

Name Fish Lake Improvement District
By Rt. 1, Box 221
Address Halfway, Oregon 97834

Application No. 25631
Permit No. 20175
Certificate No. 35415

Stream Index, Page No. 9-24

See also No. R.25508

Date filed February 8, 1951
Priority February 8, 1951
Action suspended until OK

Returned to applicant _____
Date of approval June 15, 1951

CONSTRUCTION

Date for beginning June 15, 1952
Date for completion October 1, 1953
Extended to 10-1-54

Date for application of water October 1, 1954
Extended to 10-1-60

PROSECUTION OF WORK

Form "A" filed *See app. No. R-25508*
Form "B" filed *see extension of time*
Form "C" filed *see letter Feb. 24, 1961*

FINAL PROOF

Blank mailed Aug. 13, 1968
 Proof received _____
 Date certificate issued OCTOBER 31 1968

FEE PAID

Date	Amount	Receipt No.
2/20/51	62.40	11667
	B. P. Fee	
10-2-68	\$1 Cert. Fee	11667

FEES REFUNDED

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

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

5.3 cfs from Lake Fork Creek, Fish Cr., Dry Cr. and West Dry Cr. and 299 ac. ft. from Fish Lake Res. to be constructed under Appl. No. R. 25508, Permit No. R. 1116 for irrigation and supplemental irrigation of 837.8 ac.

JUN 15 1952 CARD FOR A

OCT 15 1953 CASD FOR A

OCT 28 1954 CARD FOR B-0

OCT 17 1968 CARD FOR C

JAN 6 1951 FORM 100

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.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Fish Lake Improvement

R-1116

I, PHILLIP WILSON, Secretary of District, the holder of Permit No. 20175

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 25th day of June, 1960.

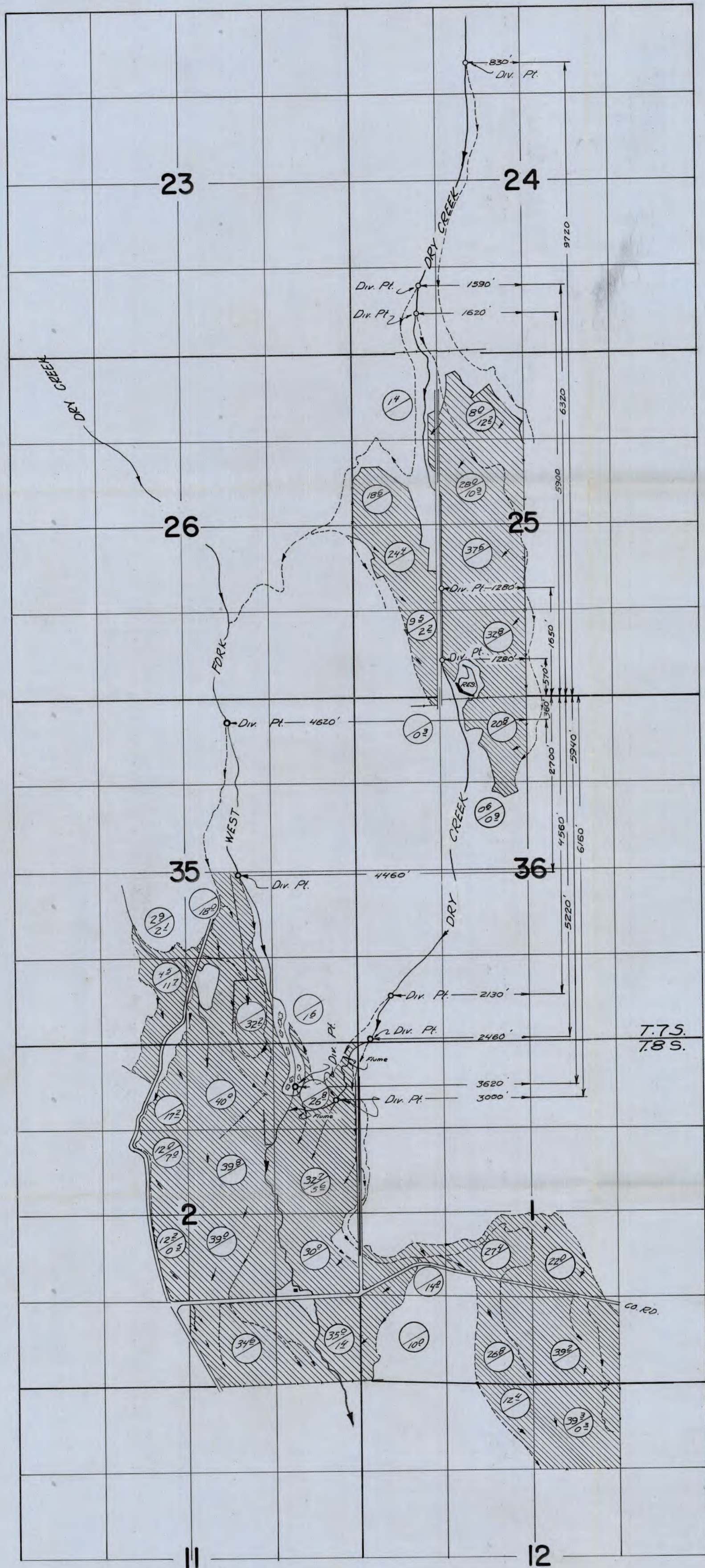
Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of February, 1961.

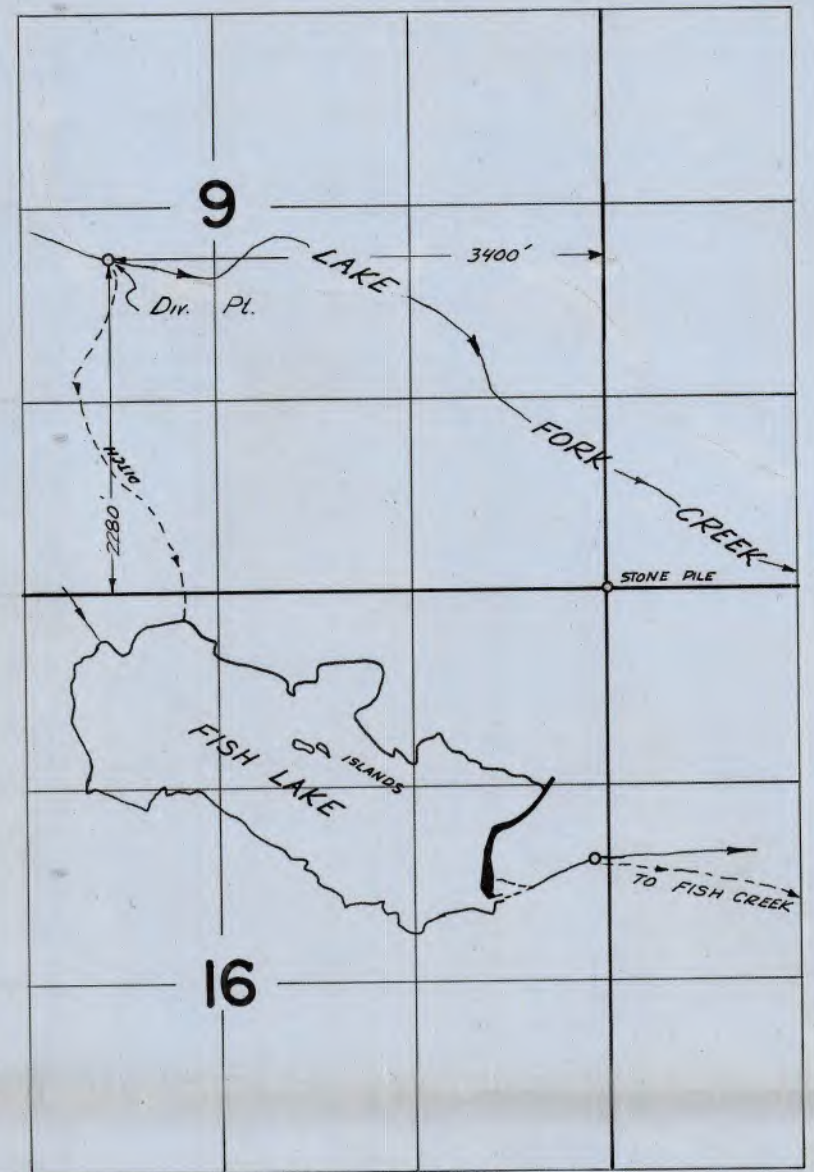
Fish Lake Improvement District
By Phillip Wilson, Sec.
(Signature of Applicant)

Halfway, Oregon
(Address)

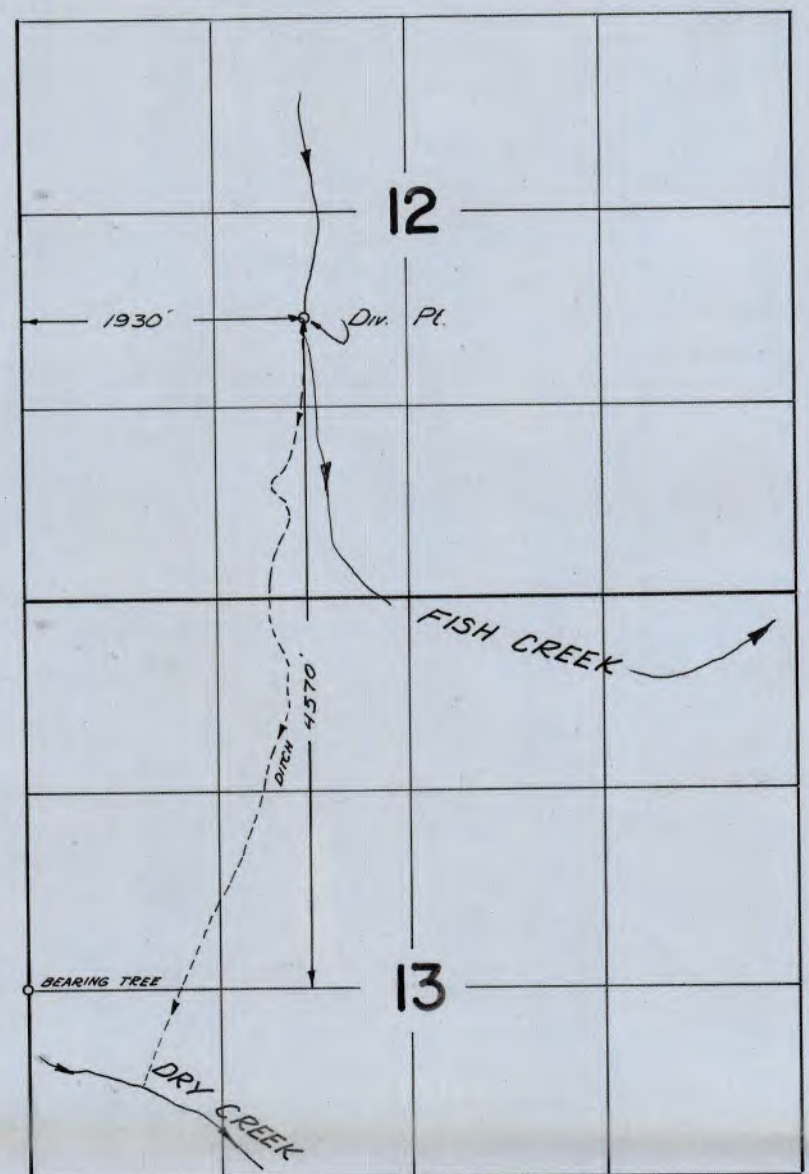
T.7&8S. R.46E.W.M.



T.6S. R.46E.W.M.



T.7S. R.46E.W.M.

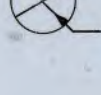


FINAL PROOF SURVEY

UNDER
Application nos. R 25508 25631 Permit nos. R 1116 20175

IN NAME OF
FISH LAKE IMPROVEMENT DISTRICT

Surveyed Aug. 1,2,3, 1967 by V. Garner

 Lands for which prior rights exist - supplemental
 Primary irrigation

378-3066 or
1-800-452-7813

April 16, 1980

Silven, Young & Schmeits
P.O. Box 965
Baker, OR 97814

Dear Mr. Schmeits:

REFERENCE: File 25631

Pursuant to your request, enclosed are the copies of the certificates recorded at pages 10213, 10235, and 35415 in Volumes 9 and 27, State Record of Water Right Certificates along with copies of the related survey maps. Our receipt No. 17030 covering the copying fee of \$3.00 you submitted is also enclosed.

While in most cases the rights described by the certificates will be valid, you are cautioned that the rights or any part thereof may be lost through intentional abandonment or forfeited by five successive years of non-use. Our records will not show that any portion of a right has been lost until a cancellation proceeding has been completed.

Sincerely,

STEPHEN C. BROWN
Water Rights Engineer

SB
enclosures

RECEIVED

APR 11 1980

WATER RESOURCES DEPT
SALEM, OREGON

DAVID C. SILVEN
THOMAS F. YOUNG
ALAN J. SCHMEITS
FLOYD C. VAUGHAN

LAW OFFICES

SILVEN, YOUNG & SCHMEITS

1950 THIRD STREET

P. O. BOX 965

BAKER, OREGON 97814

TELEPHONE (503) 523-4442

NICHOLS & HALLOCK
1919-1922

NICHOLS, HALLOCK & DONALD
1923-1929

HALLOCK, DONALD & BANTA
1930-1945

HALLOCK, DONALD, BANTA & SILVEN
1946-1950

HALLOCK, BANTA, SILVEN & HORTON
1951-1954

BANTA, SILVEN & HORTON
1955-1959

BANTA, SILVEN, HORTON & YOUNG
1960-1962

BANTA, SILVEN & YOUNG
1963-1978

April 9, 1980

Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, Oregon 97310

Dear Sir or Madam:

Enclosed is a check for \$3.00 for issuance of the following
certificates of water rights:

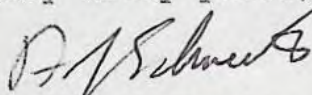
C-10213

C-10235

C-35415

The present owner of said water rights is Ray Wilson, and the
prospective purchasers are Darrel L. Bigelow and Geraldine
Bigelow, husband and wife. Please forward these certificates
to my office for further transfer.

Very truly yours,


Alan J. Schmeits
AJS:ck

Permit No.

2017

RECEIVED

OCT 2 1968

County

Baker

Application No. 25631

STATE ENGINEER
SALEM OREGON**Proof of Appropriation of Water**

Rt. 1 Box 221

1. Name Fish Lake Improvement District 2. Address Halfway, Oregon
Lake Fork Creek, Fish Creek, Dry Creek and West Dry Creek and 299 acre
3. Source of supply feet from Fish Lake Reservoir constructed under Application No. R-25508,
Permit No. R-1116
 Tributary of Pine Creek
4. Amount of water 5.3 cubic feet per second 5. Priority date February 8, 1951
6. Use irrigation of 215.9 acres and supplemental irrigation of 590.5 acres
SEE BELOW
7. Location of point of diversion Sec., Twp., Range, 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				
SEE ATTACHED SHEET				

Location of point of diversion: $NE\frac{1}{4}$ $SW\frac{1}{4}$, Section 9, T. 6 S., R. 46 E., W. M.; $NE\frac{1}{4}$ $SW\frac{1}{4}$, Section 12; $NE\frac{1}{4}$ $NW\frac{1}{4}$, $SW\frac{1}{4}$ $SW\frac{1}{4}$, Section 24; $NE\frac{1}{4}$ $SW\frac{1}{4}$, $SE\frac{1}{4}$ $SW\frac{1}{4}$, Section 25; $NW\frac{1}{4}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$, Section 35; $SW\frac{1}{4}$ $SW\frac{1}{4}$, Section 36, T. 7 S., R. 46 E., W. M.; $NE\frac{1}{4}$ $NE\frac{1}{4}$, Section 2, T. 8 S., R. 46 E., W. M. Diversion points located: Lake Fork Creek - 2280 feet North and 3400 feet West from SE Corner, Section 9, T. 6 S., R. 46 E., W. M. Fish Creek - 4570 feet North and 1930 feet East from $W\frac{1}{4}$ Corner, Section 13, T. 7 S., R. 46 E., W. M. Dry Creek - 9720 feet North and 830 feet West; 6320 feet North and 1590 feet West; 5900 feet North and 1620 feet West; 1650 feet North and 1280 feet West; 570 feet North and 1280 feet West; 4560 feet South and 2130 feet West; 5220 feet South and 2460 feet West; 6160 feet South and 3000 feet West; all from the $N\frac{1}{4}$ Corner, Section 36, T. 7 S., R. 46 E., W. M. West Fork Dry Creek - 360 feet South and 4620 feet West; 2700 feet South and 4460 feet West; 5940 feet South and 3620 feet West; all from the $N\frac{1}{4}$ Corner, Section 36, T. 7 S., R. 46 E., W. M.

This appropriation shall be limited to one-fortieth of one cubic foot per second or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under permit number R-1116;

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 30 day of September,

1968

Donald B Martin
 President of Fish Lake Improvement
 District

*

1 2 2 0
1 0.9 0
2 2 0
2 1 0
1 1.7 0
1 8.0 0
3 2 2 0
1.6 0
3 0
9 0
1 4 0 0
1 0.0 0
2 6.8 0
4 0.0 0
5.6 0
1 7.2 0
7.0 0
5 0
1.4 0
3 0

2 1 4.9 0 *

8.0 0
1.4 0
1 8.6 0
2 8.0 0
3 7.6 0
2 4 4 0
9 5 0
3 2 8 0
2.9 0
4 5 0
2 0.8 0
6 0
2 7.4 0
2 6.8 0
2 2.0 0
3 9 2 0
3 9.8 0
3 2.7 0
1 2 0 0
1 2 2 0
3 0.0 0
3 9 0 0
3 4 6 0
3 5.0 0
3 9.3 0
1 2.4 0

5 9 1.5 0 *

Primary	Supplemental	
12.2 acres	8.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	1.4 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	18.6 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$
11.9 acres	27.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
	37.6 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	24.4 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
2.2 acres	9.5 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	32.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25

2.1 acres	2.9 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
11.7 acres	4.5 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
18.0 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
32.2 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.6 acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

	20.8 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 acre		NW $\frac{1}{4}$ NW $\frac{1}{4}$
0.9 acre	0.6 acre	SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36

T. 7 S., R. 46 E., W. M.

	27.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
14.0 acres		NW $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres		SW $\frac{1}{4}$ SW $\frac{1}{4}$
	26.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	22.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	39.2 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 1

26.8 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$
	39.8 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.6 acres	32.7 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
17.2 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.0 acres	12.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.5 acre	12.2 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	30.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	39.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	34.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.4 acres	35.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2

0.3 acre	39.3 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
	12.4 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 12

T. 8 S., R. 46 E., W. M.

Primary	Supplemental	
12.2 acres	8.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
	1.4 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	18.6 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$
11.9 acres	27.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
	37.6 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	24.4 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
2.2 acres	9.5 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	32.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25

2.1 acres	2.9 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
11.7 acres	4.5 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
18.0 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
32.2 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.6 acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

	20.8 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 acre		NW $\frac{1}{4}$ NW $\frac{1}{4}$
0.9 acre	0.6 acre	SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36

T. 7 S., R. 46 E., W. M.

	27.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
14.0 acres		NW $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres		SW $\frac{1}{4}$ SW $\frac{1}{4}$
	26.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	22.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	39.2 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 1

26.8 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$
	39.8 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.6 acres	32.7 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
17.2 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.0 acres	12.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.5 acre	12.2 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	30.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	39.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	34.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
1.4 acres	35.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 2

0.3 acre	39.3 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
	12.4 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 12

T. 8 S., R. 46 E., W. M.



ROBERT W. STRAUS
GOVERNOR

Water Resources Department

1178 CHEMEKETA STREET N.E., SALEM, OREGON 97310 PHONE 378-3739

February 9, 1977

File R-25508
25631
F-4

Jay H. Joshep
RR #1, Box 175
Halfway, OR 97834

Dear Mr. Joshep:

The plan you propose in your letter of February 4, 1977 is essentially the same as proposed and filed for in July 29, 1959. This 1959 filing was rejected in 1960 because of apparent lack of interest by your group. A review of our files indicates that the Soil Conservation Service, the U.S. Forest Service, and this office had carefully considered this plan, and concurred this was a feasible operation, with certain reservations. The major concern voiced the effect of the increased head on the Seep's located in the south abutment; however, all agreed there was an excellent chance this increase would not cause failure to the structure, and close observation of the increase in seepage would be a necessity. The second concern was that of adequate spillway capacity with this partial spillway blockage. Our engineer's analysis shows that a natural swale located near the head of the Reservoir would handle this flow; however, the exact topographical configuration should be determined and flows computed.

Since a considerable portion of this office's engineering has been done, I can see no problems with your plan. However, it is essential that several inspections of the leakage zones be made and then increased flows be evaluated as to dam safety. Also the flow capacity of the natural swale be computed and evaluated. This work would be accomplished this summer.

To establish the right to increase the storage of water in this Reservoir, it is necessary that you obtain Water Resources Department Permits not only to store the water, but to appropriate this water for use. These filings are to be accompanied by the necessary supporting data; plans, maps, and fees. I suggest you contact the Soil Conservation Service for a copy of the July 1950 plans to obtain the necessary information to complete the filings. If they cannot help with this, I suggest you retain a licensed engineer. Jim Hanley in Baker is acquainted with this Reservoir.

For your convenience in making these filings, I have enclosed the appropriate applications together with the Rules and Regulations.

Cordially,

A.M. Petska, Engineer

AMP:lds

cc: V. Kent Searles, Watermaster
Soil Conservation Service, Baker Area Office

September 18, 1968

Fish Lake Improvement District
Halfway,
Oregon 97834

Gentlemen:

On August 13, 1968, we mailed you copies of proofs of the certificates in connection with the incomplete water rights represented by your permits numbered R-1116 and 20175 for the storage and use of water from Lake Fork Creek, Fish Creek, Dry Creek and West Dry Creek, together with the instructions that the statement at the bottom of each page be signed and the copies be returned to this office accompanied by the certificate recording fees in the amount of \$2.00.

To date these forms have not been received nor has any correspondence regarding reasons for not returning them been received. This is to notify you that unless we receive the signed proof forms and the certificate recording fees, or a request for additional time within thirty days from the date of this letter, we will be required to take steps toward the cancelation of these permits.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:kmh



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

R-25508
REFER TO
FILE NO. 25631

August 13, 1968

Fish Lake Improvement District
Halfway,
Oregon 97834

Gentlemen:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No.R-1116 and 20175.

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

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

Chris L. Wheeler

CHRIS L. WHEELER
State Engineer

Form 117

Enclosure
kmh

Please submit \$1.00 for each permit.

February 5, 1964

David B. Hall
Watermaster, District 8
County Courthouse
Baker, Oregon

Dear Dave:

When I was last in Baker, we discussed briefly permits R-1116 and 20175 for the Fish Lake Improvement District. At one time there was some dispute over what was irrigated and this apparently created a problem on the sale of one of the tracts to be irrigated. This apparently has been resolved but the owners are anxious to complete the proof under the permits when possible. I know you can't do anything about these right now but would you do the necessary field work whenever the opportunity presents itself. I think my notes on the proof form outline the problem.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:jb

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959

October 11, 1963

file

RECEIVED
OCT 11 1963
STATE ENGINEER
SALEM, OREGON

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Re: Fish Lake Improvement District (Donald B. Martin rights)
Your File No. 25631

Dear Mr. Jones:

This will acknowledge your letter of October 10th.

I have again reviewed the file, and actually I do not see where this one is hurting too bad. I would, of course, like to get it cleared up and behind us, with the rights definitely established and fixed, as soon as practicable. However, as you say, this one is not so very old and with the Martin-Holmes controversy settled, the thing could now ride along for awhile without serious results. Accordingly, if you do run into budget problems, this is one that can be deferred.

You will of course advise if and when any further action is required from us.

Thanking you for your courtesy, we remain,

Yours sincerely,

BANTA, SILVEN & YOUNG

By

Harold Banta

HB:dj

October 10, 1963

Banta, Silven, Horton & Young
1950 Third Street
Baker, Oregon

Attention: Harold Banta

Gentlemen:

I had hoped that we could send a field engineer back to Baker County this year to do some additional surveying in regard to permits of Fish Lake Improvement District. Unfortunately, there were too many other areas with older surveys than Baker County and then last month we were required to complete the surveys for a large block of inchoate rights on Wood River. Perhaps I will be able to work something out with the watermaster yet this fall if we are not required to make substantial budget cuts.

Very truly yours,

CHRIS L. SHELTER
State Engineer

By
Trevor Jones
Assistant

TJ:jb

90

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
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1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959

September 24, 1963

RECEIVED
SEP 26 1963
STATE ENGINEER

Mr. Trevor Jones, Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Re: R-25508, 25631 - Fish Lake Improvement District -
Donald B. Martin water rights

Dear Mr. Jones:

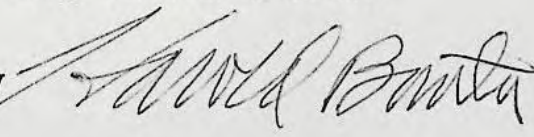
Last year we had considerable correspondence regarding the preparation of maps in connection with the final proof survey under these applications. As I recall it, the matter was left at the time of our last telephone conversation with the understanding that your field engineer would return to the ground this spring and make a further examination in an effort to resolve some discrepancies and uncertainties that had developed in connection with previous examinations, as regards particularly the acreage under irrigation in the Martin lands.

We will appreciate advice from you as to the present status and whether any further information or assistance may be required from our office.

Yours sincerely,

BANTA, SILVEN & YOUNG

By



HB:dj

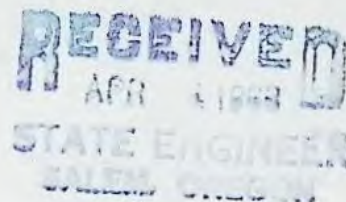
HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

April 3, 1963

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959

Mr. Trevor Jones
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon



Re: Fish Lake Improvement District - R-25508, 25631

Dear Mr. Jones:

You will, of course, recall our correspondence and telephone conversations last year regarding final proof survey and the issuance of water right certificates to evidence these rights. In our last telephone conversation I mentioned to you the fact that the owners of the lands involved had agreed between themselves for an allocation of the reservoir water which was to be followed through in issuing the certificates in substantially the same manner as was done in connection with the Whited Reservoir company.

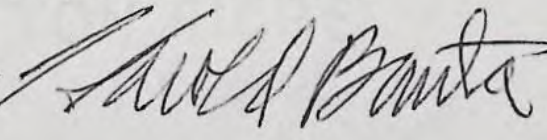
In order to confirm this, we now enclose herewith for your file copy of Landowners' Notice and Covenants by Landowners which has been duly executed and acknowledged by all landowners of the district and confirmed by the appropriate officials of the district itself. This sets out the agreement and allocation in detail.

It is my understanding that later on this spring a representative from your office will be back on the ground and you will then complete the final proof maps and be ready for the preparation of a tentative form of water right certificate to be used in making final proofs under the permits.

We will await further word from you in due course. Again thanking you for your cooperation, we remain,

Yours sincerely,

BANTA, SILVEN & YOUNG

By 

HB:dj

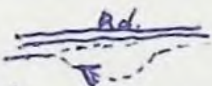
Nov 8 1962

Dear Trevor

included

I gave all the land West of the new rd even though some of it did not look good. After it crossed the road the second time however I cut him off as it did not look to be on the App.

I also cut him out of some land on the east side of the place (Just east of that land shown on 1962-B) as it was very rocky & seemed unable to even hold much cheat grass.

On 1962-B there is a ditch shown & Land given that I now think may be that piece Mr. Campbell was talking about in the first place. It resembles  → N? & was irrigated or looked irrigated when we were there & that is very likely the 1½ acres Mr. Campbell was talking about.

Tom.

North

Center Sec. 100

0.4 mi.



Long
Wood rd. Rd.

November 13, 1962

Law Offices
Banta, Silven, Horton and Young
1950 Third Street
Baker, Oregon

ATTN: Mr. Harold Banta

Dear Sir:

I had thought that we would have our field crews in to complete their maps before now and apologize for not doing something sooner to furnish you the required information in connection with permit number 20175 in the name of Fish Lake Improvement District.

I have the data obtained by our field engineer, but I need some more information from him to put the whole thing together. He mapped the land lying west of the relocated road and apparently agreed with the application map. He also mapped the land east of the relocated road and he differs somewhat with the application map in that some land on the east side was excluded because of lack of evidence of beneficial use of water.

I am enclosing a pencil tracing taken from two separate maps by our field engineer and a copy of the application map. I have not shown acreage figures on the map our engineer made, but you will note that the area agrees with the application map for most of the area.

Our field engineer will be in the office Monday and Tuesday of next week and I will send any other information he has at that time.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp
Enc. (2)

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
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1951-1954
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1955-1959

November 5, 1962

Mr. Trevor Jones, Assistant State Engineer
Water Resources Department
Salem 10, Oregon

Re: Fish Lake Improvement District - Permit No. 27015
Your File Nos. R-25508, 25631

Dear Sir:

This will refer to your letter of September 28th to Mr. William L. Jackson, attorney of this city who represents Holmes and Buchanan, and previous correspondence and conversations regarding the irrigated acres to be allotted the Martin lands on final proof survey. In your letter you state when your field engineer comes in on October 8th you will get all the data he has and will perhaps be able to cover the area we are concerned with. Even if you are not able to do any detailed mapping at this time, I wonder if you could not go over the data you have and then give me an approximate idea of how many irrigated acres Martin will end up with and the approximate extent of the variation, if any, from the maps prepared by the Soil Conservation Service which accompanied the application.

As you will note from past correspondence, some controversy had already arisen over the amount of irrigated acreage contained within the lands Buchanan sold to Holmes, and Holmes in turn sold to the Martins. We had about worked out a settlement of this controversy upon a compromise basis when the matter of the proof survey and a further possible substantial reduction in acreage in connection with it developed. Mr. Holmes, particularly, is very anxious to get the settlement closed--in fact any substantial further delay is apt to imperil the whole negotiations. We, on the other hand, do not feel that we can safely proceed, although we are anxious to cooperate, until we know with reasonable assurance approximately what we are going to end up with as the result of the final

Mr. Trevor Jones
Page 2.

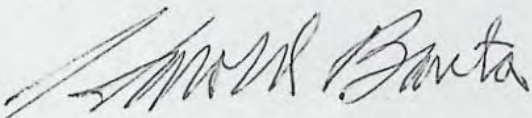
November 5, 1962

proof survey. Your cooperation in assisting us to work this out will be greatly appreciated.

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By



A handwritten signature in cursive script, appearing to read "Mark Banta".

HB:dj

cc - Mr. William L. Jackson
Jackson & Johnson, Attorneys
Baker, Oregon

September 28, 1962

Mr. William L. Jackson
Jackson and Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Dear Mr. Jackson:

Mr. Harold Banta wrote regarding the Martin lands under permit number 27015 of the Fish Lake Improvement District. Our field engineer had been over the land before this letter, and he was then sent back to contact Mr. Martin, and/or Mr. Buchanan, to go over the area described in the affidavits Mr. Banta submitted.

I cannot yet furnish any information as to what our field engineer mapped. If there was considerable difference in opinion as to what land should be included, I intended to go over it myself. He did not turn in an adverse report, so I presume that there was no disagreement.

It will take some time to prepare the map, as part was surveyed, and the application map was accepted in part. When our field engineer comes in on October 8, I will get all the data he has, and perhaps will be able to cover the area you are concerned with. We do not do any mapping until after the field season is completed, and the field engineers come in for the winter. We will take care of this as soon as possible, so you may have all the needed information.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp

cc: Mr. Harold Banta

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
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August 20, 1962

RECEIVED
AUG 21 1962
STATE ENGINEER
SALEM, OREGON

Mr. Trevor Jones, Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem, 10, Oregon

Re: R-25508, 25631, Fish Lake Improvement District -
Donald B. Martin rights

Dear Mr. Jones:

Thank you very much for your letter of August 15th.

Needless to say, we will under the circumstances hold everything in abeyance until we hear further from you. I sincerely hope that this whole thing was the result of a misunderstanding and that there will be no serious controversy over the validity and extent of the rights as evidenced by the application.

Again thanking you for your courtesy, we remain,

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By *Harold Banta*
dj

HB:dj

August 15, 1962

Law Offices
Banta, Silven, Horton & Young
1950 Third Street
Baker, Oregon

Attention: Mr. Harold Banta

Dear Mr. Banta:

The representative of this office who talked to Mr. Buchanan in reference to the permits of Fish Lake Improvement District must have been one of our field engineers and not Mr. Gustafson. Our field engineer apparently surveyed part of the land and accepted the application map on the other part but until I have had an opportunity to discuss this with him, I can not tell if there was any misunderstanding or not.

Mr. Tom Lauer, the field engineer, is in Baker County this week and next and started the week staying at the Hereford Hotel but may move to Halfway before his two weeks are up. I will write to him in the attempt to get the required information in the event he does not already have it. If I fail to reach him in Baker, I will furnish what information we have when he returns and we will then delay action in regards to these permits until a later date.

I hope that you can delay further discussion between the parties involved in the dispute you mention for a short time. Mr. Lauer is one of our new field engineers and I think there is a chance he may not have made himself clear in talking to either Mr. Martin or Mr. Buchanan or both but in any case when I can get together enough information, I shall write you further.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jh

August 15, 1962

Tom Lauer
c/o Hereford Motel
Baker, Oregon

Dear Tom:

Mr. Harold Banta, Law Firm of Banta, Silven, Horton & Young, wrote regarding permits numbered 20175 and R-1116 in the name of the Fish Lake Improvement District. There seems to be some question regarding the lands along a relocated road in Section 35, T. 7 S., R. 46 E. I checked your plane table sheet with a rather skinny report. I can't answer Mr. Banta's letter because I am not sure what they are talking about.

Would you again contact Mr. Donald Martin and if necessary, Mr. Howard Buchanan and recheck the land in question. The photographs are of little value to you but I am sending them along with this letter. Also enclosed are the proof forms. I won't send a plane table sheet as you will undoubtedly remember what you previously surveyed. The photograph will show the old location of the road so show the new location on your survey. You may have a difference in opinion with Mr. Martin as to what is irrigated so if this is the case, make a complete report and survey his claims even though they possibly won't be allowed. Apparently you intended to accept the application map for part of the job and perhaps this is alright but in addition, put it on the photograph and make a few measurements for determination of scale. Please bear in mind that you are dealing with a 1954 photograph and an application map made in part off photographs and in part off adjudication surveys made quite a number of years ago. I have a little trouble in reconciling the application map with the photograph in Sections 25 and 26. I can't get a very good match in Sections 1 and 12 either.

I have considerable trouble in Baker County and do not wish to go into a disagreement without considerable data to back up our position. I am enclosing a copy of an affidavit prepared by Mr. Buchanan. I won't enclose Mr. Banta's lengthy letter because I don't think this will help you any. Whatever you do, exercise a great deal of care as the information indicates that there may be a suit between Mr. Holmes, Mr. Martin and Mr. Buchanan. Do not commit yourself and if there is enough difference of opinion, I will come up and look at the land in dispute.

August 15, 1962

The army Engineer just wrote regarding a certificate for the permit to the Baker Air Force Station so will you make the inspection for that and the transfer involved. I know I told you earlier to delay this but the letter from the Army Engineer changes my opinion.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

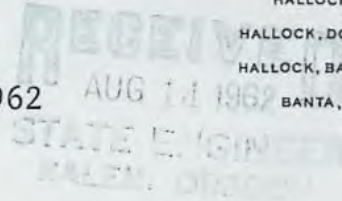
TJ:jh
Enc.

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
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1950 THIRD STREET
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1955-1959

August 13, 1962



Office of the State Engineer
Water Resources Department
Salem 10, Oregon

Attn: Mr. James W. Carver, Jr., Assistant

Re: Fish Lake Improvement District - Final Proof Survey
Your Applications No. R25508 and 25631
Permits No. R-1116 and 20175

Gentlemen:

We are addressing this letter to the attention of Mr. Carver as he is the one with whom our previous correspondence dealing with this matter has been exchanged. We are not sure, however, that he will be the one handling the present aspects of the matter, and are of the impression that Mr. Fred Gustafson was the assistant who was up here on about July 17th to make the final proof survey, and is the man who presumably talked to Mr. Howard Buchanan.

In any event, I was not available while he was here, but learned from talking to Mr. Donald B. Martin, whom we represent, shortly thereafter, that Gustafson had advised him that a question of abandonment had arisen as regards some 26 acres of irrigated land covered by the permit and situated, as I understand it, in the $W\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ of Sec. 35, Twp. 7 South, Range 46, E.W.M., and the $E\frac{1}{2}NW\frac{1}{4}$ of Sec. 2 in Twp. 8 South, Range 46. The area in question is, I believe, the portion lying westerly or above the road as now constructed in a northerly and southerly direction through these subdivisions. According to my understanding, this area is served by existing ditches and was actually irrigated by Mr. Martin this year.

It appears, however, that Mr. Gustafson had talked to Howard Buchanan, the legal owner of this area, from whom Martin is purchasing under contract through assignment of the

August 13, 1962

former vendee, Holmes, and got the impression from him that this area lying above the road had not been irrigated for more than five years before Martin took over. Immediately upon hearing of this, we contacted Mr. William L. Jackson, Buchanan's attorney, and he has in turn contacted and secured an affidavit from Howard Buchanan, which is enclosed herewith for your consideration. According to Buchanan's affidavit, it would appear that there was a misunderstanding between him and Mr. Gustafson as to the area under discussion. As I understand it, the existing road does not conform entirely to its location as shown on the map accompanying Application No. 25631, Permit No. 20175, particularly in respect to the portion that traverses the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35-7-46 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2-8-46. Here the road was re-routed about 1956 by N. C. Jones, who then owned land in the area, and in the course of the re-routing a small tract, approximately 1 $\frac{1}{2}$ acres, lying to the east or below (not to the west or above) the road, could no longer be reached from the high ditch, and was abandoned. This is the area which Buchanan had in mind when he talked to Gustafson.

We will appreciate your further consideration of this matter in the light of the foregoing, and advice in due course as to just what lands will be included and deemed eligible for the issuance of final certificate under this permit. In that connection we would like to receive, as soon as it is available, a copy of the plat of the final proof survey.

In order that you will appreciate the seriousness of the matter from our standpoint, I will say that a dispute had previously arisen over the amount of irrigated acres included in the Holmes to Martin sale, which it appeared for a time might have to be resolved by litigation. We had been able, after prolonged negotiations, to work out a tentative settlement of this dispute, predicated upon the assumption that the land shown eligible to receive Fish Lake water under this permit would have that right confirmed. If some 26 acres of that land are now denied water through abandonment, it will blow our settlement higher than a kite and may result in litigation not only between Holmes and Martin, but also between Holmes and Buchanan, if as I understand is the case, Holmes relied upon this land as being under irrigation when he bought from Buchanan.

Office of the State Engineer
Page 3.

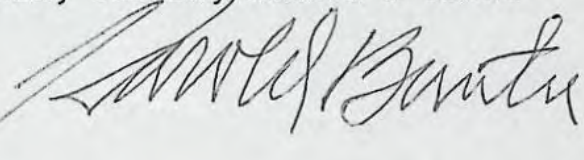
August 13, 1962

We will appreciate your consideration of this matter
and advice in due course.

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By



HB:dj

cc - Mr. W. L. Jackson
Jackson & Johnson, Attorneys
Baker, Oregon

Mr. A. S. Grant
Grant, Fuchs, Rose & Daron, Attorneys
Baker, Oregon

April 27, 1962

Jackson and Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Attention Mr. Jackson

Gentlemen:

I have your letter of April 16 in regard to ownership of the Fish Lake Reservoir.

Permits numbered R-1116 and 20175, authorizing construction of Fish Lake Reservoir and storage of water therein for irrigation purposes and the appropriation of water from the reservoir and from liveflow of particular streams, were issued in approval of applications numbered R-25508 and 25631 which were filed in this office on December 15, 1950 and February 8, 1951, respectively, in the name of the Fish Lake Improvement District.

I cannot find any reference to ownership of the Fish Lake Reservoir prior to the time the applications were filed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

WILLIAM L. JACKSON
H. B. JOHNSON

JACKSON & JOHNSON
ATTORNEYS AT LAW
1933 COURT STREET - P. O. BOX 851
BAKER, OREGON

TELEPHONE
JACKSON 3-3634

April 16th. 1962

Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
APR 17 1962
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

The undersigned, together with Mr. A. S. Grant, represents Mr. Charles P. Holmes who sold some property in the Halfway area to a fellow by the name of Donald B. Martin who is represented by Mr. Harold Banta, of Banta, Silven Horton & Young. The parties are having difficulties adjusting and straightening their water rights, the Holmes property being under the Fish Lake Improvement District.

Some question exists in the mind of Mr. Banta about the ownership of the water in Fish Lake and the distribution system from it especially the Five Point Ditch.

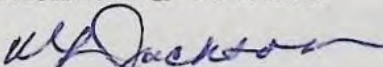
Apparently at one time Fish Lake Reservoir was owned by the Fish Lake Ditch and Reservoir Co. and at one time the Five Point Ditch was owned by the Five Point Ditch Co.

Mr. Grant and I thought that possibly your records would show some transfer of rights from the old Fish Lake Reservoir & Ditch Co. to the Fish Lake Improvement District or at least might possibly reveal the fact that the Fish Lake Reservoir & Ditch Co. had abandoned its rights in this particular project.

We would very much appreciate anything you might have that would shed some light on this problem.

Yours very truly,

JACKSON & JOHNSON


W. L. Jackson

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

25508
NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
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HALLOCK, DONALD, BANTA & SILVEN
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April 10, 1962

Mr. James W. Carver, Jr.
Assistant State Engineer
Water Resources Department
Salem 10, Oregon

RECEIVED
APR 12 1962
STATE ENGINEER
SALEM, OREGON

Re: Fish Lake Improvement District - Permits No. R-1116
and 20175

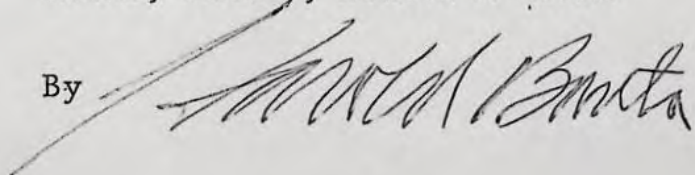
Dear Mr. Carver:

In accordance with our recent telephone conversation we are pleased to enclose herewith for your records copy of the survey plat covering the old Five Points Ditch, as prepared by W. R. Stanley of the local office of the Soil Conservation Service in May 1953. This, of course, covers the portion of the district's ditch system which diverts the water from Fish Lake Reservoir and empties it into Fish Creek. This segment of the ditch bears a different name, and it is in a slightly different location than the one shown on the location map which accompanied the water filings. According to my understanding the reason for this is that after the initial filing was made, it was found more desirable to substitute the old Five Point Ditch for the existing canal, and the survey and change were accordingly made, although your office does not appear to have been notified thereof. I understand from our telephone conversation that this is not deemed important in view of the fact that we are dealing only with stored water, but that you desired a copy of the plat in order that your own records might be complete and reflect the true situation.

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By



HB:dj

encl.

JLD BANTA
VID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

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April 10, 1962

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RECEIVED
APR 13 1962
STATE ENGINEER
SALEM, OREGON

Mr. James W. Carver, Jr.
Assistant State Engineer
Water Resources Department
Salem 10, Oregon

Re: Fish Lake Improvement District - Permits No. R-1116
and 20175

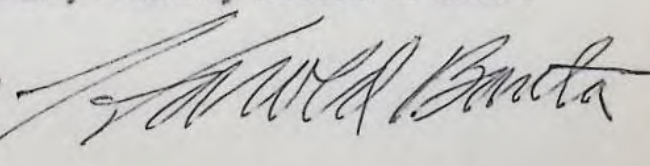
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Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By



HB:dj

encl.

October 4, 1961

Law Offices of
Banta, Silven, Horton & Young
1950 Third Street
Baker, Oregon

Attention Mr. Banta

Gentlemen:

I have your letter of September 28 in reference to permits numbered R-1116 and 20175 in the name of the Fish Lake Improvement District. The final proof survey by representatives of this office to determine the extent to which the project has been completed under the provisions of the permits is tentatively scheduled for the summer field season of 1962.

With reference to the use of a one foot flashboard in the spillway of Fish Lake Reservoir, the records show that the use of the flashboard was not authorized by the permit No. R-1116. The permit No. R-1116 granted the right to construct Fish Lake Reservoir and store therein 747 acre feet of water from Lake Fork Creek for irrigation purposes.

The capacity of 747 acre feet was to be obtained at the water level elevation of 6642, which elevation was fixed by the control point incorporated into the concrete floor of the spillway. The plans and specifications for construction of the reservoir, as approved by the State Engineer, made no provision for inserting a stop log or flashboard.

On June 29, 1959, the applications designated in the records of this office as applications numbered R-33185 and 33186, were filed in the name of the Fish Lake Improvement District for permits to store an additional 78 acre feet of water in Fish Lake Reservoir, and to appropriate the additional 78 acre feet of stored water for supplemental irrigation purposes.

The surface area of Fish Lake Reservoir at elevation 6642 as shown by the reservoir capacity chart in the plans is approximately 77 acres.

Mr. Harold Banta

2

October 4, 1961

It appears that application No. R-33185 contemplated raising the effective height of the dam by inserting a one foot flashboard in the spillway to provide the additional storage capacity of 78 acre feet.

The incomplete applications numbered R-33185 and 33186 were returned to the Fish Lake Improvement District by our letter of January 14, 1960 for completion by submission of recording fees and plans and specifications for construction of the reservoir. In order to have retained their present date of priority, the applications had to be returned to this office on or before March 14, 1960. The applications were never returned to this office and were therefore rejected by a special order of the State Engineer.

It is my understanding that before use of the one foot flashboard in the existing spillway of the reservoir could be approved, it would be necessary for the district to provide supplemental spillway capacity to assure the safety of the structure. Authorization for use of the one foot flashboard could be made only through issuance of permits and approval of plans and specifications.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr., Assistant

JWC:eh

cc - Mr. Donald B. Martin

Mr. William L. Jackson

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
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1951-1954
BANTA, SILVEN & HORTON
1955-1959

September 28, 1961

Office of the State Engineer
Water Resources Department
251 Finance Building
Salem, Oregon

Attn: Mr. Carver, Assistant

Re: Fish Lake Water Rights - Fish Lake Improvement
District, Applications No. R-25508 and 25631,
Permits No. R-116 and 20175

Gentlemen:

Please be referred to earlier correspondence in connection with this matter, including particularly your letter to our office of March 2, 1961.

Mr. Donald B. Martin has recently purchased from Mr. Charles P. Holmes the Buchanan and Jones ranches, which are among the properties deriving water from Fish Lake. Completion of their transaction is being held up pending the clarification and final establishment of these water rights. In your letter of March 2nd you state, "The usual final proof survey by representatives of this office will be scheduled at a later date."

The writer has just conferred with Mr. Martin and with Mr. Jackson, local attorney who represents Mr. Holmes, and it is the understanding of both that this final proof survey has not yet been completed. This is no doubt due to the rush of summer work, but I am hopeful that perhaps you will be able to now get to it sometime this fall. Your cooperation in that regard will be greatly appreciated.

In connection with these water rights, another matter has arisen. It is Mr. Martin's understanding that at the time the reservoir was constructed or last enlarged, it was so arranged that a twelve inch board could be inserted in the spillway so as to raise the level of the water an

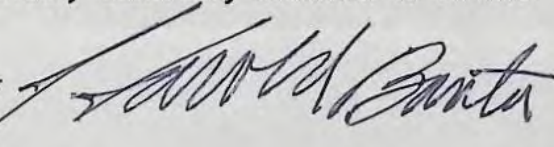
September 28, 1961

additional one foot. Martin states that the spillway was constructed with this precise point in mind, and that there is an appropriate slot, rods, etc. specially prepared to accommodate the board. He understands that this board was maintained for some years, and it is his information that so far as the reservoir permits issued by your office are concerned, they contemplate the inclusion of this board and that the reservoir has sufficient height and strength for the purpose. It would appear (or at least this is his information), that during the past few years they have not been able to insert the board, but this apparently results from objections being interposed by the Forest Service (the reservoir is constructed upon public domain), and that angle of the matter is now apparently about to be resolved through conferences with the appropriate federal officials. We desire, however, to make sure that his understanding is correct and that the insertion of the board is satisfactory and has been approved by your office. If it is not, or if further action should be required from your department, we would appreciate it if the representative who comes down to make the final proof survey could also go up to Fish Lake with Mr. Martin and inspect the reservoir so that this matter could also be settled one way or the other. Mr. Martin states that it would be of very substantial benefit to the reservoir owners if they were able to utilize it to its full available capacity.

Thanking you in advance for your courtesy, we remain,

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By 

HB:dj

cc - Mr. Donald B. Martin
Halfway, Oregon

Mr. William L. Jackson
Attorney at Law
Baker, Oregon

September 28, 1961

Mr. William L. Jackson
Jackson & Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Dear Mr. Jackson:

Final proof inspection of the lands under Permits R-1116 and 20175 is scheduled for the summer of 1962. It had been hoped that the project could be worked into this summer's schedule, but it does not now appear possible.

Very truly yours,

HENRY A. STANLEY
State Engineer

By
Fred D. Gustafson
Engineer

FG:jh

August 7, 1961

Mr. William L. Jackson
Jackson & Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Dear Mr. Jackson:

Following our discussion at North Powder, I have checked the files of this office pertaining to the Fish Lake Improvement District and Fish Lake Reservoir.

The district filed its notice of complete application of water to beneficial use under the terms of the secondary permit on March 15, 1961.

It is tentatively planned to make the final proof survey late this summer. Following this survey proof can be made and certificates issued covering the extent of the actual development which has been satisfactorily completed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler
Engineer

CLW:jc

July 21, 1961

Jackson & Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Attention Mr. Jackson

Gentlemen:

In reply to your request of July 12, I am enclosing a copy of permit No. 20175 in the name of Fish Lake Improvement District, together with the separate sheet for tabulation of rights on lands to be irrigated and a print of the map received with the application for the permit. Our bill for copying fees in the total amount of \$1.40 is also enclosed.

Our records indicate that the 747 acre feet of storage in Fish Lake Reservoir, as allowed under permit No. R-1116, is the total capacity of the reservoir.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosures

WILLIAM L. JACKSON
H. B. JOHNSON

JACKSON & JOHNSON
ATTORNEYS AT LAW
1927 COURT STREET - P. O. BOX 851
BAKER, OREGON

TELEPHONE
JACKSON 3-3634

July 12, 1961

State of Oregon
State Engineer
Water Resources Department
Salem, Oregon

Re: File No. 25631

Attention: Mr. James W. Carver, Jr., Assistant

Dear Mr. Carver:

Back in April of 1961, we wrote to you about the Fish Lake Improvement District water right permit no. 20175. We are still involved in a hassel over the rights from Fish Lake and I am wondering if you could furnish us with a copy of permit no. 20175 and give us some information regarding the amount of water that is stored in Fish Lake and available for use under Fish Lake Applications.

As you may or may not know a good portion of the land that is covered by the Fish Lake application was sold and the new purchaser is trying to determine just what rights he has and the amount of water that he can expect to get from the Fish Lake Improvement District.

We thank you for the copies of the other two permits which are appurtenant to the identified area and hope that you will be able to assist us in determining just how much water is available.

Yours very truly,

JACKSON & JOHNSON

W. L. Jackson
William L. Jackson

WLJ:11j

May 3, 1961

Mr. William L. Jackson
Attorney at Law
P. O. Box 851
Baker, Oregon

Dear Mr. Jackson:

I have your letter of April 27 in reference to the Fish Lake Improvement District's water right permit No. 20175.

The exact location of the land upon which the water right has been established through use under the provisions of the permit will be made a matter of record by the final proof survey to be carried out by a representative of this office. Any minor discrepancies in regard to the location of the irrigated area as listed in the permit will be corrected at that time.

With reference to the last paragraph of your letter, in addition to the permit No. 20175, there are two completed and perfected rights of record which are appurtenant at least in part to the identified area. Photo copies of the certificates recorded at Volume 7, page 7058, and Volume 10, page 10329, State Record of Water Rights Certificates, issued in evidence of the rights are enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosures

JACKSON & JOHNSON
ATTORNEYS AT LAW
1927 COURT STREET - P. O. BOX 851
BAKER, OREGON

WILLIAM L. JACKSON
H. B. JOHNSON

TELEPHONE
JACKSON 3-3634

April 27, 1961

Mr. Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
APR 28 1961
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

We are involved in an attempt to straighten out some water rights in connection with the First Lake Improvement District which is covered under application R 25508 and 25631, permit no. R 1116. The spread sheet and the permit show 28.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 7 South, Range 46 and the map accompanying this application shows water being applied in a small portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 7 South, Range 46. But the spread sheet does not show any acreage in the latter section. According to the land ownerer's agreement the 28.6 acres was to be included in both Sections 25 and 26.

The same applies to the 18.6 acres shown in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 with a small portion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26. Apparently the SE $\frac{1}{4}$ NE $\frac{1}{4}$ is approximately 2.4 acres and the portion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 is about 1 $\frac{1}{2}$ acres.

We would appreciate having you advise us what we have to do to correct the spread sheet to show the water being applied within Section 26 as above indicated.

We would also appreciate having you advise what your records show in the way of water rights, probably from Dry Creek or from Lake Fork in Sections 26 and 35, same township and range. There seems to be some indication that there is a Dry Creek right for 2.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26
11 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35
5.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35
12.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35

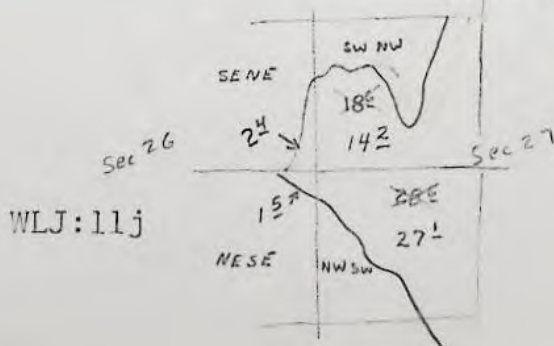
in add. to p#20175: C#10329
C# 7058

Yours very truly,

JACKSON & JOHNSON

W. L. Jackson

William L. Jackson



FINANCE BUILDING
70 12TH STREET, S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO R-25508
FILE NO. 25631

March 15, 1961

Mr. Austin Dunn
Attorney at Law
1945 Washington Avenue
Baker, Oregon

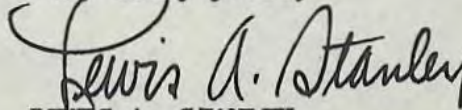
Dear Mr. Dunn:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit Nos R-1116 & 20175.

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
mgb

AUSTIN DUNN
ATTORNEY AT LAW
ANTLERS HOTEL BUILDING - 1945 WASHINGTON AVENUE
BAKER, OREGON
JACKSON 3-3666

March 13, 1961

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

RECEIVED
MAR 15 1961
STATE ENGINEER
SALEM, OREGON

Re: Holder of Permits No. 20175 and R1116

Dear Mr. Stanley:

Enclosed find your form Notice of Complete Application of Water to a Beneficial Use completed by the Fish Lake Improvement District.

Very truly yours,

Austin Dunn
Austin Dunn *by J-T*

AD/jt

March 8, 1961

Law Offices
Banta, Silven, Horton & Young
1950 Third Street
Baker, Oregon

Attention Mr. Harold Banta

Gentlemen:

Pursuant to your request in your letter of March 3, I am enclosing copies of permits numbered R-1116 and 20175 in the name of the Fish Lake Improvement District, together with our bill in the amount of \$3.20.

A copy of the tabulation referred to under item 8 of the secondary permit was mailed to you with our letter of March 2, which tabulation is part of the permit.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr., Assistant

eh
enclosures

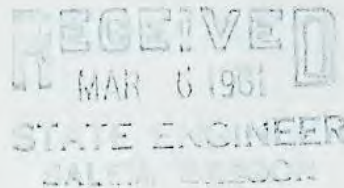
HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959

March 3, 1961

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
Salem, Oregon



Re: Fish Lake Improvement District water rights

Dear Mr. Stanley:

We acknowledge with thanks your letter of March 2nd and enclosures.

In order to fully understand the situation, I find that we will still need copies of the application Nos. R25508 and 25631, and permit Nos. R116 and 20175.

Will you please forward these to us at your convenience, together with statement for your charges.

Thanking you, we remain,

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By

A handwritten signature in dark ink, appearing to read "Harold Banta". The signature is written in a cursive style with a large, sweeping initial "H".

HB:dj

March 1, 1961

Mr. Austin Dunn
Attorney at Law
1945 Washington Avenue
Baker, Oregon

Dear Mr. Dunn:

This will acknowledge your letter of February 24 stating that the Fish Lake Improvement District, holder of permits numbered R-1116 and 20175, has accomplished application of water to beneficial use to the full extent intended under the terms of the permits.

The final proof survey by representatives of this office will be scheduled at a later date. It is doubtful that the final proof survey will be carried out prior to the field season during the summer of 1962.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

AUSTIN DUNN
ATTORNEY AT LAW
ANTLERS HOTEL BUILDING • 1945 WASHINGTON AVENUE
BAKER, OREGON
JACKSON 3-3666

February 24, 1961

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

Re: Application No. R-2508
File No. 25631

RECEIVED
FEB 27 1961
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

The Fish Lake Improvement District, holder of permits No. 20175 and R-1116 to appropriate the public waters of the State of Oregon, informs me that they have completely applied the waters to a beneficial use in accordance with the terms of said permits on the 25th day of June, 1960.

I am sending this letter as attorney for the Fish Lake Improvement District and request that you furnish me with a form if you require any notice more than this letter.

Very truly yours,

Austin Dunn

AD/jt

R-25508
25631
R-33185-6

March 2, 1961

Law Offices
Bents, Silven, Horton and Young
1950 Third Street
Baker, Oregon

Attention Mr. Harold Bents

Gentlemen:

In reply to your letter of February 16, I am enclosing one print each of the application map and tabulation of water rights received in connection with applications numbered R-25508 and 25631 in the name of the Fish Lake Improvement District, which applications were approved by permits numbered R-116 and 20175.

We have recently received notice from Mr. Austin Dunn, attorney for the district, that the proposed appropriation has been completed. The usual final proof survey by representatives of this office will be scheduled at a later date.

It appears there are no water rights of record involving the appropriation of the waters of Fish Lake subsequent to the above listed permits.

In June of 1959, the Fish Lake Improvement District submitted partially completed applications for permits to enlarge Fish Lake and store an additional 78 acre feet of water therein from Lake Fork Creek for supplemental irrigation and to appropriate the 78 acre feet of water for supplemental irrigation of 837.8 acres of land. The applications, which were filed under applications numbered R-33185 and 33186, were returned to the district for further completion. They are being rejected due to the failure of the district to complete and return them as required.

In a recent letter to this office, Mr. William L. Jackson, attorney, states that he has been advised by Mr. Buchanan of the district that the owners now have no intention of proceeding with the enlargement of the dam because of the excessive costs involved.

Very truly yours,

LEWIS A. STANLEY, State Engineer

By

James W. Carver, Jr., Assistant

JWC:sh
enclosures - 2

R 25631
25508
R 33185#6

LAW OFFICES
BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON
JACKSON 3-4442

HAROLD BANTA
DAVID C. SILVEN
JOHN S. HORTON
THOMAS F. YOUNG

NICHOLS & HALLOCK
1919-1922
NICHOLS, HALLOCK & DONALD
1923-1929
HALLOCK, DONALD & BANTA
1930-1945
HALLOCK, DONALD, BANTA & SILVEN
1946-1950
HALLOCK, BANTA, SILVEN & HORTON
1951-1954
BANTA, SILVEN & HORTON
1955-1959

February 16, 1961

Office of the State Engineer
Water Resources Department
251 Finance Building
Salem, Oregon

RECEIVED
FEB 17 1961
STATE ENGINEER
SALEM, OREGON

Gentlemen:

Will you please examine your records and advise me as to what they disclose regarding water rights in Fish Lake, which as I understand it is located on public domain in Twp. 6 South, Range 46 E.W.M. within the Whitman National Forest in Baker County. As we understand it there were certain rights acquired in this lake in early days, and then it was later enlarged and the level raised, and no doubt in connection with this activity a reservoir permit was issued. Then later, in 1951, the Fish Lake Improvement District was organized, and as we understand it took over distribution of the water.

We are now engaged in examining titles to some ranches located in Secs. 24, 25, 26, 35 and 36, Twp. 7 South, Range 46, E.W.M. and in Sec. 2, Twp. 8 South, Range 46, E.W.M. that are supposed to carry together rights to about two-thirds of the water stored in Fish Lake, but we have not been able to confirm this ownership from the records here at hand. What we would like to know, among other things, is the existing storage capacity of Fish Lake, and in that connection it is our understanding that there has recently been submitted a supplemental application to raise the dam and raise this capacity.

Next, we would like to know just who, according to your records, is entitled to the benefit of the storage water, as well as the original appropriations from the lake, and just where, so far as your records disclose the information, the Fish Lake Improvement District fits into the picture.

Thanking you in advance for your courtesy, we remain,

Yours sincerely,

BANTA, SILVEN, HORTON & YOUNG

By

Harold Banta

HB:dj

17918
16593
5777
5778

R-25508
25631
R-33185-6

March 1, 1961

Jackson and Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Attention Mr. William L. Jackson

Gentlemen:

In reply to your letter of February 27 in behalf of your client, Charles P. Holmes, we have been advised by Mr. Austin Dunn, attorney for the Fish Lake Improvement District, that the district has accomplished application of water to beneficial use to the full extent intended under the terms of its permits numbered R-1116 and 20175.

The final proof survey in connection with these permits will be scheduled at a later date. It is doubtful that the survey will be completed prior to the field season during the summer of 1962.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

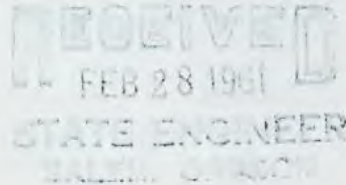
JACKSON & JOHNSON
ATTORNEYS AT LAW
1927 COURT STREET - P. O. BOX 851
BAKER, OREGON

WILLIAM L. JACKSON
H. B. JOHNSON

TELEPHONE
JACKSON 3-3634

February 27, 1961

Mr. Lewis Stanley
State Engineer
Salem, Oregon



Dear Mr. Stanley:

The undersigned represents one Charles P. Holmes who has an interest now in the Fish Lake Improvement District at Halfway.

In discussing the matter with Mr. Dunn, who organized the district in the first instance for the water users, it appears that everything has been done that has to be done before the issuance of a certificate following examination by your office as to application to beneficial use.

Mr. Buchanan advises me that the owners have no intention of proceeding with the enlargement of the dam because of the excessive cost.

I would very much appreciate having you look into the matter and advising us when final inspection can be made by your office.

Yours very truly,

JACKSON & JOHNSON

William L. Jackson

WLJ:11

January 6, 1961

Fish Lake Improvement District
Halfway, Oregon

Gentlemen:

According to the terms of your permit No. 20175, which is for the appropriation of 5.3 c.f.s. from Lake Fork Creek, Fish Creek, Dry Creek and West Dry Creek and 299.0 a.f. from Fish Lake Reservoir, application No. R-25508, permit No. R-1116, for irrigation and supplemental irrigation of 837.8 acres, complete application of water was to have been made on or before October 1, 1960. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on October 17, 1960.

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

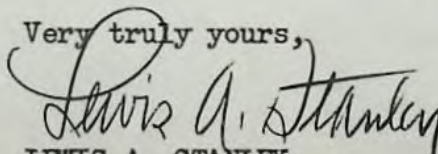
If you have complied with the terms of the permit, you should promptly submit notice describing the extent of completion.

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

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, your permit, Numbered 20175 and R-1116 will be canceled without further notice.

If for any reason you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved in the project has changed hands, please give us the name and address of the new owner.

Very truly yours,


LEWIS A. STANLEY
State Engineer

June 10, 1959

Mr. Austin Dunn
Attorney At Law
1945 Washington Avenue
Baker, Oregon

Dear Mr. Dunn:

This will acknowledge receipt of your letter of June 3, 1959, transmitting two applications in the name of Fish Lake Improvement District, one for a permit to construct a reservoir and store 825 acre feet of water from Lake Fork Creek and one for a permit to appropriate an unspecified amount of water from Fish Lake Reservoir, Lake Fork Creek, Fish Lake, Dry Creek and West Dry Creek for the irrigation of an unspecified number of acres.

The applications cannot be filed at this time as the State Engineer is required by law to collect a \$10 examination fee before an application for permit for the appropriation of water for any purpose may be filed. The fees necessary to file your applications are a \$10 examination fee for each application making a total of \$20. The required recording fees cannot be determined until the amount of water to be stored and the number of acres to be irrigated has been determined.

The application should be completed as follows:

Reservoir Application

Item 3: It appears that the amount of water which you intend to store in Fish Lake Reservoir is that amount which can be stored in addition to the present capacity of the reservoir by increasing the height of the spillway one foot. Our records indicate that the capacity of Fish Lake Reservoir under Permit No. R-1116 is 747 acre feet.

Item 4: It appears that the proper designation of use for the impounded water is supplemental irrigation.

Secondary Application

Item 1: It appears that the source of the proposed appropriation under this application is storage only from the enlargement of Fish Lake Reservoir. The other sources of water which you have indicated are now covered by Permit No. 20175.

Mr. Austin Dunn

- 2 -

June 10, 1959

Item 2: The amount which you intend to apply to beneficial use should be indicated as the number of acre feet of additional storage provided under the reservoir application.

Item 3: The use to which the water is to be applied appears to be supplemental irrigation.

Item 4: The point of diversion must be indicated in the application form in reference from a recognized established government survey corner. It appears that the point of diversion in this case will be the outlet from Fish Lake Reservoir.

Item 8: This item must be completed by giving the location of the place of use.

Item 14: This item should be completed.

Your applications are returned herewith.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

Walter N. Perry, Assistant

WNP:hfv

enc:

June 9, 1959

Mr. William R. Stanley
Soil Conservation Service
Alexander Building
1841 Main St.
Baker, Oregon

Dear Bill:

I have just completed arrangements with Oscar Eahn of the U. S. Forest Service for transportation to, and a joint inspection of, Fish Lake Reservoir. The date, pending your approval, has been set for Monday, July 6, 1959. Oscar and I will arrive in Baker by train Monday morning. The balance of the week we will spend inspecting some of the other remote reservoirs which Oscar did not cover last year.

If some other day that week would fit your schedule more conveniently please let me know as soon as possible and also let Roger Schamard c/o the Supervisors Office, U.S. Forest Service, Baker know.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Fred D. Gustafson
Engineer

FDG:mb

June 3, 1959

Mr. Austin Dunn
Attorney at Law
1945 Washington Avenue
Baker, Oregon

Dear Mr. Dunn:

This will acknowledge your letter of May 7 transmitting a check in the amount of \$2 in payment of recording fees necessary to the application for extension of time limits under permit No. 20175 in the name of Fish Lake Improvement District.

The application for extension of time limits indicates that the Fish Lake Improvement District has been exercising reasonable diligence toward completion of the project. Therefore, the time limit for making application of water to the beneficial use intended is being extended to October 1, 1960.

I believe the Fish Lake Improvement District should be advised that the extension of time limits under permit No. 20175 would in no way convey to them the right to enlarge the existing dam or to store additional water in the enlarged reservoir, or to apply the additional stored water to beneficial use. Any enlargement of the present structure resulting in the storage of additional water should be carried out under an additional new reservoir permit, and the appropriation of the additional stored water should be carried out under a new additional secondary permit.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr., Assistant

JWC:eh
enclosure - receipt No. 21867

AUSTIN DUNN
ATTORNEY AT LAW
ANTLERS HOTEL BUILDING • 1945 WASHINGTON AVENUE
BAKER, OREGON
JACKSON 3-3666

May 7, 1959

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

RECEIVED
MAY 8 1959
STATE ENGINEER
SALEM, OREGON

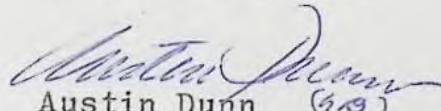
Re: Fish Lake Improvement Dist.
Your File 25631
R-25508

Attention: James W. Carver, Jr.
Assistant

Dear Mr. Carver:

Enclosed find check payable to Lewis A. Stanley in the sum of \$2.00 for recording fees as requested in your letter of April 30.

Very truly yours,


Austin Dunn (49)

AD:v
enc

RECEIVED
11 APR 27 1959
STATE ENGINEER
BUREAU OF WATER CONTROL

APPLICATION FOR EXTENSION OF TIME

1 To the State Engineer of Oregon:

2 I, PHILIP WILSON, of Halfway, Oregon, secretary of the
3 FISH LAKE IMPROVEMENT DISTRICT, am the owner and holder of Permits
4 No. R-1116 and 20175, to appropriate the public waters of the
5 state of Oregon.

6 Under the terms and conditions of said permit, complete
7 application of water is required to be made on or before October 1,
8 1954.

9 Complete application of water will be made on or before
10 October 1, 1960, including the additional water to be impounded
11 under a new application for additional height of the spillway.

12 Water has been heretofore applied to practically all of
13 the land described in the permit, but complete application could
14 not be made within the required time because one member of the
15 district did not have sufficient funds to build his ditches.

16 WHEREFORE, I ask that the State Engineer extend the time
17 for the complete application of water under said permit to October
18 1, 1960.

19 AFFIDAVIT OF APPLICANT

20 STATE OF OREGON,) ss.
21)
22 County of Baker.)

23 I, Philip Wilson, being first duly sworn, depose and say
24 that I have read the above and foregoing application for extension
25 of time; that I know the contents thereof, and the facts stated
26 therein are true.

27 IN WITNESS WHEREOF, I have hereunto set my hand this 24th
28 day of April, 1959.

Philip Wilson

29 Subscribed and sworn to before me this 24th day of April, 1959.

30
31 Notary Public for Oregon
32

April 30, 1959

Mr. Austin Dunn
Attorney At Law
Baker, Oregon

Dear Mr. Dunn:

This will acknowledge your letter of April 24, 1959, transmitting an application for extension of time limits under Permit No. 20175 in the name of the Fish Lake Improvement District. It appears however, that the necessary payment of recording fees in the amount of \$2 was not received with the application. If you will submit the recording fees in the amount of \$2 the application for extension of time limits can be considered.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:lk

AUSTIN DUNN

ATTORNEY AT LAW

ANTLERS HOTEL BUILDING - 1945 WASHINGTON AVENUE

BAKER, OREGON

JACKSON 3-3666

April 24, 1959

25631

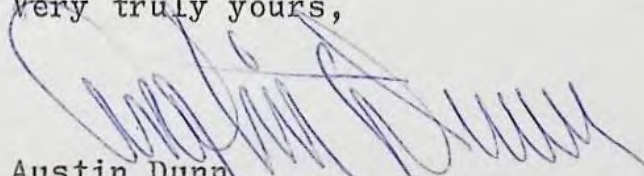
Mr. Lewis A. Stanley
State Engineer
170 Twelfth S. E.
Salem, Oregon

Re: Fish Lake Improvement
District

Dear Mr. Stanley:

Enclosed find Application for Extension of Time. I did not have a copy of your form, as it was apparently inadvertently not enclosed in your last letter. If you prefer the application on your regular form, I would be happy to prepare it.

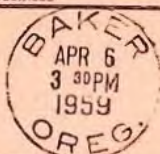
Very truly yours,


Austin Dunn

AD:v
enc

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moist gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

TURN TO
▼

REGISTERED NO.

NAME OF SENDER

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

INSURED NO.

CITY, ZONE, AND STATE

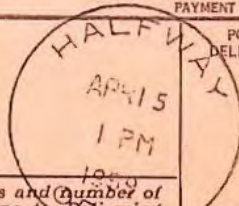
LEWIS A. STANLEY
STATE ENGINEER
SALEM, OREGON

POD Form 3811, Dec. 1955

c16-71548-3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moist gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

RETURN TO

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STREET AND NO. OR P. O. BOX

INSURED NO.

CITY, ZONE, AND STATE

LEWIS A. STANLEY
STATE ENGINEER
SALEM, OREGON

POD Form 3811, Dec. 1955

c16-71548-3

R-25508-4-25631

INSTRUCTIONS TO DELIVERING EMPLOYEE

- ☐ DELIVER ONLY TO ADDRESSEE (20¢ additional)
- ☐ SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X

Arthur Rivers

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)

William D. Smith

3. DELIVERY DATE

APR 6 1959

, 19

4.

gpo 71548-3

R-25508-4-25631

INSTRUCTIONS TO DELIVERING EMPLOYEE

- ☐ DELIVER ONLY TO ADDRESSEE (20¢ additional)
- ☐ SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X

Fish Lake Impro. Dist.

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)

By Philip B. Wilson Sec.

3. DELIVERY DATE

APR 16 1959

, 19

4.

gpo 71548-3

April 3, 1959

Fish Lake Improvement District
Halfway
Oregon

Gentlemen:

According to the terms of your Permits Nos. R-1116 and 20175 water was to have been stored in your reservoir for the purpose of irrigation and water from Lake Fork Creek, Fish Creek, Dry Creek and West Dry Creek and from storage in the reservoir was to have been applied to the purpose of irrigation to the full extent intended on or before October 1, 1954. Our records show that notice of the completion of your project including the application of water to beneficial use to the full extent intended has not been submitted and that you have not made application to the State Engineer for an extension of time limits under the permits.

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

In accordance with the provisions of ORS 537.260 you are hereby notified that unless you file a completed application for extension of time limits, in this office, or if proof of beneficial use of water is not received within 60 days from the date of this letter your permits will be cancelled without further notice.

If the project has been completed but was not completed within the time limits of the permit I would suggest that you submit notice of the completion of your project and accompany such notice by an application for extension of time limits for such additional time as was necessary to complete the project.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

C:lk
CERTIFIED
Return Receipt Requested
Certified cc: Mr. Austin Dunn

R-25508
25631

March 2, 1959

Mr. Austin Dunn
Attorney
Baker State Bank Bldg.
Baker, Oregon

Re: Fish Lake Improvement Dist.

Dear Mr. Dunn:

Our records show that we have received no word from you or the applicants relative to Permits No. R-1116 and 20175 issued in approval of Applications Nos. R-25508 and 25631 in the name of the Fish Lake Improvement District subsequent to your letter of November 13, 1954, relative to a proposed application for an extension of the time limits under the permits.

If the project has been carried out with reasonable diligence it would appear that the best course of action at this time would be for the applicants to make an application for extension of time limits under the two permits in order to return them to good standing and proceed towards submitting proof of completion of the project. An extension of time form is enclosed.

Action on this file will be further withheld for thirty days from the date of this letter pending your reply.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.,
Assistant

JWC:lk
enc. blank for ex.

October 30, 1956

Fish Lake Improvement District
c/o Dunn and Jackson
Attorneys At Law
Baker State Bank Bldg.
Baker, Oregon

Gentlemen:

Under the terms of State Engineer Permit No. 20175 in the name of Fish Lake Improvement District the time limit for completion of construction and complete application of water was October 1, 1954. We have not received either notices that construction was completed and complete application of water made nor have we received any application for extension of time. The time limits for completion of construction had been extended from October 1, 1953, to October 1, 1954, but we have received no correspondence regarding this permit since that time despite reminder letters and cards which have been mailed.

Application for extension of time should be made if the project is not yet complete to avoid jeopardising the permit. If the project was completed within the time limits this office should be so notified so we may be able to make the customary final proof survey preparatory to the issuance of the certificate.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:ld

25631

January 11, 1955

Dunn and Jackson
Attorneys at Law
Baker State Bank Building
Baker, Oregon

Attention: Mr. Austin Dunn

Gentlemen:

This is to advise you that according to the terms of Permit No. 20175 in the name of Fish Lake Improvement District, which grants a right to appropriate 5.3 second feet of water for irrigation and supplemental irrigation of 837.8 acres, construction was to have been completed and water applied to the proposed use on or before October 1, 1954.

If such has been done, you should advise this office of that fact by filling out and mailing the enclosed Forms B and C to this office.

If the construction work has not been completed and water applied to the proposed use, you may wish to make application for an extension of time using the enclosed form, which must be executed before a notary public and forwarded to this office together with the statutory filing fee in the amount of \$2.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh
enc. 2

November 19, 1954

Law Offices
Dunn and Jackson
Baker State Bank Building
Baker, Oregon

Attention Mr. Austin Dunn

Gentlemen:

Pursuant to your letter of November 13, 1954, I am enclosing herewith a form for use in making application for an extension of time under Permit No. 20175 in the name of Fish Lake Improvement District.

This application should be submitted to this office with the statutory filing fee in the amount of \$2 after being executed before a notary public. Upon its receipt, the matter of extending the time under the appropriation will be given further consideration and you will be advised of our action.

Very truly yours,

Chris L. Wheeler, Assistant
State Engineer

dg
Enclosure

February 5, 1954

Dunn & Jackson
Attorneys at Law
Baker State Bank Bldg.
Baker, Oregon

Attention: Austin Dunn

Gentlemen:

This acknowledges receipt of your application for an extension of time for the completion of construction under Permit No. 20175 in the name of Fish Lake Improvement District.

The application indicates that reasonable diligence has been shown in the prosecution of work under this project, and the time limit for completion of construction is being extended to October 1, 1954.

Very truly yours,

Chas E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Form 120

Enclosed is our Receipt No. 752 covering fees submitted, together with forms "B" and "C" in duplicate.

DUNN
M. L. JACKSON

DUNN & JACKSON
ATTORNEYS AT LAW
BAKER STATE BANK BUILDING
BAKER, OREGON
TELEPHONE 666

December 21, 1953

RECEIVED
DEC 23 1953
STATE ENGINEER
SALEM, OREGON

RE: R-25508
25631

Mr. Charles Stricklin
State Engineer
State Office Building
Salem, Oregon

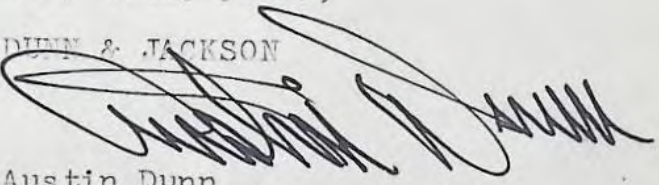
Dear Mr. Stricklin:

Enclosed find Application for Extension of Time
for Fish Lake Improvement District. All of the
construction has been completed, but it is not feasible
to apply the water to the land until the next irrigating
season.

Wishing you the best of the Holiday Season, I am,

Very truly yours,

DUNN & JACKSON


Austin Dunn

AD:dlh

Encl.

P. S.

RE: Permit # R-1116
Permit # 20175

Please forward forms for the Company to fill out relative to
their commencement and completion of the construction work.

Note: See B & C in Sup.

Application No.

RECEIVED
DEC 23 1953

Permit No.

STATE ENGINEER

Application for Extension of Time

To the State Engineer of Oregon:

I, Howard Buchanan, President, of Fish Lake Improvement District,
state of Oregon, am the owner and holder of Permit No. R-1116, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before, 19....., and complete application of water is required to be
made on or before, 19.....

I have heretofore done the following work described under said permit:

all work has been completed

costing \$16,000.00, and I estimate the cost of completion to be \$none.....

I have heretofore used water under said permit to the following extent:

none

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

reasons, to wit: work was completed in the fall of 1953, but the
water will not be applied until the irrigating season of
1954.

(If additional space is required, attach separate sheet)

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

(OVER)

Retained to 50 - same on 2nd mt. B...

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

{ ~~completion of construction work~~ } under said permit to October 1, 1954
{ complete application of water }
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF OREGON }
County of Baker } ss.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of December, 1953.

Subscribed and sworn to before me this 15th day of December, 1953.

[Notarial Seal]

Howard Buchanan
[Signature]
Notary Public for Oregon

My commission expires October 10, 1956

R-25508
25631

November 5, 1953

Fish Lake Improvement District
Halfway
Oregon

Gentlemen:

This acknowledges receipt of Form B, being notice of the completion of construction under Permit No. R-1116 in the name of Fish Lake Improvement District.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1953, when under its terms, all the water which it is intended to use at any time should be used to the full extent intended.

Yours very truly,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Form #119

dg

P. S. This letter is to advise you that form B should also be submitted on your secondary permit No. 20175 as the time for completion of construction under the terms of this permit also expired on October 1, 1953. If construction work has not been completed, you should apply for an extension of time. A form is enclosed for your convenience which must be notarized and returned to this office, together with the statutory filing fee of \$2.00.

25631

June 15, 1951

Fish Lake Improvement Dist.
Halfway, Oregon

Gentlemen:

Herewith you will find Application No. 25631, Permit
No. 20175, together with print.

Applications No. R-25508

~~-25509~~
25621

June 6, 1951

MEMORANDUM

Considering the possibility that the validity of old rights to store water in Fish Lake may be questioned because of the long period since any water has been so stored, it is Mr. Stricklin's opinion that Application No. R-25508 should be approved as it stands for the full proposed capacity of the reservoir.

Ed K. Humphrey

June 1, 1951

Mr. Austin Dunn
Attorney at Law
State Bank Building
Baker, Oregon

Dear Mr. Dunn:

Mr. Stricklin regrets that he did not get to see you when you were recently in the office, and has instructed me to advise you that the Fish Lake Improvement District applications now appear to be in order and they have been placed in line for approval by issuance of permits with the present group.

Very truly yours,

Ed K. Humphrey, Assistant

EKH:mrh.

25631

June 1, 1951

Fish Lake Improvement District
Halfway,
Oregon

Attention Mr. Ray R. Robertson, President

Gentlemen:

Will you please disregard our letters of May 29 and March 27, as it is Mr. Stricklin's opinion, after a careful consideration of the status of the streams involved, that the application can be properly approved as it now stands, and it has therefore been placed in line for approval by issuance of a permit.

Very truly yours,

Ed K. Humphrey, Assistant

EKH:mrh

25631
R-25508

May 29, 1951

Fish Lake Improvement District
Halfway,
Oregon

Attention Mr. Ray R. Robertson, President

Gentlemen:

Your applications No. R-25508 and No. 25631, for a permit to construct a reservoir and store water, and for a permit to appropriate water, can be placed in line for approval by issuance of permits if you will send us the information requested in our letter of March 27, a copy of which is enclosed herewith.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

Ed K. Humphrey, Assistant

EKH:mrh

Enc.

May 29, 1951

Mr. Stricklin:

Mr. Austin Dunn left this message for you.

Will you please write to me at Baker and tell me what, if anything, should be done to complete the Fish Lake Improvement District matter in Baker County. I hoped to review this matter with you, but I must keep a couple of appointments and you might be in conference for another half hour or so.

Virginia

March 27, 1951

Fish Lake Improvement District
Halfway,
Oregon

Attention Mr. Ray R. Robertson, President

Gentlemen:

Your application for a permit to appropriate water from Fish Lake Reservoir, Lake Fork Creek, Fish Creek, Dry Creek, and West Dry Creek, for the irrigation of 837.8 acres, has been filed and given No. 25631.

On the application, under "Remarks", it is stated that it is impossible to specify the quantity of water required from the streams named as sources.

A permit cannot be issued, granting a right to the use of water from several streams, without limiting the use and, if satisfactory to you, the permit approving the application in question, when such permit is finally issued, can carry a limiting clause such as the following:

The direct flow ~~of~~ water to be diverted from Lake Fork Creek when available, any deficiency to be made up by diversion from either Fish Creek, Dry Creek, or West Dry Creek, as available, in the order named, providing that the total quantity of direct flow diverted shall not exceed 1/10 cfs per acre for each acre irrigated.

Will you please let me know whether such a clause in the permit will be satisfactory. If you deem it advisable to change the order in which the streams are named, we will follow your instructions in this.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

Ed K. Humphrey, Assistant

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Baker, Oregon
March 19, 1951

Mr. Charles E. Stricklin
State Engineer
State Building
Salem, Oregon

Reference Application No. 25631

Attention Mr. Ed K. Humphrey, Assistant

Dear Mr. Stricklin:

RECEIVED
MAR 21 1951
STATE ENGINEER
SALEM, OREGON

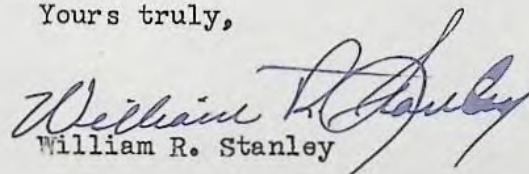
Under date of January 15, 1951, I received a memo from our Regional Office stating that they had received a letter from Stricklin acknowledging receipt of tracings of "Water Right Map" and "Spread Sheet of Water Rights" for the Fish Lake Improvement District.

This memo also indicated that the Improvement District had filed an application (No. 25631) for a permit to enlarge Fish Lake Reservoir but that you had not received a secondary application for a permit to appropriate the stored water for irrigation.

Copies of the Water Right Map and Spread Sheet were furnished to the Lake Improvement District some time ago. It was our instruction to the group to place this material in the hands of their attorney for making the secondary filing application when he had the legal part of the organization of the new Improvement District in order.

If you do not find the tracings for the secondary application on Fish Lake in your office let us know and we will gladly furnish another set of tracings for your files.

Yours truly,


William R. Stanley

cc: Frank Muceus

25528

March 15, 1951

U. S. Department of Agriculture
Soil Conservation Service
Work Group Headquarters
Baker, Oregon

Attention Mr. William R. Stanley
Engineering Specialist

Gentlemen:

For use in connection with Application No. 25631 in the name of Fish Lake Improvement District, can you please send us the tracings from which the map and water right spread sheet tabulation for this application were made.

If you wish to retain the original tracings of the map and tabulation for your files, will you kindly send us a Vandyke or transparencies of these tracings from which we can make blueprints.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dec

LANDOWNERS' NOTICE AND COVENANTS BY LANDOWNERS

OF

FISH LAKE IMPROVEMENT DISTRICT



TO WHOM IT MAY CONCERN:

We, HOWARD C. BUCHANAN, now a single man, DONALD B. MARTIN and YVONNE R. MARTIN, his wife, JAY H. JOSEPH and PATRICIA J. JOSEPH, his wife, THOMAS A. BUCHANAN and ORPHA J. BUCHANAN, his wife, and PHILLIP B. WILSON (married) and GALEN WILSON (single), being all the present owners of the lands described in the original Articles of Incorporation of the Fish Lake Improvement District, a corporation, and in the Amendments there to just executed, and being all the present members of said corporate district, hereby covenant and agree to and with each other, and the said corporation, and give notice thereof, as follows:

FIRST: The lands included within the said Fish Lake Improvement District as now constituted (being the same land, described in the same manner and with the same particularity as set out in the Articles of Incorporation and Amendment thereto) together with the names of the present owners, the irrigated acreage and appropriate reference to the legal subdivisions, and the section, township and range of the public survey where the same are situated (all townships being South, and the range East of the Willamette Meridian), are as follows:

<u>Name of Owner</u>	<u>Acreage</u>	<u>40A sub.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Range</u>
Howard C. Buchanan	10.3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2	8	46
a single man, legal	40.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$			
owner, Donald B.	32.7	SE $\frac{1}{4}$ NE $\frac{1}{4}$			
Martin, equitable	39.8	SW $\frac{1}{4}$ NE $\frac{1}{4}$			
owner and contract	26.5	NE $\frac{1}{4}$ NW $\frac{1}{4}$			
purchaser	17.6	SE $\frac{1}{4}$ NW $\frac{1}{4}$			
	39.3	NW $\frac{1}{4}$ SE $\frac{1}{4}$			
	33.1	NE $\frac{1}{4}$ SE $\frac{1}{4}$			
	12.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$			
	22.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35	7	46
	35.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$			
	4.3	NE $\frac{1}{4}$ SW $\frac{1}{4}$			
	17.6	SE $\frac{1}{4}$ SW $\frac{1}{4}$			

<u>Name of Owner</u>	<u>Acreage</u>	<u>40A sub.</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Range</u>
Donald B. Martin and Yvonne R. Martin, his wife	38.5 39.5 9.5 28.6	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	7	46
	24.6	and NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	7	46
	40.0	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	7	46
	4.6	SE $\frac{1}{4}$ NW $\frac{1}{4}$			
	13.6	NW $\frac{1}{4}$ NW $\frac{1}{4}$			
		SW $\frac{1}{4}$ NW $\frac{1}{4}$			
	24.2	and SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	7	46
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	36	7	46
Phillip B. Wilson and Galen Wilson	39.5 28.0 28.0 39.3 19.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	1 12	8 3	46 46
Thomas A. Buchanan and Orpha J. Buchanan	27.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	8	46
Jay M. Joseph and Patricia J. Joseph, his wife	35.0 35.0 12.7 15.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	2 1	8 8	46 46

The total irrigated acreage of the lands included herein and affected hereby is 837.8 acres.

SECOND: The owners of the above described land have incorporated themselves under ORS 554.010 to ORS 554.340 under the corporate name of Fish Lake Improvement District, and the said lands have been and will be improved as described in the original Articles of Incorporation dated September 25, 1950, which are, and have been, filed in the Office of the Corporation Commissioner of the State of Oregon, and in the Office of the County Clerk of Baker County, Oregon (where deeds and other instruments affecting title to real property are recorded) and recorded in Book 4 at pages 304 to 311, inclusive, of the Records of Corporations of said Baker County, and in the amendments thereto just adopted, which will also be filed in the Office of the Corporation Commissioner and in the Office of said County Clerk and recorded in such Corporation Records of Baker County; that being the county where the land included in said district as described in said original and amended articles is situated. It is stated in the original Articles of Incorporation (Article III) that the purpose and

intent of the corporation is to acquire and own what is known as the Baker-Melhorn-Denny Ditch serving the above described lands, and in the amendment to said Articles just adopted, the list of irrigation facilities to be acquired and owned by the corporation has been enlarged in accordance with the original understanding and program of the landowners, although not fully stated in the original Articles, to include Fish Lake Reservoir and what is known as the Old Five Points Ditch and the Dry Creek Ditch, some of which were also known by other names as therein outlined. The exact means or method by which the Improvement district acquired ownership and control of these facilities does not appear from the minutes of the corporation or any document of record. However, Fish Lake Reservoir and substantially all the ditches utilized to carry the reservoir water to and distribute the same upon the lands within the improvement district are located upon public domain, within the boundaries of the Wallowa-Whitman National Forest. The right to construct, reconstruct and/or maintain most, if not all, of these facilities is now evidenced by new special use permits issued to the Improvement District after the rights of the original permittees, or owners, of the said facilities had lapsed, been terminated or were abandoned. However, it is also true that in most cases the present owners of the lands now included within the district, or their predecessors in interest, also owned or held interests in the corporations, associations, partnerships or groups controlling the earlier reservoir and ditch rights, and it is now deemed desirable that these former interests, rights and equities be released and transferred to the district in order to further confirm its title to and ownership and control of the existing facilities.

Therefore, in consideration of the premises and of their membership in said district and the benefits accruing to them therefrom, each and all of the landowners joining herein do hereby RELEASE, QUITCLAIM and TRANSFER to the said Improvement District, all rights, interests and equities in either the said Fish Lake

Reservoir or any of the ditches which it ultimately undertook to acquire and maintain, including particularly the said Baker-Melhorn-Denny Ditch, the old Five Points^{Ditch} and the Dry Creek Ditch (by whatever names they may be called), as described and designated in the original and amended Article III of the Articles of Incorporation of said Improvement District and which the said owners, or their predecessors in interest now have or previously had or acquired, either through their ownership of land, their membership in former ditch companies, their stock holdings in dissolved corporations, or otherwise, and do acknowledge the said Fish Lake Improvement District to be the present full owner of the said reservoir, ditches and incidental and appurtenant facilities, free from any independent claim thereto on the part of the undersigned, or any of them, and the undersigned do further certify and declare that their rights in and to the said reservoir, ditches and appurtenant facilities as now held and claimed are limited to those that arise through their membership in, and the applications and permits filed and held by the said Improvement District.

THIRD: That the lands included in the original Articles of Incorporation and Amendment thereto, and hereinabove fully described, shall be subject to the lien of any assessments, prorated and apportioned upon the acreage thereof by the corporation in accordance with the formula hereinafter set forth, made by the corporation for its works and the improvement of said land under the provisions of ORS 554.010 to 554.340, and for the continued maintenance and operation of said works and improvements. That all of such assessments made to date have been fully paid and satisfied as hereinafter more fully set forth.

FOURTH: That all of the land within the district and hereinabove described is not uniformly benefited by the improvements and facilities of the district. This has been understood

and informally agreed upon by the members of the Improvement District since the inception of its organization. A form of Landowners' Notice and Covenant of Landowners was prepared and signed by the original members of the corporation under date of September 13, 1951, but was not entirely completed or recorded. Since that time certain supplements thereto have been executed, but likewise not recorded. These set forth the formula for apportioning the benefits as between the several landowners and the various parcels of land involved and the proportions in which each shall be entitled to receive the water stored in such reservoir. It is deemed unnecessary to incorporate the recitals of such prior documents here, but the original formula has been followed out through the various changes in ownership, and it is mutually agreed and the present owners do hereby declare that their respective lands are benefited, are entitled to receive reservoir water, and shall pay the future cost of maintenance and operation of the facilities of the district in the following proportions:

(a) The irrigated acreage of each present owner as now held and as above set forth, is hereby declared to be as follows:

<u>NAME:</u>	<u>ACREAGE</u>
Howard C. Buchanan, legal owner, Donald B. Martin, equitable owner and contract purchaser	330.6
Donald B. Martin and Yvonne R. Martin, his wife	228.1
Phillip B. Wilson and Galen Wilson	153.4
Thomas A. Buchanan and Orpha J. Buchanan	27.0
Jay H. Joseph and Patricia J. Joseph, his wife	98.3
Total irrigated acres	837.8

(b) Each present owner, as above set forth, shall be entitled to receive the fractional portion of reservoir water and shall pay the same fraction of the future cost of maintenance and operation as set opposite their respective names, as follow:

NAME:PERCENTAGE:

Howard C. Buchanan, legal owner, Donald B. Martin, equitable owner and contract purchaser	1/4th
Donald B. Martin and Yvonne R. Martin, his wife	1/3rd
Jay H. and Patricia Joseph, his wife	1/12th
Thomas A. and Orpha J. Buchanan	1/20th
Phillip B. and Galen Wilson	17/60ths

(c) The final proofs to be submitted under application No. R-25508, Reservoir Permit No. R-1116, covering Fish Lake Reservoir and supplementary application No. 25631, Permit No. 20175, for appropriation of the waters stored therein, shall be submitted by the Fish Lake Improvement District in such a manner as to confirm and establish the division and distribution of reservoir water as herein set forth. All parties hereto covenant and agree to execute any further documents which may be required in that regard.

(d) In the event of a future sale of a portion of the irrigated lands, less than all, belonging to any owner or owners, such owner or owners shall have the right to divide the reservoir water appurtenant thereto (within the limits of the allowable duty applicable to each acre as specified in such permits and in any water right certificate issued thereon) as between the area sold and the area retained, in such manner as said owner or owners may see fit and agree upon with the purchaser of the part sold, giving the Improvement District notice, and specifying in the sales contract and deed of conveyance, the amount transferred and the amount retained. In the absence of such notice and specification, the reservoir water is to be divided between the area sold and the area retained upon a pro rata basis, depending upon the number of irrigated acres contained in each tract, and based upon the percentages which the irrigated acres within the area sold and the area retained bear to the total irrigated acres within the lands of such owner or owners.

FIFTH: That the organization of Fish Lake Improvement District was completed and it has heretofore exercised its corporate functions in substantial conformity with the law and the Articles of Incorporation as now amended, although the formal record thereof, at least as now available, is fragmentary and in some cases entirely absent. Such written minutes of corporate action as have been preserved were prepared by persons unfamiliar with the legal requirements and the maintenance of corporate records, and in many cases do not set forth accurately or completely what was actually done. Directors and officers of the company were elected at the time of its original organization and have continued functioning ever since, with appropriate replacements being made from time to time as required. Detailed plans and specifications for Fish Lake Reservoir and the ditches to be constructed and improved so as to carry the reservoir water were prepared for the use of the District by the Soil Conservation Service and were adopted by unanimous agreement of the members, as contemplated by ORS 554.210(1), although the formal writing evidencing such agreement was not executed or acknowledged as therein provided. The probable cost of the reservoir and other improvements was also computed and estimated in detail by representatives of the Soil Conservation Service and the district's officials at that time, and was made fully known to and fully accepted, approved and adopted by the Board of Directors, as well as the membership, although the formal report and resolution required by such subsection does not appear in the corporate records. Construction, reconstruction or repair of Fish Lake Reservoir and the ditches designed to carry the reservoir water mentioned in Article III of the Articles of Incorporation and amendment thereto, was undertaken in due course in accordance with the plans and specifications and has now long since been completed. Assessments against the lands included in the district for their appropriate pro rata of the construction cost and the subsequent maintenance

and operation after construction was completed, have been informally made from time to time, although no formal record of the amount thereof, and no lien docket in which the same were entered, appears to have been kept or maintained, or at least is now available. In any case, all members of the corporation and the said Improvement District do now and hereby certify and declare that all prior costs, charges and assessments of every kind and nature have been fully paid, settled and satisfied, and that there are no assessments, liens or charges now outstanding against any of the lands in the district, either for the original construction of the reservoir or other improvements of the district, or for their subsequent operation and maintenance, and that all outstanding indebtedness of the district has been paid in full. All members of the corporation and its board of directors do hereby now formally ratify, confirm and approve the plans and specifications under which the said reservoir and other improvements were constructed, reconstructed or repaired, and the manner in which the work was done, as well as the method of payment thereof, and all the acts and things done by the corporation, its officers, directors and members, in connection therewith. Subsequent assessments for future maintenance and operation of the reservoir and other improvements of the district shall be made against the lands of the members and paid in the percentages and in accordance with the formula above set forth.

IN WITNESS WHEREOF, the said Fish Lake Improvement District has caused this instrument to be executed on its behalf by its president and secretary-treasurer, and its corporate seal to be hereunto affixed, and the landowners and members of said

BANTA, SILVEN, HORTON & YOUNG
1950 THIRD STREET
BAKER, OREGON

RECEIVED
AUG 14 1962
STATE ENGINEER
SALEM, OREGON

1 STATE OF OREGON,) ss.
2 County of Baker.)

3 I, HOWARD BUCHANAN, being first duly sworn on oath, de-
4 pose and say:

5 That I am the legal owner of the following described
6 property, to-wit:

7 Township 7 South, Range 46, East, W.M.

8 Section 26: $E\frac{1}{2}E\frac{1}{2}$ $SW\frac{1}{4}SW\frac{1}{4}$

9 Section 35: $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$
 $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$

10 Township 8 South, Range 46, East, W.M.

11 Section 2: Lots 1, 2 and 3, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
12 $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and the following
13 described tract in the $S\frac{1}{2}SW\frac{1}{4}$, des-
14 cribed as follows: Commencing 20
15 rods West of the Northeast corner
16 of the $SE\frac{1}{4}SW\frac{1}{4}$ of Section 2; thence
17 South 7 rods; thence Westerly, along
18 the gulch on the South side thereof
19 until it crosses said quarter section
20 line, 94 rods West of the place of
21 beginning; thence East on said line
22 94 rods to the place of beginning,
23 containing approximately $8\frac{1}{2}$ acres.

24 EXCEPTING THEREFROM rights-of-way for roads, highways,
25 ditches and power lines as the same are now located
26 thereon. TOGETHER WITH all waters, water rights, ditches
27 and ditch rights thereunto appertaining or in anywise
28 used in connection therewith.

29 That on or about the 27th. day of April, 1960, I
30 entered into a lease with a option to purchase with one Charles
31 P. Holmes covering all of the above described property; that
32 thereafter and on or about January 5th. 1961, the said Holmes
exercised his option to purchase and the real property above
described is presently being sold under contract to the said
Holmes who has assigned his rights under said contract to
Donald B. Martin and Yvonne R. Martin, Husband and Wife. That
the said Martins are now in the actual possession of said
property. That I purchased the above real property in the
early 1940's. That I purchased the above land at that time
and was one of the original organizers of the Fish Lake Improve-
ment District and that the lands included in the Fish Lake Improve-
ment District under my name are also included in the lands sold
(Page 1 - Affidavit)

1 under contract to the said Holmes and later assigned to the
2 said Martins. That prior to the year 1956 a county
3 road ran generally north and south through Sections 2 and 35
4 of Township 7 South, Range 46, E.W.M. Baker County, Oregon.
5 That while said road was in existence the lands West of said
6 county road were irrigated by Fish Lake water from the high
7 ditch and crossed said road by means of culverts and dropped
8 into laterals and irrigated the land below and east of the
9 said road. When the road was changed by one Jones in about 1956
10 the laterals were cut in places and approximately 1½ acres,
11 more or less, could not be irrigated from the high ditch.

12 At all times beginning in the year 1952 I used Fish
13 Lake water on the land west of and above the county road above
14 mentioned and continued to use said water each year thereafter
15 until the place was leased under the lease option agreement
16 above mentioned to Holmes in the year 1960. That I know of
17 my own knowledge that Holmes irrigated said land in the year
18 1960. That I have not paid any particular attention to the
19 land since 1960.

20 That on or about the 17th. day of July, 1962, I was
21 stopped on the highway no. 86 near the Ellingson Lumber Company
22 mill. That a man who identified himself as being from the office
23 of the State Engineer showed me a map and asked me if the land
24 indicated to be in the vicinity of the road above mentioned
25 had been irrigated with Fish Lake water. That I advised him
26 that it was irrigated by me, but that after the road had been
27 changed my laterals had been cut and that a small area below
28 the road and east thereof could not be irrigated because of
29 the cutting of the laterals.

30 That if I gave this gentleman the impression that I
31 meant the land above the road, I had no intention to do so and
32 that the only land I identified as not being irrigated was
(Page 2 - Affidavit)

1 approximately 1½ acres below the new road which would be im-
2 possible to irrigate because of the cutting of my laterals.
3 All of the other lands indicated on the map as being under
4 the Fish Lake Improvement District were irrigated while I
5 operated the ranch as above set forth.

6 That the only land that has not been irrigated since
7 the road was changed is the approximate acre and a half above
8 mentioned which said acre and a half lies between the road as
9 it presently exists and the lower ditch through the premises
10 which has been in existence for many years.

11
12 Howard Buchanan
13 Subscribed and sworn to before me this 21 day of July, 1962.

14 William Jackson
15 Notary Public for Oregon

16 My Commission Expires: 10-20-64
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32

1 STATE OF OREGON,)
2) ss.
3 County of Baker.)

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11 $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$
12 Township 8 South, Range 46, East, W.M.
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35 exercised his option to purchase and the real property above
36 described is presently being sold under contract to the said
37 Holmes who has assigned his rights under said contract to
38 Donald B. Martin and Yvonne R. Martin, Husband and Wife. That
39 the said Martins are now in the actual possession of said
40 property. That I purchased the above real property in the
41 early 1940's. That I purchased the above land at that time
42 and was one of the original organizers of the Fish Lake Improve-
43 ment District and that the lands included in the Fish Lake Improve-
44 ment District under my name are also included in the lands sold
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7 ditch and crossed said road by means of culverts and dropped
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22 mill. That a man who identified himself as being from the office
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(Page 2 - Affidavit)

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7 the road was changed is the approximate acre and a half above
8 mentioned which said acre and a half lies between the road as
9 it presently exists and the lower ditch through the premises
10 which has been in existence for many years.

11
12 Howard H. Williams
13 Subscribed and sworn to before me this 27 day of July, 1962.

14 William Jackson
15 Notary Public for Oregon

16 My Commission Expires: 10-20-64
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JACKSON & JOHNSON
ATTORNEYS AT LAW
1933 COURT STREET
BAKER, OREGON

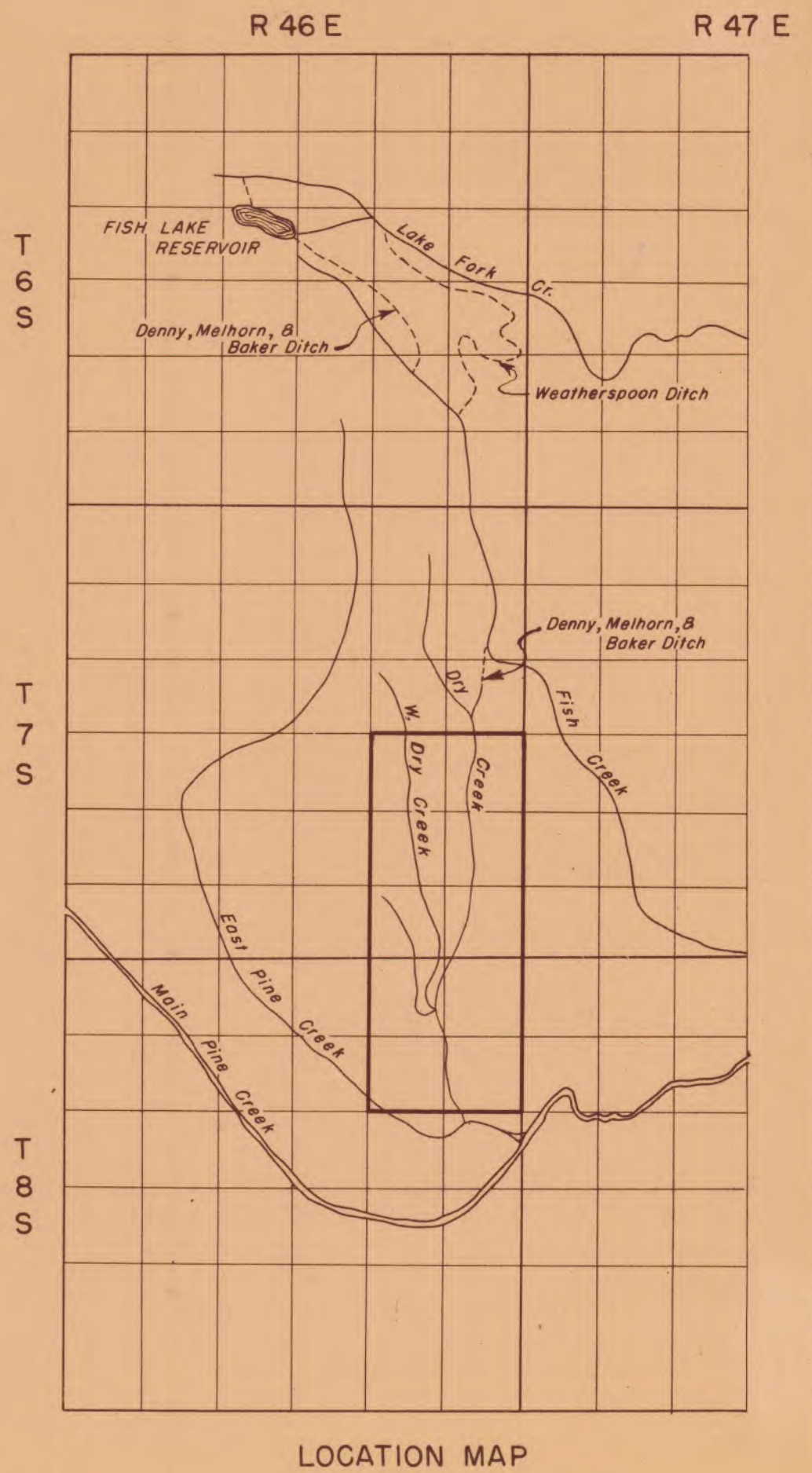
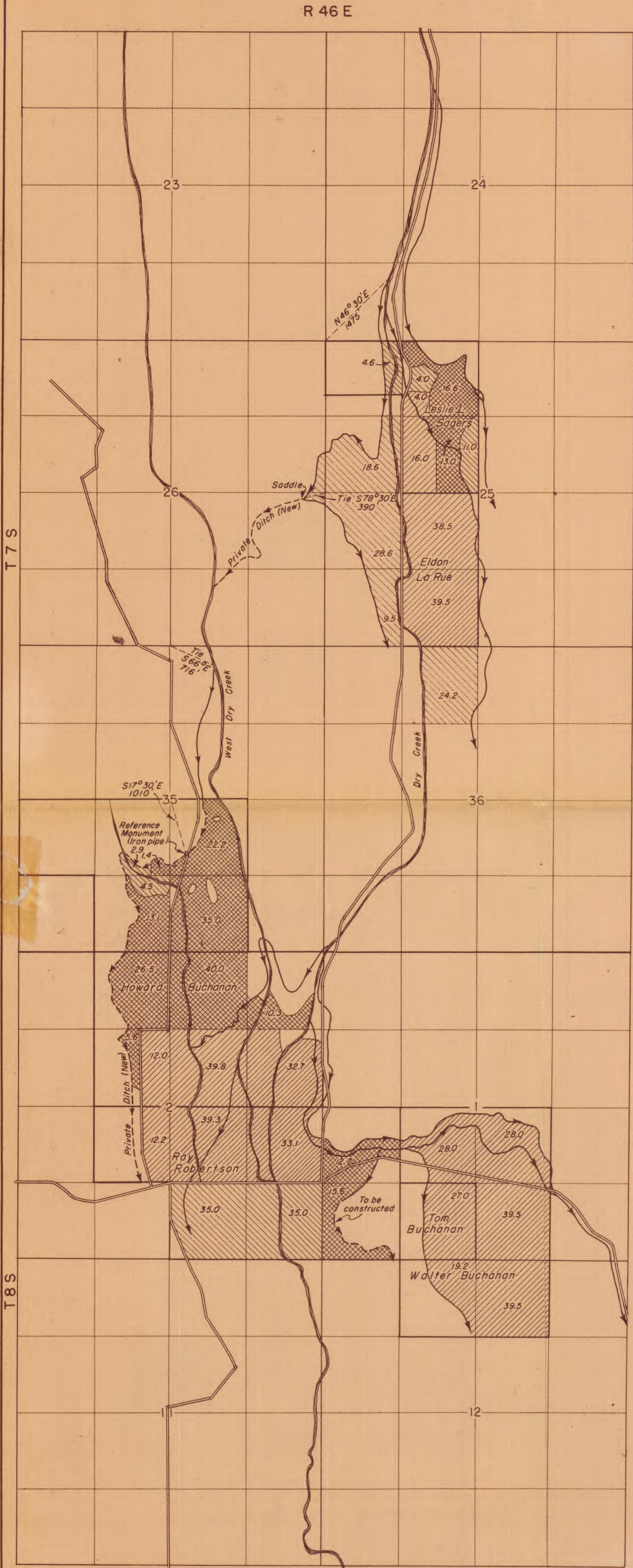
the direct flow
water to be diverted
from Lake Fork Creek
when available, any
deficiency to be
made up by diversion
from ^{either} Fish Creek,
Dry Creek or West
Dry Creek ^{as a water supply} in the
order named
providing that the total
quantity of direct flow
diverted shall not exceed
400 cfs per acre for each
acre irrigated

FISH LAKE IMPROVEMENT DISTRICT, HALFWAY, BAKER COUNTY, OREGON
APPLICATION TO APPROPRIATE WATERS OF VARIOUS TRIBUTARIES OF PINE CREEK AND WATERS STORED IN FISH LAKE RESERVOIR UNDER APPLICATION NO. 25631
PERMIT NO. 20175

PRIMARY SUPPLEMENTAL

EXISTING RIGHTS										1950 APPLICATION					
Present Owner	Twp.	Rg.	Sec.	Sub-Division	Delivery Ditch	Source of Supply	Priority Date	Acres Direct Flow, No Storage	Acres Direct Flow Plus Fish Lake Storage	Confirmed by Certificate No.	Delivery Ditch	Source of Supply	Acres Direct Flow	Acres Storage	Total for Owner
1 Ray Robertson	8	46	2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		39.3	10450				39.3	
				NE $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	" " "	1887		33.1	10450				33.1	
				SW $\frac{1}{4}$ SE $\frac{1}{4}$	Stewart to Dry Creek	Fish Creek	1879	35.0		10235	Baker, Melhorn, Denny	Fish Lake, Lake Fork, Fish Cr.		35.0	
				SE $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	" " "	1879	35.0		10235	" " "	" " " " " "		35.0	
			1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		12.2	10450				12.2	
				NW $\frac{1}{4}$ SW $\frac{1}{4}$							Baker, Melhorn, Denny	Fish Lake & Lake Fork	12.7	12.7	
				SW $\frac{1}{4}$ SW $\frac{1}{4}$							" " "	" " " " " "	15.6	15.6	182.9
2 Walter Buchanan	8	46	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake, Lake Fork, Fish Creek	1887		39.5	10235				39.5	
				NW $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	Fish Lake & Lake Fork	1887		28.0	10213				28.0	
				NE $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" " "	1887		28.0	10213				28.0	
			12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	" " "	Fish Lake, Lake Fork, Fish Creek	1887		39.3	10235				39.3	
				NE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	Fish Lake & Lake Fork	1887		19.0	10213				19.0	153.8
3 Tom Buchanan	8	46	1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		27.0	10213				27.0	27.0
4 Howard Buchanan	8	46	2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		32.7	10450				32.7	
				SW $\frac{1}{4}$ NE $\frac{1}{4}$	" " "	" " "	1887		39.8	10450				39.8	
				SE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	" " "	1887		12.0	10450				17.6	
			35	NE $\frac{1}{4}$ NE $\frac{1}{4}$	The Fish Lake water is to be delivered through the Baker-Melhorn-Denny system. Lake Fork primary flow is to be delivered through the Weatherspoon ditch to Fish Creek and the Baker-Melhorn-Denny Ditch to Dry Creek. From Dry Creek all water will be delivered through private ditch. See map.							Fish Lake, Lake Fork of N. Pine, Fish Creek, Dry Creek, and West Dry Creek	5.6	10.3	
				NW $\frac{1}{4}$ NE $\frac{1}{4}$									10.3	10.3	
				NE $\frac{1}{4}$ NW $\frac{1}{4}$									40.0	40.0	
	7	46	35	NW $\frac{1}{4}$ SE $\frac{1}{4}$									26.5	26.5	
				SW $\frac{1}{4}$ SE $\frac{1}{4}$									22.2	22.2	
				(NE $\frac{1}{4}$ SW $\frac{1}{4}$)	Baker-Melhorn-Denny	Lake Fork	Feb. 17, 1910	2.9		7058			35.0	35.0	
			(NE $\frac{1}{4}$ SW $\frac{1}{4}$)	Hensley & Dry Creek	W. Dry Creek & E. Pine	1901	2.9		10328			1.4	4.3		
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" " "	1901	4.5		10328			13.1	17.6	246.0	
5 Eldon LaRue	7	46	25	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		38.5	10279				38.5	
				SE $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" " "	1887		39.5	10279				39.5	
				SW $\frac{1}{4}$ NW $\frac{1}{4}$	Baker-Melhorn-Denny	Lake Fork	Feb. 17, 1910	18.6		7058				18.6	
			36	NW $\frac{1}{4}$ SW $\frac{1}{4}$	To Fish Creek thence to Dry Creek	" "	Feb. 17, 1910	28.6		7058				28.6	
				SW $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" "	Feb. 17, 1910	9.5		7058				9.5	
				NE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	" "	Feb. 17, 1910	24.2		7058				24.2	156.9
	7	46	25	(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		4.0	10504					
				(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Lake Fork	Feb. 17, 1910	4.0		7058	Baker, Melhorn, Denny	Fish Lake & Lake Fork	16.6	24.6	
6 Leslie Sagers	7	46	25	(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Fish Lake & Lake Fork	1887		16.0	10504	Baker, Melhorn, Denny	Fish Lake & Lake Fork			
				(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Lake Fork	Feb. 17, 1910	11.0		7058			13.0	40.0	
				(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Lake Fork	Feb. 17, 1910	4.6		7058	Baker, Melhorn, Denny	Fish Lake & Lake Fork		4.6	69.2
			N 25 A. NW $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	Lake Fork	Feb. 17, 1910									
Total for All														837.8	

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SALEM, OREGON



LEGEND



Lands with both direct flow and Fish Lake storage rights



Lands with only direct flow right for which application is made to appropriate waters stored in Fish Lake



Lands with no water right for which application is made to appropriate the direct flow waters of various tributaries of Pine Creek and the waters stored in Fish Lake

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SALEM, OREGON

FISH LAKE IMPROVEMENT DISTRICT
HALFWAY
BAKER COUNTY, OREGON

Map to accompany application for permit to appropriate waters of various tributaries of Pine Creek and water stored in Fish Lake Reservoir under

APPLICATION NO. 25631
PERMIT NO. 20175

TOWNSHIP
RANGE
SECTION

Forty

7S	46E	25	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	✓
"	"	"	SW 1/4	SW 1/4	✓
"	"	"	SE 1/4	SW 1/4	✓
"	"	35	NE 1/4	SW 1/4	✓
"	"	"	SE 1/4	SW 1/4	✓
"	"	"	NW 1/4	SE 1/4	✓
"	"	"	SW 1/4	SE 1/4	✓
"	"	"	SE 1/4	SE 1/4	✓
"	"	36	NE 1/4	NW 1/4	✓
"	"	"	NW 1/4	NW 1/4	✓
"	"	"	SE 1/4	NW 1/4	✓
8S	46E	1	NE 1/4	SW 1/4	✓
"	"	"	NW 1/4	SW 1/4	✓
"	"	"	SW 1/4	SW 1/4	✓
"	"	"	SE 1/4	SW 1/4	✓
"	"	"	NW 1/4	SE 1/4	✓
"	"	"	SW 1/4	SE 1/4	✓
"	"	2	NE 1/4	NE 1/4	✓
"	"	"	NW 1/4	NE 1/4	✓
"	"	"	SW 1/4	NE 1/4	✓
"	"	"	SE 1/4	NE 1/4	✓
"	"	"	NE 1/4	NW 1/4	✓
"	"	"	SE 1/4	NW 1/4	✓
"	"	"	NW 1/4	SW 1/4	✓
"	"	"	NE 1/4	SE 1/4	✓
"	"	"	SW 1/4	SE 1/4	✓
"	"	"	SE 1/4	SE 1/4	✓
"	"	12	NW 1/4	NE 1/4	✓
"	"	"	NE 1/4	NW 1/4	✓

Acres	Acres
Primary Irrigation	Supplemental
12.2	8.0
	1.4
	18.6
11.9 + 0.9	27.0 28.0
	37.6
	24.4
2.2	9.5
	32.8
2.1	2.9
11.7	4.5
18.0	
32.2	
1.6	
	20.8
0.3	
0.9	0.6
	27.4
14.0	
10.0	
	26.8
	22.0
	39.2
26.8	
40.0	
	39.8
5.6	32.7
17.2	
7.0	12.0
0.5	12.2
	30.0
	39.0
	34.6
1.4	35.0
0.3	39.3
	12.4
214.9	591.5
	214.9
	806.4
TOTAL Irrigation	

15
65

*

1 2.2 0
 1 0.9 0
 2.2 0
 2.1 0
 1 1.7 0
 1 8.0 0
 3 2.2 0
 1.6 0
 3 0
 9 0
 1 4 0 0
 1 0.0 0
 2 6.8 0
 4 0.0 0
 5.6 0
 1 7.2 0
 7.0 0
 5 0
 1.4 0
 3 0

2 1 4.9 0 *

8.0 0
 1.4 0
 1 8.6 0
 2 8.0 0
 3 7.6 0
 2 4 4 0
 9.5 0
 3 2.8 0
 2.9 0
 4.5 0
 2 0.8 0
 6 0
 2 7.4 0
 2 6.8 0
 2 2 0 0
 3 9.2 0
 3 9.8 0
 3 2.7 0
 1 2.0 0
 1 2.2 0
 3 0.0 0
 3 9.0 0
 3 4.6 0
 3 5.0 0
 3 9.3 0
 1 2.4 0

5 9 1.5 0 *

*

1.2 2
 1.0 9
 2 2
 2 1
 1.1 7
 1.8 0
 3.2 2
 1 6
 3
 9
 1.4 0
 1.0 0
 2.6 8
 4.0 0
 5 6
 1.7 2
 7 0
 5
 1 4
 3

Primary

2 1.4 9 *

8 0
 1 4
 1.8 6
 2.8 0
 3.7 6
 2.4 4
 9 5
 3.2 8
 2 9
 4 5
 2.0 8
 6
 2.7 4
 2.6 8
 2.2 0
 3.9 2
 3.9 8
 3.2 7
 1.2 0
 1.2 2
 3.0 0
 3.9 0
 3.4 6
 3.5 0
 3.9 3
 1.2 4

Supp'l

5 9.1 5 *

2 1.4 9

5 9 1 5

Total

8 0.6 4 */

Fish Lake

Baker

Column

1.22
80
14
1.86
1.09
2.80
376
~~244~~
22
95
3.28
21
29
1.17
45
1.80
322
16
2.08
3
9
6
274
1.40
1.00
2.68
2.20
3.92
2.68
4.00
3.98
56
3.27
1.72
70
1.20
5
1.22
3.00
3.90
3.46
14
3.50
3
3.93
1.24

Total
check.

80.64*

Diversion points located -

NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓ Sec. 9, T6S. R46E. ; NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓ Sec. 12; ~~T7S. R46E~~ ✓
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓, Sec. 24 ; NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓, Sec 25 ;
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓, Sec 35 ; SW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓, Sec 36 T.7S. R46E ✓
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓, Sec. 2 T.8S. R46E.

Diversion Points located :

Lake Fork Creek - 2280 ft. N. & 3400 ft. W. from SE cor Sec. 9 R46E. ✓ T6S. ✓
 Fish Creek - 4510 ft. N & 1930 ft. E. from W $\frac{1}{4}$ Cor Sec. 13 T.7S. R46E. ✓
 Dry Creek - 9720 ft. N. & 830 ft. W. ; 6320 ft. N. & 1590 ft. W. ;
 5900 ft. N. & 1620 ft. W. ; ~~1250~~ 1650 ft. N. & 1280 ft. W. ; 570 ft. N. & 1280 ft. W. ;
 4560 ft. S. & 2130 ft. W. ; 5220 ft. S. & 2460 ft. W. ;
 6160 ft. S. & 3000 ft W. ; ALL from the N $\frac{1}{4}$ cor
 Sec 36 ✓ T.7S. R46E. ✓
 West Fork Dry Creek - 360 ft. S. & 4620 ft. W. ;
 2700 ft. S. & 4460 ft. W. ; 5940 ft S & 3620 ft. W. ;
 ALL from the N $\frac{1}{4}$ cor. Sec. 36 ✓ T.7S. R46E. ✓

Permit No. 20175

Application No. 25631

County Baker

Proof of Appropriation of Water

1. Name Fish Lake Improvement District 2. Address Halfway, Oregon
Lake Fork Creek, Fish Creek, Dry Creek & West Dry Creek & 299 acre feet

3. Source of supply from Fish Lake Res. constr. under Appl. # R-25508, Per. # R-1116Tributary of Pine Creek4. Amount of water 5.3 c.f.s. 5. Priority date February 8, 19516. Use irrigation and supplemental irrigation 1/10 - 1/2 Limitation Use Str. & Res No 27. Location of point of diversion SEE BELOW Sec. _____, Twp. _____, Range _____, 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	Meredian			
8 S	46 E			
The water is to be delivered through the established system of the district with exception of new lands located in the SE$\frac{1}{4}$ NW$\frac{1}{4}$, NW$\frac{1}{4}$ NE$\frac{1}{4}$, NE$\frac{1}{4}$ NW$\frac{1}{4}$, Section 2, T. 8 S., R. 46 E., W.M. and in the NW$\frac{1}{4}$ SE$\frac{1}{4}$, SW$\frac{1}{4}$ SE$\frac{1}{4}$, NE$\frac{1}{4}$ SW$\frac{1}{4}$, SE$\frac{1}{4}$ SW$\frac{1}{4}$, Section 35, T. 7 S., R. 46 E., W.M. Water for these lands is to be diverted from Dry Creek into an old ditch at a point N. 46° 30' E., 1475 feet from the SW corner of Section 24, T. 7 S., R. 46 E., W.M. The water is then to be diverted from the old ditch at a point S. 78° 30' E., 390 feet from the West $\frac{1}{4}$ corner of Section 25, T. 7 S., R. 46 E., W.M. carried across a low saddle and dropped into the natural channel of West Dry Creek. From West Dry Creek diversion is made at a point S. 66° E., 716 feet from the North $\frac{1}{4}$ corner of Section 35, T. 7 S., R. 46 E., into an old ditch which has been extended to terminate in the NE$\frac{1}{4}$ SW$\frac{1}{4}$, Section 2, T. 8 S., R. 46 E., W.M.				
			SEE ATTACHED SHEET	

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.....

9N 168
166

Ditches - 2' - 3' - 2' d,

3' - 4' - 2' dp

Left - 160'

Comp: Hay & pasture

Into: Mr. Martin & Mr. Buchanan

Completed that portion west of rd.

Ditch 2' - 1'

use pasture

3/4/67

Plane Table

this - Photo

out of scale

& roads have changed

Previous attempt to

run control traverse

for lower portion on

photo no good -

This should be back-

sighted - Pick up

div. pt.s from dry pine

Creek & W. Dry Creek -

Fish Creek & Lake Fork Cr.

Sunny Reservoir -

according to Potaka

m.B.

- ~~ROADS ON BOTH EAST & WEST SIDES OF LAND ARE CHANGED -~~
 - ~~ON EAST SIDE, JUST SOUTH HALF MILE~~
 - ~~ON WEST SIDE, OVER ONE MILE CHANGED - NEEDS TO BE RUN IN ALL THE WAY.~~
- ~~- DIFFICULTY HAS BEEN EXPERIENCED WITH THE COMPASS IN THIS AREA, PARTICULARLY ON W. SIDE ROAD. THIS SHOULD EITHER BE BACKSIGHTED OR RUN WITH TIGHT CONTROL -~~

~~PRB~~

~~DIV PTS N. OF SECT. 29
NOT LOCATED -~~

Resurvey.

The land is Surveyed on
Photos BBE-9N-166, 168.

The Photos Need to be tied
together with a Traverse on the
Road on the west side tying
in the East west fence.

This line should go to the
top of section 26.

Also a traverse is needed
on the road running up to
the land in section 25, all
East-west fence should be tied
in. Also tie both traverses
together, if possible.

~~Survey~~ ~~BBE-9N-166~~ ~~BBE-9N-168~~ ~~BBE-9N-169~~
Go over all lands and get
all div. Pts. ✓
BBE-9N-166 8 S 46 E
" " 168 7 S 46 E

T.L. surveyed part of
this & can't fit to balance
of app map for insp

I think we better

survey all lands.

Res surveyed but
not tied.

~~Carl Rave~~
~~Shatt.~~

25631

FISH LAKE IMPROVEMENT DIST -

Summary: -

Waters From Lake Fork Cr. are diverted into FISH LAKE via dug ditch

Waters From FISH LAKE, INCLUDING Lake Fork water, NATURAL FISH LAKE sources, are diverted below Fish Lake dam (~~the~~ Full Flow diverted) into a dug ditch, and later allowed to flow in a natural channel into Fish Cr.

Fish Creek is then diverted into Dry Creek - From dry creek one diversion take water to W. dry Cr. Seven other diversions are used to irrigate from. THERE ARE THREE diversions on W. DRY Cr.

DIVERSION POINTS -

Lake Fork and fish lake Tied to $\frac{9}{16} \frac{10}{15}$

Lake Fork Cr. = A natural rock and plastic dam force water into a ditch U shaped - 3° wide 2° deep - full flow is diverted

FISH LAKE - A concrete dam 8° long 3° high 700 feet below the dam forces water through a 3x5° headgate into a ditch - all fish lake water is measured and controlled by a weir below this diversion. full flow is diverted.

Fish Creek: - A Concrete dam, butter board type, $4^{\circ} \times 25^{\circ}$ forces water through a $4^{\circ} \times 7^{\circ}$ head gate. no control system provided for on the head gate but, within the div. dam is a screw gate to control the down stream flow - this diverts water through a dug ditch and later a natural draw into dry Creek.

Div. PT Tied to $\frac{1}{4}$ Cor 14/13 found only: -
Tag bearing N 59.5° to $\frac{1}{4}$ Cor -
One bearing tree showing approx location -
Within 10'

DRY CREEK

#1 18" Screw valve set in concrete with 18" CMP div. str. 2" x 12" dam - furnishes most EASTERLY ditch for irrigation in $W\frac{1}{2}$ Sec 25

#2 A log and board dam
 $2^{\circ} \times 2^{\circ}$ Vert. screw head gate.
furnishes most westerly ditch for irrigation in $W\frac{1}{2}$ Sec 25 ALSO - is ditched into W. Dry Creek -

#3 A log and rock dam, 18" CMP with screw valve - Center ditch NW $\frac{1}{4}$ Sec 25

• Dry Creek div. Cont.

#8 Board and log dam $6^{\circ} \times 2^{\circ}$
wooden head gate with boards -
furnishes small ditch to irrigate
on top of ridge in field -

W. Dry Creek Diversions -

#1 A $10^{\circ} \times 2^{\circ} \times 12^{\circ}$ dam
 12×15 wooden head gate furnishes
water to Most Wester ditch Secs 35 & 2

#2 A $12^{\circ} \times 2^{\circ} \times 12^{\circ}$ dam no means
of control force water into ditch -
irrigated most of SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 35 -
and Most of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 2

Questionable Area ^{SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35} ~~Area~~ Area above
this ditch must come from extreme west
ditch - appears to be little if ever
used - Almost non existent, but area
is claimed - irrigation surveyed, but
questionable area can be gotten from photo.

#3 Small rock dam forces
water into small ditch goes
across dry Creek in flume irrigates
as shown -

Dry Creek diversions cont. -

4 pumps from dry Creek or from ditches -

Motor: - 3-71 GMC diesel

Pump: - Berkley Cent. # B3JOCW 4x3 D.D.C.

Pipe: - 900 ft 6" AL. 2600 ft 4" AL

Heads - uses 64 BR # 860 $\frac{3}{16}$ " x $\frac{1}{8}$ "

Pumps on fields W of Rd. in W $\frac{1}{2}$ Sec 25
but also floods same from ditch above -

5 Pumps flood irrigation on Barn lot
Lawn, garden, house in SW cor SE $\frac{1}{4}$ Sub
Sec 25

Motor: - G.E 2hp @ 1760 rpm

Pump: - Burks 2" x $7\frac{1}{2}$ " D.D.C.

6 Most NORTH EASTERLY DITCH TO Sec. 1
a Rock Straw, mud dam forces water
into 3^d Top 2^d bottom 0th deep ditch -

7 NORTHERLY DITCH IN Sec 2 also
flumed into the Lower NORTH EASTERLY
ditch into Sec 1 Conc dam and headgate
Vert screw valve 3^d x 3^d

~~# 8~~

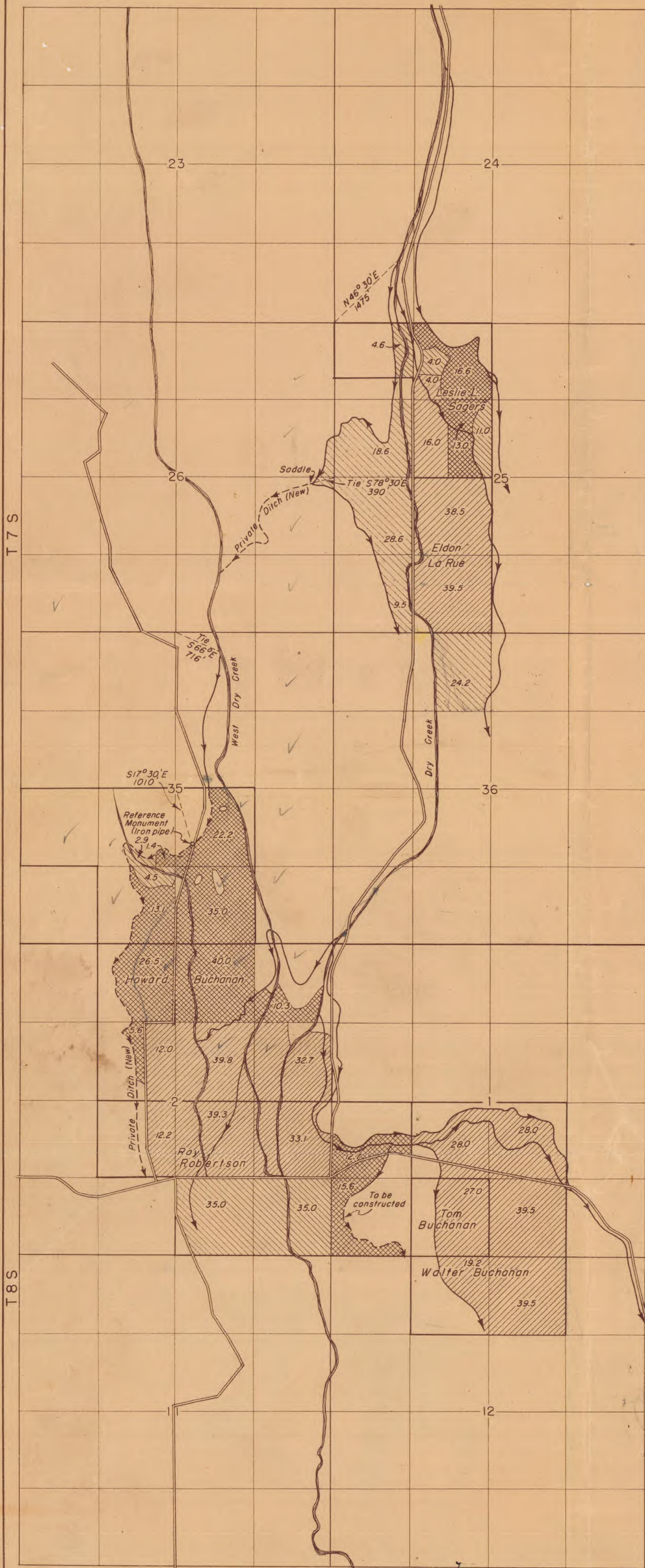
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APR 12 1951
STATE ENGINEER
SALEM, OREGON

FISH LAKE IMPROVEMENT DISTRICT, HALFWAY, BAKER COUNTY, OREGON

APPLICATION TO APPROPRIATE WATERS OF VARIOUS TRIBUTARIES OF PINE CREEK AND WATERS STORED IN FISH LAKE RESERVOIR UNDER APPLICATION NO. _____
PERMIT NO. _____

EXISTING RIGHTS											1950 APPLICATION										
Present Owner	Twp.	Rg.	Sec.	Sub-Division	Delivery Ditch	Source of Supply	Priority Date	Acres Direct Flow, No Storage	Acres Direct Flow Plus Fish Lake Storage	Confirmed by Certificate No.	Delivery Ditch	Source of Supply	Primary Acres Direct Flow	Supplemental Acres Storage	Total for Owner						
1 Ray Robertson	8	46	2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		39.3	10450				39.3							
				NE $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	" " "	1887		33.1	10450				33.1							
				SW $\frac{1}{4}$ SE $\frac{1}{4}$	Stewart to Dry Creek	Fish Creek	1879	35.0		10235	Baker, Melhorn, Denny	Fish Lake, Lake Fork, Fish Cr.		35.0							
				SE $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	" " "	1879	35.0		10235	" " "	" " " " " "		35.0							
				NE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		12.2	10450				12.2							
			1	NW $\frac{1}{4}$ SW $\frac{1}{4}$							Baker, Melhorn, Denny	Fish Lake & Lake Fork	12.7	12.7							
				SW $\frac{1}{4}$ SW $\frac{1}{4}$							" " "	" " " " " "	15.6	15.6	182.9						
2 Walter Buchanan	8	46	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake, Lake Fork, Fish Creek	1887		39.5	10235				39.5							
				NW $\frac{1}{4}$ SE $\frac{1}{4}$	" " "	Fish Lake & Lake Fork	1887		28.0	10213				28.0							
				NE $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" " " "	1887		28.0	10213				28.0							
			12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	" " "	Fish Lake, Lake Fork, Fish Creek	1887		39.3	10235				39.3							
				NE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	Fish Lake & Lake Fork	1887		19.0	10213				19.0	153.8						
3 Tom Buchanan	8	46	1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		27.0	10213				27.0	27.0						
4 Howard Buchanan	8	46	2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		32.7	10450				32.7							
				SW $\frac{1}{4}$ NE $\frac{1}{4}$	" " "	" " " "	1887		39.8	10450				39.8							
				SE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	" " " "	1887		12.0	10450				12.0							
				NE $\frac{1}{4}$ NE $\frac{1}{4}$									5.6	17.6							
				NW $\frac{1}{4}$ NE $\frac{1}{4}$									10.3	10.3							
	7	46	35	NE $\frac{1}{4}$ NW $\frac{1}{4}$	The Fish Lake water is to be delivered through the Baker-Melhorn-Denny system. Lake Fork primary flow is to be delivered through the Weatherspoon ditch to Fish Creek and the Baker-Melhorn-Denny Ditch to Dry Creek. From Dry Creek all water will be delivered through private ditch. See map.								40.0	40.0							
				NW $\frac{1}{4}$ SE $\frac{1}{4}$									26.5	26.5							
				SW $\frac{1}{4}$ SE $\frac{1}{4}$									22.2	22.2							
				(NE $\frac{1}{4}$ SW $\frac{1}{4}$)							Baker-Melhorn-Denny	Lake Fork	Feb. 17, 1910	2.9		7058			35.0	35.0	
				(NE $\frac{1}{4}$ SW $\frac{1}{4}$)							Hensley & Dry Creek	W. Dry Creek & E. Pine	1901	2.9		10328			1.4	4.3	
				SE $\frac{1}{4}$ SW $\frac{1}{4}$							" " "	" " " "	1901	4.5		10328			13.1	17.6	246.0
5 Eldon LaRue	7	46	25	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		38.5	10279				38.5							
				SE $\frac{1}{4}$ SW $\frac{1}{4}$	" " "	" " " "	1887		39.5	10279				39.5							
				SW $\frac{1}{4}$ NW $\frac{1}{4}$	Baker-Melhorn-Denny	Lake Fork	Feb. 17, 1910	18.6		7058				18.6							
				NW $\frac{1}{4}$ SW $\frac{1}{4}$	To Fish Creek, thence	" "	Feb. 17, 1910	28.6		7058				28.6							
				SW $\frac{1}{4}$ SW $\frac{1}{4}$	to Dry Creek	" "	Feb. 17, 1910	9.5		7058				9.5							
	7	46	36	NE $\frac{1}{4}$ NW $\frac{1}{4}$	" " "	" "	Feb. 17, 1910	24.2		7058			24.2	156.9							
6 Leslie Sagers	7	46	25	(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Baker-Melhorn-Denny	Fish Lake & Lake Fork	1887		4.0	10504											
				(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Lake Fork	Feb. 17, 1910	4.0		7058	Baker, Melhorn, Denny	Fish Lake & Lake Fork	16.6	24.6							
				(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Fish Lake & Lake Fork	1887		16.0	10504	Baker, Melhorn, Denny	Fish Lake & Lake Fork									
				(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	" " "	Lake Fork	Feb. 17, 1910	11.0		7058			13.0	40.0							
				N 25 A, NW $\frac{1}{4}$, NW $\frac{1}{4}$	" " "	Lake Fork	Feb. 17, 1910	4.6		7058	Baker, Melhorn, Denny	Fish Lake & Lake Fork		4.6	69.2						
Total for All															837.8						

R 46 E



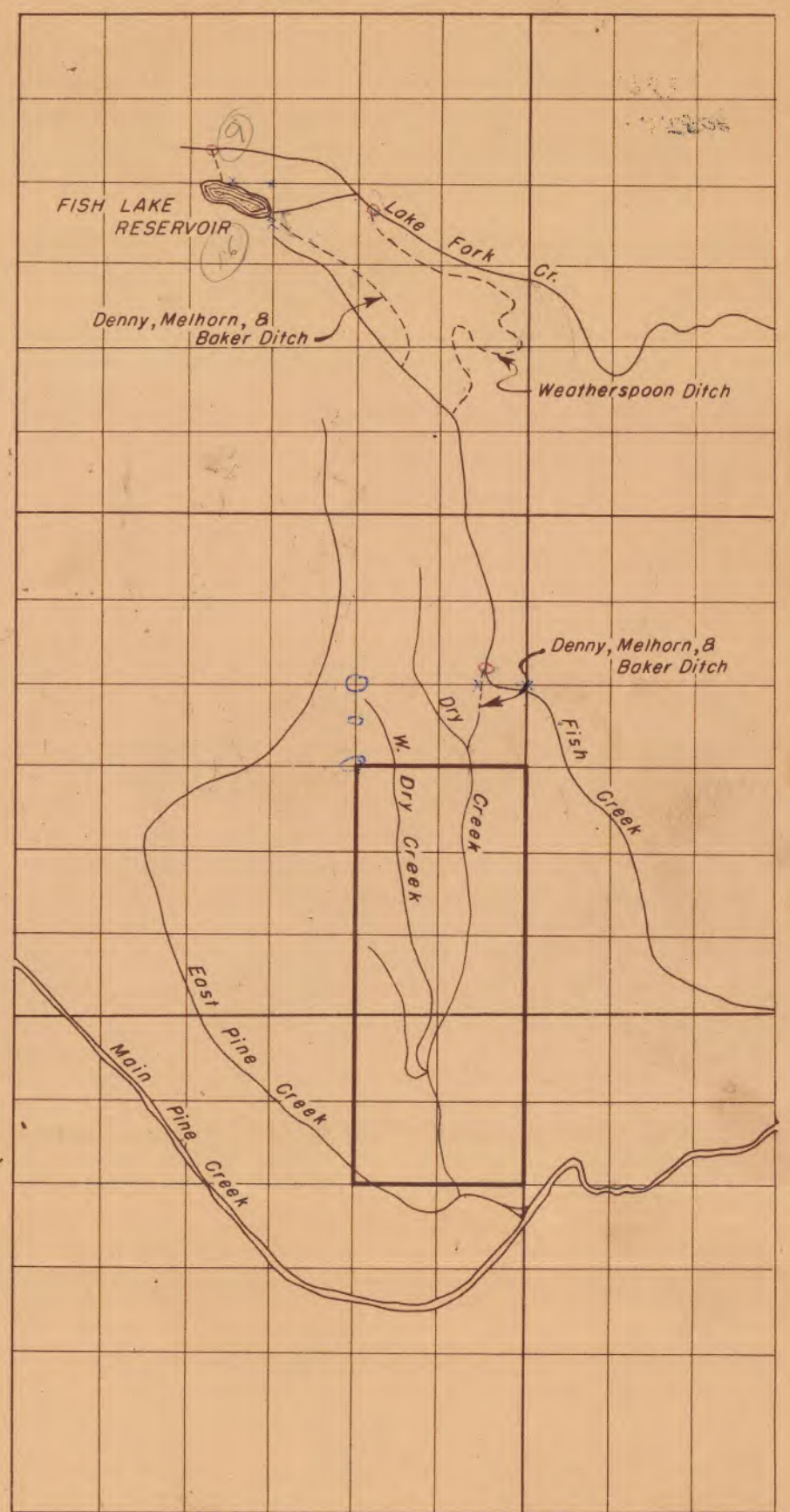
R 46 E

R 47 E

T 6 S

T 7 S

T 8 S

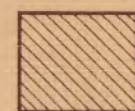


LOCATION MAP

LEGEND



Lands with both direct flow and Fish Lake storage rights



Lands with only direct flow right for which application is made to appropriate waters stored in Fish Lake



Lands with no water right for which application is made to appropriate the direct flow waters of various tributaries of Pine Creek and the waters stored in Fish Lake

GN 186

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JAN 11 1951
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SALEM, OREGON

FISH LAKE IMPROVEMENT DISTRICT

HALFWAY

BAKER COUNTY, OREGON

Map to accompany application for permit to appropriate waters of various tributaries of Pine Creek and water stored in Fish Lake Reservoir under

R-25508

APPLICATION NO. 25631

PERMIT NO. R-1116

20175

R-46-E, W.M.

10 11
25 14

T
6
S

Scale - 1" = 500'

RECEIVED
APR 12 1962
STATE ENGINEER
SALEM, OREGON

Proposed Canal plotted from field
data taken by the Soil Conservation
Service. Notes on file Baker Soil Office

PROPOSED CANAL LOCATION MAP
Fish Lake Improvement District
Halfway, Baker Co., Oregon

Drawn by D. R. Foster

WTL	WRS	WRS	5-53
WTL	WRS	WRS	

