

Name Claus P. Sauss

By

Address Richland, Oregon

Date filed June 22, 1951

Priority June 22, 1951

Action suspended until

Returned to applicant

Date of approval March 31, 1952

CONSTRUCTION

Date for beginning March 31, 1953

Date for completion October 1, 1954

Extended to

Date for application of water October 1, 1955

Extended to

PROSECUTION OF WORK

Form "A" filed Commenced

Form "B" filed Completed

Form "C" filed Completed

FINAL PROOF

Blank mailed **JUN 23 1953** APR 3 1957

Proof received

Date certificate issued **SEP 12 1957**

Application No. 20075

Permit No. 20570

Certificate No. 23035 *Part* Canceled Sp. Or. Vol. 51 423

Stream Index, Page No. 9-34B

FEEES PAID

Date	Amount	Receipt No.
6/25/51	25.90	12449
1/11/51	10.00	12583
2/27/52	0.05	CJ 605
B. P. Fee		
6/7/57	\$1 Cert. Fee	12087

FEEES REFUNDED

Date	Amount	Check No.

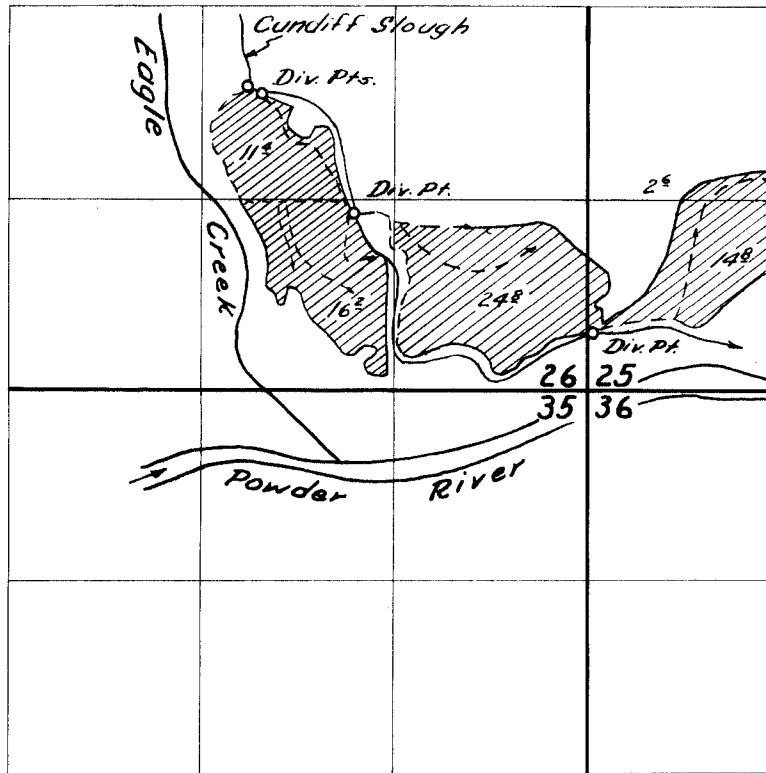
ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

2.7 acs from Cudiff Slough (Parade R) for supplemental irrigation of 109 A, Domestic and stock

T.9 S. R. 45 E.W.M.



FINAL PROOF SURVEY
UNDER

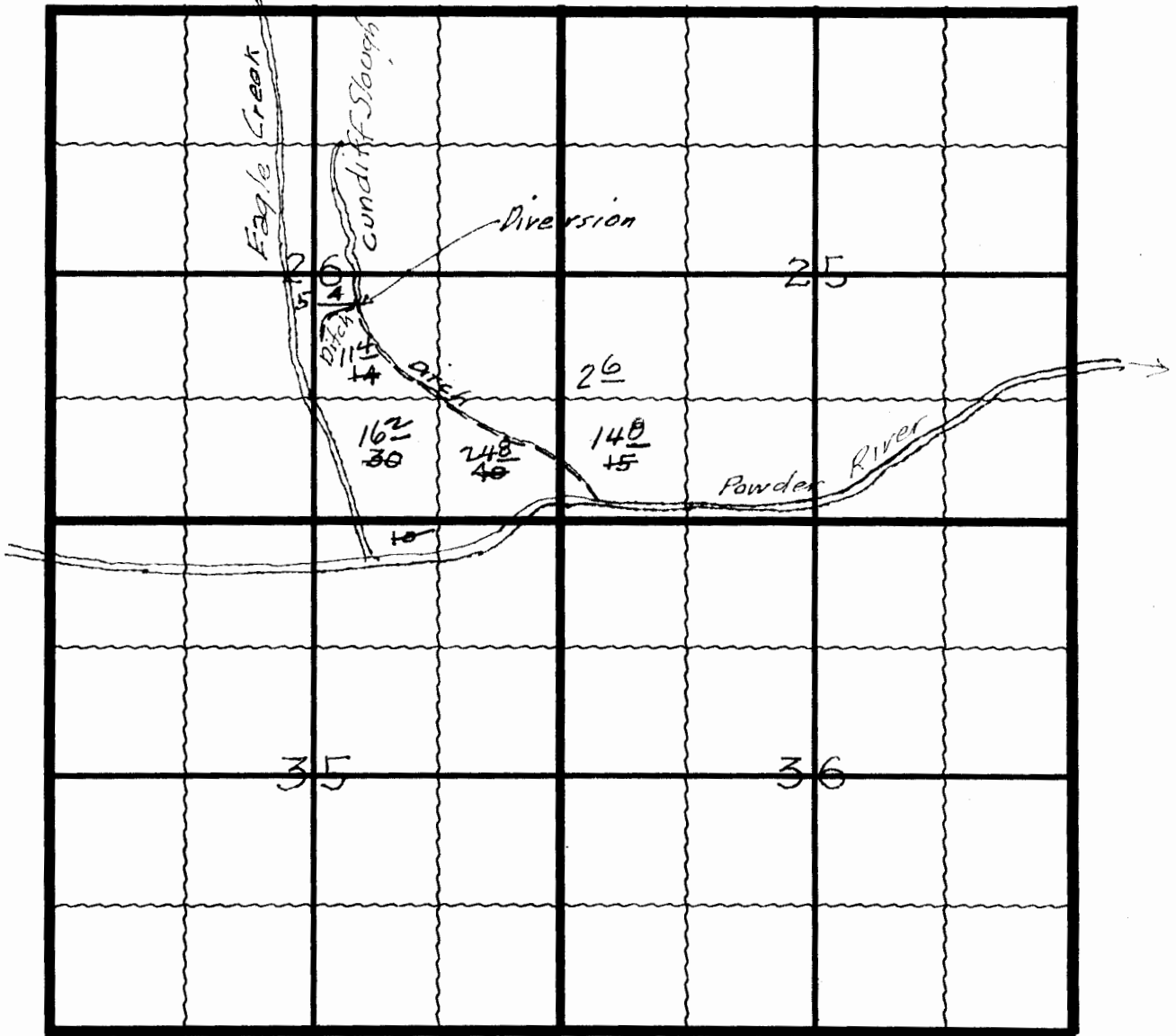
Application No. 26078... Permit No. 20570...
IN NAME OF

.....*Claus P. Soss*.....

Surveyed *June 2* 1956, by *M. Bish*.....

BBB-9N-72

Sec. 1 Twp. 9 S. R. 45 E



Application No. 26078
Permit No. 20570

BBB-9N-72

Permit No. 20570

Application No. 26078

County BAKER

Photo Survey

Preliminary Data for Proof of Appropriation of Water

1. Name Claus P. Sass 2. Address Richland, Oregon
3. Source of supply Cundiff Slough
Tributary of Powder River
4. Amount of water 2.7 c.f.s. 5. Priority date June 22, 1951
6. Use ~~supplemental irrigation, domestic and stock, being 2.6 cfs for irrigation and 0.1 cfs for domestic and stock.~~ 1/40th or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 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 still further limited to a diversion of not to exceed 2.6 c.f.s.
7. Location of point of diversion SW 1/4 NW 1/4 SE 1/4 Sec. 26 Tp. 9 S Rg. 45 E, W. M.
(Legal Subdivision) 1/4 SW 1/4 NW 1/4 Sec. 26
8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range Willamette Meridian	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	45 E	25	SW 1/4 SW 1/4	16	24.8
			NW 1/4 SW 1/4	0	2.6
		26	NW 1/4 SE 1/4	14	11.4
			SW 1/4 SE 1/4	30	16.2
		SE 1/4 SE 1/4	40	24.8	
		35	NW 1/4 NE 1/4	10	0
			Total	109 acres	29.8

Land on which water is to be used is part of the property described by appropriator as follows:

REPORT OF PERSON MAKING INSPECTION

Description of works:

No dam and stock use other than stock drinking out of the ditches

No headgates on div ditches

Crop-Hay

Crop-Hay-Pasture

I, Myron Bish, do hereby certify that I have made an inspection of the works described herein and in Permit No. 20570, on the 2 day of June, 1956, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

Myron Bish (Name) Field Engineer (Title)

Permit No. 20570

23035

Application No. 26078

County Baker

RECEIVED JUN 7 1957 STATE ENGINEER SALEM, OREGON

Proof of Appropriation of Water

- 1. Name Claus P. Sass 2. Address Richland, Oregon
- 3. Source of supply Cundiff Slough
Tributary of Powder River
- 4. Amount of water 1.74 cfs 5. Priority date June 22, 1951
- 6. Use supplemental irrigation 1/40th and 3 1/2 a.f.
- 7. Location of point of diversion NW 1/4 SE 1/4 & SW 1/4 SE 1/4 Sec. 26, Twp. 9 S, Range 45 E, W. M. 25
(Legal Subdivision)
- 8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
Willamette Meridian				
9 S	45 E	25	NW 1/4 SW 1/4	2.6
			SW 1/4 SW 1/4	14.8
		26	NW 1/4 SE 1/4	11.4
			SW 1/4 SE 1/4	16.2
			SE 1/4 SE 1/4	24.8
				69.8

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 6th day of June

1957

Claus P. Sass

June 4, 1957

Mr. Claus P. Sass
Richland
Oregon

Dear Mr. Sass:

On April 3, 1957, we mailed you the final proof papers in connection with the incomplete water right represented by your Permit No. 20570 granting a right to the use of 1.74 cubic foot of water per second from Cundiff Slough for irrigation and supplemental irrigation, together with instructions that the form was to be signed and returned to this office accompanied by the certificate recording fee in the amount of \$1.

To date this form has not been received nor has any correspondence regarding it. This is to notify you that unless we receive the signed final proof form and the certificate recording fee within thirty days from the date of this letter we will be required to take action toward the cancellation of the permit.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:ld

April 3, 1957

Claus P. Sass
Richland, Oregon

Dear Mr. Sass:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No. 20570, granting a right to the use of 1.74 cfs of the waters of Cundiff Slough, for irrigation, supplemental.

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 on the second sheet under the Affidavit of Appropriator and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory fee of \$1, a Certificate of Water Right will be issued confirming the rights thereunder and, after being recorded in the records of Baker County, will be forwarded to you.

In the interest of economy and due to the fact that your completed project was examined by a representative of this department, it is not necessary that your signature be made before a Notary Public, nor that the signatures of witnesses be affixed to the proof.

Yours very truly,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 117
mb
Enclosure

Application No. 26078

January 3, 1952

MEMORANDUM

Chas. E. Stricklin instructs that permit be issued approving Application Number 26078 in the name of Claus P. Sass.

A handwritten signature in cursive script, reading "Ed K. Humphrey". The signature is written in dark ink and is positioned above the printed name.

Ed K. Humphrey

July 23, 1951

Mr. Blaine Hallock
Attorney at Law
2nd Floor Sommer Bldg.
Baker, Oregon

Dear Mr. Hallock:

This will acknowledge receipt of your letter dated the 7th instance, the areal map, and \$10.00, the balance of the filing fee.

The only trouble that may develop in approving the application would occur in distributing the water.

If the slough, which it is stated the local people call Cundiff Slough, should in fact be a ditch, some difficulty may be had in preventing the diversion of water above Mr. Sass's land.

There is enclosed herein our Receipt No. 12584, and Mr. Sass's areal map.

Thanking you for your patience in this matter and the assistance given, I remain,

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:dlh

LAW OFFICES
HALLOCK, BANTA, SILVEN & HORTON
2ND FLOOR SOMMER BLDG.
BAKER, OREGON

JAMES T. DONALD
RETIRED 1951

July 7, 1951

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

RECEIVED
JUL 11 1951
STATE ENGINEER
SALEM, OREGON

Re: Claus P. Sass

Dear Charlie:

Further in response to your letter of the 28th inst., re application of Claus Sass, we enclose herewith check in your favor in the amount of \$10.00 per your request, as well as an aerial map of the Sass premises. We will appreciate it if you will be good enough to return the map after you have looked it over, as it is the only one which Mr. Sass possesses.

We have shown on the map in red the centers of Sections 25 and 26, Township 9 South, Range 45, East, W.M., and in yellow the slough in question and the two ditches covered by the filing. The waters of the slough gather in about the center of Section 26, and as they proceed southerly past its east and west center line they are confined to a narrow ditch like channel. The main ditch employed by Mr. Sass is the long one marked in yellow, a shorter one leading off to the west from about the same point of diversion.

Mr. Sass tells us that all of the old timers refer to this as the Cundiff Slough and that he can find no one who ever referred to it as the Densley ditch. Of course it may, at one time, carried that designation, for, as above stated, the lower end of it is ditch like in character, but regardless of name it supplies the water employed by Mr. Sass in supplementing the irrigation of his land. As you observe they carry primary rights out of Eagle Creek, but Sass is rarely able to get

2.

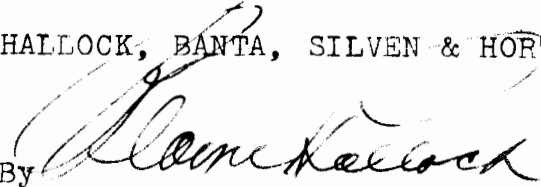
a complete irrigation from that source.

We trust that this fully answers your inquiry
and that permit may issue.

Yours very truly,

HALLOCK, BANTA, SILVEN & HORTON

By



BH:b
encl.

LAW OFFICES
HALLOCK, BANTA, SILVEN & HORTON
2ND FLOOR SOMMER BLDG.
BAKER, OREGON

JAMES T. DONALD
RETIRED 1951

June 29th, 1951

Re: Claus Sass
File #26078

Mr. Charles E. Stricklin,
State Engineer,
Salem, Oregon.

RECEIVED
JUL 2 1951
STATE ENGINEER
SALEM, OREGON

Dear Charlie:

Thank you for your letter of the 28th inst., regarding the application of Claus Sass therein mentioned.

It is true that in each of the 40 acre tracts which Mr. Sass plans to irrigate there are primarily adjudicated rights out of Eagle Creek. But, as you can appreciate an adjudicated water right is one thing and a man's ability to get water under it is quite another. In other words the application which Sass is filing is intended to supplement the existing rights.

I note what you say concerning your maps, and the proper designation of the source of this water. Mr. Sass tells us that it is locally referred to as the Cundiff Slough.

We are addressing Mr. Sass today with the request that he ascertain whether he can supply any maps through the Soil Conservation people or otherwise, whereupon we will advise you further.

We also note that Mr. Sass owes, in addition to the sum of \$25.90 heretofore paid, the sum of \$10.00 for recording fee, and we are requesting him to furnish us check in your favor in that amount.

Yours very truly,

HALLOCK, BANTA, SILVEN & HORTON


By

BH:b

LAW OFFICES
HALLOCK, BANTA, SILVEN & HORTON
2ND FLOOR SOMMER BLDG.
BAKER, OREGON

JAMES T. DONALD
RETIRED 1951

June 20, 1951

RECEIVED
JUN 22 1951
STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

Dear Charlie:

Enclosed find application to appropriate water by Mr. Claus P. Sass of Richland, Oregon, together with a sketch accompanying the same and Mr. Sass's check in your favor in the amount of \$25.90, which is intended to cover filing and other fees. If the amount represented by the check is not sufficient, will you please promptly advise us, placing this matter in line for appropriate action.

Yours very truly,

HALLOCK, BANTA, SILVEN & HORTON

By *Kane Kasseck*

BH:b
encl.

June 26, 1951

Mr. Blaine Hallock
Attorney at Law
Baker, Oregon

Dear Mr. Hallock:

Your letter dated the 20th inst., and application of Mr. Claus Sass, together with Mr. Sass's check in the amount of \$25.90, to cover the filing and recording fees, have been received.

Apparently this application intends a supplementary use, as it appears that the lands described in the application have vested water rights, adjudicated in the courts' decrees defining the relative rights to the use of the water of Powder River and its tributaries. A summary of these rights follows:

Sec. 25, T. 9 S., R. 45 E., W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$

Name:-----Peter Sass
Source:-----Eagle Creek
Priority:--1880
Ditch:-----Kay-Young
Area:-----37.0 acres

Sec. 26, T. 9 S., R. 45 E., W.M.

SE $\frac{1}{4}$ SE $\frac{1}{4}$

Name:-----Peter Sass
Source:-----Eagle Creek
Priority:--1880
Ditch:-----Kay-Young
Area:-----40.0 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$

Name:-----Samuel Gover Estate
Source:-----Eagle Creek
Priority:--1885, or part may be 1888
Ditch:-----Kay-Young, or part may be through Holstine.
Area:-----34.0 acres

June 28, 1951

Also:

Eagle Valley Cemetery Association has a right for the irrigation of 3.0 acres from Eagle Creek, through Kay-Young Ditch, with date of priority of 1880.

SW¹ SE¹

Name:-----Paul Knoblauch
 Source:-----Eagle Creek
 Priority:---1900
 Ditch:-----small ditches
 Area:-----30.0 acres

Section 35, T. 9 S., R. 45 E., W.M.

NW¹ NE¹

Name:-----Paul Knoblauch
 Source:-----Powder River
 Priority:---1900
 Ditch:-----Bogarte
 Area:-----15.0 acres

And:

Name:-----Paul Knoblauch
 Source:-----Eagle Creek
 Priority:---1900
 Ditch:-----small ditch
 Area:-----10.0 acres

The point that bothers me, Blaine, is that the adjudication survey map, the survey of which was made by Rhea Luper, and which I have always considered quite accurate, shows what you have described and designated on the map received with the application as a slough, is a ditch. The name designated on the adjudication survey map is "Demsley Ditch". If Mr. Luper's map is correct, then the question is present as to what jurisdiction the State Engineer has to accept and approve the applications.

Since the land is in a Soil Conservation District, it is possible that the technicians of the Soil District have made a survey of farm plans for Mr. Sass, and the detail will be shown upon a map. If such a map is available, I would appreciate receiving a copy, as it would doubtless supply valuable information which is necessary in considering the application.

allock

-3-

June 28, 1951

Enclosed herewith is our Receipt No. 12449, to cover the \$25.90 which Mr. Sass submitted, and which covers the filing and recording fees, except for the \$10.00 recording fee for stock and domestic use.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:mrh

Enc.