

Name M.C. Vilsmeier

By

Address Box 96

Brogan, OR. 97903

Date filed July 14, 1978

Priority July 14, 1978

Action suspended until 9-23-78

Return to applicant

Date of approval NOV 30 1978

CONSTRUCTION

Date for beginning NOV 30 1979

Date for completion OCT 1 1980

Extended to

Date for application of water OCT 1 1981

Extended to

PROSECUTION OF WORK

Form "A" filed started

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Application No. 57645

Permit No. 43618

Certificate No.

Stream Index, Page No. 10-30C

CANCELLED

JAN 17 1983

ASSIGNMENTS

Date

To Whom

Address

Volume

Page

CARD FOR B OCT 28 1980

CARD FOR C OCT 28 1981

Form 100 JUL 23 1982

Form 101 JAN 27 1983

REMARKS

FEES PAID

Date 7-14-78 Amount \$35.00 Receipt No. 4852

Cert. Fee

FEES REFUNDED

Date Amount Check No.

37 33-38

Application No. 57645

Permit No. 43618

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD 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 5 gallons per minute ~~XXXXXX XXXX XXXX XXXX~~ measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from a spring.

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

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.

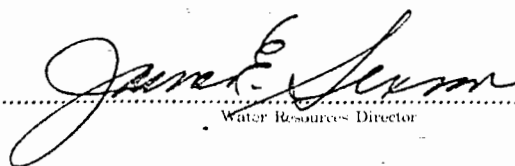
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 14, 1978.

Actual construction work shall begin on or before November 30, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980.

Complete application of the water to the proposed use shall be made on or before October 1, 1981.

WITNESS my hand this 30th day of November, 1978.


Water Resources Director

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered **60**

☐ Show to whom, date, and address of delivery.. **—**

2. ☐ **RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ **—**

3. **ARTICLE ADDRESSED TO:**

M. C. Vilsmeier
Box 96
Brogan, OR 97903

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER

56631

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

M. C. Vilsmeier

5. **DATE OF DELIVERY**

7-26-82

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**



SW 57645

JUL 23 1982

378-8508

or

1-800-452-7813

(message line)

M. C. Vilsmeier
Box 96
Brogan, OR 97903

REFERENCE: File 57645

According to the terms of your Permit 43618, for the use of water from a spring for stock use in Malheur County, complete application of water was to have been made by October 1, 1981.

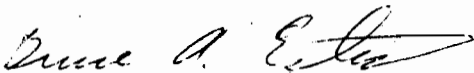
Complete application of water means the application of water to a beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 28, 1981.

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

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit(s) may be canceled without further notice.

If, for any reason, you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved has changed hands and any part of the project has been completed, you should immediately assign the permit to the new owner and advise us of his name and address. An assignment form will be furnished upon request.

Sincerely,



BRUCE A. ESTES, Supervisor
Survey/Certificate Section

BAE:wpc

1497B
Form 690-10-100

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

RECEIVED

JUL 14 1978

WATER RESOURCES DEPT.
SALEM, OREGON

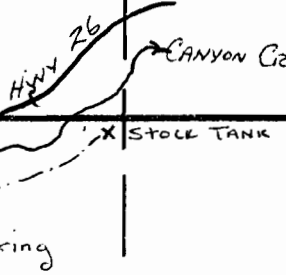
TOWNSHIP 15 S, RANGE 42 E, W. M.

North

Application No. 57645
Permit No. 43618

17

16



20

21

South

East

APPLICATION No. 57645
PERMIT No.

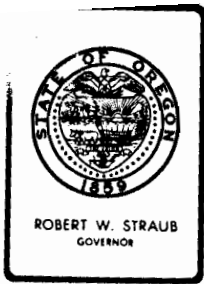
Spring location: 600 ft. S and
120 ft. E From NW Cor Sec 21

December 4, 1978

M. C. Vilsmeier
Box 96
Brogan, Oregon 97903

57645

43618



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

October 18, 1978

File No. 57645

M.C. Vilsmeier
Box 96
Brogan, OR 97903

Dear Mr. Vilsmeier:

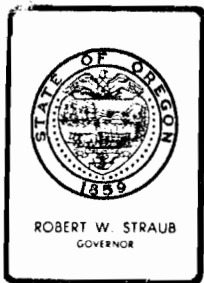
Thank you for returning the spring description sheet.

Your application is now in proper form for the issuance of a permit in 30 to 60 days.

Sincerely,

Ralph H. Jackson,
Supervisor
Applications/Permits Section.

RHJ:cm



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

October 12, 1978

File No. 57645

M. C. Vilsmeier
Box 96
Brogan, OR 97903

Dear Mr. Vilsmeier:

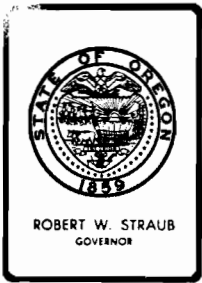
On September 12, 1978, I wrote you asking that you complete the enclosed "Spring Description Sheet" so as to provide additional information required prior to issuing a permit.

To date you have not responded. In case the form may have been misplaced, I am enclosing another for your use. We will withhold further action on issuance of a permit pending receipt of one of the completed forms.

Sincerely,

Ralph H. Jackson
Supervisor
Applications/Permits Section

RHJ:cm
Enclosure



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

57645

September 12, 1978

M. C. Vilsmeier
Box 96
Brogan, Oregon 97903

Dear Mr. Vilsmeier:

Your application for a permit to use 5 gallons per minute of water from a spring for stock use has been filed as No. 57645. Also received were your map, legal description, and fees in the amount of \$35.00 for which Water Resources Department receipt No. 4852 was handed you.

Before a permit is issued, we would like you to fill out the enclosed spring description sheet, which provides additional information regarding the source of water.

Upon receipt of the completed spring description sheet, the application will be in proper form for the issuance of a permit.

Very truly yours,

Ralph H. Jackson
Water Rights Engineer

RHJ:jfv
enclosure

RECEIVED

OCT 17 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 57645

DESCRIPTION OF SPRING

1. Is spring on property of applicant? YES
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 4
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 2 Gallons per min.
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? NO
8. Give the name of the stream or other body of water into which water from the spring flows. _____
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
1/4 mile
10. Remarks _____

M.C. Vilsmaier
Signature of Applicant

Application No. 51645
Permit No.

Page No. 1 of 1

RECEIVED

JUL 14 1978

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A - To Surrender and Quitclaim by
Gulf Oil Corporation
dated January 10, 1978

SCHEDULE OF LEASES

Malheur County, State of Oregon

		Description
Lease No. 3-06992-00 (G-01809)		Township 15 South, Range 42 East, W.M.
Date February 2, 1974		Section 4: Lots 1 & 2, S/2 NE/4 and SE/4
Lessor As noted below		Section 9: All that portion of the E/2 E/2
Lessee GULF OIL CORPORATION		more particularly described as
Recorded Instrument No. 158862		follows: Beginning at the SE
Lessor James M. Macfarlane and		corner of Sec. 9; thence W. along
Marlene J. Macfarlane, H/W		the S. line of said Sec 9, 660 feet;
and Keith McDaniel and		thence Northwestwardly in a straight
Laverne E. McDaniel, H/W		line to the NW corner of the NE/4 NE/4
Date		of Sec. 9; thence E. along the N.
Lessor		line of Sec 9 to the NE corner
Lessee		thereof; thence S. along the E. line
Recorded - Book	Page	of Sec. 9 to the point of beginning.
		Section 15: All
Lease No.		Section 16: N/2 SW/4, N/2 NW/4 SE/4, NE/4 SE/4,
Date		ALSO, that portion of the S/2 S/2
Lessor		lying N. of the John Day Highway
Lessee		right of way. EXCEPTING THEREFROM
Recorded - Book	Page	a parcel in the SW/4 SW/4 of Sec. 16
		more particularly described as follows:
Lease No.		Beginning at a point 33 feet N. and 268
Date		feet E. of the SW corner of Sec. 16;
Lessor		thence N. 28° 51' W., 453.4 feet;
Lessee		thence N. 61° 09' E., 397.4 feet;
Recorded - Book	Page	thence S. 28° 51' E., 439.9 feet to
		the Northerly right of way of the
Lease No.		John Day Highway; thence on a 543
Date		feet radius curve to the right
Lessor		(the long chord of which bears S.
Lessee		66° 03' W.) 125.1 feet; thence S.
Recorded - Book	Page	72° 39' W., 73.5 feet; thence on
		a 268.8 foot radius curve to the
		left 210.3 feet to the point of
		beginning.
Lease No. 3-07197-00 (G-01810)		Township 15 South, Range 42 East, W.M.
Date February 27, 1974		Section 16: All that portion of the S/2 S/2
Lessor As noted below		lying Southerly of the State
Lessee GULF OIL CORPORATION		Highway No. 26, EXCEPTING an 8.0
Recorded Instrument No. 158861		acre parcel heretofore conveyed
Lessor M.J. Vilsmeier, a		to the State of Oregon.
widower and M.C. Vilsmeier,		
an unmarried man		Section 21: All, lying Southerly of the State
Date		Highway No. 26.
Lessor		
Lessee		
Recorded - Book	Page	
Lease No. 3-07198-00 (G-01811)		Township 15 South, Range 42 East, W.M. LOCATION OF
Date February 27, 1974		Section 22: NW/4, E/2 SW/4, W/2 SE/4, HIGHWAY
Lessor M.J. Vilsmeier, Widower		SE/4 SE/4, W/2 NE/4 SE/4,
Lessee GULF OIL CORPORATION		W/2 NE/4 and W/2 E/2 NE/4
Recorded Instrument No. 158860		
Lease No.		Section 25: E/2 NW/4 SW/4, NW/4 NW/4 and
Date		NW/4 NE/4, EXCEPTING therefrom
Lessor		Tax Lot #1800 comprising 0.43
Lessee		acres, ALSO EXCEPTING therefrom
Recorded - Book	Page	Tax Lot #1900 comprising 1.10 acres.
		Section 26: NE/4 NE/4, NW/4 NE/4
		Township 15 South, Range 43 East, W.M.
		Section 19: SW/4 SW/4

LATER THIS YEAR RE-ALIGNMENT OF
HIGHWAY WILL TAKE PLACE. THIS
LO. AGREES WITH PHOTO BBC-SKK-94'S