

STATE OF OREGON  
 WATER RESOURCES DEPARTMENT  
 ADJUDICATION SECTION

INTEROFFICE MEMO

TO: Reed Marbut

DATE: October 10, 1991

FROM: Don Knauer *DK*

SUBJECT: SWR - 5; B.J. Purvine; review of existing water rights of record

I have reviewed the WRD records for water rights in the area of Mr. Purvines property. Section 24 T6S R4W and section 19 T6S R5W were the sections I reviewed in our records. I have entered the information in the table below.

appl. #	permit #	cert. #	use	name	priority
7558	4796	7614	irri	Purvine	9-30-20

note: there is an overlap of about 3.2 acres with this right and the area Mr. Purvine is claiming in his registration statement.

20133	22411	23106	dom & stk	Shepard	12-12-49
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note: there is a 1952 decree of Polk Co Court recognizing this right and the easement across Mr. Purvines property. There is also a cancellation petition signed by Mr. Purvine alleging this right was unused for more than 5 years. The WRD did not begin a cancellation proceeding.

20830	16327	19968	irri	Hicks	5-7-45
-------	-------	-------	------	-------	--------

note: this use is on the unnamed creek about 3/4 mile downstream of Mr. Purvine. It seems unlikely there would be any interference between them.

22026	17306	20728	irri	Purvine	10-8-46
-------	-------	-------	------	---------	---------

note: this permit covers the dam and pipeline Knauer & Marbut found in disrepair and unused on their site inspection Aug. 22,91.

Oct. 10, 1991  
interoffice memo cont.  
SWR-5

R-30829 30830	R-1875 24268	28267 28266	storage supp irri	Purvine	6-7-56
------------------	-----------------	----------------	----------------------	---------	--------

note: this permit covers the dam and pipeline Knauer & Marbut found in disrepair and unused on their site inspection Aug.22-91.

R-30909 30910	R-1908 24412	28375 28374	storage stock	Dodson	7-3-56
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note: this use is on the unnamed creek about a mile below Mr. Purvine. It is unlikely there would be interference between them.

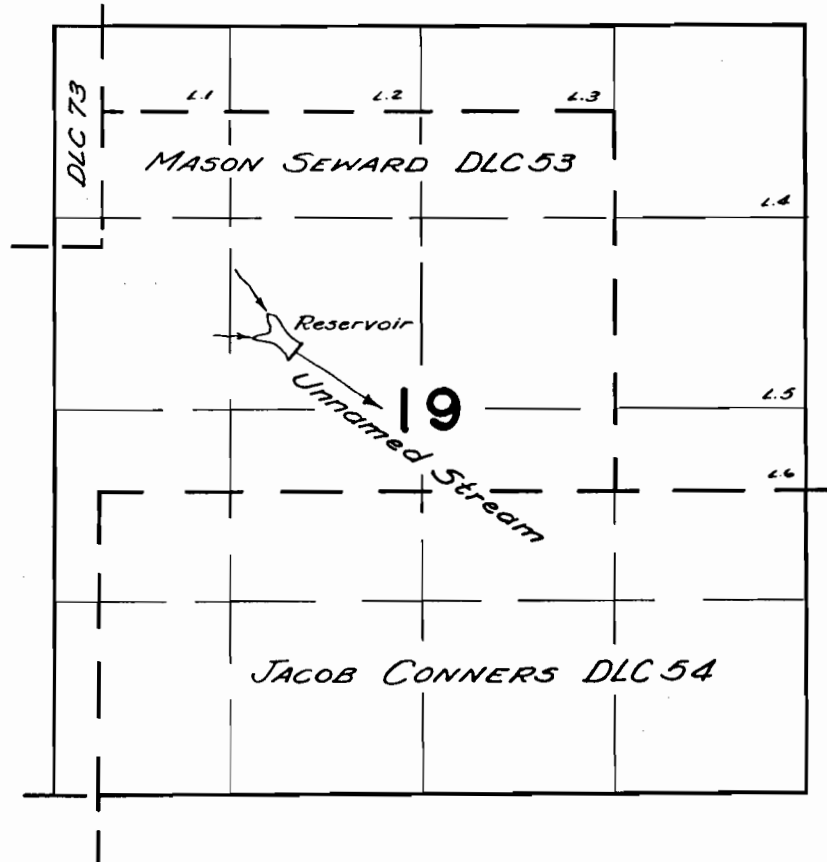
69715	MISFILED	RETURNED	domestic ½ac & stk	Purvine	9-13-88
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note: this application was returned to Mr. Purvine when it was found to be in the area which was withdrawn from appropriation by State Engineer Order Record Vol. 7 Pg. 42. ( This application covers the same area he is claiming in his registration statement)

attachments: 7 water right maps  
1 map showing compilation of water rights  
copy of Order Record Vol. 7 Pg. 42

A:\SWR-0005.004

T. 6 S. R. 5 W. W. M.



FINAL PROOF SURVEY  
UNDER

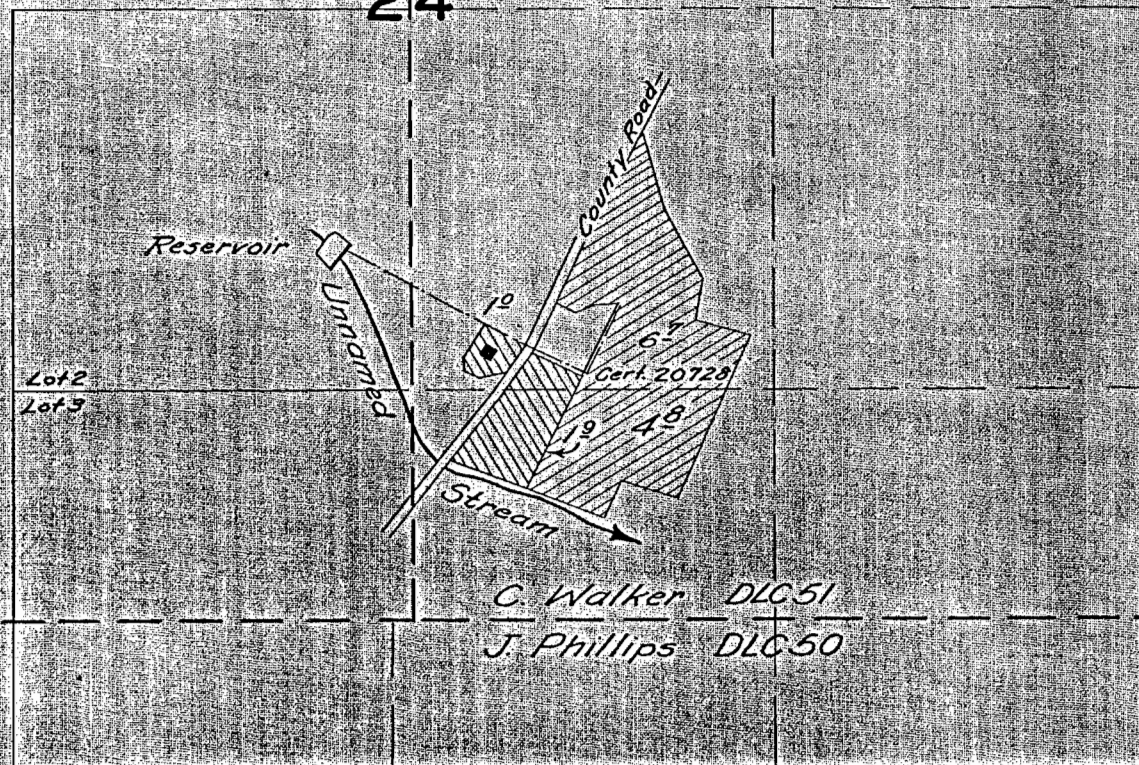
Application No. *R-30909* Permit No. *R-1908*  
*30910* *24412*  
IN NAME OF

*Chester & Carl Dodson*

Surveyed *June 23* 19*60*, by *C.O. Burtka*

T.6S. R.4W.W.M.

24



Scale: 1" = 660

**FINAL PROOF SURVEY**  
UNDER

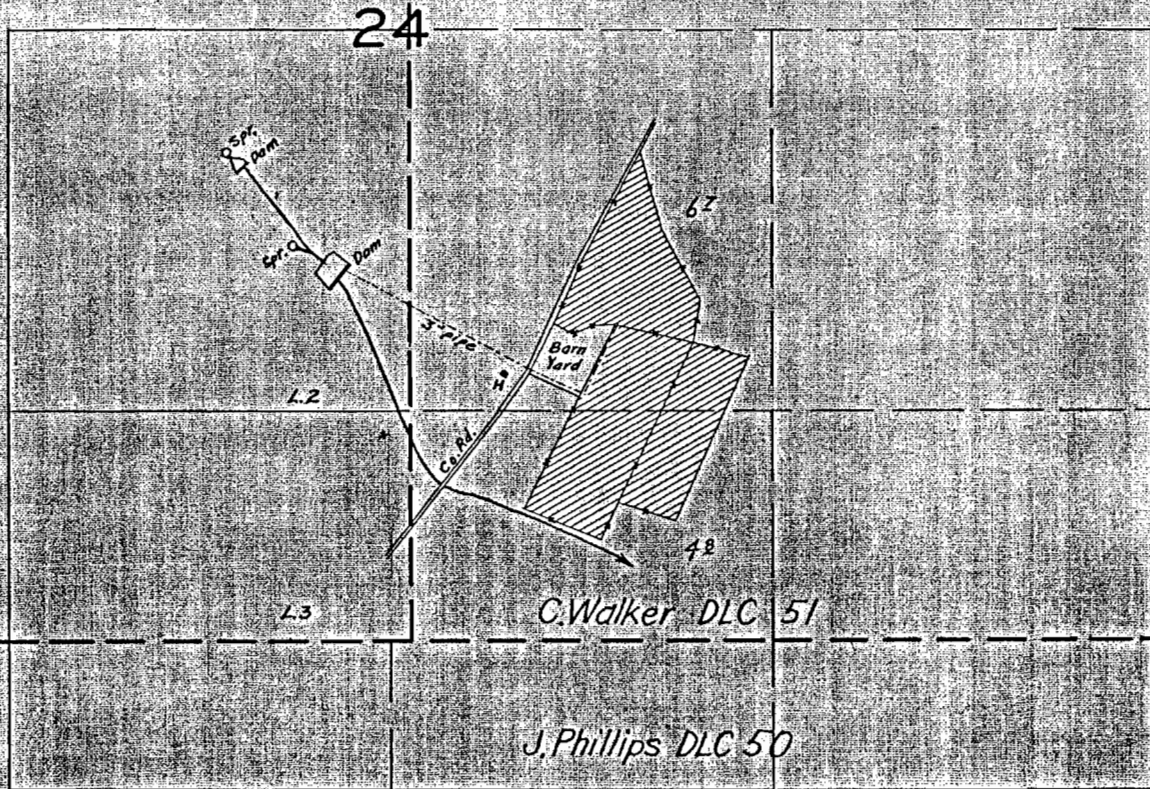
Application No. *P-30829* 30830 Permit No. *P-1875* 24268  
IN NAME OF

*BYRON J. PURVINE*

Surveyed *June 21, 1960*, by *C. O. Bartels*



T.6S.R.4W.WM



Scale 1"=660'

## FINAL PROOF SURVEY

UNDER

Application No. 22026 ..... Permit No. 17306 .....

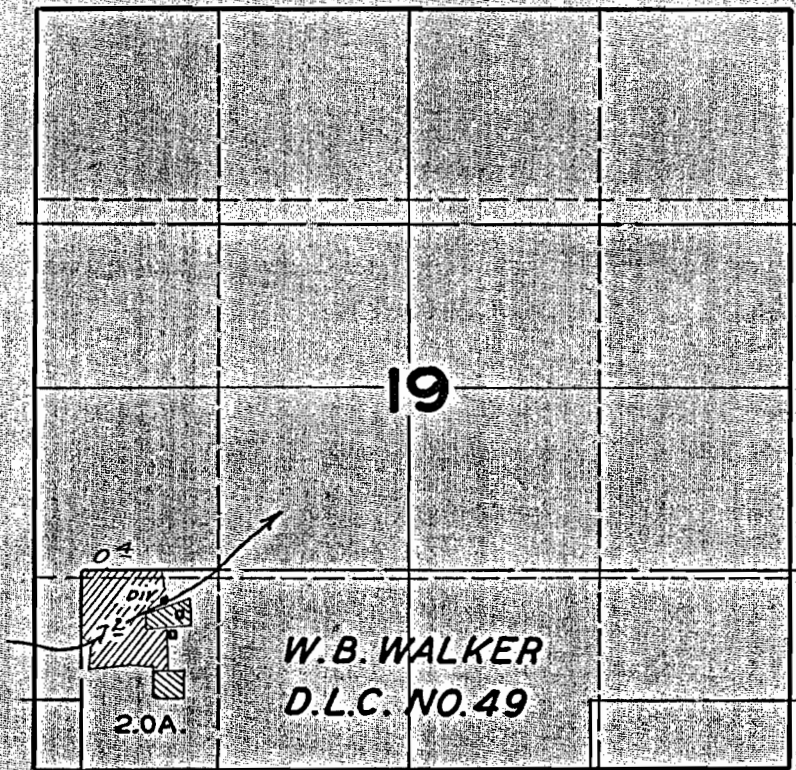
IN NAME OF

Byron J. Purvine

Surveyed March 2 19 55 by T. Jones



**T.6S.R.3W.W.M.**



**FINAL PROOF SURVEY**

UNDER

Application No. **20830** Permit No. **16327**

IN NAME OF

**T.L. HICKS**

Surveyed **MAR. 30 1949**, by **JAS. E. BUNNELL**

I, Ralph P. Howe, County Surveyor of Polk County, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on June 30, 1949; that the monument shown on this map consisting of a 1 in. iron pipe is 1497.6 feet N15°51'4"W from the Southwest corner of the C.C. Walker D.L.C., No. 51 in T.6 S.R. 4 W.W.M., in Polk County, Oregon.

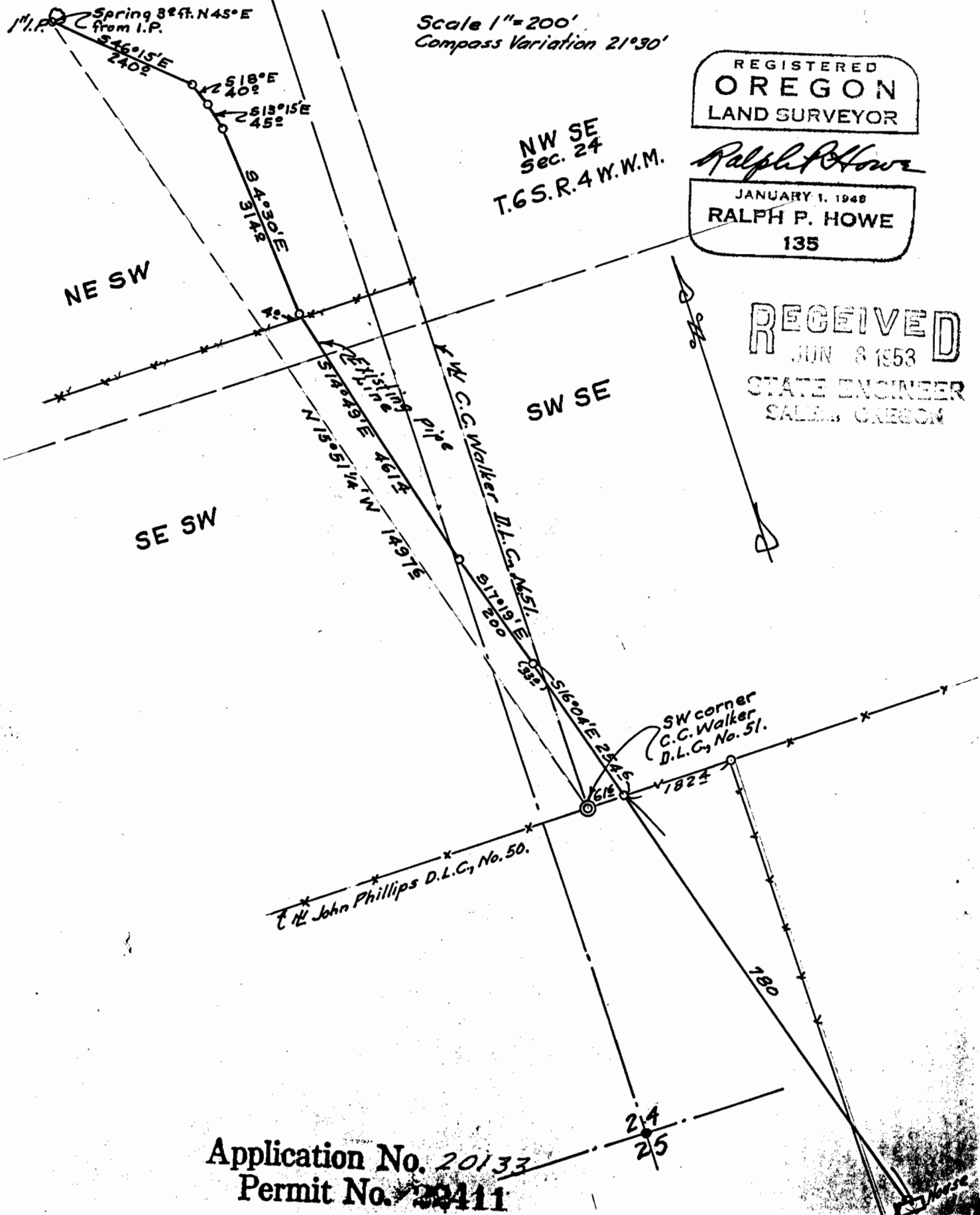
Scale 1"=200'  
Compass Variation 21°30'

REGISTERED  
**OREGON**  
LAND SURVEYOR

NW SE  
Sec. 24  
T.6 S.R. 4 W.W.M.

*Ralph P. Howe*

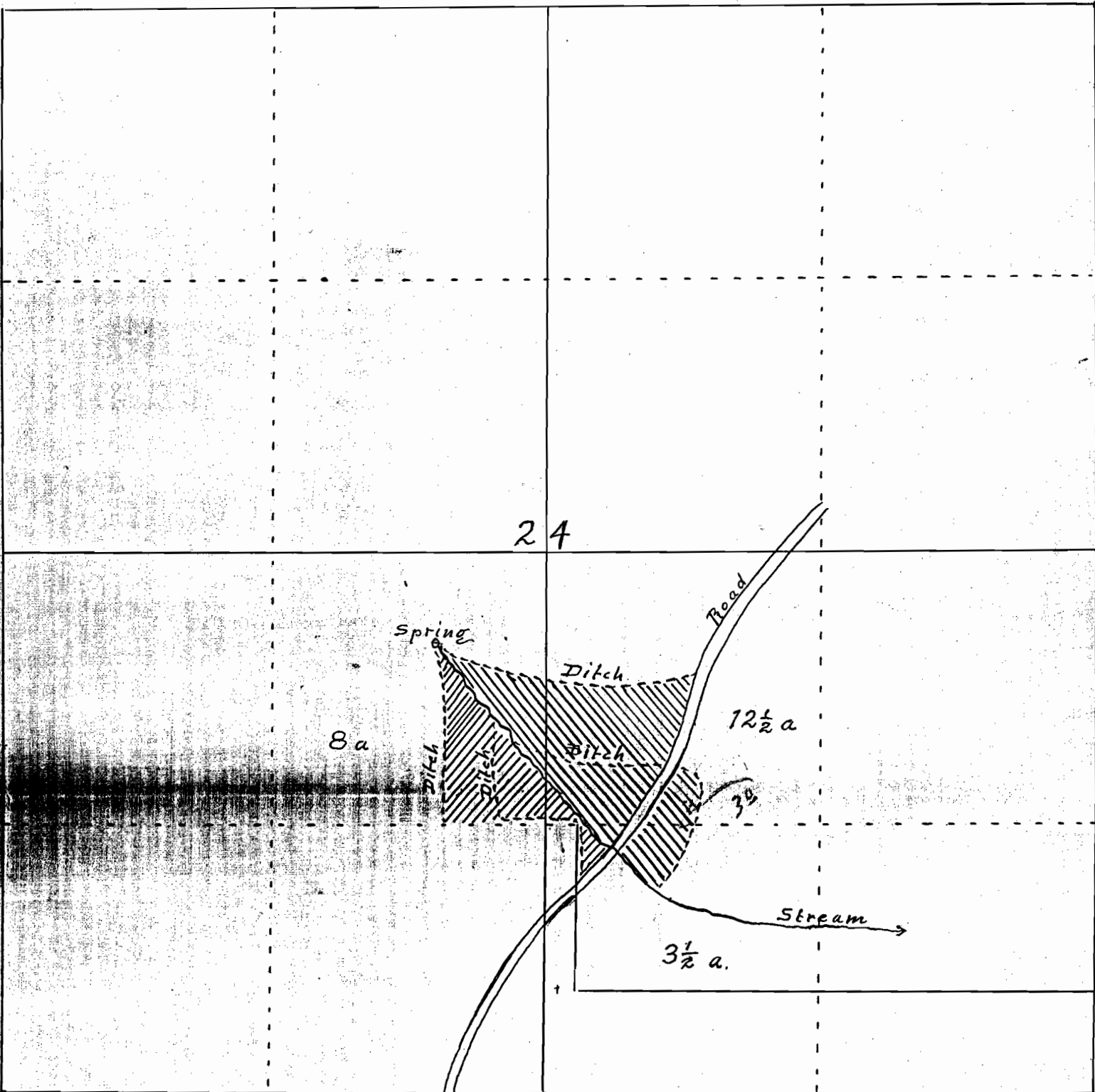
JANUARY 1, 1948  
**RALPH P. HOWE**  
135



**RECEIVED**  
JUN 8 1953  
STATE ENGINEER  
SALEM, OREGON

Application No. 20133  
Permit No. 22411

*R. Howe*



Sec. 24 T. 6 S. R. 4 W.

Permit No. 4796. C.M. Purvine. May 22, 1928.

DEPARTMENT'S  
**EXHIBIT 4**  
 CASE NO.  
*J. J. [unclear]*

**Application No.** 7558  
**Permit No.** 4796

R-30829  
 30830

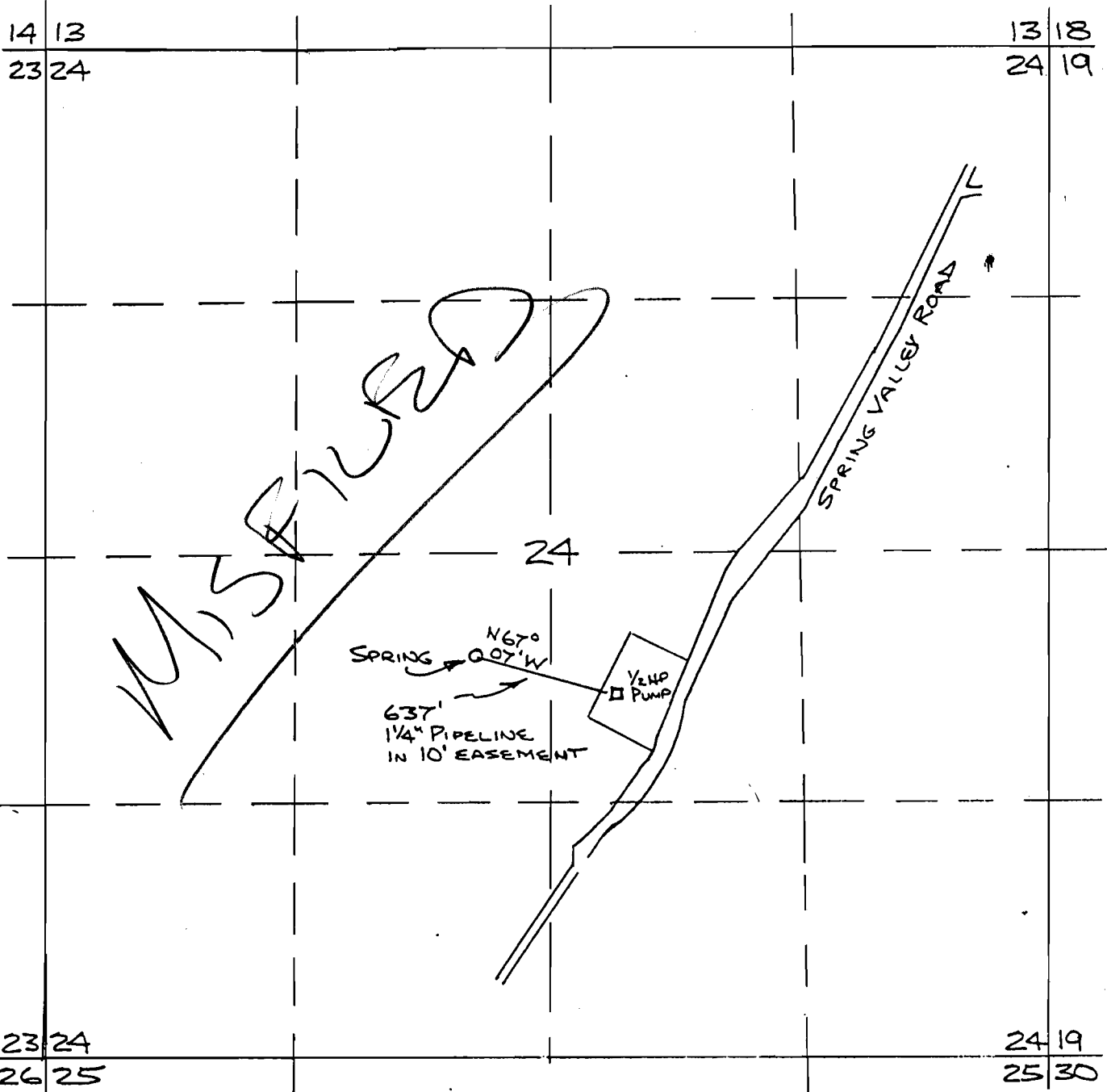


T.6S. R.4W.W.M.

COPY

14 13  
23 24

13 18  
24 19



### APPLICATION MAP

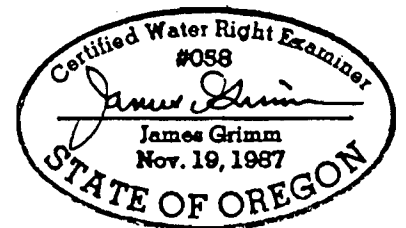
APPLICATION 69715

BYRON PURVINE

SEPT 19 1988 BY:

SCALE: 1 IN : 800 FT

NOTE: MAP IS FOR PURPOSE OF IDENTIFYING LOCATION OF WATER RIGHT AND HAS NO INTENT TO DIMENSION OR LOCATE PROPERTY OWNERSHIP LINES.



T65 R4 W

871

23

703

24

700

52

46

OAK

KNOLL

RO

A-69715

A-658

A-R-30909  
A-30910

48

Valley

A-22026  
A-R-30829  
A-30830

VALLEY

CREEK

RO

A-20830

A-20133

300

200

S

P

R

I

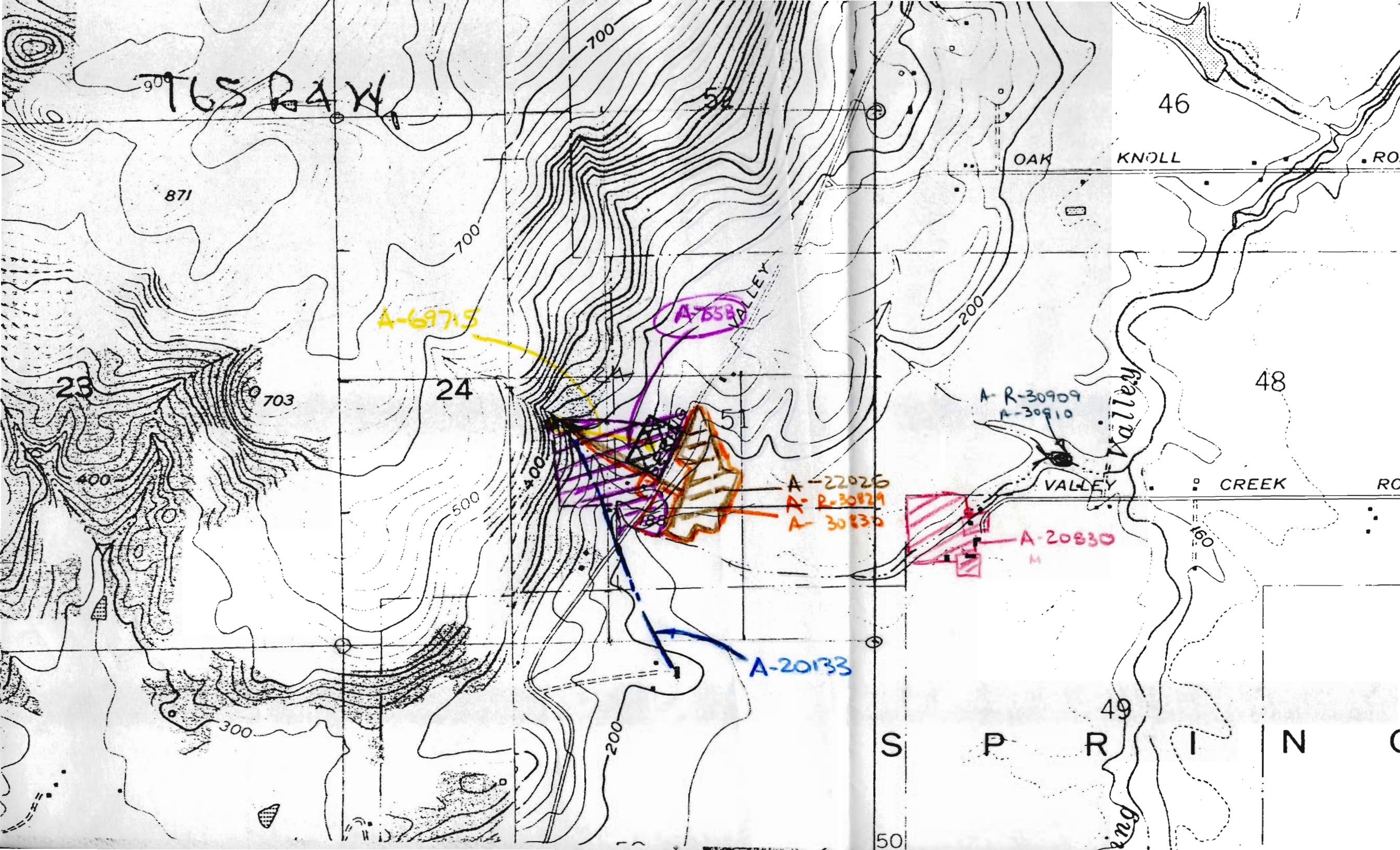
N

C

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50

ing



BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE ACCEPTANCE )  
OF APPLICATIONS FOR PERMITS TO )  
APPROPRIATE WATER FROM AN UNNAMED )  
TRIBUTARY AND ITS TRIBUTARIES, )  
TRIBUTARY OF SPRING VALLEY CREEK, )  
TRIBUTARY OF THE WILLAMETTE RIVER )  
IN POLK COUNTY, OREGON )  
-----

O R D E R

REJECTING CERTAIN  
FUTURE APPLICATIONS

This order covers the waters of an unnamed stream and its tributaries rising in the south central part of Section 24, Township 6 South, Range 4 West, W. M., and flowing easterly to its confluence with Spring Valley Creek in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 19, Township 6 South, Range 3 West, W. M. in Polk County.

Investigations by a representative of the State Engineer indicate that there is not sufficient water during the irrigation season in the stream in question and its tributaries to satisfy existing rights, and it appears that the issuance of permits approving any future applications proposing use of direct flow would conflict with existing rights.

Therefore, it is hereby ORDERED that no more applications for permits be accepted to appropriate water from this stream or its tributaries unless the applications are for storage and the appropriation of stored water.

Dated at Salem, Oregon this 18th day of August, 1950.

  
CHAS. E. STRICKLIN  
State Engineer



TO: FILE SWR-5

AUGUST 22, 1991

FROM: DON KNAUER

CONTACT:

BY: DON KNAUER & REED MARBUT

We walked up to the spring which is in the channel of the unnamed stream. It appears they have dug into the channel and may have placed perforated pipe to gather water. The channel above the valves is dry.

There is 3" ABS pipe from the spring into two upright 24" concrete pipes with sealed lids. Pipes run from the concrete pipes downstream towards the houses & winery.

We found an old dam with a ditch running on the left side of the channel to the northeast. This old unused diversion is above the present diversion about 100'. We found a larger dam on the channel about 100' below the present diversion with an old rusted out, unused metal pipe on the left side.

There is a 1/2 hp electric Berkeley pump motor on a pressure tank at the house, running at 50 lbs pressure. Source appears to be from the spring.

There is a well near the trailer house which appears to be used in house for domestic. There is a six inch steel casing. The well is located inside a shop just west of the trailer house.

TO DO:

- ~~Done~~ 1) Check for well log and find out from Purvine if the well is the domestic supply.
- ~~Done~~ 2) Research other water rights on this stream system.
- 3) Check adjacent ownerships.

NOTE: Consider the question of the source being a spring in a stream channel or a diversion from a stream.

SWR-0005.003



TO: FILE SWR-5

AUGUST 22, 1991

FROM: DON KNAUER

CONTACT:

BY: DON KNAUER & REED MARBUT

We walked up to the spring which is in the channel of the unnamed stream. It appears they have dug into the channel and may have placed perforated pipe to gather water. The channel above the valves is dry.

There is 3" ABS pipe from the spring into two upright 24" concrete pipes with sealed lids. Pipes run from the concrete pipes downstream towards the houses & winery.

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1/2 hp electric Berkeley pump motor on pressure tank at house. At 50 lbs pressure while running. Appears to be from spring.

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TO DO:

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SWR5.fir

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

INTEROFFICE MEMO

TO: Reed Marbut

DATE: July 24, 1991

FROM: Don Knauer

SUBJECT: SWR-5 BYRON J. PURVINE

As you requested, I have reviewed the Byron J. Purvine (SWR-5) file. Mr. Purvine is claiming a vested water right for 15 gpm on his property in Polk Co. with an 1845 priority date. He is requesting a proposed order from the Director to be followed by a final order of registration.

On July 5, 1989 a registration statement claiming a right to appropriate surface water was filed for Mr. Purvine by his attorney, J. Ray Rhoten. The appropriate fees were submitted and a map prepared by a CWRE. A receipt was given for the fees. Supporting documentation and evidence was filed with the form.

In May, 1991 Chris L. Wheeler submitted additional documentation and evidence for his client, Mr. Purvine. This was added to the Purvine file SWR-5.

During the course of my research of the Purvine data, I also reviewed WRD files to include: GLO plat maps, Oregon Supreme Court case Shepard vs. Purvine (as suggested by Wheeler), water right application files, maps and correspondence.

I found the following in my review:

- 1) There has been a change of place of use as described by the claimant which took place in January, 1979.
- 2) At least a portion of the area claimed in the vested water right is covered by a water right permit. It appears application 7558, permit 4796, certificate 7614 is the overlap.

3) There is a question about the size of the area irrigated. The form and CWRE map list 2 acres of irrigation. A planimeter check of the area cross-hatched on the map identified as Exhibit A page 1 of 7 shows 2.5 acres.

4) There are existing water rights on adjoining property which may be affected by this claim.

5) There is conflicting data on the priority date.

a) Mr. Purvine claims 1845 as the priority date for domestic, stock and irrigation of 2 acres.

b) In Shepard vs. Purvine 196 OR 348, the evidence showed use as early as 1884 or 1876.

c) A copy on the GLO records, Tract Book Page, shows "date of settlement June 30, 1850". ←

d) A copy of a Century Farm certificate shows "founded 1845".

e) A copy of a Land Patent shows the property left public domain Dec. 18, 1865. ←

f) The GLO plat for T6S R4W WM from a survey in 1851 shows Clayborn C. Walkers house and field. The map does not show a DLC for Walker but does for two neighbors.

g) CC Walkers diary of an 1845 wagon train trip to Oregon shows he arrived October 1845 at The Dalles.

h) A copy of pages from the History of Willamette Valley, published 1885, shows CC Walker "... in 1849... went to California... and labored in the mines for a short time."

6) There is a copy of a deed reserving a right-of-way and first water rights to 15 gpm from a spring on property sold for Purvine.

### RECOMMENDATIONS

① 1) The change in place of use should be inspected in the field to determine if any injury to other water users exists.

② 2) The "overlap" of water right certificates should be addressed by the claimant. He should indicate what the status is and will

- w/ statement that one case going to provide notice to "injury" parties<sup>2</sup>

be, ie : cancellation, subordination, etc. of permitted water rights.

- ① 3) The area of use should be inspected to determine the actual amount of acreage irrigated.
- ① 4) Same as for #1, an inspection should be made to determine if any injury to other water users exists.
- 5) Based on the GLO records, it looks to me that the priority date should be "date of settlement June 30, 1850"
- 6) Based on the deed record, Mr. Purvine's claim should be first ahead of any users of the spring within the property boundaries since the filing of the deed.

A:SWR-5.MEM

- ② →) If injury, - notice - We need to prepare a notice - to use in the such cases.
- Do we have such a form? - if not we need to discuss this procedure.
- (Would be an issue in we have an "injury" notice form?)



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WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

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6) Based on the deed record, Mr. Purvine's claim should be first ahead of any users of the spring within the property boundaries since the filing of the deed.

A:SWR-5.MEM

Bryon J. Purvine

notes on review by Don Knauer July 23, 1991

<u>July 5, 1989</u>	registration statement, evidence and fees received
attorney letter	received with form explaining change of place of use carried out in Jan. 1979
form	unnamed spring ne-sw 24 T6S R4E domestic, stk, irri 0.01 cfs = dom and stk 0.024 cfs = irri 1845
expanded remarks by Purvine	DLC claim taken up in 1845 application for permit sept 30, 1920 (a=7558 p=4763 c=7614) reserving early use deed reserving R/W & 15 gpm as first right to spring
statement by Chris Wheeler	he suggested review of Shepard vs. Purvine 196 OR 348 see facts on page 355 & 356
copy of deed	Purvine easement for pipeline Purvine reserving 1st right for 15 gpm
copy of land patent	DLC # 51 in section 24 T6S R4E Clairborne Walker got E 1/2 Louise Walker got W 1/2 dated Dec 18, 1865
Polk Co Record Certificate	not sure what its for
<u>May 31, 1991 (?)</u>	more evidence from C. Wheeler
copy of "Century Farm Certificate"	which shows: date founded 1845 Clairborne C. Walker



CC Walker diary  
of wagon train  
trip to Oregon

CC Walker arrived in The Dalles, Oregon Oct.  
1845

History of  
Willamette Valley

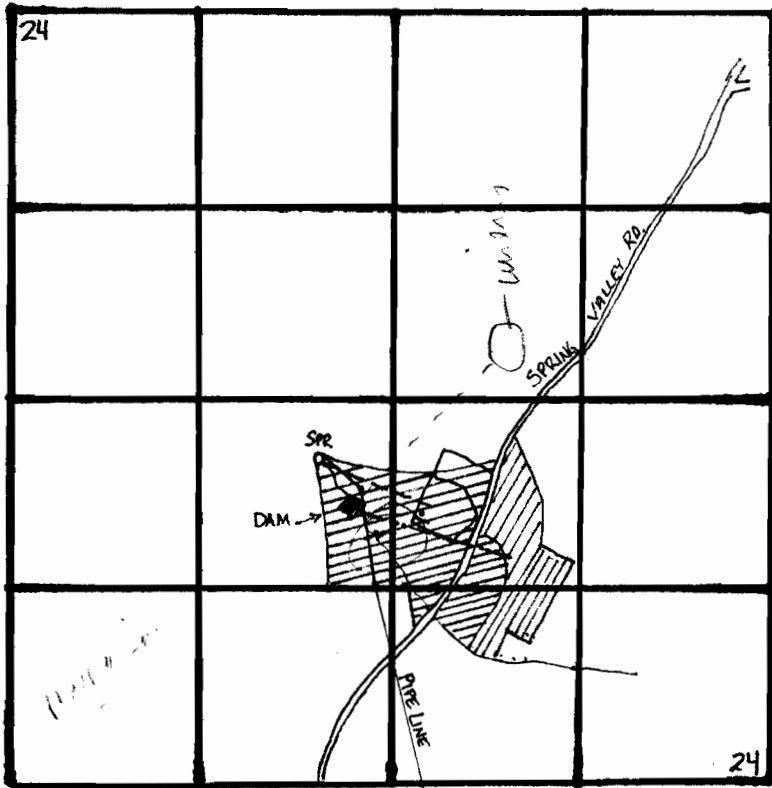
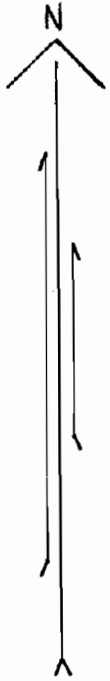
CC Walker...."....in 1849 went to California...  
and labored in the mines for a short time..."

GLO (now BLM)  
Tract Book Page  
copy

" Notification 151 date of settlement June 30,  
1850"

A:SWR-5.RVW

T6S R4W S24



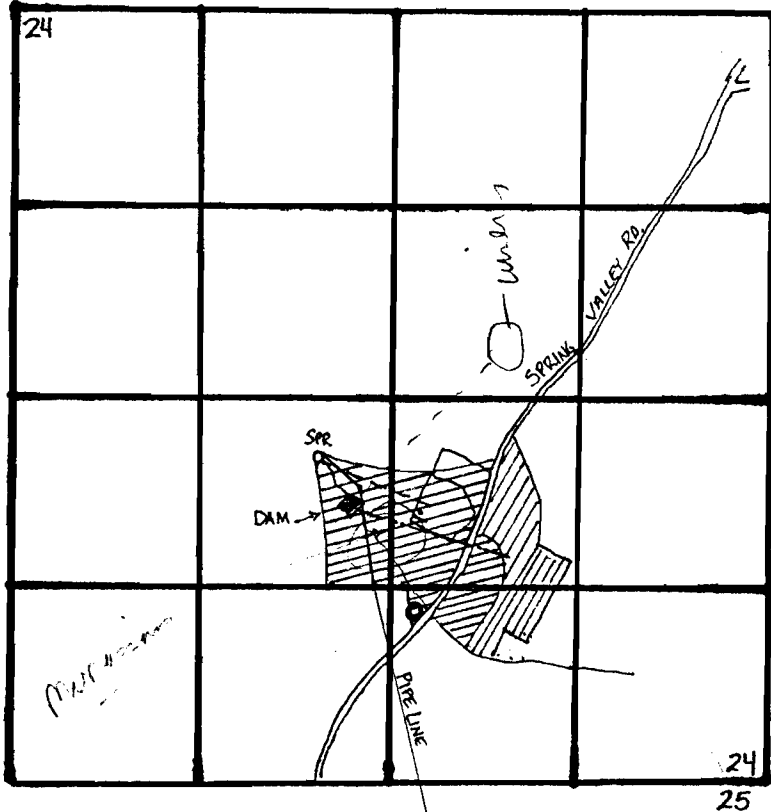
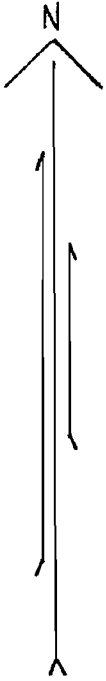
≡≡≡ A 7558<sup>CM</sup> PURVINE  
SEPT. 30, 1926

▨▨▨ A 22026<sup>BJ</sup> PURVINE  
OCT. 8, 1946

□ HOUSE A 20133 SHEPARD  
DOM. + STK. DEC. 12, 1949

□ HOUSE  
DOM. + STK.

T6S R4W S. 24

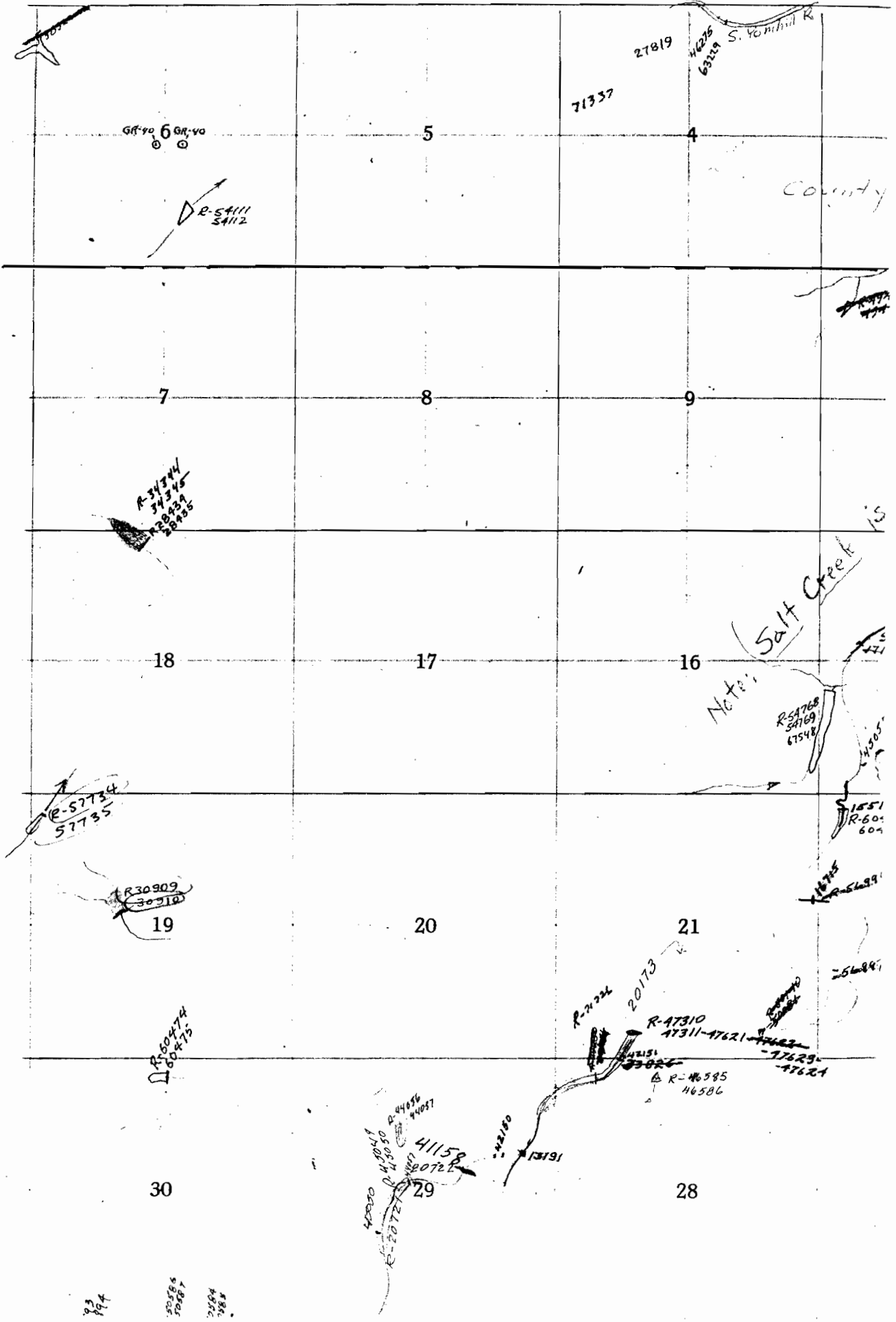


==== A 7558<sup>cm</sup> PURVINE  
SEPT. 30, 1920

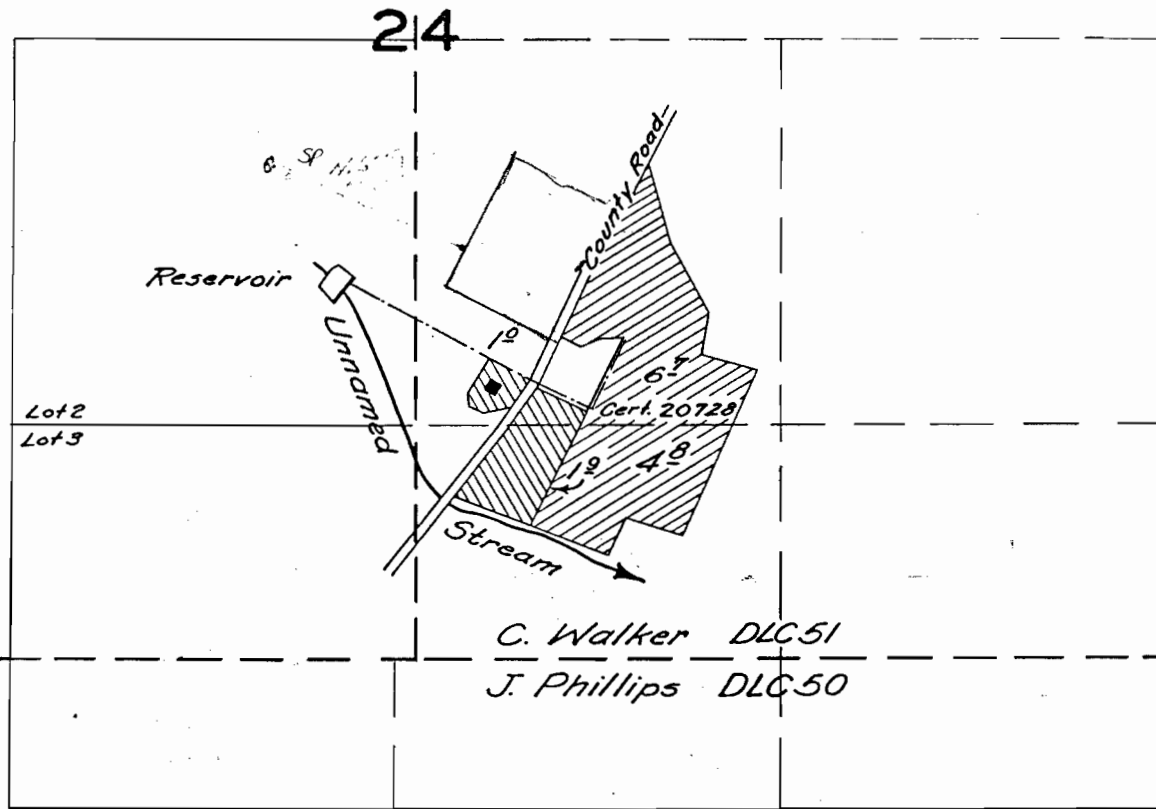
//// A 22026<sup>Bj</sup> PURVINE  
OCT. 8, 1946

□ HOUSE A 20133 SHEPARD  
DOM. STK. DEC. 12, 1949

Summary of Water Right Filings in Townsh



T.6S. R.4W.W.M.



Scale: 1" = 660

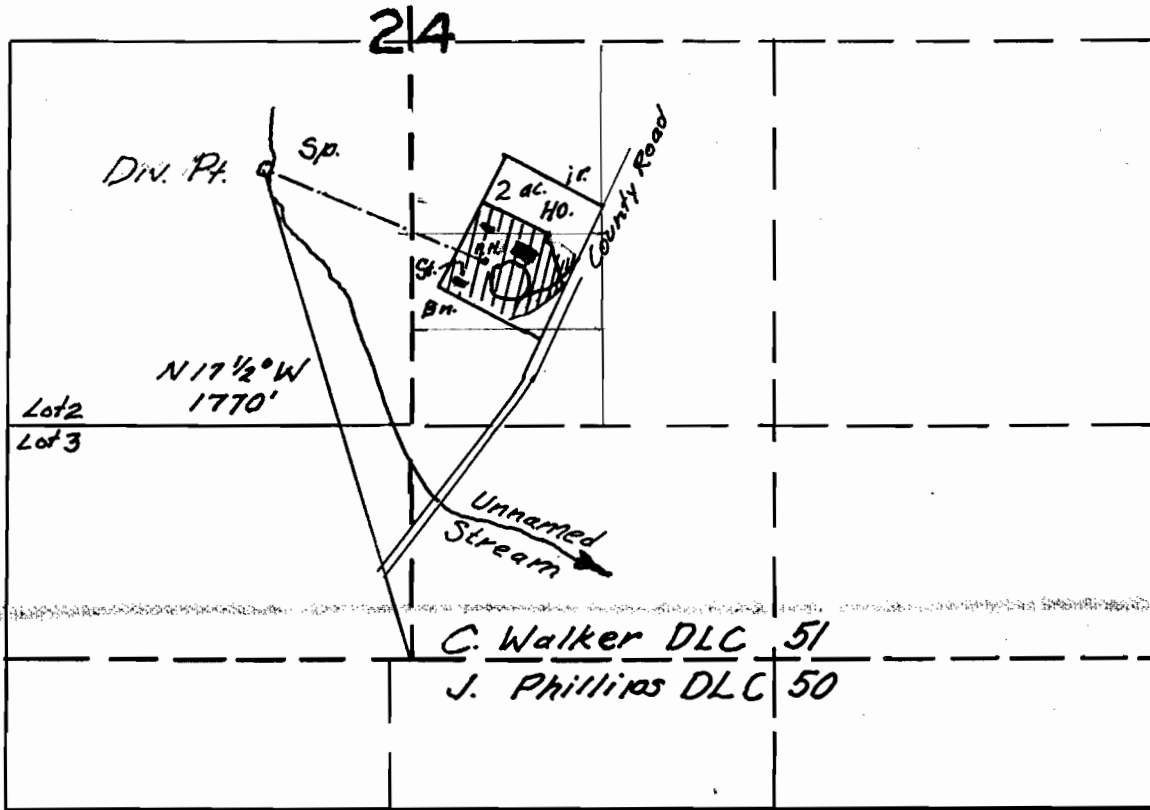
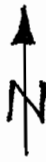
**FINAL PROOF SURVEY**  
UNDER

Application No. *R-30829* 30830 Permit No. *R-1875* 24268.  
IN NAME OF

*BYRON J. PURKINE*

Surveyed *June 21*, 1960, by *C.D. Bartels*

T.6 S. R. 4 W. W.M.



Scale: 1" = 660

MAP FOR REGISTRATION STATEMENT  
CLAIM OF RIGHT TO APPROPRIATE  
SURFACE WATER OF

BYRON J. PURVINE

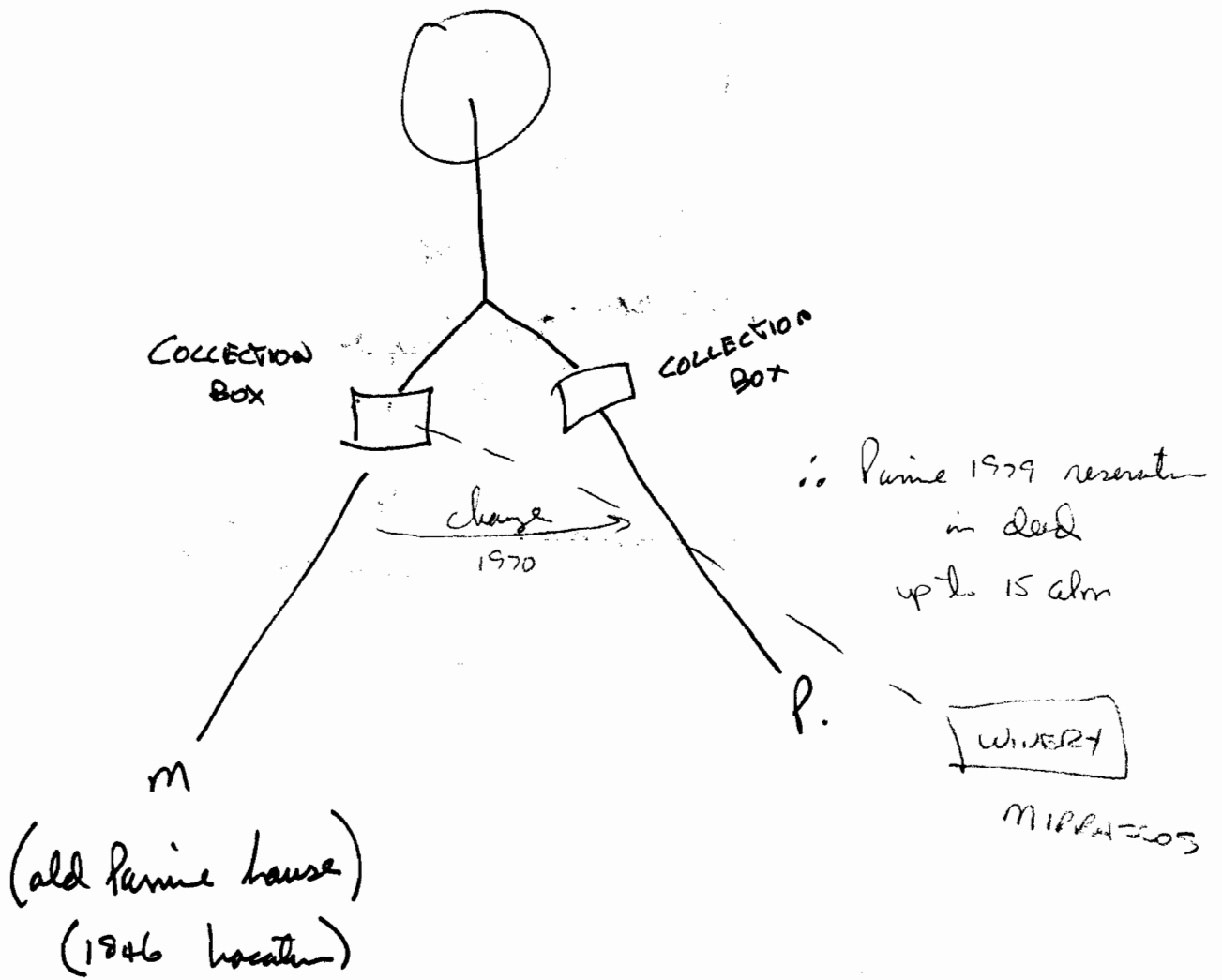
Feb. 20, 1989

JUNE 8, 1989

By

Chris L. Wheeler

EXHIBIT A



Cliff King

- water master - NW

Memorandum

3/4 years ago

- ① closed Parine flow (side valve)
- ② constructed new route to university



CERTIFICATE

I, Chris L. Wheeler, hereby certify that attached to this certificate is a photostatic copy of a copy of the Tract Book Page, Section 24, T. 6 S., R. 4 W. 9. N., and involving the Claiborne C. & Lourse Walker D.C. # 51 and a copy of the Copy Work Request by which I obtained my copy from the United States Dept. of the Interior, Bureau of Land Management (successor to the General Land Office). I have highlighted the unnumbered lines 7 & 8 of said Section 24, that shows the date of settlement of reification # 151, D.C. # 51, was June 30, 1850 and that the farm acquired herein was the original Century Farm of Claiborne C. Walker, an ancestor of Byron J. Furvine, as certified to by the Oregon Historical Society.

Dated this *31<sup>st</sup>* day of May, 1991.



Chris L. Wheeler

Subscribed and sworn to before me this *31<sup>st</sup>* day of May, 1991.



Notary Public for Oregon

My Commission Expires: *3-17-92*

STATE OF OREGON )  
County of MARION )

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Reference Number

422239

Date Feb. 20, 1991

COPY WORK REQUEST

Name Chris L. Wheeler

Address (include zip code)  
1970 John St. S.  
Salem, OR 97302

Telephone (include area code)

Waiting  Pick up  Mail

FOR BLM USE ONLY

PREPAYMENT REQUIRED

Paid by:  Check  Money order \$ 2.00  
(Payable to BLM)

Cash \$ \_\_\_\_\_

Prepaid account  
Account No. \_\_\_\_\_ Balance \$ \_\_\_\_\_

DOCUMENT OR RECORD (Type)	CERTIFIED		NUMBER		COPIES (Total)	UNIT PRICE	TOTAL
	YES	NO	PAGES	COPIES			
Tract Book Page					1		2.00

HELP PROTECT YOUR LANDS  
AND RESOURCES BY REPORTING CRIMES  
CALL 1-800-333-7283  
LAW ENFORCEMENT  
USDI-BUREAU OF LAND MANAGEMENT

Over payment of \$ \_\_\_\_\_ to be refunded by United States Treasury check - allow 30 days

Completed by: Pat Pickens

Date Feb. 21, 1991

Grand Total \$ 2.00

New Balance \$ -0-

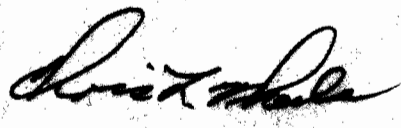
Remarks

RECEIPT

CERTIFICATE

I, Chris L. Wheeler, hereby certify that attached to this certificate is a photostatic copy of a copy of the Tract Book Page, Section 24, T. 6 S., R. 4 W.W.M., and involving the Claiborne C. & Louisa Walker DLC # 51 and a copy of the Copy Work Request by which I obtained my copy from the United States Dept. of the Interior, Bureau of Land Management (successor to the General Land Office). I have highlighted the unnumbered lines 7 & 8 of said Section 24, that shows the date of settlement of notification # 151, DLC # 51, was June 30, 1850 and that the farm acquired therein was the original Century Farm of Claiborne C. Walker, an ancestor of Byron J. Purvine, as certified to by the Oregon Historical Society.

Dated this 31<sup>st</sup> day of May, 1991.



Chris L. Wheeler

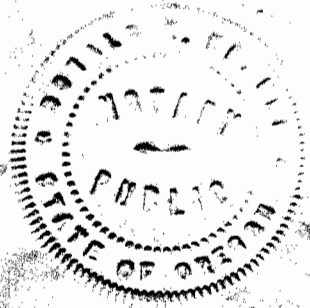
Subscribed and sworn to before me this 31<sup>st</sup> day of May, 1991.



Notary Public for Oregon

My Commission Expires: 3-17-92

STATE OF OREGON )  
County of Marion )



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Reference Number

422239

Date

Feb. 20, 1991

COPY WORK REQUEST

Name Chris L. Wheeler

Address (include zip code)  
1970 John St. S.  
Salem, OR 97302

Telephone (include area code)

Waiting     Pick up     Mail

FOR BLM USE ONLY

PREPAYMENT REQUIRED

Paid by:  Check     Money order    \$ 2.00  
(Payable to BLM)

Cash    \$ \_\_\_\_\_

Prepaid account

Account No. \_\_\_\_\_ Balance \$ \_\_\_\_\_

DOCUMENT OR RECORD (Type)	CERTIFIED		NUMBER		COPIES (Total)	UNIT PRICE	TOTAL
	YES	NO	PAGES	COPIES			
Tract Book Page					1		2.00

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Remarks

Completed by: Pat Pickens

Date Feb. 21, 1991

Grand Total \$ 2.00

New Balance \$ -0-

Chris L. Wheeler  
Consulting Engineer  
1970 John St. S.  
Salem, OR 97302  
May 24, 1991

Water Resources Department  
3850 Portland Road N.E.  
Salem, OR 97310

Attn: Reed Marbut      Re: SWR-5

Gentlemen:

This is in response to our discussion and your request for more documentary proof of the claimed date of priority of 1845 for the Registration Statement filed by Byron J. Purvine on July 5, 1989, together with several exhibits and supporting data.

I have obtained and enclosed 4 additional exhibits together with certifications as to their production and authenticity. Each of which shows or supports the date of initiation of the claimed first water right of Mr. Purvine as being correctly claimed as 1845.

I was born and raised on an irrigated farm in eastern Oregon and recently became a Certified Water Rights Examiner. As requested I have included in my certificates as a Professional Engineer, who has specialized in water right matters throughout my entire career, evidence available in the Water Resources Department and the Bureau of Land Management, as successor to The General Land Office, defining the location, extent & date of priority for initiation of vested water rights. These include, among others, the past policy practices of the Water Resources Department and Oregon Supreme Court Cases that have dealt with similar establishment of vested rights wherein the owner had actually transferred the point of diversion, the use, or the place of use of water there-to-for vested by actual beneficial use prior to 1909 but the extent of the water right had not yet been determined by the department or the courts.

For a partial discussion of some of the basis please see Exhibit A-2,3 and Exhibit B, the property deed that includes the purtenant land descriptions and the necessary

reservations of: the 5 acre tract, pipeline easment & right-of-way from the tract to the spring and the first water rights to take 15 gallons per minute for his own use. This reservation removed that amount of the water rights that had been appurtenant to the property sold and it conveyed the remainder of the appurtenant water rights that still existed on the property. When purchasers take property with such a reservation, it has been the past policy practice of the Water Resources Department that the water right was removed & could only be transferred to a new place of use by complying with the water laws, both case & statutory, covering that specific water right.

It is clear that there were no specific statutory requirements for Mr. Purvine to follow in making a transfer of a part of the vested water right that was appurtenant to his property to another specific homesite on part of his farm that he retained when he sold the bulk of his farm. He did almost everything he could by: specifically reserving in the deed the specific water rights to be transferred to a new place of use & the location of that use; reserving a right-of-way from the new owners for the new pipeline from the spring to the new place of use; actual construction of the new pipeline about 5 years ahead of the sale in contemplation of these acts; the actual construction of the new home, barn & yard at the locations contemplated; moving into that new homesite within a few months of the sale and actually putting the full amount of the water right transferred to the intended beneficial uses at the new homesite. He further had his attorney write to the Water Resources Department at time of sale and a few months later, of his actions & intents, & asking to be advised if there was anything further that needed to be done to accomplish this reservation & transfer. The water Resources Department could not find a record of responding to either letter.

In addition, though I do not personally believe it is the best procedure & policy, there have been some court cases that seemed to allow an owner to change the location of his place of use within the same forty acre subdivision tract, not a detached tract, without any filings in the law. There is some evidence that the department has concurred in this policy of not requiring a filing for such a change. In any case, it would appear to support Mr. Purvines actions as being correct in his change in location of the place of use for his homesite.

If there are any questions please advise and I will attempt to respond. I believe we have submitted adequate proof of

Mr. Purvines Registration of Vested Surface Water Right and that he is entitled to receive a Proposed Order of Registration and in due time, the Directors Final Order of Registration.

We would very much appreciate receiving the proposed order as soon as possible. Thank You for any help you can give.

Sincerely,



Chris L. Wheeler

Enclosures:

1. Century Farm Certificate
2. Purvine-Walker Papers
3. History Willamette Valley
4. Tract Book Page



CERTIFICATE

I, Chris L. Wheeler, hereby certify that attached to this certificate is a photostatic copy of the original framed Certificate enrolling the Claiborne C. Walker Farm as a Century Farm founded in 1845 and issued by the Oregon Historical Society. The history shows that C.C. Walker built a cabin on the farm he had taken in 1845 & lived in it that winter together with A.J. Doak, before he went on to establish his ferry. Mr. Walker continued to maintain the cabin as his home for about 4 years, until he replaced it with a house very near the same location, for his wife to be, Louisa Purvine, who came west in 1848 with a different wagon train that included several members of the Walker-Purvine families & direct ancestors of Byron J. Purvine. The protective glass covering & low contrasting colors make it difficult to get a good looking clear copy and I further certify that the original, including the ink signatures & printed titles, are clear and unmistakeable and listed as follows:

Robert D. Holmes, Governor Of The State Of Oregon

R.J. Steward, Director State Department Of Agriculture

Margueret E. Berg, Chairman State Fair Commission

C.M. Barnhart, County Judge

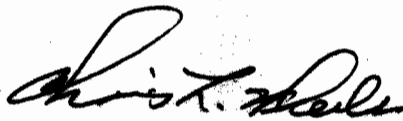
Thomas Vaughan, Director Oregon Historical Society

I had met all of the members & believe I could recognize the signatures but in any event all could be easily identified by an expert. As stated in the expanded remarks of Mr. Purvine & Exhibit A-1 to 5, this house was replaced by a house a few feet east that remains today & was the principle residence of C.C.



Walker, C.M. Purvine, & Byron J. Purvine until he sold the property in 1979. The location of that house is, I believe, correctly shown on the Final Proof Survey made by C.O. Bartels of the State Engineer's office on June 21, 1960, under Permit # 24268 & is shown as being within the C.C. Walker DLC # 51 as projected within the NW 1/4 of SW 1/4, Sec. 24, T. 6 S., R. 4 W.W.M.. The location of the house which Mr. Purvine believes & claims that he properly transferred the first Water Rights to 15 gpm (0.034 cfs) for domestic, stock & irrigation of 2 acres of lawns, gardens & pasture for the domestic animals and include spraying & other uses essential to the maintenance of the homesite, is in the same projected NW 1/4 of SW1/4 and about 400-500 feet distant. Since this did not change the forty acre tract subdivision in which the place of use was appurtenant, it supports the right of the then owner, Mr. Purvine, to change the location of the homesite without following any procedure.

Dated this 31 day of May, 1991.



Chris L. Wheeler

Subscribed and sworn to before me this 31 day of May, 1991.

STATE OF OREGON )

County of Mason )



Notary Public for Oregon

My Commission Expires: 3-17-92



Claiborne C. Walker

Founder 1845



With the Award of this  
Certificate is duly enrolled by the  
Oregon Historical Society  
as a  
Century Farm

in recognition of 100 years' enduring service  
in the finest agricultural tradition  
of the State of Oregon

Robert H. [unclear]

W. [unclear] [unclear]


Thom [unclear]




CERTIFICATE

I, J. RAY RHOTEN, hereby certify that attached to this Certificate is a photostatic copy of the original book of papers of the Purvine-Walker papers showing the front page, together with 19 pages.

Dated this 2nd day of May, 1991.

  
\_\_\_\_\_  
J. Ray Rhoten

Subscribed and sworn to before me this 2nd day of May, 1991.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 8/23/93

# PURVINE - WALKER

PAPERS

Typed by **ELEANOR MILLER**

from originals owned by: Byron Jordan Purvine  
Paul Lorance Purvine  
Eleanor Purvine Miller

Care has been taken to accurately copy all mis-spellings,  
spellings and punctuations found in the originals. -EPM

Diary of 1845 Overland Trip from Missouri to Oregon

Written By Claiborne Campbell Walker

(from original owned by Byron J. Purvine)

Oct<sup>th</sup> 12. 1844 C. C. Walker's. Book  
 Money paid Out for Equipments to  
 Oregon Paid for Waggon of McGinis  
 First Cost in Notes on Smithe  
 & Martin . \$64.25 . . . . . } 64 } 25  
 Paid in Cash 4/6 . . . . . } . . } 75  
 65.00  
 Whole cost to McGinis P.d. By C.C. Walker  
 For Doe of McGinis . . . . . } 11 } 00  
 One of G.W. Brown for . . . . . } 18 } 00  
 Interest in YoKe of Browning } 10 } 00  
 Paid to Hughs for Ironig Waggon } 15 } 00  
  
 Hardeson one gone  
 barin goods from merion  
 in Cunow to fols for  
 C.C. Walker Oregon Territory

November  
 1844 A. J. Doak Paid for Repairing  
 Waggon to Ramey \$6.00 . . . . . \$6.00  
 his Int in YoKe Cattle got of Browning \$15.00  
 Paid TowarS PlanK for Waggon Bed . \$00.50

March the 7. 1845 to J.W. JenKs  
 C.C.&W.B. Walker Spent for clothing  
 and Buttons  
 Cloth for Shirts 6 in number } 4 } 00  
 25 yds of Osenburg @15¢ and thread } 3 } 87.  
 For 2 pair Pants 6 yds @50¢ } 3 } 00  
 Buttons & Thread for Same } " } 25  
 For 20p<sup>us</sup> Iron Bar @4/2x . . . . . } " } 92  
 15<sup>us</sup>do of Rod @8¢ . . . . . } 1 } 28  
 1 Bootchin Knife for 47X . . . . . } " } 47  
 PlanK for WaggoneBed . . . . . } 2 } 10  
 Apl 2 For Hat in clarkSville } 1 } 25  
 2 Coffee SackS @ 12pX . . . . . } " } 25  
 To Johnson for Tobacco 5<sup>us</sup> @20X } 1 } 00



in Louisiana to Wallsworth for Boots	2	75
one Pair coarse Shoes 9/ - - - -	1	50
To Doct. Gorin for Gun \$5.00 in cas	5	00
and a 20.00 Dollar note on SpireS	20	00
Tranfered to page 3 . . .	\$	48 56

March the 24 1845 ----- on his note  
 One Small YOke Oxen of Rees Doak \$19.00  
 The Balance to W<sup>m</sup> SimonS for Herage 2.59  
\$21.59

For YOke of Oxen Bought  
 after Starting . . - - \$25.00  
 = = = = = = =           

1845 Apl "3" C.C.&W.B. Walker Spent  
 in Louisiane" . . . \$

To Johnson for Repairing Gun	2	25
To Kenady for White Lead . . . . .	1	00
To Draper for BruSh . . . . .	"	37
To W <sup>m</sup> Since for Osenburg 3 yds.	"	38
To Tinker for Girting 1/6 . . . . .	"	25
To Parks for Leather . . . . .	1	00
To McQuey for Shaving Utensils	1	00
To Draper for Iron & Needles . . . .	"	68 1/2
Iron coSt 56X . . . . .	"	"
To Bryson for pencil . . . . .	"	6
Cash pm'd for Oil to paint Waggon&a	"	68
Oil & Paint in Clarksville . . . . .	"	50
For 2 Powers of Attorney . . . . .	1	50
To EcknowledgeDeede to farm . . . .	"	25
For Medacine of Edwards	"	75
Dride Fruit 1 y - BuShels . . . . .	1	50
	<u>11</u>	<u>98 1/2</u>

To Henry for Bill \$ 2 00

Whole CoSt ef for Equipmen  
 nts for C.C.&W.B. Walker for  
 Oregon Besides Bacon Ol  
 Telower & Co - \$ 286 03

C C C C C C C C C C C C C

1845 Apl., the 18 A.D.

Amt. of Provision	
Flower from Home	838 <sup>lbs</sup>
Corn Meal . . . . .	354
Bacon found By A.J. Doak	320
Sugar 100 <sup>lbs</sup> By C.C. Walker	100
" By A.J. Doak . . . . .	60
Coffee By C.C. Walker . . . . .	50
By A.J. Doak . . . . .	85
Drude Fruit 1, BuShels	
Baught 112 <sup>lbs</sup> Bacon on the Road @ 5½X.	112 <sup>lbs</sup>
Flower at Blue Mills @ 1X pr lbs	155
Paid for By C.C. Walker -	

Whole CoSt for Equipm-  
-ents for Oregon By C.C. & W.B.  
Walker \$286.00 BeSides Bacon  
& Flower"

Apl the 20 1845,, To FirSt night miles	
Left WalkerSville to AShlyS	18
21" To Middletown . . .	15 miles
Expences at this place . .	66X
For Crooking Logchain hooks..	12½
22 To Rees HughS	22m.
Paid CaSh here 12/2 Traded for 2 Bushe	
23 To Prices in Prairie 17 miles from Hughes	
Paid CaSh at this Place	.62½X
24 to Columbia 16 miles -	16 mi
Paid CaSh at this Place . . .	1.16 2/3
25	
To Roach Port - - - - -	14 miles
ForVeils at Roach Port	37½
Sallaratters 12½X Soap Shaving 6¼ } 18 3/4	
(26"	
From Roachport BoonSville	10 miles
3 miles weSt of BoonSville Encamped	
For Jug 25X CornS at this place	30. 25
For crossing Stock at Missonn	3.50 55

Apl the 26, 1845	.50
Paid for Hay for Cattle	\$.75.
Loaned to A. J. DoaK 50X at Roachport	
27 For PaSturage	75
For Ferage across the Samine	60
The 25 PurchaSed yoKe Oxen	\$25.00
The 27 Bot Roan Mare for	\$ 32.50
Same Evning for corn	12½
28 Encamped in Priarie D Travel	19
29 do in Prairie in Saline Co.	
For Corn 18 3/4 <sup>the</sup> for corn 18 3/4X	30
Encamped 14 Miles East of Lexington	
in Lafayett County -	
May the 1 X4 Miles West of Lexington	
for Corn 18 3/4	
2" do for corn 18 3/4" 3 do 18 3/4.	37½
4 12 miles East of Independence in prairie	
For Bacon 112 <sup>11s</sup> @ 5½X	\$6.16 -

May 5. Encamped 1½ miles West of Independence,, night of the 5. 12 miles West of Independence

Spent in this place for Sog Chain 2	38
Powdr Canister 6/- - - - -	\$ 1.00
Hat for Self 1.12½ - - - -	1.12
2 gallons Whisky @ 8/-	1.00
2 BittS & ScabbardS for - - -	1.37X
2 BlanK BOOKS @ 9 - - - -	.25
1 Doz BoxeS & MatcheS . . . .	.25
1 Candle StICK - - - - -	13
2 Cow HideS 9 - - - - -	12
For Pasturage here - - - -	1.00
For Corn 1/6 . . . . .	25

Whole Destence from Walkersville to Independence 225 miles traveled in 15 Days

Morning of 6 <sup>the</sup> of may. Paid for	{Shoes	-75
	{Horse	-75
For Branding Iron 2/3		37½
For Linch PinS for Waggon .		37½
Encamped 26 miles West of -		\$10.37
Independence night of the 6		

May the 6 1845 } the 6th 1845  
 Came up with the Company ~~on~~  
 7 Encamped at the Lone Elm  
 9 Miles from Indian Creek  
 8 Encamped at Blackjack Point  
 18 miles from Lone Elm.  
 9 Encamped one mile West  
 of the WaKrusia River  
 10 miles from B.J. Point  
 Garded Cattle for the first  
 in the Shawnee nation  
 Here we Saw Some of the  
 Caw IndianS & Dellawares  
 10 Encamped in Prairie 16 mi  
 from the WacaruSia River  
 11 at Campbells Creek  
 Days Travail 16 Mi

12 Travailed 4 miles to  
 Caw River the Balance  
 of the day and half of  
 the next Spent in Crossing the  
 this River Which was  
 Very Low Frenchman  
 had a flat Boat which

we crossed the WaggonS  
~~with~~ the Cattle forded  
the River Very EaseY.  
Plenty of Indians here  
Beging the Kansas on  
Cows.

13 Traveled 2 miles from  
the River in Prairie  
and Encamped for the  
Day and to hold an  
Election for Pilot

Candidates G.M. Adams

~~Brown~~ & Meak  
Meak was choSen Pilot Blang Major

14 Remained at Turkey Creek Electiong  
Pilot and other officerS to organise  
15 Left this place at 2 o clock 5 1/2 mi.  
Encamped at SoldierS SpringS  
16. at SoldierS Creek . . . . . 18 mile  
17. at Owls Creek . . . little - 10 mil  
18. ~~at~~ 5 miles West of Vermillion River  
Travilles this day                      9 mi  
Maried on the night of the 18 of May

Miss Spoonover  
W<sup>m</sup> MeeK to performed in Prairie fine  
fun here tonight, Indians dancing  
the War dance, FiddleS playing Some  
a Singing Spritual SongS.

19 Monday. Engaged in dividing the  
Company into 3 DivisionS 40 WaggonS  
in Each Company. Left this Encamp-

ment at 2 oclock Traveled one  
mile and Encamped                     

20 Tuesday. First Company Left the Others  
Remaining. Traveled. - 15 miles  
WedneSday 21 Traveled 6 mi. to <sup>Big</sup> Vermillion  
River. Crossed at 12 o. clock 7 mi. Farther  
that Evning and Encamped Days travel 13 mi  
at Bee CreeL 7 miles from the vermi  
llion 1 mile WeSt of Vermillion Saw the  
Grave of James MarShall of St. LouiS  
ThurSday 22 Travled 12 miles  
Crossed the Big Blue at 12oclock  
Friday the 23 Traveled 10 miles  
~~Encamped without having wood~~



Bad Watter and Scarce of Wood  
Wood Planty But one mile from <sup>Road</sup> the  
Saturday 24 Traveled 10 miles to horse  
Tail Creek Encamped 7 miles  
WeSt Bad Watter and very little

Wood 4 lone Elms all, ~~the~~  
25 Sunday Traveled 8 miles  
and Encamped for to WaSh  
26 Engaged in WaShing Repairing one  
thing or other. A Company of 250 Dragoon  
ns Passed us this morning Commanded  
By Coln. Carney of St. Louis.  
they had 19 WaggonS <sup>the</sup> Fines Mules I  
Ever Saw. to there WaggonS. and Fine horseS.  
~~These are~~ FitSpaterick there Pilot  
27 Still Remaining drying cloths <sup>at</sup> Sandy Creek  
Tremendious Rains and Wind the night <sup>the</sup> of 26  
28 Left Sandy Creek at 2 oclock Traveled  
~~2nd Branch of~~  
8 miles to the Blue 29 Remained  
at this place During <sup>this</sup> Day on  
account of the Sick <sup>Mrs</sup> HarduSon  
30 Left and traveled 6 miles  
and Encamped on account of  
W<sup>m</sup> HarderSon

Plenty of Wood and Watter on a  
Branch of the Big Blue IndianS  
around in the Evning the Otous.  
31 Traveled across to the Big  
Blue <sup>4 miles</sup> and up the Blue Good  
Grass Days Traveled 20 m  
1 June Traveled up the Blue Good  
Road Some 3 or 4 IndianS Ran  
Fulton 3 miles when he got  
up Days Travel 16 mi  
Encamped on the Blue  
2 Traveled 16 miles and Encam  
-ped on old camp Ground  
Scarce of Wood During the  
Day Crossed the Blue in Two  
places Branches <sup>3</sup> of the Blue 3 from  
the head of the Blue to the Platte  
Encamped on the Platte Without <sup>18m</sup> 4 mi  
Much Wood Scarce on the South <sup>4 mi</sup>  
of the River

June the 4 Traveled up the Platte mean 18 miles  
 and Encamped Without much Wood the River  
 very Muddy. Broak 2 WaggonS and  
 let a Waggon Run over a child Which  
 hurt it very Much W<sup>m</sup> AllenS child  
 5 Still in the platte Scarce of Wood  
 FirSt Rate Road days travel. 20 mi  
 6 up the platte Scarce of Wood  
 Still the River Watter very muddy 20  
 7 up the Platte come in the BuffaloS  
 Country plenty of Sign. not Seen any  
 in the Pawnee nation Seen plenty of  
 them returning from Hunting. 20 mi  
 8 up the River to Cottonwood Point  
 Encamped Grass Poor. 20 mil  
 9 to Ash Point and Encamp. 2 mil  
 Rained the night of the 8<sup>th</sup>  
 22 Oxen missing in the morning  
 Six of ourS,, Hunted all day

and Found them about 10 miles  
 on the Road Back got to camp  
 after DarK about an hour. Rained  
 during the day very hard Tremendi  
 ous thunder - & Lighening one cow  
 WaS Killed With Lighening and  
 Severel Men Shocked consider  
 -able MySelf Amonnt the ReSt.  
 10 to Traveled up the River 20 mi  
 and Encamped Without any Wood Ex-  
 ceptS what WaS hauled from ASH Point  
 plenty of Watter and tolerbly good  
 Grass 3 companies JuSt ahead  
 11. about 12'oclock came to the lower  
 Ford of the Platte. Where BrownS company  
 crossed and one of our DivisionS Parm-  
 -er crossed,, The HunterS of our Company  
 Killed the FirSt Buffaloe and Saw  
 ThousandS,, Encamped about 5 oclock

With Good Grass and plenty of  
 DayS Travel 12 mi  
 Green Cottinwood & Willow.  
 in three miles of Welch'S company  
 and 3 other companies on the other  
 Side of the River We Stopped to WaSh.  
 12 all HandS Engaged in WaShing.  
 M<sup>rS</sup> Stevens very Sick Expected

to die ~~the~~ during the night.  
 HunterS went out to Kill Buffaloe  
 Not Maney Getting in untill next  
 Morning the Principe part of them  
 Went out a foot and could not Bring  
 in any Meat When they Killed Plenty  
 Killed But not Mutch Brought  
 in to Camp on that account  
 13 Remained at the Same camp on account  
 of M<sup>r</sup> Stevens. Whoo Died at 12 oclock  
 The Funerol ServiSed Being perform

By the Rev<sup>m</sup> W<sup>m</sup> Boon She WaS inter  
 ed on a high Monn Not far from  
 the Road and Some 3 Hundred YardS  
 from the River. Some of the HunterS  
 that went out on yesterday Having got  
 LoSt WaS not heard off utill  
 about 2 oclock When 2 of them  
 came to camp the other two Still  
 Behind one of them Sick and all  
 of them nearly gave Out Having  
 for one & half DayS Without Eating  
 any thing Except a Small piece of  
 Buffaloe ting Having Killed a Buff  
 Bolliver Being one of thosE that WaS  
 Left Behind. We got HorSeS and  
 Went after them and met them about  
 4 mileS from camp down the River

June the 14 1845 Saturday

Left at half paSt 8 oclock  
 and encamped in Prairie With  
 out any Wood dayS Travel 15 m.  
 15.. 8 mileS & cross the South ForK  
 of Platt called the upper ford  
 4 mileS & Encamped No Wood 2 Elms  
 about one mile above the ford <sup>mi.</sup> 12.  
 16 up the River 3 or 4 mileS and Left  
 for the North ForK DayS trav 20 mi  
 and Encamped one mile from the River  
 on ASh CreeK Planety of Wood Watter  
 Grass not very Good Between the Bluffs  
 17 Overtook BrownS Companie & Passed  
 DayS travel up the north forK 18 mi  
 WaggonS Runing Heavy on account of  
 the Land. Killed one Buffaloe  
 So Poor not fit for anything.

No Wood Has Brought from  
Ash Creek So that With What  
Wood We had and Buffalo Chips  
Done very Well for Fire.  
Whether ben Cool 16.17.&18  
Cloudy With Som Rain the 18.  
18 Encamped With Good Grass No  
Wood days travel . . . 20 mi  
19 Encamped Without Wood  
Good Good Grass days travel 18 mi  
8 miles East of the firSt Chimney in Site  
of Scots Bluff FirSt Rate Road  
20 Encamped 3 miles north East of the  
Round top mound Which is 250 feet high  
Some Six or Eight of the Company viSited  
it in the Evning and With conSiderable toil  
assended to the top days travel 10 miles  
21 Encamped at the Ice Spring Which

Comed out of a Bluff Some 200 Hundred  
feet high 6 miles from the River Called  
Scots Bluffs. Left the River after  
traveling 6 miles travel 12 to the Spring 18  
Plenty of Pine & Cedar at the Spring.  
Grass not very Good Very Warm in the Evning.  
22 to HorSe Creek Plenty of Wood 12  
Grass very Good. 2 other ComplanieS  
Camped JuSt above on the Same Creek  
23 ~~to~~ Traveled very Good on the River. 20 mi  
Plenty of Wood & Watter Grass not -  
24 one mile above fort Laramie 8 mi  
and Stoped to WaSh and maKe Some  
new Regulations  
25 Remained at Same place to WaSh  
26 M<sup>r</sup> VickerS child died in the  
Evning With Inflamation age 16 months  
Was Buried on the morning of 27.

Left about 12 oclock traveled 10 mile  
to the Spring the Watter of Which is  
Warm Plenty of Wood. ~~and~~  
Grass only moderatly . . . 10 mi  
28 Traveled 12 miles and Encamped  
came to forKS of the Road took left hand  
Grass very Good Plenty of Wood and  
Good Spring Watter... 12 miles  
on Bitterwood Creek . . .

29 To HorSe Shoe CreeK 15 mi  
Plenty of Wood & Spring Watter

our cattel  
Grass very Good,, 30 We Lay by to Rest  
July 1 To the Big ButeS Wood & Watter  
Grass not good on account of So  
many campS there Before us 15 mi  
July 2 ~~to~~ Traveled to another CreeK 18 mi  
Wood & Watter Plenty Grass Scarce  
We Passed Watter During the day Spring  
The Road the 1 & 2 of July WaS very Hilley and  
Rough,, Rocky & RoadS

July the 3 Lay By to Fill Waggon  
3 Wheel Which BroKe another 9 mi  
Traveled 9 MileS to another creeK and bly  
Encamped Wood & Watter Plenty Grass Toler  
4 to another CreeK and Encamped  
Traveled 8 mileS Stopped to celebrate 8m  
the day 2 Orations delivered By Ever-  
-ett & Colwell and then procee  
ded to dancing Grass not Good  
5 Days Travel. Encamped on the River 15m  
Grass not very Good Being Eating off  
6 Sunday Traveled to 1 mile of the ford  
and Encamped for the Night - 10 m  
Grass Tolerbly Good Wood Plenty  
7 to Sage CreeK . . . . . 12 mi  
No Wood ~~Pl~~ Grass Tolerbly Roads very  
DuSty Plenty of Buffaloe here  
8 to 15 mileS to Sage Branch 15 mi  
Watter no Wood not much Grass  
Watter BrackiSh

9 to another CreeK on Sage Branch  
Encamped one mile from the Road Grass  
Tolerbly Good No Wood having to uSe  
the Excrement of the Buffaloe for fuel  
Crossed Watter plenty during the day 15 mi  
Roads very Sandy and Disagreable  
10 to Independence Rock By 12 oclock  
and Stoped to noon Many EnScribed  
there nameS. traved 2 mileS and Enca  
ped Grass Tolerbly Some Drift Wood  
DayS Travel \_\_\_\_\_ 8 mi Day  
11 traveled till noon and Encamped for the  
Good Grass on Sweet Watter 6 mi  
No Wood

12 travel 5 miles up the Bottom and  
left the River for 10 miles all Sand  
Hard Pulling Days trav 14 m

13 Traveled 8 miles and Encamped 8 mi  
Good Grass Watter & Wood By going one mile  
14 Lay By to WaSh on Sweet Watter  
15 Traveled 8 miles 8 miles  
~~Wood~~ Watter Grass & Wood 1 mile,,  
16 ½ miles and left the River for 16 miles  
and there came to the River again Wood  
Grass Not very Good Plenty of Willow for  
Days travel 18 miles

17 Traveled 5 miles and Encamped 5 m  
Plenty of drift Wood Grass very Good on  
With a Small Seine caught in 2 Hours 800  
FiSh Rocky Mountain LucKenS Feast on FiSh  
18 Traveled 3 miles up the River and Left it  
for 20 miles very Rough Road in places  
Rocky & Hilley 8 miles Passed Spring  
Good Watter Crossed 2 Small CreeKS  
one 15 miles the Other 10 miles {23m  
Encamped on Sweet Watter Day Tra }

19 Traveled to Spring that Flows into  
the pacific in Oregon Days trave 15 m  
Good Grass Sage for fuel Road Good

20 to Little Sandy - Good Road 20 mi  
Plenty of Dry Willow for Wood Grass Tolerbly

22 Lay By to Recruit Cattle & WaSh  
23 Left Sandy Across the cut off Left at 7 ocl  
cK and arived at Green River at 12 Oclock  
on the 24

A destence of 40 miles Without Watter —  
Wood or Grass,, Crossed over River and Encam  
ped Good Grass and Wood,, Cattle Took very  
Bad,, Day 40 mi

25 traveled 4 miles down the River and camped  
for the day to ReSt Cattel Good Grass & Wood 4 m

26 to Branch of Green River — 12 mile  
Good Grass Beautifull Stream  
Wood Wood



27

July ~~28~~ to Traveled 15 to a Spring  
Grass Tolerbly Good Plenty Wood 15 mi  
28 travel. A bout 12 Miles to a Spring  
Rough Road Both DayS through the  
Pyute MountainS Day 12 miles  
Wood Grass Tolerbly Good ———  
29 Traveled Over 2 Tremendious MountainS  
at least one mile High. DayS Travel 15 mi  
Encamped 2 Miles EeaSt of Be<sup>e</sup>re River  
Plenty Grass & Watter Sage for Wood  
30 2 miles to Bear River Struck  
Other Road and 4 from that to SmithS  
forK. 6 to camp on Bear River.  
Grass Wood & Watter,, total 12 Mi  
31 Crossed Bear River Good ford 8 or  
9 miles & cross it the Second time —  
traveled ~~2 mi~~ 4 Miles to camp —  
FirSt Rate Grass Wood,, 12 mi

August the 1, 1845, A. D.  
Down Bear River to camp 18 mi  
Good Grass Wood ———  
2 Still Down River. Camp 6 Miles EaSt  
of Soda Fountain. DayS travel 18 mi  
Wood & Good Spring Watter Grass  
3) to Soda SpringS — — 8 miles  
on Beard River  
4 From Soda SpringS 3 mi,, Down Beare  
River RoadS forK took Right hand  
.8 mi,, to Spring. Good Grass 10 miles  
to portniff ~~7~~ 7 mi. up Prortniff Road  
up the River Very Good. Before Rough  
in PLaces RocKey But Level,, total 25  
5 Crossed Over Portniff took moutainS  
Road Bad Plenty Wattr SpringS. Camp  
on Spring Branch at the other Edge Mounte  
Grass Scarce Wood Plenty Willow  
DayS travel ——— 12 Mi

AuguSt the 6 1845  
Down Branch to Noon 7½ Miles,, left  
Branch Over Sage plane Into Sand in  
Evning hard Putting to large Spring  
Neare a Branch of Snake River Good Grass  
(and Wood DayS travel ——— 15 mi

7. to Fort Hall 6 Miles. Encamped  
3 Miles South West Good Grass and Wood  
near Snake River. Days travel. 9 mi  
8, Lay By to Wash &  
9. to Banarck Creek 7 Miles ~~to~~  
thence 3 miles to Camp total, 10 mi  
10 to Bluff 1 mile Over Sage plane 5 mi, Into  
Bottom again, Down Bottom 2 miles leave Bottom  
again to large Spring Noon, Grass not Good at  
Spring, Thence to a River 12 mi, to camp 20 mi  
Passed no Grass after leaving Bottom above  
Spring 3/4 of a mile, Bad Road very,  
No Grass of account at Camp

levy  
11 to ~~Cassia~~ Creek 3 Miles Bad Crossi  
ngs, No Grass at ford up the creek one mile  
Tolerbly Good Grass Encamped for the Days 3m  
12 to CaSSia Creek Encamped - 10 mi  
Good Grass up the Creek Road Tolerbley —  
13 to Large Grassey MarSh - - 15 mi.  
Grass Not very Good More Flag than Grass -  
Sage for Fuel. Cedar one mile on Bluff -  
Road very Rough RockKey —————  
14 to Goose Creek Grass Tolerbley — 15 mi  
Road Good Some Rock But few 6 miles to  
Grove Creek to noon Watter But no Grass  
or very little - 3 — — —  
15 Over Sage Plane to Snake River 8 mi  
and Encamped for the Day Poor Grass -----  
16 Over Sage Plane to Dry Run 12 mi. Watter  
Standing in holes Grass Bad, Thence to Rock Creek  
8 mi. for 4 mi. in morning Road very RockKey  
and all Day DuSt very Bad Tremendious" <sup>Total</sup> 20<sup>m</sup>

August the 17 1845  
From ~~Rock~~ <sup>Camp</sup> on Rock Creek Down the  
Creek to crossing about 10 miles thence  
Down on Other Side 2 miles Difficult Banks  
of Rock Hard matter to get Stock to Watter  
Camp on South Side among the Sage and dust  
Road very Rough and DuSt awfull, 12 m  
18 Down the Creek about 2 miles thence over Sage  
Plane to Snake River. Camp on Bluff on the Sand  
1/2 mile from the River high Bluff, No Grass Some  
few Willow along the Edge of the River, Crossed no  
Watter During the Day, Road Rocky and very Rough  
in Places, DuSt tremendous Death on Everything,  
a light Soil IntermixKed with Sand, Days travel 20 mi  
19 Down the River over the Bluffs 3 miles  
thence across through Bluffs to Salmon Creek

Road Tolerbly Good Sandy for the firSt three mile  
Passe the Warm Spring" Days travel" 5 mi

20. Down Salmon falls creek to ~~Crossing~~ <sup>junction</sup> thence

Down Snake River to falls <sup>Salmon of S. River</sup> 5 miles. thence across  
Bluffs over Sage Plane to Snake River 15 m  
Encamped on Bluff on the Sand 1½ miles from  
the River Tremendious High Steep Bluff  
to Carry Watter 1½ miles" Days Travel" 20 mi

21 Over High Steep Bluffs about 5 mi thence  
Good Road for 7 mi" to River agane turn -  
off Down Dry Branch to camp 2 miles after  
leaving Road" Tolerbly Good Grass" through  
Sand all Day" Dust very Bad. - - 12 mi.

22 Day off to ReSt Cattle.

23 Down River to ford crossed and  
Encamped 2 miles on Dry Run Watter  
Only Standing in holes. Dangerous and  
Difficult ford Watter Came into WaggonS  
BedS in one or two places. clothing got

wet in a good many WaggonS

Days travel \_\_\_\_\_ 7 miles

24 to camp on Branch 6 or 7 miles Day 7 mi  
and Encamped for the Day. Long hi-l to clime  
and <sup>SOME</sup> Rocky and Sandy" Good grass 1½ miles  
up Branch form Camp Days Travel 7 miS

25 moved 2 miles up Branch to grass and lay  
By for the Day to Rest cattle \_\_\_\_\_

26 Over Sage Plane 5 mi"to Branch Good  
Watter no Grass or very little"thence to other  
Branch Road Rocky Grass Good and  
Encamped for the Day" Sage for Full" Days trav 10 mi

27 Day By on Act" of Havins Being Sick  
Cold on Lungs very Bad \_\_\_\_\_

28 Day By" Hawkins WorSe Expected  
to die"

29 Z. Hawkins died 20 minets after  
Seven Oclock, Leaving a Wife

and 5 children" Left camp

at 12 Oclock and traveled to hot  
Spring 3 miles, thence 4 miles to  
a Branch and Encamped. total. 7 mi

Watter Good, Grass, tolerbly, Plenty Wood  
Road Rocky" Days travel 7 mi

30 to Banrell creek 8 miles Road Rocky  
fom Barel Creek 4 miles Sage giveS Out  
Rock ceaSed" Crossed Dry Run Small Spr-  
-ing down Branch affording very little Watter  
Encamp on <sup>Dry</sup> Branch <sup>no</sup> Watter got Watter

to cook with By diging Good Grass and Wood  
at Barel creeK no Grass<sup>all</sup> Eaten off By Stock  
to Barel creeK and to Where the Sage  
Ceased Very Rocky" DayS travel 16 mi.

31 from Dry CreeK over S Granite Hills to  
charlottS forK 8 miles ~~no~~ Grass Poor Eaten  
off By Emigrants ahead Good Watter

From charlottS forK about 2½ miles  
to Duss Hollow Firstrate Grass and Wood  
Watter Scarce Some Standing in holes and  
Got By Diging" Passed no Runing Watter  
from Barel CreeK untill We Struck  
charlottS forK 16 mi" Grass Poor at Each Place"  
Distence Traveled the 31" Road Good<sup>Hilley</sup> But 11 mi.

Sept 1 - to BoiSia River Road Hilley and  
Some Rock. Encamped Good Grass 16 mi

2" Down River Road Good But very DuSty  
Plenty Wood on this River Cottonwood" 18 mi

3" Day By Waiting for companie to come  
up to Joine us \_\_\_\_\_

4 Day By \_\_\_\_\_

5 Down the River to ford of BoiSia River 9 mile  
1 mile and camped met Doct White and 3 other  
Gentlemen from Oregon" Days travel 10 mi

6 Still down River Days travel \_\_\_\_\_ 14 mi  
Good Grass all the Way So far"

7) To BoiSia 4 mi"to ford of S. River Back  
to South Side Watter deep about 4½ feet  
Good ford otherwise crossed & Encamped 1 mi  
from ford Grass Good on an Island" 5 mi.

8 from BoiSia Over Sage plane to<sup>Mathew</sup> CreeK passed  
no Watter untill CreeK \_\_\_\_\_ 15 mi

9" to Sulfer Spring 10 miles no Grass on Wood  
to Spring Branch 10 miles Good Grass  
Road Good Some Hills But no Sand  
Road Soled" Days Travel \_\_\_\_\_ 20 mi.

10) from Branch over Bluffs to Burnt River  
about 6 miles and camped Days travel 6.

11) up River Road very Bad Waggon unSett  
Encamped Early on that Act. Days trav 8 mi

12. traveled 8 miles & Encamped Waggon Broke  
Down" Days Travel \_\_\_\_\_ 8 miles

13. for 2 or 3 miles Bad crossing & Recrossing River  
Road narrow thence up Spring Branch

and Over mountain Back to River & Left  
River & up Branch to camp Days travel 12 mi

Whole Distance up Burnt River . 28 mi

14) From Burnt River Over mountain up Branch  
Cross Branch to noon thence over mountain.  
Struck Spring Branch to Where you Leave it. 12m  
Thence over mountain Divide to Lone tree valley  
13 miles Days travel" 25 mi

Very Bad Watter Here Grass Good Down the  
Valley 3 or 4 miles & Better Watter. ~~4 mile~~

15. Down valley 4 miles X Encamped Oxen missing  
Days Travel - 4 mi

16 to Powder River 5 p mi to noon over mout  
to River 1½ mi crossed to 2<sup>nd</sup> fork 1 mi & crossed  
thence to 3 forK of Powder 1 mile crossed  
Encamped. Good Grass Wood & Watter <sup>trav</sup> 9 mi  
Days

17. 8 miles to Spring Branch to noon thence  
Over mountain to Small Valley Watter & Grass  
thence over mout Grand Round mout

Very Bad going down Rocky and Sideling  
to little Grand Round River in the Grand Round  
Valley 6 mi thence 2 mi. in valley to Spring  
Near foot of mountain Days travel" 16 mi

18 up Valley to foot of Blue mount to noon  
6 mi. Spring Branch thence over mout  
to Big Grand Round River Road Rock  
and tremendous mout to go down to River  
Very Steep and Some Rock Days travel 16 mi

19 crossed River and up mount Song & Steep  
2 or 3 miles & up another Stil Steep no Rock  
1 or 2 miles & down mount Steep Encamped  
in hollow at foot of other mout Still  
a Small Seep of Spring none for Stock  
Days travel - P.S. Up Branch, 8 miles

About ¼ of a mile we found a Sufficiency  
of Watter for our Stock

Sept.

20 up mout. A over ROCKS a great  
Part of the Road very Sideling & through  
timber Road narrow & very Crooked in places  
Got to camp at dark 8 WaggonS the  
Balance not getting to Watter till next  
morning. DayS Travel Lecd Encampment 14 mile

21 Lay By on Act. the WaggonS not  
Getting Up the Hill in morning

22 from Lecd Encampment to the Uvilla  
River Road much Better down Song  
Hill to River 3 miles Not very Steep to  
Grass all Eaten off By IndianS Horses  
6x Days travel \_\_\_\_\_ 14 mi

23 Down River Road good crossed it  
and camped Grass Tolerbly Days trav. 12 mi

24 Down River 1 mile and assended Bluff  
over Loong Plane Passing no Watter till  
River Road Good Days trav/ 16 mi

25 Down River Road good Plenty  
Indians to camp - good Grass. 10 mi

26 Assended Bluff 10 miles to the  
Uvilla agane Sand all the Way  
Camped on Same no Wood gitting of  
the Indians Good Grass. 10 mi

27 Crossed the Uvilla Near the mouth  
and down the Columbia to noon 8 mi  
Left River throug Sand 6 miles and Cro-  
ssed 1½ mi. from River & up Grass none  
at River — Days travel — 14 mi

28. 2 mi. Struck River down the Same  
to Camp About 8 miles Sand very Bad  
Good Grass and cand Some Drift Wood  
DayS Travel \_\_\_\_\_ 8 mi

29 Down River Good Road 8 miles to  
Noon Struck Sand Still Down River to camp  
6 miles No Grass But Dry Branch Some little  
Drift Wood 14 mi

Sept. 30 1845

Down River 2½ miles to Dry Run Some  
Watter in HoleS Good Grass Some Small Willow  
for Fuel. Assended Bluffs and over

Plane to River 12½ miles Road Good after  
Getting on Bluffs. Days Travel --- 15 mi  
Encamped on River Dry Grass no Wood

Oct., the 1 - Up Hollow ascended Bluff  
- thence Down River 2 miles  
Back to River 3 miles, then up Bluff and to River  
again 5 miles and camped Grass Tolerably  
Good. Drift Wood, Days travel --- 10 miles

2 Down River 6 miles to noon thence up  
mountain Long Steep Hill Round Bluff  
Road Rocky in places Down Long Steep  
Hill to John Days River 4 miles "Days trav 10 mi

3 Up Long Hill and Over Plane Road  
Good to Camp in Hollow Grass Good But  
No Water nor Wood "Days trav" 12 mi

4 up the Hill Down Hollow about 2 miles  
to the Right of the Road Down Same Hollow  
to a Spring and Some Wood. Over  
plane to River 5 mi a ½ mi. to Water  
from Road thence Down River to the  
Shutes River 3 mi "Days travel 10 mi

Cross firing the Waggon in Canoa  
Dangerous ford Swift Current,  
5 Lay By till all got across

6 Up mout and over plane to  
Small Creek 6 miles thence up  
Hill to Spring Branch 1 mile  
Good Grass to the Columbia 3 miles  
Down River to the Mission 2 miles  
Days travel --- --- --- 12 mi  
Here to take Water

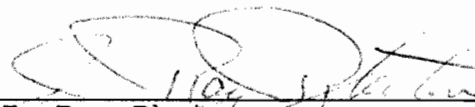
3 or 4 miles Below the  
Dalles



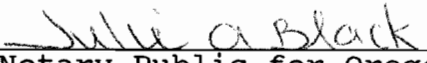
CERTIFICATE

I, J. RAY RHOTEN, hereby certify that attached to this Certificate is a photostatic copy of a portion of the history of the Willamette Valley published in Portland, Oregon, in 1885 by Himes & Lang. This certificate shows the first three pages of such volume and page 650 and such page refers to C. C. Walker, an ancestor of Byron J. Purvine.

Dated this 2nd day of May, 1991.

  
\_\_\_\_\_  
J. Ray Rhoten

Subscribed and sworn to before me this 2nd day of May, 1991.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 8/23/93

HISTORY  
OF THE  
WILLAMETTE VALLEY,

BEING A  
Description of the Valley and its Resources, with an account of its  
Discovery and Settlement by White Men, and  
its Subsequent History;

TOGETHER WITH  
PERSONAL REMINISCENCES OF ITS EARLY PIONEERS.

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*Edited by H. O. LANG.*

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PUBLISHED BY HIMES & LANG.

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PORTLAND, OREGON:  
GEO. H. HIMES, BOOK AND JOB PRINTER.  
1885.

TO THE  
PIONEERS OF OREGON  
THIS WORK

Is dedicated as a token of re-  
spect and reverence for their character and their  
actions. Amid constant and arduous trials and privations, and in  
the frequent presence of danger, they transplanted from the distant lands of their  
nativity the civilization which has converted this once trackless wilderness into the flourishing Com-  
monwealth whose history is the theme of these pages; and their story—oft told  
before, and now imperfectly repeated here—will bear a charmed  
interest as long as patriotism exists, or courage  
and fortitude are admired.

## NOTE.

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THIS work is written and published for the purpose of arranging and preserving, in useful and compact form, the scattered records and recollections of this portion of Oregon. It will be found to contain a considerable amount of matter which seems properly to belong to a history of the State at large, and which has been incorporated into this volume because, as is well understood, the Willamette Valley contains the greater part of the population of the commonwealth, and has, since the earliest settlement of Oregon, constituted by far the most important section, although its area only amounts to one-seventh of the present State. Much of the contents of this volume has never before appeared in print, and except for its publication herein would never have appeared, as it consists largely in personal recollections which, by the laborious method pursued, have been gathered up and preserved herein. In this connection the publishers desire to express their thanks to all who have, without asking remuneration, contributed information or otherwise favored the progress of this work. Their gratitude is particularly due to John Minto, S. A. Clarke, D. D. Prettyman and C. Uzafovage, of Salem; Dr. J. L. Hill, of Albany; J. M. Bates, of Jefferson, the first of the living pioneers; and S. A. Moreland, of Portland, the author of the treatise upon the railways of the Valley, which is included. The newspapers of the Valley have, almost without exception, devoted their columns generously to the needs of the new publication. The valuable collections of the Portland Library Association have been of such use that an acknowledgment is suitable. Having completed the work with whatever of industry and ability the compilers have been enabled to expend upon it, it is now submitted to the criticisms of those to whom its contents may have interest. By criticism is meant that fair and profound discussion which intelligence inspires. Such criticism invariably is of value, and in this instance will prove doubly so, as the present work is but one of a series of historical compositions, whose later issues will rectify the possible errors of their predecessors.

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BY GEO. H. HIMES AND H. O. LANG.

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**WALKER, C. C.**

Born in Virginia in 1819; removed with parents to Missouri in 1829, and crossed the plains to Oregon sixteen years later. In 1849 he went to California, accompanied by his brother, W. P. Walker, also an immigrant of 1845, and labored in the mines for a short time. Took a donation claim in Spring Valley, Polk County, on which he still resides. Occupation, farming and fruit-raising; address, Zena, Polk County. Was married July 4, 1850, to Miss Louisa Purvine, an immigrant of 1848.

**WALKER, JOHN H.**

Resides three miles southeast of Gaston, Washington County, and is a farmer by occupation. He was born in Jefferson County, Indiana, in 1819; came to Oregon and settled near Forest Grove. He married Lucinda Wilkes in 1841, and they have five children—William B., Winfield S., Leonard E., Mrs. Louisa Gahey, and Mrs. Lucinda Johnson.

**WAYMIRE, JOHN.**

Born in Ohio in 1813, and after living at various times in Indiana, Illinois and Missouri, and serving as a volunteer in the Black Hawk war, came to Oregon in 1845. Worked in Portland in 1846, and built the first wharf there. Afterward, moved to Dallas and worked as carpenter. Still resides there. Mr. Waymire has been married three times and has eleven children.

**WHITE, EDWARD NEWTON.**

Born April 27, 1828, in Illinois. Settled in Linn County, Oregon. Married July, 1848, Miss Catharine J. Burhart. They had three children—Cynthia L., Adalia A., and M. T. Mrs. White died in 1859, and Anna Woodsides became his second wife. Eight children were born to this union, seven being now alive—Jane, Eudocia, Grant, Aaron, Bertha, Eleanor, and Edward. Mr. White resides mainly at Prineville, Crook County, being engaged in the stock business.

**WILCOX, RALPH.**

Born in Cattaraugus County, New York, in July, 1818, the son of a physician, with whom he studied medicine. Removed to

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7558  
22026  
30830

SURFACE WATER REGISTRATION STATEMENT CHECK LIST

1. Date Stamped In 7.5.89
2. Receipt No. 58481
3. Payment Entered and Signed 7.5.89 JW
4. Acknowledgement Letter 7.6.89
5. Enter on Water Right Records
  - A. Stream Index 7.13.89
  - B. Plat Cards 7.13.89
6. Review
  - A. Form ✓
  - B. Map ✓
  - C. Exhibits ✓ NEED DEED DEGREE EXH. "B"
7. Records Check
  - A. Conflicting Rights ✓
  - B. Confirming or Conflicting Evidence ✓
8. Letter of Correction, Completion or Acceptance
9. Enter on PARADOX
10. Accepted as OK by WRD

0308j

**DESCRIPTION**

(IF THE DESCRIPTION IS TYPED HEREON, THE TRACING SHALL BE BACKED BY A SMUDGE-PROOF CARBON PAPER)

**PARCEL #1**

Beginning at a point on the centerline of County Road No. 643, Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 00° 04' 04" East 2,877.32 feet from the Northwest corner of Claiborne C. Walker Donation Land Claim #51; thence along the centerline of said road as follows:

Along the arc of a 200-foot spiral to the right (the chord of which bears North 39° 38' 02" East 69.81 feet); thence along the arc of a 4° curve to the right (the chord of which bears North 41° 22' 09" East, 25.00 feet) 25.00 feet; thence along the arc of a 200-foot spiral to the right (the chord of which bears North 44° 32' 09" East 199.96 feet); thence North 45° 52' 09" East 52.73 feet; thence along the arc of a 200-foot spiral to the left (the chord of which bears North 43° 52' 10" East 199.91 feet); thence along the arc of a 6° curve to the left (the chord of which bears North 33° 14' 32" East 220.41 feet) 220.90 feet; thence along the arc of a 200-foot spiral to the left (the chord of which bears North 24° 24' 07" East 86.12 feet); thence North 64° 39' 03" West 446.87 feet; thence North 23° 26' 34" East 500.24 feet; thence South 64° 39' 03" East 423.40 feet to the centerline of said County Road No. 643; thence continuing along said centerline as follows:

North 20° 36' 54" East 336.48 feet; thence along the arc of a 200-foot spiral to the right (the chord of which bears North 22° 36' 54" East 199.91 feet); thence along the arc of a 6° curve to the right (the chord of which bears North 32° 00' 54" East 179.73 feet) 180.00 feet; thence along the arc of a 200-foot spiral to the right (the chord of which bears North 40° 38' 06" East 139.95 feet); thence North 67° 18' 19" West 130.00 feet; thence North 76° 58' 49" West 2,062.15 feet; thence South 00° 17' 16" East 982.61 feet; thence South 89° 42' 36" West 411.00 feet; thence South 00° 17' 24" East 653.40 feet; thence South 00° 15' 36" West 189.37 feet; thence South 00° 33' 39" West 172.89 feet; thence North 89° 37' 40" East 1,440.24 feet; thence South 00° 04' 04" East 409.48 feet to the point of beginning and containing 78.97 acres, more or less.

SAVE AND EXCEPT that portion lying within County Road No. 643.

**PARCEL #2**

Beginning at the centerline of County Road No. 643, in Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 00° 04' 04" East 684.90 feet and South 76° 58' 49" East 1,167.34 feet from the Northwest corner of the Claiborne C. Walker Donation Land Claim #51; thence North 76° 58' 49" West 2,648.19 feet; thence South 00° 05' East 474.00 feet; thence South 00° 17' East 636.27 feet; thence North 89° 42' 36" East 411.00 feet; thence North 00° 17' 16" West 982.61 feet; thence South 76° 58' 49" East 2,062.15 feet; thence South 67° 18' 19" East 130.00 feet to the centerline of said county road; thence Northerly along the arc of a 200-foot spiral to the right (the chord of which bears North 43° 14' 06" East 60.00 feet) to the point of beginning and containing 11.57 acres of land.

SAVE AND EXCEPT that portion lying within County Road No. 643.

**PARCEL #3 - PREVIOUS DESCRIPTION**

Beginning at a point on the centerline of County Road No. 643 in Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 00° 04' 04" East 684.91 feet, South 76° 58' 49" East 1,167.34 feet, and South 27° 48' 26" West 906.46 feet from the Northwest corner of the Claiborne C. Walker Donation Land Claim #51; thence North 64° 39' 03" West 423.40 feet; thence South 23° 26' 34" West 500.24 feet; thence South 64° 39' 03" East 446.87 feet to the centerline of said county road; thence Northerly along the arc of a 200-foot spiral to the left (the chord of which bears North 21° 15' 50" East 113.88 feet); thence North 20° 36' 54" East 387.70 feet to the point of beginning and containing 5.0 acres of land.

SAVE AND EXCEPT that portion lying within County Road No. 643.

THE ABOVE DESCRIBED PROPERTY HAS AN APPROVED ACCESS TO A  PUBLIC ROAD,  COUNTY ROAD,  ACCESS TO A STATE HIGHWAY REQUIRES A PERMIT FROM THE OREGON STATE HIGHWAY DIVISION.

COUNTY ROADMASTER

DATE

SITE EVALUATION INFORMATION ON SUBSURFACE DISPOSAL (HAS/HAS NOT) BEEN REQUESTED FOR (EACH OF) THE ABOVE DESCRIBED PARCEL(S). FOR SPECIFIC INFORMATION REGARDING PLACEMENT AND SIZE LIMITATIONS, IF ANY, CONTACT THE COUNTY SANITARIAN.

COUNTY SANITARIAN

DATE

THIS SURVEY AND DESCRIPTION IS HEREBY APPROVED.

COUNTY SURVEYOR

DATE

**APPROVED**

PLANNING DIRECTOR

DATE

Fee \_\_\_\_\_ No. \_\_\_\_\_  
STATE OF OREGON, )  
County of Polk, ) ss.

I hereby certify that the within instrument was received and duly recorded by me in Polk County Records Book of \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

County Clerk and Recorder.

By \_\_\_\_\_ Deputy



# SURVEY MAP

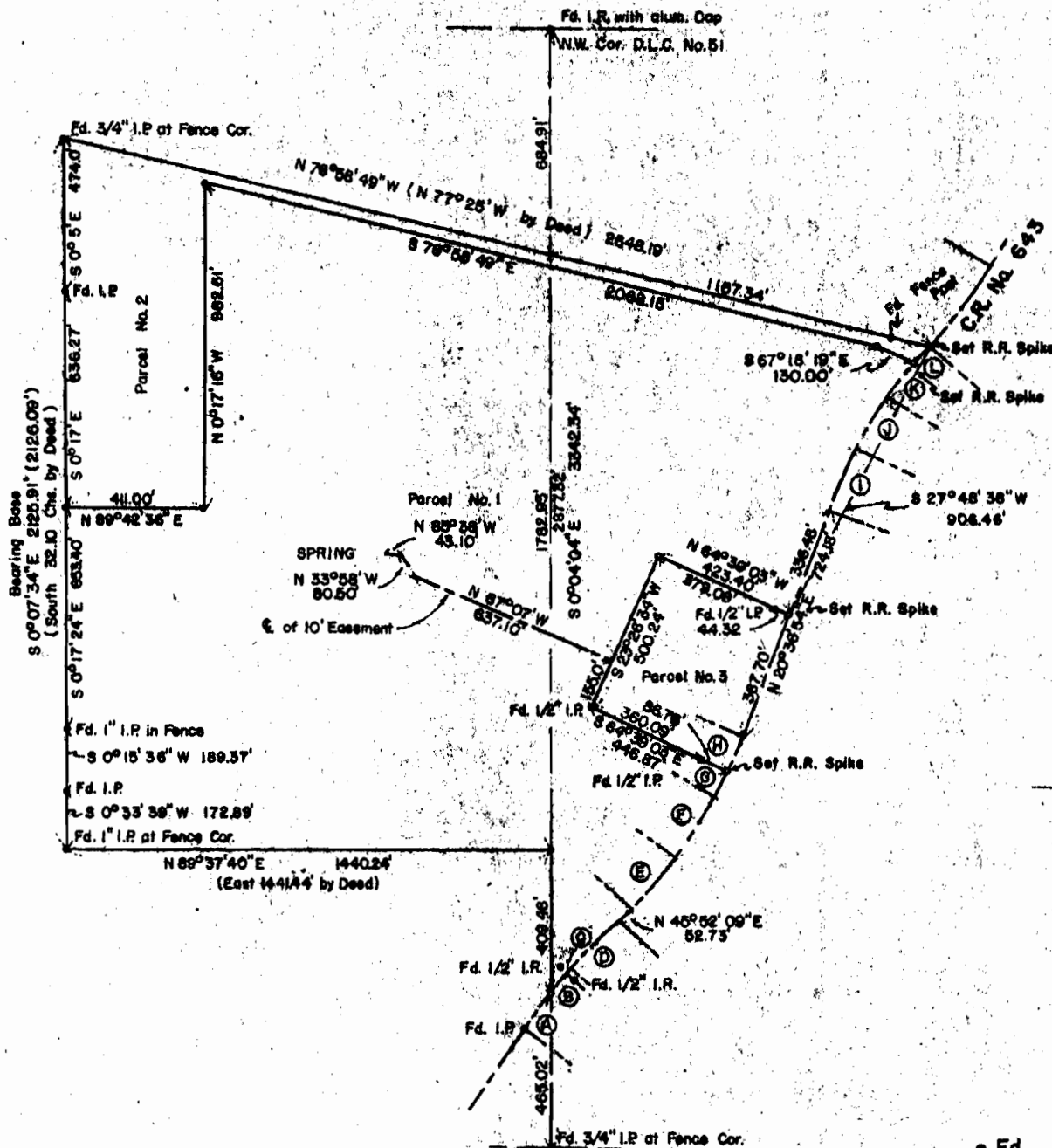
OF  
MAJOR/MINOR PARTITION FOR: BYRON PURVINE

IN

APPLICANT

SECTION 24, T 6 S., R. 4 W., W.M. POLK COUNTY, OREGON

Scale 1" = 500' Date 2-15-1979 Bearings Co. Survey No. 4950



• Fd.  
◦ Set 5/8" I.R.

		CHORD BEARING	CHORD DISTANCE	ARC LENGTH
A	200' SPIRAL	N 37° 26' 03" E	130.19'	130.19'
B	200' SPIRAL	N 39° 38' 02" E	69.81'	69.81'
C	40' C.R.	N 41° 22' 09" E	25.00'	25.00'
D	200' SPIRAL	N 44° 32' 09" E	199.96'	200.00'
E	200' SPIRAL	N 43° 52' 10" E	199.91'	200.00'
F	60' C.L.	N 33° 14' 32" E	220.41'	220.90'
G	200' SPIRAL	N 24° 24' 07" E	86.10'	86.12'
H	200' SPIRAL	N 21° 15' 50" E	113.88'	113.88'
I	200' SPIRAL	N 22° 36' 54" E	199.91'	200.00'
J	60' C.R.	N 32° 00' 54" E	179.73'	180.00'
K	200' SPIRAL	N 40° 38' 06" E	139.95'	140.00'
L	200' SPIRAL	N 43° 14' 06" E	60.00'	60.00'

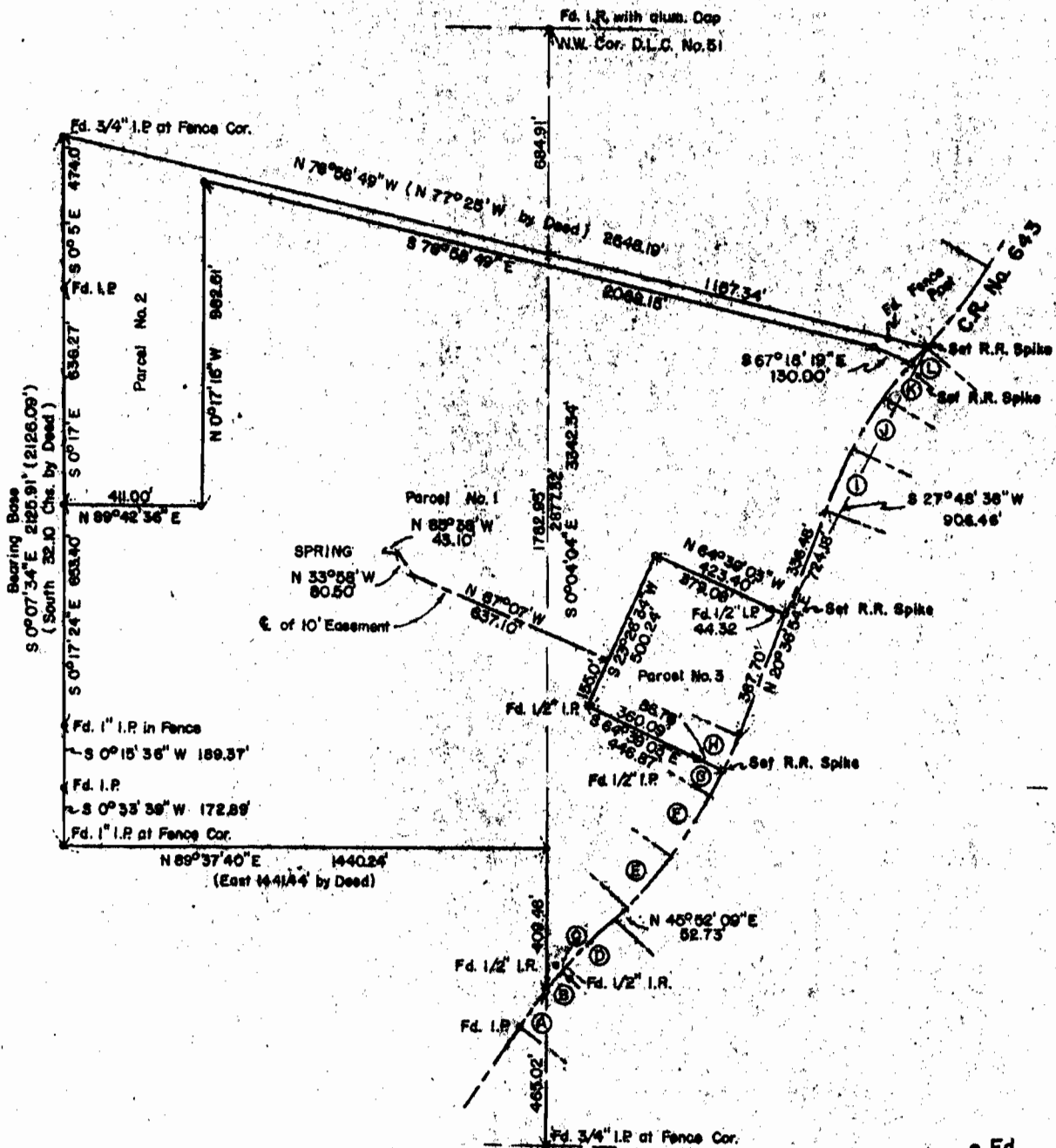
**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Norman J. Harker*  
**OREGON**  
MAY 14, 1978  
**NORMAN J. HARKER**  
1605

**NOTE:** BUILDING PERMITS FOR HABITABLE RESIDENTIAL, COMMERCIAL OR INDUSTRIAL STRUCTURES WILL NOT BE ISSUED UNTIL THE PROPOSED METHOD OF SEWAGE DISPOSAL IS REVIEWED AND APPROVED BY THE COUNTY SANITARIAN.

# SURVEY MAP OF MAJOR/MINOR PARTITION FOR BYRON PURVINE

IN  
SECTION 24, T. 6 S., R. 4 W., W.M. POLK COUNTY, OREGON  
Scale 1" = 500' Date 2-15-1979 Bearings Co. Survey No. 4950



• Fd.  
• Set 5/8" I.R.

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K	200' SPIRAL	N 40° 38' 06" E	139.95'	140.00'
L	200' SPIRAL	N 43° 14' 06" E	60.00'	60.00'

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Norman J. Harker*

**OREGON**  
ALL T. M. 1978  
**NORMAN J. HARKER**  
1605

**NOTE: BUILDING PERMITS FOR HABITABLE RESIDENTIAL, COMMERCIAL OR INDUSTRIAL STRUCTURES WILL NOT BE ISSUED UNTIL THE PROPOSED METHOD OF SEWAGE DISPOSAL IS REVIEWED AND APPROVED BY THE COUNTY SANITARIAN.**

RECEIVED

JUL 26 1989

WATER RESOURCES DEPT  
SALEM, OREGON

378-3739

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

Mill Creek Office Park • 555 13th. Street N.E.  
Salem, Oregon 97310

RECEIVED FROM

*Plotch, Spearstra, Rinehart + Ashcroft*

Application   
Permit   
Transfer

TOTAL REC'D. \$

*430-*

CASH

CHECK

MONEY ORDER

By

*Byron J. Purvine*

EXAMINATION FEES:

RECORDING FEES:

Surface Water ..... \$ \_\_\_\_\_

\$ \_\_\_\_\_

Ground Water ..... \$ \_\_\_\_\_

\$ \_\_\_\_\_

Transfer ..... \$ \_\_\_\_\_

\$ \_\_\_\_\_

MISCELLANEOUS FEES:

Copying .....

Certification .....

Misc. Recording .....  \$ \_\_\_\_\_

Protest .....

Extension of time .....

ADJUDICATION FEE

\$ *430-*

POWER LICENSE FEE ..... \$ \_\_\_\_\_

HYDROELECTRIC LICENSE FEE . \$ \_\_\_\_\_

EXAM FEE .... \$ \_\_\_\_\_

WATER WELL CONSTRUCTOR

Exam Fee  License Fee  ..... \$ \_\_\_\_\_

LANDOWNER'S WATER WELL PERMIT FEE ..... \$ \_\_\_\_\_

ALL OTHER: ..... \$ \_\_\_\_\_

SUSPENSE TOTAL \$ *430-*

BASIN MAPS ..... \$ \_\_\_\_\_

QUADRANGLE ACCOUNT ..... \$ \_\_\_\_\_

RECEIPT NO.

58481

Dated

*7.5.89*

By

*W. Howe*

RHOTEN, SPEERSTRA, RINEHART & ASHCROFT

ATTORNEYS AT LAW  
300 PIONEER TRUST BUILDING  
117 COMMERCIAL STREET N.E.  
SALEM, OREGON 97301

J. RAY RHOTEN  
SAM F. SPEERSTRA  
SARAH K. RINEHART  
L. E. ASHCROFT  
GERALD L. WARREN

GEO. A. RHOTEN  
1927-1986

July 5, 1989

RECEIVED

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310

Re: Bryon J. Purvine

Gentlemen:

We hand you herewith a Registration Statement Claiming a Right to Appropriate Surface Water, Including a Change in Place of Use of Bryon J. Purvine, together with our check for the filing fee.

We have concluded that we should file this Application with you prior to filing a lawsuit in the Circuit Court for the reason that we believe that preliminarily this is an administrative action.

The change of place of use was contemplated through the 1970's and actually carried out right after the sale of most of the property in January 1979, as described in the expanded remarks attached to the Statement. The Deed to the property executed with the sale specifically reserved the five acre tract for the new homestie, together with the first right to 15 gpm from the upper spring that had served the original homesite of the C.C. Walker DLC #51 since its settlement. By this reservation, the buyers and the Water Resources Department, who were advised by letter, were advised that a part of the vested water right (the first water right on the spring described therein) was having its place of use changed to the new homesite. Following the sale, the mobile home was purchased, set up, and the water connected and put to beneficial use at the new location. Mr. Purvine has continued to appropriate the water from this upper spring area thereafter without causing any injury to any other water rights.

We request that you file the Registration Statement and determine that Byron J. Purvine owns the vested water right to appropriate surface water as described and that he properly change the place of use of the water as he was entitled to under the law and that he has the oldest date of priority (first right to 15 gpm of water) for the use of the water from the upper spring.

Water Resources Department  
Re: Bryon J. Purvine

July 5, 1989  
Page Two

We would appreciate your acknowledgment of receipt of this and what procedure you desire to follow, that is whether or not you wish Mr. Purvine to appear at a hearing or whether or not your department will act upon the matter without a hearing.

Yours truly,

RHOTEN, SPEERSTRA, RINEHART & ASHCROFT



By: J. Ray Rhoten

JRR:jb  
Enclosures

RECEIVED

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

Statement of Chris L. Wheeler P.E. # 3540 to supplement the map prepared by me and to be included as Exhibit A of the Registration Statement Claiming a Right To Appropriate Surface Water by Byron J. Purvine.

1. The location of the upper spring, pipe line & property lines were determined by an earlier survey and the locations shown on the map were plotted from the deed descriptions to show the essential parts of the water rights being claimed without any attempt to dimension or locate property ownership lines. I did make a field examination of the diversion works from the spring, the pipe line and the place of use appears to be correct.

2. The waters of the spring area are collected in a 10 foot section of 4" plastic perforated pipe buried along the rubble rock contact at the base of the hill slope in the center of the main flow. Water is then taken by a solid section of 4" p.v.c. pipe split with a Y and 4" gate valves below the Y and then a couple feet into a 27" concrete bell pipe set on end and buried to the surface with a concrete cap on it. There is 3' section of 4" p.v.c. coming from the top part of the bell and returning the surplus back to the stream. A 1 1/4 " p.v.c. pipe runs from the base and is buried all the way to the pump house about 800 ' away. The static pressure at the pump house is 17 psi and a measured discharge into buckets from 3 outlets was 21.7 GPM with 2 psi residual pressure. The booster pump provides sufficient head to deliver 0.034 cfs through the hose and sprinkler systems to irrigate more than 2 acres of lawns, shrubs, flowers, driveway plantings and adjacent pasture. Water has also been used for domestic purposes in the house and for stock water and spraying herbicides & insecticides with a sprayer attached to the tractor.

3. Prior to the adoption of the water code in 1909, the Oregon Supreme Court had held in several cases that the owner of a vested right could change the point of diversion, the place of use, or the use previously made of the water. In Williams v Altnow, (1908) 51 OR 275, the Court reaffirmed and clarified this if the change did not injure any other water rights. In some of the earlier adjudications, Re North Powder River, (1915) 75 OR 83, Re Willow Creek, (1915) 74 OR 592, the Court cited Williams v Altnow in discussing that the right to make the changes existed by simply doing them without injuring any other water rights but that after the 1909 Code, specific provisions (now ORS 540.510 to ORS 540.530) made it mandatory that an application for permission to make the desired changes be submitted to the Water Resources

EXHIBIT A



Department and they had to find that it could be made without injury to other rights in order to approve the proposed change. It was also considered that if the department found that the change could be made without injury to other rights they had to approve it but they could attach any conditions necessary to insure that no injury did take place. In most of the Adjudications carried out by the Water Resources Department they have found and determined water rights that had been subject to such changes. It appears that Byron Purvine is entitled to change the place of use of that part of the vested water right claimed in this registration for the first right to appropriate 15 gallons per minute (0.034 cfs) of water for domestic, stock, irrigation of 2 acres & homesite use from the unnamed spring described in the reservations & on the 5 acre tract also described therein. I also examined the copies of the General Land Office & the Surveyor General for Oregon plats and approvals that are on file in the Water Resources Commission office pertaining to Township 6 South, Range 4 West, W.M.. I obtained a copy of the segment of the plat that shows said section 24 and the border that shows the Surveyor General's approval and the date on 3 sheets that I have attached to this statement. The U.S. Bureau of Land Management Office in Portland is the successor to the Surveyor General for Oregon and has custody of all of the Surveyor General's Records including the notes, plats & approvals. The earlier survey for the first approval in 1851 showed a standard symbol for a building at the same location as the original Purvine house in section 24 of the C. C. Walker Donation Land Claim No. 51 and a farmed field about 40 acres in size just east of the building. This is certainly a very good indication that the house was in existence with water use probably made by dipping from the spring. The Supreme Court reversed the trial court in Shepard et ux. v Purvine et al., (1952) 196 OR 348, & held that the plaintiffs had a right of way for their pipeline and a right to a portion of water from the lower spring on the farm. This claim of a vested right to appropriate water is for the upper spring or spring area. In reaching their decision the Court found certain things to be fact that pertain to the upper spring and this claim that I would ask you to refer to. On page 355 & 356 the Court stated "For more than 60 years the Purvines made use of water rising from springs on their premises, for domestic purposes, for irrigation, and, for a few years, for power purposes. For their domestic use, as well as for irrigation, they utilized waters from what is known as the upper spring. They had that water piped into their home and outbuildings. The overflow from this spring, together with the flow from other springs near-by, formed a stream that

flowed across and off their lands. Irrigation was accomplished largely by the use of ditches dug to convey the water". The Court wasn't specific but if we assume the reference as relating to 1952, the date of the decision, it would relate the use back to prior to 1892. On page 369 the court quoted a letter C. M. Purvine had written to his attorneys in 1916, that stated he had used the water for irrigation, for I expect 40 years, which would relate his use back to 1876. It is obvious, with a normal or usual pattern of development, that the use for domestic and stock would have been the first uses needed and probably preceeded the irrigation development in this area by many years. The usual procedure for settlers on Donation Land Claims was to dip water from a spring by bucket for domestic use with cattle drinking from the creek or from water also carried in a bucket. If there was sufficient head or fall between the spring and the house or outbuildings and as they had time and money, to construct a ditch or pipe line to convey the water, by gravity, to improve and expand the use. C. M. Purvine was an engineer with knowledge of required amounts of fall to carry water in a ditch or pipeline. There is a logical progression of events and time to relate the domestic, stock and irrigation use from the upper spring area back to the settlement of the Donation Land Claim by Claiborne C. Walker. Since the Oregon Supreme Court has already found these essential facts to be the case from the evidence received in a trial about 38 years ago as refered to above. Those findings may not meet all tests but the Court's conclusions ought to be given great consideration since most of the witnesses have died and that evidence is no longer available. There does not appear to be any question that the water was appropriated and put to beneficial use for all the uses and amounts as claimed herein prior to 1909.

June 23, 1989

*Chris L. Wheeler*  


~~\_\_\_\_\_ 4 \_\_\_\_\_~~



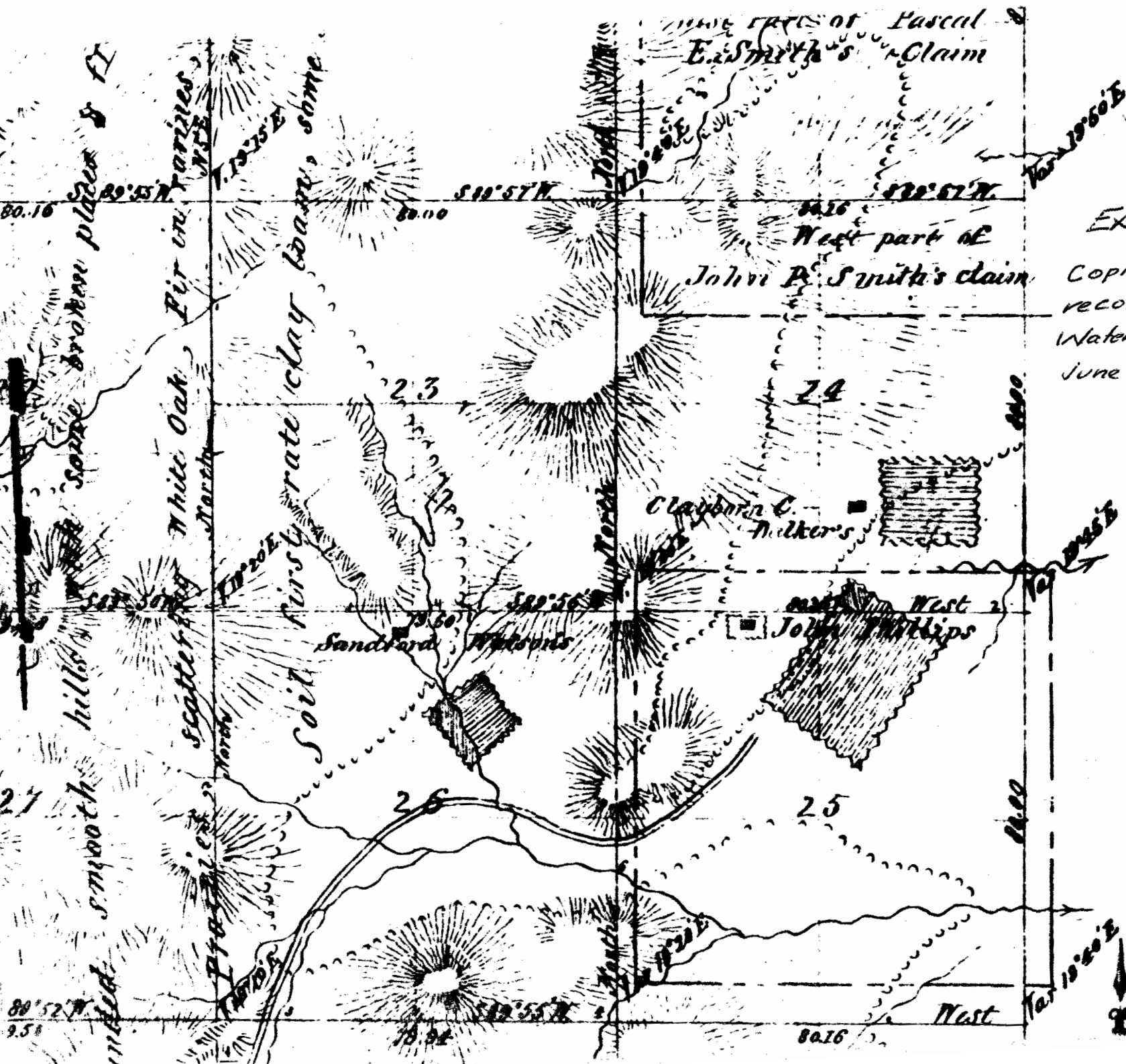
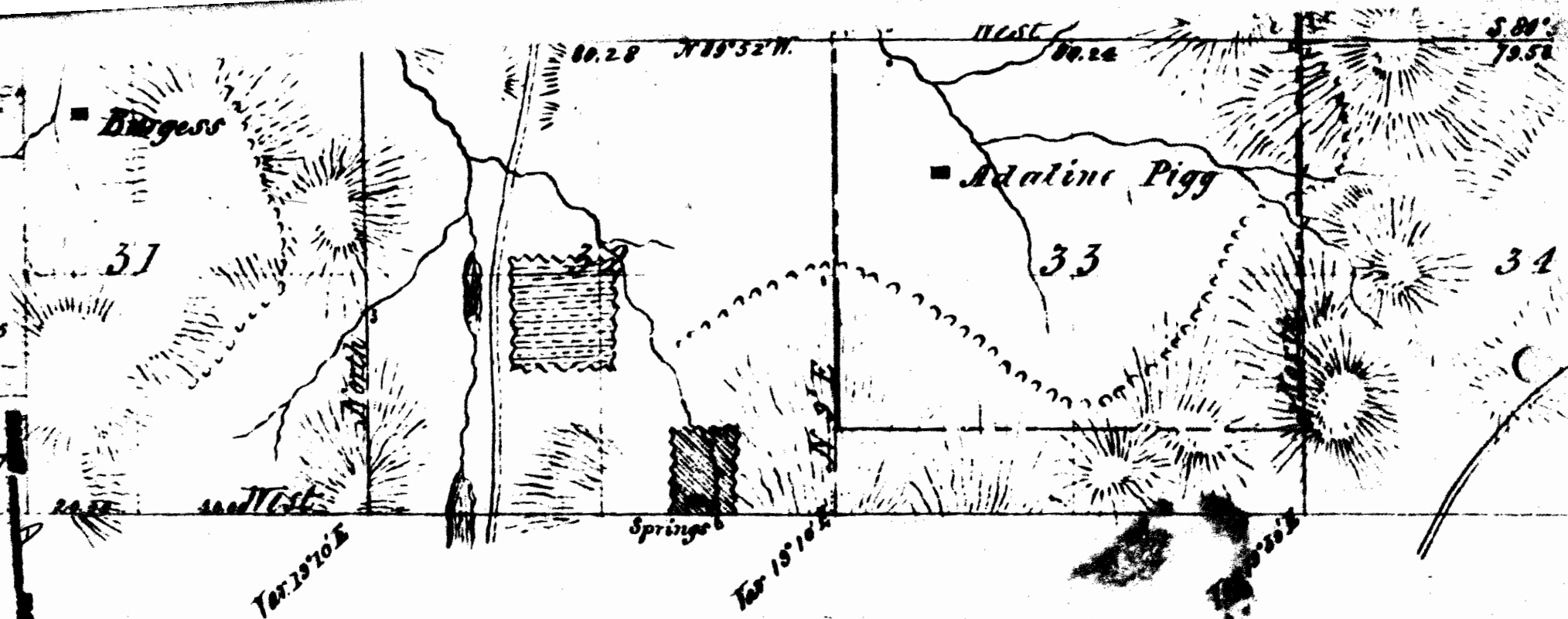


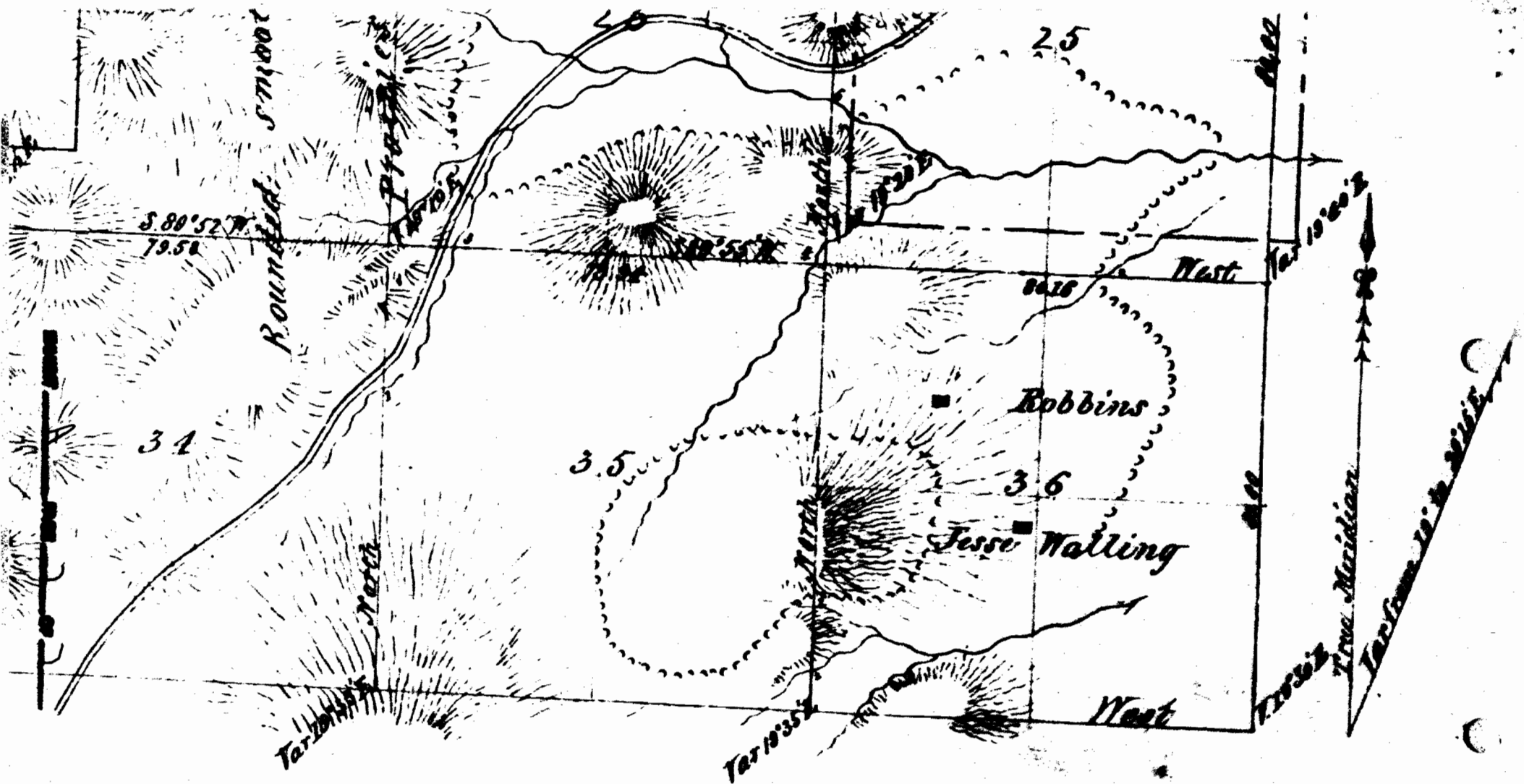
EXHIBIT A  
 Copied from the records of the  
 Water Resources Dept.  
 June 14, 1989



Surveyed	Contract		Amount of Surveys			When Surveyed	When charged in the Sur. Cant. Accounts
	No.	Date	Miles	Chains	Links		
in July	4	Sept 10 <sup>th</sup> 1851	11	79	41	November 10 <sup>th</sup> 1851	6 <sup>th</sup> quarter 1851
in July	9	Nov. 12 <sup>th</sup> 1851	59	79	17	March 11 <sup>th</sup> 1852	1 <sup>st</sup> quarter 1852

The ad  
 vicia  
 jil  
 Surve  
 Creek

EXHIBIT A



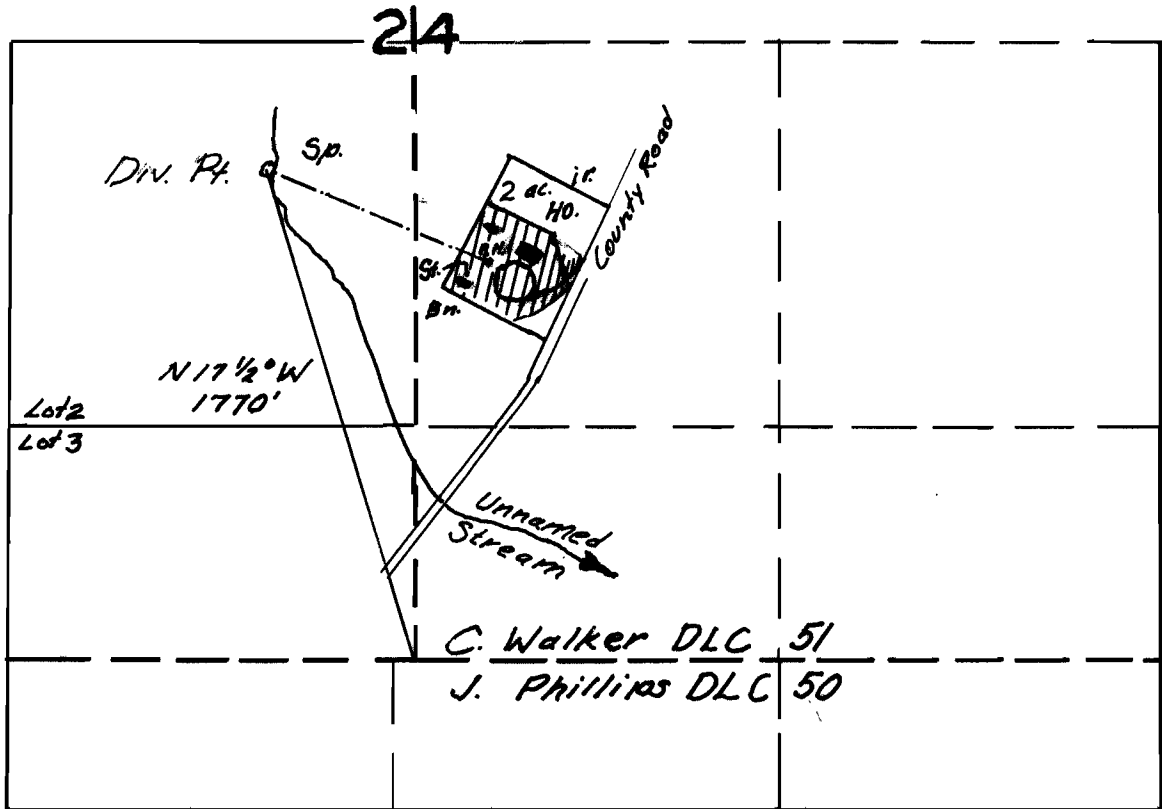
The above Map of Township No. 6 South of Range No. 4 West of the Willamette Meridian Territory of Oregon is strictly conformable to the field notes, thereof, on file in this Office which have been examined and approved.

Surveyor General's Office  
 Oregon City 11th March 1852

EXHIBIT A Copied from the records of the Water Resources Dept. June 14, 1989

Geo. B. B.

T.6 S. R. 4 W. W.M.



Scale: 1" = 660

MAP FOR REGISTRATION STATEMENT  
CLAIM OF RIGHT TO APPROPRIATE  
SURFACE WATER OF

BYRON J. PURVINE

Feb. 20, 1989

June 8, 1989

By

Chris L. Wheeler

RECEIVED

JUL 5 1989

159 PAGE 846

FORM No. 887—Oregon Trust Deed Series—TRUSTEE'S DEED OF RECONVEYANCE

DEED OF RECONVEYANCE

WATER RESOURCES DEPT SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That the undersigned trustee or successor trustee under the certain trust deed dated February 6, 1979, executed and delivered by RALPH EYRE and GARTH R. LARSON

as grantor and recorded on February 8, 1979, in book 136 at page 1024 of the Mortgage Records of Polk County, Oregon, conveying real property situated in said county described as follows:

The real property described in Exhibit "A" attached hereto and by reference made a part hereof save and except that portion heretofore reconveyed by partial reconveyance dated April 29, 1980.

having received from the beneficiary under said trust deed a written request to reconvey, reciting that the obligation secured by said trust deed has been fully paid and performed, hereby does grant, bargain, sell and convey, but without any covenant or warranty, express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned in and to said described premises by virtue of said trust deed.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and neuter and the singular includes the plural.

IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: July 30, 1981. J. Ray Rhoten

(If executed by a corporation, affix corporate seal)

Trustee

(If the trustee who signs above is a corporation, use the form of acknowledgment opposite.)

(ORS 93.420)

STATE OF OREGON, County of Marion July 30, 1981

STATE OF OREGON, County of Polk, 1981

Personally appeared the above named J. Ray Rhoten and acknowledged the foregoing instrument to be his voluntary act and deed.

Personally appeared [Signature] who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of [Signature] a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me:



Andrew J. Jamrud Notary Public for Oregon My commission expires: July 10, 1985

Notary Public for Oregon My commission expires:

(OFFICIAL SEAL)

TRUSTEE'S DEED OF RECONVEYANCE

J. Ray Rhoten, Trustee

271695 STATE OF OREGON ) ss. County of Polk )

FILED POLK COUNTY OREGON

TO Ralph Eyre and Garth R. Larson

I hereby certify that the within was received and duly recorded by me in Polk County records:

AUG 12 2 58 PM '81

AFTER RECORDING RETURN TO

Ralph Eyre 2775 Cherry Ave. N. Salem, OR 97303

B.O.R. 159 Page 846

VIOLET... BY [Signature] DEPUTY

By Deputy

RECORDED BY PIONEER NATIONAL TITLE INS

900 1000 700 500 400 300 200 100

PARCEL #1

Beginning at a point on the centerline of County Road No. 643, Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 0° 04' 04" East 2,877.32 feet from the Northwest corner of Claiborne C. Walker Donation Land Claim #51.

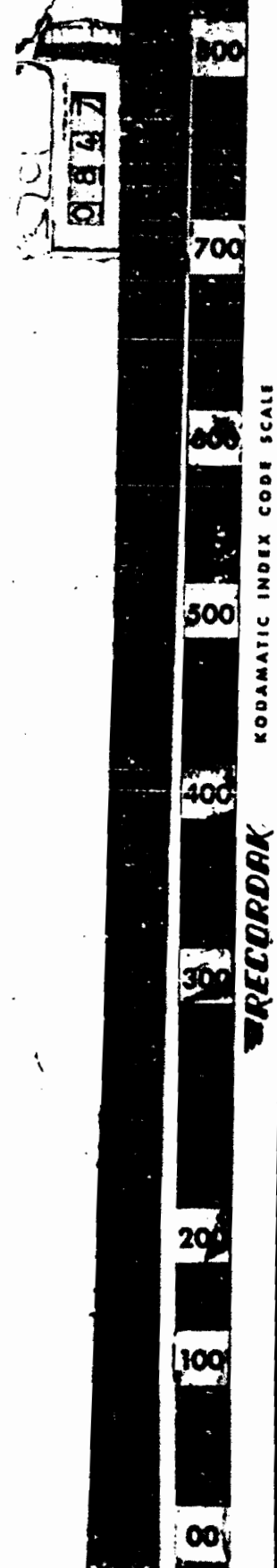
Thence along the centerline of said road as follows:

- Along the arc of a 200-foot spiral (the chord of which bears North 39° 38' 02" East 69.81 feet);
- Thence along the arc of a 4° curve to the right (the chord of which bears North 41° 22' 09" East, 25.00 feet) 25.00 feet;
- Thence along the arc of a 200-foot spiral (the chord of which bears North 44° 32' 09" East 199.96 feet);
- Thence North 45° 52' 09" East 52.73 feet;
- Thence along the arc of a 200-foot spiral (the chord of which bears North 43° 52' 10" East 199.91 feet);
- Thence along the arc of a 6° curve to the left (the chord of which bears North 33° 14' 3" East 220.41 feet) 220.90 feet;
- Thence along the arc of a 200-foot spiral (the chord of which bears North 24° 24' 07" East) 86.10 feet;
- Thence North 64° 39' 03" West 446.87 feet;
- Thence North 23° 26' 34" East 500.24 feet;
- Thence South 64° 39' 03" East 423.40 feet to the centerline of said County Road No. 643;
- Thence continuing along said centerline as follows:
- Thence North 20° 36' 54" East 336.48 feet;
- Thence along the arc of a 200-foot spiral (the chord of which bears North 22° 36' 54" East 199.91 feet);
- Thence along the arc of a 6° curve to the right (the chord of which bears North 32° 00' 54" East 179.73 feet) 180.00 feet;
- Thence along the arc of a 200-foot spiral (the chord of which bears North 40° 38' 06" East 139.95 feet);
- Thence North 67° 18' 19" West 130.00 feet;
- Thence North 76° 58' 49" West 2,062.15 feet;
- Thence South 0° 17' 16" East 982.61 feet;
- Thence South 89° 42' 36" West 411.00 feet;
- Thence South 0° 17' 24" East 653.40 feet;
- Thence South 0° 15' 36" West 189.37 feet;
- Thence South 0° 33' 39" West 172.89 feet;
- Thence South 89° 37' 40" East 1440.24 feet;
- Thence South 0° 04' 04" East 409.48 feet to the point of beginning and containing 78.97 acres, more or less.

SUBJECT TO an easement to Byron J. Purvine for the installation, maintenance and repair of a water pipe line 20 feet in width, being 10 feet in width on either side of the following described right of way:

Beginning at a point on the centerline of County Road No. 643 in Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 0° 04' 04" East 684.91 feet, South 76° 58' 49" East 1167.34 feet, and South 27° 48' 26" West 906.46 feet from the Northwest corner of the Claiborne C. Walker Donation Land Claim #51.

- Thence North 64° 39' 03" West 423.40 feet;
- Thence South 23° 26' 34" West 345.25 feet, which point is the point of true beginning;
- Thence North 67° 07' West 637.10 feet;
- Thence North 33° 58' West 80.50 feet;
- Thence North 85° 38' West 43.10 feet, more or less to a spring;



AND FURTHER SUBJECT TO the reservation in Byron J. Purvine of the first water rights to take water from such spring to provide 15 gallons per minute.

SUBJECT TO water right to a spring and a pipeline easement thereto as set forth in various instruments of record, including those set forth in the second and third paragraphs in instrument recorded February 28, 1962 in Book 180, page 422, Deed Records, and as in Parcels 3 and 4 of instrument recorded October 11, 1978 in Book 133, page 525, Book of Records, Polk County, Oregon.

FURTHER SUBJECT TO pipeline easement set forth in 3rd paragraph of instrument recorded January 14, 1976 in Book 82, page 63, Book of Records, Polk County, Oregon.

Including the water right and easement granted in the case of Purvine v. Shepard, in the Circuit Court of the State of Oregon, County of Polk.

PARCEL #3

Beginning at a point on the centerline of County Road No. 643, Section 24, Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon, said point being South 0° 04' 04" East 2,877.32 feet from the Northwest corner of Claiborne C. Walker Donation Land Claim #51;

- Thence South 0° 04' 04" East 465.02 feet;
- Thence South 89° 59' 02" East 2887.85 feet;
- Thence North 0° 07' 00" West 899.87 feet;
- Thence South 89° 40' 22" East 1285.48 feet;
- Thence North 0° 19' 12" East 1030.75 feet;
- Thence North 89° 33' 14" West 1459.18 feet;
- Thence North 89° 03' 52" West 1867.01 feet to the centerline of County Road No. 643;

Thence along the centerline of said road as follows:

- Along the arc of a 200-foot spiral to the left (the chord of which bears South 20° 47' 58" West 60.70 feet) 60.73 feet;
- Thence South 20° 36' 54" West 724.18 feet;
- Thence along the arc of a 200-foot spiral to the right (the chord of which bears South 22° 36' 54" West 199.91 feet);
- Thence along the arc of a 6° curve to the right (the chord of which bears South 33° 14' 32" West 220.41 feet) 220.90 feet;
- Thence along the arc of a 200-foot spiral to the right (the chord of which bears South 43° 52' 10" West 199.91 feet);
- Thence South 45° 52' 09" West 52.73 feet;
- Thence along the arc of a 200-foot spiral to the left (the chord of which bears South 44° 32' 09" West 199.96 feet);
- Thence along the arc of a 4° curve to the left (the chord of which bears South 41° 22' 09" West 25.00 feet) 25.00 feet;
- Thence along the arc of a 200-foot spiral to the left (the chord of which bears South 35° 38' 07" West 69.81 feet) 69.81 feet to the point of beginning and containing 142.12 acres, more or less.

All of such properties above described subject to roads, roadways and utility easements.

MICROFILMED

246469

Page 2

STATE OF OREGON )  
County of Polk )

ss.

FILED  
POLK COUNTY

I hereby certify that the within was received and duly recorded by me in Polk County records

FEB 9 1988

ALLEN VETTERSON

CLERK

Rec: 136 Page 1224

271095

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KOBAMATIC INDEX CODE SCALE  
RECORDAK



RECEIVED

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

Expanded Remarks of Byron J. Purvine

The original homesite of Claiborne C. Walker for his Donation Land Claim burned in 1918. It was replaced by my father that year and located a few feet to the east and I understand is now owned by the Mirassou's. Prior to 1907 the homesite had extensive lawns, shrubbery, rose gardens, vegetable gardens and pasture for the domestic animals behind the house. According to the records of the U.S. Bureau of Land Management, as successor to Surveyor General for Oregon, settlement began by taking up a Donation Land Claim in 1845. A building was shown, at the same location as the present house, with an adjacent farmed field on plats of surveys examined and approved by the Surveyor General between November 10, 1851 to March 11, 1852. I have not been able to determine exactly when the waters of the upper spring area were developed and conveyed to the house. It appears that the use of the water for domestic, stock, rose gardens, vegetable gardens and the irrigation of those gardens and pasture for the domestic animals was in a continuous type development with at least 2 acres having been irrigated prior to 1907. This is shown by the attached 3 affidavits and my own memory of the water use around the home and statements made by my parents and brother and sister while growing up. The farm was continuously improved subsequently to use all of the water of the 2 major spring areas, including this upper spring, and the entire summer flow of the small stream on the property.

My father, C.M. Purvine, continued the expansion and complete development and utilization of these waters when he aquired or started operating the farm. He filed an application with the State Engineer on September 30, 1920 for a permit to appropriate .3 cfs of water from the unnamed spring and seepage for irrigation of 24 acres in section 24, T. 6 S., R.4 W.,W.M.. Under the remarks of that application he included the following "The land covered by this permit is in addition to land that had been irrigated a number of years prior to February 24, 1909". The State Engineer approved this application by issuance of permit No. 4796 on October 12, 1920. This use of water was completed in a timely manner and final proof of appropriation made by my father. The State Engineer accepted that final proof and issued a Certificate of Water Right confirming the right to irrigate a specific 24 acres in said Section 24 and recorded the certificate on page 7614 State Record of Water Right Certificates. He also filed an application for a water right to develop 1.8 thp which was approved, developed and utilized and subsequently

Byron J. Purvine



abandoned when other power was available & other uses of the water more important. The diversion works continued and pipeline was moved to irrigate a pear orchard .

In 1946 I made another application for a permit to irrigate additional land which was approved, developed and confirmed by Certificate No.20728 for irrigation of an additional 22.5 acres in said Section 24. In 1956, I filed an application for a permit to construct a storage reservoir and store water along with a secondary permit to use the stored water. This development was also completed and resulted in certificates No. 28266 & 28267 being issued to confirm the water rights thereunder. In addition I defended these water rights in a law suit to the Oregon Supreme Court. By all reasonable action I continued to exercise great diligence to properly utilize the available water for the betterment of the farm & to increase production as well as protect the water rights.

As time passed I began to realize that I might want or need to sell the farm in the future. In the 70's, I decided that if I sold the farm, I wanted to reserve a 5 acre tract on the bench so that I could continue to live where I had spent most of my life except for service in World War II. In consideration of a possible sale, I got a surveyor to survey the 5 acre tract and the location of a proposed pipe line right-of-way from the spring to the proposed homesite and prepare the deed descriptions for the tract and right-of-way in connection with the proposed sale of the farm. In about 1975, I had about 800 feet of 1 1/4 inch p.v.c. pipe line installed as described. It was my intent and belief that I could specifically reserve in the deed this vested water right that had not been determined from the property that it had been appurtenant to and change the use and location of the place of use to the 5 acre tract retained. I had intended to change the water right for 15 gpm for domestic, stock, & irrigation of 2 acres of lawns, gardens, & pasture for the domestic animals and include spraying and other uses essential to the maintainance of the homesite.

When the agreement to sell and actual sale took place in 1979, I had my attorney prepare the necessary reservations from the farm property of: the 5 acre tract, pipe line easement & right-of-way from the tract to the spring and first water rights to take 15 gallons per minute for my own use. This reservation clearly advised the buyers of my intentions (see copies of attached deed). My attorney, J. Ray Rhoten, sent a letter addressed to the Water Resources Department on June 12, 1979, advising them that Byron

Byron J. Sumner

Purvine had sold essentially all of his property, reserving first rights for domestic purposes on a portion of the water rights and asking how he could proceed to separate his reserved water rights from the remainder of the rights on the property. He sent a second letter on October 22, 1979, transmitting affidavits from 3 separate persons with personal knowledge of actual water use on the property for domestic and irrigation use prior to 1907 that was also involved with 4 separate Identified certificates of water rights and requesting that the copies be filed with the permit files. Neither letter was acknowledged and copies of the letters and affidavits are attached to this Registration Statement Claiming a Right To Appropriate Surface Water. There are two separate spring areas, the upper one that provided water by pipe line for domestic, stock & garden areas and the lower one that included a large storage reservoir and extensive sprinkler system for the major farm irrigation by rotation or refilling.

After the sale I purchased and had set up a mobile home on the proposed homesite, built a pumphouse, purchased & installed a booster pump and split the discharge with lines to the house, stock tank & 3 separate outlets for irrigation. I constructed a barn for storage of tractor and equipment as well as facilities for the steers or other domestic animals. The booster pump is set at 40 to 50 psi and provides sufficient pressure to supply more than 15 gallons per minute for all uses in the home as well as irrigation of the lawns, flowers, shrubs & adjacent pasture area. When the system was first put in use the lawns and yard area were not separated from the rest of the pasture so the steers grazed up to the house.

*Byron J. Purvine*

**RECEIVED**

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

October 22, 1979

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

Re: Certificate Nos. 7614, 20728, 28267 and 28266  
Byron J. Purvine

Gentlemen:

Enclosed herewith you will find three affidavits with respect to the above permit numbers.

We would appreciate your enclosing these photostatic copies which were recorded in Polk County, Oregon, in the file of these permit numbers.

Yours truly,

RHOTEN, RHOTEN & SPEERSTRA

By: /s/ J. Ray Rhoten

JRR:ec

Enc: 3 affidavits:

Walker R. Purvine  
Margaret M. Purvine  
Greta Coomler

RECEIVED

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON,            )  
                                  ):    ss.  
County of Marion.         )

I, WALKER R. PURVINE, being first duly sworn, on oath depose and say:

That I am the son of C. M. Purvine and Frances Purvine, deceased. I was born in the year 1895. 1896, W.R.P.

My father and mother owned real property situated in Polk County, Oregon, being in Section 24, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

That prior to 1907, my father and mother got water from springs on the premises, being the same springs to which water rights under Certificate Nos. 7614, 20728, 28267 and 28266 are applicable.

That prior to 1907, such water was used for domestic household purposes and garden and for the watering of livestock as well as some irrigation.

Such water has been used continuously since my memory thereof and was used prior to 1909 for such purposes.

My brother, Byron J. Purvine, now owns the fee title to such property, some of which has been sold under contract. My brother, Byron J. Purvine, still resides on a portion of such property

and uses water from such springs for his domestic household use and garden irrigation.

Walker R. Purvine

Subscribed and sworn to before me this 4th day of

September, 1979.

Evelyn M. Jones   
Notary Public for Oregon

My commission expires Feb. 27, 1982



253228

STATE OF OREGON )  
County of Polk ) ss.

I hereby certify that the within was received and duly recorded by me in Polk County records:

B.O.R. 142 Page 1746

MICROFILMED

FILED  
POLK COUNTY OREGON

SEP 6 12 07 PM '79

ALLENE KETTLESON  
COUNTY CLERK  
BY ej DEPUTY

RECEIVED

JUL - 5 1969

WATER RESOURCES DEPT.  
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON,            )  
                                  ):  SS.  
County of Marion.         )

I, MARGARET M. PURVINE, being first duly sworn, on oath depose and say:

That I am the daughter of C. M. Purvine and Frances Purvine, deceased. I was born in the year 1898.

My father and mother owned real property situated in Polk County, Oregon, being in Section 24, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

That prior to 1907, my father and mother got water from springs on the premises, being the same springs to which water rights under Certificate Nos. 7614, 20728, 28267 and 28266 are applicable.

That prior to 1907, such water was used for domestic household purposes and garden and for the watering of livestock as well as some irrigation.

Such water has been used continuously since my memory thereof and was used prior to 1909 for such purposes.

That for many years, I held an interest in such property and water rights and conveyed my interest to my brother, Byron J. Purvine, who now owns the fee title to such property some of which has been sold under contract. My brother, Byron J. Purvine still resides on a portion of such property and uses water from such

springs for his domestic household use and garden irrigation.

Margaret M. Purvine

Subscribed and sworn to before me this 31 day of July, 1979.

[Signature]  
Notary Public for Oregon

My commission expires 11/21/81

252237

STATE OF OREGON )  
                          ) ss.  
County of Polk     )

I hereby certify that the within was received and duly recorded by me in Polk County records:

B.O.R. 141 Page 1957

MICROFILMED

FILED  
POLK COUNTY

AUG 8 12 15 PM '79

ALLENE KETTLESON  
COUNTY CLERK  
BY ED DEPUTY

**COPY RECEIVED**  
JUL - 5 1989

A F F I D A V I T

STATE OF OREGON,            )  
                                  :     ss.  
County of Marion.         )

WATER RESOURCES DEPT.  
SALEM, OREGON

I, GRETA COOMLER, being first duly sworn, on oath  
despose and say:

That I am acquainted with Byron J. Purvine and have been  
acquainted with him all of his life. He is the son of C. M.  
Purvine and Frances Purvine who owned real property situated in  
Polk County, Oregon, being in Section 24, Township 6 South, Range  
4 West of the Willamette Meridian in Polk County, Oregon.

That I am the daughter of John E. Phillips and I was born  
March 15, 1882, on the real property situated in Polk County,  
Oregon, adjoining the C. M. and Frances Purvine property. That  
I maintained my home upon my parents' property until the year 1948.

That I have personal knowledge that the Purvine family,  
including C. M. Purvine and his wife, use water from a spring  
situated upon their property for their household, yard, garden  
and outbuildings as well as watering livestock from the spring  
and that such use was continuous during the time that I lived upon  
the adjoining property and was used for the purposes set forth  
above prior to 1907.

I am informed and believe that the Purvines obtained  
certificates with respect to water rights and I am informed and  
believe that such certificates are certificates No. 7614, 20748,  
28267 and 28266.



That I am not related to the Purvine family.

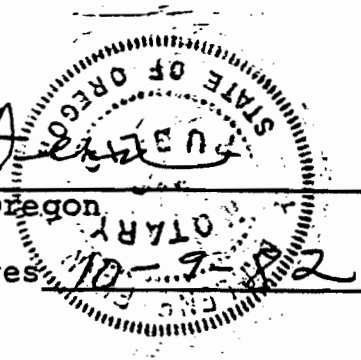
X Greta H. Coomber

Subscribed and sworn to before me this 2nd day of October, 1979.

Darlene J. [Signature]

Notary Public for Oregon

My commission expires 10-9-82



254320

STATE OF OREGON )

County of Polk )

ss.

I hereby certify that the within was received and duly recorded by me in Polk County records:

B.O.R. 143 Page 1948

MICROFILMED

FILED

POLK COUNTY OREGON

OCT 9 12 41 PM '79

ALLENE KETTLESON  
COUNTY CLERK

BY EJ DEPUTY

Clarborne C. Mulkey

20133 Sub  
Feb. 9, 1914

16327  
May 1, 1915

5966  
Oct. 18th 1896

4716  
Mar. 4, 1928

W. & P. M.  
Oct. 8, 1946

STATE OF OREGON,  
COUNTY OF POLK

Oct. 7 1913

I certify that the within instrument of writing was received for record on the 7th day of February at 6 o'clock P. M., 1893, and recorded on page 147 in Book 26 Records of Deeds of said County.

1920 Plum Rd.  
PH 44367

Witness my hand, and seal of County affixed.

C. J. Mulkey  
County Clerk.

By H. Campbell  
Deputy.

125

5-1-1

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
JUL - 5 1939

RECEIVED 3

JUL - 5 1920

Application No. 7558

PERCY A. CUPPER,  
State Engineer.

STATE OF OREGON  
Office of the  
STATE ENGINEER  
SALEM

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department

October 12, 1920

Mr. C M Purvine,  
755 Gantenbein Ave.,  
Portland, Oregon.

Dear Sir:- Enclosed please find Application No. 7558, being Permit No. 4796,  
which has been approved and recorded in this office.

It is not necessary to record this permit in your county or to publish notice of its issuance, but it should be held by the owner of the right and should not be disposed of in making final proof on desert land or for any purpose except when the water right or land upon which the water is to be used for irrigation is disposed of, the permit should be delivered to the new owner and an assignment thereof should be filed for record in the office of the State Engineer. The assignee should then submit all proofs required after date of assignment.

The dates on or before which actual construction work must be commenced, completed and the water completely applied are shown in the indorsement by the State Engineer on the back of the application. Attached to the permit you will find blank notices upon which to notify this office of the progress being made in the construction of the works and the application of water to the proposed use. For each year succeeding the date of approval of your permit, you should fill out the proper notice, detach, and mail to the State Engineer, Salem, Oregon. You will note that these forms cover beginning of construction, completion, and complete application of water to beneficial use, and if more than three years are allowed for complete application of water to beneficial use, you should give on the notice marked "Notice of Prosecution of Work with Diligence," a detailed description of the work performed each intervening year, so that the Board may judge as to whether or not the law is being complied with as to the prosecution of work with reasonable diligence.

Failure to fill out and mail the annual proofs required by the Board may jeopardize your rights under this permit, and result in its cancellation after proper notice, as the law provides that proof must be made "to the satisfaction of the State Water Board." The Board has ruled that final proof will not be satisfactory unless supported by annual proofs on the blanks herein submitted.

Final proof will be taken by the Board as soon as possible after the receipt of the notice of complete application of water to beneficial use. The State Water Board will thereafter issue a "Certificate of Water Right" to be recorded in the office of the County Clerk, which to your water title will correspond to a patent from the United States as foundation for your land title.

Should it be impossible for you to complete the work or put the water to beneficial use before expiration of the time fixed in the permit, you should apply to the State Engineer for an extension of time, setting forth good and sufficient reasons for not being able to complete the work or apply the water within the time as fixed in the permit. All such requests should be received before the expiration of such time limit. The law fixes one year from the date of the issuance of permit within which to begin construction work and no extension of time for beginning construction work can be granted.

Very respectfully,

PERCY A. CUPPER

State Engineer.

RECEIVED 3

JUL - 5 1939

Application No. 7558

PERCY A. CUPPER,  
State Engineer.

STATE OF OREGON  
Office of the  
STATE ENGINEER  
SALEM

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department

October 12, 1920

Mr. C M Parvine,  
765 Gantenbein Ave.,  
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Dear Sir:- Enclosed please find Application No. 7558, being Permit No. 4796,  
which has been approved and recorded in this office.

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The dates on or before which actual construction work must be commenced, completed and the water completely applied are shown in the indorsement by the State Engineer on the back of the application. Attached to the permit you will find blank notices upon which to notify this office of the progress being made in the construction of the works and the application of water to the proposed use. For each year succeeding the date of approval of your permit, you should fill out the proper notice, detach, and mail to the State Engineer, Salem, Oregon. You will note that these forms cover beginning of construction, completion, and complete application of water to beneficial use, and if more than three years are allowed for complete application of water to beneficial use, you should give on the notice marked "Notice of Prosecution of Work with Diligence," a detailed description of the work performed each intervening year, so that the Board may judge as to whether or not the law is being complied with as to the prosecution of work with reasonable diligence.

Failure to fill out and mail the annual proofs required by the Board may jeopardize your rights under this permit, and result in its cancellation after proper notice, as the law provides that proof must be made "to the satisfaction of the State Water Board." The Board has ruled that final proof will not be satisfactory unless supported by annual proofs on the blanks herein submitted.

Final proof will be taken by the Board as soon as possible after the receipt of the notice of complete application of water to beneficial use. The State Water Board will thereafter issue a "Certificate of Water Right" to be recorded in the office of the County Clerk, which to your water title will correspond to a patent from the United States as foundation for your land title.

Should it be impossible for you to complete the work or put the water to beneficial use before expiration of the time fixed in the permit, you should apply to the State Engineer for an extension of time, setting forth good and sufficient reasons for not being able to complete the work or apply the water within the time as fixed in the permit. All such requests should be received before the expiration of such time limit. The law fixes one year from the date of the issuance of permit within which to begin construction work and no extension of time for beginning construction work can be granted.

Very respectfully,

PERCY A. CUPPER

State Engineer.

APPLICATION FOR A PERMIT

To Appropriate the Public Waters of the State of Oregon

I, E. M. Purvine (Name of applicant) of 765 Kantenberg Ave. Portland (Postoffice), County of Multnomah, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

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

1. The source of the proposed appropriation is Unnamed spring (Name of stream) and seepage, tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is 0.4 cubic feet per second.

3. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located (Give distance and bearing to section corner)

being within the NE SW of Sec. 24, Tp. 6 S, R. 4 W, W. M., in the county of Polk

5. The ditch (Main ditch, canal or pipe line) to be One half miles in length, terminating in the NW SE of Sec. 24, Tp. 6 S, R. 4 W, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is Purvine Irrigation System

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction No dam required (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

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

\* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

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

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

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR

IRRIGATION—

9. The land to be irrigated has a total area of 24 acres, located in each smallest legal subdivision, as follows: 11 a in NW SW and 13 acres in NW SE Sec 24 T 6 S R 4 West

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

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

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

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

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

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

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

(f) If no, name stream and locate point of return .....

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

(g) The power is to be applied is .....

(h) The water is to be returned .....

11. To supply the city of \_\_\_\_\_  
\_\_\_\_\_ County, having a present population of \_\_\_\_\_  
(Name of)  
and an estimated population of \_\_\_\_\_ in 192\_\_\_\_\_

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 50<sup>00</sup>
- 13. Construction work will begin on or before One year from approval
- 14. Construction work will be completed on or before two years from approval
- 15. The water will be completely applied to the proposed use on or before  
Three years from approval

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Board, accompany this application. C. M. Pursvine  
(Name of applicant)

Signed in the presence of us as witnesses:  
(1) Robert Simpson, Salem Ore  
(Name) (Address of witness)  
(2) \_\_\_\_\_, \_\_\_\_\_  
(Name) (Address of witness)

Remarks: The land covered by this permit is in addition to land that had been irrigated a number of years prior to Feb 24, 1909.

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows: \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before \_\_\_\_\_, 192\_\_\_\_\_

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_\_



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

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper State officer

The right herein granted is limited to the appropriation of water from an unnamed spring and seepage for irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.5 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is September 30, 1920.

Actual construction work shall begin on or before October 12, 1921, and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1922.

Complete application of the water to the proposed use shall be made on or before October 1, 1925.

WITNESS my hand this 12th day of October, 1920.

*[Signature]*  
State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 213, Session Laws of 1915.

2

Application No. 7558  
Permit No. 4796

PERMIT  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 30 day of September 1920, at 11:15 o'clock A. M.

Returned to applicant for correction:

Corrected application received:

Approved:

Oct 12, 1920

Recorded in Book No. 17 of

Permit, on Page 4796

*[Signature]*  
State Engineer.

See 6 b)

Map  
R.

4650



# THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, greeting:

Whereas, There has been deposited in the GENERAL LAND OFFICE of the UNITED STATES a Certificate numbered Eight hundred and twenty-one Register and Receiver at Oregon City, Oregon whereby it appears that under the provisions of the act of Congress approved the 27th day of September, 1850, entitled "An act to create the Office of Surveyor General of the Public Lands in Oregon, and to provide for the survey and to make donations to settlers of the said Public Lands;" and the legislative supplemental thereto, the claim of Claiborne C. Walker and his wife Louisa Walker, of Polk County, Oregon, notification to which has been established to a donation of one section, or six hundred and forty acres of land, and that the same has surveyed and designated as claim number fifty-one, being part of tract number four in Township six South, of Range four West, and claim number forty-eight, being part of sections number one and twenty in Township six South, of Range four West, according to the Official Plat of Survey returned to the GENERAL LAND OFFICE the SURVEYOR GENERAL, being bounded and described as follows, to wit: Beginning at a point seven chains and eighty-two links North and four chains and seventy-four links East of the South East corner of said section twenty-four, in Township number six South, of Range four West, and run thence South eighty nine degrees fifty-five minutes West, forty-three chains and sixty-seven links; thence North fifty chains and eight links; thence East one hundred and fifty-eight chains and fifteen links; thence South thirty-six chains and fifty-four links; thence East one hundred and fourteen chains and forty links, and thence South thirteen chains and ninety-eight links, to the place of beginning, in District of lands subject to sale at Oregon City, Oregon, containing six hundred and thirty-six acres and eighty-nine hundredths of an acre.

Now know ye, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the act aforesaid, HAVE GIVEN AND GRANTED, and these presents DO GIVE AND GRANT, unto the said Claiborne C. Walker and to his heirs the East half, and unto his wife the said Louisa Walker and to her heirs the West half of the tract of land above described. To have and to hold the said tract, with the appurtenances, unto the said Claiborne Walker and his wife Louisa Walker, and to their heirs and assigns forever. Their respective portions as aforesaid.

In testimony whereof, J. Andrew Johnson

PRESIDENT OF THE UNITED STATES, have caused these Letters to be made Public

and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON, this eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five and of the Independence of the United States the nineteenth.

BY THE PRESIDENT: Andrew Johnson

By

Edw. D. Neill  
Recorder of the General Land Office

RECORDED, VOL. 2, PAGE 468.

RECEIVED

JUL - 5 1939

WATER RESOURCES DEPT.  
SALEM, OREGON

**RECEIVED**

JUL - 5 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

June 12, 1979

Water Resources Department  
State of Oregon  
555 13th Street, N.E.  
Salem, OR 97310

Attention: Mr. Chris Wheeler

Dear Chris:

This office represents Byron Purvine who lives out in the Zena area in Polk County and there are water rights attendant to his property.

He has sold substantially all of his property, reserving first right for domestic purposes on a portion of the water rights and I would appreciate your letting me know who I should talk with concerning getting his water rights set apart from the remainder of the rights on that property.

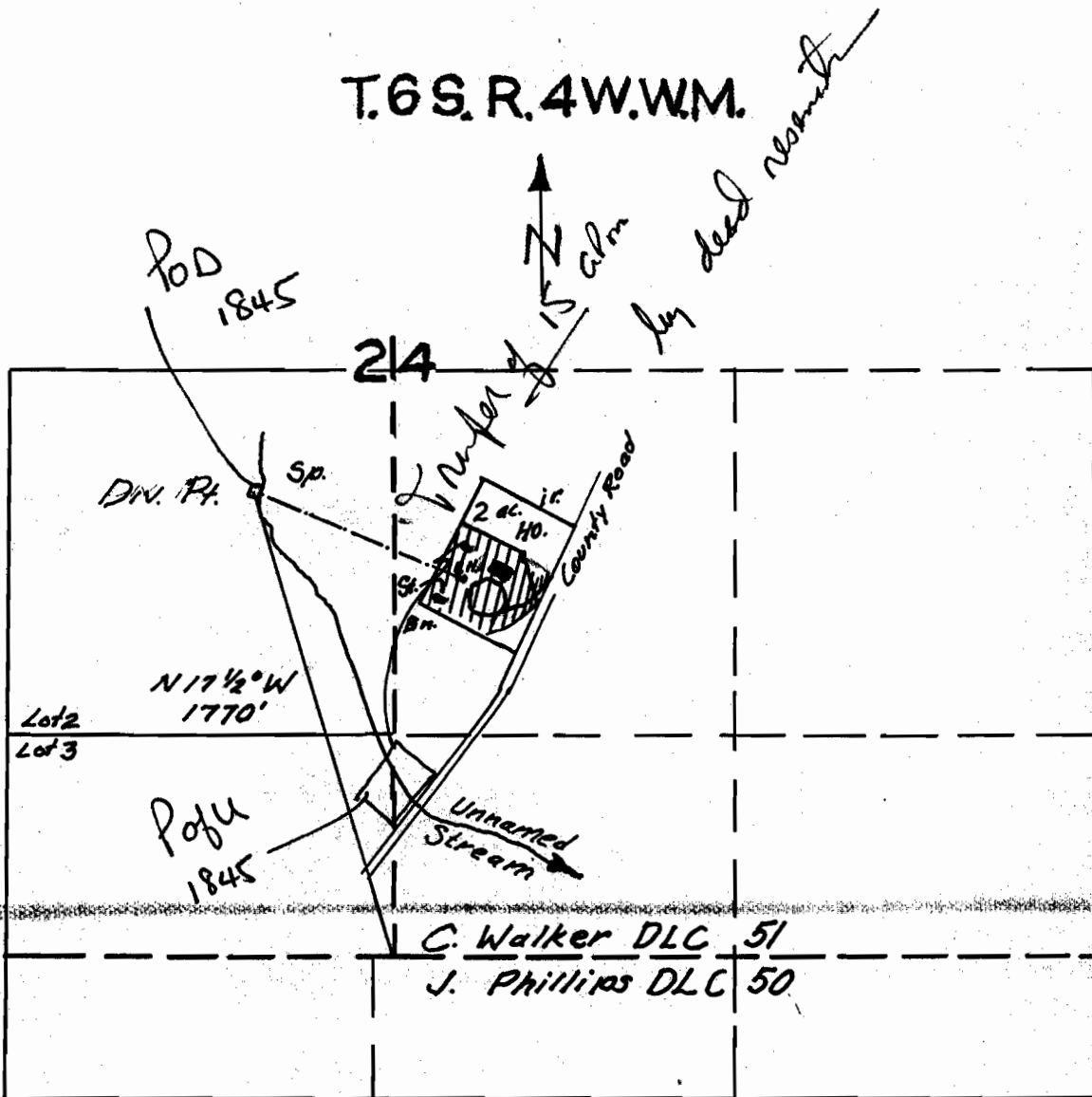
Yours truly,

RHOTEN, RHOTEN & SPEERSTRA

By

JRR:mgn

T.6S.R.4W.W.M.



Scale: 1" = 660

MAP FOR REGISTRATION STATEMENT  
CLAIM OF RIGHT TO APPROPRIATE  
SURFACE WATER OF

BYRON J. PURVINE

Feb. 20, 1989  
June 8, 1989

By

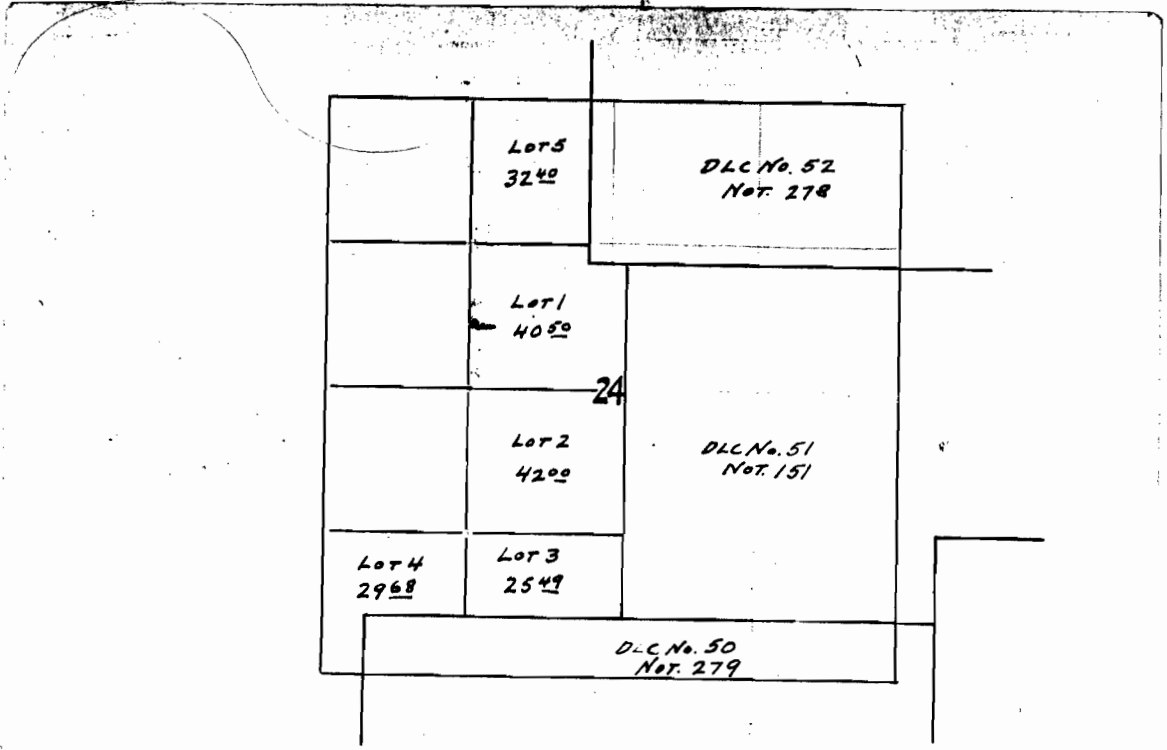
Chris L. Wheeler

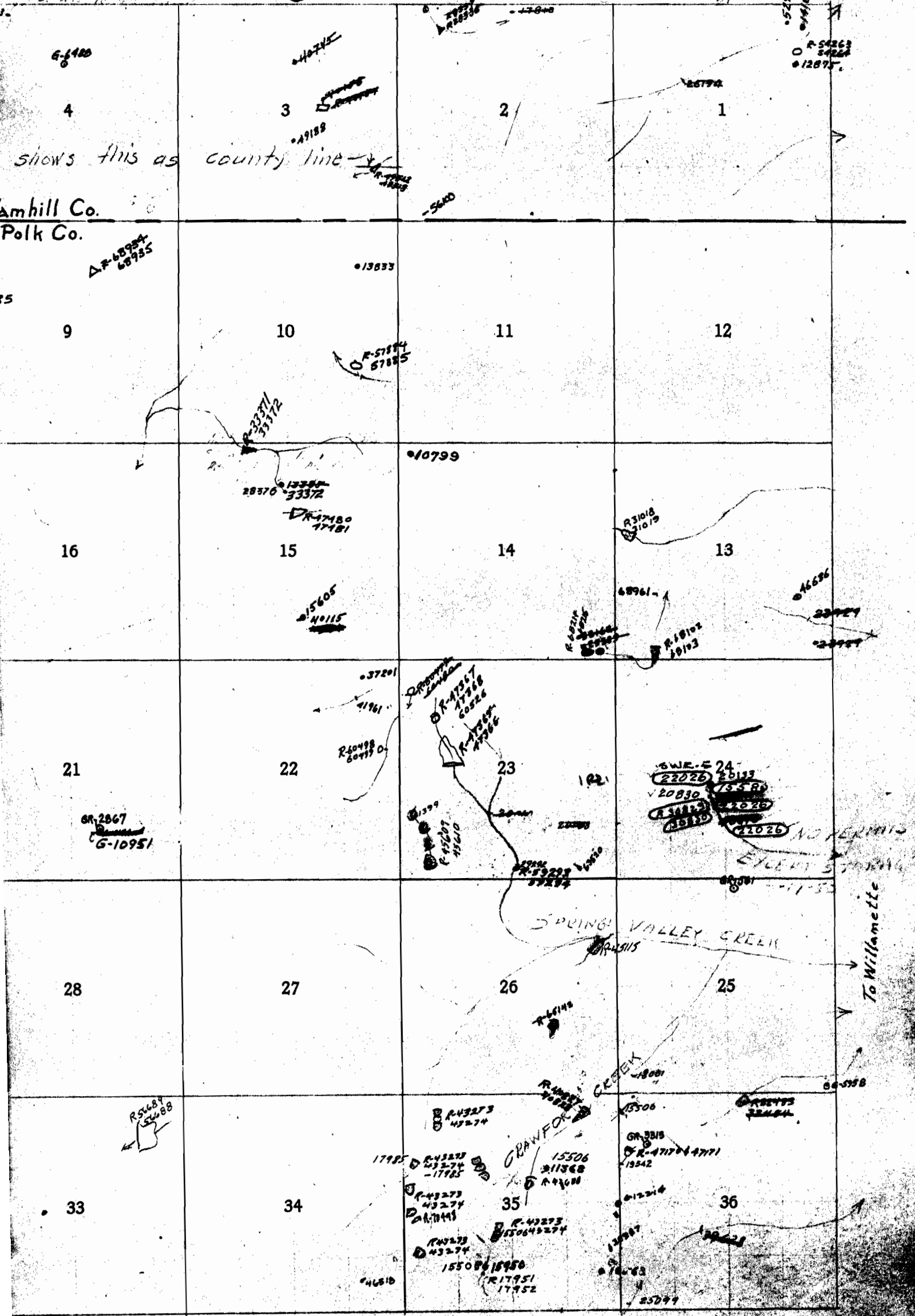
TOWNSHIP 65 RANGE 4W W. M.

SECTION 24

NE				NW				SW				SE				APPLICA-TION NUMBER	PERMIT NUMBER	CERTIFI-CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
<del>DLC 52</del>				DLC 52				<del>DLC 50</del>				<del>DLC 51</del>						
<del>DLC 51</del>				Lot 5				Lot 1 Lot 2				Lot 4 Lot 3						
Lot 1				Lot 5				Lot 1 Lot 2				Lot 2 Lot 3						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
																	6731	
								8						12 <sup>5</sup> 3 <sup>5</sup>	7558	4796	7614	
								7			4			6 <sup>5</sup> 4 <sup>8</sup>				
														26 <sup>5</sup> 23 27	22026	17306	20728	
														12.5	22026	17306		
<u>6.5</u>															<del>23929</del>	<del>15703</del>	<del>62217</del>	
														7 <sup>5</sup> 6 <sup>5</sup>	30830	24268	28266	
								Res.							R30829	R1875	28267	
															G-8-56162-585		?	
								Res							R-68102	R-9965	62251	
								12 <sup>B</sup>							68103	48639	62252	
															69715			
															5W2-5			

(SEE BACK OF CARD FOR PLAT OF SECTION)





shows this as county line

Yamhill Co.  
Polk Co.

Spring Valley Creek

Crawford

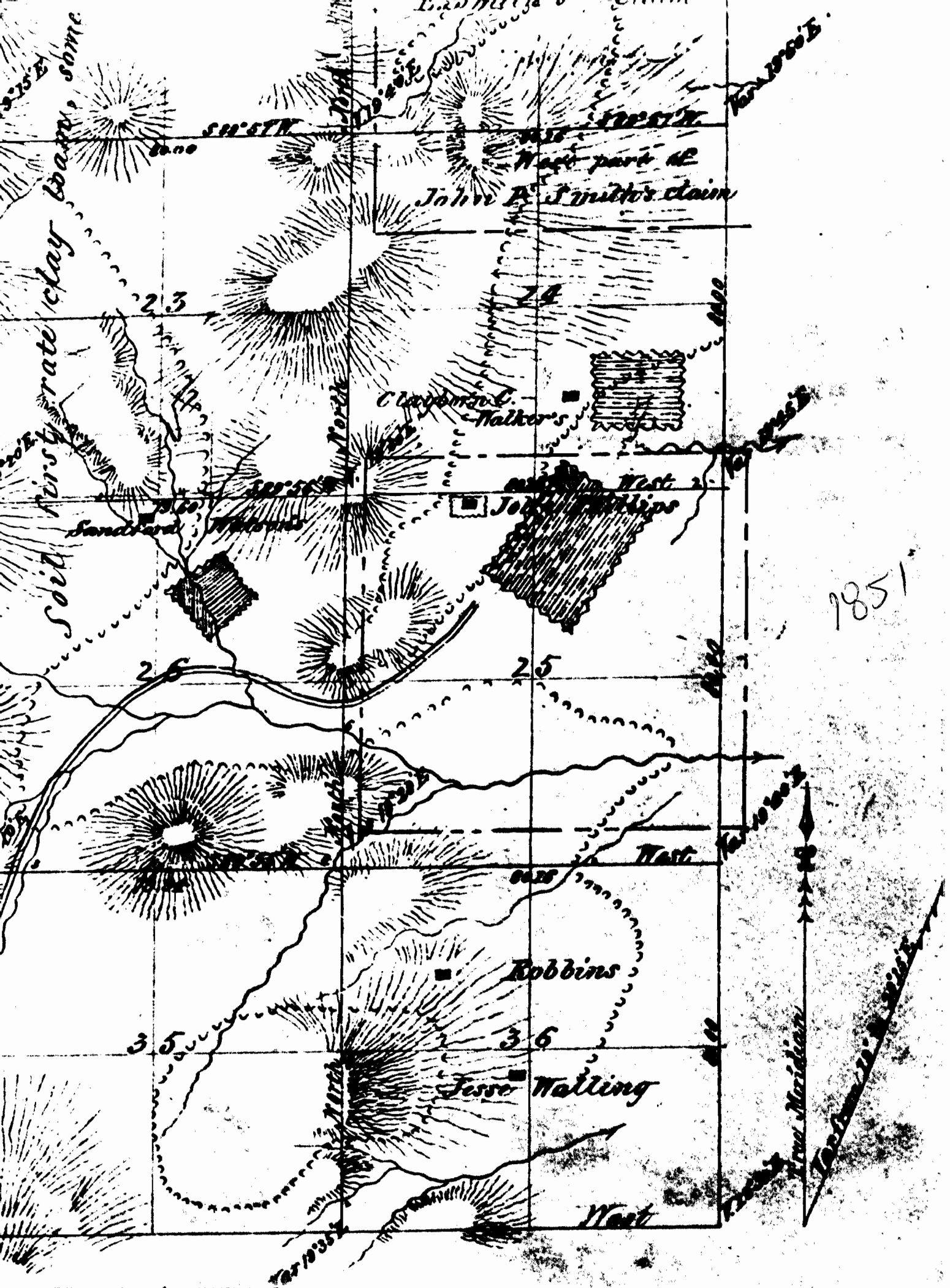
To Yamhill

To Willamette

TOWNSHIP 6 S RANGE 5 W W. M.

SECTION 19

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
							RES.									R30909	R-1908	28375
							Block									30910	24412	28374
																G-6717	G-6352	60020
							RES									R-57734	R7696	61143
							4k 64									57735	43448	6142
							① - m									G-11913	G-10986	MH
							② - m									G-11935	G-10987	M2
							③ - m									G-11825	G-10908	



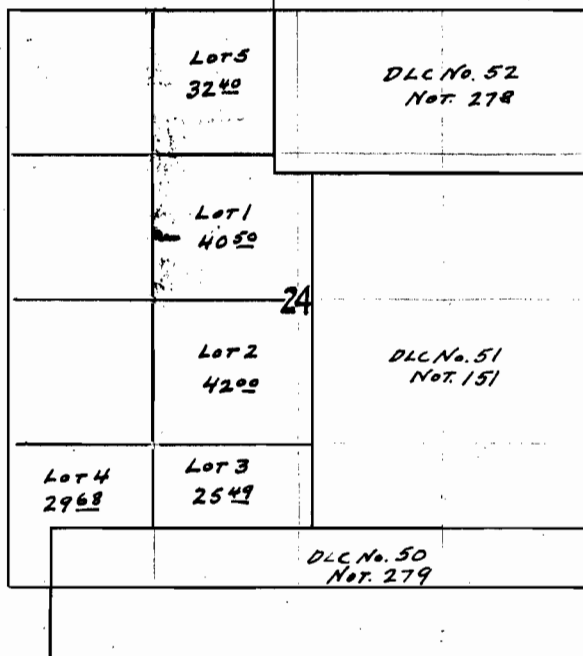
TOWNSHIP 6S, RANGE 4W W. M.

SECTION 24

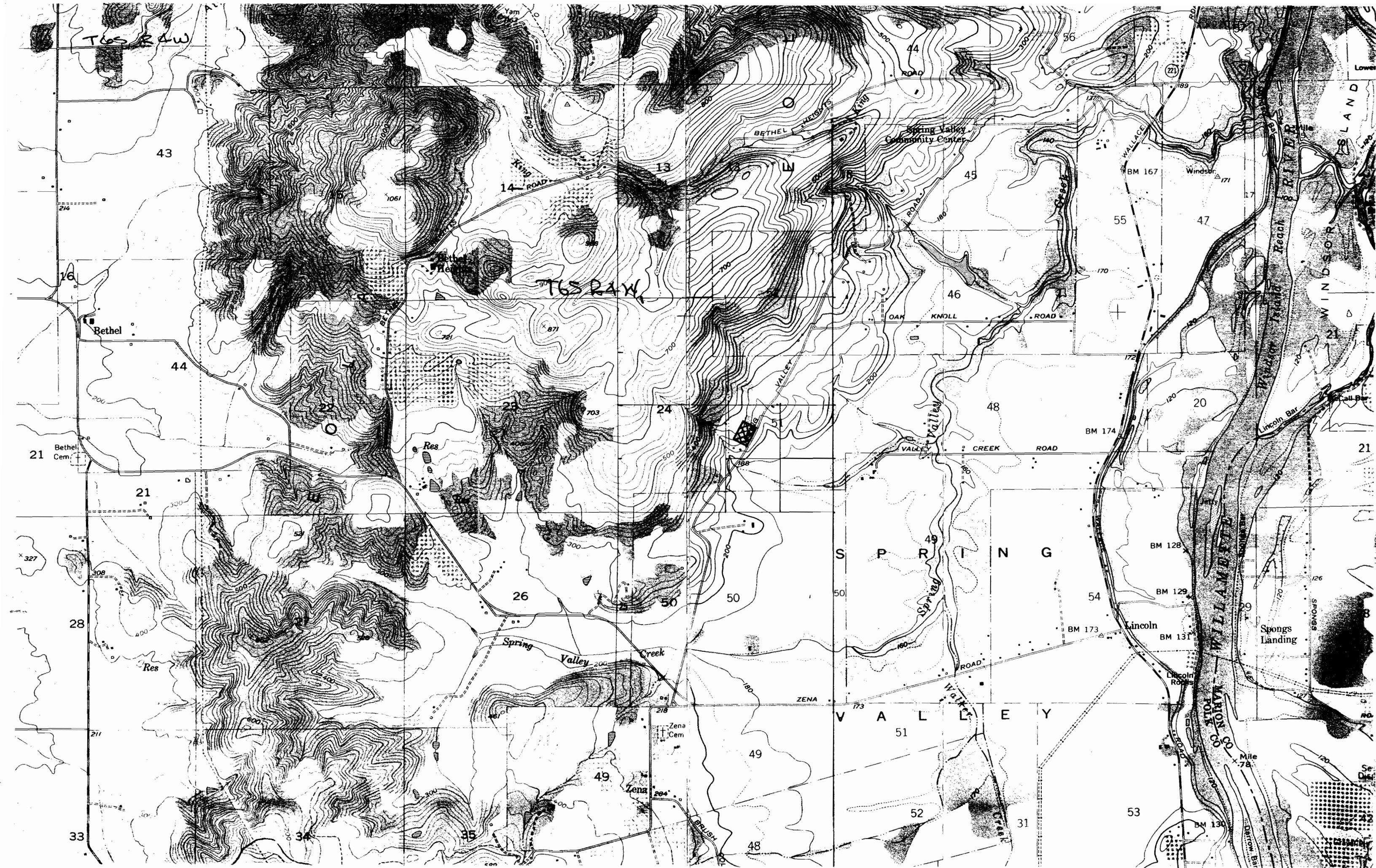
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
<del>DLC 52</del>		<del>DLC 51</del>	DLC 52			DLC 52				<del>DLC 50</del>				<del>DLC 51</del>	<del>DLC 50</del>			
	Lot 1		Lot 5			Lot 1	Lot 2			Lot 4	Lot 3			Lot 2	Lot 3			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
												Power				Expired		6731
							8						12 <sup>5</sup>	3 <sup>5</sup>		7558	4796	7614
							7				4		6 <sup>7</sup>	4 <sup>8</sup>		22026	17306	20728
													20 <sup>5</sup>	2 <sup>3</sup>	27	22026	17306	20728
													7 <sup>5</sup>			22026	17306	
																28929	18903	CANCELLED
													7 <sup>7</sup>	6 <sup>7</sup>		30830	24268	28266
								Res.								R30829	R1875	28267
																GR-561	60-585	
													19 <sup>0</sup>			R-68102	R-9965	62251
																68103	48639	62252
																69715	115	FILE
																SWR-5		

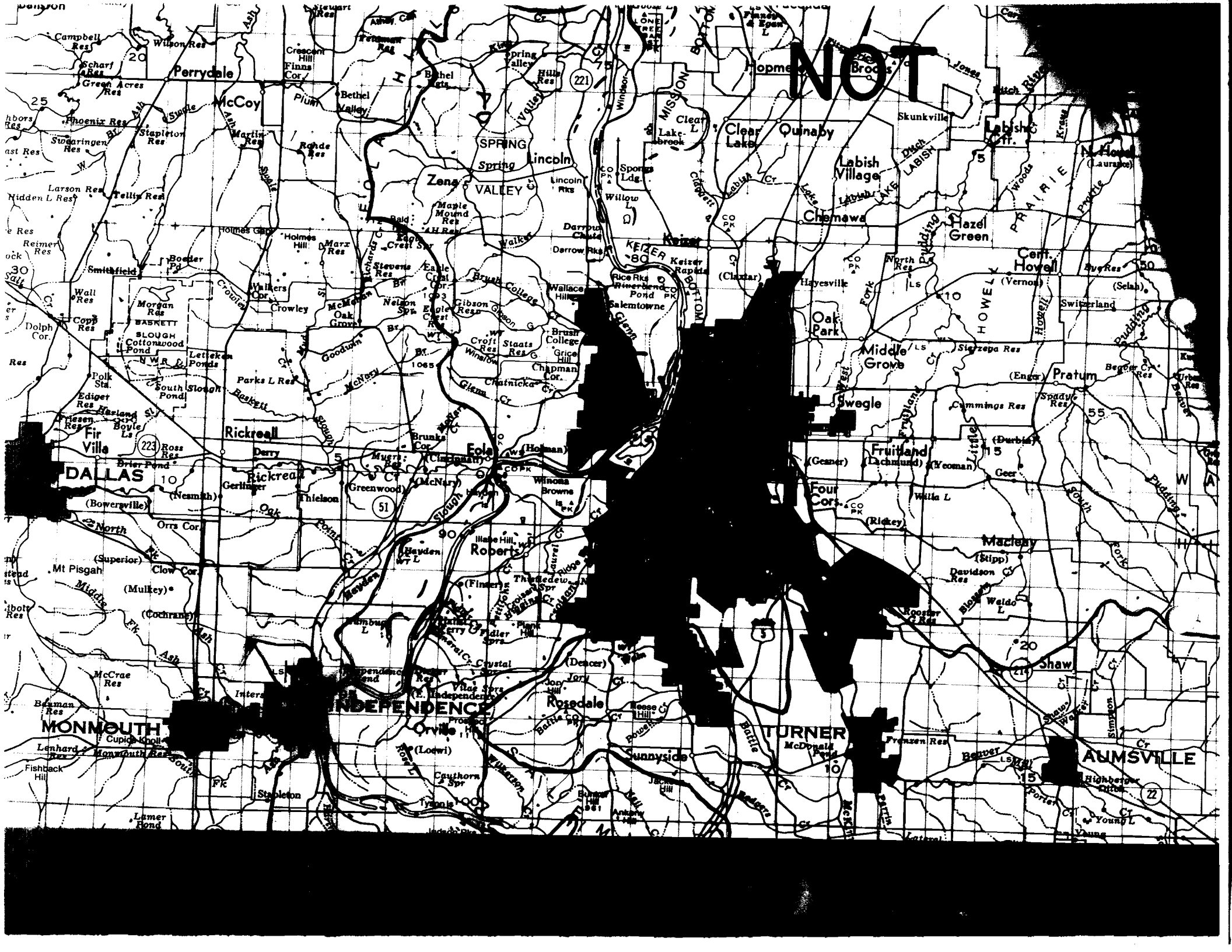
8-14-90  
DLC

(SEE BACK OF CARD FOR PLAT OF SECTION)









**NOT**

Perrydale

Spring Valley

Lincoln

Brooks

Dallas

Independence

Turner

Ainsville

25

221

223

51

5

20

22



STATE OF OREGON

INTEROFFICE MEMO

TO: SWR #5 (Byron J. Purvine) File

DATE: September 27, 1990

FROM: Don Knauer

SUBJECT: Registration Statement Review

Map does not have a North Arrow.

Location of diversion point somewhat shaky, see Wheeler Report.

Done by Chris Wheeler, Salem.

Check area on map with planimeter.

0655

2.5 AC shown in  
 Cross Hatching  
 2 AC shown as  
 1 R21

Alm. Question

- ① North arrow
- ② locate POD
- ③ Print date -

- 1851 Survey records
- 1892 Steward v Purvine
- Re 1907 - Affidavit
- 1945 Purvine statement

SURFACE WATER REGISTRATION CHECKLIST  
(Received Prior to July 18, 1990)

UNADJUDICATED DRAINAGE? yes

SWR # 5

RECEIPT # 58481

CHECK TO SEE IF ENCLOSURES ARE THERE 8-14-90 dek

ACKNOWLEDGEMENT LETTER ✓

ENTER ON STREAM INDEX ✓

CHECK BASIN MAP 8-14-90 dek

CHECK QUADRANGLE MAP 8-14-90 dek

GLO PLATS 9-7-90 dek

REVIEW FORM:

- Blanks filled out
- Signed
- Date received stamped
- Date received filled out

MAP:

- Location of diversion point to govt corner pipelines, canals, ditches, etc
- Place of use
- Scale
- Section, Township, Range
- North arrow
- ~~Other maps~~

SHADE!  
SEE  
REPORT

WATER RIGHT RECORD CHECK ✓

ENTER ON PLAT CARDS ✓

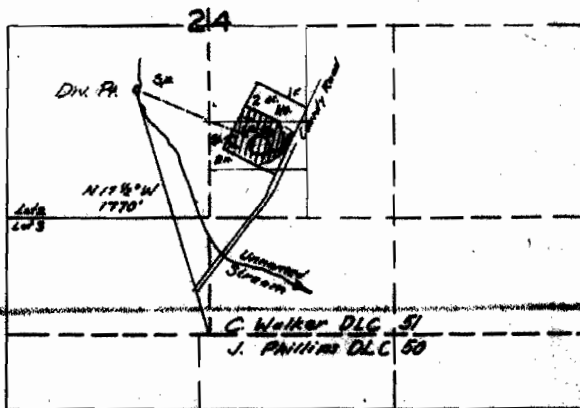
CROSS HATCHING  
SHOWS 2.25 AC dek 7-22-91

0618

AS OPPOSED TO  
2 AC SHOWN  
ON MAP.  
dek  
7-19-91



T.6S.R.4W.WM.



Scale 1"=660'

1" = 1320'

MAP FOR REGISTRATION STATEMENT  
CLAIM OF RIGHT TO APPROPRIATE  
SURFACE WATER OF

BYRON J. PURVINE

Aug. 20, 1983

JUNE 8, 1983

BY

Chris L. Schuler

EXHIBIT A

By DEC  
7-22-91

PLANIMETER

	2580
	2555
	<hr/>
	2.5 AC

14

13

3 A. 37.77	2 A. 30.64	1 A. 30.64
---------------	---------------	---------------

15-A

4 A. 31.44  
 J. P. Smith  
 Cl. 52  
 N. 2:  
 Cl. 4

5 A. 32.40  
 A. 209.88  
 A. 42  
 135.86

23

No. 1 A. 40.51  
 24  
 Claiborne C. W.  
 Cl. 51  
 A. 195.14  
 Cl. 48  
 N. 1:

4 A. 29.68	No. 3 A. 25.49
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John Phillips  
 N. 279  
 25  
 Cl. 50  
 A. 601.20

26

3 A. 36.57	2 A. 25.52	1 A. 25.52
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1 A. 36.04	Elias N. Cl. A.
2 A. 36.04	

Robbins  
 248  
 49  
 559.61  
 14°30'W. 157.85  
 141.26

Cl. 51  
 A. 81.95

Walling

72.77 80.00 72.77 11.36 11.36 11.36 11.36

80.00 50 A. 36.80

80.00

131.77

157.85

141.26

57.95

Application No. 7558

Permit No. 4796 ✓

Certificate No. 7614 ✓

**FEES PAID**

Date	Amount	Receipt No.
<b>Total</b>		

Name C. M. Purvine

By \_\_\_\_\_ Stream Index, Page No. \_\_\_\_\_

Address 765 Grant Street, Portland, Ore. Application Record, Book No. \_\_\_\_\_

**FEES REFUNDED**

Date	Amount	Check No.

Date filed \_\_\_\_\_

Action suspended until \_\_\_\_\_

**ASSIGNMENTS**

Turned to applicant \_\_\_\_\_

Date	To whom	Address	Volume	Page

Date completed \_\_\_\_\_

Date of approval \_\_\_\_\_

**REMARKS**

**CONSTRUCTION**

Date for beginning \_\_\_\_\_

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water \_\_\_\_\_

Extended to \_\_\_\_\_

\_\_\_\_\_

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**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date certificate issued \_\_\_\_\_

Receipt for recording fee No. \_\_\_\_\_

**WATER WELL REPORT**  
STATE OF OREGON

*Original filed in*  
**AUG 29 1983**  
**WATER RESOURCES DEPT.**  
**SALEM, OREGON**

State Well No. 653W-19

State Permit No. \_\_\_\_\_

**(1) OWNER:**

Name BYRON J PURVINE  
Address 6885 Spring Valley rd N.W.  
City Salem State Oregon

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon

If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary Air  Driven  Domestic  Industrial  Municipal   
Mud  Dug  Irrigation  Test Well  Other   
 Bored  Thermal: Withdrawal  Rejection

**(4) PROPOSED USE (check):**

**(5) CASING INSTALLED:**

Steel  Plastic   
Threaded  Welded   
6" Diam. from 1.1 ft. to 8.4 ft. Gauge 250  
" Diam. from ft. to ft. Gauge

**LINER INSTALLED:**

4" Diam. from -4 ft. to 141 ft. Gauge 4" 160 PSI PVC

**(6) PERFORATIONS:**

Perforated?  Yes  No  
Type of perforator used Electric Saw  
Size of perforations 1/8 in. by 9 in.  
95 perforations from 117 ft. to 137 ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

**(7) SCREENS:**

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) WELL TESTS:**

Drawdown is amount water level is lowered below static level  
a pump test made?  Yes  No If yes, by whom?  
id: \_\_\_\_\_ gal/min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
" Air Test May Fluctuate "  
Air test 50 gal/min. with drill stem at 140 ft. 1 hrs.  
Bailer test \_\_\_\_\_ gal/min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
an flow \_\_\_\_\_ g.p.m.  
perature of water \_\_\_\_\_ Depth artesian flow encountered \_\_\_\_\_ ft.

**(9) CONSTRUCTION:**

Special standards: Yes  No   
Well seal—Material used Cement  
Well sealed from land surface to 8.4 ft.  
Diameter of well bore to bottom of seal 10 in.  
Diameter of well bore below seal 6 in.  
Number of sacks of cement used in well seal 24 sacks  
How was cement grout placed? Air Grout Pump  
Was pump installed? No Type \_\_\_\_\_ HP \_\_\_\_\_ Depth \_\_\_\_\_ ft.  
Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of Water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(10) LOCATION OF WELL:**

County Polk Driller's well number \_\_\_\_\_  
¼ Section 19 T. 6S R. 3W W.M. \_\_\_\_\_  
Tax Lot # \_\_\_\_\_ Lot \_\_\_\_\_ Blk \_\_\_\_\_ Subdivision \_\_\_\_\_  
Address at well location: 6885 Spring Valley Rd.  
Salem, Oregon

**(11) WATER LEVEL: Completed well.**

Depth at which water was first found 112 ft.  
Static level 55 ft. below land surface. Date 8-13-83  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

**(12) WELL LOG:**

Diameter of well below casing 6"  
Depth drilled 141 ft. Depth of completed well 141 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil	0	2	
Brown Clay And Boulders	2	9	
Medium Boulders With			
Decomposed Rock	9	23	
Decomposed Rock	23	68	
Broken Rock Caving	68	71	
Red Sticky Clay	71	80	
Gray Claystone	80	89	
Multi Colored Rock	89	92	
Gray Clay Sticky	92	97	
Light Brown Broken Rock	97	99	
Multi Colored Broken Rock	99	110	
Gray Claystone Sandy	110	141	55'

Work started 8-9 19 83 Completed 8-12 19 83  
Date well drilling machine moved off of well 8-13 19 83

**(unbonded) Water Well Constructor Certification (if applicable):**

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] \_\_\_\_\_ Date \_\_\_\_\_, 19 \_\_\_\_\_

**Bonded Water Well Constructor Certification:**

Bond \_\_\_\_\_ Issued by: \_\_\_\_\_ Surety Company Name \_\_\_\_\_  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name MONDERS DRILLING INC. (Type or print)  
Address P.O. Box 15087 Salem, Oregon 97309  
[Signed] J. D. Monders Water Well Constructor  
Date 8-13, 19 83

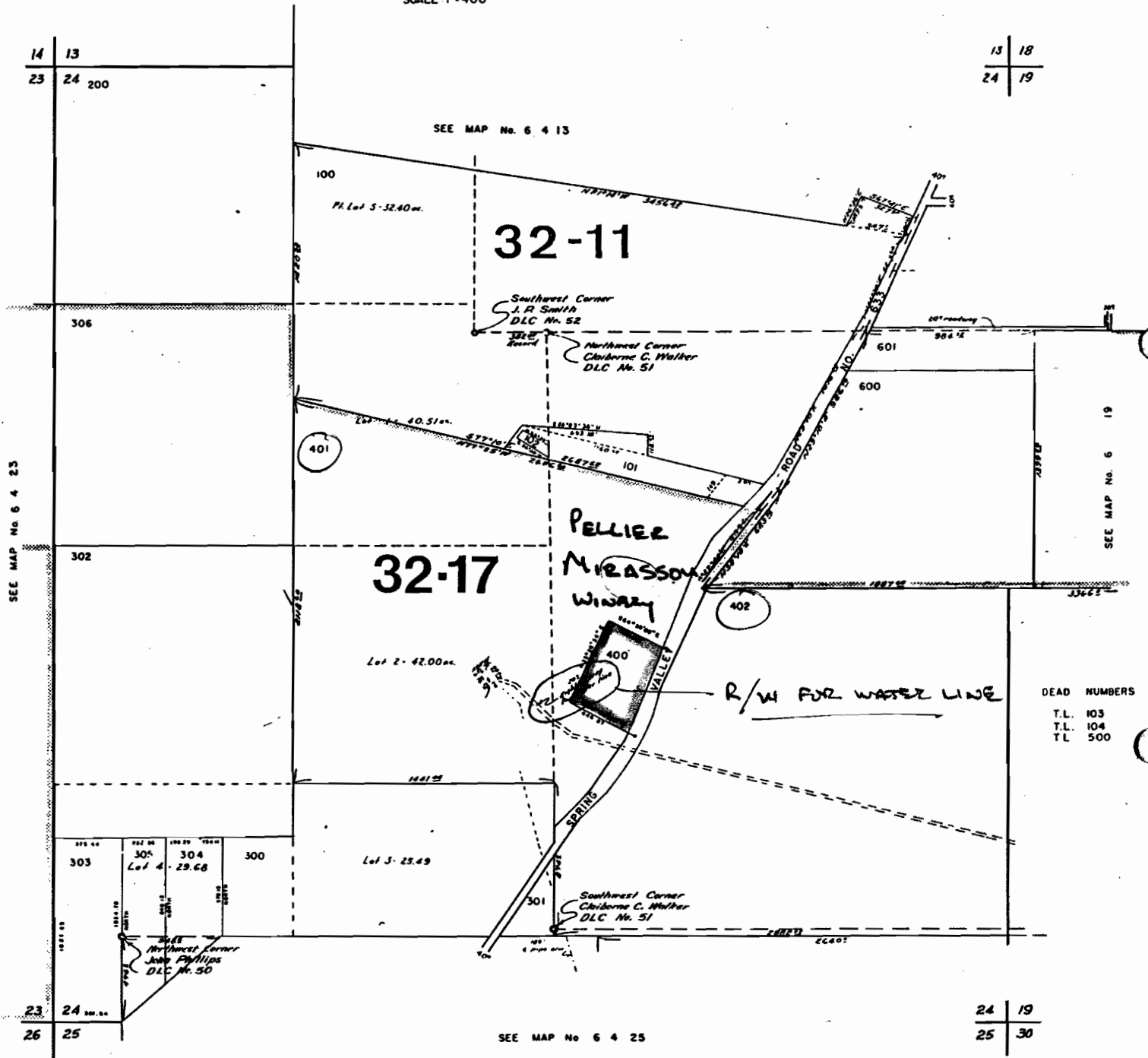
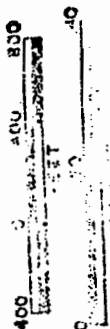


POLK COUNTY

SCALE 1"=400'

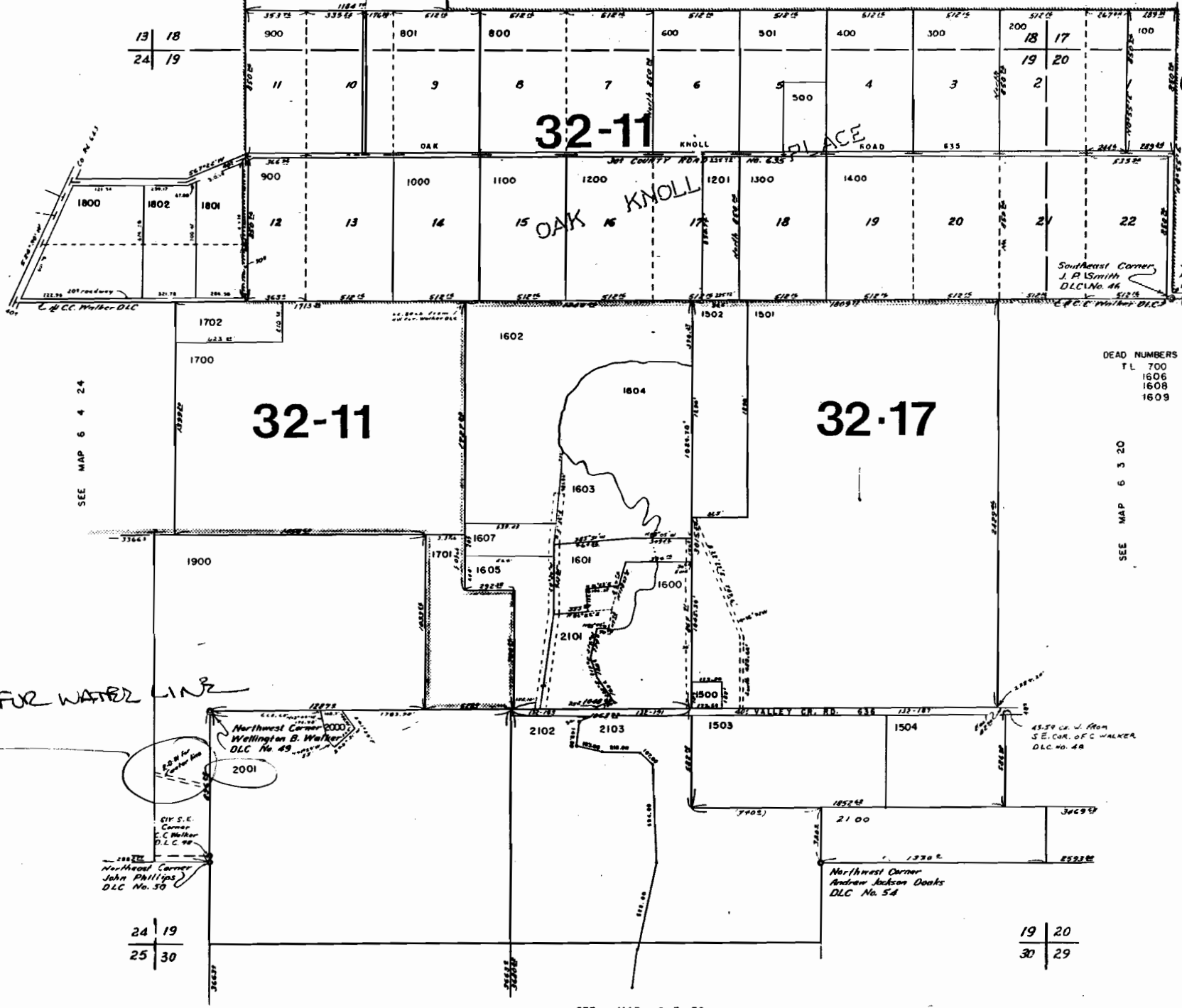
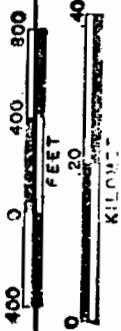
6424

SCALE 1:9600



DEAD NUMBERS  
 T.L. 103  
 T.L. 104  
 T.L. 500

SCALE 1:9600



6319  
POLK

SEE MAP 6 4 24

DEAD NUMBERS  
TL 700  
1606  
1608  
1609

SEE MAP 6 3 20

R/W FOR WATER LINE

Northwest Corner  
Wellington B. Walker  
DLC No. 49

2001

SE 1/4 S.E. Corner  
C.C. Walker  
DLC No. 48

Northwest Corner  
John Phillips  
DLC No. 50

VALLEY CR. RD. 618

1503 1504

2100

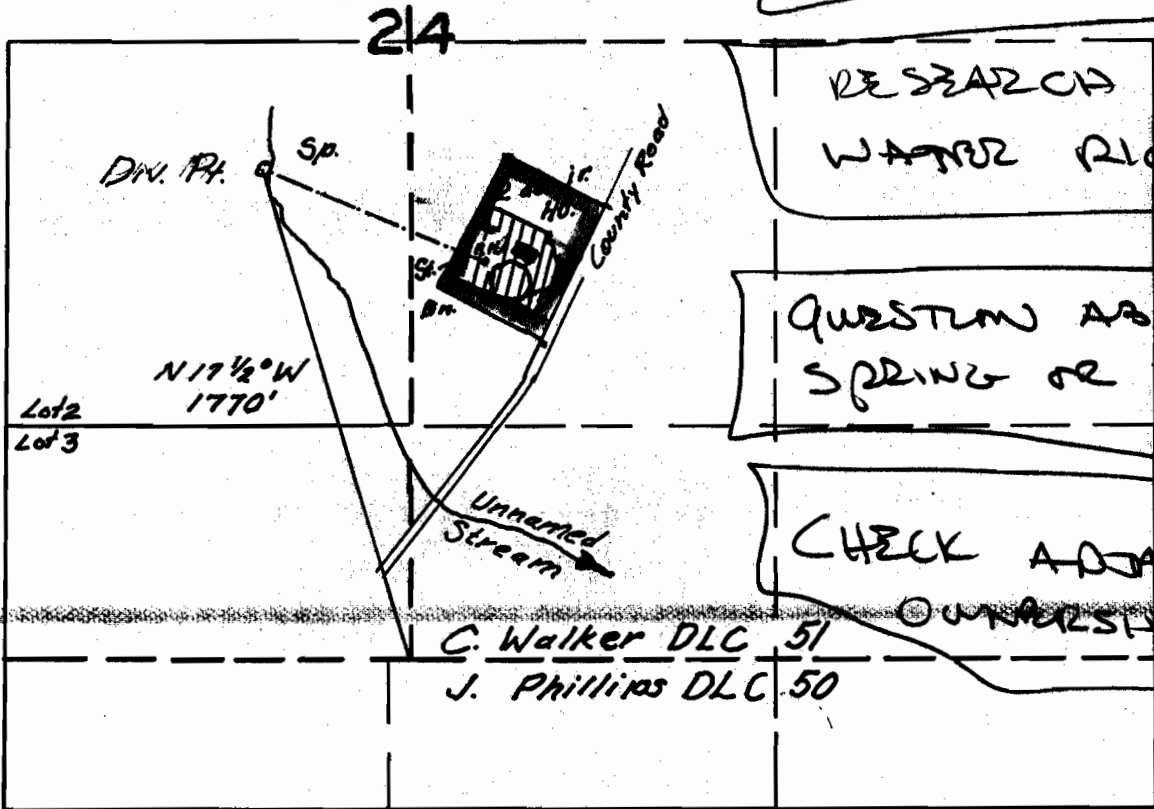
Northwest Corner  
Andrew Jackson Deaks  
DLC No. 54

SEE MAP 6 3 30

T.6S. R.4W.W.M.



CHECK ON  
WELL LOG FOR  
PURVINE PLACE



RESEARCH OTHER  
WATER RIGHT

QUESTION ABOUT  
SPRING OR STREAM

CHECK ADJACENT  
OWNERSHIP

C. Walker DLC 51  
J. Phillips DLC 50

Scale: 1" = 660

MAP FOR REGISTRATION STATEMENT  
CLAIM OF RIGHT TO APPROPRIATE  
SURFACE WATER OF

BYRON J. PURVINE

Feb. 20, 1989  
June 8, 1989

By

Chris L. Wheeler

RECEIVED

NOV 19 1959

STATE ENGINEER  
SALEM, OREGON

Permit No. G-1491

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, Elton L. and Mildred Higbee (Name of applicant)

of Rt. 2, Box 369, Albany (Postoffice Address), county of Linn

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

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

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Santiam River (Name of stream)

tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is \_\_\_\_\_ cubic feet per second or 200 gallons per minute.

3. The use to which the water is to be applied is Irrigation

4. The well or other source is located N 28° W. 11.8 chains ft. and \_\_\_\_\_ ft. from the SE corner of NE 1/4 of S. 4, T. 10 S., R. 3 W. (Section or subdivision)

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

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

being within the SE 1/4 of NE 1/4 of Sec. 4, Twp. 10 S, R. 3 W, W. M., in the county of Linn

5. The main pipe line to be 180 feet miles in length, terminating in the SE 1/4 of NE 1/4 of Sec. 4, Twp. 10 S, R. 3 W, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Well No. 5

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of one pump well having a diameter of 10 inches and an estimated depth of 22 feet. It is estimated that 22 feet of the well will require steel casing. Depth to water table is estimated 12

CANAL SYSTEM OR PIPE LINE—

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

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

(c) Length of pipe, 180 ft.; size at intake, 4 in.; in size at 180 ft. from intake 4 in.; size at place of use 3 in.; difference in elevation between intake and place of use, -2 ft. Is grade uniform? yes Estimated capacity, .8 sec. ft.

10. If pumps are to be used, give size and type 2" Fairbanks Morse centrifugal

Give horsepower and type of motor or engine to be used 10 H. P. electric

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , S. 4, T. 10 S, R. 3 "

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
10 S	3 W	4	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18.9

(If more space required, attach separate sheet)

Character of soil Newberg Sandy Loam  
 Kind of crops raised Peppermint and vegetables

STATE OF OREGON,

PERMIT

County of Marion,

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.36 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from Higbee Well No. 1

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80 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 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the amount of water allowed herein, together with that secured under any other right existing for the same lands shall not exceed the limitation allowed herein.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is April 1, 1957

Actual construction work shall begin on or before April 25, 1958 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1958

Complete application of the water to the proposed use shall be made on or before October 1, 1959

WITNESS my hand this 25th day of April, 1957

*Leah A. Stanley*  
STATE ENGINEER

Application No. G-545  
Permit No. G-514

**PERMIT**  
TO APPROPRIATE THE GROUND  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,  
on the 1st day of April  
1957, at 8:00 o'clock A. M.

Returned to applicant:

Approved:  
April 25, 1957

Recorded in book No. 2 of  
Ground Water Permits on page 514

LEAH A. STANLEY  
STATE ENGINEER  
Drainage Basin No. 2 - page 91  
1500



MUNICIPAL SUPPLY—

13. To supply the city of \_\_\_\_\_  
in \_\_\_\_\_ county, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_

14. Estimated cost of proposed works, \$ 700.00

15. Construction work will begin on or before April 1, 1958

16. Construction work will be completed on or before October 1, 1958

17. The water will be completely applied to the proposed use on or before October 1, 1959

18. If the ground water supply is supplemental to an existing water supply, identify any appli-  
cation for permit, permit, certificate or adjudicated right to appropriate water, made or held by the  
applicant. \_\_\_\_\_

Elton J. and Mildred Higbee Henry and Pauline Sumner  
by Elton J. Higbee  
(Signature of applicant)

Remarks: This acreage was previously irrigated from Wells No. 1 and No. 3  
located on the east side of Pacific Highway 99 E. The Oregon State Highway Dept.  
has now acquired an additional right of way for the new 4 lane highway and will build  
a high wire fence along each side. This makes it necessary to drill the new well  
because of inability to cross the freeway.

The 27.1 acres to be irrigated from the new well were registered under  
statements filed with the State Engineer's office on Feb. 15, 1957.

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

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

In order to retain its priority, this application must be returned to the State Engineer, with correc-  
tions on or before June 11, 1957.

WITNESS my hand this 11th day of April, 1957

RECEIVED

APR 15 1957  
STATE ENGINEER  
SALEM, OREGON

LEWIS A. STANLEY

STATE ENGINEER

by James W. Carter J.

CANAL SYSTEM OR PIPE LINE

9. (a) Give dimensions at each end of pipe line or canal at headgate. At headgate: width on top (at water line) ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

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

(c) Length of pipe, ..... 600 ..... ft.; size at intake, ..... 4 ..... in.; in size at ..... 600 ..... from intake ..... 4 ..... in.; size at place of use ..... 3 ..... in.; difference in elevation between intake and place of use, ..... 4 ..... ft. Is grade uniform? yes Estimated capacity, ..... sec. ft.

10. If pumps are to be used, give size and type 3" centrifugal

Give horsepower and type of motor or engine to be used 15 H. P. electric

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development. Well site is approximately 1188 feet from the Santiam River. Approximately 12 feet difference in elevation between well site and stream bed.

12. Location of area to be irrigated, or place of use (See below)

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
10 S	3 W.	4	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18.7 ✓
10 S	3 W.	4	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	8.4 ✓
				27.1 ✓

Legal Description - Beginning at a quarter section post on the East side of Section 4, in T. 10 S., R. 3 W. of the Will. Mer. in Linn County, Oregon; thence West 20 chains; thence North 28 chains; thence East 20 chains; thence South 28 chains on the Section line between 3 and 4 in said T. & R.; and containing 56 acres, more or less, situated in Linn County, State of Oregon. Also a right of way 9 feet wide on each of the following described line: Beginning at the Southeast corner of the Southwest quarter of the Northeast quarter of said section 4 and running N. 0° 35' E. 28 chains EXCEPT therefrom that portion thereof heretofore conveyed to the State of Oregon by and through the Highway Commission said exception containing 8.54 acres.

(If more space required, attach separate sheet)

Character of soil Newberg

Kind of crops raised Peppermint



APPLICATION FOR A PERMIT

To appropriate the Ground Waters of the State of Oregon

Elton I. and Mildred Higbee and Henry and Pauline Thunidge

Rt. 2, Box 369, Albany county of Linn

state of Oregon, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS.

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

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Santiam River

tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is 308 cubic feet per second or 308 gallons per minute.

3. The use to which the water is to be applied is Irrigation

4. The well or other source is located N. 36° E. 1/4 Sec. 4, T. 10 S., R. 3 W. corner of NE 1/4, S. 4, T. 10 S., R. 3 W. from the SE corner of NE 1/4, S. 4, T. 10 S., R. 3 W.

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

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

being within the SE 1/4 of NE 1/4 of Sec. 4, Twp. 10 S., R. 3 W., W. M., in the county of Linn

5. The pipe line to be 600 feet in length, terminating in the SE 1/4 of NE 1/4 of Sec. 4, Twp. 10 S., R. 3 W., W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Higbee No. 1

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

8. The development will consist of one pump well having a diameter of 10 inches and an estimated depth of 20 feet. It is estimated that 20 feet of the well will require steel casing. Depth to water table is estimated 8



MUNICIPAL SUPPLY—

1491

13. To supply the city of .....  
in ..... county, having a present population of .....  
and an estimated population of ..... in 19.....

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 100.00.....
- 15. Construction work will begin on or before October 14, 1959.....
- 16. Construction work will be completed on or before October 16, 1959.....
- 17. The water will be completely applied to the proposed use on or before October 1, 1962.....

18. If the ground water supply is supplemental to an existing water supply, identify any appli-  
cation for permit, permit, certificate or adjudicated right to appropriate water, made or held by the  
applicant. ....

*Elton J and Mildred Higbee*  
(Signature of applicant)  
*by Elton J Higbee*

Remarks: .....

This new well has been constructed 3 feet NW of Well No. 1 - Registration No. GR  
and certificate No. 359. This new well is necessary as well No. 1 has a 4 inch  
casing and the water level dropped below the perforations in mid July of 1958 and  
early July of 1959. As a result, crops suffered because of a shortage of water.  
In filing this application for a new well it is understood that my vested right  
water in Well No. 1 is not waived.

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

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

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

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

STATE ENGINEER

By ..... ASSISTANT

MUNICIPAL SUPPLY—

1491

13. To supply the city of .....  
in ..... county, having a present population of .....  
and an estimated population of ..... in 19.....

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

- 14. Estimated cost of proposed works, \$ 100.00 .....
- 15. Construction work will begin on or before October 11, 1959 .....
- 16. Construction work will be completed on or before October 16, 1959 .....
- 17. The water will be completely applied to the proposed use on or before October 1, 1962 .....

18. If the ground water supply is supplemental to an existing water supply, identify any appli-  
cation for permit, permit, certificate or adjudicated right to appropriate water, made or held by the  
applicant. ....

*Elton J and Mildred Higbee*  
(Signature of applicant)  
*by Elton J Higbee*

Remarks: .....

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

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

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

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

STATE ENGINEER

By .....

ASSISTANT



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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.24 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from well No. 5

The use to which this water is to be applied is irrigation

If for irrigation, 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 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein,

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is November 19, 1959

Actual construction work shall begin on or before January 20, 1961 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1961

Complete application of the water to the proposed use shall be made on or before October 1, 1962

WITNESS my hand this 20th day of January, 1960

*Lewis A. Stanley*  
STATE ENGINEER

102  
Application No. G-1622  
Permit No. G-1491

PERMIT

TO APPROPRIATE THE GROUND WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 19th day of November, 1959, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

January 20, 1960

Recorded in book No. 6 of

Ground Water Permits on page 1491

LEWIS A. STANLEY  
STATE ENGINEER

Drainage Basin No. 2 page 96A

STATE OF OREGON

COUNTY OF **POLK**

CERTIFICATE OF WATER RIGHT

This is to Certify, That **O. H. Purvill**

of **Portland**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Unnamed Spring and Seepage** a tributary of **Willamette River** for the purpose of **Irrigation**

under Permit No. **4796** of the State Engineer, and that an right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **September 30, 1920;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.5 cubic-foot per second;**

The point of diversion is located in the **NE 1/4** of Section **24**, Township **6S**, Range **4 W**, T. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officers.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and in which such right is appurtenant (if for irrigation or any other purpose), is as follows:

**8** acres in the **NE 1/4**, **1 1/2** acres in the **SW 1/4**, and **5 1/2** acres in the **SW 1/4**, Section **24**, Township **6** South, Range **4** West, T. M., in Polk County, Oregon.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this **12th** day of **July**, 1920.

**WEEA LUPER**, State Engineer.