

CANCELED

Name W. L. Mc Vay

By _____

Address Karber, Oregon

Date filed November 2, 1936

Priority November 2, 1936

Action suspended until _____

Returned to applicant _____

Date of approval 1-8-37

CONSTRUCTION

Date for beginning 1-8-38

Date for completion 10-1-38

Extended to _____

Date for application of water 10-1-39

Extended to _____

PROSECUTION OF WORK

Form "A" filed Jan. 18, 1938

Form "B" filed _____

Form "C" filed Nov. 7, 1938

FINAL PROOF

Blank mailed Nov. 28, 1938 CC 5/19/41 cc

Proof received _____

Date certificate issued June 22, 1942

CANCELED
Application No. 16659 PARTIAL CANCELLATION
Date Nov. 20, 1944
Permit No. 12430 Sp. Or. Vol 13 Pg 533

Certificate No. 14129
Ch. Pt. of Div. Sp. Or. Vol. 13 p 540

Stream Index, Page No. 15-2a **CANCELED**

Receiv. Vol. 17 Page 536
Decree, Vol. 18 Page 18
McVay Adj. Cert. Order # 51618

CANCELED

7/1/36

FEES PAID

Date	Amount	Receipt No.
<u>11/2/36</u>	<u>14.50</u>	<u>20845</u>

Total _____
(9/20/41) \$1 Cert. Fee (4 Temp. rest) 28003

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CANCELED

REMARKS

0.2 sf. from an unnamed stream for domestic, stock and
irrigation of 13 acres.

1-10-38- Card for A.

10-24-38- Card for B.

9/1/83

CANCELED See Certificate No. 51618 McVay Adjudication

Canceled and superseded Sp. OR V13 p 540

Trans. No. F-54

FINIS

NOTICE OF COMPLETION OF CONSTRUCTION

I, W L McVay, the holder of Permit No.
 to appropriate the public waters of the state of Oregon, completed the construction of the works described
 therein on the 30th day of June, 1938

Remarks:

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of January, 1938.

Clifford Wilson

(Signature of Witness)

Harbor - Ore.

(Address)

W L McVay

(Signature of Applicant)

Harbor - Ore.

(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W L McVay, the holder of Permit No. 16659
 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
 accordance with the terms of said permit, on the 1st day of June, 1938

Remarks:

If all of the water granted in the permit has not been fully applied to beneficial use, you should so state.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 1938

J A De Ammond

(Signature of Witness)

(Address)

Harbor Ore.

W L McVay

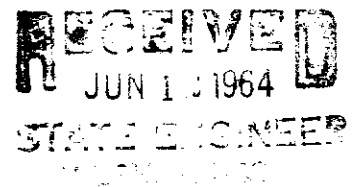
(Signature of Applicant)

(Address)

Harbor Ore.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

A F F I D A W I T



STATE OF OREGON)

: ss.

COUNTY OF CURRY)

I, Victor Pomerlo, being first duly sworn, on oath depose
and say:

That I am the owner of the house and a portion of the property
formerly owned by W.L. McVay and Mabel McVay;

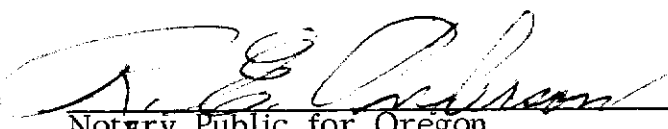
That prior to the time I bought the premises the house used
domestic water under a water right, No. 14129, which was also used
for water on other portions of the premises now owned by Edward W.
and Carol L. Freeman;

That I have never used this source of water for the house and
have never used any water from this source;

That I make no claim for any water under this water right and
do hereby release any such right to Edward W. Freeman and Carol L.
Freeman.


Victor Pomerlo

Subscribed and sworn to before me this day of June 1964.


Notary Public for Oregon
My Commission Expires: _____

My Commission Expires June 12, 1966

STATE OF OREGON

COUNTY OF

CURRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CAROL L. CROCKETT (FREEMAN)

P.O. Box 2065
 of Winharbor Farm, Harbor, State of Oregon 97415, has
 a right to the use of the waters of McVay Creek

a tributary of Pacific Ocean for the purpose of
 stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Curry County, and the said decree entered of record at Salem, in the Order Record of
 the WATER RESOURCES DIRECTOR, in Volume 18, at page 18; that the priority of the right
 thereby confirmed dates from 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per
 second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T41S, R13W, WM; being
 1280 feet North and 40 feet East from the SW corner, Section 14.

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

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

Section 15

Township 41 South, Range 13 West, WM

Land on which water is to be used is further described as that part of the
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T41S, R13W, WM lying west of the present Highway 101
 within the following described legal description:

Beginning at a point on the Westerly right-of-line of (old) US Highway 101, said
 point being North 382.3 and West 94.3 feet from the Section corner common to
 Sections 14, 15, 22 and 23, T41S, R13W, WM; thence West 4000.0 feet, more or
 less, to the Ordinary High Tide Line of the Pacific Ocean; thence following said
 tide line Northwesterly to its intersection with the North boundary line of
 Government Lot 2 in Section 15; thence following the North boundary lines of
 Lot 2 and the South one half of the Southeast quarter of Section 15, East 3550.0
 feet, more or less, to a point on the Westerly right-of-line of (old) US Highway
 101; thence following said highway line Southeast to the point of beginning.

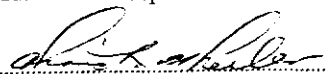
The North and South boundary lines of the above-described lands are parallel and
 937.2 feet distant from each other.

This certificate cancels and supersedes a right allowed in special order Volume
 13, page 540 of the Director dated November 20, 1964 approving transfer No. F-54.
 The decreed right is the same as the right allowed in the transfer except for
 the date of priority of 1885 instead of November 2, 1936.

And said right shall be subject to all other conditions and limitations contained in said decree.
 The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
 described.

WITNESS the signature of the Water Resources Director, affixed

this date September 1, 1983


 Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51618.



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

August 25, 1983

Carol L. Crockett
PO Box 2065
Harbor, OR 97415

Dear Ms. Crockett:

REFERENCE: Water Right Transfer Application

Your Water Right Transfer Application for approval of a change in point of diversion and use of water from McVay Creek, together with supporting data and fees in the amount of \$165, was received on August 16, 1983.

The application cannot be filed as submitted, so it and your \$165 filing fee will be returned when a check is prepared.

A change from stock use to stock, domestic and commercial uses would be an enlargement of the right and cannot be authorized.

The water right described by Certificate 14129 and cited in Item 3 of the application was superseded by the McVay Creek Adjudication and cannot be part of any transfer application. The only valid right of record is for the use of not to exceed 0.01 cfs for stock water in the SE 1/4 SE 1/4 of Section 15, Township 41 South, Range 13 West, WM, with a priority date of 1885 as tabulated at page 551, Volume 17, McVay Creek Decree.

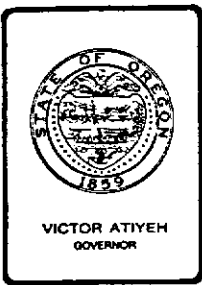
Proposed diversion Point 1, as noted in Item 7 of your application, appears to be the same as found at Final Proof of Transfer F-54, and also during the Adjudication Survey. It is the authorized point of diversion. The point you have listed in Item 6 is not the authorized point of diversion.

A change in character of use of water may be possible. It has to be limited to the amount actually being used for the existing purpose, not to exceed the amount originally authorized, and the existing use must cease.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRAwpc
cc: Gary L. Ball, Watermaster
0056/E
7991B



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE (503) 378-8453

January 22, 1981

Carol L. Crockett
P.O. Box 2065
Winharbor Farm
Harbor OR 97415

Dear Ms. Crockett,

On November 17, 1980, we mailed to you an affidavit to cancel the water right for stock use under Certificate No. 14129 and Transfer No. F-54 and on November 26, 1980, we mailed to you a draft of the Certificate of Water Right for the McVay Creek Adjudication.

If you would please execute the affidavit before a notary and return it to this office, we will be able to issue the new certificate of water right to you.

Sincerely,

Myron V. Bish
Supervisor
Adjudication Section

MVB:as



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE (503) 378-8453
1-800-452-7813

November 26, 1980

Carol L. Crockett
P.O. Box 2065
Winharbor Farm
Harbor OR 97415

Dear Ms. Crockett:

This will acknowledge your letter dated November 22, 1980.
As requested, enclosed is a draft of the Certificate of Water Right
for the McVay Creek Adjudication.

Sincerely,

Myron V. Bish, Supervisor
Adjudication Section

MVB:as

Enclosure

COPY

STATE OF OREGON

COUNTY OF

CURRY

DRAFT**CERTIFICATE OF WATER RIGHT****This Is to Certify, That** CAROL L. CROCKETT (FREEMAN)of Winharbor Farm, Harbor , State of Oregon 97415 , has
a right to the use of the waters of McVay Creeka tributary of Pacific Ocean for the purpose of
stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Curry County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 18 , at page 18 ; that the priority of the right thereby confirmed dates from 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T. 41 S., R. 13 W., W.M.; being 1280 feet North and 40 feet East from the SW corner, Section 14.

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 15
T. 41 S., R. 13 W., W. M.

Land on which water is to be used is further described as that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T. 41 S., R. 13 W., W.M. lying west of the present Highway 101 within the following described legal description:

Beginning at a point on the Westerly right-of-line of (old) U. S. Highway 101, said point being North 382.3 and West 94.3 feet from the Section corner common to Sections 14, 15, 22 and 23, Township 41 South, Range 13 West, W. M.; thence West 4000.0 feet, more or less, to the Ordinary High Tide Line of the Pacific Ocean; thence following said tide line Northwesterly to its intersection with the North boundary line of Government Lot 2 in Section 15; thence following the North boundary lines of Lot 2 and the South one half of the Southeast quarter of Section 15, East 3550.0 feet, more or less, to a point on the Westerly right-of-line of (old) U. S. Highway 101; thence following said highway line Southeast to the point of beginning.

The North and South boundary lines of the above-described lands are parallel and 937.2 feet distant from each other.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date , 19 .

DRAFT

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume , page



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE (503) 378-8453

1-800-452-7813

November 17, 1980

Carol L. Crockett
Winharbor Farm
Harbor OR 97415

Dear Ms. Crockett:

We are ready at this time to issue to you the certificate of water right which will confirm your claim in the McVay Creek Adjudication Proceedings for the appropriation of 0.01 cubic foot per second of water from McVay Creek for stock use in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 41 South, Range 13 West, W.M., with a priority date of 1885.

Enclosed is an affidavit to cancel stock use under Certificate No. 14129 in the name of W. L. McVay and also under Transfer No. F-54 with a priority date of November 2, 1936, which when executed by you will clear the records so that we may issue the same right under the McVay Creek Adjudication Decree with a priority date of 1885.

If you would please sign the affidavit before a notary and return it to this office, it will be greatly appreciated and I will promptly send to you the new certificate of water right.

If you have any questions please let me know. Our toll free number is 1-800-452-7813.

Sincerely,

Myron V. Bish, Supervisor
Adjudication Section

MVB:as

Enclosure

A F F I D A V I T

STATE OF OREGON)
) ss
County of Curry)

I, Carol L. Crockett, of Winharbor Farm, Harbor, Oregon, being first duly sworn, depose and say that I am the legal owner of the following described property:

Beginning at a point on the Westerly right-of-line of (old) U.S. Highway 101, said point being North 382.3 and West 94.3 feet from the Section corner common to Sections 14, 15, 22 and 23, Township 41 South, Range 13 West, W.M.; thence West 4000.0 feet, more or less, to the Ordinary High Tide Line of the Pacific Ocean; thence following said tide line Northwesternly to its intersection with the North boundary line of Government Lot 2 in Section 15; thence following the North boundary lines of Lot 2 and the South one half of the Southeast quarter of Section 15, East 3550.0 feet, more or less, to a point on the Westerly right-of-line of (old) U.S. Highway 101; thence following said highway line Southeast to the point of beginning.

The North and South boundary lines of the above-described lands are parallel and 937.2 feet distant from each other.

and the water right that is appurtenant thereto, it being a portion of Certificate No. 14129, in the name of W. L. McVay and included in Transfer No. F-54, under date of priority of November 2, 1936, for the use of 0.01 cubic foot per second of water from McVay Creek for stock use in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 41 South, Range 13 West, W.M.; that I have abandoned any and all interest in this water right and request the said right be canceled that is appurtenant to my land.

The portion of the right for stock use is being canceled because it is duplicated in the McVay Creek Decree with an earlier date of priority.

IN WITNESS WHEREOF, I hereunto set my hand this day of ,
198 .

Subscribed and sworn to before me this day of . 198 .

Notary Public of Oregon
My Commission expires _____

XXXXXXXXXX
XXXXXXXXXX
James E. Sexson,
Director

July 31, 1975

Mrs. Carol L. Freeman
Harbor,
Oregon 97415

Dear Mrs. Freeman:

Following your request I did review our files concerning the cancelation of a part of the right evidenced by certificate No. 14129 issued to W. L. McVay. This is to confirm the information I gave you by telephone yesterday.

Certificate No. 14129 did describe the use of 0.02 cubic foot per second of water of an unnamed stream for domestic use in one house and for stock use. The use of water for domestic purposes was restricted to the former McVay house. In 1964 when the right for domestic purposes was canceled the former McVay house was owned by Victor Pomerlo. When Mr. Pomerlo purchased the house he also became owner of any right existing for use of water in the house. He submitted an affidavit stating that prior to the time he purchased the property water was used in the house for domestic purposes, but he never used water from the stream, now called McVay Creek, for the house and never used any water from this source, and made no claim for any water under the right in question. On the basis of this affidavit any right which may have been appurtenant to the premises was forfeited.

Mr. Pomerlo also stated that water was also used on the premises owned by Edward and Carol Freeman and he released claim to any such right to Edward and Carol Freeman. With the loss of the right for domestic purposes, only the right to the use of water for stock remained.

I am enclosing a copy of the affidavit signed by both you and Edward Freeman authorizing the cancelation of the right to the use of water for domestic purposes. You have a copy of the order of the State Engineer formally canceling the right.

Any water right is restricted to the quantity beneficially used for the purposes described, not to exceed the stated figure. The maximum quantity was listed in certificate No. 14129 as 0.02 cubic foot per second for domestic and stock use but this did not mean there could be a constant diversion from the stream of this amount. During periods of actual use household use would require 0.01 cubic foot per second but if this flow was continued over a 24-hour period it would total more than 6,000 gallons, which is about twenty times the amount needed for one house for one day. Periodic filling of stock tanks may require 0.01 cubic foot per second but a continuous flow to total more than 6,000 gallons per day would result in a waste of water unless a huge stock herd was being watered.

The cancellation of the right to use 0.01 cubic foot per second of water for domestic use, leaving the right to use 0.01 cubic foot per second for stock use, was within the policy of this Department then and would be now.

There is a statutory procedure to change the use of water from one use to another. The Water Resources Director may approve an application for a change in use if it can be done without injury to existing rights. Any proposed change which would result in a greater use of water than heretofore made would obviously injure subsequent rights and could not be approved.

You have had several discussions with Mr. Youngquist, our Watermaster, and Mr. Perry of this office concerning other rights to the use of water from McVay Creek and I'm sure there is nothing I can add to the information they gave you.

I did tell you that I had no idea when it may be possible to begin adjudication proceedings for the creek and I understand you have since discussed this in greater detail with Mr. Jebousek of this office.

Very truly yours,

Trevor Jones
Assistant

TJ:whh
Enc: Affidavit

December 17, 1964

Mr. Bernard I. Mather
Curry County Clerk
County Courthouse
Gold Beach, Oregon

Dear Mr. Mather:

Enclosed is a certified copy of the State Engineer's order canceling a portion of the water right evidenced by the certificate recorded at page 14129, Volume 12, State Record of Water Right Certificates, issued on June 22, 1942.

Will you please mark your records accordingly, showing the portion of the water right that has been canceled?

There is no necessity for returning this order to this office or recording it in your records.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr.
Assistant

ks

Enclosure: Order

16659

39504
39135

39774
40027

Harbor, Oregon
February 8, 1965

Mr. Lewis A. Stanley
Water Resources Department
Salem, Oregon

RECEIVED
FEB 10 1965
STATE ENGINEER
SALEM OREGON

Dear Sir:

I am writing concerning a water right on an unnamed stream sometimes called McVay Creek in Section 15, Township 41 S, Range 13W. W. M., in Curry County. I have a water right for stock water dated in 1936 but the waters from this creek have been used for irrigation and stock prior to 1900 and the water rights have been deeded with the property prior to 1900.

In 1963, a water right was issued to another party on this creek and we are questioning the right of the State to give this water right over a deeded water right in use prior to 1900.

About eight months ago, my attorney, Mr. Fred. Starkweather, and myself were in your office concerning this matter. Your office was to have a hearing or in some way settle this in about six months. To date we have not heard anything from the Water Resources Department.

Thank you for giving this your attention.

Yours very truly,

File & Mrs. Edward W. Freeman

Mr. & Mrs. Edward W. Freeman

Freeman

1936 Transferred for stock - no fee when proceedings on record.

Hadings. Per 29203

*0.08 7-29-63 inv. stock & Comm.
0.33 10-16-63*

Freeman

*Apr. 13 '64 Rea R 3956 11.3 AF & 0.25 cgs McVay Cr.
Feb 13 '64 29474 0.09 unwater inv 27 Ac.*

Co/egrwe

Per 29811 0.05 6-29-64 McVay Cr. Suppl. inv 2514 Ac.

Discussed in person with Mr. ~~Freeman~~ Freeman at meeting in Harbor on 2/15/65 Jimc.

RECEIVED
JUL 16 1964
STATE ENGINEER
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Curry)

We, Edward W. Freeman and Carol L. Freeman, being first duly sworn, depose and say that we have abandoned any and all interest in and to the right conveyed to us by Victor Pomerlo for appropriation of water from an unnamed creek, presently called McVay Creek, for domestic purposes which right is evidenced by the certificate of water right recorded at page 14129, State Record of Water Rights Certificates, in the name of W. L. McVay, and request the same to be canceled.

IN WITNESS WHEREOF, we have hereunto set our hands this 9th.....
day of July....., 1964.

Edward W. Freeman.....

Carol L. Freeman.....

Subscribed and sworn to before me this 9... day of July 1964.

.....
Notary Public for Oregon

My commission expires:

MY COMMISSION EXPIRES SEPT. 4, 1965
.....

July 2, 1964

Law Office of
Frederic H. Starkweather, Jr.
Gold Beach, Oregon

Dear Mr. Starkweather:

I have your letter of June 11 transmitting an application in the names of Edward W. and Carol L. Freeman for a change in point of diversion for the water right evidenced by the certificate recorded at page 14129, State Record of Water Rights Certificates, in the name of W. L. McVay, an affidavit by Victor Pomerlo conveying his interest in the domestic portion of the said water right to Edward W. and Carol L. Freeman, and Carol L. Freeman's check in the amount of \$45 for which our receipt No. 1434 is enclosed.

The application which has been filed and designated as transfer application No. F-54 has been examined and, with the exception that questions 17 and 20 should be completed, appears to be in satisfactory form.

I am enclosing an affidavit for Edward W. and Carol L. Freeman's convenience in authorizing cancelation of the domestic portion of the water right which has been conveyed to them by Victor Pomerlo.

The application is returned herewith for your convenience in completing items 17 and 20.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosures

9/6

September 12, 1941

Mr. W. L. McVay
Harbor, Oregon

Dear Mr. McVay:

If you have reconsidered the matter of your proposed appropriation under Permit No. 12430 and wish to abandon it, it will be appreciated if you will advise us to this effect and authorize cancellation of the permit, so that our records may be cleared and brought up to date.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD

August 12, 1941

Mr. W. L. McVay
Harbor, Oregon

Dear Mr. McVay:

If you will complete the final proof which was mailed to you July 10, and return it to this office accompanied by the statutory certificate recording fee of \$1.00, your water right under Permit No. 12430 will be confirmed by issuance of a certificate defining a right to the use of water as indicated on the proof, when the next group of certificates is issued.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD

July 10, 1941

Mr. W. L. McVay
Harbor, Oregon

Dear Mr. McVay:

If you will sign the enclosed final proof and return it to this office, accompanied by the statutory certificate recording fee in the amount of \$1.00, your water right under Permit No. 12430 will be confirmed by issuance of a certificate defining a right to the use of water as indicated on the proof, when the next group of certificates is issued.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

encl.

April 18, 1941

Mr. W. L. McVay
Hanksville, Oregon

Dear Mr. McVay:

Our records show that you did not respond to our letter of June 29, 1939, in which we suggested that you either report complete application of water under your Permit No. 12430 or submit an application for an extension of time.

Since the time for complete application of water under your permit, which means use for domestic and stock purposes and the actual irrigation of 13 acres offland, was not made on or before October 1, 1939, when the permit expired, you should file an application for an extension of time by executing the enclosed form before a notary public and mailing the application for an extension to this office.

If complete application of water was made before the expiration of the permit, it should be so reported by filling in and mailing to this office the enclosed Form C.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD
Enclosures (2)

June 29, 1939

Mr. W. L. McVay
Harbor, Oregon

Dear Sir:

Mr. Cummings of this office, who made an inspection of your appropriation under Permit No. 12430 in response to your statement submitted November 3, 1938, to the effect that you had made complete application of water under this permit, reports that the 13 acres of land described in your permit have not been irrigated and suggests that you may wish to make application for extension of time within which to complete the use of water.

If your appropriation is completed before October 1, 1939, or in other words, if you have irrigated all of the land described in your permit which you intend to irrigate and have used the water for domestic purposes as described, you should submit Form C which is enclosed.

If the appropriation is not completed on or before October 1, 1939, according to the terms of your permit, you should execute the enclosed blank for making application for extension of time before a notary public and submit it to this office.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:hp
Enclosures (2)

November 28, 1958

Mr. W. L. McVay
Harbor, Oregon

Dear Sir:

This acknowledges receipt of Form C, being a notice of the complete application of water under Permit No. 12450.

The matter of issuance of the certificate under this permit will be given consideration as soon as a representative from this office can make an inspection of the project covered by the permit and assist you in making final proof. In the meantime, the permit which you hold will be sufficient evidence of the water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

EXH:RE

Ed K. Humphrey, Assistant

16659

January 8, 1937.

Mr. W. L. McVay,
Harbor, Oregon.

Dear Sir:

Herewith you will find Application No. 16659, Permit No. 12430, together with blue print.

This application has been approved and recorded in this office.

16659

November 30, 1936.

Mr. W. L. McVay,
Harbor, Oregon.

Dear Sir:

The map filed in connection with your Application No. 16659 has been received, and it now contains the required information.

The application is therefore being placed in line for approval and the issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

LN

16659

November 16, 1938.

Mr. W. L. McVay,
Harbor, Oregon.

Dear Sir:

Your Application No. 16659 has been received and now appears to be in satisfactory form except that the map does not yet show the location of the place of use. It is therefore necessary that I return it for this purpose.

The location of the lands to be irrigated should be indicated on the map by shading, and the location of the places of use for domestic purposes should also be indicated.

As soon as the map is returned with this information the application will be placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovelie, Assistant.

VSB:LE
encl.

November 4, 1936.

Mr. W. L. McVay,
Harbor, Oregon.

Dear Sir:

This acknowledges receipt of your application for permit to appropriate water from an unnamed stream for domestic, stock and irrigation purposes, together with your remittance in the amount of \$14.50. Receipt No. 20845 is enclosed. The application, which has been filed and given No. 16659, is being returned for additional information.

The smallest legal subdivision or forty-acre tract within which the point of diversion will lie should be stated under Item 4. A general description of the main pipe line or ditches should be given under Items 5 and 7, and a description of the diversion works should be given under Item 8.

The map is not entirely satisfactory in that it must show the general location of the main pipe line or ditches, the location of the lands to be irrigated, and the location of the places of use for domestic purposes.

The application has been endorsed so that in order to retain its priority it must be returned within thirty days, or on or before December 4, 1936.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN
encls.

Harbor, Ore. Oct 31, 1936

State Engineer,
Salem, Ore

Dear Sir:

Enclosed find "Application for Permit" for water right. Please file the same according to law. I am sending check for 14.50 in payment of same

Very truly yours,

W. L. McVay

Permit No. 1 2 4 3 0

14129

Application No. 16659

County

RECEIVED

PROOF OF APPROPRIATION OF WATER

SEP 10 1936
STATE ENGINEER
SALEM OREGON

- Name W. L. McVay
- Address Harbor, Oregon
- Source of supply Unnamed streams
Tributary of Pacific Ocean
0.02
- Amount of water 0.02 c.f.s.
- Priority date November 2, 1936
- Use Domestic, stock and irrigation, being 0.05 c.f.s. for irrigation and 0.04 for domestic and stock.
- Location of point of diversion, NW 1/4 of SW 1/4 Sec. 14, Twp. 41 S., Range 13 W., W. M. (Legal Subdivision)
- 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. In the blank column on the right, headed "No. acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
41 S	13 W	14	SW 1/4 SW 1/4 SW 1/4	3	0
41 S	13 W	15	SE 1/4 SE 1/4	10	0
		15	Stock & Domestic use		
		15	✓ SE 1/4 SE 1/4		
		15	✓ NE 1/4 SE 1/4		
		14	✓ SW 1/4 SW 1/4		

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

This column must be filled in if water is used for irrigation

OK for certif

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.;
length on bottom ft.; material used and character of construction,
.....
- (b) Give description of headgate: Width, ft.; depth, ft.; material used and character
of construction,
.....
- (c) Size of canal: Width on top (at waterline) ft.; width on bottom, ft.; depth of
water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft.
Give general description:
.....
- (d) Pipe line: Description of intake,
.....
Length of pipe, 2500 ft.; size at intake, 2 in.; size at ft. from intake, in.; size
at place of use, 2 in. Difference in elevation between intake and place of use, 200 ft.
Is grade uniform? Fairly Actual capacity of pipe line, sec.-ft.
Give general description: Galvanized
(Material: Steel, wrought, cast iron, wood stave, etc.)
.....
- (e) Pumping plant: Give size and type of pump,
Suction lift, ft.; discharge lift, ft. Type of motor used
Horse power rating, H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used? All
11. State character of soil
Kind of crops raised
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use? See proof Map
13. If not, wherein is such map in error?
.....
14. Domestic use: Give number of families actually using water at this time 1
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use
.....

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Curry } ss.

I, W. L. McVay, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of September, 1941.

Subscribed and sworn to before me this 15th day of September, 1941.

[Notarial Seal]

W L McVay
Harriet E. Paykel Notary Public for Oregon
My commission expires Apr. 15, 1942

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of _____ } ss.

We, _____, and _____

of _____, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. _____; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 1941.

[Notarial Seal]

Notary Public for Oregon
My commission expires _____

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Chester T. Cummings, do hereby certify that I have made an inspection of the works described herein and in Permit No. 12430, on the 12 day of June, 1941, 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 the proof without your signature, with a full report by letter.

Chester T. Cummings
(Name)

(Title)

PROOF OF APPROPRIATION

Permit No.

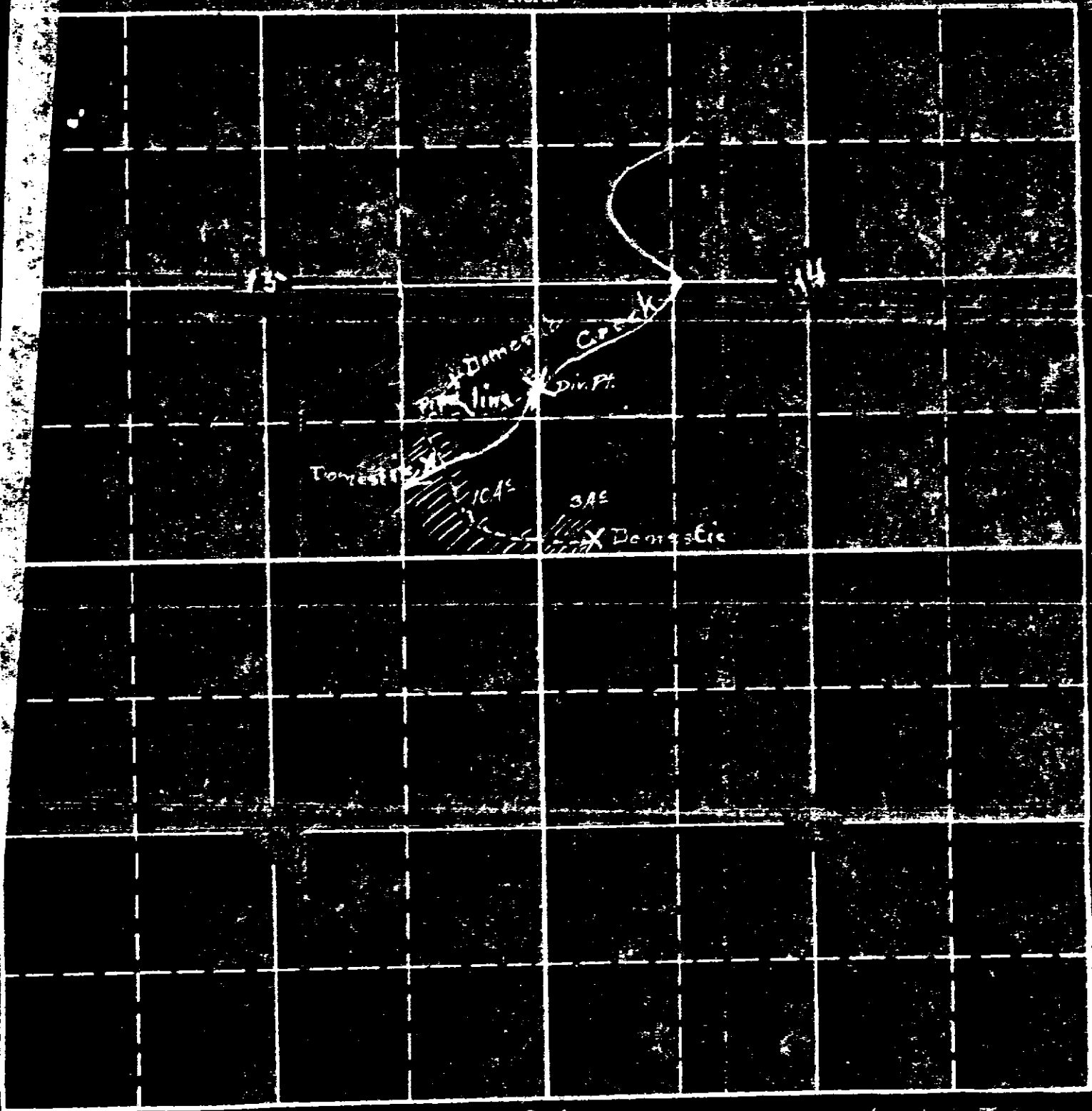
Recording fee paid

Receipt No.

14

TOWNSHIP 41S, RANGE 13W, W. M.

North



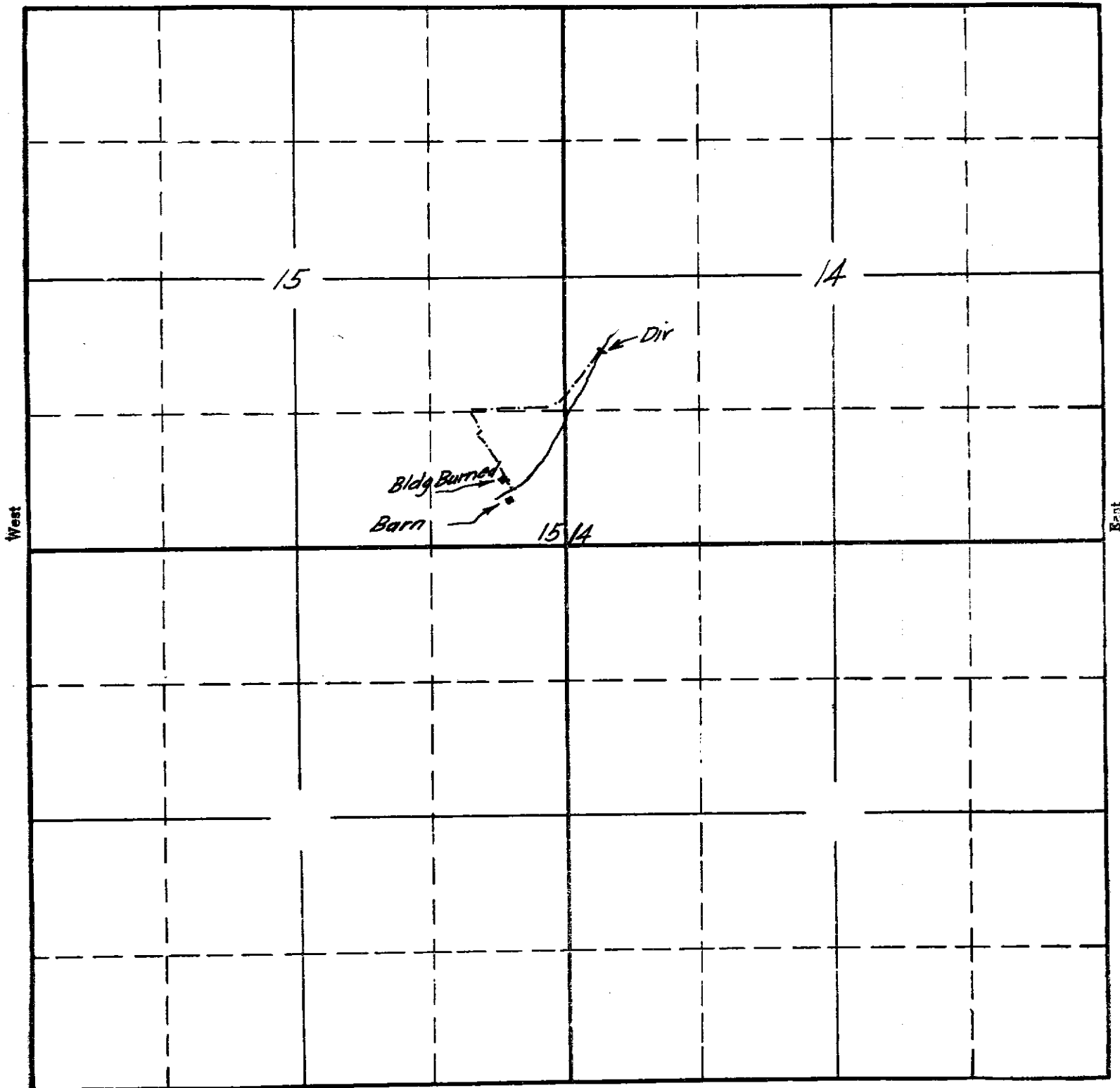
South

15-2A-1
APPLICATION No. 16659
PERMIT No. 12430

SECTION

TOWNSHIP 41S, RANGE 13W, W. M.

North



West

East

South

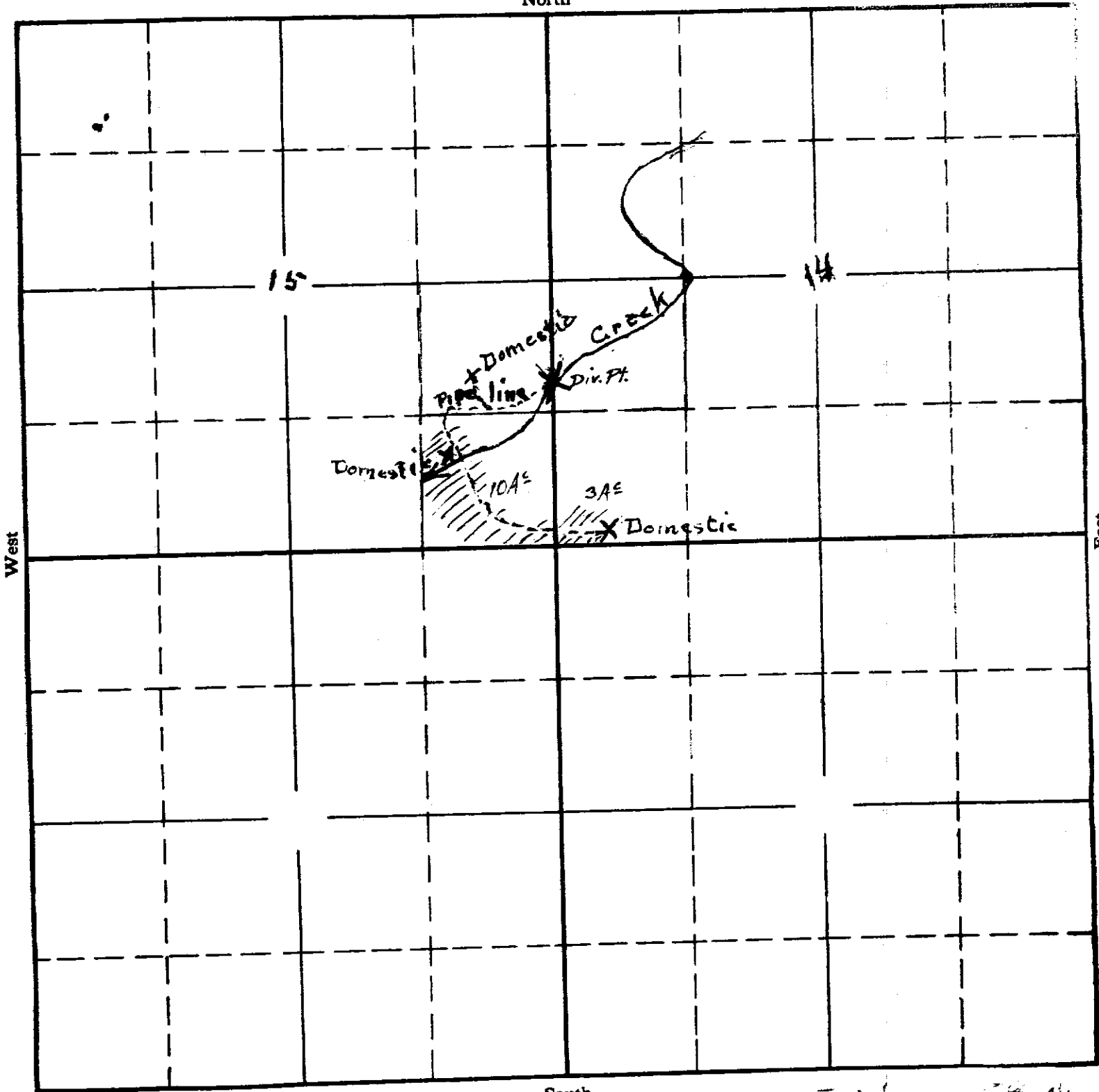
Surveyed June 12, 1941
C.A.B.

APPLICATION No. 16659
PERMIT No. 2430

SECTION 14

TOWNSHIP 41S, RANGE 18W, W. M.

North



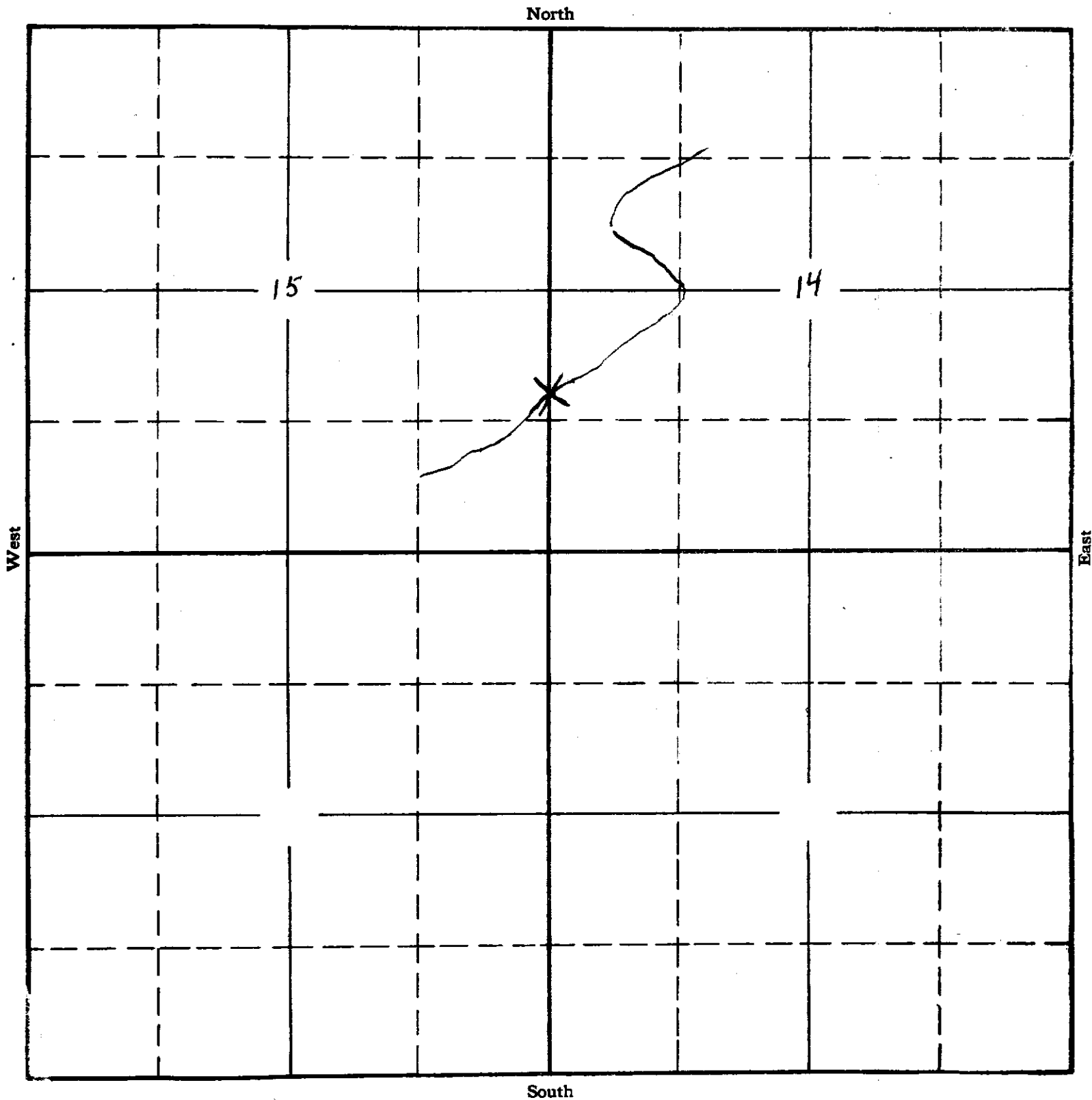
South

15-24-18-04-04
APPLICATION No. 16659
PERMIT No. 12430

SECTION 14

duplicate

TOWNSHIP 41, RANGE 13W, W. M.



APPLICATION No.

PERMIT No.

RECEIVED
JUL 15 1964
STATE ENGINEER
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Curry)

We, Edward W. Freeman and Carol L. Freeman, being first duly sworn, depose and say that we have abandoned any and all interest in and to the right conveyed to us by Victor Pomerlo for appropriation of water from an unnamed creek, presently called McVay Creek, for domestic purposes which right is evidenced by the certificate of water right recorded at page 14129, State Record of Water Rights Certificates, in the name of W. L. McVay, and request the same to be canceled.

IN WITNESS WHEREOF, we have hereunto set our hands this 9th.....
day of July....., 1964.

Edward W. Freeman.....
Carol L. Freeman.....

Subscribed and sworn to before me this 9th day of July 1964.

Notary Public for Oregon

My commission expires:

MY COMMISSION EXPIRES SEPT. 4, 1965
.....

BEFORE THE STATE ENGINEER OF OREGON

Curry County

IN THE MATTER OF THE CANCELATION)
OF A PART OF A WATER RIGHT IN THE)
NAME OF W. L. MCVAY)

O R D E R

On June 12, 1964, Victor Pomerlo submitted an affidavit that he is the owner of a portion of a certain water right and of the lands to which the water right is appurtenant and releasing said right to Edward W. Freeman and Carol L. Freeman. Subsequently, on July 15, 1964, Edward W. and Carol L. Freeman, owners of the remainder of the lands to which the subject water right is appurtenant, submitted an affidavit that they have abandoned any and all interest in and to the water right conveyed to them by Victor Pomerlo and request the same be canceled.

The water right in question is a part of that confirmed by certificate of water right recorded at page 14129, Volume 12, State Record of Water Right Certificates, and is for the use of 0.01 cubic foot per second of the waters of an unnamed stream for domestic and stock water purposes in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 41 South, Range 13 West, W.M., with a date of priority of November 2, 1936.

That part of the water right confirmed by said certificate for the use of 0.01 cubic foot per second of the waters of an unnamed stream for stock use in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 41 South, Range 13 West, W.M., with a date of priority of November 2, 1936, is not in question. The Freemans have filed an application for a change in point of diversion of water under the right 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 cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the right to the use of 0.01 cubic foot per second of the waters of an unnamed stream, with a date of priority of November 2, 1936, for domestic and stock water purposes in

the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 41 South,
Range 13 West, W.M., is canceled.

Dated at Salem, Oregon, this 19th day of November, 1966.

/s/ CHRIS L. WHEELER
State Engineer