

Filed May 14, 53

1 APPLICATION FOR CHANGE OF USE OF WATER FROM
2 DIRECT FLOW TO STORAGE AND LATER USE
3 TO THE STATE ENGINEER OF THE STATE OF OREGON:

4 We, the undersigned, landowners of Harney County,
5 Oregon do hereby make application for a permit to change the meth-
6 od of use of water of irrigation purposes from direct flow to
7 storage and later use, and to support that application, submit
8 the following information.

9 1. The present source of supply is Cottonwood Creek,
10 a tributary of the Middle Fork of the Malheur River.

11 2. The water is to be applied to irrigation.

12 3. All of the undersigned landowners and their
13 predecessors in interest obtained water for the irrigation of their
14 lands hereinafter described from a common source, to-wit: Cotton-
15 wood Creek and the names of the respective ditches by which the
16 respective tracts of lands are irrigated is hereinafter set forth
17 after each respective description.

18 4. Each of the undersigned landowners promise to
19 store their water in a common reservoir to be built on Cottonwood
20 Creek, at a point above all of the lands of the applicants, and
21 to be built to plans and specifications approved by the State En-
22 gineer of the State of Oregon.

23 5. The water to be stored under this permit and
24 used on the lands of the undersigned land owners, is such amount
25 of water only as have heretofore been decreed as appurtenant to
26 said lands by the decree of the Circuit Court of the State of Ore-
27 gon for the Ninth Judicial Circuit for Harney and Malheur Counties,
28 in that certain proceeding entitled "In the Matter of the Determin-
29 ation of the Relative Rights to the Use of the Waters of Malheur
30 River and its Tributaries."

31 6. The applicants and the description of the lands
32 to be irrigated with the names of the respective ditches and the
priorities of their rights to the use of said water is as follows:

1 Altnow, Albert: 165 acres in Section 4,
Township 20, S., Range 36 E.W.M.

2 From Altnow Ditch.

3 18 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$

4 37 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$

5 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

6 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$

7 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$

8 35 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$

9 Priority of March 13, 1885.

10 Drinkwater, Castolia: 93.5 acres in Section
31, 74.5 acres in Section 32, Township
20, S.R., 36 E.W.M.

11 From Duncan Ditch.

12 12 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 31

13 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 31

14 12.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 32

15 25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 32

16 37 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 32

17 Priority of 1884

18 Hatt & Edmunson: 400 acres

19 Otis Ranch east and west side ditch

20 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$

21 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$

22 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

23 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$

24 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

25 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$

26 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

27 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$

28 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

29 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$

30 All in Sec. 5, Twp. 20 S.R. 36 E.W.M.

31 Priority of 1884

32 Stallard, C. H.: 77 acres

Cottonwood Ditch

8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$

22 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$

25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28

22 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Twp. 19,

S.R. 36 E.W.M.

33 Priority of 1902

34 Williams, Lee: 326 acres

Stewart and Duncan Ditches

6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$

40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$

40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$

10 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

26 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

35 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$

30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$

35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30

10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$

30 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$

3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$

30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19

All in Township 20 S.R. 36 E.W.M.

35 Priority of 1884

1 Stallard, E. N.: 35 acres
2 L. W. Stallard Ditch
3 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
4 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
5 All in Section 17, Twp. 20, S.R. 36
6 E.W.M.
7 Priority of 1897

8 Robertson, Mrs. W. A.: 345 acres
9 Robertson and Kingsberry Ditch
10 38 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
11 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
12 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
13 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
14 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
15 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
16 Section 32
17 30 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
18 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
19 19 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
20 Section 35
21 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
22 33 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
23 Section 30
24 All in Township 19 S.R. 36 E.W.M.
25 Priority of 1885

26 Williams, D. W. and Irene: 167 acres
27 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
28 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
29 35 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
30 37 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
31 Section 8
32 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
33 Section 17
34 All in Township 20 S.R. 36 E.W.M.
35 Priority of 1884

36 Masterson, G. A.: 85 acres
37 35 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
38 16 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
39 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
40 Section 8
41 16 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
42 3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
43 Section 8
44 All in Township 20 South, Range 36
45 E.W.M.
46 Priority of 1886

47 The purpose of this application is to permit the
48 storage of the amount of water heretofore decreed to the above
49 described lands for use during the normal irrigation season in
50 the same amount, and at the same ratio of flow as that fixed in
51 the decree above mentioned and described.

52 This storage is necessary to enable each of said
land owners to obtain a higher beneficial use of the water decreed
to the respective tracts of land hereinabove described.

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Respectfully submitted,

Leo Williams

Castolia Drinkwater

Chester H. Stallard

D. W. & Irene Williams by D.W. Williams

A. H. Altnow & Son by Jas. W. Altnow

Mrs. W. A. Robertson

E. N. Stallard

G. A. Masterson

Harvey Hatt & Everett Edmunson

by *[Signature]*
Attorneys for the Petitioners

STATE OF OREGON)
) ss
County of Malheur)

I, P. J. Gallagher, being duly sworn, say: That I am one of the attorneys for the Petitioners above named, that I have read the foregoing Petition, know the contents thereof, and that the same is true. That I make this verification for the reason that none of the Petitioners are now within Malheur County, Oregon where affiant has his office.

[Signature]

Subscribed and sworn to before me this 13th day of May, 1953.

[Signature]
Notary Public for Oregon

My Com. Expires March 1, 1954

STATE OF OREGON,)
)ss.
County of Marion.)

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of the application for the approval of a change in method of use of water from Cottonwood Creek from direct flow to storage and later use for irrigation, filed by Lee Williams, Castolia Drinkwater, Chester H. Stallard, D. W. & Irene Williams, A. H. Altnow & Son, Mrs. W. A. Robertson, E. N. Stallard, G. A. Masterson, and Harvey Hatt & Everett Edmunsen, has been compared with the original and that it is a correct transcript therefrom and of the whole of such original application as the same appears on file in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February 1954.


CHAS. E. STRICKLIN
State Engineer

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

RECEIVED
AUG 5 1953
STATE ENGINEER
SALEM, OREGON

1
2
3 In the Matter of the Application of)
Lee Williams, Castolia Drinkwater,)
4 Chester H. Stallard, D. W. & Irene)
Williams, A. H. Altnow & Son, Mrs.)
5 W. A. Robertson, E. N. Stallard,)
G. A. Masterson, and Harvey Hatt &)
6 Everett Edmunson for Permit to)
7 Change the Method of Use of Water)
from Direct Flow to Storage,)
8)
9 Applicants,)
10 and)
11 Warm Springs Irrigation District, a)
quasi-municipal corporation, and)
12 Vale Oregon Irrigation District,)
a quasi-municipal corporation,)
13)
14 Objectors.)

OBJECTIONS TO APPLICATION

15 Come now the Warm Springs Irrigation District and the Vale Oregon
16 Irrigation District and respectfully represent:

17 1. The Warm Springs Irrigation District is a quasi-municipal
18 corporation organized and existing under and by virtue of the laws of the
19 State of Oregon; the Vale Oregon Irrigation District is a quasi-municipal
20 corporation organized and existing under and by virtue of the laws of the
21 State of Oregon.

22 2. The business of the Warm Springs Irrigation District is to
23 conserve, gather and impound water and to supply and deliver the same
24 for irrigation purposes to about Eighteen Thousand (18,000) acres of land
25 within its boundaries from its storage supply and direct flow water right in
26 and out of the Malheur River and its tributaries and the Middle Fork of the
27 Malheur River and its tributaries; the business of the Vale Oregon Irrigation
28 District is to conserve, gather and impound water and to supply and deliver
29 the same for irrigation purposes to about Thirty-two Thousand (32,000)
30
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32

1 acres of land within its boundaries from its storage and direct flow water
2 right in and out of the North Fork of the Malheur River and its tributaries
3 and the Middle Fork of the Malheur River and its tributaries.
4

5 3. The two said districts are the owners and operators of an
6 impounding dam and reservoir in the Middle Fork of the Malheur River
7 near Riverside in Malheur County, Oregon, which has a storage capacity
8 of approximately One Hundred Ninety Thousand (190,000) acre feet, and
9 are the owners of the right to store all of the flood flow, all of the excess waters
10 and all of the direct diversion right of the Warm Springs Irrigation District
11 of said Middle Fork in said reservoir to the amount of One Hundred Ninety
12 Thousand (190,000) acre feet.
13

14 4. That in addition to the reservoir right, the Objectors are interested
15 in and the Warm Springs Irrigation District is the owner of certain irrigation
16 ditches and canals for direct appropriation out of the Malheur River,
17 among which are those known as the Gellerman-Froman, the Mill Ditch,
18 Malheur Farmers, and the Nevada Ditch Company, all of which rights and
19 priority dates are shown in the decree in the matter of the determination of
20 relative rights of the various claimants to the use of the waters of the Malheur
21 River and its tributaries, except Willow Creek and Cottonwood Creek, a
22 tributary of the Snake River, and to which decree reference is made; that
23 under said decree the right of the Objector, Warm Springs Irrigation District,
24 to direct flow appropriation has been confirmed; and that the right of both
25 Objectors in the Riverside Reservoir and the right to impound water therein
26 will be affected by a permit granting the application of the Applicants above
27 named.
28
29

30 5. That Cottonwood Creek is a tributary of the Middle Fork
31 of the Malheur River and that Otis Creek is a tributary of the Middle Fork
32 of the Malheur River, both of which have their confluence with the Middle Fork
above the reservoir operated by the Objectors.

1 6. That the Applicants claim rights for direct appropriation
2 from Cottonwood and Otis Creeks, with dates of priority from 1884 to 1902,
3 all of which rights are subsequent to the right of Objectors under the Nevada
4 Ditch; that the theory of the use and the right to the use of water of direct
5 appropriation and under the laws of the State of Oregon, is that such right
6 may be used only when beneficially applied to the land and that when said waters
7 are not so used, they must be permitted to remain in the stream to flow down
8
9 for the benefit and use of other users in the priority established; that to
10 permit the Applicants to store direct flow waters at a time when said waters
11 were not being applied to the lands of the Applicants, would authorize
12 Applicants the use of waters to which the Objectors would be entitled.

13
14 Based upon the foregoing; the said Districts object to the
15 allowance of said application for the following reasons:

16 1. That the Water Code of the State of Oregon does not contemplate
17 the issuing of permits to change a use from direct flow to storage to the injury
18 of decreed and superior direct flow rights.

19 2. That under the Water Code which has been in existence
20 since 1909, water rights have been decreed to be property and beneficial
21 use, the measure of the right; that to permit the storage of a direct flow
22 right would constitute the taking of property without compensation; that
23 the granting of such right would induce and be the cause of vexatious
24 litigation.
25

26
27 WHEREFORE, Objectors pray that the application for such change
28 of manner of use be denied.

29 WARM SPRINGS IRRIGATION DISTRICT

30 By Walter C. White
Secretary

31 Lyle, Ketchum and Schmeckel
32 Attorneys for Objectors
Vale, Oregon

VALE OREGON IRRIGATION DISTRICT

By Thomas R. Richardson
Secretary

STATE OF OREGON,

County of Malheur } ss.

I, Walter C. White, being first duly sworn,

depose and say that I am the Secretary of the Warm Springs Irrigation District one of the Objectors

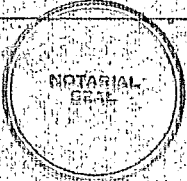
to the case entitled (and that the foregoing) Objections to Application is true, as I verily believe.

Walter C. White

Subscribed and sworn to before me this 12th day of August, 1953

Notary Public for Oregon

My Commission Expires June 16, 1957



STATE OF OREGON,

County of } ss.

I, one of the attorneys for

do hereby certify that I have prepared the foregoing copy and have carefully compared the same with the original and that it is a correct and true copy thereof and of the facts therein.

Given under my hand and seal of office this 10th day of August, 1953.

Attorney for

STATE OF OREGON,

County of } ss.

Due notice of the within is hereby accepted in

County this day

of 19, by receiving a copy thereof, duly certified to us such


by of Attorneys for

Attorney for

STATE OF OREGON,)
)ss.
County of Marion.)

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of the objections filed by the Warm Springs Irrigation District and Vale Oregon Irrigation District against the approval of the application of Lee Williams, Castolia Drinkwater, Chester H. Stallard, D. W. & Irene Williams, A. H. Altnow & Son, Mrs. W. A. Robertson, E. N. Stallard, G. A. Masterson, and Harvey Hatt & Everett Edmunson for Permit to Change the Method of Use of Water from Direct Flow to Storage, has been compared with the original and that it is a correct transcript therefrom and of the whole of such original Objections as the same appear on file in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February 1954.


CHAS. E. STRICKLIN
State Engineer

YEAR	1920 and 1921 Total Inflow Available	Acres Feet Short	Percent Short
1920	"	"	"
1921	"	"	"
1922	212,713*	37,287	15%
1923	108,805*	111,115	57%
1924	54,040*	195,960	78%
1925	106,630*	110,370	57%
1926	153,150*	96,850	38%
1927	112,200	137,100	55%
1928	322,100	None	None
1929	120,710	121,820	15%
1930	220,820	29,170	11%
1931	329,300	None	None
1932	254,900	None	None
1933	391,100	None	None
1934	115,730	131,270	53%
1935	229,050	20,950	8%
1936	258,800	None	None
1937	154,644	95,356	38%
1938	192,190	57,810	23%
1939	212,749	37,251	15%
1940	190,609	59,391	24%
1941	229,331	20,669	8%
1942	430,000	None	None
1943	251,000	None	None

* Gage 139 used before Agency was constructed
250,000 acre feet required to irrigate projects

Object is ex. A

WARMSPRINGS RESERVOIR

GAGE 2320 HISTORY

YEAR	ACRE FEET
1930	47,894
1931	15,100
1932	125,183
1933	74,305
1934	24,050
1935	62,510
1936	99,150
1937	59,820
1938	180,000
1939	79,700
1940	340,900
1941	205,900
1942	150,000
1943	259,500
1944	60,940
1945	115,000
1946	156,100
1947	89,554
1948	207,000
1949	123,729
1950	104,529
1951	116,311
1952	270,000 Est.
1953	150,000 Est.

Est: Estimated as Records not available

Objector's ex. B

Year	Water Stored
1920	No water stored
1921	No water stored
1922	No water stored
1923	No water stored
1924	No water stored
1925	No water stored
1926	5,000 (Est.)
1927	59,650
1928	129,300
1929	59,610
1930	79,920
1931	122,100
1932	101,100
1933	137,600
1934	54,750
1935	62,250
1936	102,100
1937	65,000 ^{66,490}
1938	85,190 ^{84,530}
1939	89,020
1950	86,080
1951	83,020
1952	160,000 Est. ^{140,280}
1953	101,000 Est.

Est. State Records not available

Objectors et. c

ACRES UNDER CULTIVATION

YEAR	VALE PROJECT	WARMSPRINGS DIST.
1930	1,412	7,000
1931	2,131	8,000
1932	4,915	9,000
1933	4,982	9,000
1934	6,413	9,000
1935	8,070	10,000
1936	11,404	11,000
1937	16,488	12,000
1938	20,791	13,000
1939	22,500	14,000
1940	24,240	15,000
1941	24,781	16,000
1942	28,041	17,000
1943	30,133	18,000
1944	30,666	18,000
1945	31,145	18,000
1946	31,715	18,000
1947	30,988	18,000
1948	31,550	18,000
1949	30,070	18,000
1950	31,150	18,000
1951	30,910	18,000
1952	31,630	18,000
1953	32,000	18,000

Vale Oregon Project acres from Crop Reports

Warsprings acres estimated

Object's ex. D

AGENCY RESERVOIR

GAGE 1351

YEAR	STORAGE AVAILABLE MAXIMUM	CARRY OVER FROM YEAR BEFORE
1936	31,600 acre feet.	No carry over
1937	41,140	11,600
1938	60,000	3,795
1939	60,000	<u>2,110</u>
1940	60,000	29,940
1941	60,000	29,000
1942	60,000	31,412
1943	60,000	22,395
1944	56,380	27,938
1945	60,000	30,472
1945	60,000	25,836
1947	60,000	22,042
1948	58,610	23,700
1949	58,519	22,850
1950	47,573	7,728
1951	54,245	No carry over
1952	60,000	2,410
1953	60,000	4,430

Objected to E

Carry over on hand

YEAR	STORAGE AVAILABLE MAXIMUM	FROM YEAR BEFORE CARRY OVER
1930	31,080 acre feet	No carry over
1931	34,000	No carry over
1932	129,920	No carry over
1933	132,600	62,640 acre feet
1934	83,580	64,200
1935	53,850	No carry over
1936	91,500	No carry over
1937	50,650	6,650
1938	191,000	No carry over
1939	187,000	127,500
1940	191,000	66,000
1941	191,000	69,220
1942	191,000	127,878
1943	191,000	97,330
1944	150,206	98,980
1945	153,700	26,000
1946	191,000	50,000
1947	145,300	80,225
1948	81,000	7,880
1949	99,310	1,100
1950	62,550	No carry over
1951	121,340	No carry over
1952	291,600	5,292
1953	191,000	89,360

Objectives & F

STATE ENGINEER'S EXHIBIT 1

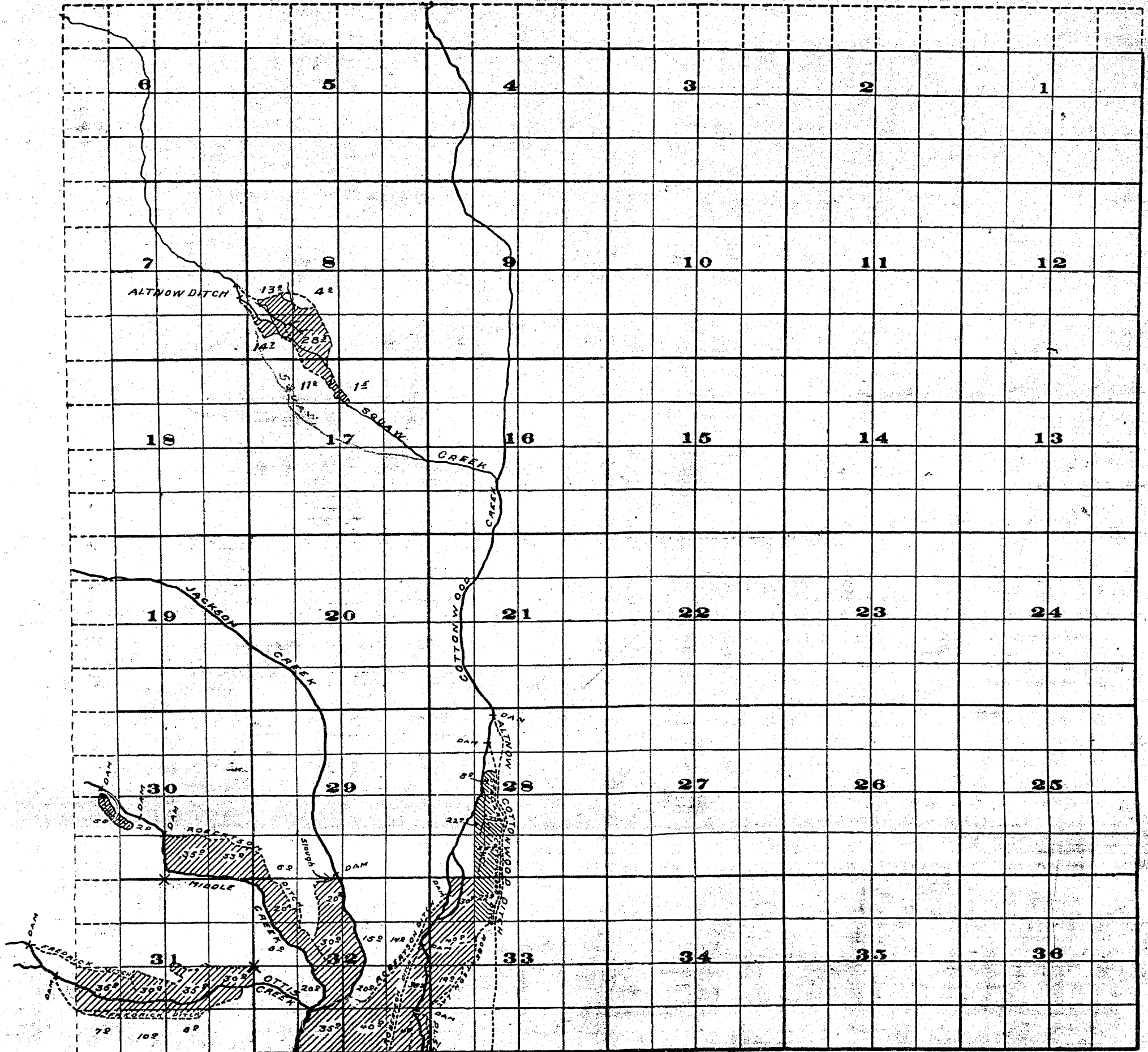
Showing the name, source, name of ditch, date of priority and description of lands as set forth in the court's decree, and the names of present owners of lands for which it is proposed to change the method of use of water.

Name in Application	Name in Decree	Date of Priority	Source	Name of Ditch	Description of lands or place of use
Albert Altnow	Albert Altnow	Mar. 13 1885	Cottonwood Creek	Robertson Altnow	18.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 20 S., R. 36 E., W.M.
Castolia Drinkwater	Clarence W. Drinkwater	1884	Otis Cr.	Duncan	12.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, 12.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 19 S., R. 36 E., W.M.
Hatt & Edmunson	Pacific Live-stock Co.	1884	Cottonwood Creek	Otis Ranch Eastside	20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 20 S., R. 36 E., W.M.
G. A. Masterson	Joe Robertson Estate	1886	Otis Cr.	Kingsbury No. 1	16.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 20 S., R. 36 E., W.M.
		1887	Cottonwood Creek	Kingsbury No. 2	16.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T. 20 S., R. 36 E., W.M.

<u>Name in Application</u>	<u>Name in Decree</u>	<u>Date of Priority</u>	<u>Source</u>	<u>Name of Ditch</u>	<u>Description of lands or place of use</u>
C. H. Stallard	E.N. Stallard	1902	Cottonwood Creek	Cottonwood	8.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 22.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, 22.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 19 S., R. 36 E., W.M.
E.N. Stallard	L.N. Stallard	1887	Otis Cr.	L.N. Stallard	15.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T. 20 S., R. 36 E., W.M.
Mrs. W. A. Robertson	W.A. Robertson Estate	Mar 13 1885	Cottonwood Creek	Robertson- Altnow	5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 19 S., R. 36 E., W.M.
Mrs. W. A. Robertson	Jos. Robertson Estate	April 1885	Cottonwood Creek	Robertson- Cottonwood No. 1	5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 19 S., R. 36 E., W.M.
		1885	Cottonwood Creek	Robertson- Cottonwood No. 2	18.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T. 19 S., R. 36 E., W.M.
		1888	Middle Creek	Robertson	35.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 19 S., R. 36 E., W.M.
D. W. & Irene Williams	L.N. Stallard	1887	Otis Creek	L.N. Stallard	40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, 15.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T. 20 S., R. 36 E., W.M.

Name in Application	Name in Decree	Date of Priority	Source	Name of Ditch	Description of lands or place of use
Lee Williams	S.S.Williams	1884	Otis Creek	Stewart	10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
					25.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
					3.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
					7.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
					8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
					13.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
					Section 19,
					6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
					Section 30,
					T. 20 S., R. 36 E., W.M.
				Duncan	5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
					16.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
					17.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
					Section 19,
					40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ **
					40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
					10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
					26.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
					35.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
					30.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
					35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
					Section 30,
					T. 20 S., R. 36 E., W.M.

** Note: Described in application as being within NE $\frac{1}{4}$ NE $\frac{1}{4}$ in error




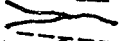


FROM OFFICE OF THE STATE ENGINEER, MALHEUR, OREGON

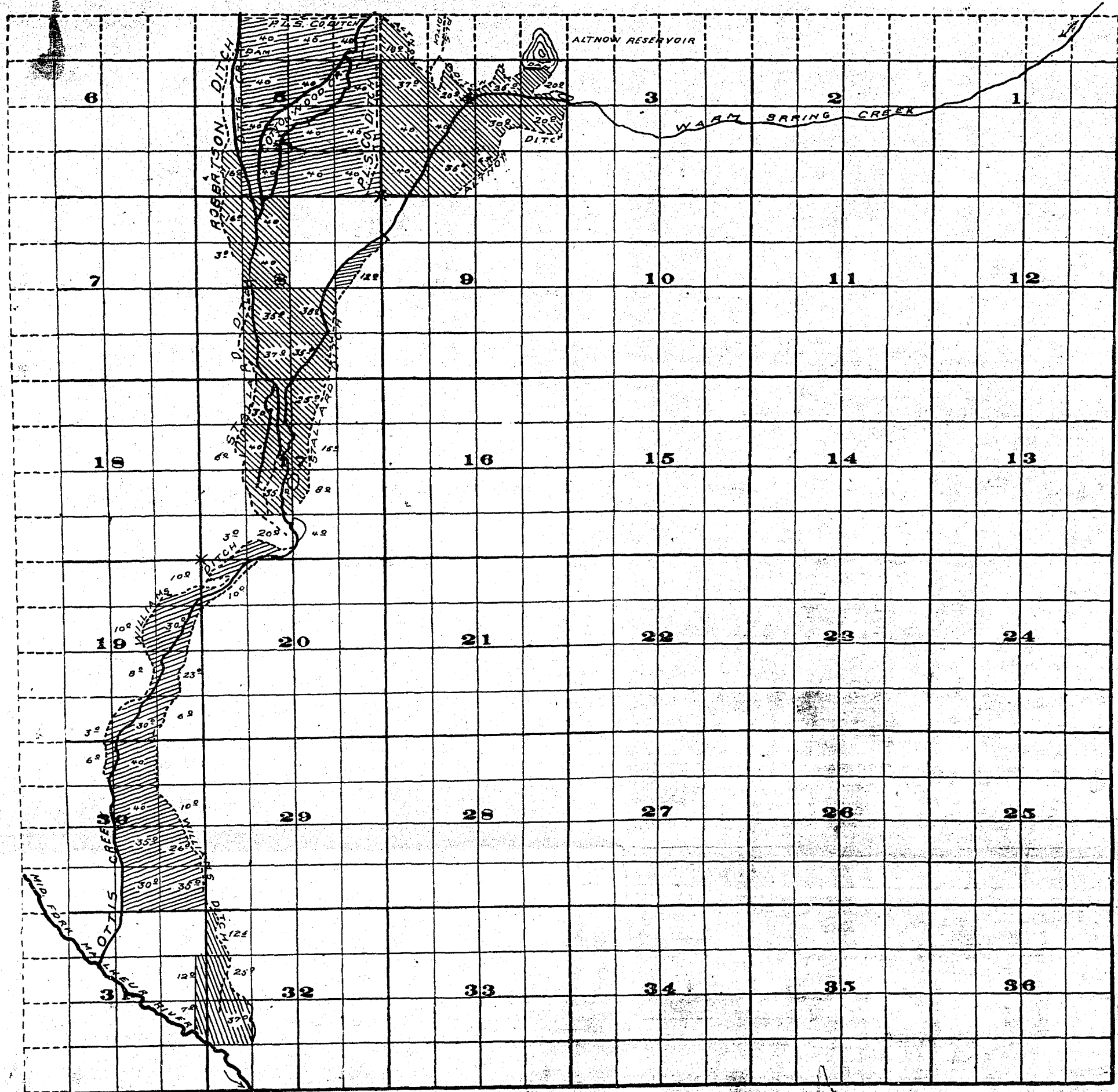
Scale of Feet.

Survey May, 1913.

Adjudication Survey
Malheur River
and
Tributaries

— LEGEND —





-  Irrigated land with area
-  Streams.
-  Ditches.
-  Located corners.



FROM OFFICE OF THE STATE ENGINEER, MALHEUR, OREGON

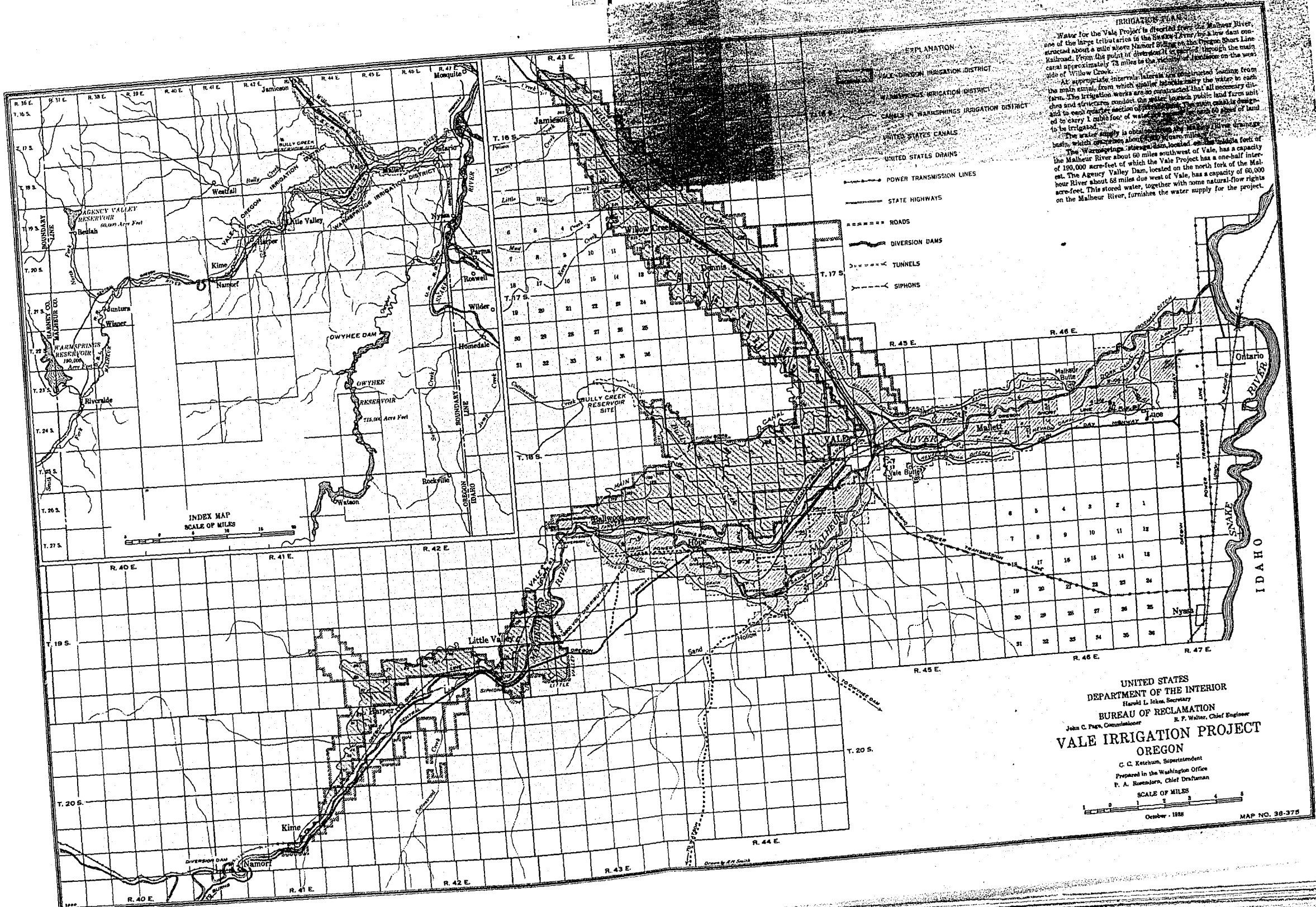
Scale of Feet

— LEGEND —

-  Irrigated land with area
-  Streams.
-  Ditches.
-  Located corners.

Survey May, 1913.

Adjudication Survey
Malheur River
and
Tributaries



IRRIGATION PLAN

Water for the Vale Project is diverted from the Malheur River one of the large tributaries to the Snake River by a low dam constructed about a mile above Namoff Station on the Oregon Short Line Railroad. From the point of diversion it is carried through the main canal approximately 7 1/2 miles to the vicinity of Little Valley on the west side of Willow Creek.

At appropriate intervals lateral canals constructed leading from the main canal, from which smaller laterals carry the water to each farm. The irrigation works are so constructed that all necessary ditches and structures conduct the water to each public land farm unit and to each private section of irrigable land. The main canal is designed to carry 1 cubic foot of water per second for each 50 acres of land to be irrigated.

The water supply is obtained from the Malheur River drainage basin, which extends about 100 square miles.

The Wapinitia storage dam, located on the middle fork of the Malheur River about 60 miles southwest of Vale, has a capacity of 190,000 acre-feet of which the Vale Project has a one-half interest. The Agency Valley Dam, located on the north fork of the Malheur River about 58 miles due west of Vale, has a capacity of 60,000 acre-feet. This stored water, together with some natural-flow rights on the Malheur River, furnishes the water supply for the project.

- EXPLANATION**
- MAJOR IRRIGATION DISTRICT
 - WAPINITIA IRRIGATION DISTRICT
 - CANALS IN WAPINITIA IRRIGATION DISTRICT
 - UNITED STATES CANALS
 - UNITED STATES DRAINS
 - POWER TRANSMISSION LINES
 - STATE HIGHWAYS
 - ROADS
 - DIVERSION DAMS
 - TUNNELS
 - SIPHONS

INDEX MAP
SCALE OF MILES

UNITED STATES
DEPARTMENT OF THE INTERIOR
Harold L. Jones, Secretary
BUREAU OF RECLAMATION
John C. Pace, Commissioner R. F. Walter, Chief Engineer
VALE IRRIGATION PROJECT
OREGON
C. C. Ketchum, Superintendent
Prepared in the Washington Office
P. A. Rosendor, Chief Draftsman
SCALE OF MILES
October - 1928
MAP NO. 38-375

STATE ENGINEER'S EXHIBIT 5

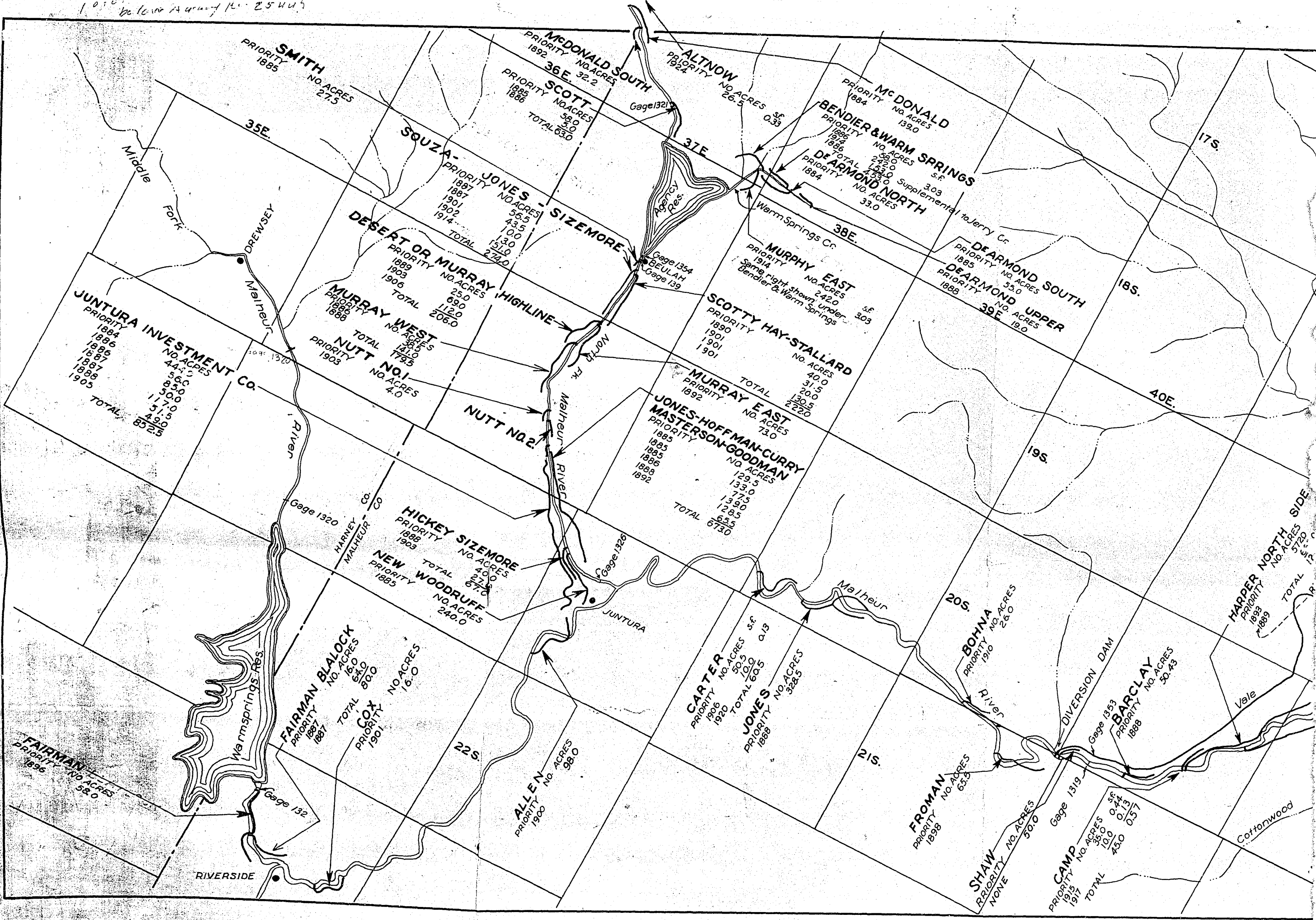
Showing: The flow of water in Middle Fork of Malheur River at Station above Warm Springs Reservoir (Station 1320) and the flow of water in North Fork of Malheur River (Station 1321), in acre feet, for the period beginning April 1st and ending September 30th, for the years 1930 to and including 1952.

Year April 1st thru Sept. 30th	Middle Fork Malheur River Station 1320	North Fork Malheur River Station 1321	Sum of Middle Fork & North Fork Malheur River
1930	10,184	8,425	18,609
1931	16,892	16,170	33,062
1932	74,213	56,700	130,913
1933	57,964	52,420	110,384
1934	4,278	9,933	14,211
1935	38,493	28,130	66,623
1936	59,024	35,170	94,194
1937	38,476	35,590	74,066
1938	112,548	85,340	197,888
1939	31,886	28,100	59,986
1940	55,233	45,220	100,453
1941	86,258	74,340	160,598
1942	100,202	73,090	173,292
1943	144,270	92,990	237,260
1944	27,188	31,260	58,448
1945	80,363	55,750	136,113
1946	83,557	70,590	154,147
1947	34,054	35,990	70,044
1948	73,965	63,130	137,095
1949	68,539	58,190	126,729
1950	63,399	59,750	123,149
1951	70,271	53,380	123,651
1952	192,195	104,840	297,035

STATE ENGINEER'S EXHIBIT 4

Showing: Records of the flow of water in Middle Fork of Malheur River, North Fork of Malheur River below the Warm Springs and Agency Reservoirs, and the flow of water at Namorf, together with the quantity carried in the Vale Oregon Canal, in acre feet, for the year 1951 during the months of April to September, inclusive.

(1) Months	(2) Station 132 Below Warm Springs Reservoir	(3) Station 139 Below Agency Reservoir	(4) Summary of Columns 2 & 3	(5) Station 1319 Namorf	(6) Station 1353 Vale - Oregon Canal	(7) Summary of Columns 5 & 6
April	14,220	9,280	23,500	9,470	10,870	20,340
May	23,420	14,420	37,840	9,900	27,670	37,570
June	19,750	20,920	40,670	10,300	29,550	39,850
July	27,770	18,320	46,090	12,450	34,970	47,420
Aug.	26,330	12,470	38,800	7,370	31,350	38,720
Sept.	20,170	9,390	29,560	4,450	25,550	30,000
	131,660	84,800	216,460	53,940	159,960	213,900



SMITH
PRIORITY 1885
NO. ACRES 27.5

MCDONALD SOUTH
PRIORITY 1892
NO. ACRES 32.2

ALTNOW
PRIORITY 1924
NO. ACRES 26.5

MCDONALD
PRIORITY 1884
NO. ACRES 139.0

SCOTT
PRIORITY 1885
1886
NO. ACRES 58.0
TOTAL 630

BENDIER & WARM SPRINGS
PRIORITY 1886
1886
NO. ACRES 36.0
TOTAL 453.0
Supplemental to Jerry Cr

JONES
PRIORITY 1887
1887
1901
1902
1914
NO. ACRES 56.5
43.5
13.0
15.0
TOTAL 274.0

MURPHY EAST
PRIORITY 1914
NO. ACRES 242.0
Same right shown under Bendier & Warm Springs

DEARMOND SOUTH
PRIORITY 1885
NO. ACRES 35.0

DESERT OR MURRAY
PRIORITY 1889
1903
1905
NO. ACRES 250
690
112.0
TOTAL 206.0

SCOTTY HAY-STALLARD
PRIORITY 1890
1901
1901
NO. ACRES 40.0
31.5
20.0
TOTAL 130.5
2220

JUNTURA INVESTMENT CO.
PRIORITY 1884
1886
1886
1887
1888
1905
NO. ACRES 44.1
56.0
850.0
117.0
49.0
TOTAL 852.5

MURRAY WEST
PRIORITY 1886
1888
NO. ACRES 38.0
14.0
TOTAL 179.5

NUTT NO.1
PRIORITY 1903
NO. ACRES 4.0

MURRAY EAST
PRIORITY 1892
NO. ACRES 73.0

JONES-HOFFMAN-CURRY
PRIORITY 1885
1885
1885
1886
1888
1892
NO. ACRES 129.5
77.5
13.90
128.5
65.5
TOTAL 673.0

NUTT NO.2

HICKEY SIZEMORE
PRIORITY 1888
1909
NO. ACRES 40.0
27.0
TOTAL 67.0

NEW WOODRUFF
PRIORITY 1885
NO. ACRES 240.0

FAIRMAN BLALOCK
PRIORITY 1887
1887
NO. ACRES 15.0
84.0
89.0
TOTAL 16.0

COX
PRIORITY 1901
NO. ACRES 16.0

ALLEN
PRIORITY 1908
NO. ACRES 98.0

CARTER
PRIORITY 1906
1920
NO. ACRES 50.5
70.0
TOTAL 60.5

JONES
PRIORITY 1888
NO. ACRES 328.5

BOHNA
PRIORITY 1910
NO. ACRES 29.0

BARCLAY
PRIORITY 1888
NO. ACRES 30.43

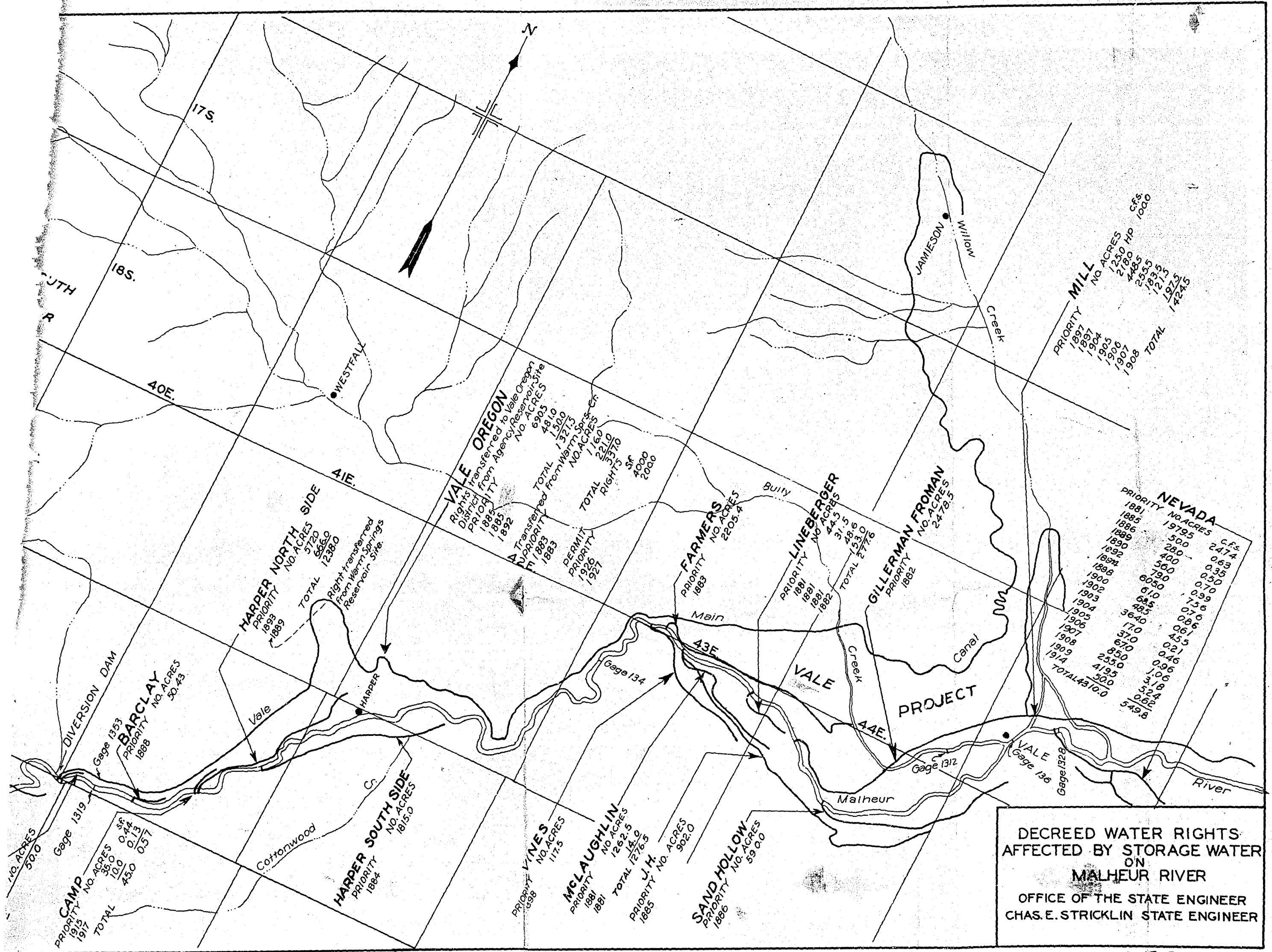
FROMAN
PRIORITY 1898
NO. ACRES 63.3

SHAW
PRIORITY NONE
NO. ACRES 50.0

CAMP
PRIORITY 1915
1917
NO. ACRES 35.0
10.0
TOTAL 45.0

HARPER NORTH SIDE
PRIORITY 1899
1889
NO. ACRES 572.0
TOTAL 12.0

1010 Be to no 4 of no 25 44 5



PRIORITY	NO. ACRES	CFs
1897	2500	1000
1897	2180	HP
1904	2485	
1906	2535	
1907	1835	
1908	1215	
TOTAL	14245	

PRIORITY	NO. ACRES	SF
1883	4810	
1883	1300	
1883	13215	
TOTAL	6905	4000
RIGHTS	160	2000
TOTAL RIGHTS	3370	

PRIORITY	NO. ACRES
1889	5720
1889	6660
TOTAL	12380

PRIORITY	NO. ACRES
1883	445
1881	31.5
1881	48.6
1882	153.0
TOTAL	277.6

PRIORITY	NO. ACRES
1882	2478.5

PRIORITY	NO. ACRES	C.Fs
1881	500	2.174
1885	500	0.63
1886	280	0.35
1889	400	0.70
1890	560	0.50
1892	790	0.70
1894	6050	0.99
1898	615	1.736
1900	3640	0.66
1902	170	0.55
1904	370	0.46
1905	850	0.96
1906	255.0	3.18
1907	500	0.62
1908	4195	5.498
1914	500	
TOTAL	4100	

PRIORITY	NO. ACRES	SF
1915	36.0	0.44
1917	10.0	0.13
TOTAL	45.0	0.57

PRIORITY	NO. ACRES
1884	1815.0

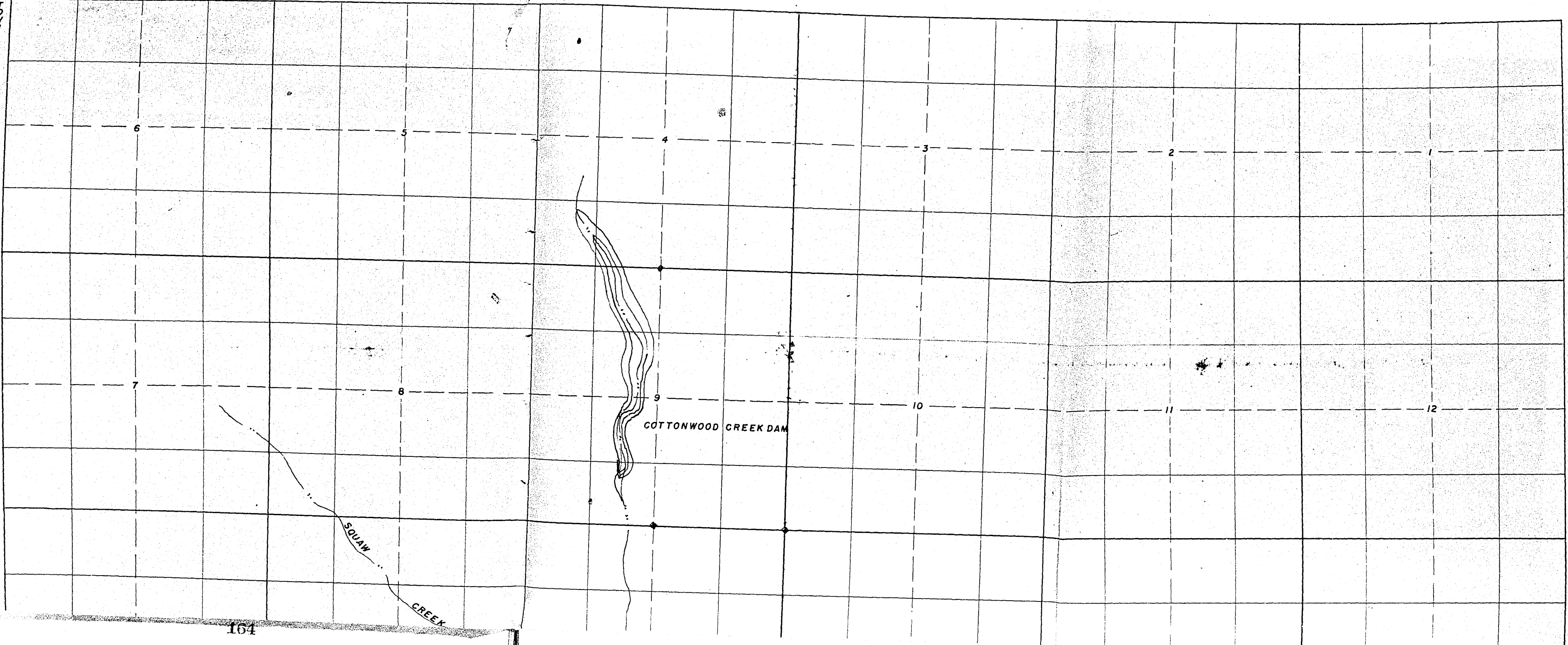
PRIORITY	NO. ACRES
1881	117.5

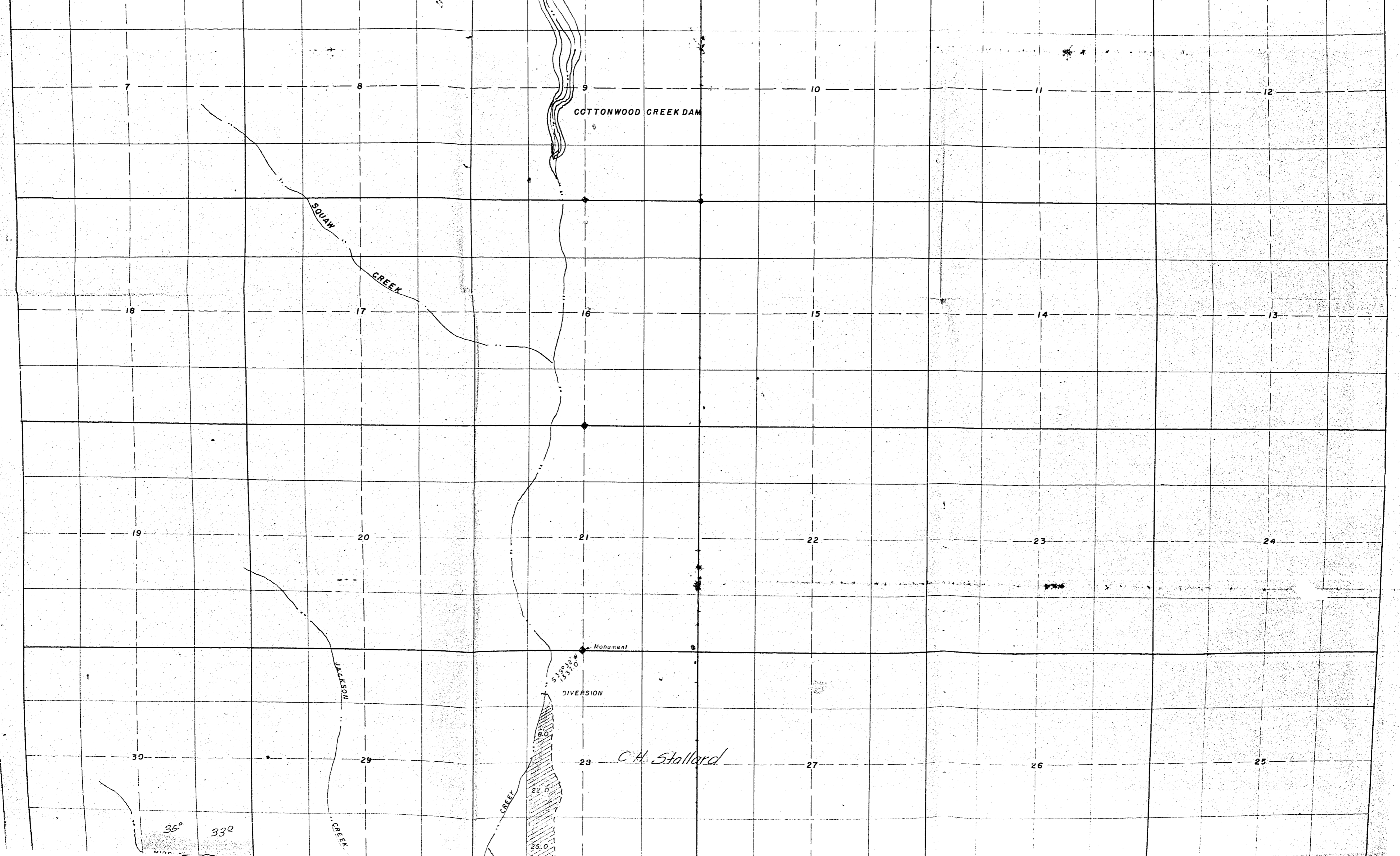
PRIORITY	NO. ACRES
1881	1262.5
1885	14.0
TOTAL	1276.5

PRIORITY	NO. ACRES
1886	902.0

PRIORITY	NO. ACRES
1886	590.0

DECEED WATER RIGHTS
AFFECTED BY STORAGE WATER
ON
MALHEUR RIVER
OFFICE OF THE STATE ENGINEER
CHAS. E. STRICKLIN STATE ENGINEER





COTTONWOOD CREEK DAM

SQUAW
CREEK

JACKSON
CREEK

Monument

DIVERSION

C. H. Stallard

35°
33°

8.0

22.0

25.0

CREEK

TOWNSHIP
20
S

Hatt and Edmunson

A. H. and Joseph W
Altnow

G.A. Masterson

D.W. and Irene
Williams

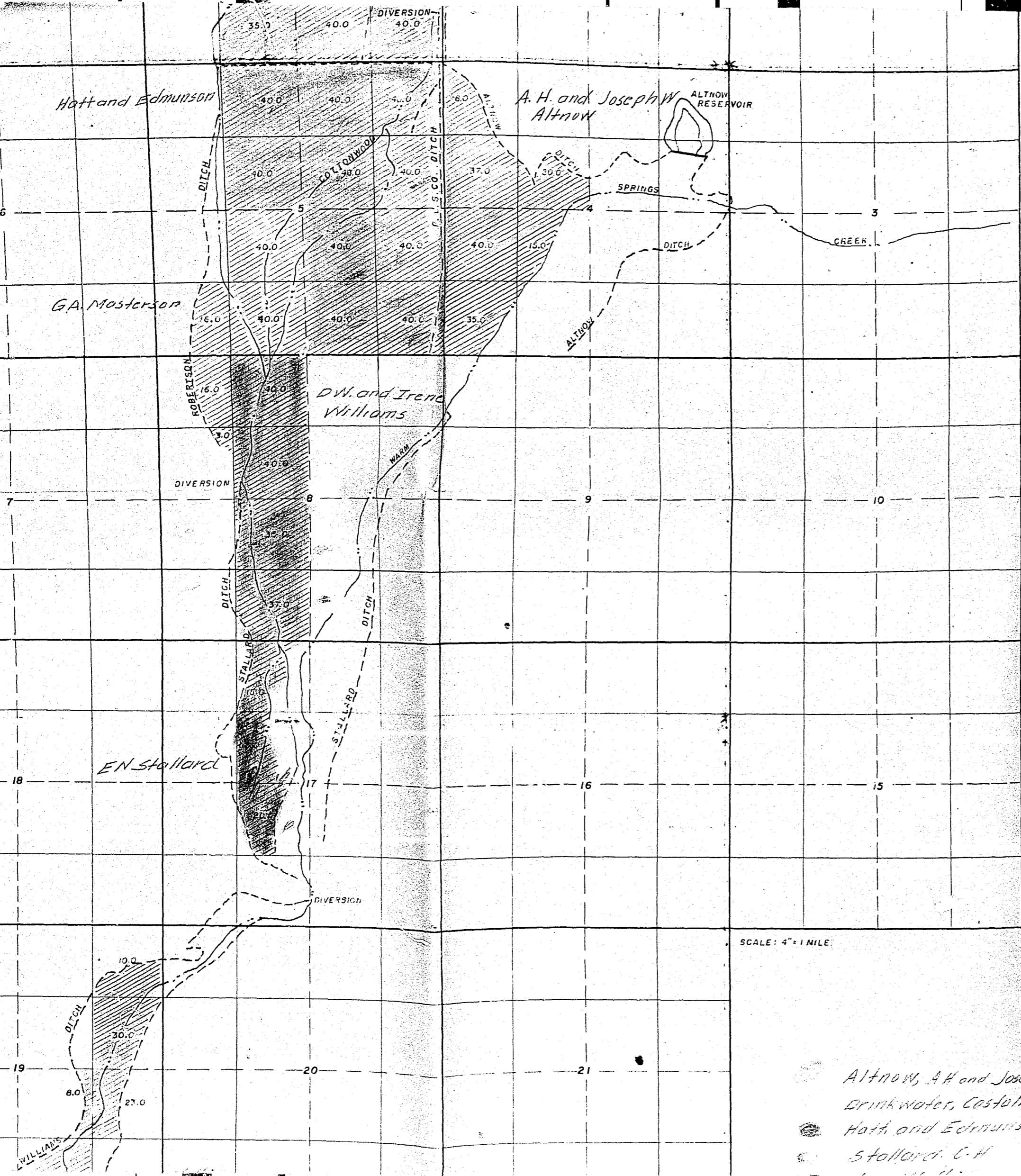
E.N. Stallard

19

20

21

WILLIAMS



MAP
TO ACCOMPANY APPLICATION FOR A
PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF OREGON

OTIS VALLEY IRRIGATION COMPANY, INC. APPLICANT

I, Paul R. Revis of Burns, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me between April 5 and June 15, 1950, and from the records and maps of the adjudication survey of Malheur River and Tributaries; that the monument shown on this map consisting of a 1" iron pipe is at the N 1/4 Corner of Section 28, Township 19 South, Range 36 East W.M.

Oregon Certificate No. 2511

Paul R. Revis
Registered Professional Engineer

SCALE: 4" = 1 MILE

- Altnow, A.H. and Joseph W.
Drinking water, Castalia
- Hatt and Edmunson
- Stallard, E.N.



SCALE: 4" = 1 MILE.

- Altnow, A.H. and Joseph W.
- Drinkwater, Castalia
- Holt and Edmunson
- Stollard, C.H.
- Lee Williams
- E.N. Stollard
- Mrs. W.A. Robertson
- D.W. and Irene Williams
- G.A. Masterson

