

WATERMASTER DISTRICT NO. 4
COUNTY COURTHOUSE
CANYON CITY 97820
TEL. 210



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

REFER TO
FILE NO. _____

March 25, 1966

RECEIVED
MAR 29 1966
STATE ENGINEER
SALEM OREGON

Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon

Atten: Mr. Walter N. Perry, Assistant

Gentlemen:

Mr. Clyde Laughlin would like to know if he has water rights on his property. Mr. Laughlin's property is a lot located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 6, T.13S. R.27E. Permit No. 5763, Application No. 8817 possibly covers this area. I would like for you to either send me a copy of the Permit Map or let me know if there is water rights in this area.

I would also like for you to call me, I have a few other things I would like to get straightened out.

Very truly yours,

Wayne J. Overcash
Wayne J. Overcash
Watermaster Dist. 4

*C- 25491 - irrig 3 - on SW side of Riv.
25891 - " 9 - W. Swift
10096 - " 12⁰⁰ - on south side of Riv.
12013 - municipal from Guyon Spring*

*Fund Vol 10 Page 50
613
Decece Vol 15 Page 466
466*

25891

*Ward E. Swift
Priority 1877
S. FR. John Day
9 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
19 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
T13S, R27E, W.M.*

*1/40 cfs - June 1
1/80 cfs there after.
1 AF per calendar month to June 1
4 AF April 1 - Sept 30 measure of div.*

Mr. Laughlin has no water right on his land. - ans. by phone Mar. 30 -
*WJD
CAG*



STATE ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

July 31, 1974

File No. 8817
13278
13279

CHRIS L. WHEELER
State Engineer

Valley Ranch Sales
103 W. Main
John Day, OR 97845

ATTENTION: Glen Eddy

Gentlemen:

Here is the information you requested on the telephone on July 25, 1974.

Our records show that the following certificates of water right have been issued:

Certificate 25488 evidences the right to the use of not to exceed $\frac{1}{40}$ cubic foot of water per second from the South Fork of the John Day River per acre irrigated to June 1 and $\frac{1}{80}$ cubic foot of water per second per acre irrigated thereafter for the irrigation of 15.2 acres within the $SE\frac{1}{4} NE\frac{1}{4}$, 18.0 acres within the $NE\frac{1}{4} SE\frac{1}{4}$, and 6.2 acres within the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W.M. under a priority date of 1878.

Certificate 25490 describes the use of the South Fork of the John Day River for the irrigation of 8.0 acres in the $SE\frac{1}{4} SE\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W.M. under a date of priority of September 29, 1902.

State Engineer Special Order Volume 14, Page 234 grants the right to the use of water from the South Fork of the John Day River for the irrigation of 1.5 acres in the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W.M. with a date of priority of January 11, 1897.

Certificate 25495 evidences the right to the use of water from the South Fork of the John Day River for the irrigation of 9 acres in the $NE\frac{1}{4} NW\frac{1}{4}$ and 2.4 acres in the $NW\frac{1}{4} NW\frac{1}{4}$ of Section 7, Township 13 South, Range 27 East, W.M. dating from 1878.

Certificate 25496 evidences the right to the use of water from the South Fork of the John Day River for the irrigation of 2.3 acres in the $NE\frac{1}{4} NW\frac{1}{4}$ and 15.4 acres in the $NW\frac{1}{4} NW\frac{1}{4}$ of Section 7, Township 13 South, Range 27 East, W.M. under a priority date of January 11, 1897.

July 31, 1974

-2-

Valley Ranch Sales

Certificate 2547 describes the right of use of water from the South Fork of the John Day River for the irrigation of 10.6 acres within the SW $\frac{1}{4}$, SW $\frac{1}{4}$ (Lot 4) and 0.9 acres within the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 7, Township 13 South, Range 27 East, W.M. under a date of priority of September 29, 1902.

Certificate 9154 evidences the right to the use of 0.25 cubic feet of water per second from the South Fork of the John Day River for the irrigation of 5 acres within the SE $\frac{1}{4}$, NE $\frac{1}{4}$ and 15 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W.M. The date of priority is February 17, 1930.

Certificate 9155 evidences the right to the use of 0.09 cubic feet of water per second from the South Fork of the John Day River for the irrigation of 2 acres in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 7, Township 13 South, Range 27 East, W.M. The priority date is February 17, 1930.

Certificate 10096 issued to E. E. Roope describes the use of 1.14 cubic feet of water per second from the South Fork of the John Day River for the irrigation of 12.7 acres within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W.M. and 12.53 acres within the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 7, Township 13 South, Range 27 East, W.M. and other lands under a date of priority of January 25, 1923.

These perfected water rights will remain valid unless lost through intentional abandonment or through nonuse for a period of five successive years.

Copies of the certificates and supporting maps are available upon request and on receipt of a copying fee of \$4.65.

Very truly yours,

THOMAS E. SHOOK
Assistant

TEs:cdp

September 25, 1958

Mrs. Ada Murray
Box 36
Dayville, Oregon

Dear Mrs. Murray:

The right referred to in our letter dated May 7, 1958 was a certificate recorded in Volume 9, Page 10096, State Record of Water Right Certificates. This certificate was issued in the name of E. E. Roope and includes other lands in addition to 12.65 acres in the SW corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 13 South, Range 27 East.

We will furnish a copy of this certificate on receipt of the statutory copying fee of \$1.30.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:pm

RECEIVED
SEP 23 1958
STATE ENGINEER
SALEM, OREGON

Dayville - Oregon
Sept 20 - 1958

State Engineer
Salem - Oregon.

Dear Sir -

Some time ago I sent you a description
of land owned by Adam C. and Ada
Murray and you said this was under
the Cummings Ditch. I have lost or
misplaced my water users permit. Would
please issue me another and if there is a
charge - please let me know.

Thanking you, I remain

Sincerely yours
Mrs Ada Murray
Dayville - Oregon
Box 36.

May 7, 1958

Adam C. & Ada Murray
Dayville
Oregon

Dear Sir and Madam:

The certificate recorded in Volume 9, Page 10096 in the name of E. E. Roope includes among other lands 12.65 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 13 S., R. 20 E.

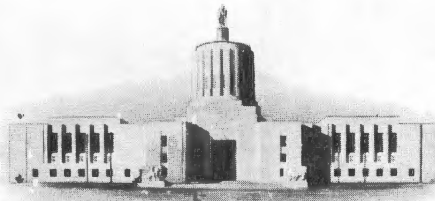
According to the application map this acreage would include your lands and water to be diverted through the Cummings Ditch.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:pm



251 FINANCE BUILDING
170 12TH STREET, S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. _____

April 24, 1958

Adam C. and Ada Murray
Dayville, Oregon

Dear Sir and Madam:

You did not identify the lands involved; therefore, I am unable to advise you whether or not there is a water right of record thereon.

If you would submit a copy of the legal description of the property in which you are interested, I would be glad to check our records and advise as to what rights exist.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By *Chris L. Wheeler*

Chris L. Wheeler, Assistant

RECEIVED
APR 29 1958
STATE ENGINEER
SALEM, OREGON

CLW:eh

Dayville - Oregon
Dear Sir - This is description of land mentioned above as taken from purchase agreement from Wayne Stewart. Starting at a point 15 ft East of S. W corner Sec 6 - T13S. R27E. Thence east 722 ft to a pt. Thence N 275 to a pt on county road right of way Thence N 62° West along road right of way 827 ft to a point. Thence South 660 ft along old county road to a point of beginning. This is under Cummings ditch.

Very truly yours
Ada Murray

April 24, 1958

Adam C. and Ada Murray
Dayville, Oregon

Dear Sir and Madam:

You did not identify the lands involved; therefore, I am unable to advise you whether or not there is a water right of record thereon.

If you would submit a copy of the legal description of the property in which you are interested, I would be glad to check our records and advise as to what rights exist.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CLW:eh

Dayville - Oregon

April 18 - 1958

State Engineer;

Salem - Oregon.

Dear Sir -

Would you kindly let me know if I have a recorded water right under the Geo Mae Arthur ditch? I have about five acres that I have been paying on for several years. This land was purchased from Wayne Stewart and I would suppose there would be a right. Please let me know at once. And if I haven't a right how would I proceed to get one. Thanking you -

I remain

Sincerely yours

Adam C. & Ada Murray
Dayville.
Oregon.

RECEIVED

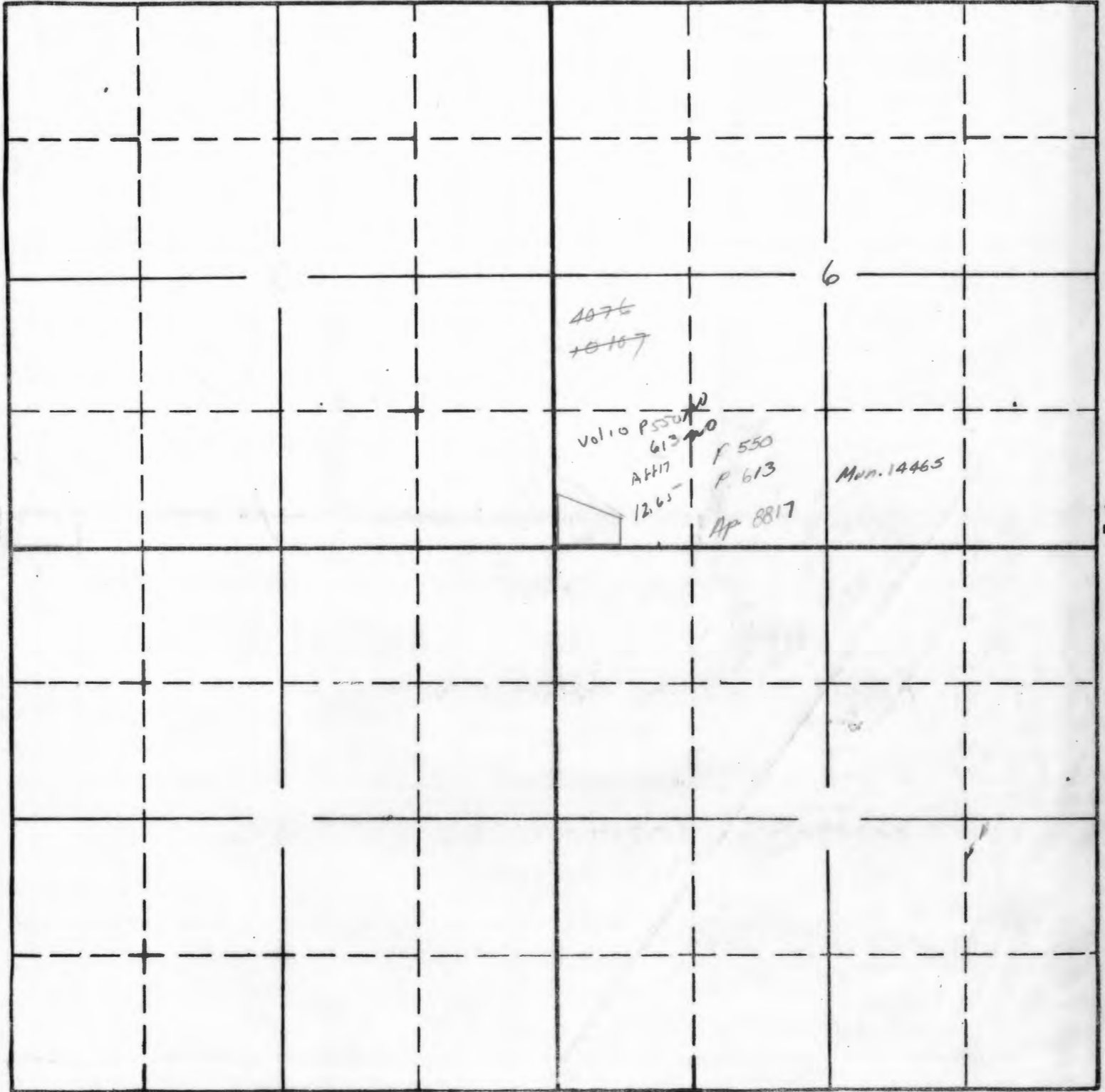
APR 21 1958

STATE ENGINEER
SALEM, OREGON

SECTION

TOWNSHIP 135, RANGE 27E, W. M.

North



West

East

South

APPLICATION No.

PERMIT No.

July 23, 1946

8817
10107
Gen.

Moore and Howell, Lawyers
John Day, Oregon

Attention: Mr. Earl B. Moore

Dear Mr. Moore:

This will acknowledge receipt of your letter of July 16 in which you inquire concerning filings in the name of E. E. Roop.

The only rights I can find of record in the name of E. E. Roop is one under Permit No. 5763 which was confirmed by issuance of a certificate recorded on page 10096 State Record of Water Right Certificates, covering use of 1.14 cubic foot per second from the South Fork John Day River for irrigation with a priority of January 25, 1923 and one under Permit No. 6717 which was confirmed by issuance of a certificate recorded on page 10101 State Record of Water Right Certificates, granting a right to the use of 0.2 cubic foot per second from South Fork of John Day River for irrigation with a priority of April 13, 1925.

With reference to the second paragraph of your letter, we do not have any blanks for use in the dissolution of public utilities.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:CI

October 15, 1934.

Mr. E. E. Roope,
Dayville, Oregon.

Dear Sir:

This is in reply to your letter of October 9th, requesting an extension of time for six months due to financial conditions.

I do not know what filing you refer to as our records indicate that your Permits Nos. 5763 and 6717 have been confirmed by the issuance of Certificates Nos. 10086 and 10101. When a permit is confirmed by the issuance of a certificate it is limited to the extent that the development has been completed when proof is made, and as long as the water is placed to beneficial use the right is in good standing without any further reports being necessary. Our records indicate that proofs were submitted under these permits on June 7, 1933, and that the certificates were issued on July 28 of that year.

I presume that very probably you refer to the matter of your power development which was not completed when the proofs were made. In view of the fact that proof has been made under these permits and certificates have been issued, the rights under them have been limited to the extent that the developments were completed when the proofs were submitted, and therefore if you wish to obtain a right to the use of water for power purposes, it will be necessary to make a new application. When your proof under Permit No. 5763 was received, it contained a statement that "No proof made as to water power", and for that reason it was assumed that the proposed power development had been abandoned and a certificate was issued in confirmation of the water right for the purpose of irrigation only. If you desire to submit an application for power development, I will be glad to send you the necessary forms and instructions.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovellev, Assistant.

VSB:LN

RECEIVED

OCT 11 1934

STATE ENGINEER
SALEM, OREGON

Daysville Oregon
Oct 9 1934

Chas E. Stricklin
State Engineer.

I Would like for you
to grant me an extension of time
for six months.

Under financial depression I
have been unable to do as much
as I have expected.

I have laid 400 ft of pipe
and have balance of pipe here
and have done considerable work
on the ditch I have a generator
and am getting the balance of
equipment as fast as I can

yours truly
E E Hooper

8011
Earl B. Moore

LAWYER
GRANT COUNTY
JOHN DAY, OREGON

September 27, 1933

RECEIVED
SEP 30 1933

STATE ENGINEER
SALEM, OREGON

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

Re: Permits Nos. 6717 and 5763
E. E. Roope

Dear Sir:

I have not heard from you further in regard to the above permits of E. E. Roope. A portion of the filings were for power purposes, and will you kindly let me know what conclusion you have come to in regard to the matter as outlined in my former letter of September 16.

Thanking you kindly, I am

Very truly yours,

Earl B. Moore

EBM:K

10107
File - no reply -

8177
7107

September 27, 1935

Mr. Earl B. Moore
Lawyer
John Day, Oregon

Dear Sir:

This is in reply to your letter of September 16, pertaining to Permits Nos. 6717 and 5763 in the name of E. E. Roope, in which you state that he wishes to retain his power rights under Permit No. 5763.

It is impossible for a water right certificate ~~to~~ issued in confirmation of a right for irrigation under a permit to be issued and allow the right for power to continue in effect until some future time. In other words, when a certificate is issued in confirmation of a permit the right is limited to the extent that the appropriation was completed when the certificate is issued.

If the power described under this permit has been developed and it was through error that proof was made for irrigation purposes only, I believe that it may be possible to cancel the certificate and allow Mr. Roope to make proof for irrigation and power so that a new certificate may be issued in confirmation of both uses. However, before any further action is taken in the matter it is requested that you advise me whether or not the power development has been completed, and if not, what its present status is. A full description of the works which have been completed for power purposes should be furnished and if the development has not been completed a full statement should be given as to when it is expected the development will be made and whatever reason the permittee may have for not having completed the power development to date.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

VSB EL

By V. S. Bovellev, Ass't.

Carl B. Moore
LAWYER
GRANT COUNTY
JOHN DAY, OREGON

September 16th, 1933

RECEIVED
SEP 18 1933
STATE ENGINEER
SALEM, OREGON

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

Re: Permits Nos. 6717 and 5763
E. E. Roope

Dear Sir:

I have your letter of September 14, 1933, showing that 90.88 acres have been irrigated and a statement on the face of the proof, "No proof made as to water power".

Mr. Roope intended to make proof of the water power later. We do not really consider this a waiver or an abandonment of the power rights. Mr. Roope is about to put in some power installations, very likely for the people of the city of Dayville, and since the power rights run back some considerable time, we would much rather not have these waived, as it was not the intention.

I should like to have you put this construction upon the matter, but if you cannot do so, send us the proof and we will send it in worded in such a way that all power rights are especially reserved. We are desirous of holding on to these rights, and we hope that you may see fit to put this construction upon the proof. Just back of the picture is this situation: Mr. Roope was compelled to make proof practically at this time, and he really had to comply with the irrigation part of the program.

Thanking you kindly for your interest in this matter,
I am

Very truly yours,

EBM:K

*Noted Oct 28 33
to Council Carl*

Carl B. Moore

September 14, 1933

Mr. Earl B. Moore
Lawyer
John Day, Oregon

Dear Sir:

This is in reply to your letter of September 11, requesting information concerning the present status of the power part of E. E. Roope's Permits Nos. 6717 and 5763.

According to our records Permit No. 5763 granted the right to the use of 15 second-feet of water from the South Fork of the John Day River for the irrigation of 155.93 acres and the development of 152.5 theoretical horsepower. Proof was submitted on June 7, 1933 showing that 90.88 acres had been irrigated. A statement was made on the face of the proof "No proof made as to water power", and for that reason it was assumed that the proposed power development had been abandoned and a certificate was issued in confirmation of the water right for the purpose of irrigation only.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

Carl B. Moore

LAWYER
GRANT COUNTY
JOHN DAY, OREGON

September 11th, 1933

RECEIVED
SEP 13 1933

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

STATE ENGINEER
SALEM, OREGON

Dear Sir:

Reference is made to Applications No. 8817 and No. 10107 made by H. H. Cummings and assigned to E. E. Roope, proof of which has been recently made. Mr. Roope desires to retain the power part of his program and of the application.

Kindly let me know the exact status of these application as far as the power site is concerned.

Very truly yours,

Carl B. Moore

EBM:K

June 16, 1953.

Mr. Earl B. Moore,
Attorney at Law,
John Day, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of June 5th with which you submitted proofs under Permits Nos. 6717 and 5763 and an assignment of these permits from H. R., Dora, R. B. and Nola R. Cummings to E. E. Roope and your check in a sum not to exceed \$5.00.

The proofs appear to be in satisfactory form and the permits are being placed in line for issuance of certificates. My receipt No. 16229 is enclosed for your check which was made out in the sum of \$2.00.

I am returning the assignment unrecorded as requested by you when you were in this office recently.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

LN
encl.

Carl B. Moore

LAWYER
GRANT COUNTY
JOHN DAY, OREGON

June 5, 1933

STATE ENGINEER
RECEIVED

JUN 7 1933

SALEM, OREGON

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

Dear Sir:

Enclosed you will find the proof of permit No. 5763, application No. 8817, and proof of permit No. 6717, application No. 10107, and we desire to clean up this whole matter.

This matter is rather tedious, although not complicated. H. H. Cummings and R. B. Cummings, his son, about twelve years ago started the construction of a ditch of imposing dimensions taken from the South Fork River some miles above Dayville. It was intended to irrigate a considerable acreage of land in and around the town of Dayville. The project was not feasible, nor was it completed in the sense that it was conceived.

As I understand the circumstances, E. E. Roope assisted in the digging of the ditch. He had a claim against Mr. Cummings and got an assignment of the rights in this ditch. The whole lower end of the ditch, which was intended to irrigate lands below Dayville, was abandoned and the ditch was used primarily to irrigate lands only about one-half mile below the town of Dayville, so if you will turn now to the proof on permit No. 5763, application No. 8817 you will find that a small portion only of the lands that were first intended did really come under the permit. A reference to the water map of the John Day River adjudication will show that these refer to small tracts in and around the town of Dayville.

I have made an additional entry on the proof, for in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Twp. 13 S., R. 26 E., W. M. two acres of irrigated land were found that were not within the original permit, so I am asking your kind digression for my client, that since we are giving up such a large acreage that was unirrigated, that you allow the two acres in the proof that were omitted for some reason of oversight.

State Engineer

-2-

6/5/33

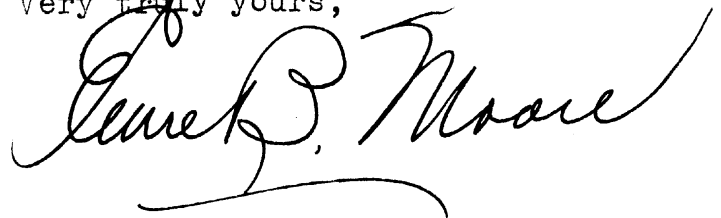
If you will turn to the proof on permit No. 6717, application No. 10107, you will find that all of the lower portion of the ditch was abandoned and we really have only 16 acres left under this proof. I think with this explanation the matter will be clear.

You will also find enclosed an assignment of the permits issued by H. H. Cummings and wife and Rodney B. Cummings and wife.

I am also enclosing a check for not over \$5, and I will let you insert the amount of the fees, which I do not expect to exceed this sum. You understand Mr. Roope is making proof on these pieces of land under an understanding with the owner. He doesn't own the lands that are being irrigated but supplies the water to them.

If there are any further questions regarding the matter they can be referred to me. I will probably be in Salem sometime during the week ending the 17th and I may possibly take this matter up with you in person.

Very truly yours,

A handwritten signature in cursive script, reading "Rodney B. Moore". The signature is written in black ink and is positioned to the right of the typed name "Rodney B. Moore".

EBM:K
Encs.

Carl B. Moore

LAWYER

GRANT COUNTY

JOHN DAY, OREGON

April 7, 1933

STATE ENGINEER
RECEIVED

APR 10 1933

SALEM, OREGON

State Engineer,
Salem, Oregon.

Dear Sir:

I have at hand the proofs of Mr. E. E. Roope's ditch, known as the Cummings ditch, at Dayville. These are proofs on applications No. 8817 and No. 10107.

Mr. Roope is getting his data together, but I believe it is going to be necessary to have an engineer go over the tract to get the data for the proof, so it will be a week or two before we can get it.

Thanking you kindly for your continued allowance of time in these matters, I am

Very truly yours,

Carl B. Moore

ERM:K

Approved 3/21/33

STATE ENGINEER
RECEIVED
APR 2 - 1930
SALEM, OREGON

Earl B. Moore
LAWYER
GRANT COUNTY
JOHN DAY, OREGON
March 31, 1930

8317
10167

State Engineer,
Salem, Oregon.

Dear Sir:

I wish to assure you that the work in permits Nos. 5763 and 3717 has been done quite completely.

These permits were taken out for water lots in Dayville and I wish to place the period of appropriation until October 1, 1930. at the close of the irrigating period as the lots are being occupied and built up continuously. The whole affair is of great advantage to the people there and I would hate to see the matter go by the board. I take it from your letter that both permits are extended until October 1, 1930.

Very truly yours,



EBM/WMC

5763

H. H. Cummins, O. R. R. Co. Inc.

Day Li

app. 8817

15.0 sec. ft. from South Fork John Day River
for irrigation 155.93 acres and develop-
ment 152.5 horsepower

February 9, 1924

June 1, 1925

October 1, 1927

11-7-23 - see letter under
3-1-24 and file A.

B filed
A filed

7-8-25 - Card for B

6-23-27 - card for B & C

A filed

9.00 pd into John Day Adj.

Cond Proof mailed 8/22/27

1.00 pd for recording cert. (in John Day
adj.)

Letter - 11-8-27.

See Correspondence in file.

File also - 11-2-27 -

(Some change to be made
in percentage.)

7/31/28 - See letter Permit 6717

1/3/29 - See letter send.

NOTICE OF BEGINNING OF CONSTRUCTION

I, W. H. + R. B. Cummings, the holders of Application No. 8817, being
 Permit No. 5-763, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement)
 for the appropriation of 15 second-feet of the waters of South Fork of John Day River
 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 2nd day of Jan, 1923,
 being within the time limitation as fixed in said permit for the beginning of construction work.
Began with 6 men and 3 teams will have
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this
all ditch and fluming complete within 90 days
 statement, and any additional information which may tend to show the beginning of work in good faith.
from date.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Mar, 1924,

Dayville Oregon
(Present Address)

W. H. Cummings
(Signature of Applicant)
R. B. Cummings.

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

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W. H. Cummings, the holder of Application No. 8817, being
 Permit No. 5-763, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement)
 for the appropriation of 15 second-feet of the waters of South Fork of John Day
 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 _____ day of Season of, 1926,
 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: see proof of claim to water of John
 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
Day River + Tributaries
 have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of June, 1927

Dayville Oregon
(Present Address)

(Signature of Applicant)

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

NOTICE OF PROSECUTION OF WORK WITH DILIGENCE

W. H. + R. B. Cummings, the holders of Application No. 8817, being
 Permit No. 5-763, issued by the State Engineer of the State of Oregon
 (Reservoir or enlargement)
 for the appropriation of 15 second-feet of the waters of The South Fork of John Day River
 have, during the year beginning Jan, 1923, and ending Jan, 1924,

expended \$9000.00 dollars in the construction of works for the utilization of water under the aforesaid permit. Such construction works being more particularly described as follows:

3 miles ditch 700' flume completed
 Here describe briefly the extent of construction work, such as height of dam, length of canal or flume constructed, etc., so that the Board may judge as to whether or not
will have completed 1500ft of flume within
 such work is being prosecuted with reasonable diligence, as required by law.

30 days

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Mar, 1924

Dayville Oregon
(Present address)

W. H. + R. B. Cummings
(Signature of applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon, on or before the expiration of one year from the date of beginning of work as fixed in

January 3, 1929.

Mr. Earl B. Moore,
Attorney,
John Day, Oregon.

Dear Sir:

I have at hand your three letters dated December 31st referring to permits Nos. 5763 and 5717. Both these permits still appear in our files in the names of H. H. and R. B. Cummings.

The former permit No. 5763 described an appropriation from the South Fork of the John Day River of 15 second feet for irrigation of 155.93 acres and development of 152.5 horsepower. Our files indicate that this appropriation was completed, notices of beginning and completion of construction and complete application of water having been filed. As stated in my letter to you dated July 30th, we mailed a final proof blank to Mr. Cummings on August 23, 1927 and it seems that the only reason this right has not been confirmed by issuance of a water right certificate is that the proof was never submitted. Your recent letters indicate that the filing of the notice of complete application of water was probably a mistake, due to a misunderstanding, and that there is actually some land to be irrigated under permit No. 5763. If such is the case, the time limit for complete application of water which expired on October 1, 1927 should be extended. I am assuming from your statement of the difficulties which have prevented the irrigation of all of the land, that an extension of time should be allowed and your letter is being considered as a request therefor. This time limit for complete application of water under permit No. 5763 is being extended until October 1, 1930.

The status of permit No. 5717 seems to be practically the same as that of 5763 except that the notice of complete application of water has not yet been filed. Notice of completion of construction was filed however, and the time limit for complete application of water does not expire until October 1st, of this year. If all of the land which it was proposed to irrigate under this permit has not been irrigated by that time, an application for an extension may be filed. For some further information in connection with these permits having reference to the adjudication proceedings, you are requested to refer to my letter to you dated July 30, 1928.

There are enclosed a supply of forms which may be used to submit assignments of permits or applications. Each assignment submitted for recording in our miscellaneous records should be accompanied by a \$1.00 recording fee.

I trust that I have covered the questions asked in your letters and that you will advise if further information is needed.

Yours very truly,
NINA LUPER
State Engineer

Earl B. Moore
LAWYER
GRANT COUNTY
JOHN DAY, OREGON

Dec. 31st, 1928.

STATE ENGINEER
RECEIVED
JAN 2 1929
SALEM
OREGON

State Engineer,
Salem, Oregon.

Dear Sir:

Reference is made to permit No. 5763 and 6717 taken
by H. H. Cummings et al.

Mr. Cummings got into financial difficulties some time
ago and he had difficulty in completing his ditch. The
rights were taken over by E. E. Roop who had loaned Mr.
Cummings some money and he wishes to complete the applications
as originally intended.

The main ditch is fully completed but the individuals
for whom the permit was taken out and for whom Mr. Cummings
was intended to be trustee for holding the water right for
distribution, have not completed their rights so that Mr.
Roop cannot at this time make the proper proof upon these
applications.

Under these circumstances are you willing to continue
the permits in full force and effect until such time as the
water can be applied to the land?

Yours very truly,



EBM/OAC
Roop.

Nov. 8, 1927.

Mr. H. H. Cummings,
Dayville,
Oregon.

Dear Sir:

This will acknowledge receipt of your letter in answer to ours of November 2d, with reference to your water rights under your claim filed recently in the John Day River adjudication.

It is probable that some readjustment may be made in the acreage at the time you submit final proof under these permits, but, of course, certificates cannot be issued for any lands in excess of the acreage covered by the permits.

We will make a notation of the matter, and I would suggest that when you make your final proof, you make application for transfer of the water right from the acreage covered by the permits which you have not irrigated to the acreage which you have irrigated that is not covered by the permits.

Upon looking up our records, I find that Permit No. 4341, mentioned in your letter, has been cancelled.

Yours very truly,

RHEA LUPER
State Engineer.

RWP:LC

(See letter 11-2-27 in Gen. Files)

August 22, 1927.

H. H. and R. B. Cummings,
Dayville,
Oregon.

Gentlemen:

I am enclosing blanks for making final
proof of appropriation of water under your Permit
No. 5763.

After the proof has been properly fill-
ed out and signed before a notary public, it should
be returned to this office.

Yours very truly,

Rhea Laper,
State Engineer.

H
Enc.

Permit 5763

November 9, 1923.

Mr. H. H. Cummings,
General Merchandise,
Dayville, Oregon.

Dear Sir:

I am in receipt of your letter of November 3rd with reference to your Permit No. 5763 and note that you will have the water ready for distribution by next spring. I presume from your statement that you expect to subdivide the land covered by the permit and sell water rights through your ditch. If such is the case any contract in due form that you might make with the purchasers of your land would be satisfactory to this department. It would doubtless be advisable for you to consult an attorney as to the form of such contract.

However, in any case it would be desirable for you to make proof covering all of the land described under the permit at such time as the ditch is completed and the water actually applied to the irrigation of the lands that are to be served by the ditch.

Trusting that this will give you the desired information, I am

Yours very truly,

Rhea Luper,
State Engineer.

ER:H

H. H. CUMMINGS
General Merchandise

DAYVILLE, OREGON, Nov 3 23 192

Percy A. Cooper,
State Engineer,
Salem, Oregon.

Dear Sir; Under permit # 5763 we expect to have water ready for distribution next Spring, and would like to know how to proceed to sell certificates of water rights for land covered by this ditch, and a form of contract for same, where land owner wishes to make partial payments.

Any information you may give us will be greatly appreciated.

Yours very truly,

H. H. Cummings

8817.

February 12th, 1923.

Messrs. H.H. and R. B. Cummings,
Dayville, Grant County,
Oregon.

Gentlemen:- Herewith you will find Application No. 8817, being Permit No. 5763, together with check for \$1.50, excess fees. This application has been approved and recorded in this office.

Ap. 8817

February 1st, 1923.

Mr. H. H. Cummings,
Dayville, Grant County,
Oregon.

Dear Sir:

I am in receipt of your waiver of the right
for power development in favor of irrigation and
storage to be attached to your application No. 8617.

The application will be taken up for approval
as soon as the same can be reached and you will be
further advised.

Very respectfully,

Percy A. Cupper,
State Engineer.

RJS-LA

Ap. 8617

January 25th, 1923.

Messrs. H. H. & R. B. Cummings,
Dayville, Grant Co.,
Oregon.

Gentlemen:-

Enclosed please find my official receipt No. 9773 for \$52.60, which amount was transmitted with your application for permit to appropriate water for irrigation and power development. I am also in receipt of two tracings. The application has been numbered 8817 and placed on file.

In view of the fact that the waters of this stream might sometime be required for irrigation or storage above, the power development it is customary to require the applicant to sign the enclosed waiver of the right for power development in favor of irrigation and storage above.

Upon the return of the waiver, properly signed, it will be attached to the application and the same will be approved.

It would appear that 15 sec. ft. of water under a head of 89.5 feet would develop 152.5 theoretical H.P. instead of 167.8.

Upon receipt of waiver the application will be taken up for approval.

Very respectfully,

Percy A. Cupper,
State Engineer.

RJS-1A