

Division No. 2

Permit No. 138

County of Umatilla

Application No. 130

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Peannon ~~Peannon & Johnsons Cr.~~ Tributary of Bird Creek

1. Name Perry House
2. Postoffice address Pilot Rock
3. For what purpose is water used? Irrigation
4. Did you begin the actual construction of the Upper Mann Ditch,
(or other distributing works described in said permit), on or before Oct 25 - 1910?
yes
5. Give the date of completion of such construction work May 1 - 1911
6. When was all the water completely applied to the proposed use? Season of 1911
7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

and my return since

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
25	32E	12	SE SW	40	11
			SW SE	47	17
		13	NW NW	80 26	70 5
			NE NW	40 30	30
			NW NE	10	10
		14	NW NE	30	none
NE NE	36		none		

11. If not, state wherein such map is in error.

12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)

Ditch is about 2 1/2 feet wide on bottom and about 5 ft on top with swift current

13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use.

none

STATE OF OREGON,

County of *Umatilla* } ss.

I, *Perry Houser*, being first duly sworn,

depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

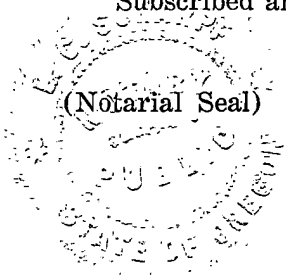
IN WITNESS WHEREOF, I have hereunto set my hand this *10th* day of *Feb*, 191*7*.

Perry Houser

Subscribed and sworn to before me this *10th* day of *Feb*, 191*7*.

R. Schaefer
Notary Public for Oregon.

My Commission Expires April 15th, 1917

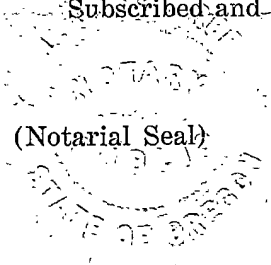


AFFIDAVIT OF WITNESSES

We, Hans Nielsen and W. S. Phillips,
of Pilot Rock, Oregon, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 138; that we and each of us have
been over and upon each tract described in said proof and from such personal inspection, have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.

Hans Nielsen
W S Phillips

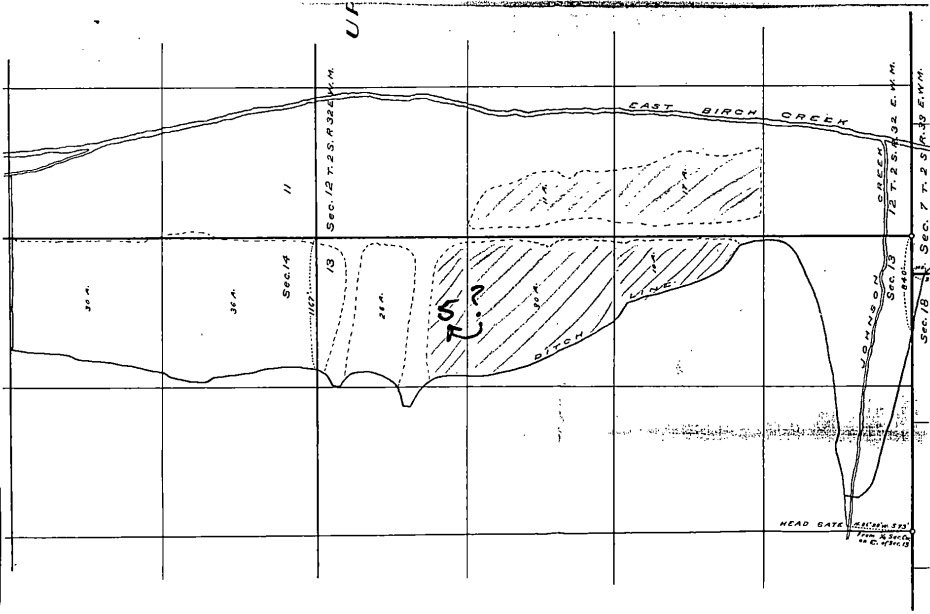
Subscribed and sworn to before me this 1st day of March, 1917



E Scharp
Notary Public for Oregon.
My Commission Expires April 16th, 1917.

REPORT AND RECOMMENDATIONS TO STATE WATER BOARD
By Representative Taking Proof.

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COPY

March 5, 1917.

Mr. Perry Houser

Pilot Rock, Oregon.

Dear Sir:-

Proof of appropriation of water under permit No.138, 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 certificate.

Very truly yours,

Secretary.

CB.

February 5, 1917.

Mr. Perry Houser,
Pilot Rock, Oregon.

Permit No. 138.

Dear Sir:

I am in receipt of your letter of the 29th ultimo and note that you have used the water from but one source for the irrigation of your land. According to the records of this office you were allowed a second feet of water from Foxson and Johnson Creeks and it would seem that the water may be secured from either source. However, I note that according to the terms of the permit construction work was to have begun on or before October 25, 1910, been completed on or before October 25, 1911, and the water applied to the proposed use on or before Oct. 25, 1912. If the construction work was begun, completed and the water applied to the proposed use in accordance with the terms of the permit, I would suggest that you fill out and forward the ~~statements~~ ~~statements~~.

You will be permitted to submit final proof covering the irrigation of all the land that was actually irrigated prior to October 25, 1912.

We are endeavoring to bring our records up to date and would be glad to have you give this matter attention.

Very respectfully,

RS.

M. F. Hore, Secretary.

OFFICE OF STATE WATER BOARD
RECEIVED

FEB 5 1917

SALEM, OREGON.

Pilot Rock Jan 29-1917
State Water Board

Dear Sirs. Your notice in regard to permit 138 which covers the use of 2 second feet of water from Pearson^{and} Johnson creek for the irrigation of 160 acres of land ~~from~~ I came to hand a few days ago ^{and} in reply will say it was my own neglect that I did not answer sooner. I just waited to consult some one familiar with the subject and failed to do so. So now I will tell you my tale of woe. The right was asked by Mr Mann who owned the place prior to myself. Now to get water on my place from Pearson creek ^{to my mind} is not feasible it would necessitate a ditch along the steep mountain side of some three miles and would be very expensive.

but the water from Johnson Creek (which is a small stream that runs through my place) is very essential to me and I have been using water from it all the time. Though it ~~at~~ nearly always goes dry in summer, the bench land is heavy soil, and the water is sufficient.

Now shall I fill out blank that you sent showing how I have used the water or will I need a new application? I have complied so far as Johnson creek is concerned but have done nothing with Pearson creek and never intend to.

Yours respectfully
Perry House

January 17, 1917.

Mr. Perry Hauser,
Pilot Rock, Oregon.

Permit No. 138.

Dear Sir:

I note from the records of this office that you have not submitted final proof under permit No. 138 originally in the name of L. E. Mann and which covers the use of 2 second feet of water from Pearson Creek and Johnson Creek for the irrigation of 160 acres of land, although final proof filings were forwarded you for execution in March, 1914. In view of the fact that you have not submitted final proof under this permit as you did under permit No. 137, we presume you have abandoned this water right, and if so, we would be glad to have you authorize the cancellation of the permit on the records of this office as this will eliminate the necessity of following the regular procedure for the cancellation of the permit.

However, if the terms of the permit have been complied with, final proof should be submitted in order that a final water right certificate may be issued by the Board.

In view of the fact that we have received no reply to our letters of Dec. 14, 1915, and Mar. 23, 1916, in regard to this matter, you are advised that unless hearing from you within 60 days from the date of this letter the permit will be presented to the Board for appropriate action.

Very respectfully,

RS. M. E. Mars, Secretary.
This letter registered.

Permit No. 138.

Mar. 23, 1916.

Mr. Perry Hausor,

Pilot Rock, Oregon.

Dear Sir:

I note from the records of this office that you have not filed final proof under application No. 130, permit No. 138, issued by the State Engineer for 2 second feet of water from Fearron Creek and Johnson Creek for the irrigation of 160 acres of land, although blanks for this purpose were mailed you in March 1914. If you have abandoned this water right and do not intend to submit final proof, we would be glad to have you authorize the cancellation of the permit on the records of this office as this will eliminate the necessity of following the regular procedure for the cancellation of the same.

However, if the terms of the permit have been complied with and you desire to perfect this right and secure a water right certificate, final proof should be submitted to the Board.

Please let us hear from you with reference to this matter.

Very respectfully,

RS.

M. F. Mera, Secretary.

Permit No. 138.

Dec. 14, 1915.

Mr. Perry Hauser,

Pilot Rock, Oregon.

Dear Sir:

I note from the records of this office that you have not submitted final proof upon your water right under permit No. 138 which you hold by assignment from L. L. Mann, although blanks for this purpose were mailed you on March 19, 1914. However, I note that you have made final proof upon your water right under permit No. 137 and have received final certificate.

If you have abandoned your water right under permit No. 138 and do not intend to submit proof, it would be greatly appreciated if you would authorize us to cancel the same on the records of this office as this would eliminate the necessity of following the regular procedure for the cancellation of the same.

Very respectfully,

RS.

M. F. Mers, Secretary.

March 19, 1914.

Mr. Perry Houser,

Pilot Rock, Oregon.

Dear Sir,

I am in receipt of your inquiry of the 15th inst. relative to your water right. I am enclosing proof blank and map for Permit No. 138, which permit was assigned to you (together with Permit No. 137, for which proof of appropriation is already on file), by Mr. L. L. Mann. You will understand that the map sent you with proof blank for Permit No. 137, and the map sent herewith, were filed by Mr. Mann at the time he made application for the permits, to the State Engineer, and represented land to be irrigated under ditches not yet constructed. The 1895 right of which you speak is an entirely different matter, and cannot be passed upon by this office at this time. Certificates of water right under Permits Nos. 137, and 138 will bear a date of priority of June 7, 1909.

I note that you have given 1897 as the date of completion of the ditch covered by Permit No. 137. Inasmuch as the permit covers a ditch constructed since June 7, 1909, you should advise this office as to the date of completion of the ditch, and use of water thereunder, so that your proof can be corrected.

The \$1.00 recording fee required by law should accompany proof of appropriation for Permit No. 138.

Very respectfully,

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