

## Certificate 3599 Redescription

1. **Certificate 3599:** According to current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lot 3 in Block L, South Addition and Lot 8 in Second South Addition are partly in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and mostly in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24, T33S, R18E, W.M.
2. Lake County Tax Assessor Map 33-18-24CD shows that Lot 3 in Block L, South Addition, and Lot 8 in Second South Addition to the Town of Paisley comprise the west half of current tax lot 200.
3. The following table describes the place of use description in existing certificate 3599, and a proposed redescription based on the findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	$\frac{1}{4}$ - $\frac{1}{4}$	Acres	$\frac{1}{4}$ - $\frac{1}{4}$	Estimated Acres	Current Tax Lot
3599	NA--Lot 3 in Block L, South Addition, and Lot 8 in Second South Addition to the Town of Paisley	0.75	NE SW (Paisley Lot 3) SE SW (Paisley Lots 3 & 8)	0.01 0.74	West $\frac{1}{2}$ of 33 18 24CD-200
Total: 0.75 acre			Total: 0.75 acre		
Township 33 South, Range 18 East, Section 24					

24CD

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That MRS. SUSIE L. BENEFIELD

of Paisley, State of Oregon has a right to the use of the waters of Chewaucan River, a tributary of Lake Abert for the purpose of the irrigation of 0.75 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1901

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right; and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15th of each year) Lot 3 in Block 1, South Addition, and Lot 8 in Second South Addition to the Town of Paisley, in Lake County, Oregon.

24CD

TL 200

RECEIVED. MAY 26 2004 WATER RESOURCES DEPT SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. GUPPER State Engineer, President

Attest:

R. W. POTTER Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3599

1-9733

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land to Which Applied
3596 P. W. Banister, Paisley, Ore. (Proof 1, Vol. 1)	April 1, 1902	1.53	61	Irrigation	Banister	North Coffee Pot Creek	61 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 33 T. 34 S. R. 18 E., W.M.
3597 S. S. Banister, Paisley, Ore. (Proof 2, Vol. 1)	1898	0.04	1 $\frac{1}{2}$	Irrigation	Small's Cr. & Banister Flume from Bagley Ditch	Chewaucan River	1 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ , Sec. 24 T. 33 S. R. 18 E., W.M.
3598 Everina Benefiel, Lakeview, Ore. (Proof 3, Vol. 1) (Proof 4, Vol. 1)	1892 1892	0.15 0.4	6 16	Irrigation Irrigation	Chandler Benefiel	Crooked Creek Benefiel Creek	3 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$ 2 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 29 T. 37 S., R. 21 E., W.M. 7 $\frac{1}{2}$ acres in SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 20 8 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 29 T. 37 S. R. 21 E. W.M.
3599 Mrs. Susie L. Benefiel Paisley, Ore. (Proof 5, Vol. 1)	1901	0.03	.75	Irrigation	Small's Cr. and West Street Ditch	Chewaucan River	Lot 3, Block L, South Addition, and Lot 8 in Second South Addition to Town of Paisley, Oregon.
Frank M. Beane, Lakeview, Ore. (Proof 6, Vol. 1)	(Permit No. 788, Application No. 1547) (See Paragraph )						
3600 James M. Bevel, Paisley, Ore. (Proof 7, Vol. 1)	April 15, 1908	0.13	5	Irrigation	Bevel	Hill Creek	5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 29 T. 33 S. R. 18 E. W.M.
3601 W. S. Blair, and Blair Estate, Paisley, Ore. (Proof 8, Vol. 1)	1881	0.03	*	Irrigation	North Fork Small's Cr. and Hotel Paisley, Ditch.	Chewaucan River	Lots 4 and 5, and W $\frac{1}{2}$ of Lot 3, Block A, Town of Paisley, Oregon.
3602 J. S. Franch, Valley Falls, Ore. (Proof 9, Vol. 1) (Proof 10, Vol. 1)	1886 1893	0.83 3	25 120	Irrigation & Stock Irrigation	Branch Ditches Branch Ditch and Reservoir	Willow Creek Coyote Cr.	11 acres in SW $\frac{1}{4}$ , SW $\frac{1}{4}$ 12 acres in SE $\frac{1}{4}$ , SW $\frac{1}{4}$ 2 acres in SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 9 T. 36 S. R. 20 E. W.M. 25 acres in SW $\frac{1}{4}$ , SE $\frac{1}{4}$ 35 acres in SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 15 30 acres in NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 22 30 acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 23 T. 36 S. R. 20 E. W.M.
3603 H. A. Brattain, Paisley, Ore. (Proof 11, Vol. 1) (Proof 12, Vol. 1)	1875 1901	0.13 10.25	5 410	Irrigation & Stock Irrigation & Stock	No ditch; overflow from river Lower Out- side Canal	Chewaucan River Chewaucan River	5 acres in SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 30; T. 34 S. R. 20 E., W.M. 20 acres in NW $\frac{1}{4}$ , NE $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ , NE $\frac{1}{4}$ 20 acres in SE $\frac{1}{4}$ , NE $\frac{1}{4}$ 20 acres in NE $\frac{1}{4}$ , NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ , NW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ , SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ , SW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ , SW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ , NW $\frac{1}{4}$

TL 2600  
Barris  
T.L. 2600

TL 2600  
Barris  
T.L. 2600

STREET

WILLOW

TL 4900	4901
CH 3601 W.S. Blair TL 5000	DOUGLASS TL 5100 5100A1 MC Callister
TL 5200 CITY 8 Paisley	TL 5300
TL 5400	

FREMONT


CHEWAUCAN

3670 R. McKay TL 6400 School DIST 11 TL 6300 Gilbert
TL 6200
TL 6100

3644 J.L. Hampton TL 6500 0.72 AC School DIST 11
3622 J. Conn TL 6600 0.72 AC Pahute

GREEN

WEST

STREET

CH 3639 J.D. Farrow T.L. 504 owner	TL 505 owner
TL 502 Coulson	TL 500 owner
TL 501 Ward	TL 503 Flinch

CH 3605 Braithair TL 400 Hiatt	TL 300 MURPHY
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CH 3599 S.L. B. B. B. B. TL 200 Emph
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CH 3625 M.C. Connors TL 200 MURPHY
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CH 3602 Lamb TL 100 MURPHY
TL 102 Forsy

CH 3647 Huron TL 100 MURPHY
CH 3695 SUITE TL 101 Forsy

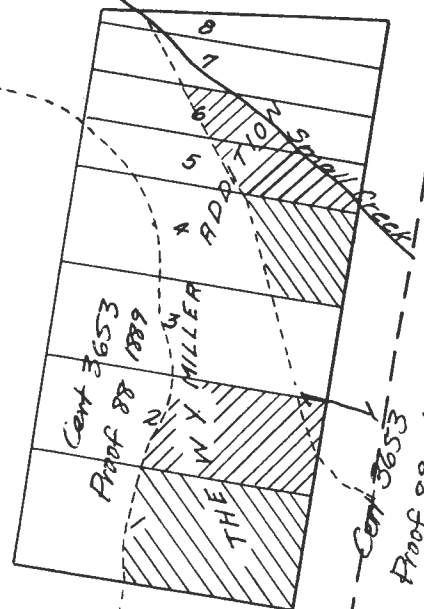
STREET

STREET



Lot 3  
 $\frac{100 \times 200'}{43,560 \text{ sq ft}} = 0.46 \text{ ac.}$

Lot 8  
 $\frac{100 \times 100'}{43,560 \text{ sq ft}} = 0.23 \text{ ac.}$



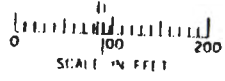
ADJUDICATION  
 OF  
**CHEWAUCAN RIVER AND TRIBUTARIES**  
 John H. Lewis, State Engr.  
 Scale: 1" = 200'

S.E. corner of SW 1/4 sec. 24 T33.9. R18E  
 Examined.  
 Rockman

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

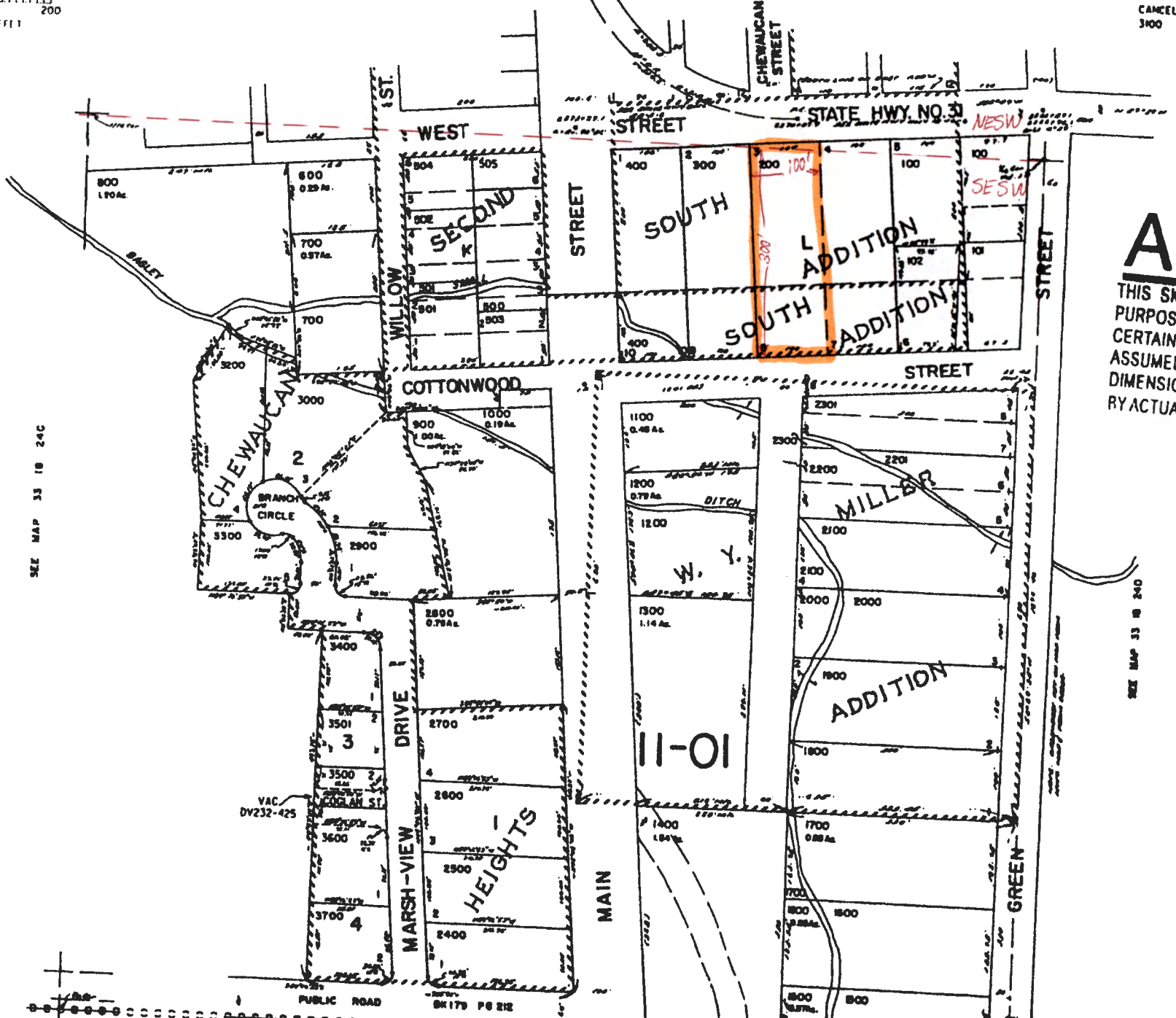
SECT 33 18 24C  
LAKE COUNTY

33 18 24C  
PAISLEY



1"=100'  
SEE MAP 33 18 24C

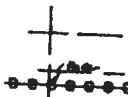
CANCELLED NO.  
3100



SEE MAP 33 18 24C

**Am**  
THIS SKETCH  
PURPOSE OF  
CERTAIN PREM  
ASSUMED FOR  
DIMENSIONS AND  
BY ACTUAL SURV

SEE MAP 33 18 24C



PUBLIC ROAD  
SR 179 PG 212

# Certificate 3605 Redescription

1. **Certificate 3605:** Certificate 3605 describes the authorized place of use as 1.4 acres in the **NE ¼ SW ¼ of Section 24,** Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon, being Lots 1, 2, 9, and 10, South Addition to the Town of Paisley, Oregon.
2. The transfer application depicts the place of use under Certificate 3605 as being 0.7 acres in tax lot 300 and 0.7 acres in tax lot 400, tax map 33 18 24CD. As shown on the current tax assessor's map 33 18 24 CD, these tax lots correspond to **Lots 1, 2, 9, and 10, South Addition of the Town of Paisley, Oregon,** *containing 1.35 acres based on the dimensions of the lots.*
3. Based on current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lots 1, 2, 9, and 10 of the South Addition of Paisley, Oregon are located entirely within the **SE ¼ SW ¼ of Section 24,** Township 33 South, Range 18 East. This location is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant **should be redescribed as 1.4 acres in the SE ¼ SW ¼ of Section 24,** Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon, **being Lots 1, 2, 9, and 10, South Addition to the Town of Paisley, Oregon.**
4. Department proposes to clarify the water right record and accurately identify the place of use of water under this right as:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3605	NE SW, being Lots 1, 2, 9, & 10, South Addition to the Town of Paisley	1.40	SE SW, being Lots 1, 2, 9, & 10, South Addition to the Town of Paisley	<del>1.40</del> 1.38	33 18 24CD-300 and 400
Township 33 South, Range 18 East, Section 24					

*Redescribe in SE SW*  
*Ignore difference in acreage*

24CD

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That H. A. BRATTAIN, P. J. BRATTAIN and Mrs. C.N. BRATTAIN-SMALL

of Paisley, State of Oregon has a right to the use of

the waters of Chewaucan River, a tributary of Lake Abert

for the purpose of the irrigation of 1.4 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1881

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 1.4 acres in the Northeast quarter of Southwest quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, Lake County, Oregon, being Lots 1, 2, 9 and 10, South Addition to the Town of Paisley, Oregon.

All this ACTUALLY in SE SW

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922.

RECEIVED STATE WATER BOARD (Seal of State Water Board) MAY 26 2004 WATER RESOURCES DEPT SALEM, OREGON

By HERCY A. CUPPER State Engineer, President

Attest: R. W. POTTER Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3605.

19733



TL 2600  
Benjamin  
T. D. Dine

TL 2000

STREET

WILLOW

TL 4900	4901
CH 3601 W.S. Blair TL 5000	DOUGHERTY
TL 5100 5100A1	MC Callister
TL 5200 CITY 8 Parish	TL 5300
TL 5400	

FREMONT

CHEWAUCAN

3670 R. McKay TL 6400 School DIST H
TL 6300 Gilbert
TL 6200
TL 6100

3644 J.L. Hampton TL 6500 0.72 AC School DIST H
3622 J. Conn TL 6600 0.72 AC Rakute

GREEN

WEST

STREET

CH 3639 J.D. Farrow T.L. 504 owner	TL 505 owner
TL 502 owner	TL 500 owner
TL 501 owner	TL 503 Flock

CH 3605 Braithair TL 400 Hiatt	TL 300 MURPHY
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CH 3599 St. Barthelemy TL 200 Emery
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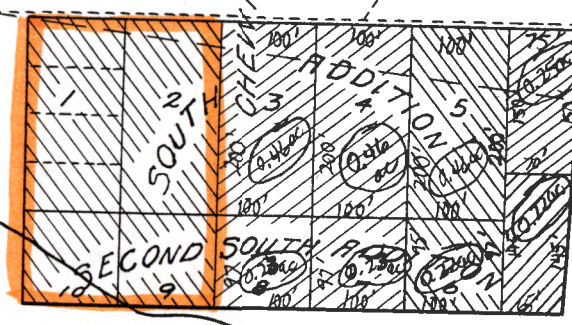
CH 3625 Mc. Cormick TL 200 MURPHY
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CH 3662 Lamb TL 100 MURPHY
TL 102 Forsga

CH 3647 Hamon TL 100 MURPHY
CH 3695 SUITE TL 101 Forsga

STREET

STREET



ADJUDICATION  
OF  
CHEWAUCAN RIVER AND TRIBUTARIES  
John H. Lewis, State Engr.

Scale: 1" = 200'

S.E. corner of SW 1/4 sec. 24 T33.9. R18E

Examined.

Rock m.

3604

H. A. Brattain,  
P. J. Brattain, and  
Mrs. C. N. Brattain-Small  
(Successors to  
Estate of T. J.  
Brattain, deceased,  
and Permella J.  
Brattain, and H.A.  
and P. J. Brattain,  
Partners)  
Paisley, Ore.  
(Proof 13, Vol. 1)

1883

16.9

676

Irrigation,  
Domestic and  
Stock

Bagley

Chewaucan  
River

30 acres in NW<sup>1</sup> SW<sup>1</sup>  
10 acres in SW<sup>1</sup> SW<sup>1</sup>  
10 acres in SE<sup>1</sup> SW<sup>1</sup>  
20 acres in NE<sup>1</sup> SE<sup>1</sup>  
10 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 32  
10 acres in SW<sup>1</sup> SW<sup>1</sup>  
10 acres in SW<sup>1</sup> SW<sup>1</sup>  
10 acres in SW<sup>1</sup> SE<sup>1</sup>, Sec. 33  
10 acres in SW<sup>1</sup> SW<sup>1</sup>, Sec. 34  
T. 34 S. R. 20 E. W. N.

*modified by Dec 1952*

18 acres in SW<sup>1</sup> NE<sup>1</sup>  
40 acres in SE<sup>1</sup> NE<sup>1</sup>  
39 acres in NE<sup>1</sup> SE<sup>1</sup>  
3 acres in NW<sup>1</sup> SE<sup>1</sup>  
33 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 6  
20 acres in SW<sup>1</sup> NW<sup>1</sup>  
20 acres in NW<sup>1</sup> SW<sup>1</sup>  
20 acres in SW<sup>1</sup> SW<sup>1</sup>, Sec. 5  
30 acres in NE<sup>1</sup> NE<sup>1</sup>  
17 acres in SE<sup>1</sup> NE<sup>1</sup>, Sec. 7  
22 acres in NW<sup>1</sup> NW<sup>1</sup>  
32 acres in SW<sup>1</sup> NW<sup>1</sup>  
23 acres in NE<sup>1</sup> SW<sup>1</sup>  
25 acres in NW<sup>1</sup> SW<sup>1</sup>  
11 acres in SE<sup>1</sup> SW<sup>1</sup>  
6 acres in NW<sup>1</sup> SE<sup>1</sup>  
38 acres in SW<sup>1</sup> SE<sup>1</sup>  
20 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 8  
1 acre in SW<sup>1</sup> SW<sup>1</sup>, Sec. 9  
40 acres in NW<sup>1</sup> NE<sup>1</sup>  
40 acres in SW<sup>1</sup> NE<sup>1</sup>  
40 acres in NE<sup>1</sup> NW<sup>1</sup>  
40 acres in NW<sup>1</sup> NW<sup>1</sup>  
16 acres in SW<sup>1</sup> NW<sup>1</sup>  
31 acres in SE<sup>1</sup> NE<sup>1</sup>, Sec. 16;  
37 acres in NE<sup>1</sup> NE<sup>1</sup>  
12 acres in NW<sup>1</sup> NE<sup>1</sup>  
2 acres in SE<sup>1</sup> NE<sup>1</sup>, Sec. 17  
T. 34 S. P. 19 E. W. N.

★ 3605

H. A. Brattain,  
P. J. Brattain, and  
Mrs. C. N. Brattain-Small  
(Successors to  
Permella J. Brattain)  
Paisley, Oregon.  
(Proof 14, Vol. 1)

1881

0.04

1.4

Irrigation,  
Domestic &  
Stock

Small's Cr. Chewaucan  
and Brattain River  
Ditch

1.4 acres in NE<sup>1</sup> SW<sup>1</sup>, Sec. 24  
T. 33 S. R. 18 E. W. N.  
being Lots 1, 2, 9 and 10,  
South Addition to Town of  
Paisley, Oregon.

3606

H. A. Brattain,  
P. J. Brattain, and  
Mrs. C. N. Brattain-Small  
(Successors to  
H. A. Brattain, and  
H. A. Brattain and  
P. J. Brattain, Exe-  
cutors of T. J. Brattain  
Estate)  
Paisley, Oregon.  
(Proof 15, Vol. 1)

1888 }  
1903 }

8.3 }  
7.5 }

332 }  
300 }

Irrigation &  
Stock

East and West  
Prattain-  
ZX Ditches Chewaucan  
River

*Modified by Dec 1954*

35 acres in NE<sup>1</sup> SE<sup>1</sup>  
40 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 25  
40 acres in NE<sup>1</sup> NE<sup>1</sup>  
5 acres in NW<sup>1</sup> NE<sup>1</sup>  
32 acres in SW<sup>1</sup> NE<sup>1</sup>  
40 acres in SE<sup>1</sup> NE<sup>1</sup>  
4 acres in SE<sup>1</sup> NW<sup>1</sup>  
40 acres in NE<sup>1</sup> SW<sup>1</sup>  
37 acres in NW<sup>1</sup> SW<sup>1</sup>  
40 acres in SW<sup>1</sup> SW<sup>1</sup>  
40 acres in SE<sup>1</sup> SW<sup>1</sup>  
160 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 36  
25 acres in NE<sup>1</sup> SE<sup>1</sup>  
35 acres in SE<sup>1</sup> SE<sup>1</sup>, Sec. 35  
T. 34 S. R. 19 E. W. N.  
8 acres in NE<sup>1</sup> NE<sup>1</sup>  
6 acres in NW<sup>1</sup> NE<sup>1</sup>  
8 acres in SW<sup>1</sup> NE<sup>1</sup>

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

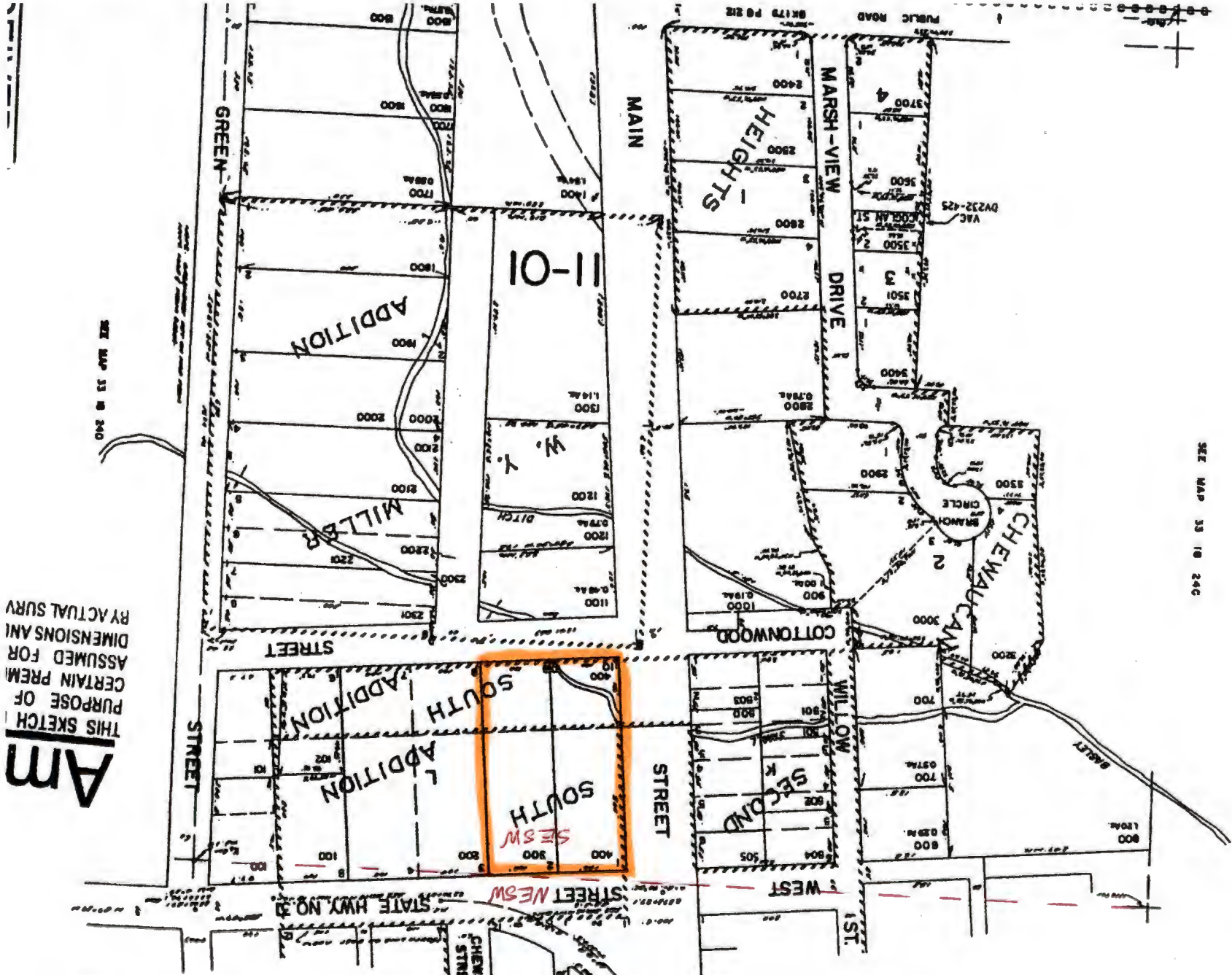
SEE MAP 33 18 24C

CANCELLED NO. 3100

SCALE IN FEET  
0 100 200

Am  
THIS SKETCH OF  
CERTAIN PREMISES  
ASSUMED FOR  
DIMENSIONS AND  
BY ACTUAL SURV

$$\frac{200' \times 300'}{43,560 \text{ ft}^2/\text{ac}} = 1.38 \text{ ac}$$



SEE MAP 33 18 24C

SEE MAP 33 18 24C

## Certificate 3625 Redescription

1. **Certificate 3625** was issued based on proof Volume 1—Number 45 claiming 0.6 acre. The Department concluded, based on research of the deed records during 1983-1985, that this water right correlated with the eastern part of Tax Lot 200 in Block L of Paisley, Oregon, containing Lot 4 of the South Addition, and Lot 7 of the Second South Addition.
2. Certificate 3625 describes the authorized place of use as 0.6 acre in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.
3. Based on current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lot 4 of the South Addition of the Town of Paisley, Oregon is located partly within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 24, Township 33 South, Range 18 East. Lot 7 of the Second South Addition is in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ . This is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be redescribed in the **NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$**  of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.
4. The following table describes the difference between the place of use description in certificate 3625 and a proposed redescription of the place of use based on the findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	$\frac{1}{4}$ - $\frac{1}{4}$	Acres	$\frac{1}{4}$ - $\frac{1}{4}$	Estimated Acres	Current Tax Lot
3625	NE SW	0.60	NE SW (Paisley Lot 4)	0.01	33 18 24CD-east half of 200
			SE SW (Paisley Lot 4)	0.41	
			SE SW (Paisley Lot 7)	0.18	
Total		0.60 ac	Total	0.60 ac	
Township 33 South, Range 18 East, Section 24					

# Certificate Redescription

1. **Certificate # 3625, was** issued based on the following proof: Volume 1—Number 45 claiming 0.6 acre. The Department in the 1980s concluded that this water right correlated with the eastern part of Tax Lot 200 in Block L of Paisley, Oregon, containing Lot 4 of the South Addition, and Lot 7 of the Second South Addition.
2. Certificate 3625 describes the authorized place of use as **0.6 acre in the NE ¼ SW ¼ of** Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.
3. Based on current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lot 4 of the South Addition of the Town of Paisley, Oregon is located partly within the NE¼ SW¼ and SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East. Lot 7 of the Second South Addition is in the SE ¼ SW ¼. This is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant **should be redescribed in the NE¼ SW¼ and SE ¼ SW ¼ of Section 24,** Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.
4. The east half of Tax Lot 200 appears to include 0.69 acre. Based on the scale of the State Engineer's map dated November 11, 1912, Lot 4 in Block L, South Addition, is estimated to include approximately 0.46 acre, with approximately 0.23 acre in Lot 7. The Department concludes that if the water right has always been appurtenant to Paisley Lots 4 and 7 in Block L, the total acreage in the right under Certificate 3625 may have always been more than the originally estimated 0.6 acre and should be increased to 0.69 acre.
5. The following table describes the difference between the place of use description in certificates 3625, 3647, 3662 and 3695, and a proposed redescription of the place of use based on the Findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3625	NE SW	0.60	NE SW (Paisley Lot 4)	0.01	33 18 24CD-east half of 200
			SE SW (Paisley Lot 4)	0.45 <i>0.71</i>	
			SE SW (Paisley Lot 7)	0.23 <i>0.18</i>	
Total		<b>0.60 ac</b>	Total	<b>0.69 ac</b>	
Township 33 South, Range 18 East, Section 24					

**These properties include 0.09 acre more than the water right claimed.**

**Are Paisley Lots 4 and 7 the property owned by M.C. Currier that was claimed in Proof 45?**

*Take 0.09 ac off the part where the house is located. Dennis we inated tried it to Paisley lots 4+7*

*Based on Dept. research - indicated M.C. Currier owned that land. Look for his diary in WRD 1933-1935 - Camp Lake - Wagon Lake case info*

# GLENDER'S HYDRO TECH SERVICES

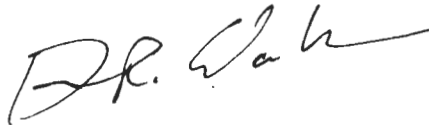
93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail djglender@gooselake.com

# MEMO

May 24, 2005

TO: Dorothy Pedersen  
Transfer Specialist

FROM: Dennis R. Glender



SUB. Bagley Ditch Corp POD Transfer 9733

**RECEIVED**

MAY 25 2005

WATER RESOURCES DEPT  
SALEM, OREGON

Dorothy,

Please find enclosed copies of proof claims 45, 57, 58, 59, 80, 103, 143, 155 & 156. There is an explanation of mix up of proof description of proofs 58 & 59 attached also.

Certificates 3625, 3647, 3662 & 3695.

The locations of these certificates was painstakingly researched in the late 1980's by myself, the Watermaster of District #12 at the time and my office assistant. This is where we determined the water rights to be located. It will take hours of additional time on my part to do the research again. If this information is absolutely vital to the completion of this transfer, perhaps an Oregon Water Resources Staff person could come to Lakeview and do the research seeing how it was the State Engineer's lack of thorough investigation in 1916 in making sure that all claims were correct and locations of use absolutely clear before issuing a Certificate of Water Right.

Certificate 3629 - Agree

Certificate 3631 see attachment to proofs 58 & 59

TL 2600  
Barns  
T.L. 2000

TL 2000

STREET

TL 4900	4901
CH 3601 W.S. Blair TL 5000	DOUGHERTY
TL 5100 5100A1	NO Call
TL 5200 CITY 3 PARCEL	TL 5300
TL 5400	

FREMONT

CHEWAUCAN

3670 R. McKay TL 6400 School DIST H
TL 6300 Gilbert
TL 6200
TL 6100

3644 J.L. Hampton TL 6500 0.72 AC School DIST H
3622 J. Conn TL 6600 0.72 AC Rabute

GREEN

WILLOW

WEST

STREET

CH 3639 J.D. Farrow T.L. 504 owner	TL 505 owner
TL 502 owner	TL 500 owner
TL 501 owner	TL 503 owner

CH 3605 Braithair TL 400 Hiatt	TL 300 murray	CH 3599 St. Barthel TL 200 Emery	CH 3625 m.c. Corrier TL 200 muller	CH 3662 Lamb TL 100 muller	CH 3647 Huron TL 100 muller
				TL 102 Forsga	CH 3695 SWTZ TL 101 Forsga

STREET

STREET



24CD

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That M. C. CURRIER

of Paisley, State of Oregon has a right to the use of the waters of Chewaucan River, a tributary of Lake Abert

for the purpose of the irrigation of 0.6 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1878

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 0.6 acres in the Northeast quarter of Southwest quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, in Lake County, Oregon.

24 CD  
TL 200

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3625

T 9733

Paisley, Oregon.  
(Proof 40, Vol. 1)

Fork or  
Small's  
Cr. and  
small  
box flume

Lots 5 and 6, Block  
Town of Paisley, Oregon.

3622

Virgil Conn  
Paisley, Oregon.  
(Proof 41, Vol. 1)

April,  
1900

0.03

3/4

Irrigation

South Fork  
or Small's  
Creek and  
small ditch

Chewaucan  
River

3/4 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 1  
T. 33 S. R. 18 E. W. M.

3679

D. B. Conrad and  
Lettie E. Conrad  
Paisley, Ore.  
(Proof 42 Vol. 1)  
John and Dennis O'Callaghan  
Successors in Interest  
See COURT DECREE  
Vol 5, p. 41.

1878

1.7

68

Irrigation  
Domestic  
and Stock

Small's Cr.  
and Bagley  
Ditch

Chewaucan  
River

10 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
35 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
13 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
10 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Sec. 21  
T. 33 S. R. 18 E. W. M.

3623

M. C. Currier,  
Paisley, Ore.  
(Proof 43, Vol. 1)

1878

4.14

165.6

Irrigation,  
Domestic &  
Stock

Innis Slough  
and Ditches

Chewaucan  
River

13 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
40 acres in NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
40 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
30 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
3.1 " in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
20 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
19.5 " in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 20  
T. 33 S. R. 19 E. W. M. 28

3624

(Proof 44, Vol. 1)

1878

3.1

124.2

Irrigation,  
Domestic and  
Stock

Innis Slough,  
Jones Slough  
and Fisher  
Slough

Chewaucan  
River

24.6 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
10 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
1.5 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
20 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
19 1/2 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 20  
28.6 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
20 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 21

3625

(Proof 45, Vol. 1)

1878

0.03

.6

Irrigation  
Domestic and  
Stock

Loss Slough  
or North  
Branch of  
Small's Cr.

Chewaucan  
River

6 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 24  
T. 33 S. R. 18 E. W. M.

3626

M. C. Currier, and  
Kittie Bell, Currier  
Paisley, Oregon.  
(Proof 46, Vol. 1)

1878

0.03

.7

Irrigation  
Domestic &  
Stock

Small's Cr.  
River

Chewaucan  
River

.7 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 34  
T. 33 S. R. 18 E. W. M.

3627

M. A. Currier,  
Paisley, Oregon  
(Proof 47, Vol. 1)

1906

0.03

1/2

Irrigation  
and stock

Middle  
Channel or  
Fork and  
Ditch

Chewaucan  
River

1/2 acre in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 24  
T. 33 S. R. 18 E. W. M.

F. N. Curtis, (Permit #1417)  
Valley Falls, Ore. Nov. 29,  
(Proof 48, Vol. 1) 1913

(See Paragraph \_\_\_\_\_)

Irrigation

F. N. Curtis Coyote  
or  
Willow Cr.

H. E. Curtis (Permit #1418)  
Valley Falls, Ore. Nov. 29  
1913

(See Paragraph \_\_\_\_\_)

Irrigation

H. E. Curtis Coyote  
or  
Willow  
Creek

# GLENDER'S HYDRO TECH SERVICES

93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail [djglender@gooselake.com](mailto:djglender@gooselake.com)

# MEMO

April 13, 2005

TO: Certificate 3625

FROM: Dennis R. Glender



SUB. Clarification of discrepancies in location of use for Certificate 3625, T-9733

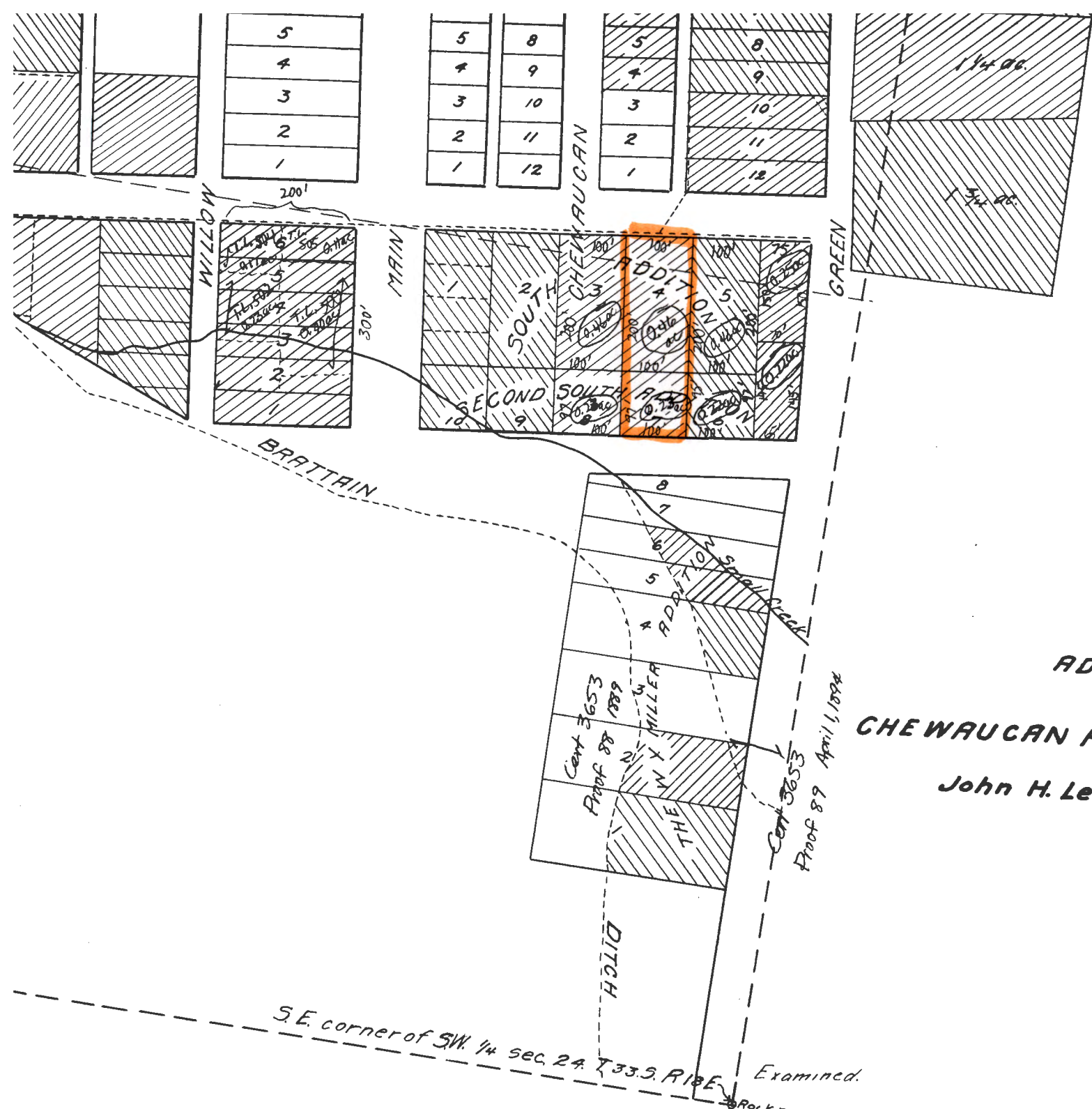
Please find attached Lake County map 33 18 24CD. I have indicated in red the  $\frac{1}{4}$ / $\frac{1}{4}$  line between the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  SW $\frac{1}{4}$ . As you can see, Tax Lot 200 is mostly contained in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ .

The State Engineer did not require or determine the accuracy of this claim. If we simply call out the location of this right as Tax Lot 200, Section 24CD, T 33 S, R 18 E, WM, Lake County, Oregon, it will be most accurate as to location.

RECEIVED

APR 14 2005

WATER RESOURCES DEPT.  
SALEM, OREGON



**ADJUDICATION**  
**OF**  
**CHEWAUCAN RIVER AND TRIBUTARIES**  
 John H. Lewis,      State Engr.  
 Scale: - 1" = 200'

S.E. corner of SW. 1/4 sec. 24. T33.3. R18E  
 Examined.  
 Rock m.

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. \_\_\_\_\_

Count \_\_\_\_\_

Vol 1 Proof 45 RECEIVED  
MAY 25 2005

WATER RESOURCES DEPT  
SEASIDE, OREGON

In the Matter of the Determination of the Relative  
Rights to the Waters of the Chewaucan  
and its tributaries, a  
Tributary of \_\_\_\_\_

STATEMENT AND PROOF OF CLAIMANT

Moss Slough Ditch

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON

County of Lake } 38.

M.C. Currier of Paisley, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— M.C. Currier, Paisley, Oregon

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.— I do

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation domestic and stock

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and use

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— About 1878

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.— About the year 1878, claimant's predecessor in interest diverted the water of Moss Slough, which is the north branch of Small's Creek the same being a tributary of the Chewaucan River, and applied the water to the land and raised garden thereon

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— About 1878

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Flooding the land

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Whatever interest that was acquired by the purchase of the land from the original owners





\*\*\*32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—

\*\*\*33. Q.—State the cost of construction to date. A.—

34. Q.—What interest have you in the lands irrigated or place where the water is used?

A.— Owner

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.

A.— J. L. Hampton, C. E. Campbell, V. Conn all of Paisley Oregon

36. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

*M. L. ...*  
Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 2 day of June, 1913

*James T. ...*  
Superintendent of Water Division No. of State of Oregon.

Filed: June 2, 1913

Fees paid: Court, \$ 1.00

*James T. ...*  
Superintendent, Water Division No. 1, State of Oregon.

\*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.  
\*\*Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second).  
\*\*\*Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with date. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31, and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

of \_\_\_\_\_, State of \_\_\_\_\_, do hereby make and appoint \_\_\_\_\_

of \_\_\_\_\_, my agent and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

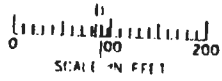
Signature of Claimant.



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

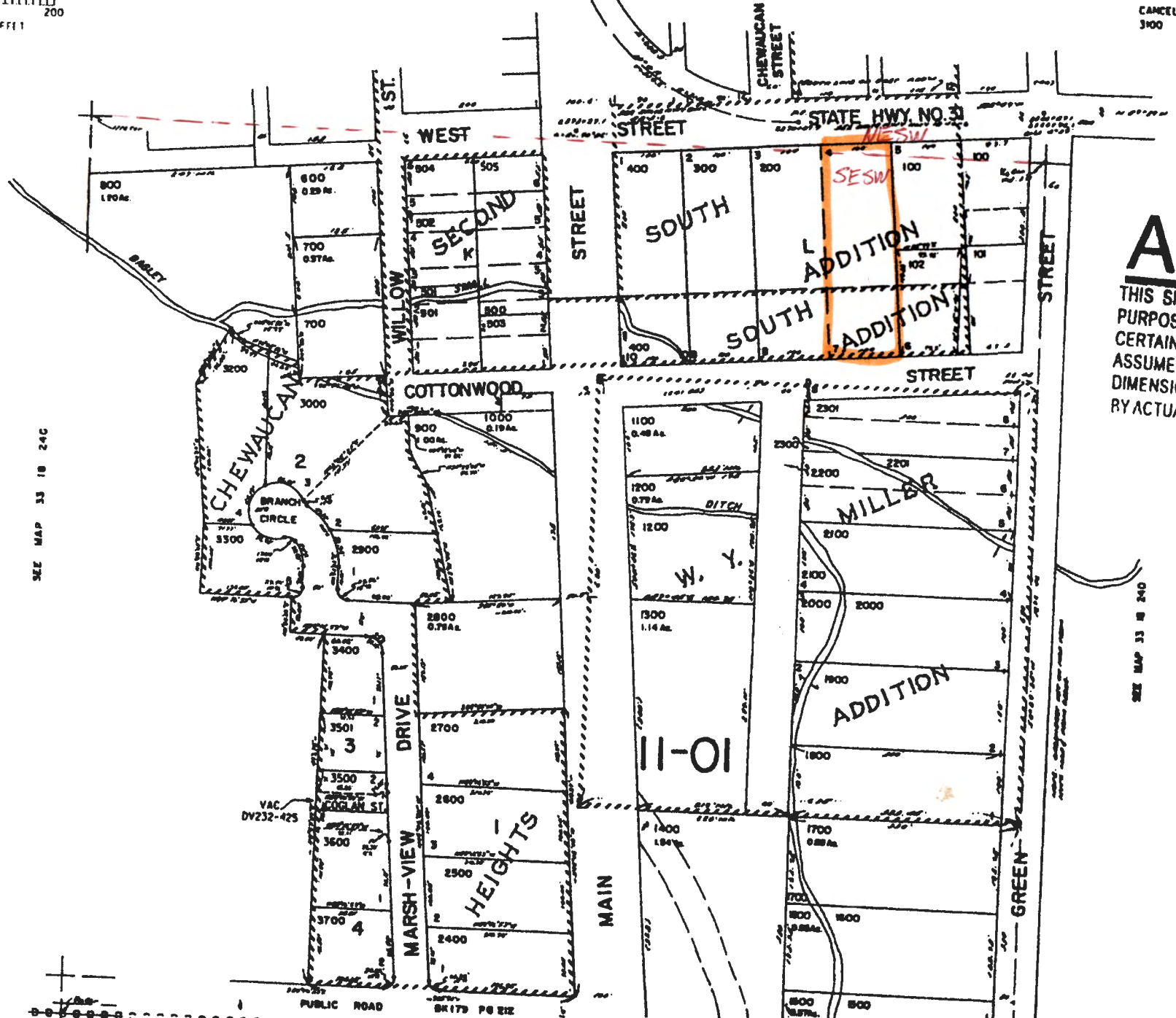
SECT 24 T.33S. R.18E. W.M.  
LAKE COUNTY

33 18 24 CD  
PAISLEY



1"=100'  
SEE MAP 33 18 24CA

CANCELLED NO.  
3100



SEE MAP 33 18 24C

SEE MAP 33 18 24D

**Am**  
THIS SKETCH  
PURPOSE OF  
CERTAIN PREM  
ASSUMED FOR  
DIMENSIONS AN  
RY ACTUAL SURV



PUBLIC ROAD  
SK179 PG 812

## Certificate 3653 Redescription

- Certificate 3653:** The location of the 3.0 acres under Proof No. 88 needs to be clarified. The Chewaucan River Decree, Vol. 1, page 289, as well as Certificate 3653, list the location as “Lots 1, 2, 3, and 4, Miller’s Addition to the Town of Paisley, Oregon”. However, Proof 88 has the following description pasted over the section for description of the place of use: “The land owned by claimant of which this statement and proof submitted herein covers a part, is described as follows. Commencing at a point 30 feet North and 30 feet East of the South-west corner of the South-east quarter of Sec. 24, Tp. 33 S. R. 18 E.WM. thence running North 509 feet; thence running Easterly 502 feet, thence running Southerly 522 feet, thence running Westerly 497 feet to the place of beginning. The 3 acres irrigated from the Brattain ditch is in irregular shape lying in the South and West part of said tract. The balance of the tract is irrigated from the Miller Ditch.”
- The location of 2.6 acres under Proof 89 is described in the proof form as being another part of the same property described by metes and bounds in Finding 57 above, further delineated as follows: “The 2.6 acres irrigated from Miller Ditch is in irregular shape taking in the North and East lines particularly, and cutting the West line of the land. The balance of said tract is irrigated from the “Brattain Ditch” owned by The Bagley Irrigation Company, as shown by Statement and Proof of Claimant herein filed [Proof 88]. The whole of said 5.6 acres is irrigated.
- Based on the location statements in Proofs 88 and 89, the place of use should be redescribed as follows when new certificates are issued:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate 3653	Legal Description	Acres	¼-¼	Estimated Acres	Current Tax Lot
Proof 88 (Priority 1889)	Lots 1, 2, 3 and 4, Miller’s Addition to the Town of Paisley, Oregon	3.00	SW SE	0.13 (not participating in transfer—remaining right certificate to be issued)	33 18 24D-1900
				2.87 to be affected by transfer	33 18 24D-2001
Proof 89 (Priority April 1, 1894)	SW SE	2.60	SW SE	2.60 to be affected by transfer	West 0.27 ac of 33 18 24D-2002 and remaining part of 33 18 24D-2001
Total		5.60	Total		5.60
Township 33 South, Range 18 East, Section 24					

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That FRANCES E. HOWELL

of Lakeview, State of Oregon has a right to the use of

the waters of Chewaucan River, a tributary of Abert Lake

for the purpose of the irrigation of 5.6 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order

Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1 that the priority of the right thereby confirmed dates from 1889 as to lands under proof 88 and April 1, 1894 as to lands under proof No. 89

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth in connection with each tract described below; and said rights shall be subject to all other conditions and limitations contained in said decrees.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, for other purposes, the place where such water is put to beneficial use), is as follows:

(Proof No. 88 for the irrigation of 3 acres from Chewaucan River, 3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 30 of each year) Lots 1, 2, 3 and 4, Miller's Addition to the Town of Paisley, in Lake County, Oregon.

(Proof No. 89 for the irrigation of 2.6 acres from Chewaucan River, 3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 2.6 acres in the Southwest quarter of Southeast quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, in Lake County, Oregon.

See Attachment  
All Acre in  
SW SE  
Schmidt  
O'Sullivan  
Witkus

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON  
(Seal of State Water Board)

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922

STATE WATER BOARD

By PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3653

19933

3652

H. C. Hotchkiss et al  
(continued)  
(Proof 87, Vol. 2)

0.5 acres in SW<sub>1</sub> NW<sub>1</sub>  
 13 acres in SE<sub>1</sub> NW<sub>1</sub>  
 1 acre in NE<sub>1</sub> SW<sub>1</sub>  
 10 acres in NE<sub>1</sub> SE<sub>1</sub>  
 23 acres in NW<sub>1</sub> SE<sub>1</sub>  
 7.6 acres in SW<sub>1</sub> SE<sub>1</sub>  
 29 acres in SE<sub>1</sub> SE<sub>1</sub>, Sec. 18  
 27 acres in NW<sub>1</sub> NW<sub>1</sub>  
 28 acres in SW<sub>1</sub> NW<sub>1</sub> 288  
 15.5 acres in NE<sub>1</sub> SW<sub>1</sub>  
 10.5 acres in NW<sub>1</sub> SW<sub>1</sub>  
 19.6 acres in SE<sub>1</sub> SW<sub>1</sub>  
 21.5 acres in SW<sub>1</sub> SE<sub>1</sub>  
 20.5 acres in SE<sub>1</sub> SE<sub>1</sub>, Sec. 20  
 7 acres in SW<sub>1</sub> SW<sub>1</sub>  
 3 acres in SE<sub>1</sub> SW<sub>1</sub>, Sec. 21  
 11 acres in NE<sub>1</sub> NW<sub>1</sub>  
 32 acres in NW<sub>1</sub> NW<sub>1</sub>, Sec. 28  
 32 acres in NE<sub>1</sub> NE<sub>1</sub>  
 5.5 acres in NW<sub>1</sub> NE<sub>1</sub>, Sec. 29  
 T. 35 S. R. 21 E. W. M.  
 Power developed at Concrete  
 Dam across river. Water re-  
 turned to river from penstock.

Power # 765 - Abandoned

24

Power 38 H.P.  
Power developed at  
1/14/03

3653

Frances E. Howell,  
Lakeview, Ore.  
(Proof 88, Vol. 2)  
(Proof 89, Vol. 2)

1889  
April 1,  
1894

0.08  
0.07  
2.6

3  
Irrigation  
Irrigation  
Small's  
Creek and  
Miller  
Ditch

Bagley  
Chewaucan  
River  
Chewaucan  
River

Lots 1, 2, 3 and 4, Miller's  
Addition to the Town of  
Paisley, Oregon.  
2.6 acres in SW<sub>1</sub> SE<sub>1</sub>, Sec. 24  
T. 33 S. R. 18 E. W. M.

3654

Lester I. Hampton (A.M.  
Smith Guardian) and  
Frances E. Howell  
Lakeview, Ore.  
(Proof 90, Vol. 2)

April 1,  
1894

0.13  
5

Irrigation  
Small's  
Creek and  
Miller  
Ditch

Chewaucan  
River

5 acres in SW<sub>1</sub> SE<sub>1</sub>, Sec. 24  
T. 33 S. R. 18 E. W. M.

3655

I. O. O. F. #177  
Paisley, Ore.  
(Proof 92, Vol. 2)

April 1,  
1908

0.03  
1/2

Irrigation  
Unnamed  
ditch

Chewaucan  
River

Lots 7 and 8, Miller Addition  
to Town of Paisley, Oregon.

3656

Florence Jones,  
Paisley, Oregon.  
(Proof 93, Vol. 2)

1878  
1878

2.75  
110  
Irrigation,  
Domestic and  
Stock  
Irrigation,  
Domestic and  
Stock

Small's  
Creek and  
Ditches  
therefrom  
Innis  
Slough and  
Ditches  
therefrom

Chewaucan  
River  
Chewaucan  
River

15 acres in SE<sub>1</sub> SW<sub>1</sub>  
15 acres in SW<sub>1</sub> SE<sub>1</sub>  
40 acres in SW<sub>1</sub> SE<sub>1</sub>, Sec. 30  
40 acres in NE<sub>1</sub> NE<sub>1</sub>, Sec. 31  
T. 33 S. R. 19 E. W. M.  
160 acres in SW<sub>1</sub>  
80 acres in SW<sub>1</sub> SE<sub>1</sub>, Sec. 29  
40 acres in NE<sub>1</sub> SE<sub>1</sub>, Sec. 30  
33.6 " in NE<sub>1</sub> NE<sub>1</sub>  
80 " in NE<sub>1</sub> NW<sub>1</sub>; Sec. 32  
T. 33 S. R. 19 E. W. M.

3657

Estate of Geo. M.  
Jones, Paisley, Ore.

1876  
1876

0.5  
0.5  
20  
20

Irrigation,  
Domestic and  
Stock  
Irrigation

Jones  
Ditch No. 1  
Jones  
Ditch No. 2  
waters by  
ravine trib.  
to Chewaucan  
River.

10 acres in SW<sub>1</sub> SW<sub>1</sub>  
10 acres in SW<sub>1</sub> SW<sub>1</sub>, Sec. 31  
T. 35 S. R. 19 E. W. M.  
10 acres in NW<sub>1</sub> SW<sub>1</sub>  
10 acres in SW<sub>1</sub> SW<sub>1</sub>, Sec. 31  
T. 33 S. R. 19 E. W. M.

3658

(Proof 96, Vol. 2)

3659

(Proof 97, Vol. 2)  
See PC 87-14 (west of highway 31)

1878

5.18  
207

Irrigation,  
Domestic and  
Stock

Bagley  
Ditch  
Chewaucan  
River

4 acres in NW<sub>1</sub> NE<sub>1</sub>  
4 acres in SW<sub>1</sub> NE<sub>1</sub>  
30 acres in NE<sub>1</sub> NW<sub>1</sub>  
38 acres in SE<sub>1</sub> NW<sub>1</sub>  
35 acres in NE<sub>1</sub> SW<sub>1</sub>  
30 acres in SE<sub>1</sub> SW<sub>1</sub>  
7 acres in NE<sub>1</sub> SE<sub>1</sub>  
18 acres in SW<sub>1</sub> SE<sub>1</sub>, Sec. 31  
T. 33 S. R. 19 E. W. M.



BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 1

Lake

County

In the Matter of the Determination of the Relative

Rights to the Waters of Chastain

STATEMENT AND PROOF OF CLAIMANT.

River and its tributaries, a

Miller

Ditch

RECEIVED

Tributary of Chastain

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

APR 14 2005

WATER RESOURCES DEPT. SALEM, OREGON

STATE OF OREGON,

County of Lake

ss

Thomas S. Farrell of Lakeview, Oregon, being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.—Thomas S. Farrell, Lakeview, Oregon.

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.—From a tributary, commonly called Small Creek

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.—Irrigation

4. Q.—How was such right initiated, or upon what is it based?

A.—Appropriation, diversion and use for a beneficial purpose, continually since April 1, 1894.

5. Q.—State the date of the initiation of such water right? A.—April 1, 1894

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.—On or about April 1, 1894, John R. Hammond, lessee of the lands in question, owned at that time by the W. E. Miller Estate, and other lands, commenced construction of said Miller Ditch tapping Small Creek at a point on the West line of what is now lot 8 of Miller's addition to Paisley, Oregon, placing a measuring box in said ditch about 100 feet from the head of it, to regulate the water placing a wing dam in said creek and diverting the water into the ditch. The wing dam is temporary and replaced each year.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.—About May 1, 1894

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.—The water is utilized by flooding from the ditch. The name by which the ditch is known is the "Miller Ditch"

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.—Claimant irrigates 2.6 acres of land from this ditch, said 2.6 acres being separate from that claimant is interested in with and a joint interest in common with Lester I. Hampton, minor.

10. Q.—State the date of the beginning of construction. A.—April 1, 1894

11. Q.—State the date of completion? A.—May 1, 1894.

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate?

A.—Width (top) 2 feet; width (bottom) 2 feet

depth 1/2 feet feet; grade, or fall in feet per 1000 feet, about 1/10 of 1% feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A.—**No enlargements**  
First enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_ feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet \_\_\_\_\_ feet.  
Second enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_ feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet \_\_\_\_\_ feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate? A.—**About 18 acres** acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year? A.—**About 18 acres** acres.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—**About 18 acres** acres.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement? A.—**None** acres.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp	Range	Sec	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
<b>35</b>	<b>10</b>	<b>24</b>																

The land owned by claimant of which the statement and proof submitted herein is a part is described as follows, commencing at a point 30 feet North and 30 feet East of the South-west corner of the South-east quarter of Section 24, Tp. 33 S., R. 102 W.M., thence running North 500 feet, thence running easterly 522 feet, thence running Southerly 522 feet, thence running westerly 522 feet to the place of beginning. The 2.6 acres irrigated from Miller Ditch is in irregular shape taking in the North and East lines particularly, and cutting the West line of the land. The balance of said tract is irrigated from the "Brattain Ditch" owned by The Bagley Irrigation Company, as shown by Statement and Proof of Claimant herein filed. The whole of said 5.6 acres is irrigated.

Total **17.6** acres

19. Q.—State the character of the soil and kind of crops cultivated? A.—**sandy loam and gravel; sloping; crops alfalfa, grain, garden orchard and pasture.**

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used? A.—**Season commences**

under which you are attempting or propose to irrigate, or for any other purpose for which a right is claimed?

A. — ~~One minor inch under six inch pressure per acre.~~

\*22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

A. — Yes.

\*\*23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horse power developed.

A. —

24. Q.—Describe the nature of the works by which the power is to be developed, the place where located, and state whether the water is returned to the stream after use and at what point?

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point?

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

\*\*\*27. Q.—If the right claimed was initiated prior to February 21, 1909, but the water not yet fully applied, state whether such right was initiated by the construction of a new ditch or the enlargement of an existing ditch, and whether storage works are to be constructed?

A. —

\*\*\*28. Q.—Give the length of such proposed ditch? A. —

\*\*\*29. Q.—What is the estimated cost of such proposed construction? A. —

\*\*\*30. Q.—When are the works intended to be completed? A. —

\*\*\*31. Q.—State in detail, the number of acres which you propose to irrigate in each smallest legal subdivision (40-acre tract) under such proposed ditch or enlargement, using the following form. The lands at present actually irrigated should be described in answer to question 17. (Attach a separate sheet if necessary.)

A. —

Section	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
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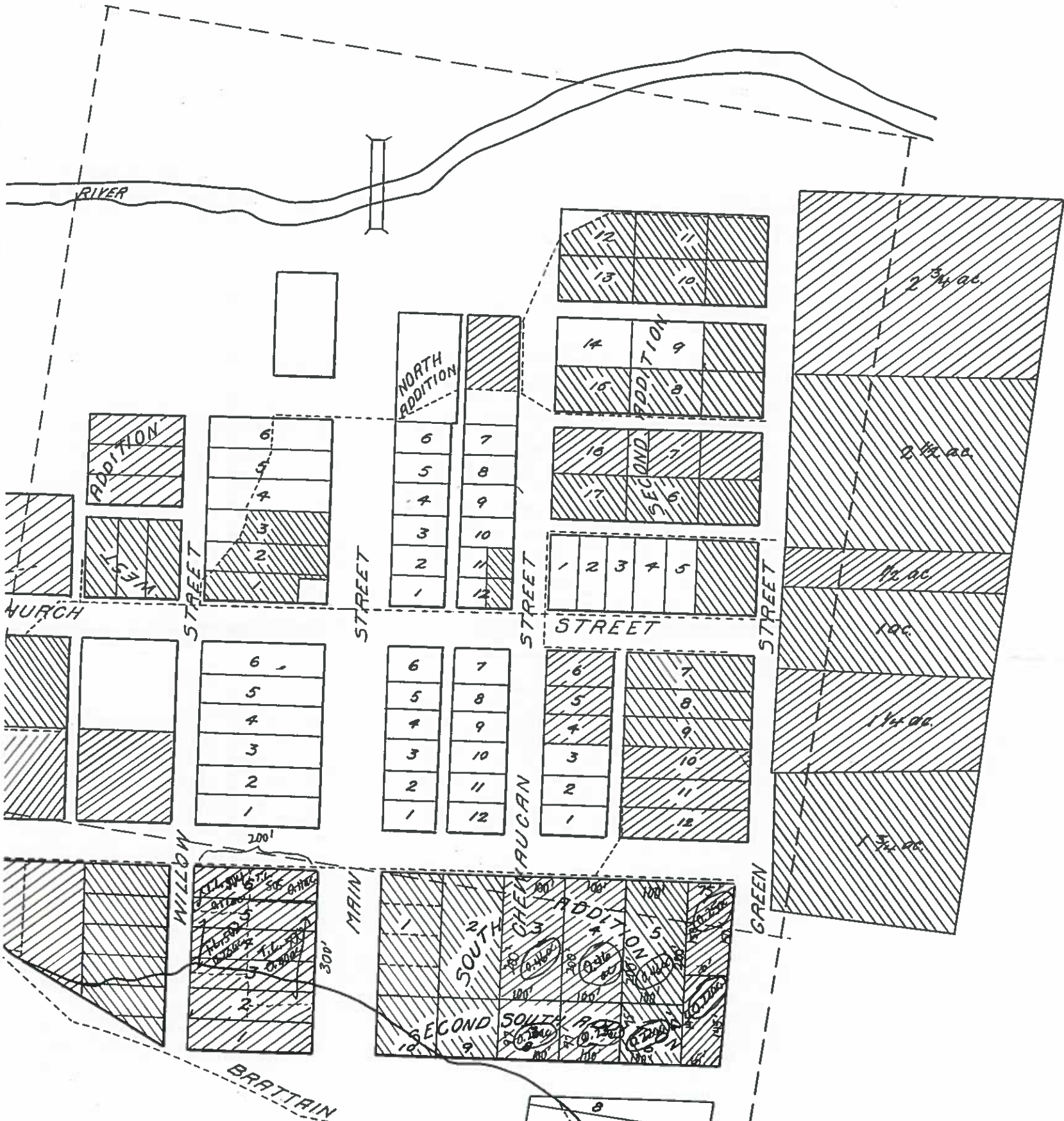
APR 14 2005

WATER RESOURCES DEPT.  
SALEM, OREGON

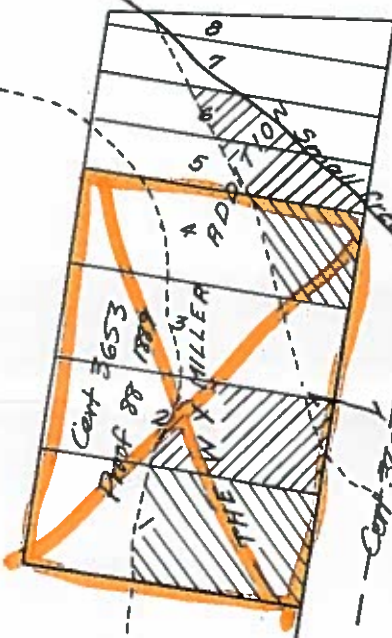




MAP  
OF  
PAISLEY, LAKE COUNTY, ORE.



Proof 88  
Cert 3653  
Superseded by  
alternate  
description



Cert 3653  
Proof 89 April 1, 1894

ADJUDICATION  
OF  
CHEWAUCAN RIVER AND TRIBUTARIES  
John H. Lewis, State Engr.  
Scale: 1" = 200'

S.E. corner of SW 1/4 sec. 24 T33S R10E  
Examined:  
Rock m.

MAIN

(Duplicate)  
1+5. Hannon  
# 3646  
TL 2000  
B-155

TL 1900

Sachs

TL 1800

Wear

CH 3642 TL 1700  
S.G. Andley  
0.85 AC

L. P. ...

TL 1600  
0.85 AC

L. P. ...

TL 1500  
0.57 AC

Cottrell

GREEN

W. Miller  
7/1/1894 5.0 AC

TL 1900  
0.15 AC  
0.57 AC

CH 3653

Howell TL 2001

5.5 AC

R. Schmidt

CH 3654  
Hempstead

TL 2000

3.53 AC

W. Miller

TL 2002  
5m  
0.5 AC

TL 2003  
0.91 AC

W. Miller

FLUE

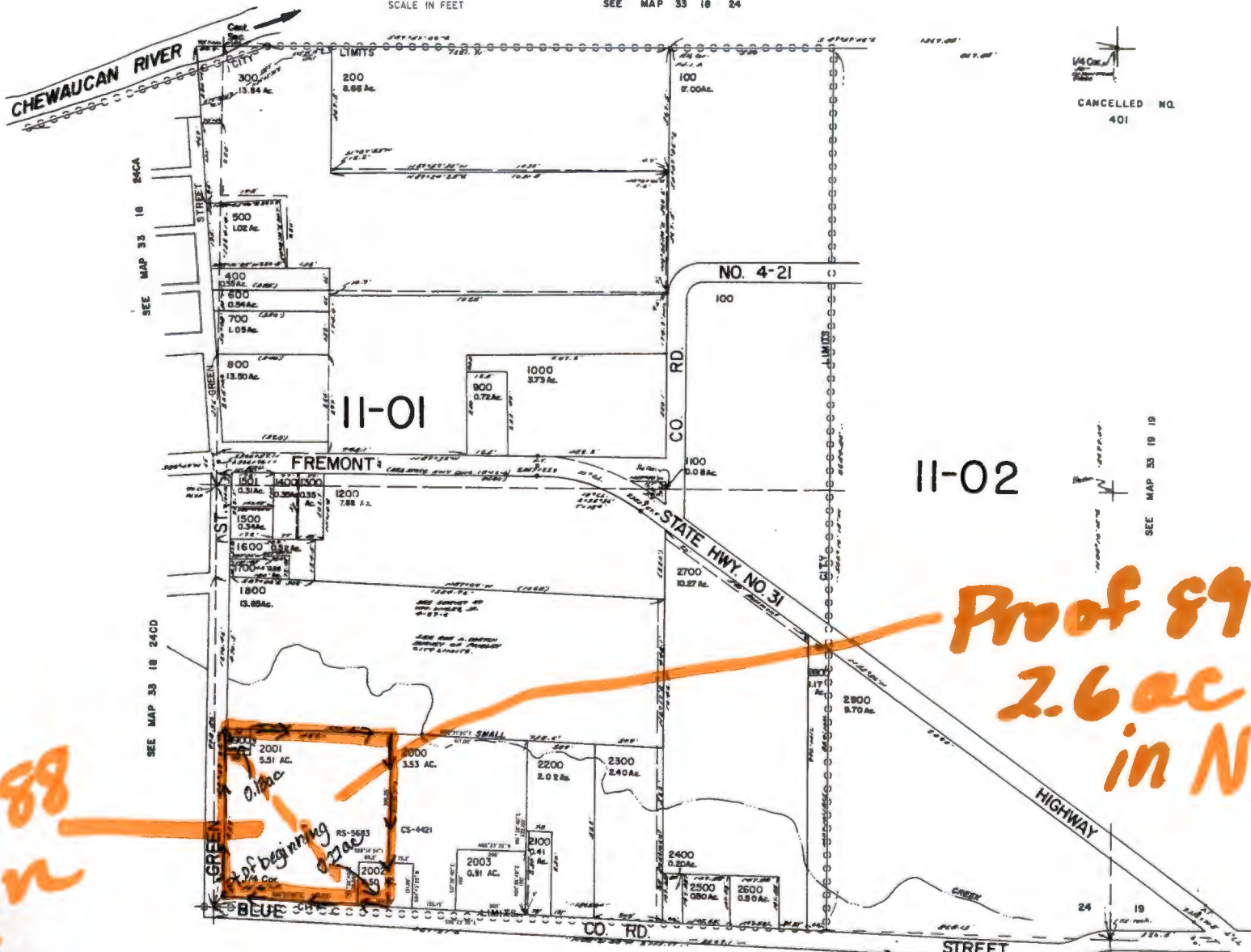
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SEE MAP 33 18 24



CANCELLED NO.  
401



Proof 88  
3 ac in  
S+W

11-02

Proof 89  
2.6 ac  
in N+E

SEE MAP 33 18 25

Revised  
7/17/2002, RT  
33 18 24D  
PAISLEY

## Certificate 3662 Redescription

1. **Certificate 3662** was issued based on proof Volume 2—Number 103 claiming 0.7 acre in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24.
2. The Department concluded that this water right correlated with Lots 5 & 6 of Block L of Paisley, Oregon, South Addition, based on research of the deed records done by the Department in 1983-1985.
3. Deed record Vol. 44, page 255 lists sale of Lot 5 in the South Addition of Paisley to E.O. Lamb on May 23, 1912, but indicates a correction in the description in Vol. 47, p. 589, recorded September 1, 1914. The corrected description of the property takes in the majority of Lot 5 and Lot 6 in Block “L” of Paisley.
4. Based on current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, this property is located partly within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 24, Township 33 South, Range 18 East. This location is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be redescribed in the **NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$**  of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon. It is estimated that approximately 0.06 acre is in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and 0.64 acre is in the SE  $\frac{1}{4}$  SW $\frac{1}{4}$ .
5. Lake County Tax Assessor Map 33-18-24CD shows the western part of tax lots 100 and 102 roughly coinciding with this area.
6. The following table describes the difference between the place of use description in certificate 3662 and a proposed redescription of the place of use based on the above findings:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	$\frac{1}{4}$ - $\frac{1}{4}$	Acres	$\frac{1}{4}$ - $\frac{1}{4}$	Estimated Acres	Current Tax Lot
3662	NE SW	0.70	NE SW SE SW	0.06 0.32 0.32	West part of 33 18 24CD-100 West part of 33 18 24CD-100 West part of 33 18 24CD-102 (majority of Town Lots 5 & 6)
Total		0.70	Total	0.70	
Township 33 South, Range 18 East, Section 24					

24 CD

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That **E. O. LAMB**

of Paisley, State of Oregon has a right to the use of the waters of Chewaucan River, a tributary of Abert Lake for the purpose of the irrigation of 0.7 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1878

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use); is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) . 0.7 acres in the Northeast quarter of Southwest quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, in Lake County, Oregon.

TL  
102  
100  
10000

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3662

1-9733

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. \_\_\_\_\_, \_\_\_\_\_ Count \_\_\_\_\_

Vol 2 Proof Claim 103

In the Matter of the Determination of the Relative Rights to the Waters of the Chewaucan River and its tributaries, a Tributary of \_\_\_\_\_

STATEMENT AND PROOF OF CLAIMANT

Small's Creek Ditch

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of \_\_\_\_\_ ss.

E. O. Lamb of Paisley, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation, and the authority by which you make this proof.

A.— E. O. Lamb, Paisley, Oregon.

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.— I do

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation, domestic and stock (Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Diversion and use (Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— About 1878.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.— About 1878, claimant's predecessor in interest diverted the water of Small's Creek, a tributary of the Chewaucan River and applied the water to the land and raised crops thereon

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— About 1878

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Flooding the land

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Whatever interest was acquired by the purchase of the land from the original owners

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MAY 25 2005

WATER RESOURCES DEPT SALEM, OREGON





MAY 25 2005

WATER RESOURCES DEPT  
SALEM, OREGON

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A.— March to October water is used the year round for domestic and stock

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A.— 1/24 of one cubic foot per second per acre

\*22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

A.— Yes

\*\*23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

A.—

24. Q.—Describe the nature of the works by which the power is to be developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A.—

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A.—

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A.—

\*\*\*27. Q.—If the right claimed was initiated prior to February 24, 1909, but the water not yet fully applied, state whether such right was initiated by the construction of a new ditch or the enlargement of an existing ditch, and whether storage works are to be constructed.

A.—

\*\*\*28. Q.—Give the length of such proposed ditch. A.—

\*\*\*29. Q.—What is the estimated cost of such proposed construction? A.—

\*\*\*30. Q.—When are the works intended to be completed? A.—

\*\*\*31. Q.—State in detail, the number of acres which you propose to irrigate in each smallest legal subdivision (40-acre tract) under such proposed ditch or enlargement, using the following form. The lands at present actually irrigated should be described in answer to question 17. (Attach a separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%

Total \_\_\_\_\_ acres

\*\*\*32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—

\*\*\*33. Q.—State the cost of construction to date. A.—

34. Q.—What interest have you in the lands irrigated or place where the water is used?

A.— Owner

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.

A.— V.Conn, S. Benefiel, M.C. Currier all of Paisley Oregon

36. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

E. O. Lamb

Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 2<sup>nd</sup> day of June, 1913

Superintendent of Water Division No. of State of Oregon.

Filed: June 2, 1913

Fees paid: \$ 3.50

Superintendent, Water Division No. 1, State of Oregon.

\*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.

\*\*Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 3.3 (one cubic foot per second falling 3.3 feet equals one theoretical horsepower, or 550 foot pounds per second).

\*\*\*Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with data. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31, and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

of State of do hereby make and appoint

of my agent and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

Signature of Claimant.

3658

(Proof 100, Vol. 2)

1890

6

240

Irrigation and stock

Temporary dams and furrow ditches

Coffee Pot Creek

12 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$   
40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 31;  
6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$   
28.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$   
25.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$   
7.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 32;  
Tp. 33 S., R. 19 E., W. M.

30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$   
36 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$   
12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$   
16 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$   
24 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$   
10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$   
20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7;  
6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$   
6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$   
28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$   
16 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 8;  
T. 35 S., R. 18 E., W. M.

3660

Emma Kelsay and J.S. Kelsay, Paisley, Ore. (Proof 101, Vol. 2)

1893

2.5

100

Irrigation and stock

Not named

Dairy Creek

40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$   
40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 8;  
T. 36 S., R. 18 E., W. M.

3661

Don C. LaFont, Creede, Colo. (Proof 102, Vol. 2)

1900

0.25

10

Irrigation

Heryford Ditch

Willow Creek

10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23;  
T. 35 S., R. 20 E., W. M.

3662

E. O. Lamb, Paisley, Ore. (Proof 103, Vol. 2)

1878

0.03

.7

Irrigation, domestic and stock

Small's Creek Ditches

Chewaucan River

0.7 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 24;  
Tp. 33 S., R. 18 E., W. M.

3663

M. H. Lauritzen, Paisley, Ore. (Proof 104, Vol. 2)

1878

3.06

122.6

Irrigation, domestic and stock

Fisher's Slough and ditches therefrom

Chewaucan River

34.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
36 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
24.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 28;  
Tp. 33 S., R. 19 E., W. M.

(Proof 105, Vol. 2)

1878

2.4

96

Irrigation, domestic and stock

Innis Slough and ditches therefrom

Chewaucan River

4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 28;  
40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 29,  
Tp. 33 S., R. 19 E., W. M.

12 Ac. Trsf. Sp. 0 - Vol. 10, p. 555  
12 - - - - - Vol. 11, p. 421

3664

F. D. Loveless, Lakeview, Ore. (Proof 106, Vol. 2)

1875

3.05

122

Irrigation, domestic and stock

Dams and ditches

Loveless Creek

7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
26 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
18 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
18 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12;  
Tp. 37 S., R. 20 E., W. M.

# GLENDER'S HYDRO TECH SERVICES


93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail [djglender@gooselake.com](mailto:djglender@gooselake.com)

# MEMO

May 24, 2005

TO: Dorothy Pedersen  
Transfer Specialist

FROM: Dennis R. Glender



SUB. Bagley Ditch Corp POD Transfer 9733

**RECEIVED**

MAY 25 2005

WATER RESOURCES DEPT  
SALEM, OREGON

Dorothy,

Please find enclosed copies of proof claims 45, 57, 58, 59, 80, 103, 143, 155 & 156. There is an explanation of mix up of proof description of proofs 58 & 59 attached also.

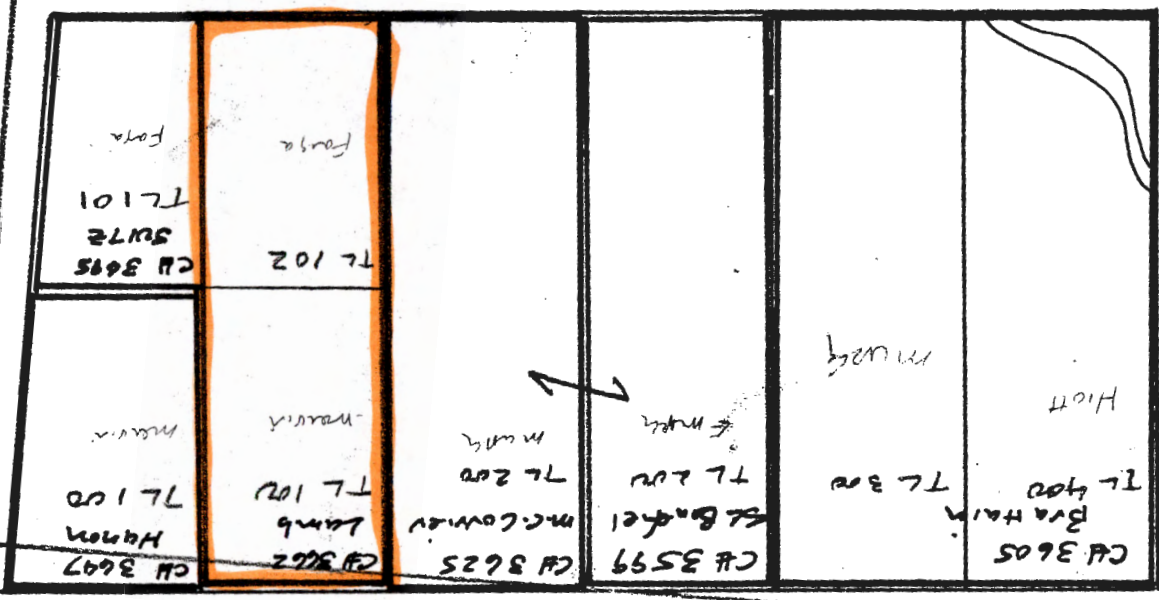
Certificates 3625, 3647, 3662 & 3695.

The locations of these certificates was painstakingly researched in the late 1980's by myself, the Watermaster of District #12 at the time and my office assistant. This is where we determined the water rights to be located. It will take hours of additional time on my part to do the research again. If this information is absolutely vital to the completion of this transfer, perhaps an Oregon Water Resources Staff person could come to Lakeview and do the research seeing how it was the State Engineer's lack of thorough investigation in 1916 in making sure that all claims were correct and locations of use absolutely clear before issuing a Certificate of Water Right.

Certificate 3629 - Agree

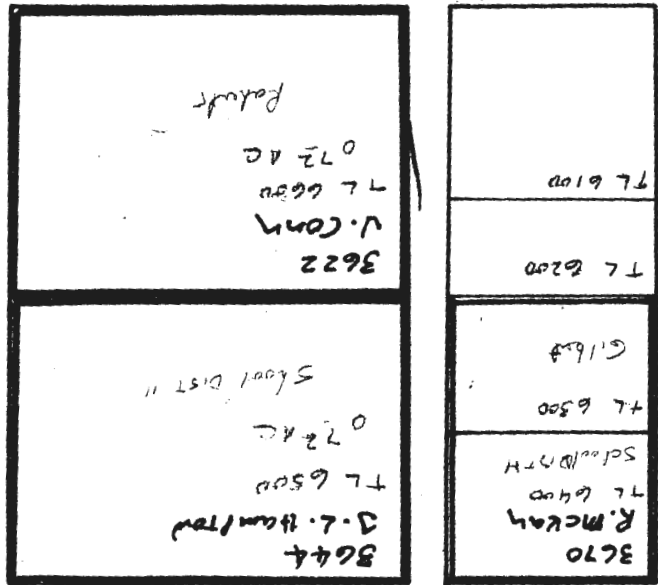
Certificate 3631 see attachment to proofs 58 & 59

STREET



STREET

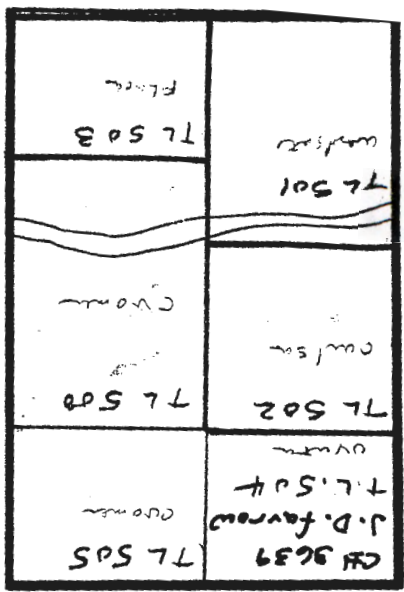
STREET



GREEN

CHEWAUCAN

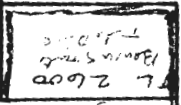
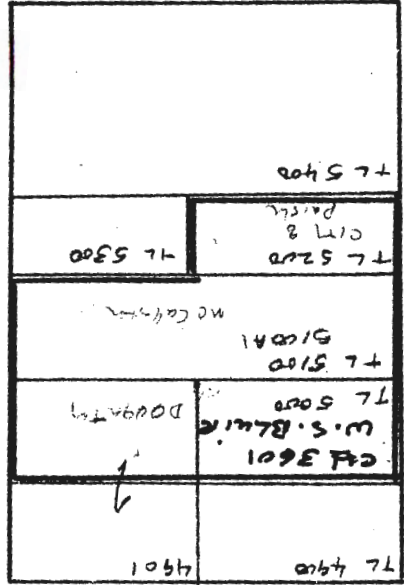
STREET



WEST

FREMONT

WILLOW



# GLENDER'S HYDRO TECH SERVICES

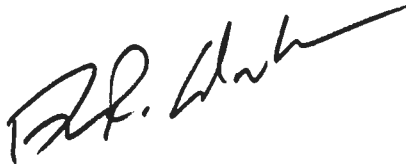
93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail [djglender@gooselake.com](mailto:djglender@gooselake.com)

# MEMO

March 23, 2005

TO: Certificate 3662

FROM: Dennis R. Glender



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APR 14 2005  
WATER RESOURCES DEPT.  
SALEM, OREGON

SUB. Clarification of discrepancies in location of use for Certificate 3662, T-9733

Please find attached Lake County map 33 18 24CD. The lay of the land is outlined in red. Further study and research reveals that EO Lamb owned lot 5 in 1912. Recorded deeds 44-255 and 47-589 confirm this.

It appears that a small portion of the water right does exist in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and I estimate that to be 0.10 acre on the Merwin property, the remainder is in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  being 0.60 acre, 0.30 acre on the Merwin property and 0.30 acre on the Forga property.

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WATER RESOURCES DEPT.  
SALEM, OREGON

,44 - 255

W.D.

*Deeds*

S.S. Bainster & Clara Bainster  
his wife

5/15, 12,

to

5/15, 12,

**E.O. Lamb**

5/23, 12, at 3:30 P.M

\$1300.00

R.B. Jackson N.P. Lake Co. Ore. (Seal).

S.S. Bainster & Clara Bainster (Seal)

S.S. Bainster & Clara Bainster his wife

G.B.S.C. & C.

W. & D.

*n/r*

R.B. Jackson & L.R. Jones.

**Lot 5, in the South Add. to Paisley, Lake Co. Ore.**

*See Vol 47 page 589 for Cancellation deed*

*P*

47 - 589

W.D.

*Deeds*

S.S.Bainster

6/15, 14,

to

~~SMITH~~ See below,

S.O.Lamb,

9/1, 14, at 11:45 A.M.

\$1.00

On 6/15, 14, S.S.Bainster, Ack. before, E.H.Conser, N.P.Lake County Ore. (Seal).

On 8/20, 14, Clara Bainster, Ack. before, E.H.Conser, N.P.Lake County Ore. (Seal).

S.S.Bainster & Clara Bainster, (Seal).

See above,

G.B.S. & C.

W. & D.

E.H.Conser, Willetta L.Conser, W.Y.Miller,

Com. at the NWLY cor. of Lot 5, Blk. "L" of the Town of Paisley,

Ore. according to the recorded of the Town of Paisley, thence Sly along the Wly line of said Lot 5, & Lot 6, in Blk. "L" 300 ft. to the Sly line of said Blk. "L" thence Ely along the Sly line of Blk. "L" 73 ft. to a point, thence Nly in a straight line to a point in the Nly line of Blk. "L" 98 ft. Ely from the point of beg. thence Wly along the said Nly line of Lot 5, Blk. "L", to the place of beg.

this deed is made to correct a deed recorded in Vol 44, page 255

RECEIVED

APR 14 2005

WATER RESOURCES DEPT.  
SALEM, OREGON

*n/r*



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

LAKE COUNTY

33 18 24 CD PAISLEY



1"=100'

*NE 1/4 SW 1/4 33*

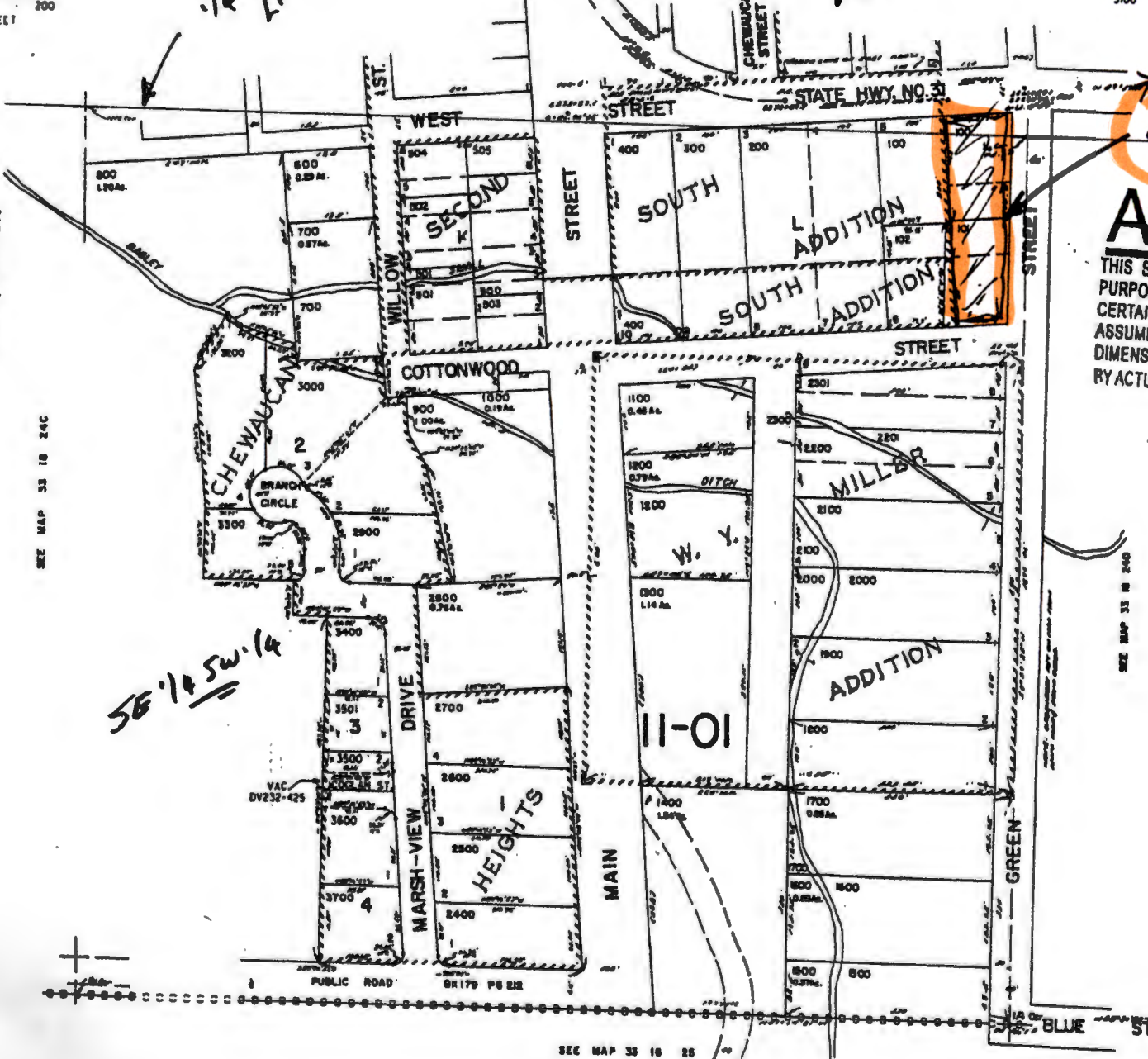
CANCELLED NO. 3100

*?*

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SALEM, OREGON



*1/4 Section Line*

*SE 1/4 SW 1/4*

*Original Lot 5 Block L*

**AmeriTitle**

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

SEE MAP 33 18 24C

SEE MAP 33 18 24D

SEE MAP 33 18 25

Revised 5/17/04, RT

33 18 24 CD PAISLEY

1" = 100'

Interpretation of

E.O. Lamb property  
based on Deed record

47-589

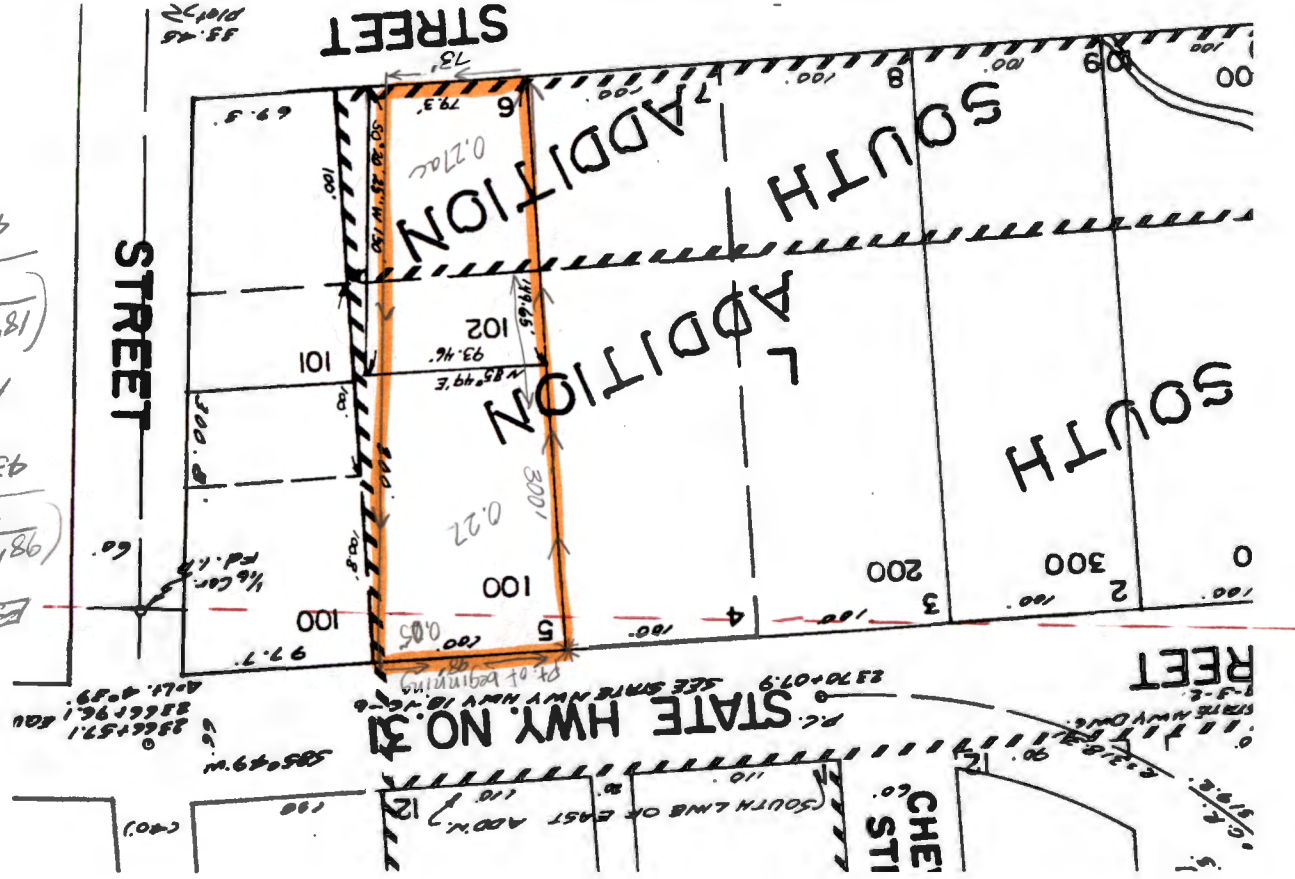
Estimated acreage:

$$\frac{93,560 \text{ ft}^2}{(98+73) \left( \frac{2}{300} \right)} = 0.59 \text{ ac}$$

Approximate breakdown by lot

$$\frac{93,560 \text{ ft}^2}{(18+24) \left( \frac{2}{97} \right)} = 0.05 \text{ ac in NESW}$$

0.54 ac in SE SW



## Certificate 3686 Redescription

1. **Certificate 3686:** Based on the dimensions given in Proof 143 and current understanding of how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, the place of use under Certificate 3686 appears to include some land in the SW SW of Section 24 T33S, R18E as well as land in the NW SW and NE SW.
2. Certificate 3686 is proposed to be re-described as follows:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate 3686	Legal Description	Acres	¼-¼	Estimated Acres	Current Tax Lot
Proof 143 (Priority September 18, 1893)	NE SW	0.50	NE SW	0.66 (not included in transfer)	33 18 24CA-4600 (0.29 ac) 33 18 24CA-4601 (0.18 ac) 33 18 24C-1102 (0.19 ac)
	NW SW	1.00	NW SW	0.54 transferred	33 18 24C-1101 (0.54 ac)
			SW SW	0.09 transferred	33 18 24C-1101 (0.09 ac)
			SE SW	0.21 (not included in transfer)	33 18 24C-1102 (0.09 ac) 33 18 24CA-4600 (0.12 ac)
Total		1.50 ac	Total	1.50 ac	
Township 33 South, Range 18 East, Section 24					

*OK to redescribe*

24 CA

STATE OF OREGON

COUNTY OF IANE

CERTIFICATE OF WATER RIGHT

This is to Certify, That GEO. PIKE

of Paisley, State of Oregon has a right to the use of the waters of Chewaucan River, a tributary of Abert Lake.

for the purpose of the irrigation of 1.5 acres of land, domestic and stock use.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5 at page 3; that the priority of the right thereby confirmed dates from September 18, 1893.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 0.5 acres in the Northeast quarter of Southwest quarter and 1 acre in the Northwest quarter of Southwest quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, in Lake County, Oregon.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER, State Engineer, President

Attest:

R. W. POTTER, Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3686.

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MAY 26 2004

WATER RESOURCES DEPT SALEM, OREGON

x-9733

DWAS

72  
4601  
3/18/200  
1101  
102  
1900

3680	George S. Park, Paisley, Ore. (Proof 136, Vol. 2)	1908	0.03	1	Irrigation	Small's Creek and Park Elder Flume	Chewaucan River	Starting at the Town corner the intersection of Main & Mill Streets; running W. 480' to point of beginning; thence W. 180' to Small Creek; thence Southeasterly 230' along Small Creek; thence N. 170' to point of beginning, in the Town of Paisley, Oregon.
	(Proof 137, Vol. 2)	1908	0.19	7½	Irrigation	Park Ditch	Chewaucan River	7½ acres in NE¼ NW¼, Sec.23 T. 33 S. R. 18 E. W. E.
3683	W. B. Parker, Paisley, Ore (Proof 138, Vol. 2)	1878	1	40	Irrigation, Domestic and Stock	Small's Creek, loss Slough, and Ditches therefrom	Chewaucan River	35 acres in SW¼ NW¼ 5 acres in SE¼ NW¼, Sec.19 T. 33 S. R. 19 E. W. E.
3684	(Proof 139, Vol. 2)	1878	0.75	30	Irrigation, Domestic and Stock	Innis, Jones and Fisher Sloughs, and Ditches	Chewaucan River	20 acres in SE¼ NW¼, Sec.19 10 acres in SW¼ NW¼, Sec.20 T. 33 S. R. 19 E. W. E.
	(Proof 140, Vol. 2)	1878	0.5	20	Irrigation, Domestic and Stock	Innis slough and ditches therefrom	Chewaucan River	5 acres in SW¼ NW¼ 15 acres in SE¼ NW¼, Sec. 19 T. 33 S. R. 19 E. W. E.
	(Proof 141, Vol. 2)	1878	2.83	113	Irrigation, Domestic and Stock	Jones Slough and ditches therefrom	Chewaucan River	40 acres in SW¼ NE¼ 20 acres in SE¼ NE¼ 20 acres in SE¼ NW¼, Sec.19 27 acres in SW¼ NW¼ 6 acres in SE¼ NW¼, Sec.20 T. 33 S. R. 19 E. W. E.
3685	R. N. Phelps, Paisley, Ore. (Proof 142, Vol. 2)	1883	0.03	.83	Irrigation and Stock	Small's Cr. and Middle Fork	Chewaucar River	0.83 acres in NE¼ SW¼, Sec.24 T. 33 S. R. 18 E. W. E.
3686	Geo. Pike, Paisley, Ore. (Proof 143, Vol. 2)	Sept. 18, 1893	0.04	1½	Irrigation, domestic and stock	Small's Cr. or South Fork and Ditch	Chewaucan River	1/2 acre in NE¼ SW¼ 1 acre in NW¼ SW¼, Sec.24 T. 33 S. R. 18 E. W. E.
	Portland Irrigation Co. (See Paragraph 10 ) 601 Yeon Bldg., Portland, Oregon. by Geo. M. Bailey, President (Proof 144, Vol. 2)							
3687	Harriet L. Random Paisley, Oregon. (Proof 145, Vol. 2)	1878	3.5	140	Irrigation, Domestic and Stock	Bagley ditch	Chewaucan River	30 acres in NE¼ NE¼ 30 acres in SE¼ NE¼, Sec.25 T. 33 S. R. 18 E. W. E. 40 acres in SW¼ NW¼ 40 acres in NW¼ SW¼, Sec.30 T. 33 S. R. 19 E. W. E.
3688	G. A. Rehart, Lakeview, Ore. (Proof 146, Vol. 2)	1874	7.22	288½	Irrigation, Domestic and Stock	Blair, or Rehart Ditch	Salt Creek and Springs trib. to Crooked Cr.	18.5 acres in NE¼ NE¼ 3.5 acres in SE¼ NE¼, Sec.1 T. 38 S. R. 20 E. W. E. 4.05 acres in NE¼ NW¼ 28 acres in NW¼ NW¼ 10.5 acres in SW¼ NW¼ 1.05 acres in SE¼ NW¼, Sec.6 T. 38 S., R. 21 E., W. E.

CHEWAUCAN RIVER 68.

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 1, Lake Count 2

*Vol 2 - Proof 143*

In the Matter of the Determination of the Relative

Rights to the Waters of Chewaucan

River and its tributaries, a

Tributary of Lake Abert

STATEMENT AND PROOF OF CLAIMANT

Pike Ditch

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Lake ss.

Mabel Pike of Paisley, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— Mabel Pike  
Paisley Oregon

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.— a tributary thereof, Small Creek or South fork of Chewaucan River

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— For Irrigation, domestic and stock use  
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and use  
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— on Sept 18<sup>th</sup> 1893

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.— By building a flume and digging or making ditches to conduct & distribute the water over the land irrigated.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— By the claimant in Sept 1893, and by Melvin F. Withers from the spring of 1885

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Irrigation of garden and orchard, and for watering live stock, and for domestic use

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Owner

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WATER RESOURCES DEPT 700  
SALEM, OREGON

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WATER RESOURCES DEPT  
SALEM, OREGON

10. Q.—State the date of the beginning of construction. A.—.....

11. Q.—State the date of completion. A.—.....

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate.

A.—Width (top) two feet; width (bottom) one and half feet;

depth one feet; grade, or fall in feet per 1000 feet, about 3 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.—.....

First enlargement—Width (top) ..feet; width (bottom) ..feet.

feet; depth.....feet; grade, or fall per 1000 feet, .....feet.

Second enlargement—Width (top).....feet; width (bottom).....feet.

feet; depth.....feet; grade, or fall per 1000 feet, .....feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— about two acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year.

A.— two acres

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.—.....

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—.....

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4				
			NE½	NW½	SW½	SE½	NE½	NW½	SW½	SE½	NE½	NW½	SW½	SE½	NE½	NW½	SW½	SE½	
33 S.	18	24																	
<p>The above being a tract of land in the town of Piusky, Oregon, beginning for 413 feet west of the town corner at intersection of M. Illman Main Street, and 234½ feet south of said corner; thence 168½ feet south; thence 15.3 feet west; to Small Creek; thence northwardly along Small Creek to a line 20 rods west of right-of-way line north and south; thence north about 100 feet; thence east about 48 feet to point of beginning.</p>																			

Total..... acres

19. Q.—State the character of the soil and kind of crops cultivated.

A.— lawny garden, berries, orchard.





\*\*\*32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—

\*\*\*33. Q.—State the cost of construction to date. A.—

34. Q.—What interest have you in the lands irrigated or place where the water is used?

A.— *Fee simple*

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.

A.— *A. A. Prattain, Virgil Leorn, J. L. Hampton*

36. Q.—What additional evidence have you attached hereto or submitted herewith?

(If the witness finds the space insufficient to properly answer any question, he should attach hereto and answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

*Mabel Pike*

Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this *20<sup>th</sup>* day of *December*, 191*2*

*James T. Shumway*

Superintendent of Water Division No. *1* of State of Oregon.

Filed: *Dec 20*, 191*2*

Fees paid: *Dec 20 - 1912*, \$ *3.50*

*James T. Shumway*

Superintendent, Water Division No. *1*, State of Oregon.

\*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.

\*\*Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second).

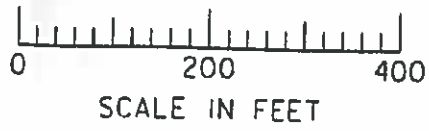
\*\*\*Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with date. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31, and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

State of \_\_\_\_\_ of \_\_\_\_\_, do hereby make and appoint *Mabel Pike*

\_\_\_\_\_ of \_\_\_\_\_, my agent and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

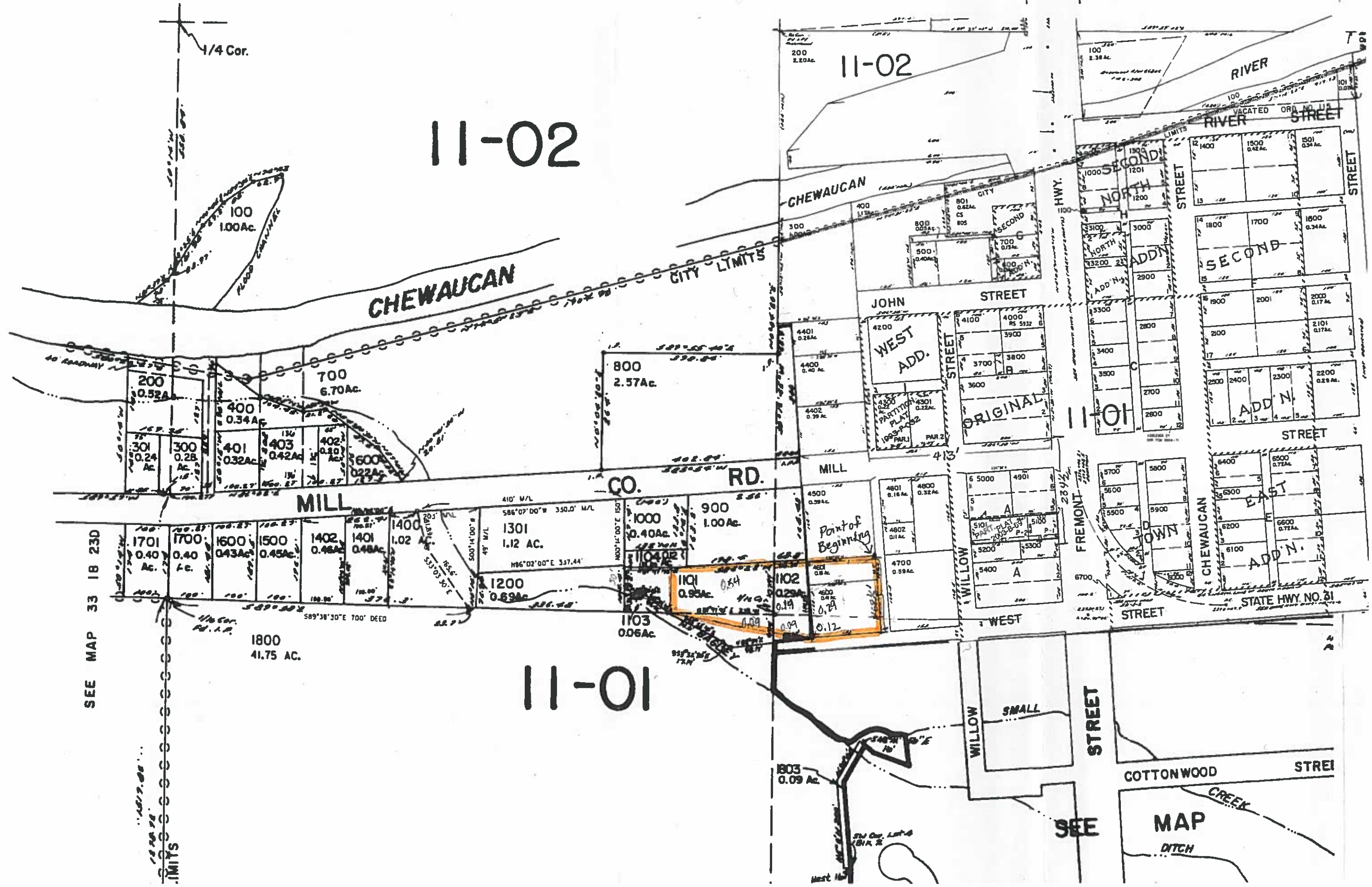
*George Pike*  
Signature of Claimant.



SEE MAP 33 18

# 11-02

# 11-01



7L 502  
7L 502  
7L 504  
J.D. FARRAR  
CH 3639  
7L 505

CH 3634  
J.S. EIDOL  
7L 600  
0.29 AC  
D. 900M

WEST  
7L 5400  
7L 5400  
7L 5300  
7L 5100  
7L 5000  
W.S. BLUM  
CH 3601  
7L 4900  
7L 4901

WILLOW

CH 3649  
M. HARTLOPE  
7L 4700  
0.53 AC  
7L 4700  
CH 3643  
W.L. HARMON  
7L 4800  
0.16 AC  
7L 4801  
0.53 AC  
7L 4802  
D. 11 AC  
7L 4802  
NEPOS

CH 3696  
S.S. THAYER  
7L 4500  
0.54 AC  
F. BASH  
7L 4601  
0.18 AC  
7L 4600  
0.41 AC  
D. 11 AC

CH 3686  
G. PIKE  
7L 1101  
SMITH  
0.95 AC  
1102  
BOB  
DMS  
0.28 AC  
D. 11 AC

CH 3597  
7L 500  
(1972)  
HAY  
BARNIST

7L 1104  
7L 1000

MILK

CH 3621  
CLAYTON MARR.  
7L 2600  
C. DAVIS  
7L 2600  
7L 2600  
7L 2600  
7L 2600

STREET

CH 3627  
W.A. GUYMIRE  
7L 4300  
0.23 AC  
7L 4301  
0.23 AC  
D. 11 AC  
D. 11 AC

G.W. HARMON  
7L 4200  
D. 11 AC

4401  
0.26  
4400  
0.49  
4402  
0.39  
NAVA DO STUMHO  
TOTAL

7L 800  
ROBERT  
DAVIS  
257  
6 AC  
NW 5W

## Certificate 3691 Redescription

1. **Certificate 3691:** The legal description in the decree and on Certificate 3691 of lands claimed by School District #11 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) does not match the clear description of the lands in the map submitted with Proof 151 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ). The location shown in the proof map matches current tax lot 33 14 24D-800 owned by School District #11 and appears to be the location to which the water right under Certificate 3691 has always been appurtenant.
2. The water right should be redescribed as 1.8 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 33 South, Range 18 East, W.M.

OK to redescribe

24 D

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That SCHOOL DISTRICT No. 11

of Paisley, State of Oregon has a right to the use of

the waters of Chewaucan River, a tributary of Abert Lake.

for the purpose of the irrigation of 1.8 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1901

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

(3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 1.8 acres in the Southeast quarter of Southwest quarter of Section Twenty-four, Township Thirty-three South, Range Eighteen East of Willamette Meridian, in Lake County, Oregon.

TL 800

Proof  
51  
All in  
NW SE

RECEIVED

MAY 26 2004

WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State  
Water Board, affixed this 15th day  
of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3691.

1.9733

	1880			and Stock	Creek		15 acres in NW <sup>1</sup> NE <sup>1</sup> 5 acres in SW <sup>1</sup> NW <sup>1</sup> 1 acres in SE <sup>1</sup> NW <sup>1</sup> , Sec. 9 T. 36 S. R. 20 E. W. 1.
(Proof 148, Vol. 2)							
(Proof 149, Vol. 2)	1891	0.5	20	Irrigation, Domestic and Stock	Roush Ditch	Willow Cr.	5 acres in SE <sup>1</sup> NE <sup>1</sup> , Sec. 8 10 acres in SW <sup>1</sup> NW <sup>1</sup> 5 acres in NW <sup>1</sup> SW <sup>1</sup> , Sec. 9 T. 36 S. R. 20 E. W. 1.
<sup>3690</sup> Christian Schmidt, and William Schmidt Lakeview, Ore. (Proof 150, Vol. 2)	1878	0.83	33	Irrigation	Schmidt Dams and Ditches	Willow Creek	17 acres in NE <sup>1</sup> NW <sup>1</sup> 5 acres in NW <sup>1</sup> NW <sup>1</sup> 11 acres in SW <sup>1</sup> NE <sup>1</sup> , Sec. 17 T. 36 S. R. 20 E. W. 1. 34.5 acres in SE <sup>1</sup> NE <sup>1</sup> 7 acres in NE <sup>1</sup> NW <sup>1</sup> 8 acres in NW <sup>1</sup> NW <sup>1</sup> 32.5 acres in NE <sup>1</sup> SE <sup>1</sup> , Sec. 18 T. 36 S. R. 20 E. W. 1.
<sup>3691</sup> School District No. 11 D. B. Conrad, Chairman Paisley, Oregon. (Proof 151, Vol. 2)	1901	0.04	1.8	Irrigation	West St. Ditch, and Small's Creek	Chewaucan River	1.8 acres in SE <sup>1</sup> SW <sup>1</sup> , Sec. 24 T. 33 S. R. 18 E. W. 1.
<sup>3692</sup> J. C. Shellhammer, Lakeview, Ore. (Proof 152, Vol. 2)	1885	6.48	259	Irrigation	Shellhammer Ditches	Crooked Creek	30 $\frac{1}{2}$ acres in NE <sup>1</sup> NE <sup>1</sup> 10 acres in NW <sup>1</sup> NE <sup>1</sup> 21 $\frac{1}{2}$ acres in SW <sup>1</sup> NE <sup>1</sup> 39 acres in SE <sup>1</sup> NE <sup>1</sup> 40 acres in NE <sup>1</sup> SE <sup>1</sup> 30 acres in NW <sup>1</sup> SE <sup>1</sup> 24 $\frac{1}{2}$ acres in SW <sup>1</sup> SE <sup>1</sup> 25 $\frac{1}{2}$ acres in SE <sup>1</sup> SE <sup>1</sup> , Sec. 13 16 acres in NE <sup>1</sup> NE <sup>1</sup> 14 acres in NW <sup>1</sup> NW <sup>1</sup> , Sec. 24 T. 37 S. R. 20 E. W. 1.
<sup>3693</sup> Mary Helen Sherman, Lakeview, Ore. (Proof 153, Vol. 2)	1888	0.38	15	Irrigation, domestic and stock	A. F. Bryant Ditch	Willow Creek	3 acres in NE <sup>1</sup> NE <sup>1</sup> 12 acres in Lot 4; Sec. 18 T. 36 S. R. 20 E. W. 1.
<sup>3694</sup> Annetta Sherlock, Paisley, Ore. (Proof 154, Vol. 2)	1900	0.03	1	Irrigation, Domestic and Stock	South Fork and Harvey- Hampton-Sher- lock-Benoche (Box Flume) Ditch	Chewaucan River	1/5 acres in NE <sup>1</sup> SW <sup>1</sup> 4/5 acres in NW <sup>1</sup> SE <sup>1</sup> , Sec. 24 T. 33 S. R. 18 E. W. 1.
<sup>3695</sup> Mrs. L. B. Sult, Paisley, Ore. (Proof 155, Vol. 2)	1878	0.03	.4	Irrigation, Domestic and Stock	Small's Cr. and Moss Slough	Chewaucan River	0.4 acre in NE <sup>1</sup> SW <sup>1</sup> , Sec. 24 T. 33 S. R. 18 E. W. 1.
[Proof 156, Vol. 2]	1878	0.03	.3	Irrigation, Domestic and Stock	Small's Cr. Ditch	Chewaucan River	0.3 acre in SE <sup>1</sup> SW <sup>1</sup> , Sec. 24 T. 33 S. R. 18 E. W. 1.

CHEWAUCAN RIVER 69.

Decrees - Dec. 2, 1916

INDEX

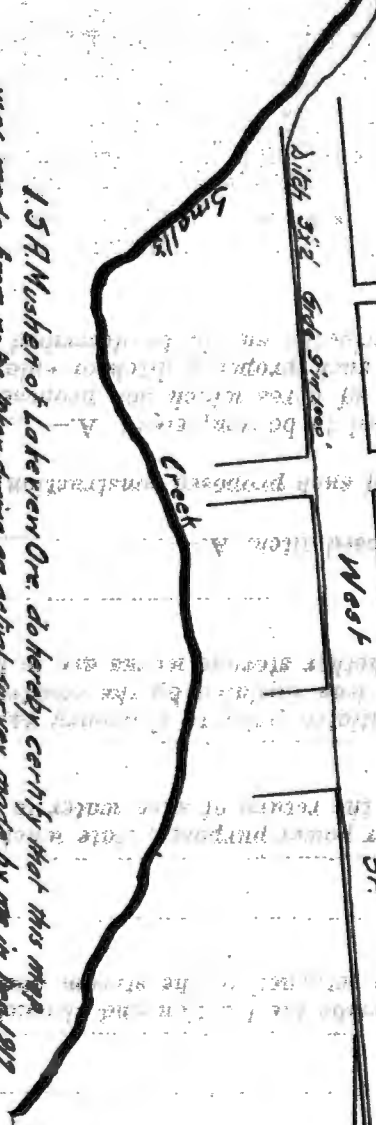
Section 10 & 11

NOT OFFICIAL

Proof 151

I, J. A. Musher of Lakeview Ore. do hereby certify that this map was made from notes taken during an actual survey made by me in Dec. 1912 and June 1913 and that it graphically represents the marks described in the accompanying claim and has written thereon the acre irrigated in each smallest legal subdivision.

J. A. Musher  
County Surveyor



School Dist. # 11  
1 1/2 Acres

NW 1/4 Sec 14 T. 33S R. 18E

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

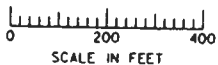
T-9733

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

LAKE COUNTY

PAISLEY

1" = 200'



SEE MAP 33 18 24



CANCELLED NO. 401

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

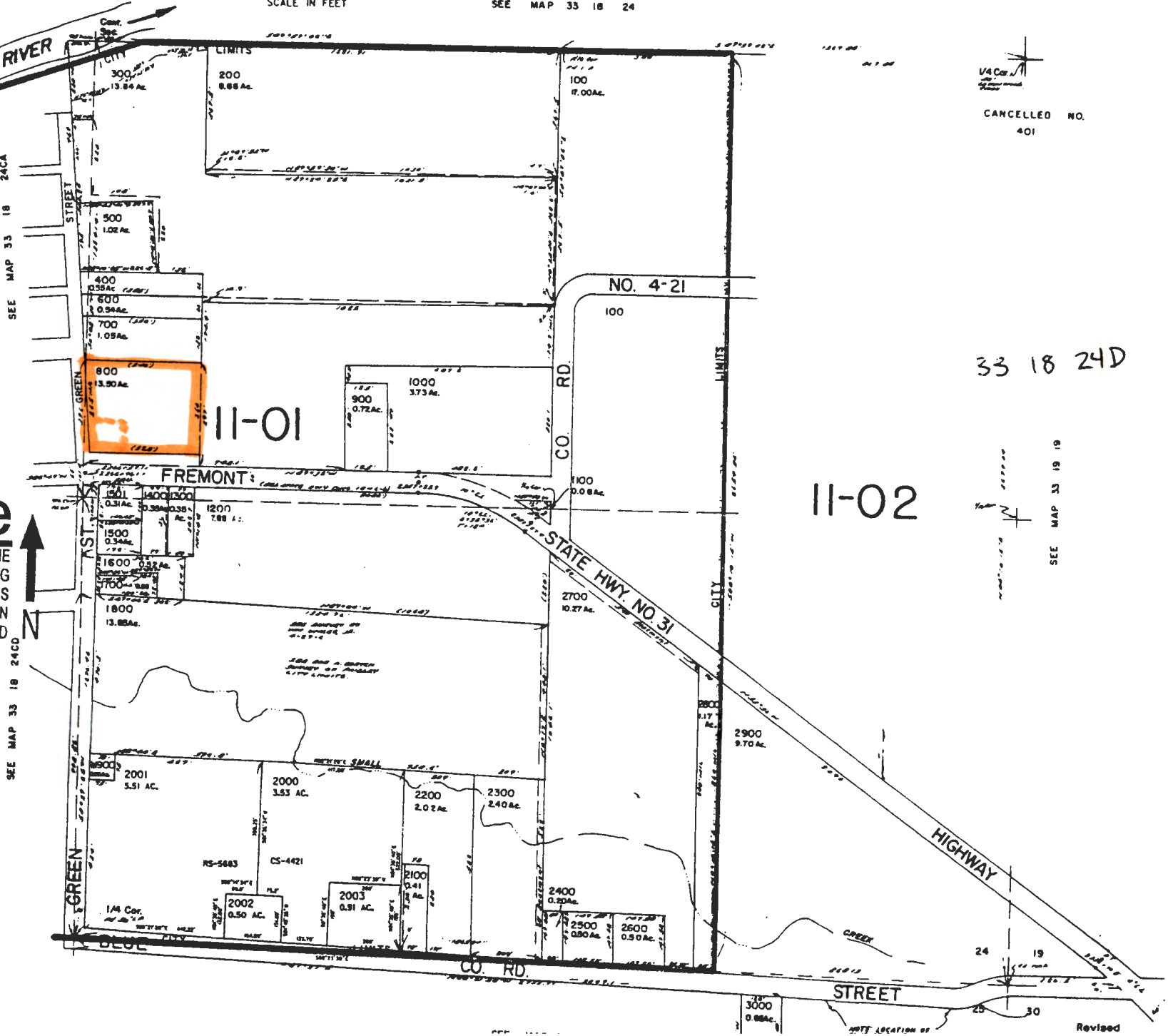
5-9733

33 18 24D

SEE MAP 33 19 19

# AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



SEE MAP 33 18 24C

SEE MAP 33 18 24C



Revised



## Certificate 3696 Redescription

1. **Certificate 3696:** Certificate 3696 allows 1.0 acre of irrigation, however, Proof 157 for the right claims that the lot in Paisley to which the right is appurtenant is 168½' x 153'. These dimensions exactly match the meets and bounds description of the relevant property (Tax Lot 33 18 24CA-4500), which equals 0.59 acre.
2. The right appears to have always been limited to 0.59 acre, and should be redescribed accordingly.
3. Current landowners Kathleen A. McAuliffe, Laura M. Davila and Rosanna J. Bagley have submitted affidavits consenting to redescription of the water right as 0.59 acre.

OK

24CA

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That S. S. THAYER

of Paisley, State of Oregon has a right to the use of the waters of Chewaucan River, a tributary of Abert Lake for the purpose of the irrigation of 1 acre of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Lake County; and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1; that the priority of the right thereby confirmed dates from 1898

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 1/25 of a cubic foot per second per acre, and the aggregate quantity set forth below; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: (3.9 acre feet per acre during each irrigation season, being the period from April 1 to September 15 of each year) 1 acre, being a Lot in the Town of Paisley, Lake County, Oregon.

L  
500

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3696

7-9733



**LOT BOOK SERVICE**

**Date:** March 22, 2004

**Fee:** \$100.00

**Order No.:** 0006804

**Page 1 of 2**

**We have searched our Tract Indices as to the following described property:**

In the County of Lake, State of Oregon, as follows:

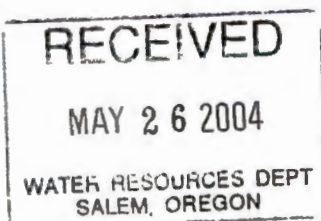
Beginning at a point 213 feet Westerly from the Northwest corner of Block "A" in the City of Paisley, Lake County, Oregon, on the South side of the extension of Mill Street, and from thence running in a Southerly direction at right angles to said extension of Mill Street and parallel to Willow Street 168.5 feet; thence Westerly at right angles to said last line, 153 feet; thence Northerly at right angles to said last line and parallel with the first line 168.5 feet; thence Easterly at right angles with said last line and along the South line of said extension of Mill Street, 153 feet to the place of beginning.

331824CA-4500 Ref. 8699

fee simple title as of February 26, 2004, at 8:00 a.m. is vested in

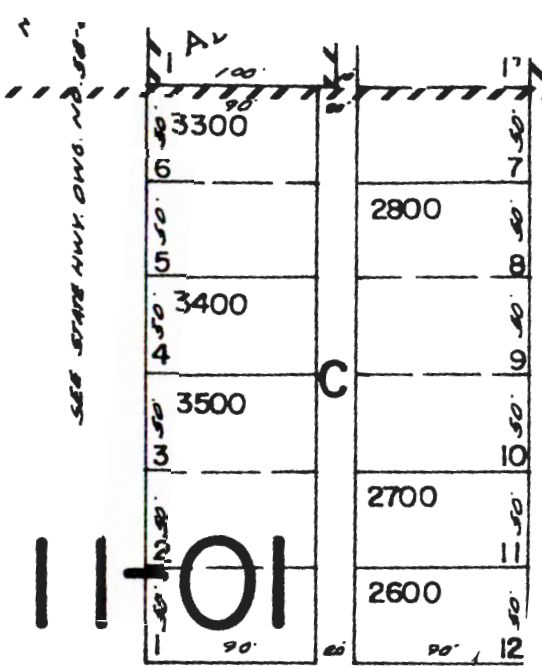
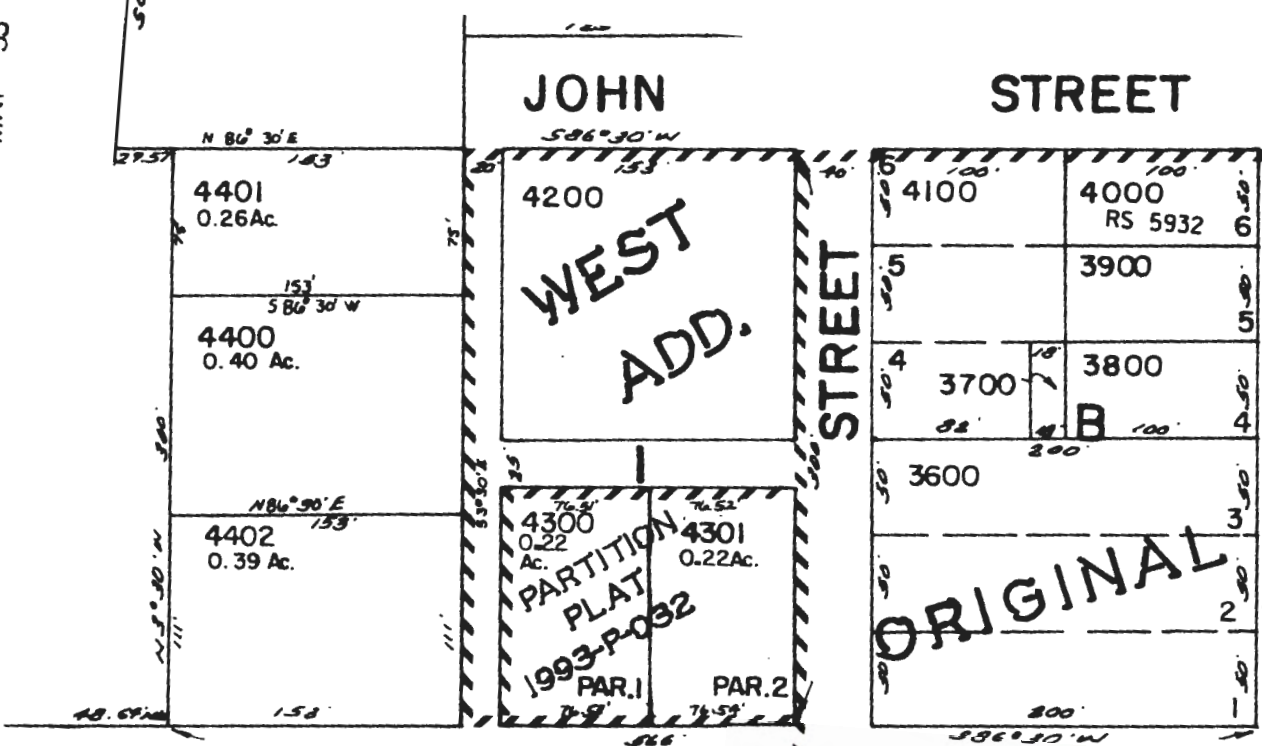
Kathleen A. McAuliffe as to an undivided 1/3 interest; Laura M. Davila, as to an undivided 1/3 interest; Rosanna J. Bagley, as to an undivided 1/3 interest, as tenants in common.

We also find the following apparent encumbrances within ten years prior to the effective date hereof:



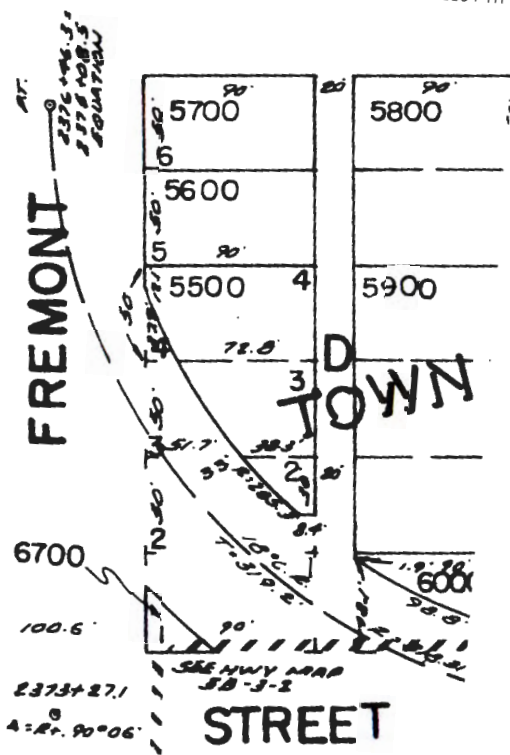
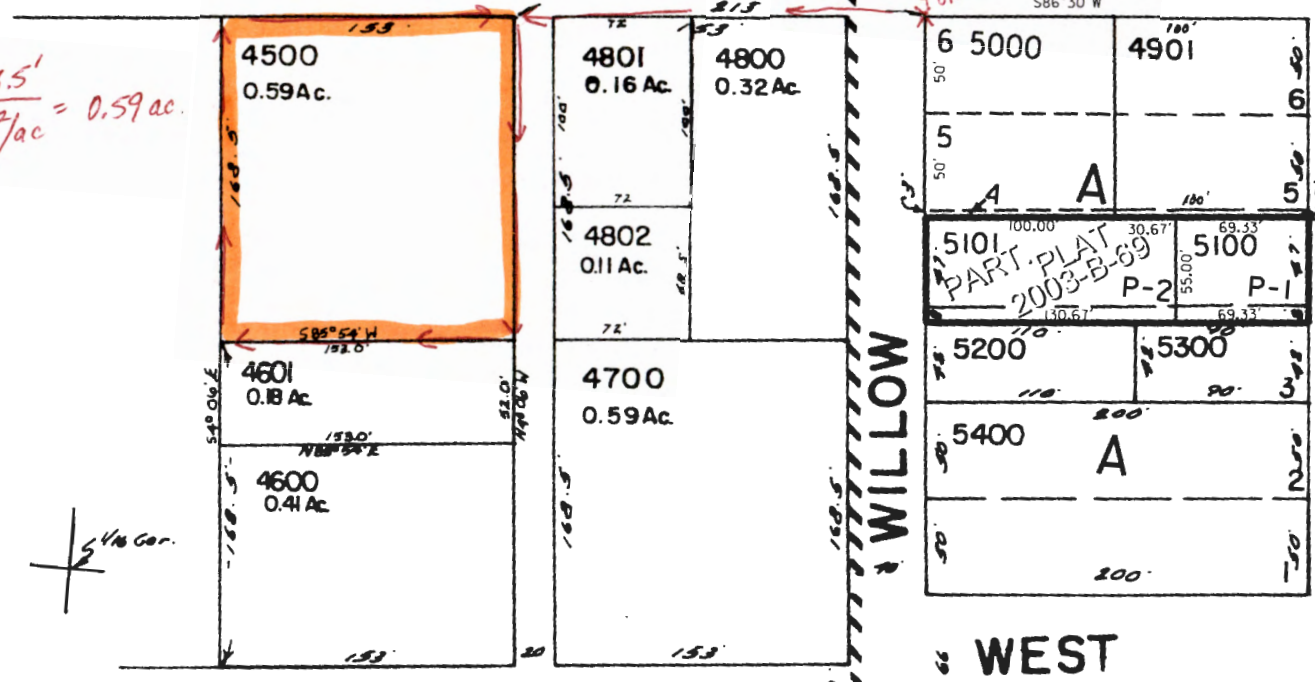
T. 9733

SEE MAP 33



ASSESSED BY DOR PCM 2004-171

$153' \times 168.5' = 43,560 \text{ ft}^2 / \text{ac} = 0.59 \text{ ac.}$



BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. \_\_\_\_\_

#1

Count \_\_\_\_\_

In the Matter of the Determination of the Relative

Rights to the Waters of Chewaucan River and its tributaries, a Tributary of Lake Abert

STATEMENT AND PROOF OF CLAIMANT

Ditch

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Lake

ss.

S. S. Thayer

of Paisley, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— S. S. Thayer, Paisley, Oregon.

If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.— Tributary, known as Small creek or South fork, of Chewaucan R.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Diversion and Use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1898

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.— Diversion by flume, 8"X 8"X10". From wat. is known

as the Bagley Irrigation Dam, At the mouth of said ditch.

Claimant also uses the water of a natural channel, tributary of Small Creek in connection with the above ditch.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— Spring of 1898.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Banister flume. Also the water of a

small natural channel flowing through my land

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Geo. Pike, Mrs. A. Hartelrode, J. R. Hammond.

S. S. Thayer and S. S. Thayer, All of Paisley, Oregon.

Each having one fifth interest.

RECEIVED

MAY 05 2005

WATER RESOURCES DEPT SALEM, OREGON

73

10. Q.—State the date of the beginning of construction. A.—April 8, 1898.

11. Q.—State the date of completion. A.—April 30, 1898.

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate.

A.—Width (top) 8" feet; width (bottom) 8" feet; depth 10" feet; grade, or fall in feet per 1000 feet, 3 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.—No enlargement

First enlargement—Width (top) XXXXXXXX feet; width (bottom) XXXXXX feet; depth XXXXXXXX feet; grade, or fall per 1000 feet, XXXXXXXX feet.

Second enlargement—Width (top) XXXXXXXX feet; width (bottom) XXXXXXXX feet; depth XXXXXXXX feet; grade, or fall per 1000 feet, XXXXXXXX feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—one acre.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—One acre

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.—one acre

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement? A.—No enlargement.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
33	16	24																
			Lot in town of Paisley, Oregon. Lot is 168-1/2' x 153'															

MAILED 10/10/05

Total One acre. acres

19. Q.—State the character of the soil and kind of crops cultivated.

A.—Sandy loam, Vegetables and Fruit.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

MAY 10 2005  
WATER RESOURCES DIVISION

# GLENDER'S HYDRO TECH SERVICES

93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail [djglender@gooselake.com](mailto:djglender@gooselake.com)

# MEMO

May 4, 2005

TO: Certificate 3696

FROM: Dennis R. Glender 

SUB. Clarification of discrepancies in location of use for Certificate 3696, T-9733.

Please find a copy of the first 2 pages of Proof Claim 157 that was used to issue Certificate 3696.

As you can see, the applicant claimed 1 acre but further described the lot in the town of Paisley as being 168½' x 153' which is 0.59 acre. The State Engineer evidently did not compute the lot size before issuing the certificate.

The applicants have elected to reduce the acreage on the certificate to 0.59 acres. Please find 3 affidavits in this packet authorizing this change.

**RECEIVED**

MAY 05 2005

WATER RESOURCES DEPT  
SALEM, OREGON

**AFFIDAVIT AMENDING WATER RIGHT CERTIFICATE 3696  
FROM CHEWAUCAN RIVER, LAKE COUNTY, OREGON**

State of Oregon )  
 )ss  
County of LAKE )

I, Laura M. Davila in my capacity as CO-OWNER,

mailing address 2801 NE Sycamore, Bend OR 97701 ,

telephone number (541) 388-0855, duly sworn depose and say that I

approve of **CORRECTING WATER RIGHT CERTIFICATE 3696 TO READ  
"IRRIGATION OF 0.59 ACRE"** Pertaining to

T 33 S, R 18 E, Section 24CA , TAX LOT 4500.

Laura M Davila  
Signature of Affiant

4-15-05  
Date

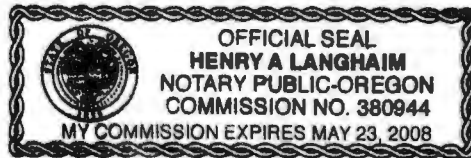
\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to Before ME this 15 day of April, 2005

[Signature]  
Notary Public for Oregon

My Commission Expires 5-23-08



**RECEIVED**  
MAY 05 2005  
WATER RESOURCES DEPT  
SALEM, OREGON



**AFFIDAVIT AMENDING WATER RIGHT CERTIFICATE 3696  
FROM CHEWAUCAN RIVER, LAKE COUNTY, OREGON**

State of Oregon )  
 )ss  
County of LAKE )

I, Rosanna J. Bagley in my capacity as CO-OWNER,

mailing address PO Box 26, Paisley, OR 97636 ,

telephone number (541) 943-3314, duly sworn depose and say that I

approve of **CORRECTING WATER RIGHT CERTIFICATE 3696 TO READ  
"IRRIGATION OF 0.59 ACRE"** Pertaining to

T 33 S, R 18 E, Section 24CA , TAX LOT 4500.

Rosanna Jo Bagley  
Signature of Affiant

5/2/05  
Date

Signature of Affiant

Date

Subscribed and Sworn to Before ME this 2 day of May, 2005

Linda L. Kuempel  
Notary Public for Oregon

My Commission Expires 8-8-2007



RECEIVED

MAY 05 2005

WATER RESOURCES DEPT  
SALEM, OREGON

**AFFIDAVIT AMENDING WATER RIGHT CERTIFICATE 3696  
FROM CHEWAUCAN RIVER, LAKE COUNTY, OREGON**

State of California )  
 )ss  
County of SHASTA )

I, Kathleen A. McAuliffe in my capacity as CO-OWNER,

mailing address PO Box 1225, Cottonwood CA 96022-1226 ,

telephone number (      ) 347-5881, duly sworn depose and say that I

approve of **CORRECTING WATER RIGHT CERTIFICATE 3696 TO READ  
"IRRIGATION OF 0.59 ACRE"** Pertaining to

T 33 S, R 18 E, Section 24CA , TAX LOT 4500.

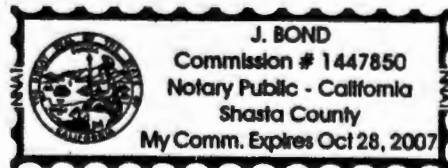
Kathleen A McAuliffe  
Signature of Affiant

4-27-05  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to Before ME this 21 day of April, 2005



J. Bond  
Notary Public for Oregon  
CALIFORNIA

My Commission Expires 10/28/2007

**RECEIVED**

MAY 05 2005

WATER RESOURCES DEPT  
SALEM, OREGON

## Certificate 3699 Redescription

1. **Certificate 3699:** 40 acres of water right in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 6, Township 34 South, Range 19 East, W.M. was claimed on the Proof 98 map for this right, though it was not listed on the tabulation in the proof, decree or Certificate 3699. This appears to be a scrivener's error, because the total number of acres claimed includes 40 more acres than are listed.
2. The confirming certificate for the right should correct the listing by including the 40 acres shown on the map in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 6.

OK to redescribe

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That ESTATE OF GEO. M. JONES, deceased  
of Lakeview, State of Oregon has a right to the use of  
the waters of Chwaucon River, a tributary of Abert Lake  
for the purpose of the irrigation of 364.4 acres of land, domestic and stock use  
and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for  
Lake County, and the said decrees entered of record at Salem; in the Order  
Record of the STATE WATER BOARD of the State of Oregon, in Volume 5, at page 1;  
that the priority of the right thereby confirmed dates from 1878

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of  
1/25 of a cubic foot per second per acre, and the aggregate quantity set forth  
below; and said right shall be subject to all other conditions and limitations  
contained in said decrees.

A description of the lands irrigated under such right, and to which the water is appur-  
tenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

(4.4 acre feet per acre during each irrigation season, being the period from  
April 1 to September 15 of each year) 36 acres in the Northwest quarter of  
Northeast quarter; 36 acres in the Southwest quarter of Northeast quarter; 40  
acres in the Southeast quarter of Northeast quarter; 40 acres in the Northeast  
quarter of Southeast quarter; 35 acres in the Northwest quarter of Southeast  
quarter; 12 acres in the Southwest quarter of Southeast quarter and 40 acres in  
the Southeast quarter of Southeast quarter of Section Thirty-one; 8 acres in  
the Southwest quarter of Northeast quarter; 40 acres in the Southwest quarter of  
Northwest quarter; 28.8 acres in the Southeast quarter of Northwest quarter; 28.1  
acres in the Northwest quarter of Southwest quarter and 7.5 acres in the Southwest  
quarter of Southwest quarter of Section Thirty-two, Township Thirty-three South,  
Range Nineteen East of Willamette Meridian, in Lake County, Oregon.

*This only totals  
344.4 acres*

RECEIVED  
MAY 26 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for irrigation purposes is restricted to the lands or place  
of use herein described.

WITNESS the seal and signature of the State  
Water Board, affixed this 15th day  
of July, 1922

STATE WATER BOARD

(Seal of State Water Board)

By FERGUS A. GUNTER  
State Engineer, President

Attest:

R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3899

*T-9733*

Estate of Geo.M.  
Jones, Proof 97, Vol.2,  
continued.

37 acres in  
4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 6;  
T. 34 S., R. 19 E., W. M.

3699 (Proof 98, Vol.2)	1878	9.61	384.4	Irrigation, domestic and stock	Small's Creek and Old Channel	Chewaucan River	36 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 36 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 33 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 12 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 31; 6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 28.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 25.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 7.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 32; Tp. 33 S., R. 19 E., W. M.
3658 (Proof 100, Vol.2)	1890	6	240	Irrigation and stock	Temporary dams and furrow ditches	Coffee Pot Creek	30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 36 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 16 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 24 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 10 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7; 6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 16 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 8; T. 35 S., R. 18 E., W. M.
3660 Emma Kelsay and J.S.Kelsay, Paisley, Ore. (Proof 101, Vol.2)	1893	2.5	100	Irrigation and stock	Not named	Dairy Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 8; T. 36 S., R. 18 E., W. M.
3661 Don C. LaFont, Creede, Colo. (Proof 102, Vol.2)	1900	0.25	10	Irrigation	Heryford Ditch	Willow Creek	10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23; T. 35 S., R. 20 E., W. M.
3662 E. O. Lamb, Paisley, Ore. (Proof 103, Vol.2)	1878	0.03	.7	Irrigation, domestic and stock	Small's Creek Ditches	Chewaucan River	0.7 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 24; Tp. 33 S., R. 18 E., W. M.
3663 M. H. Lauritzen, Paisley, Ore. (Proof 104, Vol.2)	1878	3.06	122.6	Irrigation, domestic and stock	Fisher's Slough and ditches therefrom	Chewaucan River	34.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 36 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 24.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 21; Tp. 33 S., R. 19 E., W. M.
(Proof 105, Vol.2)	1878	2.4	96	Irrigation, domestic and stock	Innis Slough and ditches therefrom	Chewaucan River	4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 12 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, Tp. 33 S., R. 19 E., W. M.
3664 F. D. Loveless, Lakeview, Ore. (Proof 106, Vol.2)	1875	3.05	122	Irrigation, domestic and stock	Dams and ditches	Loveless Creek	7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 26 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 18 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 13 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 18 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12; Tp. 37 S., R. 20 E., W. M.

99  
Cert. 3658 - Proof 98  
(See Court Decree page 48) Vol. 5

only totals  
344.4 ac

12 Ac. Trif. Sp. Pr. Vol. 10, p. 55  
12 - - - - - Vol. 11, p. 421

# GLENDER'S HYDRO TECH SERVICES

93291 PIKE LN LAKEVIEW, OREGON 97630  
Telephone/Fax (541) 947-4718 Cell (541) 219-0806  
E-mail [djglender@gooselake.com](mailto:djglender@gooselake.com)

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# MEMO

APR 14 2005  
WATER RESOURCES DEPT.  
SALEM, OREGON

March 30, 2005

TO: Certificate 3699

FROM: Dennis R. Glender 

SUB. Clarification of discrepancies in location of use for Certificate 3699, T-9733.

Referring to OWRD letter of February 28, 2005

Certificate 3698 is actually Certificate 3699:

Please find a copy of the first 2 pages of Proof Claim 98 that was used to issue Certificate 3699.

As you can see, the applicant claimed 384.4 acres but failed to list 40 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, T 34 S, R 19 E, WM. The application map that is part of the proof claim indicates the 40 acres in Section 6. The area indicated is also in an area that cannot help but be irrigated. The State Engineer evidently did not compare the total acres claimed against the location of the irrigation and map before issuing the certificate. We believe this to be a scrivener's error.

I now require advise from OWRD on how to repair this deficiency.

Please also find supporting documentation for Tax Lot 300 in this packet.

Documents already submitted do give Me agent status as all of certificate 3699 is included in the authorization and all of Section 6, T 34 S, R 19 E, WM. Is included in the affidavit of use.

# BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 1, Lake County

In the Matter of the Determination of the Relative

Rights to the Waters of Chewaucan River

STATEMENT AND PROOF OF CLAIMANT.

By, Geo. M. Jones and its tributaries, a

Small's Creek

Ditch.

Tributary of Abert Lake.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

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STATE OF OREGON,

APR 14 2005

County of Lake

WATER RESOURCES DEPT.  
SALEM, OREGON

Geo. M. Jones, of Paisley Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.—Geo. M. Jones, Paisley, Oregon.

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.—Chewaucan River and its branches.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.—Irrigation, domestic and stock.

4. Q.—How was such right initiated, or upon what is it based?

A.—Appropriation, diversion and use.

5. Q.—State the date of the initiation of such water right? A.—about 1878.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary. A.—About year 1878 claimant's predecessor

in int. constructed a dam in Small's Cr. near the NW corner of NE $\frac{1}{4}$  of Sec. 31, T. 33 S. R. 19, and constructed a ditch leading therefrom south to and upon the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 34, T. 34 S. R. 19 E., and by means of said ditch diverted the water of Small's cr., a tributary of the Chewaucan River, and applied the water to the land and raised crops thereon.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.—about 1878.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.—See insert B1.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.—Sole owner.

10. Q.—State the date of the beginning of construction. A.—About 1878.

11. Q.—State the date of completion? A.—About 1878.

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate?

A.—Width (top) 10 feet; width (bottom) 10 feet;

depth 1.5 feet; grade, or fall in feet per 1000 feet, 5 feet.

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APR 14 2005

WATER RESOURCES DEPT.  
SALEM, OREGON

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A.—None

14. Q.—State the date of construction of said ditch, and the date of each enlargement.

A.—

First enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_

feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

Second enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_

feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate? A.— 384-4/10 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year?

A.— 384-4/10

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.— 384-4/10

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

Tract	Range	Section	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
33	19	31	36	36	40									40	33	12	40	
33	19	32	6			40	28.8	25.1	7.5									
<i>Not listed here</i>																		

Computed into Total Here

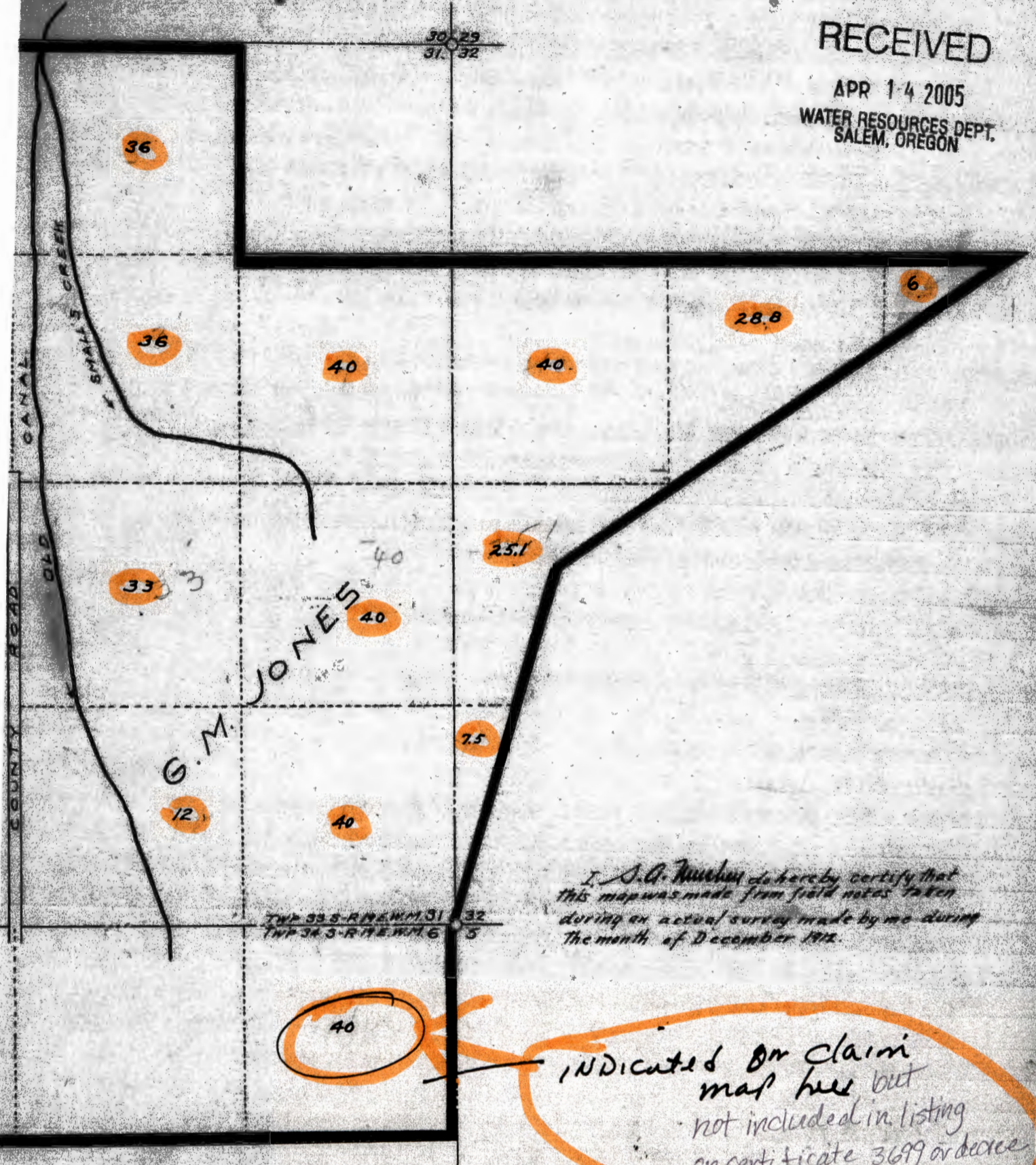
Total 384.4 acres

19. Q.—State the character of the soil and kind of crops cultivated? A.— Light sandy loam, with some alkali present. Timothy, red-top and wild



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APR 14 2005  
WATER RESOURCES DEPT.  
SALEM, OREGON



I, S. O. Neeley, do hereby certify that this map was made from field notes taken during an actual survey made by me during the month of December 1912.

TWP 33 S - R 12 E - M 31 32  
TWP 34 S - R 12 E - M 6 5

MAP  
OF  
PAISLEY, LAKE COUNTY, ORE.



Proof 143 Certificate 3686

100'	327'	100'	153'
	0.75 ac		
	330'		0.59 ac
	0.26	100'	153'
		153'	

C. DAVIS

TL 2600  
Barra Street  
T.J. Dine

STREET

All

3691  
Schoe

T.  
13'

TL 4900 4901

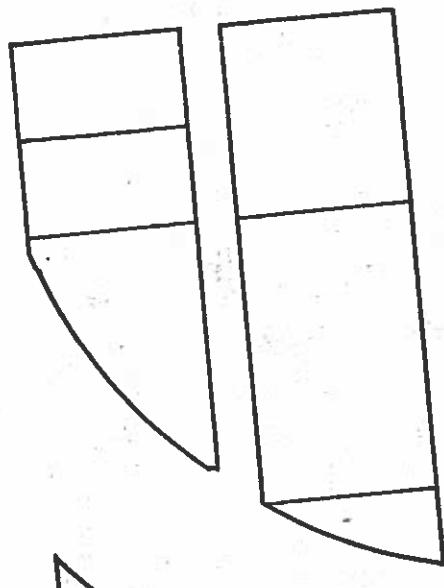
CH 3601  
W.S. Blair  
TL 5000 DOUGLASS  
TL 5100  
DICKSON  
MC CARTER

TL 5200  
CITY & PARISH

TL 5300

TL 5400

FREMONT



CHEWAUCAN

GREEN

3670  
R. McKay  
TL 6400  
SCHOOL DIST

TL 6500  
Gilbert

TL 6200

TL 6100

3644  
J.L. Hamilton  
TL 6500  
0.72 AC  
SCHOOL DIST "

3622  
V. Conn  
TL 6600  
0.72 AC  
Parish

WEST

STREET

CH 3639  
J.D. Farrow  
TL 504  
URBAN

TL 502  
COWLEY

TL 501  
WATER

TL 505  
COWLEY

TL 500  
COWLEY

TL 503  
FLICK

COTTONWOOD

CH 3605  
BRAHAM  
TL 400  
Hiatt

TL 300  
MURPHY

CH 3599  
S. Bachel  
TL 200  
EMERSON

CH 3625  
M.C. Connors  
TL 200  
MURPHY

CH 3602  
Lamb  
TL 100  
MURPHY

TL 102  
FOUR

CH 3647  
Hannon  
TL 100  
MURPHY

CH 3695  
SUITE  
TL 101  
FOUR

STREET

STREET

STREET

CH 3672  
My Miller  
TL 1100  
0.45 AC  
CITY & PARISH

TL 1200 0.79 AC  
DITCH  
CATHOLIC CHURCH

CH 3655  
Foot #177  
TL 2501  
FITZGERALD

TL 2200  
G. BOARS  
TL 2100  
DRESS LOCK

TL 1900  
SANDERS

TL 1800  
WELLS

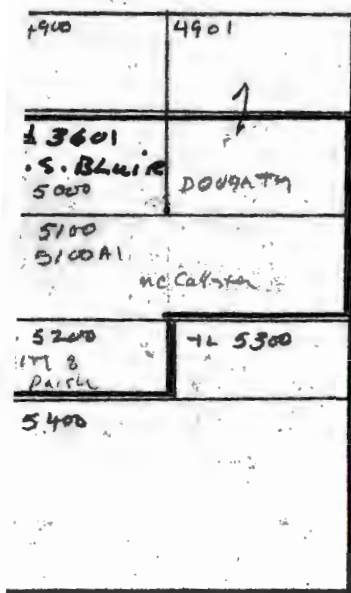
CH 3642  
S.G. Aubrey  
0.55 AC  
L. PINE

TL 1600  
0.25 AC  
L. PINE

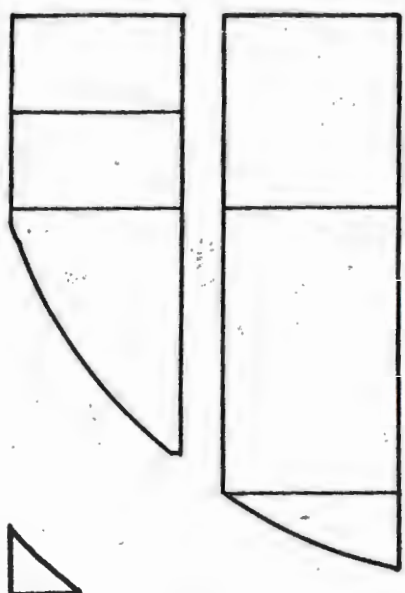
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MAIN

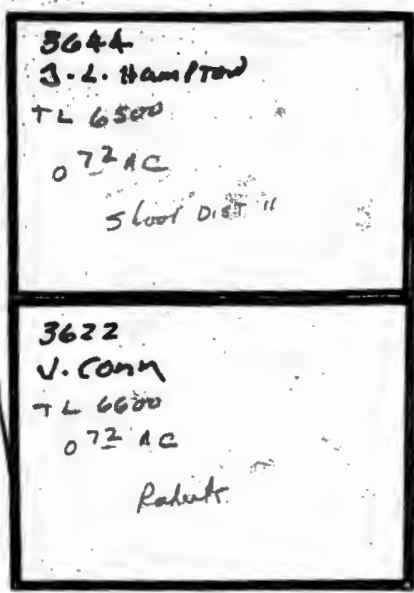
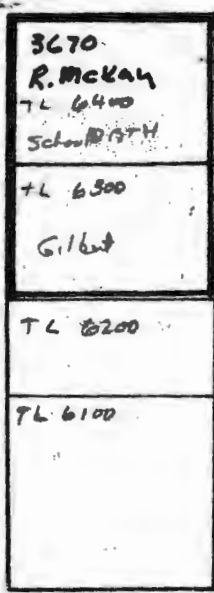
55' x 65'



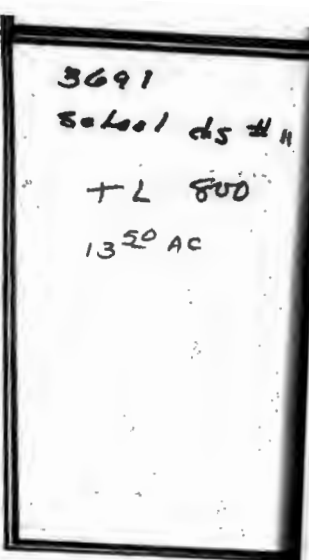
FREMONT



CHEWAUCAN



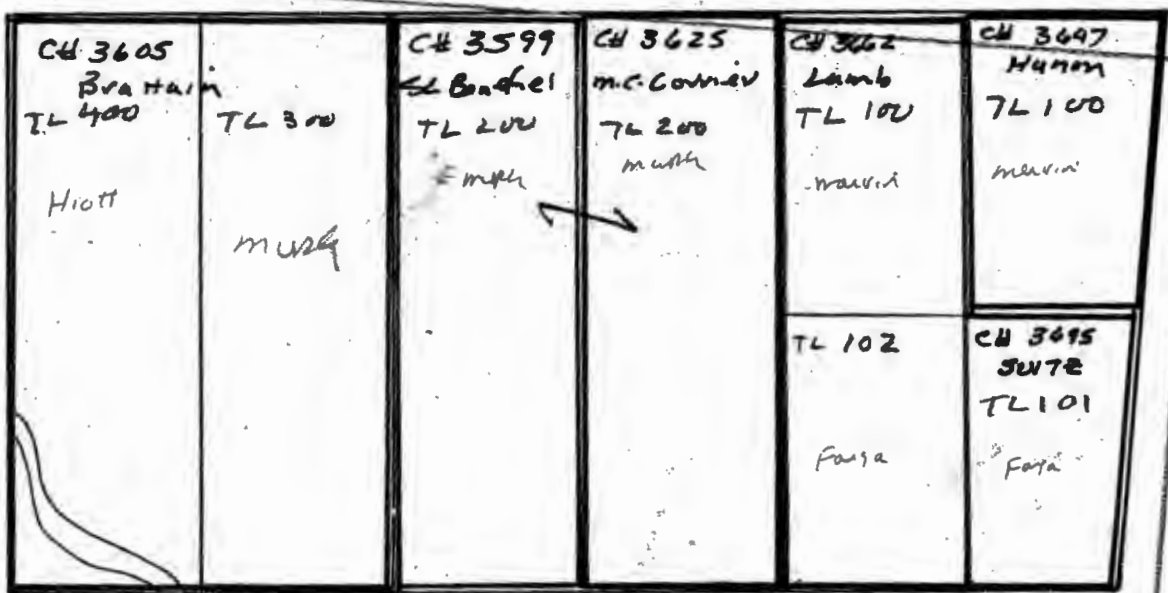
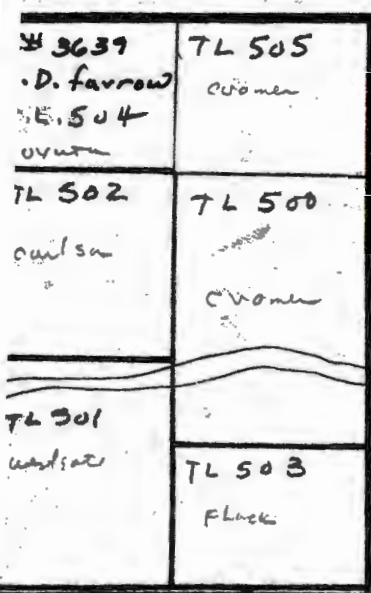
GREEN



WEST

STREET

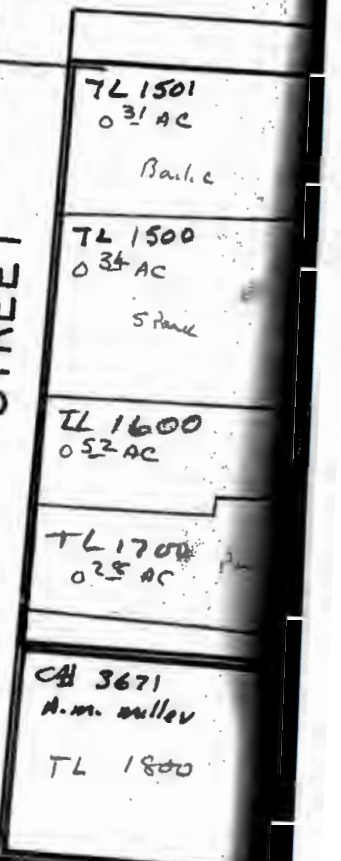
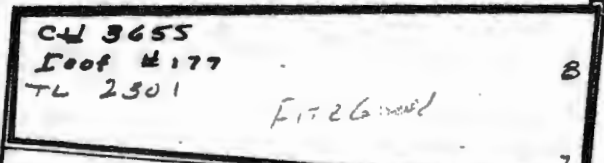
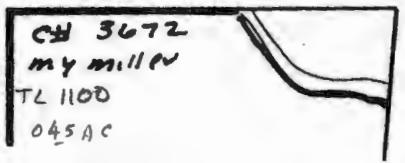
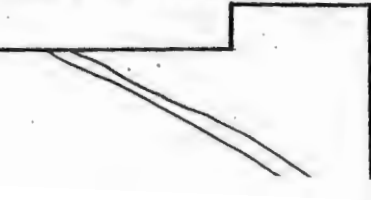
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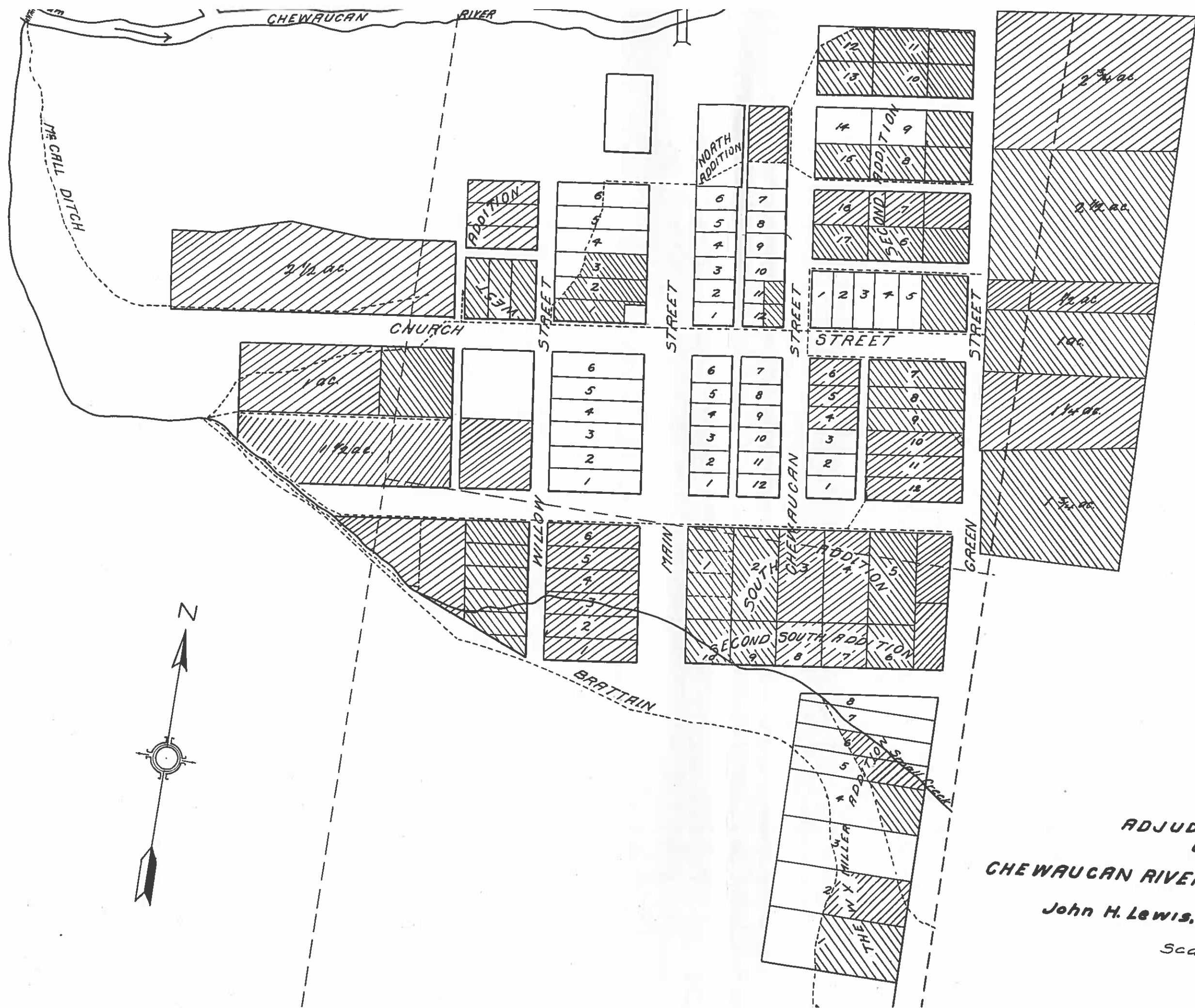


STREET

COTTONWOOD

STREET





ADJUDICATION  
 OF  
**CHEWAUCAN RIVER AND TRIBUTARIES**  
 John H. Lewis, State Engr.  
 Scale: 1" = 200'