be included in any water permit granted to Mr. High.

Mr. High was directed to submit a photocopy of his application as filed in your office but as yet I have not received it. As soon as I obtain a copy of his application I will prepare the necessary agreement with the irrigation district and will endeavor to have it submitted to you as soon as possible. I will appreciate your deferring further action on the above application until the agreement has been completed.

Sincerely yours,



Harold Henigson

HH/lw

52367

December 3, 1974

Mr. Glenn B. High
Vale,
Oregon 97918

Dear Mr. High:

Your application for a permit to appropriate 2.2 cubic feet per second of waters of Willow Creek for irrigation of 88.0 acres was received August 29, 1974 and filed as number 52367. Also received is the map, a copy of a portion of the minutes of the Warm Springs Irrigation District directors and fees of \$39.50 for which our receipt No. 42715 is enclosed.

A permit when issued will provide for appropriation of waters of Willow Creek available at the point of diversion under its date of priority and will be subject to existing rights on the creek. Any water entering the creek from the drain becomes part of the creek flow and is subject to appropriation under any downstream rights. If the flow of the creek, including any water entering from the drain, is not sufficient to satisfy prior rights your diversion would be regulated.

The excerpt of the District minutes makes reference to an agreement to be entered into by you and the District as a condition in the District's decision not to protest approval of the application. We have not received a copy of such an agreement along with a recording fee necessary if it is to be made a part of the permit. On receipt of this immediate attention will be given toward issuance of a permit. I will write Mr. Henigson but suggest you contact the District manager.

Very truly yours,

Trevor Jones
Assistant

TJ:whh
Enc: Receipt No. 42715 \$39.50

52367

December 3, 1974

Mr. Harold Henigson
106 Main Street
Nyssa, Oregon 97913

Dear Mr. Henigson:

Mr. Glenn High submitted an application to appropriate water from Willow Creek and also a copy of a portion of the minutes of a Warm Springs Irrigation District directors meeting. The minutes make reference to an agreement to be made part of the permit. This has not been received, along with a recording fee necessary if we are to record it and make it part of the permit by reference. The recording fee is \$2.00 per page. If the agreement is not to be submitted to us will you please so advise.

A permit approving Mr. High's application will provide for appropriation of waters of Willow Creek subject to prior rights. Any water entering the creek from the drain becomes part of the flow of the creek subject to appropriation by any downstream right. If the flow of the creek, including any water entering the creek from the drain, is not sufficient to satisfy earlier downstream rights the diversion by Mr. High would be regulated.

Very truly yours,

Trevor Jones
Assistant

TJ:whh

