

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

TO: Reed Marbut  
FROM: Don Knauer

DATE: December 17, 1991

SUBJECT: Indorsement of SWR-4

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made a inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: William and Ruth Moser  
ADDRESS: Box 14  
Denio NV 89404

SOURCE: Denio Creek a tributary of Pueblo Slough.

USE: Irrigation, domestic use for one family and stockwater.

PRIORITY DATE: 1888

AMOUNT OF WATER FOR EACH CLAIMED USE:

1.44 CFS for irrigation of 57.4 acres and 0.005 CFS for domestic use. 0.10 CFS for stockwater.

DIVERSION POINTS:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 18, T. 41 S., R 35 E., W.M.  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 20, T. 41 S., R 35 E., W.M.

PLACE OF USE:

15.3 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
13.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
10.2 acres Lot 3  
18.7 acres Lot 4  
Stockwater SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Stockwater SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Stockwater SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Stockwater NE $\frac{1}{4}$  SW $\frac{1}{4}$   
Stockwater Lot 2  
Stockwater NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Stockwater NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Stockwater Lot 3  
Stockwater Lot 4  
Domestic Lot 3  
Section 20,

Township 41 S., Range 35 E., W.M.

PERIOD OF USE:

The irrigation season is February 1 thru October 31. Other uses are allowed all year.

FILE C:\WP51\SWR\CLAIMANT\SWR-0004.0IM

October 16, 1991

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WATER  
RESOURCES  
DEPARTMENT

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William Moser  
Box 14  
Denio NV 89404

Dear Mr. Moser,

I am sending a copy of the memo I wrote to my supervisor. I have checked in our office and I find it is not unusual for unsigned letters to go out. I don't know who sent you the letter you showed me. Steve Brown is the person processing water right applications. I would suggest you send your application to him.

It appears you are bound by OAR 690-512-040, Malheur Lake Basin Program Provision. I do not know what a "preponderance of evidence" in this matter might be. You may qualify as the "water resources specialist" based on your years as a county extension agent.

My suggestion is to submit the application with a "report" written by you outlining your experience as an extension agent (water resources specialist) and what you know of the water availability of your source.

Sincerely,



Don Knauer  
Adjudication Specialist

A:SWR-0004.002



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3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

INTEROFFICE MEMO

TO: Reed Marbut

DATE: October 9, 1991

FROM: Don Knauer 

SUBJECT: William and Ruth Moser permit application - Denio Cr.

I met with William Moser at his home on Denio Creek. We discussed his surface water registration claiming a pre 1909 use. As we finished the field inspection and talk about his claim he asked if I could answer a question about an application he had submitted to the WRD.

He told me he had applied for a water right permit in the past. He said the application had been returned a couple of times. If I remember correctly, he said the first time it was returned with the land use information form for him to fill out. The next time he needed to supply water availability information as required by OAR 690-512-040. The letter he showed me dated March 13, 1991 was unsigned. He was quite upset by the fact that no one had signed the letter.

He wanted to know if he really was required to provide water availability information because his source of water is not a tributary to the Malheur Lake Basin. He also wondered how he could find out who had sent him the letter.

I told him I would try to find the answers to his questions.

I think it would be appropriate for you to have contact with Moser on the basis of goodwill and in support of the image of our Section, however, I think we should discuss this approach since I think it is going to be impossible for us to offer him substantial relief.

0906

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

October 21, 1991

To: Don Knauer

From: Reed Marbut

Subject: William and Ruth Moser permit application - Denio Creek

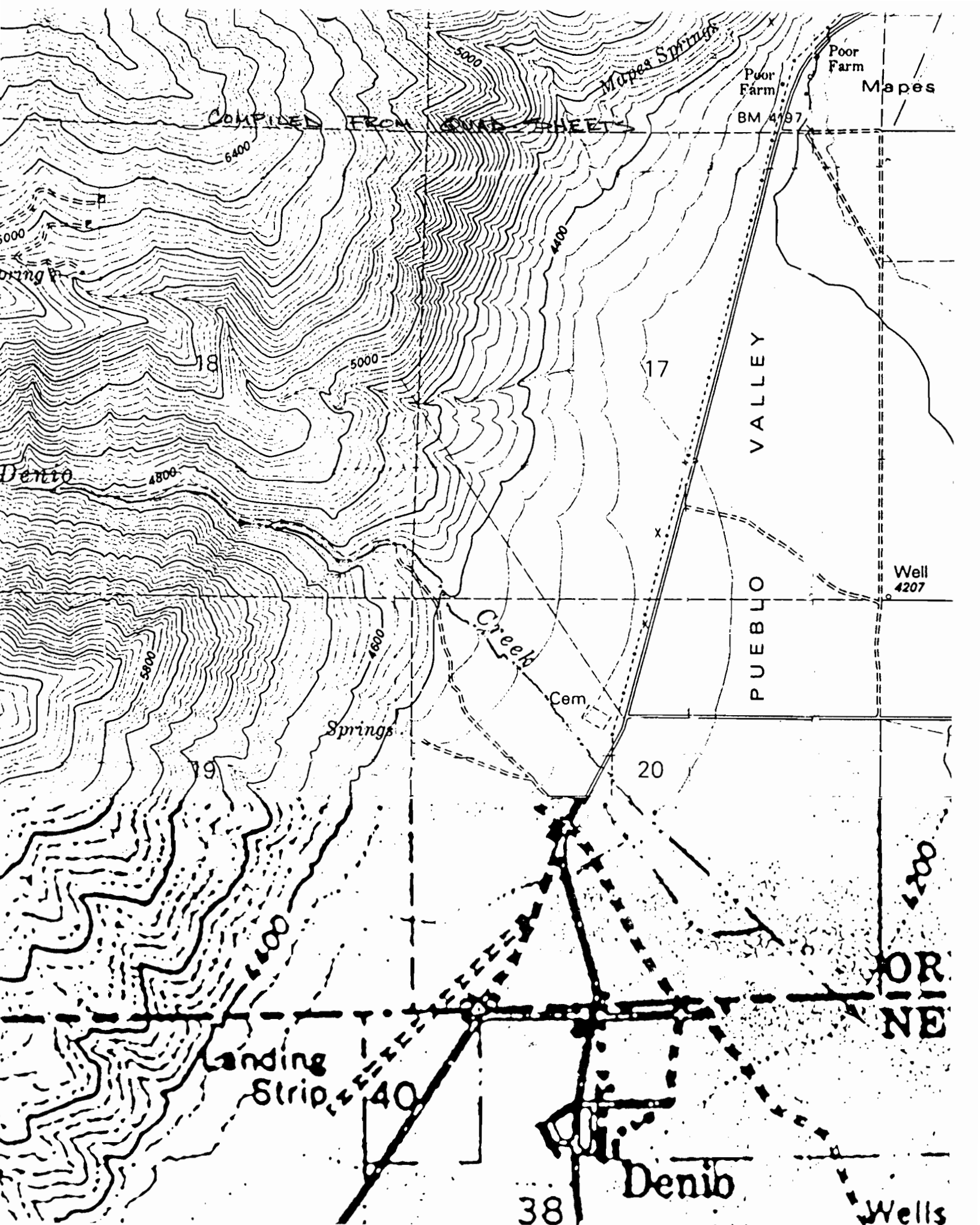
In response to the issues you have raised in your October 9, 1991 memo, let me summarize as follows:

1. It is the current policy of the water right section to deliver section letters rather than personal letters. No correspondence pertaining to permit applications are personally signed. Obviously, the problem with the Moser letter is an unsigned letter with first person references in the body of the letter. The water rights section personnel realized this mistake and now do not refer to "I" or "me" in any of their letters. The water rights personnel indicate to me that anyone wishing to ask questions or seek assistance can speak with any of the personnel in that section and it is not necessary to speak directly with the letter writer.
2. I have examined the Department rules regarding withdrawal of the Malhuer Lake Basin (690-512-040) I am told that this rule was adopted after extensive public meeting in the Malhuer Lake area and was a compromise between no action and a complete withdrawal. This particular withdrawal scheme permits new water rights if the applicant can show that unappropriated water is available to service the water right.
3. It appears as if it would be possible for Moser to avoid the impact of this rule if in fact his source of water is not a tributary to the Malhuer Lake Basin. However, the rule states "the Department shall not accept an application for permit, or issue a permit, for any use of water, or of groundwater the use of which has the potential to substantially interfere with the surface water in the Malhuer Lake Basin...". It appears as though the reach of this rule may extend beyond actual Malhuer Lake Basin tributary water to water that someone could show was related to the basin.

In advising Moser, if we elect to do so, we should be careful not to elevate his expectation concerning avoidance of Division 512.

TOWNSHIP 415 RANGE 35 E W. M. SECTION 20

N E				N W				S W				S E				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
										#1	#2			#3	#4			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
		3 <sup>4</sup>	40 <sup>5</sup>									41 <sup>3</sup>	19 <sup>2</sup>	13 <sup>6</sup>	18 <sup>2</sup>	G-3596	G-3383	46774
38																G-7735	G-7080	CANCELED
															4 <sup>1</sup>	G-8939	G-8329	
		40 <sup>0</sup>	40 <sup>0</sup>			38 <sup>3</sup>	38 <sup>5</sup>			5 <sup>5</sup>	40 <sup>0</sup>	40 <sup>0</sup>	15 <sup>6</sup>	14 <sup>8</sup>	G-8939	G-8329		
		STK	STK			STK	STK			STK	STK	DOM	STK	STK	18 <sup>2</sup>	S.W.R. 4		



COMPILED FROM QUAD SHEETS

Mapes Springs

Poor Farm

Mapes

Poor Farm  
BM 4197

18

5000

17

Denio

4800

Well  
4207

PUEBLO  
VALLEY

PUEBLO

Creek

Cem

Springs

20

19

OR  
NEIR

Landing  
Strip 40

Denio

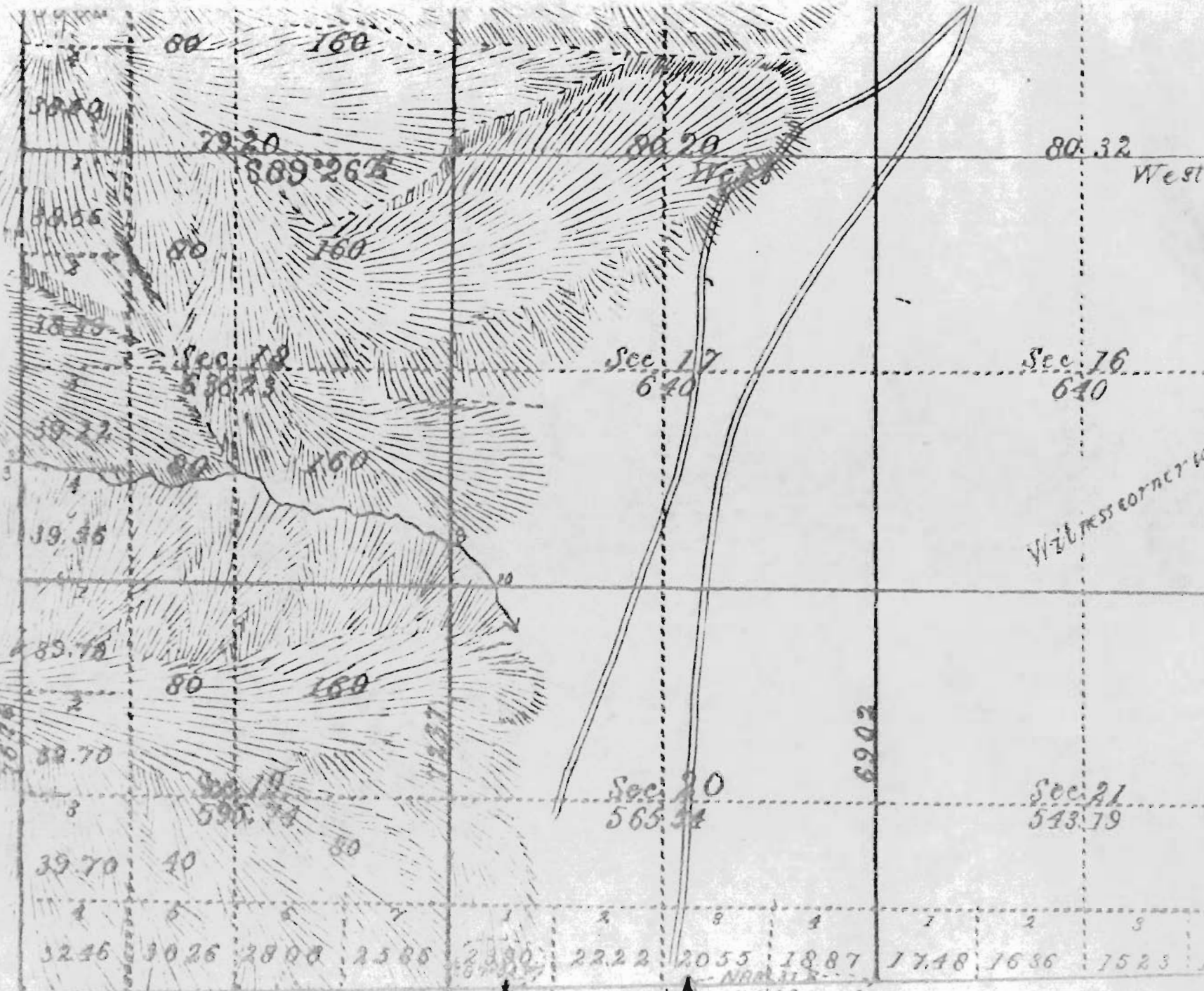
38

Wells



T41S R35E

GLO PLAT  
1881



NR 7° 54' E  
62.77

WITNESS  
MON.

Point For  
235 Mi.  
Mon.

Boundary Line between

March 13, 1991

William and Ruth Moser  
Box 14  
Denio, NV 89404

WATER  
RESOURCES  
DEPARTMENT

Dear Mr. and Mrs. Moser:

We have received a land use information form, application map, and check in the amount of \$332.00.

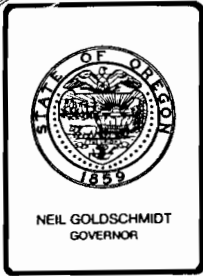
I am unable to locate an application form in our office describing the use to which to intend to make application for permit.

Therefor, I am returning the information and check #1289 in the amount of \$322.00 to you.

I am enclosing an application form for you to complete.

In addition, water availability information as required by Administrative Rule 690-512-040, will need to accompany the application. I am enclosing a copy of the rule.

If you have any questions, please contact the water Rights Section at 378-3739.



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 31, 1990

William & Ruth Moser  
Box 14  
Denio, NV 89404

*See*

*SWR 24*

REFERENCE: File SWR-4

Your registration statement claiming a right to appropriate 2.68 cubic feet per second from Denio Creek for the irrigation of 107.1 acres, does not locate the diversion point in the State of Oregon, was not accompanied with sufficient fees and does not contain sufficient information, so could not be filed. Your registration statement and map are enclosed.

This is to also acknowledge the fees of 129.60 for which our receipt 68682 is enclosed.

The registration statement, as prepared, requires fees of \$208 based on the 107.1 acres to be irrigated. Therefore, an additional fees of \$79.20 would be needed. The fee of 128.80 mentioned in our earlier correspondence was based on the 64.4 acres as noted on the statement submitted in November of 1989.

However, in addition the fees, map and information needed, in order for the file the statement, the point water will be diverted must have been and be located within the State of Oregon.

Item 4 on the registration statement will need to be properly completed. Also, the map to support the application will need to be prepared by a Certified Water Right Examiner.

Of the fees of \$129.60 submitted, \$0.80 is to be credited to your Surface Water Registration-4. The \$128.80 can be credited a new registration statement when received in proper form with the additional fees and the supporting map.

Unless we here from you within thirty (30) days from the date of this letter, we will assume that you will not proceed with the registration statement. A check will be prepared and sent to you in the amount of \$128.80 refunding the unearned fees. If you have any questions, please contact me at 378-3066.

Sincerely,

WAYNE J. OVERCASH  
Water Rights Specialist



STATE OF OREGON

INTEROFFICE MEMO

TO: SWR #4 (William & Ruth Moser) File

DATE: September 27, 1990

FROM: Don Knauer

SUBJECT: Registration Statement Review

Questions: Was this included in Trout Creek Court Case?

Denio Creek = Which drainage?

Should we even accept this registration?

Was there a second receipt written or Moser? (See Grainey letter  
Nov. 13, 1989)

Form & map:

Item #7 Which diversion point irrigates which land?  
Which diversion point for domestic?  
Which diversion point for stock?

Done by Palmer & Sons, Burns.

Check area on map with planimeter.

0654



NOV 06 1989

WATER RESOURCES DEPT.

126308

JUN 81 PAGE 218

This Indenture made the 1st day of April one thousand nine hundred and sixty-six

Between JOE ERQUIAGA and JOSEPHINE ERQUIAGA, his wife, of Denio, County of Humboldt, State of Nevada,

the parties of the first part, and WILLIAM P. MOSER and RUTH T. MOSER, his wife, of Lakeview, Lake County, Oregon,

the parties of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of Ten and no/100 dollars,

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, and sell unto the said parties of the second part, in joint tenancy and to the survivor of them, and to the heirs and assigns of such survivor forever, all

that certain real property situate in County of Harney

State of Oregon, and bounded and described as follows, to wit:

In Twp. 40 S., R. 35 E., W. M.; Sec. 35: SW 1/4 SW 1/4.

In Twp. 41 S., R. 34 E., W. M. Sec. 2: SE 1/4 SW 1/4, SW 1/4 SE 1/4. Sec. 11: NW 1/4 NE 1/4, NE 1/4 NW 1/4.

In Twp. 41 S., R. 35 E., W. M. Sec. 2: Lot 4, SW 1/4 NW 1/4, NW 1/4 SW 1/4. Sec. 20: Lots 2, 3 & 4, S 1/2 NE 1/4; SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4,

SAVE & EXCEPT road rights of way, ALSO SAVE & EXCEPT that portion more particularly described as follows:

Beginning at a point which is S. 88° 26' E., 1697 feet from the quarter section corner common to Sections 19 and 20, TWP. 41 S., R. 35 E., W. M., thence N. 25° 30' E., 210 feet; thence N. 64° 30' W., 210 feet; thence S. 25° 30' W., 210 feet; thence S. 64° 30' E., 210 feet to the point of beginning,

ALSO SAVE & EXCEPT that portion more particularly described in Book N, Page 162, Deeds, as follows:

Beginning 100 feet North of Delayan D. Defenbaugh's Northeast corner and extending 60 feet North from said corner; thence West 150 feet; thence South 60 feet; thence East 150 feet to the place of beginning,

ALSO SAVE & EXCEPT that portion more particularly described as follows:

Beginning at a point which is S. 88° 26' E., 1697 feet from the quarter section corner common to Sections 19 and 20, Twp., 41 S., R. 35 E., W. M.

NOV 06 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

126308

BOOK 81 PAGE 219

thence N. 25° 30' E. 210 feet;  
 thence N. 64° 30' W. 210 feet;  
 thence N. 25° 30' E. 462 feet;  
 thence S. 64° 30' E. 572 feet;  
 thence S. 25° 30' W. 974 feet;  
 thence N. 64° 30' W. 572 feet;  
 thence N. 25° 30' E. 302 feet;  
 thence S. 64° 30' E 210 feet to the place of  
 beginning, SAVE & EXCEPT a certain  
 tract of land 60 feet in width and 150  
 feet in length, formerly owned by  
 M. J. O'Connor.

ALSO SAVE & EXCEPT that portion conveyed  
 by Deed dated Sept. 3, 1952, recorded Feb. 13,  
 1953, in Book 56, Page 271, Deeds.

ALSO SAVE & EXCEPT that portion conveyed by  
 Deed dated Sept. 21, 1916, recorded Oct. 3, 1916  
 in Book "Z", Page 113, Deeds.

Together with any and all buildings, fences, and  
 any and all other improvements situated thereon.

Together with all water, water rights, dams and  
 ditches, stock water and stock watering rights, range  
 and range rights, appurtenant to and heretofore used  
 in connection with the above described land and  
 property.

STATE OF OREGON. } 88  
 County of Harney. }  
 I certify that the within instrument of writing  
 was received for record on the 24th day of  
October A.D. 1986 at 4:14 P.M. of Book  
81 and recorded in Book 81 at page 219  
Deed Records of said County.  
 DON C. FILBEAU, Clerk  
 By Robert Norton Deputy



Together with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold the said premises, together with the appurtenances, unto the said parties of the second part, as joint tenants, and not as tenants in common, with right of survivorship, and to the heirs and assigns of such survivor forever.

In Witness Whereof, the said parties..... of the first part have..... executed this conveyance the day and year first above written.

Signed and Delivered in the Presence of

Joe Erquiaga
Josephine Erquiaga

RECEIVED

NOV 06 1989

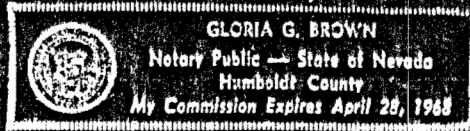
WATER RESOURCES DEPT. SALEM, OREGON

STATE OF NEVADA, )
) SS.
COUNTY OF HUMBOLDT. )

On this 1st day of April, A. D. 1966, personally appeared before me, the undersigned, a Notary Public in and for the County of Humboldt, State of Nevada, JOE ERQUIAGA and JOSEPHINE ERQUIAGA, his wife, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me, each for himself and herself, that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my Office in said County and State, the day and year in this certificate first above written.

Gloria G. Brown







STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: JULES WETZEL

DATE: 9/8/89

FROM: JERRY ROGERS  
LW # 4

SUBJECT:

THE DENIED CLAIM WE DISCUSSED LAST WEEK IS  
RECORDED IN GRANT COUNTY WATER RIGHTS RECORD  
VOLUME B , PAGE 233

V. I. U.K.

RECORD. GRANT

COUNTY

Oregon City, OR.

open and dry located in  
in. Claims 500. Inches of  
Foulder Creek at the Mouth of  
to be carried and transformed  
Which water is now in said  
bar known as the Gordon  
Mining Purposes situated in  
Mining District. Grant County  
dated this 9 day of April 88

John F. Parkinson  
Recd for Record April 18. 88

Mally

Notice

Pueblo Grant Co Oregon March 9<sup>th</sup> 1888

I have this day located and completed  
the following described Ditches  
taken from Mineral Creek commencing  
on South  $\frac{1}{4}$  of South  $\frac{1}{4}$  of section 18  
Township 41 S Range 35 E ditch 4  
feet wide and one foot deep then runs  
a South East direction to the S.  $\frac{1}{4}$  of  
N.W.  $\frac{1}{4}$  of section 20 Township 41 S Range  
35 E then divided as described  
below. One ditch running length  
wise through  $\frac{1}{2}$  of N.W.  $\frac{1}{4}$  and one  
head ditch through S.  $\frac{1}{4}$  of N.W.  $\frac{1}{4}$   
and the E  $\frac{1}{4}$  of S.W.  $\frac{1}{4}$  and two ditches  
running through S.  $\frac{1}{4}$  of section 20 Township 41 S range  
35 E

Arion Denis

Recd for Record April 21 1888 Mal



## *Water Resources Department*

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378 4060

September 1, 1989

William and Ruth Moser  
Box 14  
Denio, NV. 89404

Dear Mr. and Mrs. Moser:

For your records, please find enclosed a copy of the location notice filed by Arion Denio on April 21, 1888. It can be found in the Water Right Records Volume 1 in the Grant County Courthouse, Canyon City, Oregon. I wasn't given the page number, but the notices are filed alphabetically.

If you have any questions, please feel free to contact me.

Sincerely,

Jules Wetzel  
Adjudication Claim Examiner

JW:jt  
0363j

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

**RECEIVED**

SEP 5 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

I, WILLIAM MOSER (Name of Applicant)

of DENVER (Mailing Address)  
State of NEVADA 89404 Phone No. 495-2209 do hereby

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of (1) WELL # 2  
having a diameter of 12" and an estimated depth of 351 feet.

2. The well or other source is to be located 1380 ft. S and 2770 ft. W  
from the NE corner of SEC 20  
(Public Land Survey Corner)

(If there is more than one well, each must be described)  
being within the SE 1/4 of the NW 1/4 of  
Sec. 20 Tp. 41S R. 35E, W. M., in the county of HARNEY

3. Location of area to be irrigated, or place of use if use other than irrigation.

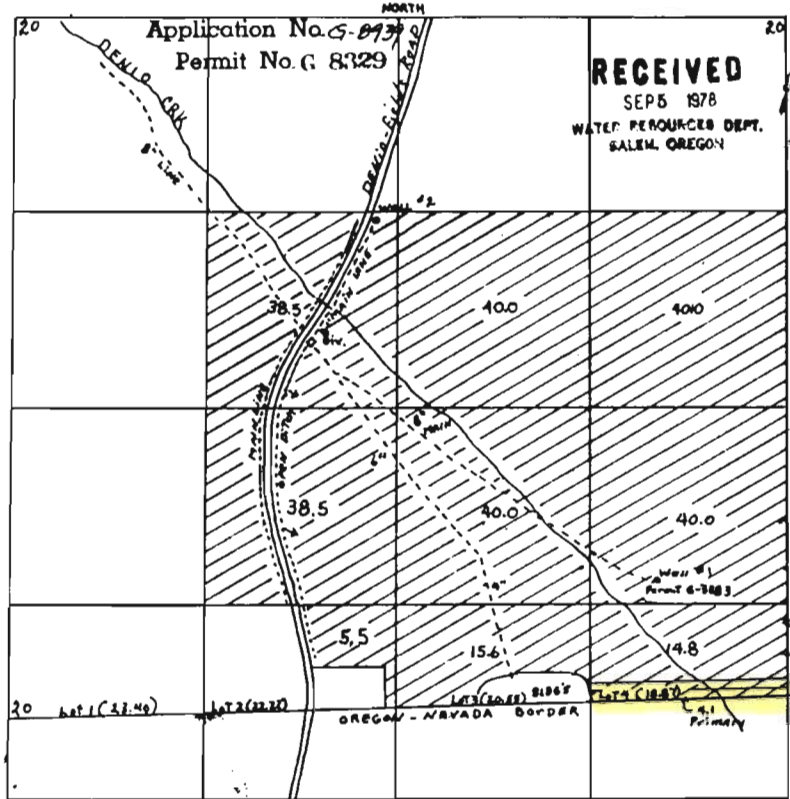
Township	Range	Section	East 1/2 1/4 of Section	List use and/or number of acres to be irrigated
41S	35E	20	SE 1/4 NE 1/4	40.0 Supplemental
"	"	"	SW 1/4 NE 1/4	40.0 " "
"	"	"	SE 1/4 NW 1/4	38.5 " "
"	"	"	NE 1/4 SW 1/4	38.5 " "
"	"	"	SE 1/4 SW 1/4	Lot (R) 5.5 " "
"	"	"	NE 1/4 SE 1/4	40.0 " "
"	"	"	NW 1/4 SE 1/4	40.0 " "
"	"	"	SW 1/4 SE 1/4	Lot (S) 15.6 " "
"	"	"	SE 1/4 SE 1/4	Lot (N) 14.8 " "
"	"	"	SE 1/4 SE 1/4	Lot (+) 4.1 PRIMARY

4. It is estimated that 340 feet of the well will require 12" casing

5. Depth to water table is estimated 85 Well drilled by SELF

SECTION PLAT

Section 20 Township 41S Range 35E  
 County of HARNEY State of OREGON



WELL #2 1590'S 2770' W FROM NE COR. SEC. 20

Scale 8" = 1 mile - 660

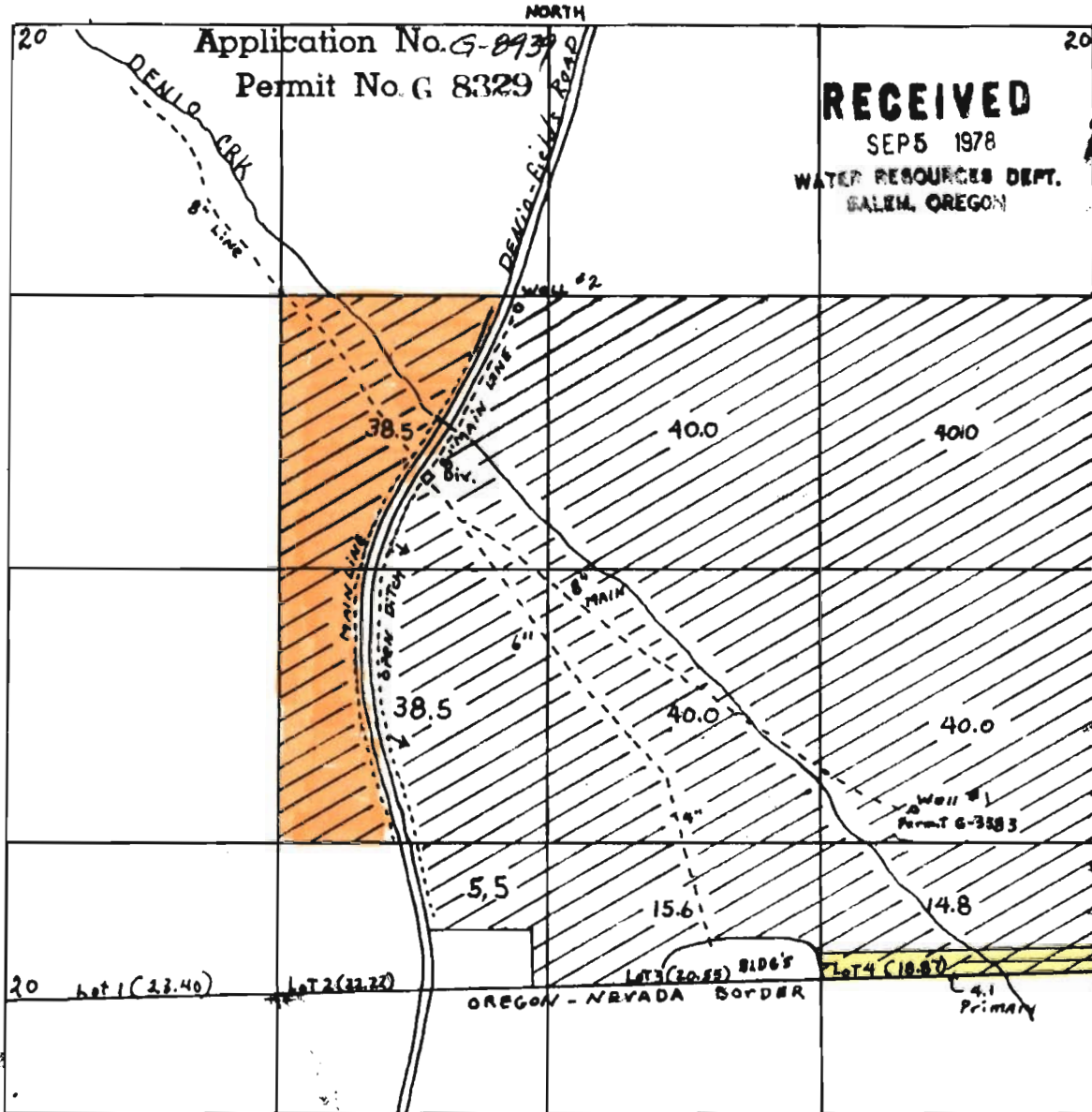


SCALE 4" = 1 MI.

APPLICATION MAP

# SECTION PLAT

Section 20 Township 41S Range 35E  
 County of HARNEY State of OREGON



WELL #2 1380' S 2770' W From NE Cor. Sec. 20

Scale 8" = 1 mile - 660



Supplemental



Primary



DROPPED IN SUBSEQUENT  
CORRESPONDANCE

### Application for Extension of Time

To the State Engineer of Oregon:

I, William Moser, of Denio, Nevada  
state of Oregon, am the owner and holder of Permit No. G-3383, 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 N.A., 19    , and complete application of water is required to be  
made on or before Oct 1, 1971.

I have heretofore done the following work described under said permit during the past year:  
Prepared approximately 40 acres for  
irrigation, removing brush, farming the land  
and installing additional irrigation systems.

and did the following work prior to last year:  
Approximately 90 acres put under irrigation  
and into crops in addition to drilling the  
well and installing pump.

costing \$26,375<sup>00</sup>, and I estimate the cost of completion to be \$10,000<sup>00</sup>.

I have heretofore used water under said permit to the following extent: Applied to  
120 acres supplemental to Denio Creek.  
[ALL LANDOWNER REMARKS SUPPL TO CR.]

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: lack of adequate capital to hire  
additional labor and equipment. We do  
the work ourselves in conjunction with other  
farm and ranch activities. We should complete  
the project this year.

(If additional space is required, attach separate sheet)

(A fee of \$5.00 for each permit involved must accompany this application.)

(OVER)

**\$5.00 FEE PAID**  
REC. NO. 27148  
DATE 2-11-72

*C*  
*10-1-72*  
*last over*  
*D*  
6884

# Abstract of Permit No. 6-3383 ✓

Application No. 6-3596 ✓ Certificate No.

ASSIGNED

Name

Joe Arquiga

WILLIAM P & RUTH T. MOSER  
DENIO, NEVADA 89404

Address

Innemucca, Nevada

Source of water supply

a well TRIB DENIO CR.

Use

irrigation - of 137 ± AC.

Point of diversion

~~File Post no. 235 is 10.04 cfs. D. of on cor. lot, sec. 20, T. 41 N., R. 35 E., Co. of Harney~~

Number of acres

237.7

630' N & 880' W. FROM S.E. COR. SEC. 20

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
41S	35E	20 ✓			40	40	17.2	15.20	40	40	14.8	40	40						
																			34
																			40 <sup>1</sup>
																			41 <sup>3</sup>
																			19 <sup>2</sup>
																			136
																			18 <sup>9</sup>
																			137 ±

Priority date

July 29, 1966 ✓

Amount of water

1.72  
3.0 c.f.s.

Time limit to begin construction

~~June 30, 1968~~

Time limit to complete construction

~~10-1-68~~ extended to extended to

Time limit to completely apply water

~~10-1-69~~ extended to extended to

Remarks: This appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; and shall be subject to such reasonable regulation as may be exercised by the Department of Water.



INFO: William Moser, new owner Does not inv. as far W. as filed.

He extended a 8" main further east in 1975 which is connected to Denis Creek & plans to inv. more land to the W. next yr. He has not inv. any land W. of the land we surveyed to date. Surveyed all inv. from well in Oregon by 10-1-72  
Inv. directly from well by ditch, or pumps to an upper ditch & floods from it.

WELL - 16" CASING, S.W.L. APPROX. 42', 100' DRAW DOWN  
SAYS GETS 1200 G.P.M. NOW

MOTOR - NEWMAN 75 H.P. @ 1780 R.P.M.

PUMP - JOHNSTON D.D. TURBINE 8" DISCH.

PIPE - 8" lined main to upper ditch

DITCH - 3' BOTT, 6' TOP, 1' DEEP

CROP - ALFALFA & RYE

LIFT - + 15' TO UPPER DITCH.

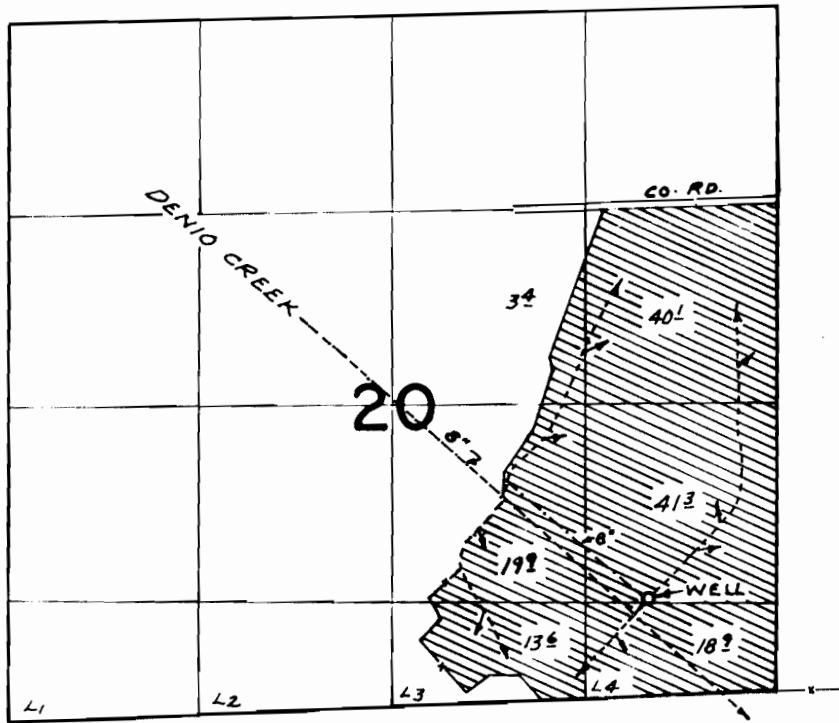
0 LIFT TO DITCH BY WELL, water runs both N. & S. from well.

TIE - 1976-2-1, S.E. COR. SEC. 20, A FC. COR.

6-19-76

R.G. Muecke

# T.41S.R.35E.W.M.



WELL LOC: 630' N. & 880' W. FROM S.E. COR. SEC. 20

## FINAL PROOF SURVEY UNDER

Application No. G-3596. Permit No. G-3383  
IN NAME OF

WILLIAM P. & RUTH T. MOSER

Surveyed JUNE 19, 1976, by R. MUCKEN

**RECEIVED**

OCT 16 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON

COUNTY OF HARNEY

**Proof of Appropriation of Water**

WILLIAM P. & RUTH T. MOSER

of Denio  
has applied beneficially the waters of  
a well

, State of Nevada, 89404 ,

a tributary of Denio Creek  
irrigation of 137.2 acres

for the purpose of

under Permit No. G-3383 and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from July 29, 1966 that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 1.72 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, T. 41 S., R. 35 E., W. M.; 630 feet North and 880 feet West from SE Corner, Section 20.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 3.4 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 40.1 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$
- 41.3 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$
- 19.9 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$
- 13.6 acres Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )
- 18.9 acres Lot 4 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )
- Section 20
- T. 41 S., R. 35 E., W. M.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of October, 1978.

William P. Moser  
Ruth T. Moser

As of Nov. 19, 1924

57.4 ACRES WAS IRRIGATED IN OREGON

~~15.3~~  
~~15.3~~ ACRES IN THE NE $\frac{1}{4}$  SE $\frac{1}{4}$

13.2 ACRES IN THE NW $\frac{1}{4}$  SE $\frac{1}{4}$

10.2 ACRES IN LOT 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )

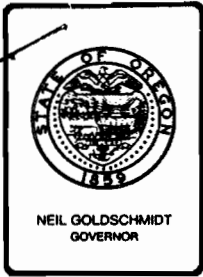
18.7 ACRES IN LOT 4 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )

SECTION 20, T41S, R35E, W.M.

W. P.O.D. LOCATED @ 130' NORTH OF THE  
C $\frac{1}{4}$  CORNER, SEC. 20.

FOR IRRIGATION AND STOCK

BY SANTIAGO MADARIAGA, OWNER.



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 13, 1989

William & Ruth Moser  
Box 14  
Denio, NV 89404

Dear Mr. & Mrs. Moser:

Enclosed is your receipt for \$182.00 for Surface Water Registration-4. We need an additional \$0.80 to cover the full cost of the registration.

I am returning your recent Registration Statement because it is incomplete.

The Registration must include:

- . a map prepared by a certified water rights examiner,
- . the description of your property as it appears in your deed, and
- . fees in the amount of \$2.00/acre x 64.4 = \$128.80.

If you return the application with the needed documents and \$129.60, we will record both registrations.

If you have any questions, please contact me at (503) 378-3066.

Sincerely,

MARY S. GRAINEY, Manager  
Adjudication Section

MSG:jt

Enclosures

0433j

12960  
received 10/29/90  
from Moser  
receipt # 28682



## *Water Resources Department*

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

August 30, 1989

William and Ruth Moser  
Box 14  
Denio, NV 89404

Dear Mr. & Mrs. Moser:

We received your amended Registration Statement and map numbered SWR-4. I am returning the statement and one copy of the map for correction and completion. Any changes should be made in ink or typewritten, initialed and dated.

In item number 4, you dated your use of water as 1889. The Madariaga documents date use of water in Oregon as 1886. You should enter the date you can best defend, but if 1886 is correct, you should say so now.

In item number 7, state the location of the place of use for your domestic and stock water claims. It appears from your amended map that the domestic use is in Lot 3 (SW1/4 SE1/4), Section 20 and the stock use is in the S1/2 NE1/4, the SE1/4 NW1/4, the E1/2 SW1/4, and the SE1/4, all in Section 20, T40S, R35E, W.M.

In item number 10, you state your use of Denio Creek is only from February to October. If, for example, the stock and domestic uses are year around and the irrigation use is from February to October, you should change item number 10 to state, "February to October for irrigation; stock and domestic use year around."

We require a description of your property as it appears on your deed. This can be obtained from the County Assessor or Clerk. An additional exhibit which we do not require, but which might help substantiate your claim is a copy of the patent deed. Title companies usually can provide this for a fee.

William & Ruth Moser  
Page Two

You have paid \$332 to date. If you claim 0.10 cfs for stock water, 0.005 cfs for domestic use and 57.4 acres of irrigation, the fees will be:

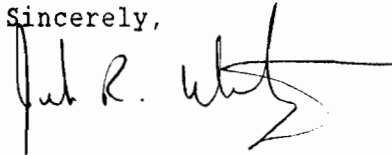
\$200.00	stock water (less than 1 cfs)
\$200.00	domestic (less than 1 cfs)
<u>\$114.80</u>	irrigation of 57.4 acres (at a rate of \$2.00 per acre)
\$514.80	Total
- <u>\$332.00</u>	
\$182.80	Balance Due

Water use in another state can have an enforceable right in Oregon if it is diverted in Oregon. Our copies of the 1924 map and supporting documents indicate Mr. Madariaga diverted water in Oregon to irrigate at least 64.4 acres in Tract 37 in Nevada, with a 1890 priority date. If this is correct and still exists, you may wish to claim your lands in Nevada. A different priority date will require a separate registration statement. I have enclosed a blank registration statement for your use.

Please note, your Surface Water Registration Statement numbered 4 has not yet been recorded or certified. Please return SWR-4 with the corrections so your claim can be recorded and certified by this agency.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Jules Wetzels  
Adjudication Claim Examiner

JW:jt

Enclosures  
0360j

RECEIVED

JUN 14 1989

State of Oregon  
WATER RESOURCES DEPARTMENT

W<sup>2</sup>K  
COPY

WATER RESOURCES DEPARTMENT  
SALEM, OREGON

REGISTRATION STATEMENT CLAIMING A RIGHT  
TO APPROPRIATE SURFACE WATER

Registrant: William and Ruth Moser

Mailing address: Box 14

Denio	Street Nv	89404	<u>195-2209</u>
City or town	State	Zip	Phone

1. Sources of water Denio Creek  
Tributary to \_\_\_\_\_

2. Purpose(s) for which water is used irrigation, stock, domestic

(irrigation, power, mining, domestic, stock, etc.)  
(ALL WATER AVAILABLE?)

3. Amount of water used for beneficial purpose (1/40)(231.7) = 5.8 cfs  
(cubic feet per second)

4. Date of the initiation of such water right 1889

If the right to be claimed is described by permit, give the permit no. \_\_\_\_\_, certificate no. \_\_\_\_\_, and name it is in \_\_\_\_\_

5. Describe the appropriate water diversion and distribution system for both the original distribution system and any enlargements:

A) DITCH:

Material dirt  
(dirt, concrete, etc.)

Top width varies Bottom width varies Depth varies

Grade or fall per 1000 feet varies Capacity varies  
(cubic feet per second)

B) PIPELINE:

Size at intake 8 inch Size and distance at changes same

Total fall between intake and place of use 250 ft. Capacity 1200gpm 2.45cfs  
(feet) (cubic feet per second)



C) PUMP:

Make \_\_\_\_\_ Type \_\_\_\_\_  
 No. \_\_\_\_\_ Intake size \_\_\_\_\_ Discharge size \_\_\_\_\_  
 Suction head \_\_\_\_\_ Discharge head \_\_\_\_\_  
 Rating: G.P.M. \_\_\_\_\_ R.P.M. \_\_\_\_\_ Pressure \_\_\_\_\_

D) MOTOR:

Type \_\_\_\_\_ Make \_\_\_\_\_  
 H.P. Rating \_\_\_\_\_ R.P.M. \_\_\_\_\_

E) CONNECTION:

Direct connected unit \_\_\_\_\_  
 If belt driven: Size of drive pulley \_\_\_\_\_ Driven pulley \_\_\_\_\_

F) DISTRIBUTION SYSTEM:

Main line: Size \_\_\_\_\_ Length \_\_\_\_\_ Kind of pipe \_\_\_\_\_  
 Lateral lines: Size \_\_\_\_\_ Length \_\_\_\_\_ Kind of pipe \_\_\_\_\_  
 Size \_\_\_\_\_ Length \_\_\_\_\_ Kind of pipe \_\_\_\_\_

G) SPRINKLER HEADS:

Make \_\_\_\_\_ Size of nozzles \_\_\_\_\_  
 Number of heads used \_\_\_\_\_ Capacity of each \_\_\_\_\_ G.P.M.  
 Operating pressure \_\_\_\_\_ lbs.

6. Area of land which your distribution system, as originally constructed, was intended to irrigate:

231.7 acres

7. Location of the area irrigated, or place of use if other than for irrigation:

County of Harney

Township	Range	Section	1/4, 1/4 Section	No. of acres Irrigated
41 S	35 E	20	SE, NW	9.6
			SW, NE	39.1
			SE, NE	39.1
			NE, SW	20.9
			NW, SE	40.0
			NE, SE	40.0
			SE, SW	7.0
			SW, SE	17.1
			SE, SE	18.9
TOTAL				231.7 acres <i>ok</i>

8. Location of the point of diversion:

SE 1/4 SE 1/4, Section 18, T 41 S ~~N/S~~, R 35 E ~~E/W~~  
( NW SE 20 T 41 S R 35 E ? )

9. If the water use is for power, please state:

- A) Gross Head \_\_\_\_\_ feet
- B) Developed THP \_\_\_\_\_
- C) Describe the type of water wheel or turbine and generator used: \_\_\_\_\_
- D) If there is a water power claim, please state the filing number: \_\_\_\_\_
- E) Is water returned to original source? \_\_\_\_\_ If so, where: \_\_\_\_\_  
\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_, T \_\_\_\_\_ N/S, R \_\_\_\_\_ E/W.

10. When does the irrigation season begin and end, and if water is used for other purposes, during what months is it used? Feb-Oct PERIOD OF USE FOR STOCK  
& DOMESTIC ?

11. Remarks: water from Denio Creek has been used for the previous stated  
reasons on this property since Aron Denio acquired the land from the Federal  
Government in 1889

This registration statement must be accompanied by a map prepared by a licensed land surveyor or engineer.

DEED DESCRIPTION  
AFFIDAVITS.

PHONE CALL 6.16.89 - MRS MOSER  
THE USE FOR DOMESTIC  
WHAT WATER DOESN'T FLOW DOWN PIPE IS DIVERTED INTO DITCH.

State of Oregon )  
County of Harney ) ss.

I, Ruth & William Moser, being first duly sworn, do hereby certify that I have read the Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

William Moser  
Ruth Moser  
Signature of Registrant

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 1989

Julia Thompson  
Notary Public

(SEAL)

My commission expires: 2-26-92

### CERTIFICATE OF REGISTRATION

State of Oregon )  
County of \_\_\_\_\_ ) ss.

This is to certify that the foregoing Registration Statement was received in the office of the Water Resources Director on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_ o'clock \_\_ M., and has been duly recorded in the office in Book No. \_\_\_\_\_ of Registration Statements on page no. \_\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
Director By: \_\_\_\_\_  
Deputy

Fees paid: Irrigation: 2312 acres, \$ 332<sup>00</sup>  
Power: \_\_\_\_\_ H.P., \$ \_\_\_\_\_  
Other Uses: \_\_\_\_\_, \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_; TOTAL \$ \_\_\_\_\_

Received: June 14, 19 89.

Tom J. [Signature]  
Water Resources Department

RECEIVED

JUN 14 1989

State of Oregon  
WATER RESOURCES DEPARTMENT

RECEIVED

AUG 25 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

REGISTRATION STATEMENT CLAIMING A RIGHT  
TO APPROPRIATE SURFACE WATER

Registrant: William and Ruth Moser

Mailing address: Box 14

Denio	Street Nv	89404	503-495-2209
City or town	State	Zip	Phone

1. Sources of water Denio Creek

Tributary to None

2. Purpose(s) for which water is used irrigation, stock, domestic

(irrigation, power, mining, domestic, stock, etc.)

irrigation =  $57.4/40 = 1.44$  cfs,

~~$(1/40)(231.7) = 5.8$  cfs~~

3. Amount of water used for beneficial purpose W M Moser

stock 1000 head = .10 cfs, domestic =  $\frac{\text{(cubic feet per second)}}{1000} = .005$  cfs, total = 1.545cfs

4. Date of the initiation of such water right 1889

If the right to be claimed is described by permit, give the permit no. \_\_\_\_\_, certificate no. \_\_\_\_\_, and name it is in \_\_\_\_\_

5. Describe the appropriate water diversion and distribution system for both the original distribution system and any enlargements:

A) DITCH:

Material dirt  
(dirt, concrete, etc.)

Top width varies Bottom width varies Depth varies

Grade or fall per 1000 feet feet varies Capacity varies  
(cubic feet per second)

B) PIPELINE:

Size at intake 8 inch Size and distance at changes same

Total fall between intake and place of use 250 ft. Capacity 1200gpm 2.45cfs  
(feet) (cubic feet per second).



8. Location of the point of diversion:

No. 1 SE 1/4 SE 1/4, Section 18, T 41 S N/S, R 35 E E/W.  
No. 2 SW 1/4 NE 1/4, Section 20, T 41 S N/S, R 35 E E/W.

9. If the water use is for power, please state:

A) Gross Head \_\_\_\_\_ feet

B) Developed THP \_\_\_\_\_

C) Describe the type of water wheel or turbine and generator used: \_\_\_\_\_

D) If there is a water power claim, please state the filing number: \_\_\_\_\_

E) Is water returned to original source? \_\_\_\_\_ If so, where: \_\_\_\_\_

\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_, T \_\_\_\_\_ N/S, R \_\_\_\_\_ E/W.

10. When does the irrigation season begin and end, and if water is used for other purposes, during what months is it used? Feb---Oct

11. Remarks: water from Denio Creek has been used for the previous stated  
reasons on this property since Aron Denio acquired the land from the Federal  
Government in 1889

This registration statement must be accompanied by a map prepared by a licensed land surveyor or engineer.

State of Oregon )  
County of Harney ) ss.

I, Ruth & William Moser, being first duly sworn, do hereby certify that I have read the Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

William Moser  
Ruth Moser  
Signature of Registrant

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 19 89

Julius Thompson  
Notary Public

(SEAL)

My commission expires: 2-26-92

### CERTIFICATE OF REGISTRATION

State of Oregon )  
County of \_\_\_\_\_ ) ss.

This is to certify that the foregoing Registration Statement was received in the office of the Water Resources Director on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., and has been duly recorded in the office in Book No. \_\_\_\_\_ of Registration Statements on page no. \_\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

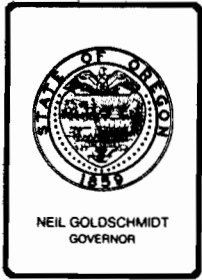
\_\_\_\_\_  
Director By: \_\_\_\_\_ Deputy

Fees paid: Irrigation: 2312 acres, \$ 332.00  
Power: \_\_\_\_\_ H.P., \$ \_\_\_\_\_  
Other Uses: \_\_\_\_\_, \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_; TOTAL \$ \_\_\_\_\_

Received: June 14, 19 89.

Tim W. DeBault  
Water Resources Department



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 19, 1989

William and Ruth Moser  
Box 14  
Denio, NV 89404

Dear Mr. & Mrs. Moser:

I am returning your registration statement and map for correction and completion.

Each item on the registration statement must be complete in reference to your registration form. Any changes should be dated and initialed. Please complete the following:

1. Phone number.
2. Item (1): If Denio Creek is a tributary of any other water course, name the water course. If it is not, enter "Not a tributary."
3. Item (3): Amount of water used... Claim only the amount historically diverted for each use separately, regardless of any rate and duty. The equation provided [  $(1/40)(231.7) = 5.8$  cfs ] indicates a calculation for irrigation use only.
4. Item (7): State the location of the place of use for your domestic and stock water claims.
5. Item (8): State the location of the points of diversion for your domestic and stock water claims. Also, if more than 2.45 cfs is diverted for irrigation [Item 5(b)], state the additional point(s) of diversion for irrigation.
6. Item 10: Define the season of use for domestic and stock water if other than February to October.
7. Fees: The \$332.00 correctly pays for the irrigation claim. There is a fee of \$200 for the first second-foot or fraction thereof and \$50 for each additional second-foot for each claimed use other than irrigation and power. Therefore, if your claim remains irrigation, domestic and stock water, we will need a minimum \$400 additional fees.



Mr. & Mrs. William Moser  
June 19, 1989  
Page 2

8. Exhibits: We require a) a description of your property as it appears in your deed and b) additional evidence of your claimed water right. These might be anything which substantiates your claim, such as affidavits of water use from long-time residents of the area, a certified copy of the original deed patent, old letters or pictures referring to the water use, etc. We are looking for any document which substantiates your claim to a priority date and the continued use of the water.
9. Map: All points of diversion, diversion systems and places of use for all uses must be shown. This will include your domestic and stock water claims. The point(s) of diversion must be tied to a established public land survey corner.

We have designated this statement as Surface Water Registration No. 4, but please note that it is not certified nor recorded by us yet. We must have this statement and map returned completed and correct before we can record it as an actual Registration of a Surface Water Claim.

If you have any questions, please feel free to call me.

Sincerely,

Jules Wetzel  
Adjudication Claim Examiner

JW:jt

Enclosures

cc: M. A. Palmer & Sons  
0281j



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 19, 1989

Chris Palmer, P.E.  
M.A. Palmer & Sons, Engineering and Surveying  
254 N. Alder  
Box 61  
Burns, OR 97720

Dear Mr. Palmer:

I am returning the Moser's Registration and Map to them for completion and correction. Enclosed is a copy of my letter to them, and a copy of their statement as we received it.

The amount of water used (statement question No. 3) must be less than or equal to the capacity of the system (statement question No. 5). I understand from Mrs. Moser that whatever water isn't piped down the hill from Section 18 is appropriated and ditched from just below the pipe system in the NW1/4 SE1/4 of Section 20. If so, then as you know, there is a point of diversion where the natural channel ends and the ditches begin.

We also need the stock and domestic use mapped. If they use ground water, not surface water, in the house and if stock water is not diverted to an impoundment of some type, they may not wish to claim domestic or stock water.

If you or your clients have any questions, please feel free to call.

Sincerely,

Jules Wetzel  
Adjudication Claim Examiner

JW:jt

Enclosure

0282j



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 16, 1989

William and Ruth Moser  
Box 14,  
Denio, NV. 89404

Dear Mr and Mrs Moser;

This will acknowledge your Registration Statement Claiming a Right to Appropriate Surface Water in the name of William and Ruth Moser . Accompanying the Registration Statement was a map prepared by M.A. Palmer and Sons, Engineers and Surveyors. The fees in the amount of \$332.00 were also received for which our receipt numbered 58255 is enclosed. Your Registration Statement has been accepted and numbered SWR-4.

In the near future we will review it and either file it as submitted or return it for correction or completion. We will keep you advised regardless.

Sincerely,

Larry W. Jebousek, Manager  
Adjudication Section

LWJ:jt

SURFACE WATER REGISTRATION STATEMENT CHECK LIST

1. Date Stamped In 6.14.89
2. Receipt # 59203
3. Payment Entered and Signed L.J. 6.14.89
4. Acknowledgement Letter L.J. 6.16.89
5. Enter on Water Right Records
  - A. Stream Index ✓ 6.15.89
  - B. Plat Cards ✓
6. Review
  - A. Form JW
  - B. Map JW
  - C. Exhibits NONE
7. Records Check
  - A. Conflicting Rights JW
  - B. Confirming or Conflicting Evidence JW
8. Letter of Correction, Completion or Acceptance JW . 6.19.89
9. Enter on PARADOX
10. Accepted as OK by WRD

0308j