

To Appropriate the Public Waters of the State of Oregon

I, William A. & Blanche E. Patterson
(Name of applicant)
of West Highway, John Day
(Mailing address) (City)
State of Oregon, 97845, do hereby make application for a permit to appropriate the
(Zip Code)
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 (1) A spring
(2) Unnamed stream
(Name of stream)
both, a tributary of Fox Creek

2. The amount of water which the applicant intends to apply to beneficial use is 0.06
cubic feet per second (1) 0.015 from spring (2) 0.015 from stream
(If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is Stock water - 300 head each
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
diversion

4. The point of diversion is located (1) 100 S 1350 E W 1/4
(2) 40 ft. S and 80 ft. E from the E 1/4
(N. or S.) (E. or W.)
corner of Section 34
(Section or subdivision)

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

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary.)
being within the (1) NE 1/4 SW 1/4 of Sec. 34, Tp. 11 S
(2) NW 1/4 SW 1/4 (Give smallest legal subdivision) (N. or S.)

R. 29 E, W. M., in the county of Grant
(E. or W.)
5. The Pipe line's to be (1) 100 feet
(2) 40 feet
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the (1) SE 1/4 NW 1/4 of Sec. (2) 34, Tp. 11 S
(2) SW 1/4 NW 1/4 (Give smallest legal subdivision) (N. or S.)
R. 29 E, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works— (1) pipe from spring (2) pipe from stream

6. (a) Height of dam feet, length on top feet, length at bottom
feet; material to be used and character of construction
(Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate none
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description
(Size and type of pump)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

35722

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

[illegible]

(i) *The nature of the mines to be served*

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ Unknown12. Construction work will begin on or before Complete13. Construction work will be completed on or before Complete14. The water will be completely applied to the proposed use on or before Complete*W. A. Patterson*

(Signature of applicant)

Blanche E. Patterson

Remarks: This spring and water have been used for several years
for stock watering on my ranch.

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 completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before March 27....., 19..72.

WITNESS my hand this 27th..... day of January....., 19.....72

RECEIVED
 FEB 16 1972
 STATE ENGINEER
 SALEM, OREGON

CHRIS. L. WHEELER

STATE ENGINEER

Wayne J. Overcash

ASSISTANT

PERMIT

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 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 0.02 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from a spring and an unnamed stream being 0.01 cfs from the spring and 0.01 cfs from the unnamed stream

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

If for irrigation, this appropriation shall be limited to _____ 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 priority date of this permit is November 8, 1971

Actual construction work shall begin on or before March 16, 1973 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973.

Complete application of the water to the proposed use shall be made on or before October 1, 1974.

WITNESS my hand this 16th day of March, 1972.

Chris L. Wheeler

STATE ENGINEER

Application No. 48824
Permit No. 35722

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 16th day of November, 1971, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

March 16, 1972

Recorded in book No. _____ of _____

Permits on page 35722

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 6 page 308

Fees 25.00

RECEIVED
NOV 8 1971
STATE ENGINEER
SALEM OREGON

Application No. 44824

DESCRIPTION OF SPRING

Diversion No. 1

1. Is spring on property of applicant? No
2. If not, give name and address of legal owner. Forest Service
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? No
4. If you do not have such consent, do you expect to secure right of way through condemnation? see remarks
5. What is the maximum flow from spring? 10 gallon per minute
(Gallons per minute or
cubic feet per second)
What is the minimum flow? 5 gallons per minute
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. Fox Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
10. Remarks I believe I have used this spring for enough years that the Forest Service won't object,

W.A. Patterson
Signature of Applicant



WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
ATTN: WATER RIGHTS
725 SUMMER STREET NE, SUITE A
SALEM OREGON 97301-1271

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the Water Resources Department is needed before using, diverting, or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Applicant: Blanche Patterson
First Last
Mailing address: West Highway
City John Day State Oregon Zip _____
Phone: _____
Home Work Other

Property Buyer Information:

Applicant: Pat and Mary Bartle
First Last
Mailing address: 35060 Short Corner Road
City Fox State Oregon Zip 97856
Phone: 541-421-3078
Home Work Other

Property Description (attach additional pages if necessary):

County: Grant Township: 11 Range: 29 Section: 34, 35, 26, 27

Tax lot number(s): _____

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

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

Application #: 48824 Permit #: 35722 Certificate #: 39759
Will all the lands associated with this water right be owned by the buyer? Yes ☒ No ☐

Name of individual completing this form: Mary Bartle Signature: Mary Bartle

AUG 31 2005

WATER RESOURCES DEPT
SALEM, OREGON

OFFICIAL RECORD OF DESCRIPTIONS OF
REAL PROPERTY
GRANT COUNTY ASSESSOR'S OFFICE

OFFICIAL RECORD OF REAL PROPERTY													
GRANT COUNTY ASSESSOR'S OFFICE													
TWP.		RGE. E.		SEC.		1/4 1/16		TAX LOT NUMBER					
MAP NUMBER		ACCOUNT NUMBER		TYPE		SPEC. INT. IN REAL PROP.		CODE AREA NUMBER					
INDENT EACH NEW COURSE TO THIS POINT		ADDITIONAL DESCRIPTION AND RECORD OF CHANGE						DATE OF ENTRY ON THIS CARD		DEED RECORD VOL. PG.		ACRES REMAINING	
Sec. 26		SW $\frac{1}{4}$						160.00					
27		SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$						320.00					
34		N $\frac{1}{2}$						320.00					
35		NW $\frac{1}{4}$						160.00		11/17/71		59 361 960.00	
Except:										107 523			
600 Rd.		6.90										957.46	
		JV#26943 A/C						1-6-87					
		JV#28519 A/C						11-9-87					
		JV#44744 Death Cert.						09-27-00		202403			
		JV#44949 WD-Estate Planning						10-20-00		202587			
		JV#50610 WD						05-11-05		051124			

RECEIVED
AUG 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

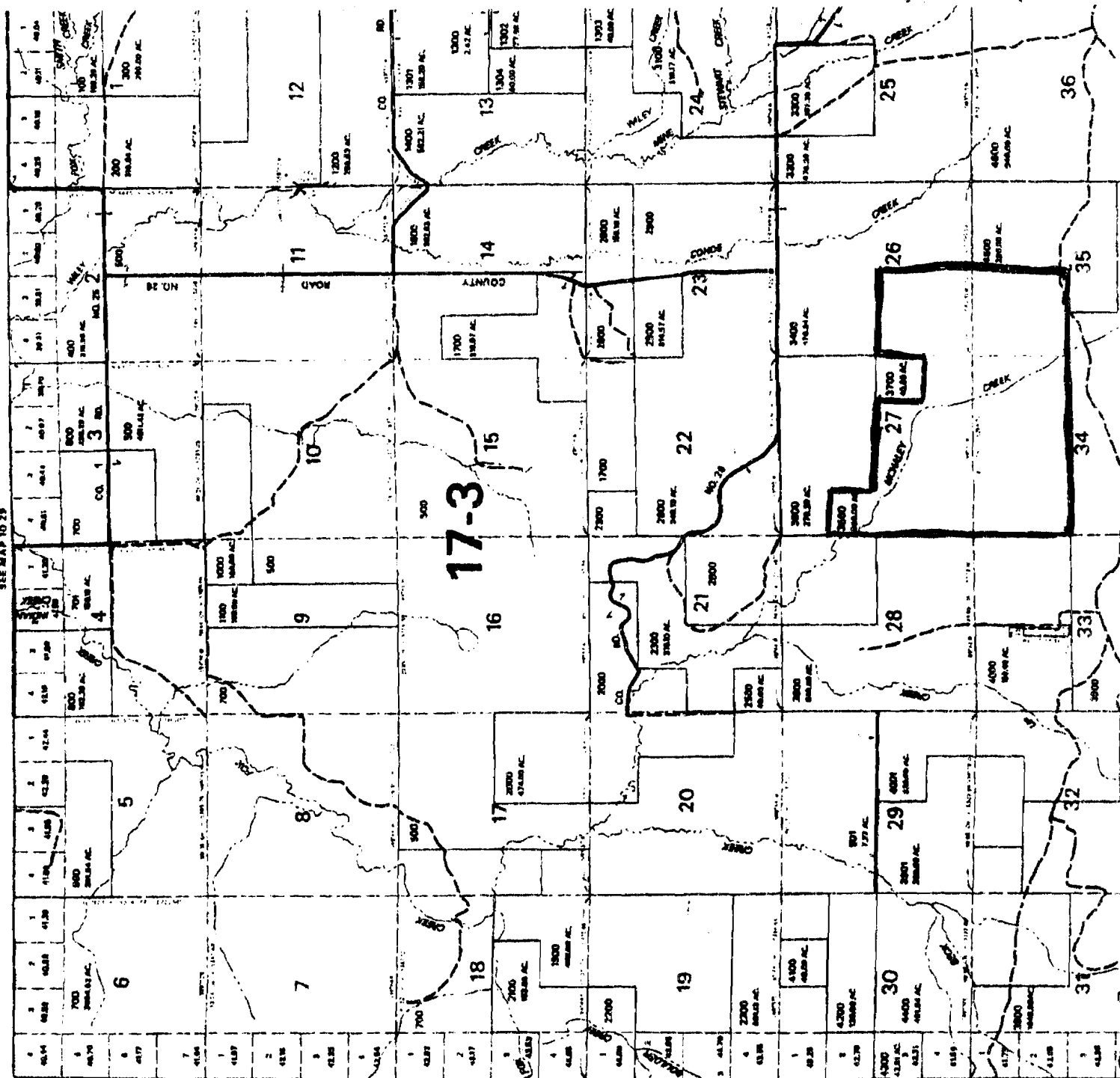
GRANT COUNTY

1997-2000

SEE MAP 1029

0 2000 4000
SCALE IN FEET

RECEIVED
AUG 31 12 05
WATER RESOURCES
STATE OF ARIZONA



STATE OF OREGON
COUNTY OF GRANT
Proof of Appropriation of Water

RECEIVED
JAN 16 1974
STATE ENGINEER
SALEM, OREGON

WILLIAM A. & BLANCHE E. PATTERSON
97845

of **West Highway, John Day**, State of **Oregon**,
has applied beneficially the waters of
a **spring stream and an unnamed stream**

a tributary of **Fox Creek** for the purpose of
stock water

under Permit No. **35722** of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from **November 8, 1971**

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
**0.02 cubic foot per second, being 0.01 cubic foot per second from the spring stream
and 0.01 cubic foot per second from the unnamed stream**

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **#1 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34; #2 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section
35, T. 11 S., R. 29 E., W. M., #1 - 200 feet South and 1330 feet East from the
W $\frac{1}{4}$ Corner, Section 34; #2 - 40 feet South and 80 feet East from E $\frac{1}{4}$ Corner, Section 34.
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----- of one cubic foot per second
per acre,**

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

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 34

NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35
T. 11 S., R. 29 E., W. M.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of Jan,

1974.

William A. Patterson

Blanche E. Patterson

4194

48824

January 7, 1974

William A. & Blanche E. Patterson
West Highway
John Day, OR 97845

Dear Mr. and Mrs. Patterson:

On December 5, 1973, we mailed you a copy of a proof of the certificate in connection with the incomplete water right represented by your permit number 35722 granting a right to the use of 0.02 cubic foot per second from the waters of a spring stream and an unnamed stream for stock water, together with the instructions that the statement at the bottom of the page be signed and the copy be returned to this office accompanied by the certificate recording fee in the amount of \$1.50.

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

Very truly yours,

VESTAL R. GARNER
Assistant

VRG:tml

File No. 48824

December 5, 1973

William A. & Blanche E. Patterson
West Highway
John Day, OR 97845

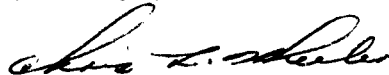
Dear Mr. and Mrs. Patterson:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number 35722.

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

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

tnl

Enclosure

The enclosed map may be retained for your own records.

RECEIVED
FEB 16 1972
STATE ENGINEER
SALEM, OREGON

John Day, Oregon
February 15, 1972

Mr. Chris L. Wheeler
State Engineer
1178 Chemeketa St. S. E.
Salem, Oregon 97310
Attn: Mr. Wayne Overcash, Assistant

Re: File #48824

Dear Mr. Overcash:

In reply to your letters of Dec. 20, 1971 & Jan. 27, 1972.

It is quite a shock to me that you can't visualize a small stream, that doesn't run much water, being dammed up and run into a pipe leading to a metal watering trough to store several gallons of water so several head of stock can drink within a short period of time. It is common procedure for stock to feed during morning hours and then nearly all return to water about the same time. If this stream wasn't run into a watering trough the cattle would just tromp big mud holes in the bottom of the stream.

It appears to me that your feeling is to let someone above me build a dam or regular irrigation ditch and divert all the water, thus putting me out of the cattle business. This may seem like a harsh statement but if I can't get a stock watering right, it appears to me that this may happen.

You state in your letter of Jan. 27th that you returned the application and the map, but the map wasn't returned. I am returning the application with the hope that it will be approved.

Very truly yours,

William A. Patterson

March 6, 1972

48824

Mr. William A. Patterson
West Highway
John Day, Oregon 97845

Dear Mr. Patterson:

Your letter dated February 15, 1972 is sufficient answer to the question asked in earlier letters, so proper action toward approval of your application can be taken.

Perhaps an earlier letter should have been more detailed. I recognize that there are a number of reasons why it is advisable to install a stock watering facility fairly close to a natural channel, particularly when there is a very small quantity of water flowing in the channel. Your application did not include the information given in your letter and there seemed little point in accepting a filing and issuing a permit if proof cannot be made under that permit so as to establish a water right. The courts have held that there must be a physical diversion of water in a measurable quantity for a beneficial use, so a permit is of no value to an individual unless it is reasonable to assume that he can perfect a water right under it to afford some protection in the event that there are later upstream appropriators.

Your application will be placed with the next group for approval by issuance of a permit.

Very truly yours,

Travor Jones
Assistant

TJ:st

ret

January 27, 1972

48824

William and Blanche Patterson
West Highway
John Day, OR 97845

Dear Mr. and Ms. Patterson:

We have been holding action on your application number 48824 pending a reply to my letter of December 20, 1971. To date, we have not received the additional information.

Therefore, I am returning your application and map for completion.

As mentioned in my letter of December 20, 1971, we need additional information on your proposed project relating to the use of water from the unnamed stream. Will you please explain in some detail the reason for diverting water from the stream and piping it a short distance to a watering trough that appears to be located within the stream channel.

Is there some reason why stock does not have access to the water in the stream? A water right cannot be perfected if use is only by stock drinking from the stream and I have some doubts that one can be perfected by putting a pipe into the stream and running the water by gravity to a trough near the stream. Normally, applications for permits for stock use describe the diversion for use in a barn, feeding pen, or similar installation requiring water for stock where stock do not have access to a stream.

Your application is endorsed that in order to retain its priority date, it must be returned to this office on or before March 27, 1972.

Very truly yours,

WAYNE J. OVERCASH
Assistant

dg
Enclosure

December 20, 1971

48824

William and Blanche Patterson
West Highway
John Day, OR 97845

Dear Mr. and Ms. Patterson:

This will acknowledge your application for a permit to appropriate 0.03 cubic foot of water per second from a spring and an unnamed stream, being 0.015 cubic foot of water per second from the spring and 0.015 cubic foot of water per second from the stream for stock watering purposes. Also acknowledged is your reproducible map, description of spring sheet and fees of \$25 for which our receipt number 26035 is enclosed. This application has been filed and numbered 48824.

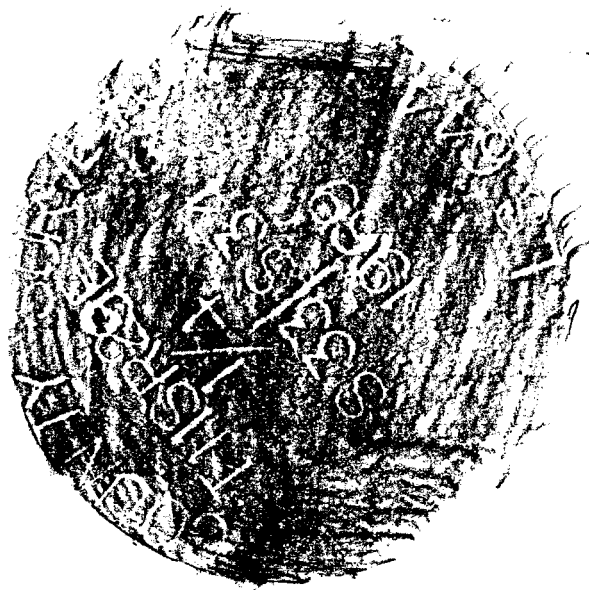
We need additional information on your proposed project relating to the use of water from the unnamed stream. Will you please explain in some detail the reason for diverting water from the stream and piping it a short distance to a watering trough that appears to be located within the stream channel. This information may be submitted on a separate sheet.

Further action on your application will be withheld for a reasonable length of time pending receipt of the required information.

Very truly yours,

WAYNE J. OVERCASH
Assistant

dg
Enclosure



Info: Mr. Wm. A. Patterson

Div. Pt. #1 Has small earth dam across small unnamed str. approx 175' N. from Spring.

Pipe: 100' $1\frac{1}{4}$ " Plastic (Div. Pt. to Stock Tank)

Fall: 4' (Div. Pt. to Stock Tank)

Stock Tank: Circular Steel 10' in Diam X $2\frac{1}{2}$ ' high.

Use: Stock water for 300 head cows & calves max.

Tie: To W. $\frac{1}{4}$ Cor. Sec. 34 (I.P.B.C.)

Div. Pt. #2: Has small dam of earth & stones.

Pipe: 50' 4" Steel (Div. Pt. to Stock Tank)

Stock Tank: Steel 6' x 2' x 2'

Fall: 4' (Div. Pt. to Stock Tank)

Use: Same as above.

Tie: To W. $\frac{1}{4}$ Cor. Sec. 35 (I.P.B.C.)

Aug. 9, 1972, L. C. Gould
Field Engineer

Certificate No.

Ph. 575-1615

West Highway
John Day, Oregon 97845

a spring & an unnamed stream

stock water

#1 - ^{200'}100' S. & 1330' E. from the W¹/₄ corner of Sec. 34; #2 - 40' S. & 80' E. from the E¹/₄ corner of Sec. 34; being within #1 - NE¹/₄ SW¹/₄, Sec. 34; #2 - NW¹/₄ SW¹/₄, Sec. 35, T.11 S., R. 29 E., W.M., in the county of Grant

W.M., ~~in the county of Grant~~

P.T. S. - 1972 - T
Aug. 9, 1972
L. E. G.

五

November 8, 1971

0.02 c.f.s., being 0.01 c.f.s. from the spring & 0.01 c.f.s. from the unnamed stream

~~March 16, 1973~~

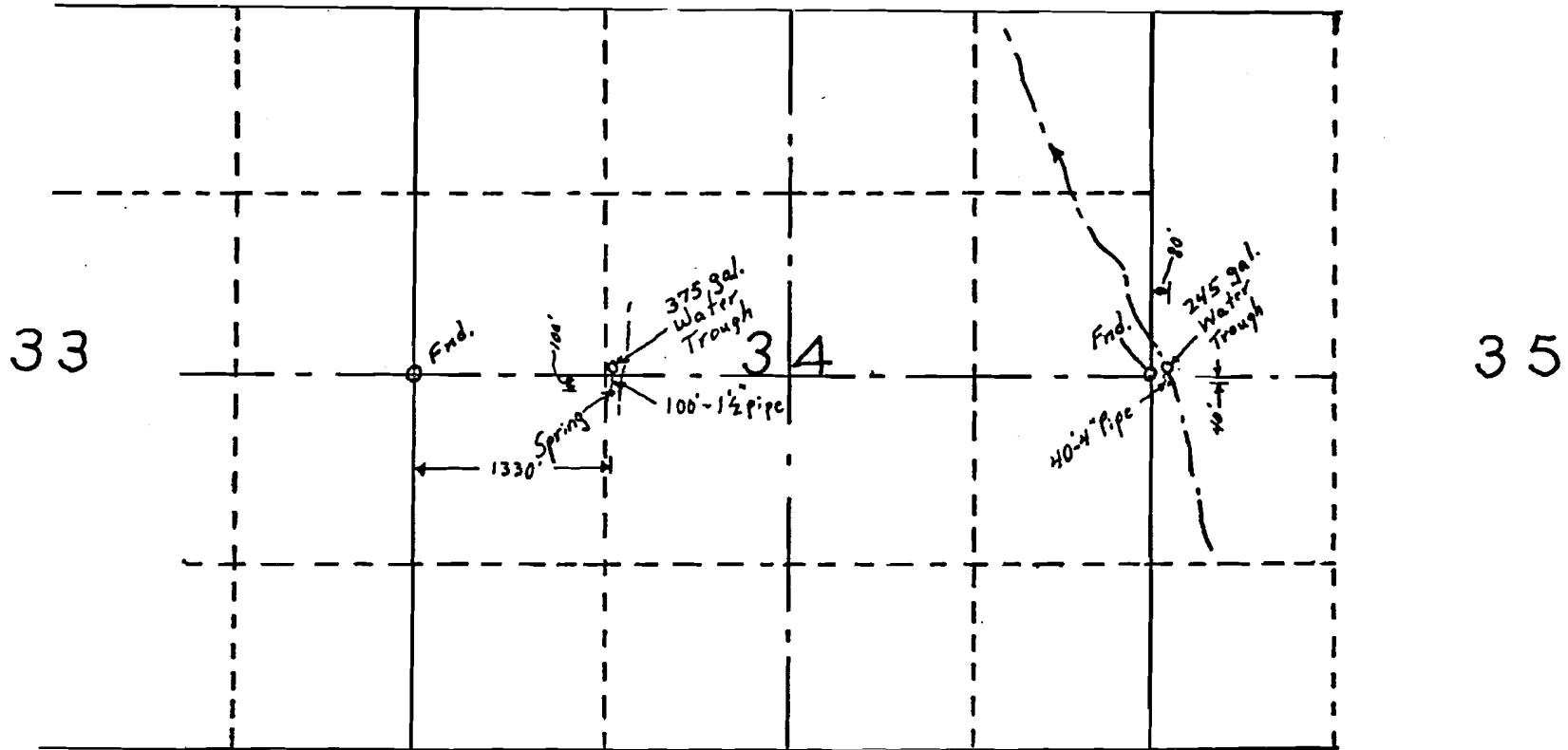
extended to

extended to

Issue 6, Vol. _____

T. 11 S., R. 29 E., W. M.

RECEIVED
NOV 8 1971
STATE ENGINEER
SALEM OREGON



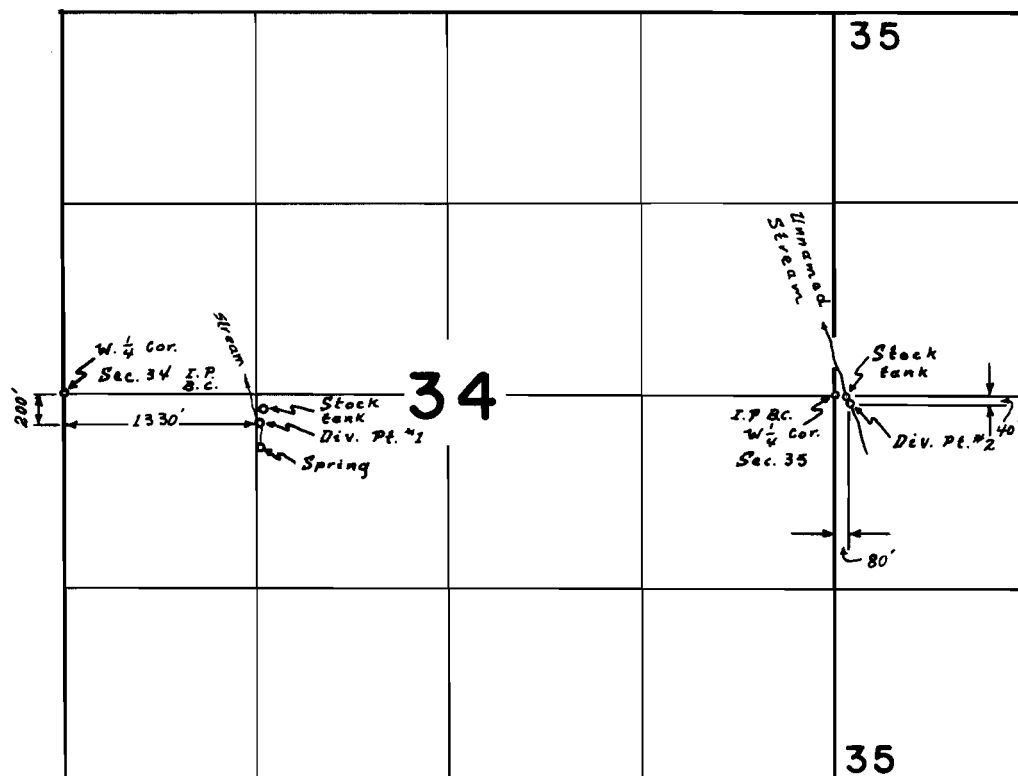
Scale 4" = 1 mile

Application No. 48824

Permit No. 35722

Map Approved by: W. A. Patterson

T.11S. R.29E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 48824 Permit No. 35722
IN NAME OF

William A. & Blanche E. Patterson

Surveyed 9 Aug. 1972, by L. E. Gould

Name WILLIAM A. & BLANCHE E. PATTERSON
By _____
Address West Highway
John Day, OR 97845

Date filed November 8, 1971
Priority November 8, 1971
Action suspended until _____
Returned to applicant _____
Date of approval March 16, 1972

CONSTRUCTION

Date for beginning March 16, 1973
Date for completion October 1, 1973
Extended to _____
Date for application of water October 1, 1974
Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed completed

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued JAN 30 1974

Application No. 48824
Permit No. 35722
Certificate No. 39759

Stream Index, Page No. 6-30B

FEES PAID

Date	Amount	Rece
<u>11-8-71</u>	<u>23.00</u>	<u>261</u>
<u>1-16-74</u>	<u>1.50</u>	<u>38</u>
	<u>\$1 Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Che

ASSIGNMENTS

Date	To Whom	Address	Volume

REMARKS

0.02 cfs from a spring and an unnamed stream being 0.01 cfs
from the spring and 0.01 cfs from the unnamed stream for
stock water

W.R.I.S.

Assessment 7/5/84 by M
Entered _____ by _____
Verified _____ by _____