

176-01

Certificate of Water Right issued to Mrs. Viola B. Matheson  
and recorded at page 6675, Volume 7, State Record of Water Right  
Certificates, confirms a right under Permit number 5630, with a date of  
priority of September 18, 1922, for the use of 0.08 c.f.s. of  
the waters of Thistledeu Spring (Croisan Creek) (Willamette River)  
for irrigation.

362369

4.0 acres Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
2.0 acres Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Section 8  
T. 3 S., R. 3 W., W. M.

The point of diversion is located in \_\_\_\_\_.

The available information indicates a probable error in the certificate as follows:

Township should be 8 South.

**NOTICE TO PERSON MAKING INSPECTION**

Determine if use of water as described above is being made.

If use of water is being made, make survey and report, describing the use and system with particular attention to those items noted above as probable errors.

Secure the name and address of the owner of the property and if no use of water is made, also secure the name and address of the occupant of the property.

If the location of the place of use is in error, secure the name and address of the owner of the property described in the certificate.

Land on East side of rd belongs to RI Lovell +  
Rose M. Lovell Rt 3 Box 116 Croisan Cr. Rd. They are  
not using water. <sup>Will author 1/2 cancellation</sup> Chet I Nelson + Dorothy S Nelson  
Are irrigating land cleared in creek bottom from  
storage pond fed from spring. Land irrigated  
appears to be less than amount in certificate  
& should be measured. Have storage tank at  
spring for domestic water. Has storage right  
for fish culture from Croisan Cr. App 30871 P 30870.

Info Chet Nelson

Gloyd L Sigmund

Water Master Dist #2

Water is being taken from spring & led in 2"  
pipe to Pond & house for domestic purposes. Irrigates  
from pond. Motor Wagner 1/2 HP Single Phase  
3450 RPM Direct connected to Centrifugal  
Pump with 1" inlet 3/4" outlet Lift + 36'

200' 2" Al  
Irrigates lawn by gravity from spring Lift = 36'  
Drop from spring to house 55'

Crops lawn & Pasture

Info Chet Nelson. Claims 2 1/2 AC in NE 1/4 of NE 1/4  
of which 1 1/2 is within boundary of land owned by Matheson  
.5 Ac in NW 1/4 of NE 1/4 of which .2 of an acre is within  
Matheson land  
Gloyd L Sigmund

1125

10/14  
10/15

Application No. 8368  
Permit No. 5630

STATE ENGINEER  
RECEIVED  
JUN 1 1922  
SALM. OREGON

8368

about 1944

Chet Nelson Secured 12 1/2 L 14 & 20 1/2 from  
Boas who owned land since 1913  
Matheson owned Part of 13 & 14 until sold to  
Chet Nelson in 1944

Aug 7, 1963

I do not believe that beneficial use has  
been made of water in small field at the  
N. W. Corner of the tract. In conversation with  
Mr Nelson on 6 Aug he did not claim any  
additional pipe over that which he touched  
July 2 and he did not explain how he  
irrigated the above land.

Philip L. Sigmund

August 27, 1964

Nelson and Nelson Realtors  
1590 Commercial Street S.E.  
Salem, Oregon

Gentlemen:

The certificate recorded at page 6675, State Record of Water Rights Certificates, was issued to Mrs. Viola B. Matheson describing the appropriation of water from Thistledeew Spring for irrigation.

This certificate is in error in that it does not show the correct township. I believe this was discussed in some detail with you by Mr. Floyd Siegmund, watermaster. Mr. Siegmund surveyed the land which you claimed was irrigated. According to his survey, the land you claim as irrigated comprises 3.2 acres. This is slightly less than the amount described in the original certificate.

If we are to issue a new certificate correcting an apparent error in location, we would need an affidavit from you stating that the 3.2 acres were irrigated and that was the total irrigated and, also, that the irrigated lands had been irrigated in Section 8, Township 8 South, Range 3 West, W.M., as shown by Mr. Siegmund's map.

If this procedure is agreeable to you and you will so advise us, we will prepare the necessary affidavit and proofs so we may issue a proper certificate to you.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Trevor Jones, Assistant

TJ:eh

October 1, 1964

Chet I. and Dorothy W. Nelson  
Route 3, Box 614  
Salem, Oregon

Dear Sir and Madam:

I have prepared an affidavit so we may correct the certificate recorded at page 6675, State Record of Water Right Certificates.

You will note that it requests cancellation of all the land except 3.2 acres surveyed by Mr. Siegmund and shown on the enclosed print.

I did not fill in the names on the affidavit because I am not sure whether this is individually or jointly held property. If it is jointly held, both names and both signatures should be affixed.

We will also need a certificate recording fee of \$1 so the new certificate can be recorded in the records of the Marion County Clerk.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Truver Jones, Assistant

TJ:eh

enclosures

A F F I D A V I T

OCT 9 1964

STATE OF OREGON )  
                  ) ss.  
County of Marion )

We, Chet I. and Dorathy S. Nelson . . . . ., being first duly sworn, depose and say that we are the owners of the water right appurtenant to 4.0 acres in Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 2.0 acres in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South (erroneously described as 3 South) Range 3 West, W.M., which is for the appropriation of not to exceed 0.08 cubic foot per second of water from Thistledeew Spring for irrigation, with a date of priority of September 18, 1922, as evidenced by the certificate recorded at Volume 7, page 6675, State Record of Water Rights Certificates, and of the lands to which the water right is appurtenant; that we have abandoned said water right with the exception of the 3.2 acres described in the final proof survey made by the State Engineer on July 2, 1963, and request the balance to be canceled and a new certificate be issued covering the 3.2 acres not being canceled.

IN WITNESS WHEREOF, we have hereunto set our hands this . 6<sup>th</sup> . day of . October . . . , 1964.

*Chet I. Nelson*  
*Dorathy S. Nelson*

Subscribed and sworn to before me this . 6<sup>th</sup> . day of October ., 1964.

*Leland A. Strinn*  
Notary Public

My commission expires . 6/4/65 . . . . .

## Marion County

IN THE MATTER OF THE  
 CANCELLATION OF A WATER  
 RIGHT IN THE NAME OF  
VIOLA E. MATHESSON }

O R D E R

On October 9, 1964, Chas I. Nelson and Dorothy S. Nelson submitted an affidavit that they are the owners of certain lands and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 7, page 6675, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.04 cubic feet per second of water from Thistledeu Spring, with a priority date of September 18, 1922, for irrigation of 1.3 acres in Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 1.5 acres in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South, (erroneously described as Township 3 South) Range 3 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.04 cubic feet per second of water from Thistledeu Spring, with a priority date of September 18, 1922, for irrigation of 2.7 acres in Lot 13 ( NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 0.5 acre in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South, (erroneously described as Township 3 South) Range 3 West, W.M., is not in question.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right".



NOW, THEREFORE, it hereby is ORDERED that the water right for the use of not to exceed 0.04 cubic foot per second of water from Thistle-  
dew Spring, with a priority date of September 18, 1922, for irrigation of  
1.3 acres in Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 1.5 acres in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8,  
Township 8 South, (erroneously described as Township 3 South) Range 3 West,  
W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right  
recorded at Volume 7, page 6675, State Record of Water Right Certificates,  
is canceled, and in lieu thereof a new certificate be issued in the name of  
Chet I. and Dorothy S. Nelson covering that part of the water right not in  
question, which is for the appropriation of not to exceed 0.04 cubic foot  
per second of water from Thistle-dew Spring, with a priority date of  
September 18, 1922, for irrigation of 2.7 acres in Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 0.5  
acre in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South, Range 3 West, W.M.

Dated at Salem, Oregon this 14<sup>th</sup> day of December 1964.

/s/CHRIS L. WHEELER  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE  
CANCELATION OF A WATER  
RIGHT IN THE NAME OF  
VIOLA B. MATHESON \_ \_ \_ \_ }

O R D E R

On October 9, 1964, Chet I. Nelson and Dorothy S. Nelson submitted an affidavit that they are the owners of certain lands and the water right appurtenant thereto; that they have abandoned any and all interest in and to said water right and request the same to be canceled.

The water right in question is part of that evidenced by the certificate recorded at Volume 7, page 6675, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.04 cubic feet per second of water from Thistledeew Spring, with a priority date of September 18, 1922, for irrigation of 1.3 acres in Lot 13 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 1.5 acres in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South, (erroneously described as Township 3 South) Range 3 West, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 0.04 cubic feet per second of water from Thistledeew Spring, with a priority date of September 18, 1922, for irrigation of 2.7 acres in Lot 13 ( NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 0.5 acre in Lot 14 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 8, Township 8 South, (erroneously described as Township 3 South) Range 3 West, W.M., is not in question.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancellation thereof, the State Engineer shall enter an order canceling the water right".

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of not to exceed 0.04 cubic foot per second of water from Thistle-dew Spring, with a priority date of September 18, 1922, for irrigation of 1.3 acres in Lot 13 (~~NE¼ NE¼~~) and 1.5 acres in Lot 14 (~~N¼ NE¼~~), Section 8, Township 8 South, (erroneously described as Township 3 South) Range 3 West, W.M., is canceled.

It is FURTHER ORDERED that the certificate of water right recorded at Volume 7, page 6675, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued in the name of Chet I. and Dorathy S. Nelson covering that part of the water right not in question, which is for the appropriation of not to exceed 0.04 cubic foot per second of water from Thistle-dew Spring, with a priority date of September 18, 1922, for irrigation of 2.7 acres in Lot 13 (~~NE¼ NE¼~~) and 0.5 acre in Lot 14 (~~N¼ NE¼~~), Section 8, Township 8 South, Range 3 West, W.M.

Dated at Salem, Oregon this 14<sup>th</sup> day of December 1964.

/s/CHRIS L. WHEELER  
State Engineer

May 25, 1965

Mr. Harold Tomlinson  
Marion County Clerk  
County Courthouse  
Salem, Oregon

Dear Mr. Tomlinson:

Enclosed is a certified copy of the order of the State Engineer canceling a portion of a water right evidenced by certificate recorded at page 6675, Volume 7, State Record of Water Right Certificates, which was recorded in your office on or about November 1, 1926. Under the provisions of ORS 543.730, the county clerk shall stamp or write across the face of the recorded water right certificate which evidences the right the words: "Canceled by order of the State Engineer, dated December 14, 1964."

Also enclosed are two certificates of water right for recording in your office and our check No. 342 in the amount of \$2 which represents payment for such service as provided by ORS 537.520 and 539.140. After recording, please mail the certificates to Joe W. Oppek, 7555 O'Neill Road, N.E., Salem, Oregon and Chet I. and Dorothy S. Nelson, Route 3, Salem, Oregon, respectively.

The certificate issued to Chet I. and Dorothy S. Nelson confirms the right not canceled under certificate 6675. It would be appreciated if you would mark in the margin of certificate 6675 to show that it has been superseded and indicate the page and volume where the new certificate is recorded. There is no statutory provision for this procedure, but it would certainly be of benefit to those people using your records.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Trevor Jones, Assistant

ks  
Enclosures: Order  
Certificate  
Check

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, J. M. ... the holder of Application No. 5969, being Permit No. 5030, issued by the State Engineer of the State of Oregon for the appropriation of 1 second-foot of the waters of ... in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, completely applied the water to a beneficial use, on the 1 day of ... 1925, being the time limitation as fixed in said permit or extended by the State Water Board for the complete application of water to a beneficial use.

Remarks: If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of October, 1925

(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

I, ... the holder of Application No. ... being Permit No. ... issued by the State Engineer of the State of Oregon for the appropriation of ... second-foot of the waters of ... in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein the 1 day of June, 1924, being within the time limitation as fixed in said permit or extended by the State Water Board for the completion of construction work.

Remarks: If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be unnecessarily misnumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of June, 1924

(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form B should be used in reporting progress of work if more than one year has been allowed for completion.

NOTICE OF BEGINNING OF CONSTRUCTION

I, ... the holder of Application No. ... being Permit No. ... issued by the State Engineer of the State of Oregon for the appropriation of ... second-foot of the waters of ... in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described therein on the 17 day of Sept, 1923, being within the time limitation as fixed in said permit for the beginning of construction work.

The appropriator should state the nature of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of September, 1923

(Present Address) (Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

8368

October 7th, 1922.

Mrs. Viola E. Matheson,  
Route No. 3, Salem,  
Oregon.

Dear Madam: Herewith you will find Application No. 8368, being Permit No. 5830, together with map. This application has been approved and recorded in this office. Excess fees amounting to 75 cents are returned in postage.

# STATE OF OREGON

OFFICE OF THE  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

C. E. STRICKLAND  
ASSISTANT STATE ENGINEER

L. A. STANLEY  
OFFICE ASSISTANT

March 27, 1929.

County Assessor,  
Marion County,  
Salem, Oregon.

Dear Sir:

Will you please give us the name and address of  
the present owner of the lands formerly owned by W. E.  
Matheson, described as follows:

4 acres in Lot 13, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) and 2 acres in  
Lot 14, (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) all in Section 8, Township  
8 South, Range 3 West.

Thanking you for this favor, I am

Yours very truly,

RHEA LUPER  
State Engineer

By *L. A. Stanley*  
Office Assistant.

LW

*This name does not appear on  
Tax Roll.*

STATE OF OREGON

OFFICE OF THE  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

STATE ENGINEER  
RECEIVED  
APR 20 1926

SALEM, OREGON

April 13, 1926.

Mrs. Viola B. Matheson,  
Route 2,  
Salem, Oregon.

Dear Madam:

I note from the records of this office that you have not filed notices of beginning of construction, completion of construction or complete application of water under your Permit No. 5630, which covers the appropriation of 0.08 second foot from Thistledeew Spring for the irrigation of six acres, although the time for the completion of your right as fixed in the terms of the permit expired October 1, 1925.

In view of the fact that the notices have not been filed, we presume the water right has been abandoned, and if so, we would be glad to have you authorize the cancellation of the permit on the records of this office as this will eliminate the necessity for following the regular procedure for the cancellation of the same. However, if the terms of the permit have been complied with, we would be glad to forward final proof blanks for execution upon receipt of the required notices.

As we have received no reply to our postcard notice of November 4, 1925, in regard to this matter, you are advised that unless hearing from you within sixty days from the date of this letter, the permit will be cancelled in accordance with the provisions of Section 5774, Oregon Laws, which provides for the cancellation of the permits when the holders thereof fail or refuse to complete their water rights within three months after the same should have been completed.

Very respectfully,

*Rhea Luper*  
Rhea Luper,  
State Engineer.

W.  
Registered.

*Dear Sir. We have our reservoir for water  
& it is piped to a modern house & to  
garden & lawn - etc. We believe we have  
fulfilled requirements for assessment work.  
Finished the work before we came to Tacoma, two years ago*

*Viola B. Matheson*



April 20, 1926.

Mr. F. W. [unclear]  
1225 North 22d Street,  
Tacoma, Washington.

Dear Sir:

In reply to your letter of recent date relative to Permit No. 5430, we wish to advise that if you desire to perfect your water right and secure the final water right certificate you should file the Notices of Beginning, Completion of Construction, and Complete Application of Water showing that the terms of the permit have been complied with.

According to the terms of the above permit, construction work was required to begin on or before September 17, 1923, be completed on or before June 1, 1924, and the water completely applied to a beneficial use on or before October 1, 1925.

Upon receipt of the required notices showing that the terms of the permit have been complied with, we will be glad to prepare and forward final proof blanks for execution.

Yours very truly,

Rhon Luper,  
State Engineer.

H.

May 1, 1924.

Mrs. Viola E. Matheson,  
1406 North 6th Street,  
Tacoma, Washington.

Dear Madam:

I am enclosing herewith blanks for making final proof of appropriation of water under your Permit No. 5830.

After the proof has been properly filled out and signed before a notary public, it should be returned to this office with \$1.00, the fee required for recording the water right certificate in the county records.

Yours very truly,

H.  
Sut.

Wm. Luper,  
State Engineer.

RECEIVED

MAY 11 1938

Laconia, N.H. 5-10-26

By the Supers.

advised. SALEM, -- OREGON

Dear Sir:

We expect to be in Salem in about four weeks, was wondering if it would be all right to have witnesses since the affidavits of water rights on license #5630 and #3308 at that time.

Yours truly,

W.H. Matheson

May 11, 1926.

Mr. W. H. Matheson,  
1406 North 5th Street,  
Tacoma, Washington.

Dear Sir:

In reply to your letter of May 10th,  
you are advised that we will withhold action  
under your Permit No. 5630 until you are able  
to submit the required proof.

Yours very truly,

Edna Luper,  
State Engineer.

H.

PAGE, PAGE AND RAY L. SMITH  
ATTORNEYS AT LAW  
SALEM, OREGON

STATE ENGINEER  
RECEIVED  
JUN 5 1926  
SALEM, OREGON

June 3, 1926.

Mr. Rhea Luper,  
State Engineer,  
State House,  
Salem, Oregon.

Dear Sir:

In accordance with the request of Mrs. Viola B. Matheson, I beg to hand you herewith proof of application of water permit No. 5630, application No. 8288 Marion County, duly executed which I trust you will find in order.

Yours truly,

*R. L. Smith*

RHP:S

ENC.

PAGE, PAGE AND RAY L. SMITH  
ATTORNEYS AT LAW  
SALEM, OREGON

STATE ENGINEER  
RECEIVED  
JUN 7 1926  
SALEM, OREGON

June 5, 1926.

Mr. Rhea Luper,  
State Engineer,  
State House,  
Salem, Oregon.

Re: Viola B. Matheson, proof of  
application of water permit No.  
5630, application No. 8268.

Dear Sir:

Herewith please find check which should have  
accompanied the application in the above heading  
sent you yesterday. Mr. Matheson forgot to give  
us the check until after the letter had been sent  
you.

We hope the separate transmittal has not caused  
you any inconvenience.

Yours truly,

*Alice H. Page*

RKP:S

ENC.

*For certification  
under permit No. 5630  
Receipt No. 3960  
m. l. l. 6/7/26*

June 5, 1926.

Mr. Hollin H. Page,  
Attorney,  
Salem, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of June 3rd, transmitting final proof of appropriation of water under Permit No. 5630, in the name of Mrs. Viola B. Matteson.

The proof is being returned herewith for answer to question seven. In answer to question number seven you should fill in the number of acres actually irrigated within each of the forty-acre tracts described.

There is also a fee of \$1.00 required by law for recording the water right certificate in the county records, and this amount should be transmitted with the corrected proof.

Yours very truly,

H.  
Enclosure.

Eben Luper,  
State Engineer.

June 15, 1926.

Miss Alice E. Page,  
Attorney at Law,  
Salem, Oregon.

Dear Madam:

The bank has just returned check from E. H. Matheson, dated June 4th, 1926, for \$1.00 drawn on the Brotherhood Co-operative National Bank of Tacoma, Washington with the notation "Not Sufficient Funds".

The above check was transmitted to this office in your letter dated June 8th.  
Re: Viola E. Matheson, proof of application of water Permit No. 5630, application No. 6268.

Please send me a new check or money order in the amount of \$1.00 to cover this payment.

Yours respectfully,

JB  
Enc. 1

Edna Inger,  
State Engineer.



*Returned unclaimed*

March 15, 1929.

Mr. W. H. Matheson,  
1406 North 5th St.,  
Tacoma, Washington.

Dear Sir:

On November 1, 1924, a certificate of water right was issued to Mrs. Viola B. Matheson confirming her right under permit No. 5830 to the use of water from Thistledean Spring for irrigation of 6 acres. I have noticed in our recorded copy of this certificate that a mistake was made in the description of lands, Township 3 South, Range 3 West being written instead of Township 8 South, Range 3 West.

You are requested to return your certificate to this office so that it may be corrected. When it is received, we will also see that the correction is made on our copy and upon the copy which is recorded in the office of the clerk of Lincoln County.

Yours very truly,

WHEA LIT OR  
State Engineer

