

Application No. 59

CF 88059

Permit No. 92

Certificate No. ~~53, 2353, 2359, 35096~~

FEEES PAID

Date	Amount	Receipt No.
87436		
86413		
67217	71.00	9295
75474		
Total		

Name Wolf Run Watersheds Association

Ch. Pt. of Div Sp. Dr. V. 112, p 152

By _____

Stream Index, Page No. _____ Cancellation or Rec. Vol. 17 P. 25-38

FEEES REFUNDED

Date	Amount	Check No.

Address Dufur Oregon

Application Record, Book No. Part Cert. 2353

Date filed _____

Action suspended until _____

ASSIGNMENTS

Date	To whom	Address	Volume	Page
				0

REMARKS

142

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

T-5633 Δ POU PART OF C-35096

T-5639 Δ POU PART OF C-35094

T-5664 Δ POU PART OF C-35096

T-6049 Δ POU PART OF C-35096 Sp Or V 46 P 153 3/20/72

T-7076 Δ POU V 52 P 54

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued 6-7-2013

Receipt for recording fee No. _____



NOTICE OF BEGINNING OF CONSTRUCTION

The Wolf Run Water Users Assoc., the holder of Application No. 142 59, being the Wolf Run Water Users Assoc., permits No. 72, issued by the State Engineer of the State of Oregon for the appropriation of 3 1/2 second feet of the waters of Big and Little Tamarack Creeks in accordance with the tenor of such permits and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described thereon by the application of water to a beneficial use on the 10th day of October 1909, being within the time limitation as fixed in said permit for the beginning of construction work.

Employed 10 men and one team for a period of 35 days at an expense of \$1895.89 and constructed 3 miles of ditch 3 feet wide on bottom and 3 feet deep beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of September 1910. Dufur Oregon (Present Address) Wolf Run Water Users Association (Signature of Applicant)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon. Oregon for the appropriation of 0.12 second feet of the waters of ... in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein for the application of water to a beneficial use on the 25th day of September 1912, being within the time limitation as fixed in said permit for the completion of construction work.

Remarks: This completes the construction of the main ditches and cuts leaving a few small lateral to be constructed also laying of pipes for distribution. Much of the work of individual members unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of December 1913. Dufur, Wasco Co. Ore (Present Address) Wolf Run Water Users Association (Signature of Applicant)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon. Oregon for the appropriation of 5 1/2 second feet of the waters of Big + Little Tamarack in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completely applied the water to a beneficial use, on the 25th day of Sept 1914, being the time limitation as fixed in said permit for the complete application of water to a beneficial use.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of Sept 1914. Dufur Ore (Present Address) Wolf Run Water Users Assoc (Signature of Applicant)

Fill out, detach, and mail to the Secretary, Board of Control, Salem, Oregon. Here describe briefly the extent of construction work such as height of dam, length of canal or flume constructed, etc., of about 7 miles of ditches of various dimensions so that the Board may judge as to whether or not such work is being prosecuted with reasonable diligence as required by law. Considerable Rock work being encountered.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of September 1911. Dufur, Wasco County Ore (Present Address) Wolf Run Water Users Association (Signature of Applicant)

Fill out, detach and mail to the Secretary, Board of Control, Salem, Oregon, on or before the expiration of one year from the date of beginning of work as fixed in your permit; also likewise for each succeeding year, until completion of works. when the notice, Form B, especially prepared for such purpose shall be used.

Vertical text on the left margin: Permit No. 92, Application No. 59, RECEIVED, OFFICE OF STATE WATER BOARD, Application, 4/25/10, 9/25/13, 9/25/14, Permit, Application, 504-25-10, 12, 14

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-12388, Wasco County)
)
) FINAL ORDER APPROVING A
) TEMPORARY CHANGE IN
) PLACE OF USE

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.
OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

THE PRESIDING PATRIARCH
THE ECCLESIA OF SINAI AT DUFUR
79709 DUFUR VALLEY RD
DUFUR OR 97021

Findings of Fact

1. On May 18, 2016, The Presiding Patriarch, The Ecclesia of Sinai at Dufur filed an application to temporarily change the place of use under Certificates 76595 and 86413. The Department assigned the application number T-12388.
2. The portion of the first right to be transferred is as follows:
 - Certificate:** 76595 in the name of WOLF RUN WATER USERS ASSOCIATION (perfected under Permits S-92, S-93)
 - Use:** IRRIGATION of 12.1 ACRES
 - Priority Date:** MAY 3, 1909
 - Rate:** 0.15 CUBIC FOOT PER SECOND
 - Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.
 - Sources:** TAMARACK CREEK, SPRINGS, GULCH and EIGHT MILE CREEK, tributaries to the COLUMBIA RIVER

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Points of Diversion:
WOLF RUN DITCH**

Authorized Place of Use:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	NE SE	2.3
2 S	12 E	WM	3	NE NW	9.8
Total:					12.1

3. Transfer Application T-12388 proposes to change the place of use of the right to:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	SW NE	5.0
1 S	12 E	WM	34	SE SE	6.4
2 S	12 E	WM	3	NW NW	0.1
2 S	12 E	WM	3	SW NW	0.6
Total:					12.1

4. The portion of the second right to be transferred is as follows:

Certificate: 86413 in the name of WOLF RUN WATER USERS ASSOCIATION
(perfected under Permits S-92 and S-93)

Use: IRRIGATION of 31.2 ACRES

Priority Date: MAY 3, 1909

Rate: 0.39 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre.

Source: TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributaries to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NW SW	WOLF RUN DITCH: 1400 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	3	NE NE	2.0
2 S	12 E	WM	3	NW NE	2.6
2 S	12 E	WM	3	NE NW	18.0
2 S	12 E	WM	3	SE NW	8.6
Total:					31.2

- Transfer Application T-12388 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	SW SE	8.9
1 S	12 E	WM	34	SE SE	7.3
2 S	12 E	WM	3	NE NE	10.0
2 S	12 E	WM	3	NW NE	5.0
Total:					31.2

- Notice of the application for transfer was published on May 31, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12388.
- The proposed changes would not result in injury to other water rights.
- This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right, or OAR 690-380-8004(9)(a) if the Department finds that the transfer results in enlargement of the right.

Conclusions of Law


The temporary changes in places of use proposed in Temporary Transfer Application T-12388 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- The former place of use **shall not** be irrigated as part of these water rights during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.
- The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
- The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right or results in enlargement of the right.
- A subsequent application for permanent transfer of Certificates 76595 and 86413 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76595 and 86413.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. The use of the remaining water rights described by Certificates 76595 and 86413 shall continue to be in accordance with the terms and conditions of Certificates 76595 and 86413.

Dated at Salem, Oregon this 18 day of July 2016.



Dwight French Water Right Services Administrator for
Thomas M. Byler, Director
Oregon Department of Water Resources

Mailing Date: JUL 20 2016

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WOLF RUN WATER USERS ASSOCIATION
79106 WOLF RUN RD
DUFUR OR 97021

confirms the right to use the waters of TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributary to COLUMBIA RIVER for IRRIGATION OF 7.2 ACRES, DOMESTIC, AND STOCK.

This right was perfected under Permits S-92 and S-93. The date of priority is MAY 3, 1909. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.094 CUBIC FOOT PER SECOND (CFS), BEING 0.90 CFS FOR IRRIGATION AND 0.004 CFS FOR DOMESTIC AND STOCK, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows: WOLF RUN DITCH

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.

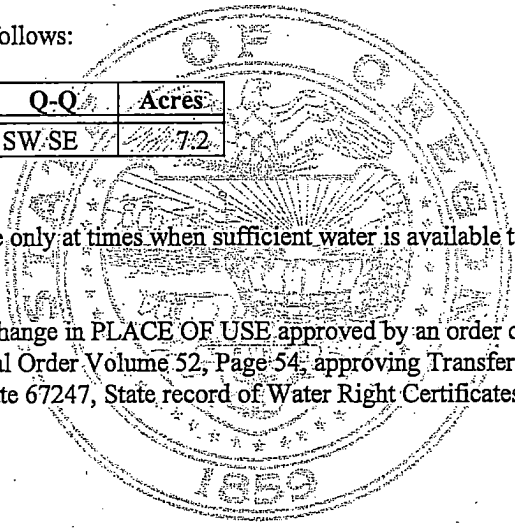
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	4	SW/SE	7.2

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JANUARY 30, 1998, at Special Order Volume 52, Page 54, approving Transfer Application 7076, and together with Certificate 75474, supercedes Certificate 67247, State record of Water Right Certificates.



NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

JUN 07 2013

Issued _____



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director

S-59

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WOLF RUN WATER USERS ASSOCIATION
79106 WOLF RUN ROAD
DUFUR OR 97021

confirms the right to use the waters of TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributaries of the COLUMBIA RIVER for IRRIGATION of 4.7 ACRES, DOMESTIC AND STOCK USE.

This right was perfected under Permits S-92 and S-93. The date of priority is MAY 3, 1909. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.059 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NW SW	WOLF RUN DITCH

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, and the balance for domestic and stock use.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	13 E	WM	31	NW NW	4.7


This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered June 27, 1985, at Special Order Volume 39, Page 236, approving Transfer Application 5639, and together with Certificate 67247, supersedes Certificate 35096, State record of Water Right Certificates.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued **MAR 16 2012**



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department

S-59

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-11129, Wasco County)
) FINAL ORDER APPROVING A
) TEMPORARY CHANGE IN PLACE OF
) USE

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

THE PRESIDING PATRIARCH
THE ECCLESIA OF SINAI AT DUFUR
79709 DUFUR VALLEY RD
DUFUR OR 97021

Findings of Fact

1. On September 9, 2010, THE PRESIDING PATRIARCH, THE ECCLESIA OF SINAI AT DUFUR filed an application to change the place of use under Certificates 76595, 36829, 36830, 80871, and 86413. The Department assigned the application number T-11129.
2. On December 22, 2010, the applicant's agent requested the transfer application be amended to a temporary application for a 5 year period for the irrigation seasons of 2011 through 2015.
3. The portion of the first right to be transferred is as follows:

Certificate: 76595 in the name of WOLF RUN WATER USERS ASSOCIATION
(perfected under Permits S-92, S-93)

Use: IRRIGATION of 27.1 ACRES and LIVESTOCK

Priority Date: MAY 3, 1909

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Rate: 0.354 CUBIC FOOT PER SECOND, being 0.339 CFS for IRRIGATION and 0.015 CFS for LIVESTOCK

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

Sources: TAMARACK CREEK, SPRINGS, GULCH and EIGHT MILE CREEK, tributaries to the COLUMBIA RIVER

Authorized Points of Diversion:
WOLF RUN DITCH

Authorized Place of Use:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	SW NW	10.0
1 S	12 E	WM	34	SE SW	1.0
1 S	12 E	WM	34	NE SE	3.0
1 S	12 E	WM	35	SW NE	1.0
2 S	12 E	WM	3	NE NW	3.5
2 S	12 E	WM	4	SE NE	3.6
2 S	12 E	WM	4	NE NW	5.0

4. Transfer Application T-11129 proposes to change the place of use of the right to:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	SW NE	14.0
1 S	12 E	WM	34	SE NE	1.5
1 S	12 E	WM	34	SE NW	5.8
1 S	12 E	WM	34	NE SW	5.8

5. The portion of the second right to be transferred is as follows:

Certificate: 36829 in the name of BERTA STELZER (perfected under Permit S-5636)

Use: IRRIGATION of 20.0 ACRES

Priority Date: AUGUST 25, 1922

Rate: 0.25 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: EIGHT MILE CREEK and TAMARACK CREEK, tributaries to FIFTEEN MILE CREEK

Authorized Points of Diversion:

	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NW SW	EIGHT MILE CREEK: 1400 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 8
2 S	11 E	WM	11	SW SE	TAMARACK CREEK: NORTH 54 DEGREES 45 MINUTES WEST 1840 FEET FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	SW NE	20.0

6. Transfer Application T-11129 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	33	NE SE	5.0
1 S	12 E	WM	33	SE SE	6.0
1 S	12 E	WM	34	NW SW	1.3
1 S	12 E	WM	34	SW SW	7.7

7. The portion of the third right to be transferred is as follows:

Certificate: 36830 in the name of BERTA STELZER (perfected under Permit S-7318)

Use: IRRIGATION of 10.0 ACRES and LIVESTOCK

Priority Date: MAY 7, 1926

Rate: 0.18 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: EIGHT MILE and TAMARACK CREEKS, tributaries to FIFTEEN MILE CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NW SW	EIGHT MILE CREEK: 1400 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 8
2 S	11 E	WM	11	SW SE	TAMARACK CREEK: NORTH 54 DEGREES 45 MINUTES WEST 1840 FEET FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	3	SW NW	10.0

8. Transfer Application T-11129 proposes to change the place of use of the right to:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	33	NE SE	10.0

9. The portion of the fourth right to be transferred is as follows:

Certificate: 80871 in the names of RICHARD C. CANTRELL; SUNE CARL AND ETHEL JOHNSON; GEORGE H. AND VIRGINIA C. WHITELEY (perfected under Permit S-37758)

Use: IRRIGATION of 1.2 ACRES

Priority Date: DECEMBER 10, 1973

Rate: 0.01 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: EIGHTMILE CREEK, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NE SW	1600 FEET NORTH AND 1920 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	4	NE SE	1.2

10. Transfer Application T-11129 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	NE NE	0.1
1 S	12 E	WM	34	SE NE	1.1

11. The portion of the fifth right to be transferred is as follows:

Certificate: 86413 in the name of WOLF RUN WATER USERS ASSOCIATION (perfected under Permits S-92 and S-93)

Use: IRRIGATION of 39.3 ACRES and LIVESTOCK
Priority Date: MAY 3, 1909
Rate: 0.51 CUBIC FOOT PER SECOND, being 0.50 CFS for IRRIGATION and 0.01 CFS for LIVESTOCK
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre and the balance for stock use.
Source: TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributaries to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	11 E	WM	8	NW SW	WOLF RUN DITCH: 1400 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	34	NW SW	10.0
2 S	12 E	WM	3	NE NE	5.0
2 S	12 E	WM	3	NW NE	15.0
2 S	12 E	WM	3	NE NW	4.1
2 S	12 E	WM	3	SE NW	5.2

12. Transfer Application T-11129 proposes to change the place of use of the right to 16.9 acres irrigated land (IR); 20.0 acres of micro sprinkler irrigated strips (MS) 7 feet wide, interspersed with 8 feet wide non-irrigated land; and 2.4 acres drip irrigated strips (DS) 2 feet wide, interspersed with 8 feet wide non-irrigated land.

IRRIGATION AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type
1 S	12 E	WM	34	NE NE	0.3	IR
1 S	12 E	WM	34	SE NE	11.1	IR
1 S	12 E	WM	34	SW SE	6.6	MS
1 S	12 E	WM	34	SE SE	6.6	MS
1 S	12 E	WM	35	SW NW	0.3	IR
2 S	12 E	WM	3	NE NE	0.5	IR
2 S	12 E	WM	3	NE NE	1.3	DS
2 S	12 E	WM	3	NE NE	2.4	MS
2 S	12 E	WM	3	NW NE	1.1	DS
2 S	12 E	WM	3	NW NE	4.4	MS
2 S	12 E	WM	3	NW NE	3.1	IR
2 S	12 E	WM	3	NW NW	1.6	IR

13. Notice of the application for transfer was published on September 14, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11129.
16. Due to the complexity of the layout of the fields to be irrigated with micro sprinklers and drip irrigation, the proposed changes in place of use could result in enlargement of the right if the application of water extends beyond the proposed place of use for the micro sprinkler and drip irrigated strips. Adherence to the soil moisture monitoring conditions listed below would provide the tools necessary to determine that enlargement is not occurring.
17. The proposed changes would not result in injury to other water rights.
18. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right, or OAR 690-380-8004(9)(a) if the Department finds that the transfer results in enlargement of the right.

Conclusions of Law

The temporary changes in places of use proposed in application Temporary Transfer Application T- 11129 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-11129 are approved as outlined below, with the type of irrigation limitations under Certificate 86413 as specified in Finding of Fact #12.

IRRIGATION AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type
1 S	12 E	WM	34	NE NE	0.3	IR
1 S	12 E	WM	34	SE NE	11.1	IR
1 S	12 E	WM	34	SW SE	6.6	MS
1 S	12 E	WM	34	SE SE	6.6	MS
1 S	12 E	WM	35	SW NW	0.3	IR
2 S	12 E	WM	3	NE NE	0.5	IR
2 S	12 E	WM	3	NE NE	1.3	DS
2 S	12 E	WM	3	NE NE	2.4	MS
2 S	12 E	WM	3	NW NE	1.1	DS

IRRIGATION AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type
2 S	12 E	WM	3	NW NE	4.4	MS
2 S	12 E	WM	3	NW NE	3.1	IR
2 S	12 E	WM	3	NW NW	1.6	IR

2. The water user shall install and maintain a soil moisture monitoring system for the lands irrigated under the micro-sprinkler and drip irrigated strips.
- a) The monitoring system shall include Gro-Point Sensors or a similar monitoring system capable of accuracy that is equivalent to or superior to the level of accuracy provided by the Gro-Point system. The type of system and installation plans must be approved by the Watermaster prior to installation.
 - b) A control soil measurement site shall be selected for each soil type and slope that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
 - c) A soil moisture monitoring site shall be made for each crop type grown under the micro sprinkler and drip irrigation systems.
 - d) At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following descriptions:

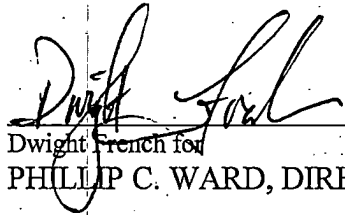
Monitoring points along a line perpendicular to the row. The first monitoring sensor shall be in the center of the proposed irrigated strip; monitoring sensor 2 shall be placed within 2 inches outside of the proposed strip of irrigated land; monitoring sensor 3 will be placed in the center of the non-irrigated strip.
 - e) Additional soil moisture monitoring stations shall be installed as required by the Watermaster where conditions dictate more monitoring stations are required to effectively determine irrigation is occurring only where there is an appurtenant water right. The monitoring program, including both the number and location of the monitoring sites, shall be approved by the Watermaster prior to installation.
 - f) Modification to the monitoring station locations may occur at any time after one year, as deemed necessary and/or appropriate by the Watermaster.
 - g) Soil moisture content shall be monitored continuously or collected at a minimum of weekly intervals beginning at least one week prior to the irrigation season and continuing until one week past the end of the irrigation season. Soil moisture data collected from the monitoring system shall be reported to the Watermaster in summary format including equipment used and monitoring data listed by station and measurement field, as approved by the Watermaster.
 - h) Soil moisture reports shall be made during the first week prior to the irrigation season and once per week during the first three weeks of the irrigation season. Unless otherwise required by the Watermaster, soil moisture data collected shall be reported to

the Watermaster within 3 days of the data collection date. Reporting requirements may be modified, as dictated by the Watermaster or upon written request from the water user subject to approval of the Watermaster. However, review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster. Modification to the monitoring program may occur at any time as deemed necessary and/or appropriate by the Watermaster.

- i) Upon reasonable notice the water user shall provide the Watermaster access to moisture monitoring stations as well as access to monitoring data and flow data, including access to real time data on an internal web site or computer.
 - j) The water user shall promptly inform the Watermaster of any situation that results in the application of water to any land without a water right, including but not limited to the areas between crop rows. The water user shall also inform the Watermaster of the course of action taken by the water user to correct the problem and prevent the future occurrence of similar events.
 - k) If water is applied to lands without water rights, including but not limited to, the area between the crop rows, the Watermaster may regulate the water use until the soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.
3. The former place of use **shall not** be irrigated as part of these water rights during the 2011, 2012, 2013, 2014 and 2015 irrigation seasons.
 4. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
 5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right or results in enlargement of the right.
 6. A subsequent application for permanent transfer of Certificates 76595, 36829, 36830, 80871, and 86413 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
 7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76595, 36829, 36830, 80871, and 86413.
 8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water rights described by Certificates 76595, 80871, and 86413 shall continue to be in accordance with the terms and conditions of Certificates 76595, 80871, and 86413.

Dated at Salem, Oregon this 29th day of December, 2010.


Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: JAN 06 2011

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WOLF RUN WATER USERS ASSOCIATION
RT 1 BOX 192
DUFUR OR 97021

confirms the right to use the waters of TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributaries of the COLUMBIA RIVER for IRRIGATION of 63.0 ACRES, DOMESTIC AND STOCK USE.

This right was perfected under Permits S-92 and S-93. The date of priority is MAY 3, 1909. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.81 CUBIC FOOT PER SECOND (CFS) BEING 0.79 CFS FOR IRRIGATION AND 0.02 CFS FOR DOMESTIC AND STOCK USE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

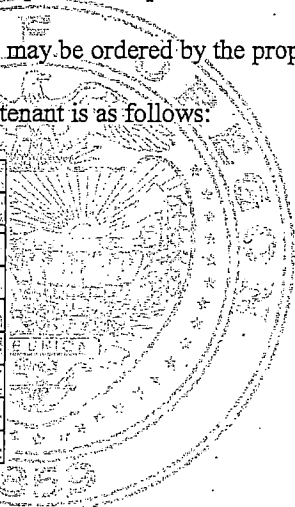
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
2 S	11 E	WM	8	NW SW			WOLF RUN DITCH - 1400 FEET NORTH AND 650 FEET EAST OF THE SW CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, and the balance for domestic and stock use.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	12 E	WM	33	SE SW	5.0
1 S	12 E	WM	34	NW SW	10.0
1 S	12 E	WM	34	SW SE	1.0
2 S	12 E	WM	3	NE NE	5.0
2 S	12 E	WM	3	NW NE	15.0
2 S	12 E	WM	3	NE NW	18.0
2 S	12 E	WM	3	SE NW	9.0



NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered March 20, 1992, at Special Order Volume 46, Page 153, approving Transfer Application 6048, and together with Certificate 67247, supercedes Certificate 35096, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued JUL 09 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WOLF RUN WATER USERS ASSOCIATION
ROUTE 1 BOX 192
DUFUR, OREGON 97021

confirms the right to use the waters of TAMARACK CREEK, SPRINGS AND GULCH, AND EIGHT MILE CREEK, tributary of the COLUMBIA RIVER, for IRRIGATION of 128.1 ACRES, DOMESTIC, AND STOCK USE.

This right was perfected under Permits 92 and 93. The date of priority is MAY 3, 1909. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.672 CUBIC FOOT PER SECOND, being 1.601 CFS for irrigation and 0.071 CFS for Domestic and stock use, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

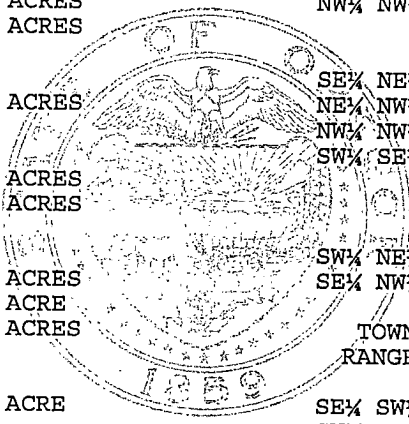
WOLF RUN DITCH.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 ACRES		SECTION 3
	SECTION 25		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ACRES
	SECTION 26	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0 ACRES
		NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES		SECTION 4
	SECTION 33		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES	SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRE	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 ACRES		SECTION 5
	SECTION 34		TOWNSHIP 2 SOUTH,
			RANGE 12 EAST, W.M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE	SE $\frac{1}{4}$ SW $\frac{1}{4}$	STOCK
	SECTION 35	SW $\frac{1}{4}$ SE $\frac{1}{4}$	STOCK
	TOWNSHIP 1 SOUTH,		SECTION 30
	RANGE 12 EAST, W.M.		
		NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.3 ACRES
			SECTION 31
			TOWNSHIP 1 SOUTH,
			RANGE 13 EAST, W.M.



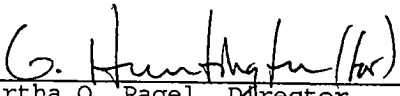
This certificate describes that portion of the water right confirmed by Certificate 67247, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 30 1998, approving Transfer Application 7076.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed JAN 30 1998.


Martha O. Pagel, Director



Recorded in State Record of Water Right Certificates numbered 75474.

T-7076.LHN

By Dale Aasted

SEPTEMBER 10, 1997

App. No. S-59 & S-142 Per. No. S-92 & S-93 CERT No. 2353, 2358, & 2359

DATE OF PRIORITY: MAY 03, 1909

Use: #2353: IRRIGATION OF 280.0 AC., DOMESTIC, & STOCK

*2358: IRRIGATION OF 20.0 AC., DOMESTIC, & STOCK

*2359: IRRIGATION OF 85.0 AC., DOMESTIC, & STOCK

POB: 1590' N & 3370' W from SE cor. sec. 8 ~ NESW sec. 8, T. 25, R. 11E

~~#2353~~

- 5.0 SWSE
- 10.0 SESE
- SEC. 26
- 20.0 NESE
- SEC. 26
- 5.0 SWSW
- 5.0 SESW
- 10.0 NESE
- 5.0 NWSE
- SEC. 33
- 5.0 SWNE
- 5.0 SENE
- 10.0 SWNW
- 5.0 NESW
- 5.0 SESW
- 3.0 NESE
- 7.0 NWSE
- SEC. 34
- 5.0 NENE
- 10.0 SENE
- 5.0 SWNE
- 10.0 NWNW
- SEC. 35
- 10.0 NENE
- 10.0 NENE
- 10.0 NWNW
- 5.0 SWNW
- 5.0 SENW
- SEC. 36
- T. 15, R. 12E

~~#2358~~

- 15.0 SWSW
- SEC. 30
- 10.0 NWNW
- SEC. 31
- T. 15, R. 13E
- 10.0 NENW
- SEC. 3
- 10.0 SENE
- 5.0 NENW
- 15.0 NWNW
- 5.0 SESW
- 5.0 NWSE
- 5.0 SWSE
- SEC. 4
- 10.0 SWNE
- 10.0 SENW
- SEC. 5
- T. 25, R. 12E

~~#2359~~

- 5.0 SENW
- 15.0 NESW
- SEC. 29
- 15.0 SESW
- 10.0 NESE
- 10.0 NWSE
- 15.0 SWSE
- SEC. 30
- T. 15, R. 13E

T-2263 (w-91)
 (Change in POB for all) ~ Ch. Pt. of Div. Sp. Or. V. 12, P. 152

NEW POB: 1561' N & 4481' W from SE cor. sec. 8 ~
 NWSW sec 8, T. 25, R. 11E

"CANCELLATION"
 Sp. Or. Rec. Vol. 17, P. 25-38
 #2359 ~ ALL CANCELLED
 #2353 ~ PART.

15.0 SWSW
 SEC. 30
 T. 15, R. 13E

STOCK SESW
 STOCK SWSE
 SEC. 30
 T. 15, R. 13E

*"CERTIFICATE NUMBERS"
 REMAINING RIGHTS: 2358 & 35096

T-5633*

(Change in POU)

REMAINING

CONFIRMING

5.0 SWSE
10.0 SESE
SEC. 25
20.0 NESE
SEC. 26
5.0 SWSW
5.0 SESW
10.0 NESE
5.0 NUWE
SEC. 23
5.0 SWNE
5.0 SENE
10.0 SWNW
5.0 NESW
5.0 SESW
3.0 NESE
7.0 NUWE
SEC. 34
5.0 NENE
10.0 SENE
5.0 SWNE
10.0 NWNW
SEC. 35
T. 15, R. 12E

10.0 NWNW
SEC. 31
T. 15, R. 13E

10.0 NENW
SEC. 8
10.0 SENE
5.0 NENW
15.0 NWNW
5.0 SESW
5.0 NUWE
5.0 SWSE
SEC. 4
10.0 SWNE
10.0 SENW
SEC. 5
T. 25, R. 12E

STOCK SESW
STOCK SWSE
SEC. 30
T. 15, R. 13E

2358
10.0 SESW
SEC. 5
10.0 NENW
SEC. 8
T. 25, R. 12E

10.0 NENE
10.0 NWNE
10.0 NENW
10.0 NWNW
5.0 SWNW
5.0 SENW
SEC. 36
T. 15, R. 12E

FROM

10.0 NENE
20.0 NWNE
20.0 NENW
SEC. 36
T. 15, R. 12E

TO

NOTE:

No change in certificates.

* SOME WHERE BETWEEN T-2263 AND T-5633 THE LOCATION OF POU HAS CHANGED. UNABLE TO FIND ANY DOCUMENTATION ON CHANGE, BUT SINCE ALL SUCCEEDING TRANSFER REFLECT THIS CHANGE IN LOCATION THE POU HAS BEEN MOVED FROM: 1560' N & 4480' W FROM SE COR. SEC. 8 TO 1600' N & 1920' E FROM SW COR. SEC. 8.

T-5639

(Change in POU)

REMAINING

CONFIRMING

5.3 NWNW
SEC. 31
T. 15, R. 13E

4.7 NWNW
SEC. 31
T. 15, R. 13E

FROM

4.7 NWNW
SEC. 31
T. 15, R. 13E

TO

T-5664

(Change in POW)

REMAINING

CONFIRMING

5.0 SWSE
10.0 SESE
SEC. 25
20.0 NESE
SEC. 26
5.0 SWSW
5.0 SESW
10.0 NESE
SEC. 33
5.0 SWNE
5.0 SENE
10.0 SWNW
5.0 NESW
5.0 SESW
3.0 NESE
SEC. 34
5.0 NENE
10.0 SENE
5.0 SWNE
10.0 NWNW
SEC. 35
T. 15., R. 12E

5.3 NWNW
SEC. 31
T. 15., R. 13E

10.0 NENW
SEC. 3
10.0 SENE
5.0 NENW
15.0 NWNW
5.0 SESW
5.0 NWSE
5.0 SWSE
SEC. 4
10.0 SWNE
10.0 SENW
SEC. 5
T. 25., R. 12E

2358

10.0 SESW
SEC. 5
10.0 NENW
SEC. 8
T. 25., R. 12E

5.0 NWSE
SEC. 33
7.0 NWSE
SEC. 34
T. 15., R. 12E

FROM

0.3 SESW
11.7 SWSE
SEC. 33
T. 15., R. 12E

TO

STOCK SESW
STOCK SWSE
SEC. 30
T. 15., R. 13E

Note:

Still no change in cert. numbers

CERTIFICATES: # 2358 & 35096

T-6048

(Change in POW)

REMAINING

CONFIRMING

10.0 SESE
5.0 SWSE
SEC. 25
20.0 NESE
SEC. 26
5.0 SWSW
5.0 SESW
SEC. 33
10.0 SWNW
1.0 SESW
3.0 NESE
SEC. 34
1.0 SWNE
SEC. 35
T. 15., R. 12E

10.0 NENW
SEC. 3
10.0 SENE
5.0 NENW
15.0 NWNW
5.0 SESW
5.0 SWSE
SEC. 4
10.0 SWNE
10.0 SENW
SEC. 5
T. 25., R. 12E

STOCK SESW
STOCK SWSE
SEC. 30
5.3 NWNW
SEC. 31
T. 15., R. 13E

10.0 NESE
SEC. 33
5.0 SENE
5.0 SWNE
5.0 NESW
4.0 SESW
SEC. 34
5.0 NENE
10.0 SENE
4.0 SWNE
10.0 NWNW
SEC. 35
T. 15., R. 12E

5.0 NWNE
SEC. 4
T. 25., R. 12E

FROM

5.0 SESW
SEC. 33
10.0 NWSW
1.0 SWSE
SEC. 34
T. 15., R. 12E

TO

5.0 NENE
15.0 NWNE
18.0 NENW
9.0 SENW
SEC. 3
T. 25., R. 12E

CERTIFICATE NUMBERS

REMAINING RIGHT: # 2358 & 67247

CONFIRMING RIGHT: No Cert. Issued

August 8, 1968

H. A. Howard
County Clerk
Wasco County Courthouse
The Dalles, Oregon 97058

Dear Sir:

Water right evidenced by the certificate recorded at page 2353, Volume 3, State Record of Water Right Certificates, recorded in your office on or about June 4, 1919, was canceled by order of the State Engineer, dated March 27, 1968. A certified copy of the order is enclosed for your action under the provisions of ORS 540.650, together with a certificate of water right issued in lieu of the above mentioned certificate confirming the right not canceled by the order.

Water right evidenced by the certificate recorded at page 31674, Volume 23, State Record of Water Right Certificates, recorded in your office on or about June 26, 1964, was canceled by order of the State Engineer, dated June 14, 1968. A certified copy of the order is enclosed for your action under the provisions of ORS 540.650, together with a certificate of water right issued in lieu of the above mentioned certificate confirming the right not canceled by the order.

Our check No. 2503 for \$2.00 representing payment for such service as provided by ORS 537.250 and 539.140 for recording these certificates is enclosed.

After recording these certificates in your records, would you please mail them to the holders of the rights as shown by the certificates.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:kmh

Enclosures: 2 certificates
2 orders
1 check

CERTIFIED - Return Receipt Requested

DICK & DICK

ATTORNEYS-AT-LAW

5TH & WASHINGTON

TELEPHONE 296-2152

THE DALLES, OREGON
97058

May 29, 1968

WILLIAM G. DICK
ROGER L. DICK
EDGAR M. DICK

RECEIVED
MAY 31 1968
STATE ENGINEER
SALEM OREGON

Mr. Marvin B. Bennett
Assistant State Engineer
Oregon State Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Bennett:

Find enclosed check for \$1.00 which was, through secretarial error, omitted from my letter of May 27th.

Yours truly,



WGD:njs
Enclosure

DICK & DICK

ATTORNEYS-AT-LAW

5TH & WASHINGTON
TELEPHONE 296-2152

THE DALLES, OREGON
97058

May 27, 1968

WILLIAM G. DICK
ROGER L. DICK
EDGAR M. DICK

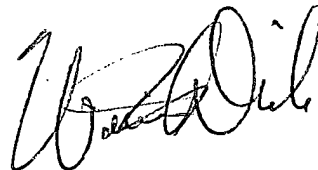
RECEIVED
MAY 29 1968
STATE ENGINEER
SALEM OREGON

Mr. Marvin B. Bennett
Assistant State Engineer
Oregon State Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Bennett:

Find enclosed the \$1.00 needed for the County Clerk
recording fee as set forth in your letter of May 2.

Yours truly,



WGD:njs
Enclosure

DICK & DICK

ATTORNEYS-AT-LAW

5TH & WASHINGTON

TELEPHONE 296-2152

THE DALLES, OREGON
97058

WILLIAM G. DICK
ROGER L. DICK
EDGAR M. DICK

May 24, 1968

RECEIVED

MAY 27 1968

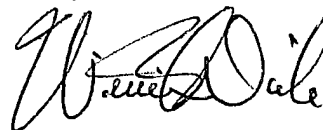
STATE ENGINEER
SALEM OREGON

Mr. Marvin B. Bennett
Assistant State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Bennett:

In accordance with the request contained in your letter of May 2, 1968, the President of Wolf Run Water Users Association is Milton Osborn of Dufur, Oregon.

Yours truly,



WGD:njs

DICK & DICK

ATTORNEYS-AT-LAW

5TH & WASHINGTON

TELEPHONE 296-2152

THE DALLES, OREGON
97058

May 7, 1968

WILLIAM G. DICK
ROGER L. DICK
EDGAR M. DICK

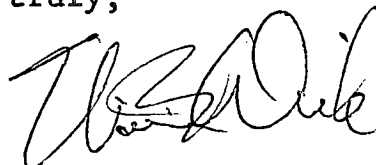
RECEIVED
MAY 8 1968
STATE ENGINEER
SALEM OREGON

Mr. Marvin B. Bennett
Assistant State Engineer
516 Public Service Building
Salem, Oregon 97310

Dear Mr. Bennett:

Thank you for your letter of May 2. Just as soon as I have had the opportunity to discuss its contents with my clients I will provide you with the requested information.

Yours truly,



WGD:njs

August 27, 1957

Mr. E. E. Dortner, President
Wolf Run Irrigation Cooperative, Inc.
Dufur, Oregon

Dear Mr. Dortner:

In response to your letter, the only rights which I am able to find of record in the name of the Wolf Run Irrigation Cooperative, Inc. are those which were acquired through State Engineer's permits Numbers 92 and 93, under a date of priority of May 3, 1909.

These permits were confirmed by issuance of certificates of water rights recorded on Pages 2353, 2358 and 2359, State Record of Water Rights Certificates. In the certificates the source is described as Tamarack Creek, springs, gulch and Eight Mile Creek. The points of diversion are not clearly set out; however, I am enclosing prints of the maps that accompanied the application which indicate their location.

Very truly yours,

LINUS A. STANLEY
State Engineer

By
Chris L. Wheeler, Assistant

CF:eh
enclosures-2

September 4, 1919.

Mr. J. M. McConnell,

Dufur, Oregon.

Dear Sir:

Final proof and money order for \$1.00 have been received covering your right for stock purposes under permits No. 92 and 93 of the Wolf Run Water Users Association.

Three final water right certificates have been issued under these permits to the Association which, taken together cover all lands for which a right was secured under the permits. These certificates also cover a right for domestic and stock purposes. If we endeavored to issue a certificate covering stock purpose under the price admitted for you, the same would necessarily have to be issued in the name of the Association, and as the rights of our Association to use water for stock purposes is already fully covered and protected under the certificates already issued, it would seem that there would be no object in securing another certificate covering this use.

As you doubtless know, proceedings are under way for the adjudication of all rights on Fifteen Mile Creek and tributaries and claims will be received at The Dalles on September 9th and at Tygh Valley on September 10th. I am unable to say whether the Superintendent will deem it necessary that the Association file one claim covering the rights of all parties under it, or that each party file a separate claim for his particular water right. I would therefore suggest that you appear at one of the places designated and be prepared to file a claim covering your right. You should call the attention of the Superintendent however, to the fact that your right is claimed under a State Engineer's permit and that final water right certificate has been issued under the same.

I am returning herewith your proof submitted and the \$1.00 money order.

Trusting this will give you the information desired and that you will have no difficulty in regard to the matter, I remain.

Yours very truly,

H. V. Potter,
Secretary

RWP:B

June 4, 1919.

Permits 92 & 93

Mr. W. B. McCoy,
Sec. Wolf Run Water Users Assoc.,
Bufar, Or.

Dear Sir:

Replying to yours of the 2nd relative to the water right certificates to be issued to the Association I beg to advise that same have been prepared and will be forwarded to the County Clerk for recording as soon as we can obtain the signature of the State Engineer, who has been absent from the office and is expected to return about June 9th.

Trusting, the delay will cause you no inconvenience, I am,

Yours very truly,

R. W. Potter,
Secretary.

Dufur, Ore. June 2nd. 1919

RECEIVED
SALEM

1919

OREGON.

Mr. R. W. Potter

Salem Ore

Dear Sir

A number of our members have been enquiring as to when our water right certificates would be issued and, as I have been unable to give them any satisfactory answer any further than that you had informed me that the matter would be submitted to the water Board at first meeting I would be much obliged to you if you could give me some idea as to when the water right certificates will probably be issued. Thanking you in advance for any information you can furnish I remain

Yours Truly,

W. B. McCoy
Secretary

Walla Walla Water Users Association

Permits 92-93

March 12, 1919.

(Permits 92 & 93)

Mr. W. B. McCoy,
Sec. Wolf Run Water Users Assoc.,
Dufur, Or.

Dear Sir:

I beg to acknowledge receipt of yours of the 10th, transmitting affidavit signed by the members of the association, relative to transfers of water right under permits Nos. 92 and 93. The proof under these permits will be submitted to the Board for approval at its next meeting, and thereafter final water right certificates will be issued in accordance with the Board's recommendations.

Yours very truly,

R. W. Lotter,
Secretary.

Dufur Ore March 10th 1918

Mr R W Potter sec
State Water Board.
Salem Ore

OFFICE OF STATE WATER BOARD
RECEIVED
MAR 13 1918
SALEM, OREGON.

Dear Sir

Inclosed find affidavit of members of the Wolf
Run Water Users Association in regard to transfer of water
rights

This list includes all the members excepting Mr
William Russell, and he has sold his land on contract
to H.P. Sorensen, and is now in California, so I trust
this will be satisfactory to the Water Board

Yours Truly:

W B McCoy sec
Wolf Run Water Users Association

Dufur. Ore February 28th 1919

To the State Water Board.
Salem Ore

SALEM

We the undersigned members of the Wolf Run Water Users Association holders of Permits 92 and 93 hereby state that we have no objections to the transfer of water to the following lands in proof submitted under permits 92 and 93 but not covered by the permits

Land	Owner	transferred from
5 acres in SW ¹ / ₄ SW ¹ / ₄ Section 33 T ¹ S. R. 12 E	Chatham M Coates Transferred to Vena E Gibson	NW ¹ / ₄ NW ¹ / ₄ Sec 4, T. 2 S. R 12 E (Kochler tract)
3 acres in NE ¹ / ₄ SE ¹ / ₄ 7 acres in NW ¹ / ₄ SE ¹ / ₄ Sec 34 T ¹ S. R. 12 E	Mary Bisset Estate James M Parker	SW ¹ / ₄ SE ¹ / ₄ Sec 34, T. 1 S. Range 12 E (Stinger or Jackson tract)
5 acres in SW ¹ / ₄ NW ¹ / ₄ 5 acres in SE ¹ / ₄ NW ¹ / ₄ Sec 36 T ¹ S. R. 12 E	Burtner Elliot Syndicate	NW ¹ / ₄ NE ¹ / ₄ Sec. 5, T. 2 S Range 12 E. (W. H. Strouss tract)
5 acres in SE ¹ / ₄ NW ¹ / ₄ 15 acres in NE ¹ / ₄ SW ¹ / ₄ Sec 29 T. 1 S. R. 13 E	Dufur Orchard Co	SW ¹ / ₄ NE ¹ / ₄ and SE ¹ / ₄ NW ¹ / ₄ Sec 31, T. 1 S. R. 13 E (Johnston Land and Stock Co tracts)

Geo Johnston W. B. McCoy
 Geo Johnston A. P. Ahrensen
 James P. ... T. L. ...
 Vanderpool N. Stoughton W. M. ...
 George ... Burtner Elliot
 H. L. Harney Res. Tract
 Christ V. Woodard
 Dufur Orchard Co
 Vena E. Gibson

FEB 25 1919

Dufur Ore. Feb 22nd 1919

SALEM,

OREGON.

Mr R W Potter

Sec State Water Board

Salem Ore

Dear Sir

Your letter of the 18th inst to hand inclosing copy of letter written to the State Engineer by Mr H P Sorensen in regard to transfers of water rights under permits 92+93

Since writing to Mr Cuffman Mr Sorensen has reconsidered the matter and has signed the affidavit including all the transfers

Some of our members have been away from home and I have been unable to reach them but I hope to be able to complete the work and send it in to your office some time next week which I trust will be satisfactory to your office

Yours truly

W B McCoy

Secretary - W.R.W.U.A.

(No reply)

Feb. 18, 1919.

(Permits 92 & 93)

Mr. W. B. McCoy,
Secy. Wolf Run Water Users Assoc.,
Dufur, Or.

Dear Sir:

I enclose a copy of a letter received from
Mr. N. D. Sorenson, which is self explanatory.

The transfers of water right can of course be
signed for separately, and those for which the signatures
of all users cannot be secured may be eliminated.

Yours very truly,

R. W. Potter,
Secretary.

OFFICE OF STATE ENGINEER
REGISTERED
FEB 15 1919
SAL. - OREGON.

Dufur, Ore. Feb. 9, 1919.

State Engineer
Salem, Ore.

Dear Sir: - Short time ago you sent too W. B. McBooy Sec. for the Wolf Run Water Users Association, a statement of four different changes in water rights within this said association, requiring the signature of each member of the association. I think if each transfer was on a separate petition, it would give us a change to sign for just those that we thought was O.K., and let bal. go without signing.

I have refused to sign the petition circulated, as I do not think ~~of~~ some of the transfers to be just, while others should be made with out a doubt.

If the transfers was petitioned separate there would be no forced signatures.

Yours very truly
A. P. Forensen

February 11, 1919.

Mr. J. M. McConnell

Dufur, Oregon.

Dear Sir:

In compliance with your request of the 17th of January, just received, I am enclosing blank for proof of appropriation of water under permits No. 92 and 93.

Please fill out this proof, setting forth in answer to question seven the location of the land actually irrigated and the number of acres in each tract.

Upon receipt of the proof, properly filled out and \$1.00 to cover recording fee, the matter will receive the attention of the Board.

Yours very truly,

R. W. Potter,
Secretary.

GP.

Dufur Oregon
Jan 17th 1919

Mr. H. Lewis.

State Engineer, OFFICE OF STATE ENGINEER
Salem Oregon RECEIVED
FEB 11 1919

DEPT. OF CORRECTIONS
Dear Sir:

The Secretary of the Wolf River
Water Users Association, requested
me to write you for blanks to
make final proof on,
as the association are going to
make final proof. He thought
I should too, hoping this will
be satisfactory

I am

Respectfully
Yours

J. M. M. Carmel

Dufur
Oregon

January 8, 1919.

Mr. W. B. McCoy, Secy.,
Wolf Run Water Users Assoc.,
Dufur, Or.

Dear Sir:

On Dec. 17th we advised you that a certain application made by Marshall Beck for a transfer of water right was denied by the Board, and that you were therefore entitled to irrigate only the land as described in the original permits, being permits Nos. 92 & 93. Since writing you I have been absent from the office for a considerable time, and on my return the matter was again brought to my attention through the filing of the proof of the Dufur Orchard Co., and I find on further investigation that certain notices have been filed in the State Engineer's records purporting to amend the land description in the original permits and in that way effect the transfer of water right which the Board denied for the reason that it had no authority to grant the same.

For your information I enclose a copy of our letter written today to the Dufur Orchard Co., in which you will note that I request that a certain affidavit be filed. I am informed by Mr. Copper that you were in the office recently and that he also suggested the filing of such an affidavit, in order that these proposed transfers of water right might be accepted by the Board and included in the final certificates.

According to the correspondence on file I take it that it will be satisfactory if we issue one certificate covering the lands of all members except H.P. Sorensen and the Dufur Orchard Co., who have requested separate certificates. However, separate certificates may be issued for any other members who desire them upon payment of the \$1.00 fee. All the certificates, however, will be issued in the name of the Association, as the Association has filed no assignment of any of its rights under the above permits.

Yours very truly,

R. W. Potter,
Secretary.

RWP
Encls.

January 8, 1919.

Dufur Orchard Co-owners Co.,
The Dalles, Or.

Gentlemen:

I am in receipt of yours of the 6th inst., transmitting final proof for 85 acres of land under Permits Nos. 92 and 93 in the name of the Wolf Run Water Users Association, also an amendment to an original notice of transfer of water right, together with \$2.00 for fees. The latter instrument has been recorded by the State Engineer and is herewith returned.

I note that several years ago there was recorded in the State Engineer's records a notice that you desired to transfer a water right from 20 acres of land covered by the permits to another 20 acres not covered by the permits, and that you have included such change in your proof. I also note that three other such changes are asked to be made in the proof submitted by the Association covering the balance of the land under these permits. As stated to Mr. McCoy while in this office recently, it has been our policy not to allow such changes in the land to be irrigated by a permittee, unless it could be clearly shown that the same would work no injury to the rights of other parties. Therefore, before proof can be accepted on these various tracts not covered by the original permit, I will ask that there be filed in this office an affidavit signed by all other water users whose rights might be affected by the transfers, to the effect that they have no objection to the same. For your convenience I enclose a statement of all the proposed transfers as they appear from the proofs filed. These could all be included in one general affidavit, to be signed by all the water users through the Wolf Run Water Users Association ditch.

Upon receipt of such affidavit the proofs will be submitted to the Board for approval and issuance of final water right certificates.

Yours very truly,

R. W. Potter,
Secretary.

RWP

Following lands included in proofs submitted under
Permits 92 & 93, but not covered by the permits:

LAND	OWNER	TRANSFERRED FROM:
5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 1 S. R. 12 E.	Catharine M. Courter	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T. 2 S. R. 12 E. (Koehler tract)
3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, T. 1 S. R. 12 E.	Mary Bisset Estate James M. Parker	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, T. 1 S. R. 12 E. (Sturgis or Jackson tract)
5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T. 1 S. R. 12 E.	Burtner-Elliott Syndicate	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T. 2 S. R. 12 E. (W.H.Strouss tract)
5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, Tp. 1 S. R. 13 E.	Dufur Orchard Co.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 1 S. R. 13 E. (Johnston Land & Stock Co. tracts)

DUFUR ORCHARD CO-OWNERS CO.

4000 Acres
of Bearing Orchards

Orchards at
Dufur, Oregon.



THE DALLE S, ORE.

January
Sixth
1919

State Engineer Department,
Salem, Oregon.

OFFICE OF STATE WATER BOARD
RECEIVED

JAN 7 1919

Gentlemen:-

SALEM. OREGON.

We are enclosing herewith "Proof of Appropriation of Water" also request for "Transfer of Water Rights". Kindly record the latter.

Enclosed find our check for \$1.00, to cover recording fees.

We are also sending you check for \$1.00, for the issuance of Individual Certificate of Final Proof.

Yours very truly,

DUFUR ORCHARD CO-OWNERS COMPANY

By *A. C. Churchill*
Acting Secretary

AMS:CS

ap. 59 Per 92
" 142 " 93

December 20, 1918.

Mr. W. B. McCoy, Secretary
Wolf Run Water Users Association.
Dufur, Oregon.

Dear Sir:

Replying to yours of the 16th., we wrote you under date of December 17th relative to transfer of water rights under permits No. 92 and 93 and I trust this letter fully explains the situation.

Yours very truly,

R. W. Potter,
Secretary.

GB.

Dufur. Ore. Dec 16th 1918

Secretary of State Water Board
Salem Ore

SALEM,

OREGON

Dear Sir

I wrote you under date of Nov 28th. in regard to this matter but have received no reply. probably either my letter or yours went astray so I will state the case to you again.

On behalf of the Dufur Orchard Co of Dufur member of the Wolf Run Water Users Association (holders of permits 92 and 93) I wish to secure some information from you which it is necessary to have in order to make their proof of application of water to beneficial use.

The Johnston Land and Stock Company held 85 acres of water rights. 65 acres being in sect-30 and 20 acres being in sec 31 T1 R13 E as shown by our map on file in your office. The Johnston Land and Stock Company transferred all their land in these two sections to the Dufur Orchard Co, who later transferred the same land to the Dufur Hills Orchard Association an eastern Company. Represented by Mr Marshall Beck of Moline Illinois. Mr Beck had a survey made of the land in sect-31 to determine the feasibility of irrigating it and found that it would not be possible to irrigate only a small portion of it say about one acre. Mr Beck then applied to the State Water Board to have the 20 acres in sec 31 transferred to other land.

Owned by them and adjoining them. Other 65-acres of water right is sec 30 Mr Beck. at that time notified me as secretary of the Wolf Run Water Users Association that he had applied for the transfer but did ^{not} state the 40 acre tracts to which he had requested ^{the transfer} to be made so that I as secretary of the W.R.W.U.A have no record of the land to which the transfer was requested.

Later the Dufur Hills Orchard Association were unable to carry out their contract on this land and it reverted back to the Dufur Orchard Co of Dufur and as they wish to make their proof conform to the records in your Office as to the 20 acres of transferred right we have no other recourse than to appeal to you for the information which I think you will find in your miscellaneous records of the year 1912 or possibly 1913.

The water rights in sec 31 being S E $\frac{1}{4}$ of N W $\frac{1}{4}$ 10 acres S. W. $\frac{1}{4}$ of N E $\frac{1}{4}$ 10 acres has never been applied but the others to which the transfer was asked being all in bearing orchards a considerable amount of water is used for irrigation and spraying.

Thanking you in advance for your trouble in looking up this information I remain Yours truly

W B McCoy Secretary
Wolf Run Water Users Association

December 17, 1918.

Mr. W. B. McCoy, Secretary
Wolf Run Water Users Association.
Dufur, Oregon.

Dear Sir:

I am in receipt of your letter of November 29th relative to the rights of the Dufur Orchard Company, under permit Nos. 92 and 93. I beg to advise you that the application of Mr. Marshall Beck for a transfer of water right was denied by the Board, November 20, 1912. A copy of the Board's order is enclosed for your information. You are entitled therefor to irrigate only the lands as described in the original permit, a description of which I presume you have at hand.

Trusting that this will give you the desired information,

I remain

Yours very truly,

R. W. Potter,
Secretary.

RVP:B

Dufur. Ore Nov 29th 1918

Secretary of The State Water Board
Salem Ore

OFFICE OF STATE WATER BOARD
FEBRUARY 1919
SALEM
OREGON

Dear Sir

On behalf of The Dufur Orchard Co. member of The Wolf Run Water Users Association (holder of permits 92 and 93) I wish to secure some information from ^{you} which it is necessary to have to make their proof of application of water to beneficial use -

The Johnston Land and Stock Company, the Original Owners of the water rights in question held 65 acres of water rights in section 30 and 20 acres in section 31 T, S R 16 E as shown by our map on file in your office

The Johnston Land and Stock Company transferred all the land covered by these water rights and all land ^{there} adjoining it to The Dufur Orchard Co. The D.O. Co later transferred all this same land to The Dufur Hills Orchard Association ^{an eastern Co} represented by Mr Marshall Beck of Moline Ills. Mr Beck had a survey made of the land covered by water right in sec 31 and found it was impractical to irrigate only a very small portion of it and applied to the State Water Board for a transfer of this water to other lands owned by them and adjoining the other 65 acres of water rights. Mr Beck at that time

Notified ^{me} as Secretary of The Wolf Run Water Users Association that he had applied for the transfer but did not state the 40 acre tract to which he asked the transfer to be made to. so that I as secretary ^{of the W R W U A} have no record as to the land to which the transfer was requested

Later The Dufur Hills Orchard Association were unable to carry out their contract on this land and it reverted back to The Dufur Orchard Co of Dufur and as they wish to make their proof conform to the records in your Office as to the 20 acres of transferred right we have no other recourse than to appeal to you for the information which I think you will find in your miscellaneous records of the year 1912 or possibly 1913.

The water rights in section 31 - Being S E $\frac{1}{4}$ of N. W. $\frac{1}{4}$ 10 acres S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ 10 acres has never been applied but the other land to which the transfer was asked being all in Bearing Orchard a ~~considerable~~ ^{amount} of water is used for irrigation and spraying

Thanking you in advance for the trouble in looking up this information I Remain

Yours Truly
W B McCoy Sec
Wolf Run Water Users Association

App. for transfer denied
by Board - Nov. 20, 1912.

(p. 176 - Minutes)

Sep. 23, 1918.

(Permits 92 & 93)

Mr. R. H. Bronleewe,
550 Fourth St.,
Portland, Or.

Dear Sir:

I beg to acknowledge receipt of check for \$1.00 forwarded by you to cover recording fee in connection with final proof covering your lands under Permits 92 & 93 of the Wolf Run Water Users Association. It would seem that this fee is not required, inasmuch as one certificate will be issued covering the entire appropriation, and the fee on same has already been paid. I am therefore returning your check for \$1.00 herewith.

Yours very truly,

R. W. Potter,
Secretary.

Defur. Ore. Sept-12th 1918

OFFICE OF STATE WATER BOARD
RECEIVED

SEP 21 1918

SALEM.

OREGON.

Mr R H Bronleewe
Portland Ore

Dear Sir

Mr Evans left with me your proof of application of water to beneficial use to be sent in to the State water Board at Salem. I am sending in several proofs today and I am including yours with the rest of them. Mr Evans left no recording fee with me. So I have requested the secretary of the State Water Board at Salem to hold your proof until you send in the recording fee. The fee for recording has always been \$1.00 if I remember right. Kindly send in the fee at once to the secretary of the State water Board and notify me you have done so.

Yours truly

J. B. McCoy Secretary
Wolf Run Water Users Association

Enclosed find \$1.00 as instructed above.

Yours Truly

R. H. Bronleewe.
550=Fourth St.
Portland Ore.

(Permits 92. & 93)

Sep.17, 1918.

(Permits 92,93)

Mr. W. B. McCoy,
Sec. Wolf Run Water Users Assoc.,
Dufur, Or.

Dear Sir:

I beg to acknowledge receipt of your letter of the 12th inst., transmitting under separate cover individual proofs of the members of your association under Permits 92 & 93. These proofs appear to be in satisfactory form and will be taken up for issuance of water right certificate in due course.

With regard to the additional proof of Mr. R. H. Bronsewe, no filing fee is necessary to be paid.

Yours very truly,

R. W. Potter,
Secretary.

Dufur Ore Sept 12th 1918

OFFICE OF STATE WATER BOARD
RECEIVED
SEP 16 1918
SALEM, OREGON.

Sec of The State Water Board
Salem Ore

Dear Sir

I am forwarding to you under separate cover the individual proofs of application of water to beneficial use. About Oct 1st 1917 we made proof. On one blank as an association. covering all of these individual proof. excepting one R H Bronlewee of Portland Ore who has made his proof since that time and you will find his proof included with the rest of them.

In regard to Mr Bronlewees proof. it will be necessary for him to have it recorded as it was not included with other proofs as an association. I will notify him to send you in the amount to cover the recording fees at once. Kind hold it till he has time to send it in.

The other individual proofs. I wrote you regarding them at the time we submitted proof as an association and you advised me to hold them until the state agent came in and deliver them to him which I did. When he was through with them he instructed me to forward them to you.

Yours truly
W B McCoy
Sec. Wolf Run Water Users Association

Applications No. 59
142.

January 30, 1918.

Mr. D. E. Foreman,
Rafus, Oregon.

Dear Sir:

We have heard nothing from the Federal Land Bank with reference to what their requirements will be and we are accordingly furnishing you a certified copy of application No. 59, permit No. 92, and application No. 142, permit No. 92, together with a license certificate as in the case of proof on desert entry, and trust this will serve your purpose.

The fee provided by law for furnishing this certified copy is \$2.00.

Very respectfully,

John E. Lewis,

RAC-S.
Enc.

State Engineer.

January 11, 1918.

Mr. W. B. McCoy,
Secretary Wolf Run Water Users Assn.,
Dufur, Oregon.

Dear Sir:

In reply to your letter of the 7th instant I am enclosing a final proof blank under permits No. 92 and 93 in accordance with your request. Doubtless no action will be taken on the final proof by the Board until after October 1, 1918, to which time an extension has been granted within which to completely apply the water. I would suggest, therefore, that final proof be submitted at that time covering all the land for which proof has not been submitted heretofore.

An inspection of the project should be made after all proofs are in when the matter can be closed and water right certificate issued.

Very respectfully,

John H. Lewis,

President State Water Board.

RS.
Enc.

Dufur, Oregon, Jan. 7th 1918

To the State Water Board
Salem, Ore
Gentlemen

Kindly send me one blank for making individual proof of application of water to beneficial use. One member of our association who was absent at the time our association submitted proof wishes to make proof now.

Yours truly

W B McCoy, Sec
Wolf Run Water Users Association

92-93

Received of
W B McCoy
\$1.00
Jan 10 1918
W B McCoy

STAMP: JAN 10 1918

577 ✓
1472

January 4, 1918.

Mr. H. P. Sorenson,
Dufur, Oregon.

Dear Sir:

In reply to your letter of the 20th ultimo in regard to the issuance of the final water right certificate under permits No. 92 and 93 in the name of the Wolf Run Water User's Association, I am sorry to advise you that the Board has not yet acted upon the final proof you submitted in this case. A further extension of time has been granted under this permit within which to apply the water, and no inspection of the project has been made.

We have delayed answering your letter by reason of the fact that just a few days before receiving your letter we wrote the Federal Land Bank at Spokane in regard to the data required to be submitted as evidence of a water right when securing loans under the Farm Loan Act, and upon the receipt of a reply we will prepare such data and forward to you.

Unless we receive the required information from the Federal Land Bank within a short time we will prepare and forward you a certified copy of the permit which covers your land together with a laches certificate. This data is accepted by the General Land Office in submitting proof under desert entry and we believe will be sufficient under the Farm Loan Act.

Very respectfully.

John H. Lewis,

RS.

State Engineer.

Dundas Oregon Dec. 20. 1917.

OFFICE OF THE
REGISTRAR

DEC 25 1917

O.P.S.

State Water Board
Bellevue, Oregon
Gentlemen: - During the absence of Mr. [unclear] this year I made [unclear] of [unclear] of water on 20 acres under permits No. 22593 of the Willamette Water Conservancy, please advise me how long it will be before I can get my water right certificate.

I am taking a loan under the Federal Farm Loan Act, and the bank has asked me for the certificate as collateral security, if I do not get some soon, it may stop my loan.

Yours sincerely,
W. H. Brownson

November 23, 1917

Mr. A. C. Churchill, President
Dufur Orchards Co-Owners Co.
The Dalles, Oregon.

Dear Sir:-

The Itasca Water Board at its meeting on November 21st., granted an extension of time until June 1, 1918 within which to complete construction work and until October 1, 1918 within which to completely apply water to the proposed use under permits No. 92 and 93, in the name of the Wolf Run Water Users Association.

Yours very truly,

GB

Secretary.

59
142

October 15, 1917.

Mr. A. C. Churchill,
Pres. Bufut Orchard Co-owners Co.,
The Dallas, Oregon.

Dear Sir:

I am in receipt of your letter of the 10th instant in support of the application by the Wolf Run Water Users Association for an extension of time in which to complete construction work and to apply the water to the proposed use under application No. 59, permit No. 92, and application No. 142, permit No. 93, and I will recommend to the State Water Board that an extension of time be granted until June 1, 1918, in which to complete construction work, and until October 1, 1918, in which to apply the water under these permits.

Very respectfully,

John H. Lewis,

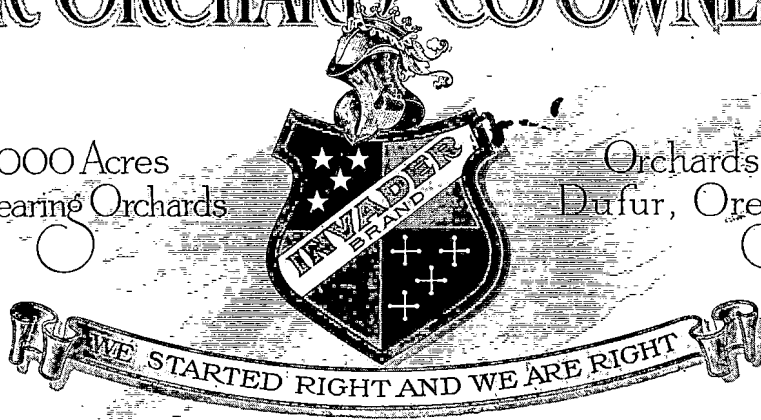
AS.

State Engineer.

DUFUR ORCHARD CO-OWNERS CO.

4000 Acres
of Bearing Orchards

Orchards at
Dufur, Oregon.



OFFICE OF STATE WATER BOARD
SALEM, OREGON

THE DALLE S, ORE.

October
Tenth
1917

State Water Board,
Salem, Oregon

Gentlemen:-

In reply to yours of recent date, Mr. Burtner, the objector to the extension of water rights of Dufur Orchard Company in Wolfe Run project, stands absolutely alone in his protest. His action is based on selfish and ulterior purposes and he neither has the sympathy or support of associate water users.

The Dufur Orchard Company has not developed its rights in Wolfe Run for reason of over burden of financial obligations in upkeep of its 4,000 acre orchard. The writer's time, energy and wits have been applied to meeting monthly pay-rolls and equipment aggregating \$5,000.00 per month.

The orchard had not reached income period until present season and its solely for these reasons, as explained to Mr. Lewis, that we had failed in water development.

It was at the urgent request of men like Messrs. Vanderpool, McCoy and Johnston that we tendered our water assessment and made application for extension, and at a regular called meeting it was voted to accept our check for \$175.00, making total payment of \$975.00, and endorse our extension application.

The request of the association for granting extension was based on formal meeting and I trust same may be granted.

Yours very truly,
DUFUR ORCHARD CO-OWNERS CO.

By  President

ACC:C

142-93
59-92

59
No reply

Dufur, Ore, Oct, 6, 1917.

Mr. Percy A. Cupper,
Assistant S.E.
Salem; Ore, .

Dear Mr. Cupper; -

Replying to your favor of the 4. inst, relative to extending the time for the completion of of the water appropriation of the Dufur Orchard Company, I am enclosing copy of letter I wrote to the Governor Sept. 17, which will give you a pretty good insight to the conditions appertaining to this matter.

From your letter I would infer that The representative of the Dufur Orchard Company got very little encouragement when he called last month at your office.

At the last meeting of our association, Sept. 15, their Foreman stated to the Association, that he had just received a phone message from Mr. Churchill saying that he had seen Mr. Lewis and that Mr. Lewis represented to him (Mr. Churchill) "That If the Association here would ~~grant~~ vote a one years extention, that he (Mr. Lewis) would grant it."

Thus throwing the whole responsability on the association, it was voted 6 to three; 9 voting (including their Foreman) and 8 of the members not voting, who either were opposed to granting the extention or were wholly in the dark.

I am confident that the request for the extention dose not represent the actual sentiment of the W.R.W?U. Ass, but rather to avoid trouble with these people.

Their land (D.C.Co's) has all been cleared many years before they bought it and their is no legitimate reason why they could not have completed their appropriation in ample time, the same as the rest of us did, many of whom had to clear all or part of their land of timber in order to comply with the law.

They are orchard tract promoters, pure and simple; their holdings constitute about 4000 A. in the Dufur District, which they sold to people in all parts of the civilized world, including the P.I.; Panama etc, at an exorbitant price for good wheat land (which it is), representing to the buyers in their literature that the natural rain fall was sufficient without irrigation, to grow commercial apples. ~~without irrigation.~~ 2/

Now since their land is sold and they need water for spraying their whole tract, as well as for irrigation, they wish to reinstate their 65 A. elapsed water right and pay up all their back assessments for construction and maintainance, after the other members of the association, most of whom are poor, have paid for the whole project. During the past year they came upon our land with their teams, without leve or license and hauled water for spraying for weeks and weeks, from our flooms and ditches and unless they are restrained they will continue to tresspass upon our rights in the future.

Sincerely yours

W. M. Burdick

Applications No. 59

142.A

October 4, 1917.

Dufur Orchard Co.,
The Dalles, Oregon.

Gentlemen:

I am in receipt of your letter of the 3d instant transmitting application signed by the President and Secretary of the Wolf Run Water Users Association for an extension of time on behalf of the Dufur Orchards Company within which to complete construction work and apply the water in connection with application No. 59, permit No. 92, and application No. 142, permit No. 93. It is the invariable rule of the State Water Board that before an extension of time be granted a substantial reason for the failure to complete the right within the time specified in the permit must be assigned. I would suggest, therefore, that you get the Wolf Run Water Users Association to write to this office giving the particulars in this case.

We are particularly anxious that there be no misunderstanding in connection with this extension of time for the reason that we have heard indirectly that some members of the Association were opposed to the extension and wish, therefore, to act only upon a substantial showing.

Very respectfully,

Fercy A. Copper,

PAC-S.

Assistant State Engineer.

Applications No. 59
142

October 4, 1917.

Mr. M. M. Burtner,
Dufur, Oregon.

Dear Sir:

According to your letter of July 28th you indicated that you would object to an extension of time being granted to the Wolf Run Water Users Association on account of the failure of the Dufur Orchards Company to complete its right within the time fixed in the permit. We are in receipt of an application for an extension of time signed by the President and Secretary of the Wolf Run Water Users Association, and I am writing you at this time in order that you may be fully advised. The application for an extension of time does not specify any reason for the request and the State Water Board has indicated that no extension of time would be considered unless a substantial reason be assigned for the failure of the permittee to complete the appropriation within the time fixed in the permit or as the same may have previously been extended.

Very respectfully,

Percy A. Gapper,

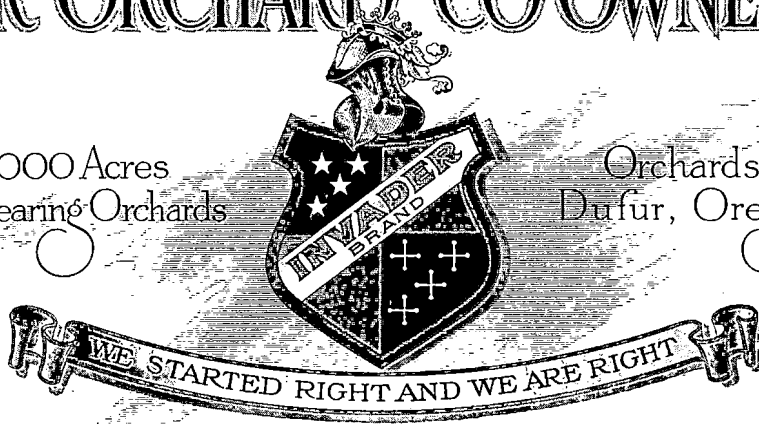
PAC-S.

Assistant State Engineer.

DUFUR ORCHARD CO-OWNERS CO.

4000 Acres
of Bearing Orchards

Orchards at
Dufur, Oregon.



THE DALLE S. ORE.

October
Third
1917

State Water Board,
Salem, Oregon.

Gentlemen:-

Enclosed please find copy of letter from the Wolf Run Water Users Association of Dufur. We are not sure whether they mailed you copy of this letter and therefore are doing so ourselves.

Will you kindly grant us the extension of time and if you have copy of this letter already on file kindly return this letter to our office.

Thanking you for your consideration in this matter.

Yours very truly,

DUFUR ORCHARD CO-OWNERS CO.

By *A. M. Sobieski*
Accountant

1 Enc.
AMS/CS

October 1, 1917.

Mr. W. B. McCoy, Secy
Wolf Run Water Users Association.
Dufur, Oregon.

Dear Sir:-

Proof of appropriation of water under permits 92-93, together with money order for \$5.00 has been received and filed in this office.

I am returning you check for \$4.00, being surplus of your remittance; the recording fee for the certificate of water right being only \$1.00.

The affidavits mentioned in your letter can be held by you and given to the Board's Engineer when he makes the inspection.

Yours very truly,

GB.

Secretary.

Dufur Ore Sept. 28th
1917

To The State Water Board
Salem Ore

OFFICE OF STATE WATER BOARD
RECEIVED

SEP 29 1917

Gentlemen

I hereby submit to you proof of application of water to beneficial use of the Wolf Run Water Users Association. Holders of Permits 92-93 - Applications 59-143. Signed by myself and Mr Vanderpool as officers of the Association

As Supplementary evidence of use of water we have taken an affidavit on Blanks furnished by your Board from each individual with two witnesses to each applicant who are familiar with each separate water right and who live in close proximity to the individual he is vouching for. These individual affidavits we can forward to your board. Or hold them here until your inspector comes to go over our project and then turn them over to him. Kindly advise me as to your wishes in the matter

Yours truly

W B M. Eyr

P.S.
Enclosed find 5⁰⁰ filing fee. any surplus you can return to me

2-93
9-142

Dufur Wasco County Oregon
Sept 28th 1917

To The State Water Board.
Salem Ore

We the Wolf Run Water Users Association
of Dufur Wasco County Oregon hereby petition
the State Water board to grant the Dufur Orchard Co
Members of the Wolf Run Water Users Association holding
water rights in said Association an extension of
time of one year to complete their individual
part of said Wolf Run Water Users Association ditch
and apply water to beneficial use

W.L. Vanderpool
President
W.B. McCoy Secretary

10 28 1917

Sep. 25-13
Oct 1-17
(260 ac. proved
able them
to describe
land)

September 28, 1917.

Mr. H. P. Sorenson

Dufur, Oregon.

Dear Sir:-

Proof of appropriation of water of that part of the lands irrigated by you under permit No. 92 & 93 of the Wolf Run Water Users Association, together with \$1.00 recording fee, has been received and filed in this office.

This proof appears to be in proper form and will be presented to the State Water Board at its next meeting for approval and issuance of final water right certificate.

Yours very truly,

J.S.

Secretary.

Dufur, Ore. Sept. 20, 1917.

State Water Board.

Salem, Ore.

Gentlemen:- As I prefer to make separate proof on my water right, I am hereby sending my proof of appropriation of water, and money order to pay fee.

Yours truly
H. P. Sorenson

Dufur, Ore, Sept, 17. 1917

Dr. James Withycombe, Governor,
Salem, Ore.,

My Dear Governor Withycombe;-

This is M.M. Burtner of Dufur talking. You will recall the incident of a visit of Mr. G.W. Johnston and myself to your office during the session of the 1917 legislature, regarding the appointment of a fruit inspector for this district.

With this in mind I wish to recall to your memory the promoters of the Dufur Orchard Co, of which you spoke of at that time, who are now trying to renew a lapsed water right in the "Wolf Run Water Users Ass." of 65 acres, taken out in 1909, by the Johnston Bro's from whom the D.O. Co, bought part of their orchard land in 1911.

Mr. Churchill was down to see the State Engineer, Mr. Lewis, last week about renewing this right and getting an extension of time for its completion. Mr. Lewis put the matter of extending the time one year to our Association; (Wolf Run Water Users Ass.), something we think he should not have done.

However the Association instructed Mr. Lewis to grant the extension, if he saw fit to do so, to avoid any trouble with these promoters on the part of our association, as we have learned that they possess a very elastic conscience.

Our association is willing to wave all of these peoples past delinquencies in their failure to complete their water right in the time limit as the rest of us were required, by the law and state officers, to do and allow them to complete the same; but we hear from their foreman and otherwise generally noised abroad that it is not the intention of this company to use their water right for irrigation on the land for which it ~~was~~ was taken out, but that they intend to use it on other parts of their large holdings, and for other purposes.

It is this that I wish to prevent, and for which I wish to insist your valuable service. If they are allowed to divert this water from the original tract for which it was appropriated, they will need all the water and much more besides, than could flow through our little ditch, besides making no end of trouble for our little association, most of whose members are poor homesteaders and not financially able to take their own part in law or otherwise.

They abandoned this water right until they got their land sold and represented to the people that they "Did not need irrigation to grow fruit successfully, which we all knew they would need.

Now I understand from the press they are getting in a Belgian Colony and are guaranteeing them water, which they have not got.

I wish you would see Mr. Lewis and lay this matter before him and have him compel them to confine their water right to the land for which it was taken out, just the same as the rest of us have to do and in fact want to do.

Sincerely and Fraternaly yours.

Applications No. 59
142.

August 24, 1917.

Mr. W. L. Vanderpool,
Pres. Wolf Run Water Users Assn.,
Dufur, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 5458 for \$1.00, which amount was transmitted together with an amendatory statement to be filed in the Miscellaneous records of this office showing a change in the point of diversion under application No. 59, permit No. 92, and application No. 142, permit No. 93, in the name of the "Wolf Run Water Users Assn. The statement has been recorded in the Miscellaneous records of this office and is returned herewith.

The tracing has been filed with the maps under the foregoing permits.

Very respectfully,

John H. Lewis,

State Engineer.

RS.
Enc.

July 31, 1917.

Mr. M. M. Burtner,

Dufur, Oregon.

Dear Sir:

I am in receipt of your letter of the 28th instant and note what you have to say with reference to proof of appropriation under applications No. 59 and 142, permits No. 92 and 93, respectively, by the Wolf Run Water Users Association. I would suggest that proof under these permits be submitted on one blank and that you wait until October first before submitting the same. The proof should then cover all land that has been irrigated up to that time and no more. This will be the most satisfactory way of handling it so far as this office is concerned and in view of the fact that the appropriation was made by the Wolf Run Water Users Association and the water right certificate must accordingly be issued to the Association, I believe you will find this the most satisfactory way of handling the matter.

Very respectfully,

Percy A. Cupper,

Asst. State Engineer.

PAC-4

Dufur, Ore, July 28, 1917.

Hon. Jown W. Lewis, S.C.E.
Salem, Ore.,

My Dear Mr. Lewis;-

As stated to you last winter while I was attending the legislature I wish to certify my W right to the "Beneficial use of water" under the "Wolf Run Water Users Association" of Dufur, Wasco County and take this occasion write you for the proper blanks and specifications at your earliest convenience.

As you are aware the time limit for our Association is Oct. 1. 1917, and I am anticipating that the Dufur Orchard Company, formerly the "Johnston Land Co," who originally filed upon 85 A. of water with our Ass. may have difficulty in complying with the conditions of the law and I for one do not wish to be mixed up with any trouble or delay. To my personal knowledge, the rest of the Ass. have fully complied with all conditions in good faith, but the ~~XXXXXX~~ former have never completed their ditches, or floom nor applied the water to beneficial use, or any other use, for that matter, and as I see it, it will not be possible for them to apply it within the time limit.

The "Johnston Land Co," took out their application in good faith, and afterwards sold 3400 A. to the Dufur Orchard company, (Promoters) of orchard lands, who refused the water right, because it was to their advantage to advertise and sell their lands to "successors" from all parts of the country, including foreign countries, as good orchard lands but not needing irrigation, because it was not possible to get water for their 4000 A. orchard tract.

Their contract for five years is now up, but the same parties have since contracted with the owners of orchards lots to care for and harvest what fruit the orchards may bear; now they need water for spraying the whole 4000 A. which they have not got, and they wish now to ~~XXXXXX~~ complete their abandoned water right within the next two months. Should this scheme go through our whole water system will be damaged to quite a material extent. For this reason as well as others I wish personally to complete my own appropriation. I will require two sets of blanks, one for the "Burtner-Elliott Synd," and one for myself individually, as shown on our duplicate map filed in your office.

Well we did our "dandest" for you but the "Road Gang" beat us last winter. I assure you the Grange and Farmers Union have it in for them between now and next election. The paving trust and their friends may think that "They have gotten all they want" but they have an other guess coming if they think they can get away with all that money before the next election and legislature meets. With very best wishes and kindest regards I am

Sincerely yours

W. M. Barber

The Governor Can give you particulars concerning the W. O. Co.

October 23, 1916.

Mr. W. B. McCoy,
Sect. Wolf Run Waterusers Assn.
Dufur, Oregon.

Dear Sir:

In reply to your letter of the 18th instant in regard to an extension of time under applications No. 59 and 122, being permits No. 92 and 93 respectively, you are advised that Mr. M. M. Burtner made application for an extension of time on September 2, 1916, under this permit and extension was recommended in which to completely apply the water to the proposed use until October 1, 1917. The application for an extension has been acted upon by the Board. However, this does not prevent any person from submitting final proof under this permit if it is the intention for each individual to receive a separate water right certificate.

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

Very respectfully,

RS.

M. F. Mers, Secretary.

Deputy Sec. Oct 18th 1918

Secretary Mass. Water Board
Salem, Ore

Dear Sir

I understand that Mr. St. Rosemont has received a letter from you under date of Oct. 15th stating that the time for complete application of water to beneficial for the 1921 Sanatorium Association permits 92 x 93 has been extended to Oct. 1st 1917. The President of our association has requested me ^{to visit you} and see if there is not some mistake in the date as we secured an extension of one year from 23rd September 1915 to Oct. 1st 1916 and if another extension of one year time has been granted. At that time request - if was made.

There are a few members to whom this further extension of time will be of great help as the land was timbered and they have been unable to make as good a showing as they would like. However this letter you will help them out.

The Capital Skills Orchard Co. an active corporation also have some water right. On the lower end of our ditch system. Would do you have not been obliged it will probably be benefited to them.

Yours sincerely
W. B. M. Coy Secretary
R. P. W. T. 1918

October 13, 1916.

Mr. H. P. Sorensen,
Bufur, Oregon.

Permits No. 92, 93.

Dear Sir:

I am in receipt of your letter of the 10th instant and note that you are getting water from Eight Mile Creek through the Ward Mill Ditch which dumps the water into Tamarak Creek. According to the records of this office no mention was made in either application whatsoever of the watershed Eight Mile Creek. Permit No. 92 covers the use of 3.3 second feet of water from Tamarak Spring and Gulch for the irrigation of 405 acres, stock and domestic purposes. Permit No. 93 covers the use of 5.5 second feet of water from Tamarak Creek for the irrigation of 405 acres and water for stock and domestic purposes, and is supplemental to the water supply under permit No. 92. I would suggest that you take up the matter of submitting proof upon Eight Mile Creek as the source of water supply with Mr. Geo. T. Cochran, Superintendent of Water Division No. 2, Madras, Oregon, explaining fully the situation to him.

An extension of time has been granted within which to completely apply the water under permits No. 92 and 93 until October 1, 1917. The date of priority of all water users under the foregoing permits is the same.

Trusting you will find this of some value, I am,

Very respectfully,

RS.

H. P. Mers, Secretary.

we not have our own
to Lamerak creek, and
the West Hill ditch in
water runs through
out of eight mile creek,
we are getting our water
on Lamerak creek.

Our present intake is
question:
gates to the following
Please advise me in re.

Dear Sir: I am a member
of the West Burn Water
Users Association.

State Engineer
Helena, Oregon

Mr. Lewis
Oct 10, 1916
Dustin, Ore.

142-93
59-92

established on Eight mile
creek, before making final
prove on our water right
as Hammerack is a dry
creek?

A party here, also
a member of said asso-
sation, wish me to in-
quire if a single user
can get a years extention
without loosing any
in priority from those
prooving up now,
said user has irrigated
his land, but wish to
put it in better culti-
vation before making
prove. Yours truly
A.P. Sorenson

September 30, 1916.

Mr. A. B. McCoy,
Sect. Wolf Run Waterusers Assn.,
Dufur, Oregon.

Permits No. 92, 93.

Dear Sir:

I am in receipt of your letter of the 25th instant and note that the water has been completely applied to beneficial use under Permits No. 92 and 93 in the name of the Wolf Run Water Users Association, and that you desire that each land owner should submit separate proof. I am accordingly sending under separate cover a blue print copy of the map and 20 final proof blanks.

If it is desired that a separate water right certificate be issued to each land owner, a fee of \$1.00 should accompany each proof. However, it is probable that the Board will require that an inspection of the project be made before final water rights certificates are issued, and this will be done as soon as it is possible for the inspector to get into that vicinity after the final proofs are submitted.

Trusting you will find this satisfactory,
I am,

Very respectfully,

RS.

H. E. News, Secretary.

Draft No. 25 - 11/1916

State Water Board
Sacramento
California

We the Wolf Run Water Association

Members of Yuma 92 and 93 for diversion of water from Bay and Little American Creeks (tributaries of Eight-Mile Creek) respectfully submit to you a report that we have applied the water to Yuma we and are ready to submit draft on or before any date which your board may set for same

The Association has decided that it will

be better for each individual to make separate draft it will require about 20 blanks which we would respectfully request you to furnish. would like to have your blank by Oct 1st.

Wolf Run Water Association

W. B. McCoy

Secretary

142-93
59-92

6/17
2/1917

September 29, 1916.

Mr. M. H. Burtner.
Bufur, Oregon.

Dear Sir:-

The State Water Board at its meeting today granted an extension of time until October 1, 1917 withiñ which to completely water to the proposed use under permits No. 92 and 93.

Very respectfully,

Secretary.

GB.

Application No. 59
142.

September 6, 1916.

Mr. H. H. Kirtner,

Wafar, Oregon.

Dear Sir:

I am in receipt of your letter of the 2d instant asking advice as to an extension of time in which to completely apply the water to the proposed use under applications No. 59 and 142, being permits No. 92 and 93 respectively, and I have recommended that the State Water Board grant an extension of time until October 1, 1917, in which to completely apply the water to the proposed use under these permits.

Very respectfully,

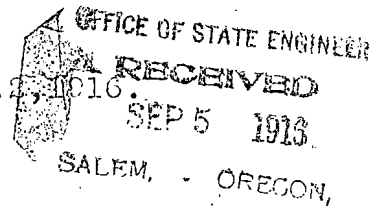
Ferdinand Capper,

Assistant State Engineer.

13.

192-93
59-92

Dufur Ore. Sept. 4, 1916.



To the State Engineer
Salem Ore.

Dear Mr. Lewis;-

The following inquiry personally interest myself.

By reference to the application of water rights of the Wolf Run Water Users Association, you will see that I have made application for 60 acers of water destributed in six 40 s. All the land included in the W.R.W.U.Ass.was covered with timber at the time of application, which included myown. This required on my part the clearing of each 40 A.tract in which was the included water right;or the clearing it in 10 acre patches,which did not suit my sheme of business as I whshed to put out 120 A.of commercial orchard,which I did and is now in its seventh season.

In eastern Oregon there is only about 1 month or six weeks in the most favorable seasons that land can be cleared successfully,neither the 10 A.nor the whole 40 has been cleared and I am begging of you to extend the final proof on this 40 for one more year.

It is the N.E.40 of the N.E.Quarter,Sec.36,12 E.and 1 S. of the W.M. \$19000.00

I have already expended over ~~\$19000.00~~ on this tract and I trust I am justified in asking this extention. A casual inspection will show I hope that I have shown good fath,after having organized the whole association.

Thanking you for your kindness to me personally as well as to the Wolf Run Water Usersers Association in particular,I beg to remain most

Sincerely yours *W.M. Barber*

May 2, 1916.

Mrs. J. F. Koehler,
Dufur, Oregon.

Dear Madam:

In reply to your letter of the 1st instant in which you state you desire to transfer a water right from 10 acres of land covered by application No. 59, permit No. 92, in the name of the Wolf Run Water Association, to 10 acres in the SW SW Sec. 33, T. 1 S. R. 12 E., you are advised that under Section 6668, L. O. L. such a transfer can be made, "provided," that if for any reason it should at any time become impracticable to beneficially or economically use water for the irrigation of any land to which the water is appurtenant, said right may be severed from said land, and simultaneously transferred, and become appurtenant to other land, without losing priority right theretofore established, if such change can be made without detriment to existing rights, on approval of an application of the owner to the Board of Control."

However, the Board has repeatedly held that an inchoate right cannot be transferred. The water right must have attached to the land by reason of having water having actually been used for the irrigation of the same, before it can be transferred to other land. If these conditions have been complied with, you should take the matter up with Mr. Geo. T. Cochran, Superintendent Water Division No. 2, LaGrande, Oregon.

Very respectfully,

John H. Lewis,

State Engineer.

RS.

142-93
59-92

Wufur, Ore.,
May 1, 1916.

State Eng. Lewis;

Salem, Ore.,

Dear Sir:-

Am writing you to see if I can have transferred the water rights of the Wolf Run Water Ass't. of Wufur from a 10 acre track in S. $\frac{1}{2}$ N. $\frac{1}{4}$ + lot 4, Sec. 4, township 2 S., R. 12 E., N. M. to 10 acres in S. $\frac{1}{4}$ S. $\frac{1}{4}$ Sec. 33, T. 15., R. 12 E., N. M. Please let me know as soon as convenient,

And oblige,

Mrs. J. P. Kochler, Wufur, Ore.

Applications No. 59.
142.

Nov. 23, 1916.

Mr. Geo. W. Borg,
The Borg & Beck Co.,
Moline, Illinois.

Dear Sir:

In reply to your inquiry of the 20th instant you are advised that according to the records of the State Water Board the time for the complete application of water to the proposed use under application No. 59, permit No. 92, and application No. 142, permit No. 93, has been extended until October 1, 1916.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

September 2, 1915.

Wolf Run Water Users Association,

Dufur, Oregon.

Gentlemen:-

You are hereby notified that the State Water Board at a special meeting held yesterday, granted you an extension of time until October 1, 1916 in which to completely comply with the proposed use under permits No. 31 and 32.

Very respectfully,

Secretary.

CT:

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER

Applications No. 59

JOHN H. LEWIS, STATE ENGINEER 142
PRESIDENT OF THE STATE WATER BOARD
SECRETARY OF THE DESERT LAND BOARD

PERCY A. CUPPER
ASSISTANT STATE ENGINEER

OFFICE OF STATE WATER BOARD
RECEIVED
JUN 9 1915
SALEM, OREGON, June 9, 1915
SALEM, OREGON.

State Water Board,

Building.

Gentlemen:

I am transmitting herewith application of the Wolf Run Water Users Association for an extension of time in which to completely apply the water to the proposed use under applications No. 59 and No. 142, being permits No. 92 and No. 93 respectively, and I would recommend that the State Water Board grant an extension of time until October 1, 1916, in which to completely apply the water to the proposed use under the foregoing permits.

Very respectfully,

John H. Lewis
John H. Lewis,

State Engineer.

RS.

Enc.

rs

Applications No. 59

~~142~~

June 9, 1915.

State Water Board,

Building.

Gentlemen:

I am transmitting herewith application of the Wolf Run Water Users Association for an extension of time in which to completely apply the water to the proposed use under applications No. 59 and No. 142, being permits No. 92 and No. 93 respectively, and I would recommend that the State Water Board grant an extension of time until October 1, 191~~5~~⁶, in which to completely apply the water to the proposed use under the foregoing permits.

Very respectfully,

John H. Lewis,

State Engineer.

RS.

Enc.

Applications No 59

~~142~~

June 9, 1915.

Mr. W. L. Vanderpool,
Pres. Wolf Run Water Users Assn.,
Dufur, Oregon.

Dear Sir:

I have your letter of the 6th instant requesting an extension of time in which to completely apply the water to the proposed use under applications No. 59 and No. 142, being permits No. 92 and No. 93 respectively, and I have accordingly recommended that the State Water Board grant an extension of time until October 1, 191⁶, in which to completely apply the water to the proposed use under the foregoing permits.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Dufur Ore. June 6th 1915

14

To The State Water Board
Salem Ore

We The Wolf Run Water Users Association
Holders of Permits 92 and 93 for the diversion
of the waters of Big and Little Tamarack Creeks
the same being tributaries of Eight Mile
Creek. do hereby petition the state water
board for an extension of time of one
year for making proof of complete
application of water to beneficial use
as the lands included in these applications
are timbered and brush lands and
expensive to clear and the making of final
proof at the present time would cut several
appropriators short on the amount of acreage
applied for

W L Vanderpool President
H. B. McCoy Secretary

1 yr

142-93

59-92 Comp Sept 25-12 to Sept 25-13
Comp appl water Sept 25-14

Oct 1-1916

Whitebeam

comp
protection

comp appl water Oct 2-1914

OFFICE OF STATE WATER BOARD
RECEIVED
JUN 8 1915

SALEM,

OREGON.

October 2, 1914

Wolf Run Water Users Association,
Mr. W. S. McCoy, Secretary,
Boyer, Oregon.

Gentlemen:-

Notice of complete application of water to a
beneficial use upon your permits Nos. 92 and 93, has been
received and filed in this office.

In due course proof of appropriation of water
will be taken by the State Water Board, and final water right
certificates issued therefor in accordance with such proof.

Very respectfully,

Secretary.

July 28, 1914.

Mr. H. P. Sorensen,
Dufur, Oregon.

Dear Sir,-

Your inquiry of the 24th inst. to Mr. Lewis has been referred to this office for reply.

As soon as possible after the expiration of the final date allowed by the State Engineer for complete application of water to beneficial use, proof of appropriation of water will be taken, and final water right certificate issued thereafter in accordance with such proof. Your water right is not jeopardized, however, by delay in taking such proof, provided you continue to use the water.

Very respectfully,

Secretary.

STATE OF OREGON
DEPARTMENT OF
SALMON
OREGON

Dufur, Ore.
July 24, 1914.

Mr. Lewis State Engineer,
Salem Oregon.

Dear Sir:

I am the owner of 160 Acres
land in sec. 5-8 T. 5. S. 2. R. 12. E. W. 7. N.
a waterright has been applied for,
for 20 acres of said land, by the
Wolf Run Water Users asst, with the
understanding that the water should
be put to use before the 25 Sep.
1914. I have done so this summer
would you be so kind to advise
me how I can obtain a patent ^{or deed} to
said waterright.

Please send me a copy of the state
water law.

Yours very truly
N. P. Lorenson

sent

Aug. 14, 1913.

Mr. Marshall Beck, Borg & Beck Co.,

Moline, Ill.

Dear Sir:-

I am in receipt of your letter of the 9th inst. relative to the completion of construction work under applications Nos. 59 & 142, Permits Nos. 92 & 93.

The question of completion of construction work can only be determined after an inspection in the field, as provided in the statute; and if there is any question as to whether or not the construction work has been completed, I would suggest that you apply for an extension of time.

Very respectfully,

John H. Lewis,

State Engineer.

PC-p

THE BORG & BECK Co.

SUCCESSORS TO

BORG & BECK

WOODWORKING AND IRONWORKING MACHINERY

DESIGNERS, CONTRACTORS AND BUILDERS

BORG & BECK AUTOMOBILE CLUTCH

SPECIALTIES :
BORG AUTOMATIC TONGUE SHAPING MACHINE
BORG AUTOMATIC FELLOE MACHINE
BORG AUTOMATIC COLUMN MACHINES
BORG PLOW SHARE JOINTING MACHINESMOLINE, ILL.

August 9th, 1913.

Hon. John H. Lewis,
Oregon State Engineer,
Salem, Oregon.

Subject:- Wolf-Run Water-Users Association, Dufur, Ore.
Permits 92 and 93. Rule to complete construction
work before Sept. 25th, 1913.

##

Application for exemption from above rule, of that part of the system covered by above permits lying in section 30, T. 1, S. R. 13 E. W.M; and including and being lots 402 to 424, inclusive, of the Dufur Orchard Company's subdivision of the Johnston Land and Stock Company's Ranch, located, in part, in said section 30.

Also, for exemption, from said rule, of a contemplated private lateral extension, 1500 feet in length, more or less, from the present terminus of the main transmission ditch of said Wolf-Run Water-Users Association, to said lots 402 to 424, inclusive.

Dear Sir:-

I have discussed this case with your office almost too voluminously already, but still must recapitulate in explanation of the above stated application.

THE SITUATION

1st - The Water Association (Wolf-Run Water-Users Ass'n) originally under Rule to complete construction before Sept. 25th, 1912. On petition filed, Rule extended to Sept. 25th, 1913.

2d - The Water Association construction-work, or main transmission ditch, terminated, by original agreement, a

Moline, Ill., August 9th, 1913.

Hon. John H. Lewis #2

distance of 1500 feet, more or less, West of the West line of the tract or lots above described, and at the West line of a ravine, 20 or 30 feet in depth, lying between such terminal point and the lots described; the owners of the lands from which the lots have been subdivided having been given the alternative to stay out of the Water Association, or stipulate, in advance, that they would accept the delivery of water, by the Association, at the West side of said ravine; making no further demands upon the Association in that regard; and the fact, therefore, being that the successors of these land owners, - the owners of the orchard lots described, are now compelled to build a private lateral system, beginning at the present terminus of the Water Association ditch, crossing the ravine to and upon the lots; and which private lateral-system is not, in any respect nor section, part or parcel of the Water Association transmission system, as is evidenced by the original Association understandings, resolutions, stipulations and agreements; and especially by the action of the Association in terminating its main delivery ditch at the West line of the intervening ravine; and in announcing, officially, that it would transmit the water no further.

3d - Under these circumstances, the applicants are asking the ruling from your office (or a statement of your acceptance of the proposition) that the Rule upon the Wolf-Run Water-Users Association, as to the time for completing "construction work," applies no further East than the present Eastern end of the Association ditch, viz:- at the Western side of the depression or ravine described above; that is, that the act of the Association in bringing water to the present terminus of its ditch, constitutes the act of bringing water "to the edge" of the lands above described; and under which ruling, in building our lateral system, beginning at the Association ditch terminus, or further back, we will be subject ONLY to the Rule on the Association granting time till Sept. 25th, 1914, for applying water to "beneficial use."

Stripped of all technical features, our point is:- that we do not want the work of carrying the water-supply across the ravine, to our lands, to be classed, in your rulings, as "construction work" of the Water Association, which it is clearly not, the Association having chosen, within its privilege, to stop its supply ditch at a point to exclude that section. The Association is, this season, as I understand, completing its construction work, and you will, no doubt, accept its report, inspect and approve.

Moline, Ill., August 9th, 1913.

Hon. John H. Lewis #3

If objection should be made, after Sept. 25th, 1913, to our action in carrying the water-supply across the ravine, on the ground that such work would be Association "construction work," and therefore barred by the Rule expiring Sept. 25th, 1913, the penalty would not bear on the water association as a whole, but only upon those private members of that Association represented in this application; and those private members having been, up to this time, powerless to induce the water association to extend its system of supply ditches to include the ravine section.

All we ask is:- that you class as "application to use" work, all the development work above described, which we have yet to do, from and below the terminus of the Association ditch, which, in good faith, it is; and this to the end that we may not have to submit to the injustice of being penalized for non-compliance with a rule made on some-one-else.

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We have our surveys, contours, plans and estimates worked out, but for reasons named earlier in this correspondence, and others, cannot finance the project in time to do the work remaining before Sept. 25th, 1913.

Referring to application No. 2721, permit No. 1541, we wish to explain that the 55 acres of new-rights therein covered, are associated, through the voluntary organization:- The Dufur Hills Orchard Association., with the 65 acres of earlier (charter) rights specified above herein, and lying under the time rules entered under permits 92 and 93; and to explain, further, that it is the desire and intention of the last named Association, before the 25th day of September, 1914, to build and complete the private-Association lateral-system herein discussed, viz:- the system planned to divert an irrigation supply from the main supply ditch of the Wolf-Run Water-Users Association, at or near its present Eastern terminus, to carry this supply across the intervening surface depression herein described, to and upon the lands covered by both the 65 acres of earlier water rights, and the 55 acres of new rights; and to distribute such water supply to beneficial use over and upon the irrigable lands covered by such 120 acres of water rights held within the Dufur Hills Orchard Association.

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Any Rule, or declaration of "non-intervention," from your office, which will give us assurance that we are to have

Moline, Ill., August 9th, 1913.

Hon. John H. Lewis #4

time up to Sept. 25th, 1914, will be satisfactory to us, and will be gratefully received; and, should you prefer to have us make application for time, in any manner or form other than that herein, we will immediately substitute any such application as you may indicate to us, in reply hereto.

In your letter of Sept. 23d, 1912, you kindly wrote, on this point, as follows:- "The work that has already been done may, in the opinion of the Board, constitute a completion of actual construction work, but it would seem to me to be far safer to secure an extension of time of one year, and, before filing notice of completion of construction work, to actually complete the ditch to the edge of the land to be irrigated. This seems to be especially true of your case, which requires the expenditure of considerable money, between the point at which the canal is at present constructed and the point at which the water is to be distributed to the land through the laterals."

But we did not see any way in which we could act upon your indulgent suggestion. No time limit had been placed, in the Water-Board record, against us, as individuals.

We had no standing, under permits 92 and 93, from which to ask your office for an "extension of time," or for anything else, and hence this long-drawn correspondence.

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Kindly give us an early answer hereto, containing a "sign," that we are, under your construction of the facts in our case, entitled to time up to Sept. 25th, 1914, in which to perform each and all parts of the work herein specified; or, otherwise, containing suggestions or instructions as to what action we may take to so entitle ourselves to the time limit last named.

Respectfully submitted,

Marshall Beck

For The Dufur-Hills Orchard Ass'n.

MB:FM

10
February 19, 1913.

Mr. H. W. Kalnor,

Couch Bldg.,

Portland, Oregon.

Dear Sir:

I am in receipt of yours of the 18th inst., relative to a correction to be made in the Miscellaneous Record of this office. If you will kindly return the original instrument to this office in order that we may make the record conform to it, we will be glad to make this change.

Very respectfully,

John H. Lewis,

State Engineer.

P. C. H.

app- 59-
62

E. W. KELNER

CIVIL ENGINEER

301 COUCH BUILDING
PORTLAND, ORE.

Feb. 18th 1913

Mr John H. Lewis,
Salem Ore.

RECEIVED
SAL. OREGON.

Dear Sir : ---

Referring to the " Amendment of Permits " 92 & 93 of the
Wolf Run Water Users' Assn., transferred by the Dufur Orchard Co.
and recorded in your office in Miscellaneous Records, Vol. I, page
S-223-226, I note that the date was not filled in.

The date form follows Mr Churchills' signature as President.
Would you kindly write in the date Jan. 24th 1913 at the place pro-
vided and report correction to me.

Thanking you in advance, I remain,

Yours very truly,

By E. W. Kelner
a.c.m.

November 25, 1912.

Mr. W. B. McCoy,
Secretary Wolf Run Water Users Ass'n,
Dufur, Oregon.

Dear Sir,-

I beg to advise you that the Board of Control,
at a meeting on the 20th inst., extended the time in which
actual construction work is to be completed under Permits
Nos. 92 and 93, applications Nos. 59 and 142, respectively,
from Sept. 25, 1912, until Sept. 25, 1913.

Very respectfully,

Acting Secretary Board of Control.

Applications 59 and 142.

SUBJECT:

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD OF CONTROL
SECRETARY OF THE DESERT LAND BOARD
PERCY A. CUPPER,
ASSISTANT STATE ENGINEER

SALEM, OREGON, October 31, 1912

9/25/10-12-14
(13)

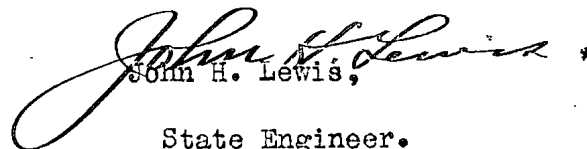
Board of Control,

Salem, Oregon.

Gentlemen:

Sometime ago I transmitted to your office application for an extension of time in which to complete actual construction work under applications No. 59 and 142, permits No. 92 and 93 by the Wolf Run Water Users Association. I recommended that an extension of time until June first, 1913 be granted. I am today in receipt of a letter from the Secretary of the Association requesting that the Association be allowed until September 25, 1913 in which to complete the construction of the ditches. Based on this letter, I wish to amend my recommendations and allow the Association until September 25, 1913 in which to complete its works.

Very respectfully,


John H. Lewis,
State Engineer.

PAC-W

Encl.

11. Edition

42

OFFICE OF STATE ENGINEER
RECEIVED
OCT 10 1912

Oregon, Ore Oct 7th 1912

John H Lewis Chairman
Board of Water Control State of Oregon
Salem

We The Wolf Run Water Users Association
Holders of Permits 92 and 93 do hereby
respectfully petition the Board of Water Control
of the State of Oregon for an extension of
time for one year to complete actual
Construction work. For the reason that while
we have water on every portion of land for which
we applied (excepting a portion on lower end for which
a pipe line is necessary and for which arrangements
are now being made to install) Our ditch on the
upper end is not large enough to carry the
amount of water our appropriation calls for and
for that reason we ask the extension of time
in order to enlarge it so that it will carry the
full amount of our appropriation

The Wolf Run Water Users Association
W L Vanderpool President
W B McCoy Secretary

Application
142

Dufur Oct 24th 1912

REGISTERED ENGINEER
OCT 31 1912

John H. Lewis S.C.E.
Salem Ore

Dear Sir

Your letter of 10th inst. to hand. Stating you had transmitted our application for extension of time to complete actual construction work with a recommendation that we be granted an extension until June 1st 1913. I have laid the matter before our Board of directors and have been instructed to again take this matter up with you and if the Board of Control has not already acted on our application to try and get time extended until Sept. 25th 1913. Our reasons for this are in the first place the portion of our ditch which most needs enlarging is on the upper end, and is on a very steep hill facing the north, and at this time of the year the sun seldom strikes it and the altitude being high it is freezing hard enough at night to seriously interfere with that class of work and does not thaw out in day time. Second in the Spring the snow and

See. is not. matter out of that. part. while
the. part. of. may. and. we. would. find. it. rather. easy
to. see. like. the. first. in. out. of. ground. and. the. work
of. May. and. June. is. when. there. is. the. most. water. available
and. we. can. run. the. ditch. to. full. capacity. without
concerning. any. problem. with. the. eight. miles. which. we. wish
to. send. until. steam. is. adjudicated. and. of. the
steam. is. not. adjudicated. next. spring. we. will. probably
have. to. shut. our. ditch. down. in. the. part. of. July. and
August. in. order. to. avoid. friction. and. this. would
be. the. best. time. for. us. to. do. our. engineering
from. every. point. of. view. In. May. and. June
we. need. the. water. badly. and. if. we. had. a. chance
of. men. working. on. the. upper. end. we. could. not. use
any. part. of. that. system. We. have. been. clearing. our
ditch. during. August. every. year. and. at. that. time
it. would. be. of. little. value. to. us. as. the. eight. miles
would. probably. collect. on. all. the. water. at. that. time
making. steam. un. adjudicated.

Thanking you for Pat. Farren's. Attention

Yours Truly
H. B. May, Jr.

My Dear Mr. Farren

SUBJECT: Applications 59 - 142.

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD OF CONTROL
SECRETARY OF THE DESERT LAND BOARD
PERCY A. CUPPER,
ASSISTANT STATE ENGINEER

SALEM, OREGON, October 10, 1912

Board of Control,

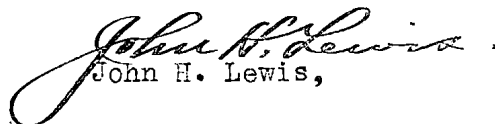
Salem, Oregon.

Gentlemen:

I am inclosing an application for an extension of time in which to complete actual construction work under applications No. 59 and 142, permits No. 92 and 93, by the Wolf Run Water Users Association.

This is submitted for your consideration in accordance with the provisions of Sec. 6630 of Lord's Oregon Laws, and I would recommend that an extension be granted until June first, 1913 in which to complete actual construction work.

Very respectfully,


John H. Lewis,

State Engineer.

PAC-W

Encl.

Applications 59 and 142.

6 a

September 23, 1912.

Mr. Marshall Beck,

Moline, Ill.

Dear Sir:

Replying to your letter of the 17th inst., relative to an enlargement of the appropriation made by the Wolf Run Water Users Association, under permits 92 and 93, applications 59 and 142. You are informed that a tracing and blue print made in accordance with your pencilled outline on the blue print furnished will be satisfactory, provided that the point of diversion is tied to some section or quarter section corner of the government survey. The section line should be extended so as to cover the entire ~~enclosure~~^{area} shown on the map. The number of acres, to be irrigated in each 40-acre tract, should also be shown. Maps are required to be filed with all applications, including enlargements.

The law provides that the date of priority of a water right initiated under the 1899 water law, shall be the date of the receipt of an application in this office. This refers as well to two appropriations made by one association as to a single appropriation. No water right, which was initiated at this time could, under any circumstances, date back to the date of the filing of permits No. 92 and 93.

Very respectfully,

John H. Lewis,

State Engineer.



BORG & BECK

WOODWORKING AND IRONWORKING MACHINERY

DESIGNERS, CONTRACTORS AND BUILDERS

SPECIALTIES :

BORG AUTOMATIC TONGUE SHAPING MACHINE
BORG AUTOMATIC FELLOE MACHINE
BORG AUTOMATIC COLUMN MACHINES
BORG PLOW SHARE JOINTING MACHINES

MOLINE, ILL.

September 17th, 1912.

#6 a
Hon. John H. Lewis,
State Engineer,
Salem, Oregon.

OFFICE OF STATE ENGINEER
RECEIVED
SEP 25 1912
SALEM, OREGON.

Dear Sir:-

In connection with an application I am about to file, for water appropriation, I desire to submit certain facts as a basis for instructions from your office.

Referring to The Wolf Run Water Users' Association, Dufur, Oregon, permits 92 and 93; to blueprints herewith; and to the "Palmer Ranch," heretofore (in this correspondence) identified to you as lying in Sections 29 and 30, T. 1 S., R. 13 E., W. M., Wasco Co., Oregon, I have to make explanations, as follows:-

The "Palmer Ranch" consists of about 210 plantable acres, more or less, lying within Sections 29 and 30.

The owners of the orchard lots within this tract are organized as an orchard company, under the name of "The Dufur Hills Orchard Association."

It is desired to develop a complete irrigation system for the entire tract.

That part lying within Section 30, has (distributed among five of its six 40s) sixty-five acres of water-right, held through the Wolf-Run Water-Users' Association, and under Permits 92 and 93.

So much of the plantable land is Section 30 as lies within the N. E. Qr. of the S. W. Qr., and all that part of the Ranch lying within Section 29 is without water-right; and it is the purpose of our Association to make application for new water-rights, as follows:-

Moline, Ill., September 17th, 1912.

Hon. John H. Lewis #2

For N. E. Qr. of S. W. Qr., Section 30,	-----	5 acres
" N. W. " " S. W. " " 29,	-----	10 "
" S. E. " " S. W. " " 29,	-----	20 "
" S. W. " " S. W. " " 29,	-----	20 "

New appropriation to be applied for - 55 "

We have made formal application to the Wolf-Run Water-Users' Association for membership, on behalf of the owners of the lands to which the new rights are to be appurtenant; and for "Consent" to the transmitting of water, under the new appropriation, through the Water-Association Ditch-System; and, as the result of such application, we have a definite agreement insuring us such admission to membership, and such consent to transmit water, all on terms as stated in agreement.

Under such state of facts, our application being, in reality, for an "Enlargement" of the Wolf-Run System, - the latter already included in your office records, will it not be sufficient for us to file our formal application, and the Water Association "Consent," without maps, etc?

If we must file maps, will a duplicate of the (pencilled) blueprint herewith enclosed, together with the original tracing, comply with your rule?

If so, kindly instruct what changes or additions, if any, must be made in the tracing and print.

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In such a case as this, what is the rule as to "priority," - that is, is it possible for rights granted on the New Application, to take the same priority as the rights under permits 92 and 93, even if no application and appropriation from the common source of supply (8-Mile Creek) shall have been made since the Wolf-Run permits and before our intended application? I assume that any right takes a priority inferior to any other right in the common source granted on an earlier application; but have been assured that, within the same

Moline, Ill., September 17th, 1912.

Hon. John H. Lewis #3

or "enlarged" association, rights under a later application would take equal priority with earlier rights, IF no application by an outsider had intervened, for waters from the same source.

Respectfully submitted,

Marshall Beck,

For Dufur Hills Orchard Association.

MB:FM

60 a

January 25, 1912.

Mr. M. M. Burtner,
President Wolf Run Water Users Assn.
Dufur, Oregon.

Dear Sir,-

I find upon checking the records of this office, that through an oversight, an excess fee of \$12.75 was not returned with Permit No. 92, in the name of the Wolf Run Water User's Association. I am therefore enclosing herewith my personal check to cover this amount.

Very respectfully,

John H. Lewis

State Engineer.

JHM

Encl.

Super. Du Jan 15th 1912

OFFICE OF BOARD OF CONTROL
RECEIVED
JAN 23 1912
SALEM, OREGON

John H Lewis
State Engineer
Albion Or

Dear Sir

I enclose find Notice of Beginning Construction and Notice of Presentation of Bonds with obligation under Permit 92493 as one of the Permits so supplementary to the other and we are conveying the whole system through under one account I have furnished them by other and need one blank for both kindly excuse my tardiness in the matter as the roads have been so bad I have not been to town since receiving orders

Yours truly
H B McCoy
Highway District Engineer

Applications Nos. 59 and 142.

June 26, 1911.

Mr. M. M. Burtner,
Dufur, Oregon.

Dear Sir,-

I am in receipt of your inquiry of the 19th inst. relative to your permits Nos. 92 and 93, applications Nos. 59 and 142.

I am not certain that I understand your first question, but you undoubtedly have the right, subject to prior vested rights, to divert and use the water appropriated by your application, for irrigation, stock or domestic use. No permit issued by this office can infringe in any way upon a prior vested right.

In reply to your second question, I will say that under our laws, the state is the owner of all waters within its borders. No one, by appropriation or otherwise, can secure a right to the water itself, but only the right to use the same. Water becomes appurtenant to the land upon which it is used, and to this extent it is controlled by the individuals of an association, rather than by the association itself. Beneficial use being the measure of the right, no water can be diverted from the stream except at such times when it can be beneficially applied.

In answer to your third question, I am of the opinion that the application of $1/80$ of one cubic foot per second per acre would constitute a beneficial use. I regard this as a reasonable duty of water, and that appears to me to be the measure of beneficial use. I believe it would be very difficult indeed to show that $1/80$ of a cubic foot per second cannot be applied beneficially to one acre of land for irrigating purposes. I note that it is your intention to transfer a part of the water rights to lands not included in your original application. On this point, the law provides that water can be transferred from one tract of land to another when it can no longer be beneficially used upon a tract to which it was originally appurtenant. It would therefore be necessary for you to show before making a transfer of this water right, that it cannot be beneficially used upon the land described in your application. It may perhaps be more satisfactory to make an enlargement application covering the new lands and in due course the right to the use of water for the other lands will be abandoned.

Trusting you will find this satisfactory, I remain,
Very respectfully,

John H. Lewis

State Engineer.

PAC/MM

9-142

M. M. BURTNER

T. C. ELLIOTT



MT. HOOD ORCHARDS

M. M. BURTNER, MANAGER

b

a



DUFUR, OR. JUNE 19 1911
OFFICE OF STATE ENGINEER

RECEIVED
JUN 26 1911

SALEM, OREGON.

Hon. John W. Lewis, S. C. E.
Salem

Ore; My Dear Mr. Lewis -

We have completed the entire construction of the Wolf Run Water Users Assn. canals, ditches, flumes etc. with the exception of a flume on the extreme lower end, which was delayed by failure to fulfil a lumber contract, but which will not in any way interfere with the application of the water to any or all the lands under the ditches. The owner of the uncompleted tract does not wish to apply the water to his lands for at least one year and for that reason it will work no loss or hardship upon him.

We wish to turn in at least sufficient water for stock and domestic purposes and for a small acreage of irrigation, none being ready to irrigate the entire amount of acreage under the ditch.

First - Have we the ^{right} under the water law, Sec 48. or otherwise, to so apply the said appropriated water to bene

ficial use?

Second - Is each individual appropriator of the association the absolute owner of his share of the water at all times, subject of course to any prior right?

Third - So long as each individual uses no more water on each acre irrigated than $\frac{1}{80}$ of one cubic foot per acre (the amt allowed us) is he making "beneficial use" of same?

Your opinion on these three subjects will greatly assist me in inaugurating the use of the water among our members, as none of them have any practical knowledge of irrigation. I was a member of the State Irrigation Committee that partially at least formulated the provisions of the present water law, and had quite an extensive experience in irrigation while living in the Walla Walla Valley.

Much of our land lays on the table lands between Fifteen Mile and Eight Mile creeks, making it impossible to turn all the waste water back into Eight Mile creek after running through the irrigation rows and laterals as you well know, but must of necessity run down thru the various canyons and draws into Fifteen Mile; It would

at no time be any considerable amount, yet there

might be objection on the part of old residents on right
mile creek, ^{altho} they did not use any part of the stream
for irrigation. Could we be enjoined from this use of the
water by anyone? Please keep in mind that your answer
are not for my exclusive benefit, but of the whole association
& am confident that this is the rule in Ore. and Wash under
the Act. and all other irrigation systems.

In addition: We wish to assign the rights of turn ~~over~~
our members who have ^{not} completed the appropriation of their
share of the water ^{but} do not wish it; to other members
of the association who will assume all obligations of the
original subscribers. This being a mutual agreement
how shall we proceed? We think all that is required is to
have them make an assignment to persons desiring their
share, return it to you with specifications of the lands to which
it will be applied with the necessary fee if any.

Awaiting your reply, I am as ever

Very Truly
Yours
Wm M. Bushman, Pres
Wash Farm Water Users Assn

ES OF
ILSON
ALLES, ORE

Appts. - 57-142

#6a

The Dalles, Oregon, March 22nd, 1910

Mr. John H. Lewis, State Engineer,
Salem, Oregon.

Dear Sir:-

Yours of the 21st instant with reference to application #59 and 142 by the Wolf Run Water Users Association is received. My information concerning the matter about which you write was that the Wolf Water Users Association intended to turn no water into their ditch, except what you when upon the ground directed them to do, hence my letter.

Yours very truly,

H. S. Wilson

March 21, 1910.

Mr. H. S. Wilson,

The Dalles, Oregon.

Dear Sir:

I am in receipt of your letter of the 17th inst., with reference to applications No's 59 and 142, by the Wolf Run Water Users Association. You have evidently been misinformed in regard to my intention to adjudicate the waters of this stream in the manner suggested in your letter. Permits No's 92 and 93 have been issued to the Wolf Run Water Users Association, subject, of course, to all existing rights to the use of water from this stream. After these permits have been issued, this office has no further jurisdiction over the matter.

The Board of Control, of which I am a member, has received an application for the adjudication of the waters of the stream in question and it is probable that an adjudication will be undertaken some time this season, but as yet no date has been set.

Trusting you will find this satisfactory, and that you will advise me if you need any further information, I remain

Very respectfully,

State Engineer.

H. S. Wilson
The Dalles, Oregon, March 17th, 1910

Mr. John H. Lewis,
Salem, Oregon.

Dear Sir:-

I wish to call your attention to applications Nos. 59 and 142, and permits Nos. 92 and 93 in behalf of the Wolf Run Water Users Association. I am attorney for a multitude of farmers affected by the above named applications and permits. I was informed to-day that the association intended to turn what water into their ditch you should decide they were entitled to when upon the ground. I do not understand that you can adjudicate the matter in this way, and I write this letter to call your attention to the fact that my clients are entitled to all of the water in the creek and that the Wolf Run Water Users Association will be enjoined by my clients immediately upon their attempting to divert water from the stream. It did not occur to me that you would refuse the application under the terms of Section 47 of the Water Code Session Laws 1909, and I do not concede that you have any authority whatever to determine what amount of water the Wolf Run Water Users Association is entitled to in the manner that they seek to invoke your aid. My clients object to any attempt on your part to decide the matter in this way, and insist that the Wolf Water Users Association has no right to the use of any portion of the water of the creek.

Yours very truly,

H. S. Wilson

OFFICE OF STATE ENGINEER

RECEIVED

MAR 21 1910

SALEM, OREGON.

Applications Nos. 59 & 142

Ca

9/29/69.

Mr. H. M. Burtner,

Pres. Wolf Run Water Users' Assn.,

Dufur, Ore.

Dear Sir:-

I enclose herewith applications Nos. 59 & 142 by the Wolf Run Water Users' Association, approved, being Permits Nos. 92 & 93. Also please find my check for \$6.00, being the excess fees received in this office. I also enclose blue print map.

Replying to your letter of the 27th inst. I will say these applications will certainly give you the right to use the water along the ditch while constructing the same without any additional permit from this office.

Trusting you may meet with success in your enterprise, I remain

Very respectfully

PAC-LA

State Engineer.

- 59 - 142

Ca

Salem Ore,

Sept. 27 09

OFFICE OF STATE ENGINEER
RECEIVED
SEP 29 1899
SALEM OREGON.

Hon. John H. Lewis & Co.,
Salem Ore.

Dear Sir: Your favor rec'd a few days since, Glad you find everything O.K.

Will you kindly grant us permission to follow up our ditch work with sufficient water to soak up the ground to facilitate the laborers in digging as they for the first three miles below the point of diversion. If so you will greatly facilitate and cheapen the work, as this is the only part of the main canal that we will have to do the greater part of the work by hand.

The work will be commenced next Monday Oct 3rd and be prosecuted as fast as the season will permit.

Yours Truly

P.S. Any surplus water will go back. W. M. Burdette, Pres.

Applications No. 59 and 142.

Ca

September 14th, 1909.

Mr. M.M. Burtner,

Dufer, Oregon.

Dear Sir:

I am in receipt of yours of the 12th inst., transmitting a statement in regard to your applications, No. 59 and 142, and with this statement on hand I believe that your applications can be put in shape for approval. The delay in this matter will not effect your right in any way, and it will not be necessary for you to await approval of these applications before beginning construction, as the penalty provided in the 1909 law applies only to the actual diversion of water from the stream, and not to construction work.

PAC/JC

Very respectfully,

State Engineer.

6a

Sufon Ore,

app. - 597/42

OFFICE OF STATE ENGINEER
RECEIVED
Sept 12 - 09

SEP 14 1909

SALEM, - OREGON.

Hon John A Lewis & Co.
Salem Ore,

Dear Sir: Your favor acknowledging receipt of amended application from The Half Run Water Users Ass, was recd a week or ten days ago. At the same time you stated you had not received our letter of instructions, which I had forwarded to our former Sec, for his signature, who had recently moved with his family to Portland. For some unknown cause it has just been returned to me marked as you ~~will~~ will see, by its inclosure herewith.

I regret this unavoidable delay very much, and trust its tardy arrival at your office will explain matters and ~~will~~ ^{not} damage to our interests. Awaiting your early reply that we may proceed with construction. I am my Dear Sir
Yours Very Truly
W. M. Burton, Pres.

Salem Oregon
Aug 23-09.

Mr. T. H. Johnston
Portland Ore,

Dear Sir: Mr. W. B. Mc Coy
and I just completed correcting application
for water as per instructions of State En-
gineer, and included the same to him at
Salem. I am sending you a letter for
Mr. Lewis, to which you will please
sign if same meets your approval.
Anything you think necessary
to say you can add in a post-
script.

With kindest regards to you and
your estimable family, I remain

Very Truly Yours
W. B. Mc Coy

OFFICE OF STATE ENGINEER

RECEIVED

SEP 14 1909

SALEM, - OREGON.

6a

August 27, 1909.

Mr. H. M. Dartner,

Dufur, Oregon.

Dear Sir:

Your favor of the 23d received, together with your amended applications, No's 59 and 142. The instructions mentioned in your letter have not yet been received. Those applications will be checked as soon as they can be reached and further advice will be given you.

Very respectfully,

State Engineer.

Revised Oregon Aug 23rd 1909

Ston John St Lewis

Albion Engineers

Salmon Ore

Dear Sir

OFFICE OF STATE ENGINEER
RECEIVED
AUG 27 1909
SALEM, OREGON

We forward to you amended applications
No 59 and 142 of the Hoffman Water Users Association
and list of land to be irrigated show marked
your instructions under separate cover

Yours truly
Walter H. Hahn
Water Users Association
Walter H. Hahn, Pres.

2411 1/2

62 Dufur. Oregon Aug. 23rd 1909

Hon. John H. Lewis
State Engineer
Salem Ore

Appls - 59 + 142

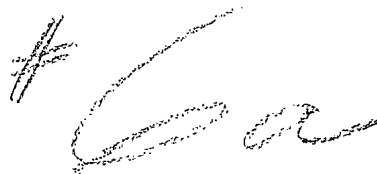
Dear Sir

We herewith return to you amended applications Nos 59 and 142 of the Wolf Run Water users association and new list of lands to be irrigated. The list is correct and if you can have the maps corrected to tally with the list it will probably save us time and a trip in to The Dalls. In regard to the appropriation from Tamarack Springs we have made the application for one and one half cubic feet per second as there is quite a creek running in the gulch independent of the Spring in the early part of the season and we will need it all then.

We hereby authorize you to have the changes made in maps and charge to our account.

Yours Truly,

Wolf Run Water users Association
W. M. Burtner, Pres.



August 12, 1909.

Mr. W. H. Johnston,

Dufur, Oregon.

Dear Sir:

In examining the two application, No's 59 and 142, of the Wolf Run Water Users' Association, I have encountered considerable difficulty in checking up the land. It appears that some of the lands listed in these applications are not marked on the map as lands to be irrigated, while the two applications do not agree in regard to the description of the land. I would, therefore, suggest that you make entirely new lists of land and attach the same to these applications. A convenient form of listing these lands would be to first give the township and range in which they are located, followed by the section, and each forty-acre tract listed under the proper section, giving the number of acres to be irrigated opposite the description of each forty-acre tract. It appears to me that the two applications and the map should all agree with reference to the land to be irrigated.

The priority of your right will not be affected by the return of this application, provided it is returned to this office within a reasonable time.

I enclose maps under separate cover.

Very respectfully,

State Engineer.

(Enclosures.)

6a

June 19, 1909.

Mr. T. H. Johnston,
Dufur, Oregon.

Dear Sir:

I am in receipt of your letter of the 16th inst., transmitting applications No's 59 and 142, in the name of the Wolf Run Water Users' Association, together with check for \$47.25, receipt of which is hereby acknowledged. This application will be examined for approval within a few days and any surplus fees transmitted will be returned to you with the approved application.

Very respectfully,

State Engineer.

KEYSTONE FARM



M. M. BURTNER, PROPRIETOR

app. #59

~~London, Wash.~~

June 16 - 1909
OFFICE OF STATE ENGINEER

RECEIVED

JUN 18 1909

SALEM, OREGON

Hon. John H. Lewis, S. C. E.
Salem Ore.

My Dear Mr. Lewis, Mr. T. H. Whitton, the Sec. of the "Wolf Run Water Users Association" of Dufur Ore, is returning to you an amended application for the appropriation of surplus water from "Tamarak Creek" and "Tamarak Spring" as per your recommendation, and trust you will find all correct.

In answering question 13, 14, and 15, we endeavored to place the time limit, etc, at the limit, but expect to complete construction this fall and winter. At present we have a complete survey and over three miles partially constructed.

Now Mr. Lewis, you may not know the topography of this country over which the ditches are to be constructed, But by consulting maps you will see that the one ditch originates in the "North Cascade Forest Reserve on the N.E. slope of Mt. Hood" to be more definite, the foot hills N.E. of Mt. Hood. These ditches will supply 25 quarters just over the ridge 12 mile from Grand River N. W. of or line a rich land as can be seen

(2nd Page)

of the Cascade mountains, but for lack of water, especially for domestic purposes, has only slightly been improved. All the larger fruits are raised in the ground without irrigation, but the smaller fruits and vegetables must be irrigated, the same as Hood River. On this land it is next to impossible to dig good borings wells and obtain water owing to the volcanic formation underlying this district, at great depths, which, in cross-section and porosity, allowing the water to percolate to an indefinite depth after once passing down through the fine rich soil, which is from a few feet deep to 50 or 40 feet. Any credit for this enterprise can be attributed to myself. Last fall I sold out my "Keystone" farm in the Hudson Bay Country, Anacostia Co. and bought 400 acres of this fine land, believing the State legislature would no longer delay passing a practicable water law. I should every thing work out with our water system, we will spend at least \$50,000 within the next few years, making a second Hood River here. We have much more good land on the Digbar Valley Plateau, than our friends have in the Hood River Valley, with the waters of the whole East side of the M^t slope to water it. When it is once determined how much surplus water we can obtain, the same ditches will be used to supply water for many more acres of land than the 50,000 here supplied for, as the water applied for will supply a much greater acreage. But we will not apply water to where we have all rights fully adjudicated on the stream below. I think we will add to the Commission in its near future.

(3d Pg)

KEYSTONE FARM



M. M. BURTNER, PROPRIETOR

Lowden, Wash.,

190

We are remitting at the rate of 15¢ per acre for the 380 a. - 65 a. for which we sent you \$975 + \$300, the latter for examining application. We now send you, by the Sec, Mr. Johnston, the balance \$4725 for the 315 acres.

If we are intitled to the 5¢ rate for all over the 100 acreage, you will kindly return whatever surplus there may be to the Sec, Mr. Johnston,

With kindest regards, I remain as ever

Yours Truly
M. M. Burtner, Pres

Handwritten mark or signature in the bottom right corner.

PLAN
FIRST CLASS
DMS

FIREPROOF BUILDING
WHITE HELP

Hotel Albert

209-11 SECOND STREET
C. H. LOGUS
PROPRIETOR

checks
47 $\frac{25}{100}$ Recd

application #59

The Dalles, Oregon, June 16 1909

J. H. Lewis,
Salem, Or.

Dear Sir:

I herewith return you amended application of Wolf Run water users association according to your suggestion in letter of May 21st

We have made one for Tamarack Spring and gulch which flow mostly in the early spring when the snow is melting, the larger one is from Tamarack creek and and the two is ~~is~~ included in one as any deficiency in Tamarack springs will be supplied from Tamarack Creek

The amount of the application is for 380 acres less the 65 acres in former application 315 acres at 13¢ per acre Only seven $\frac{25}{100}$ Dollars for which please find

FAN PLAN
FIRST CLASS
ROOMS

FIREPROOF BUILDING
WHITE HELP

Hotel Albert

209-11 SECOND STREET
C. H. LOGUS
PROPRIETOR

check for amount
The Dalles, Oregon, _____ 190__
Hoping this will meet with
your approval. I am
Very truly yours
W. H. Johnston.
Dufur Or.

OBJECT:

Return of application.

PAC/LC

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD OF CONTROL
SECRETARY OF THE DESERT LAND BOARD

SALEM, OREGON.

May 21, 1909.

Mr. T. H. Johnson,
Dufur, Oregon.

app - # 59

Dear Sir:

Pursuant to Section 47 of the 1909 water law, I am returning herewith, for correction, your application (No. 59) for permit to appropriate the waters of Tamarack Creek and Tamarack Springs. The necessary corrections in this case will be the transfer of this application to a direct appropriation blank, in place of the enlargement blank, on which blank questions 12, 13, 14 and 15 should be fully answered. It also appears that two applications will be necessary, one for the waters of Tamarack Creek and the other for Tamarack Springs. I would suggest that a certain amount of water be appropriated from each source of water supply to be applied to certain specific lands. I am also returning the map, which should show the particular lands to be irrigated from each source of water supply.

Mr. Burtner was in the office a few days ago and stated that your association would probably make a much larger appropriation of the waters of Tamarack ^{creek} than indicated in the application that I am returning herewith. If such is the case, it might be advisable for you to include your present appropriation from Tamarack Creek in this larger appropriation, thus making only one application for the waters of this stream.

Very respectfully,

John H. Lewis
State Engineer.

(Enclosures.)