

# ASSIGNED

## STATUS OF APPLICATION

Change in place of use  
 Date filed 2-26-75  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 3-3-75 Vol. 25, page 225  
 Date for application of water 10-1-76  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued MAY 10 2001 Vol. \_\_\_\_\_, page 76912

Survey 10/75

## DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Stream and Reservoir  
 Trib. of \_\_\_\_\_ County of Marion  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 18<sup>0</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority Oct 9, 1951  
 In name of Bill Bissett  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 26550 Per. No. 21578 Cert. No. 22818  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>2-26-75</u>	<u>25.00</u>	<u>45412</u>
<u>7/27/00</u>		<u>39241</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

1-23-87 Back to Survey  
7-28-00 Elkhorn Valley Golf Course, Lyons, OR 97358  
32295 North Fork Rd  
503-897-3368

OK Cert

	INDEX CARDS:	Entered	Checked
✓	Name	<u>WH</u>	___
✓	Stream	<u>WH</u>	___
✓	Pt. of Div.	<u>WH</u>	___
✓	Calendar	<u>WH</u>	___
✓	CHECKED TO RECORDS:		
✓	Twp. & Rge.	<u>WH</u>	___
✓	Decree-vault	___	___
✓	Decree-sale	___	___
✓	Cert. of W/R	<u>WH</u>	___
✓	Per. Folder	<u>WH</u>	___
___	Chaindex	___	___
___	Cross Ref.	___	___
___	Power Claim	___	___
___	Abstracts	___	___





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

MAY 10, 2001

### NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263, or toll free (within Oregon) at 1-800-624-3199, ext. 263.

Front Page of Certificate 76912.



STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ELKHORN VALLEY GOLF COURSE  
32295 NORTH FORK ROAD  
LYONS, OREGON 97358

confirms the right to use the waters of AN UNNAMED STREAM AND RESERVOIR  
CONSTRUCTED UNDER PERMIT R-1393, a tributaries of LITTLE NORTH FORK SANTIAM  
RIVER, for IRRIGATION OF 52.5 ACRES.

This right was perfected under Permit 21578. The date of priority is OCTOBER 9, 1951. The  
amount of water to which this right is entitled is limited to an amount actually beneficially used and  
shall not exceed 0.65 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at  
the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SW 1/4, SECTION 11, TOWNSHIP 9 SOUTH, RANGE 3 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right  
existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or  
its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2  
acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and  
storage from reservoir constructed under Permit R-1393.

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

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

SE 1/4 NE 1/4	0.9 ACRE
NE 1/4 SE 1/4	14.6 ACRES
NW 1/4 SE 1/4	3.9 ACRES
SW 1/4 SE 1/4	1.9 ACRES

SECTION 10

SW 1/4 SW 1/4	16.8 ACRES
SE 1/4 NW 1/4	7.0 ACRES
NE 1/4 SW 1/4	0.8 ACRE
NW 1/4 SW 1/4	6.6 ACRES

SECTION 11

TOWNSHIP 9 SOUTH, RANGE 3 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water  
Resources Director entered MARCH 3, 1975, and supersedes Certificate 22818, State Record of  
Water Right Certificates.

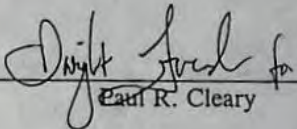
The issuance of this superseding certificate does not confirm the status of the water right in regard to  
the provisions of ORS 540.610 pertaining to forfeiture or abandonment.



PAGE TWO

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

WITNESS the signature of the Water Resources Director, affixed MAY 10, 2001.

  
Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76912.

T-3172.SB







# CAPACITIES OF PONDS ON THE ELKHORN VALLEY GOLF COURSE

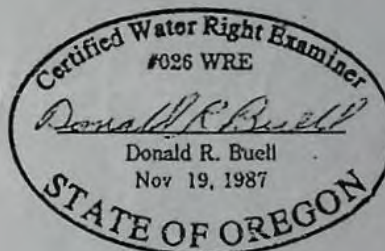
NOTE: Numbers assigned to ponds are taken from the Water Resources Department final proof survey for permits R-6115, 37778, 43445 and 43713. Pond number 7 is the pond located on the new 14th hole.

Areas of ponds determined by planimeter from an aerial photo with a scale of 1 inch = 400 feet

Formula for determining capacity: A.F. = area x depth x .4

No.	AREA	DEPTH	CAPACITY
1	1.06 acres	8 feet	3.40 a.f.
2	0.17 acres	5 feet	0.34 a.f.
3	0.77 acres	4 feet	1.23 a.f.
4	0.45 acres	2 feet	0.36 a.f.
5	0.99 acres	8 feet	3.17 a.f.
6	0.78 acres	5 feet	1.56 a.f.
7	0.13 acres	7 feet	0.36 a.f.
TOTAL			11.79 a.f.

RES A AREA = 0.62 AC  
Depth = 11 ft  
Cap = 2.75  
Cvt 22819 = 1 AF  
PER R-6116 RES A = 1.75 AF



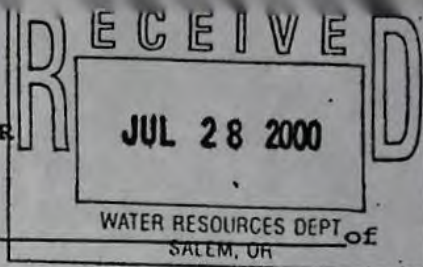
RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



## REQUEST FOR ASSIGNMENT OF TRANSFER



I, We, Elkhorn Investment Co.  
(name of landowner initiating the transfer)

32295 North Fork Road Lyons OR 97358 (503) 897-3368  
(mailing address) (city) (state) (zip) (phone)

do hereby assign all of my interest in and to water right transfer application  
numbered See List Attached T3172, as filed in the office of the  
Water Resources Director, TO:

Elkhorn Valley Golf Course, Inc. of  
(name of the new landowner where the water is to be used)

32295 North Fork Road Lyons OR 97358  
(mailing address) (city) (state) (zip)

Telephone number (503) 897-3368.

WITNESS my hand this 19<sup>th</sup> day of June, 1999.

RECEIVED

JUN 23 1999

ELKHORN INVESTMENT CO.

BY: Elizabeth A. Cutler  
(signature of initial landowner)  
Elizabeth A. Cutler, President

WATER RESOURCES DEPT.  
SALEM, OREGON

(signature of initial landowner)

This form should be used when the transfer holder of the place where the water is used sells or otherwise conveys the place where water is used to someone else. IF THE PURPOSE OF THE TRANSFER WAS TO CHANGE THE PLACE WHERE WATER IS USED TO LAND OWNED BY SOMEONE ELSE, THIS FORM IS NOT NEEDED.

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON, )

) ss

County of Marion. )

I certify that the within was  
received by me on the 28 day of  
July, 2000 at 8 o'clock  
A. m., and was recorded in the  
Miscellaneous Records, Vol. 8  
Page 734

Water Resources Director

The completed assignment  
must be submitted to the  
Water Resources  
Department together  
with a recording fee of  
\$25. Additional pages  
will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

M:\GROUPS\WR\SUPPORT\JANET\FORMS\ASSIGN-TRANSFER

OK  
DSM



# WATER RIGHTS INFORMATION

Application No.

Permit No.

Approved

~~42946~~

~~R4896~~

~~July 21, 1967~~

~~42996~~

~~32159~~

~~July 21, 1967~~

T3172

March 3, 1975

R52804

R6116

April 10, 1975

52805

37778

April 10, 1975

57704

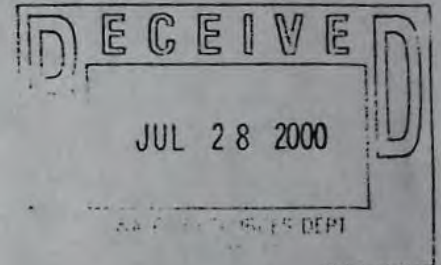
43445

October 10, 1978

58091

43713

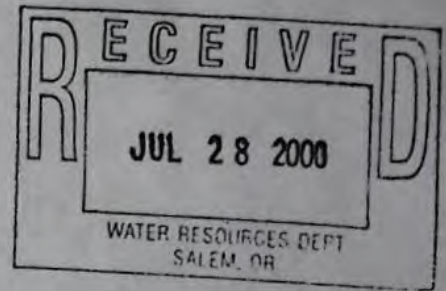
January 5, 1979





SAALFELD  
GRIGGS  
GORSUCH  
ALEXANDER  
& EMERICK  
P.C.

July 27, 2000



Park Place, Suite 300  
250 Church St. SE  
PO Box 470  
Salem OR 97308-0470  
Telephone (503) 399-1070  
Facsimile (503) 371-2927

www.SaalfeldLaw.com

HAND DELIVERED BY LIZ CUTLER

Water Resources Department  
158 12th Street NE  
Salem, OR 97310-0210

**COPY**

Re: Request for Assignment of Transfer  
Our File No. 9621

Dear Sir or Madam:

**LAWYERS**

Douglas C. Alexander, II  
Randall W. Cook  
Hunter B. Emerick  
Kris Jon Gorsuch  
▪ James C. Griggs  
\* Karen S. Hock  
▪ ♦ Eric W. Jamieson  
Wayne A. Kinkade  
Jeffrey G. Moore  
Erich M. Paetsch  
♦ ♦ James A. Perry  
Robert J. Saalfeld  
Ray W. Shaw  
Mark D. Shipman  
♦ ♦ Randall P. Sutton  
♦ ♦ Wade A. Symons

This office represents Elkhorn Valley Golf Course, Inc. (Golf Course, Inc.)

Golf Course, Inc. acquired the subject real property by a Statutory Bargain & Sale Deed and Adjustment of Property Lines dated February 26, 1999, and recorded in Marion County Records at Reel 1573, Page 388, on March 1, 1999. A copy of that Deed is enclosed for your ease of reference.

All of the water rights for the subject property were assigned by Elkhorn Investment Company to Golf Course, Inc. by "Request for Assignment of Transfer" filed with your office in June of 1999. A copy of my letter and copies of the request stamped "Received" are enclosed with this letter.

Also enclosed with this letter is a certified Death Certificate for Donald L. Cutler.

Based on the foregoing, the purpose of this letter is to finalize a transfer of all of the water rights contained in the Notice dated July 11, 2000, from Donald L. Cutler and Elkhorn Investment Company to Elkhorn Valley Golf Course, Inc. To accomplish this, I enclose requests for assignments for both Donald L. Cutler and Elkhorn Investment Co., signed by Elizabeth A. Cutler, President.

Please notify me immediately if there will be any delay or impediment in carrying out this request.

Sincerely,

RAY W. SHAW  
rshaw@saalfeldlaw.com  
Voice Message #310

RWS:skw

H:\Docs\9500-9999\9621\ltr.waterresources-01.skw.doc

Enclosures

cc: Elkhorn Valley Golf Course, Inc., Attn: Liz Cutler, President (w/encls.)

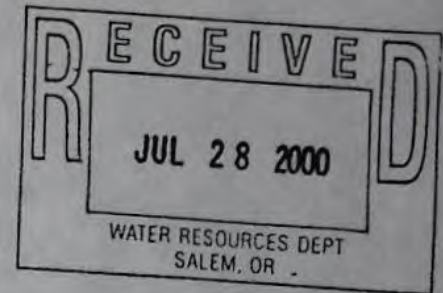
• LL.M. Taxation  
\* Registered US PTO  
♦ Admitted in OR & WA  
♦ Admitted in MT Only  
♦ Of Counsel  
• CFP

*A Member of the Network of Leading Law Firms  
"A World-Wide Association of Independent Law Firms"*



MAIL TAX STATEMENTS TO:  
No Change

AFTER RECORDING RETURN TO:  
Elkhorn Valley Golf Course, Inc.  
32695 North Fork Road  
Lyons, OR 97358



**STATUTORY BARGAIN AND SALE DEED  
AND ADJUSTMENT OF PROPERTY LINES**

**ELKHORN INVESTMENT Co.**, an Oregon corporation, "**Grantor**," conveys to **ELKHORN VALLEY GOLF COURSE, INC.**, an Oregon corporation, "**Grantee**," the following described real property:

See *Exhibit "A"* attached hereto and incorporated herein,

subject to all liens and encumbrances of record.

The true and actual consideration paid for this conveyance is none. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration.

The following is the notice as required by Oregon law: "THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

This Deed is issued pursuant to Marion County Community Development Department approval order in Lot Line Adjustment Case No. 98-34. Condition No. 5 of the County order states that no new survey of the subject properties is required because the centerline of County Road No. 960 is the adjusted property line. Grantor is conveying all its property north and west of the center line of the North Fork Road (County Road 960) to Grantee as the Elkhorn Valley Golf Course and retains that property lying south and east of the center line of said road.

The original deeds to Grantor were recorded at Marion County Records Book 590, Page 529, on September 1, 1964, and at Volume 641, Page 498, on January 9, 1968. Grantor had intended to convey the property described on *Exhibit "A"* to Grantee in 1972, but through inadvertence, the deed was never recorded. This deed is issued by Grantor to Grantee, *Nunc Pro Tunc*, January 1, 1972.



Dated this 26 day of February, 1999.

GRANTOR: Elkhorn Investment Co.

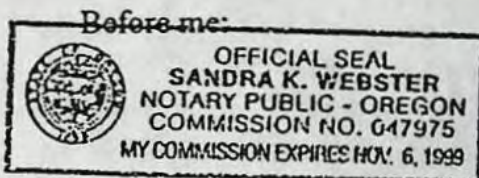
By: Elizabeth A. Cutler  
Elizabeth A. Cutler, President

GRANTEE: Elkhorn Valley Golf Course, Inc.

By: Elizabeth A. Cutler  
Elizabeth A. Cutler, President

State of Oregon )  
 ) ss.  
County of Marion )

On this 26 day of February, 1999, personally appeared Elizabeth A. Cutler, who being duly sworn, did say that she is the President of Elkhorn Investment Co., an Oregon corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

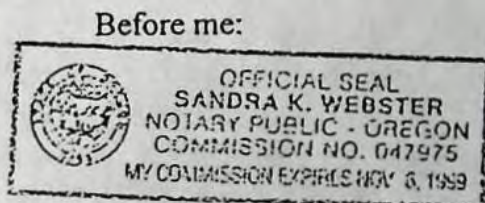


Sandra K. Webster  
Notary Public for Oregon

My Commission Expires: 11/6/99

State of Oregon )  
 ) ss.  
County of Marion )

On this 26 day of February, 1999, personally appeared Elizabeth A. Cutler, who being duly sworn, did say that she is the President of Elkhorn Valley Golf Course, Inc., an Oregon corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

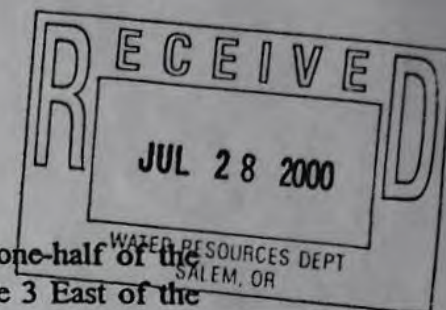


Sandra K. Webster  
Notary Public for Oregon

My Commission Expires: 11/6/99



**EXHIBIT "A"**



**TRACT 1:**

The South one-half of the Northeast one-fourth and the South one-half of the Northwest one-fourth of Section 10 in Township 9 South, Range 3 East of the Willamette Meridian in Marion County, Oregon.

**ALSO:**

The North one-half of the Southwest one-fourth and the South one-half of the Northwest one-fourth of Section 11, Township 9 South, Range 3 East of the Willamette Meridian in Marion County, Oregon.

**SAVE AND EXCEPT:**

1.00 acres conveyed to School District No. 115 by deed recorded September 19, 1890 in Volume 44, Page 198, Deed Records for Marion County, Oregon as follows:

Beginning at a stone 5x5x6 inches from which a fir 8 inches in diameter bears South 45° West 35 links, said stone being 28.75 chains East and 13.78 chains North of the quarter section corner between Sections 10 and 11 in Township 9 South, Range 3 East of the Willamette Meridian; thence North 3.17 chains; thence West 3.17 chains; thence South 3.17 chains to the place of beginning, situated in Marion County, Oregon.

**ALSO, SAVE AND EXCEPT:**

That portion conveyed to Harold Peck and Laura Peck, husband and wife, by instrument dated September 4, 1963 and recorded September 10, 1963, in Volume 576, Page 791, Deed Records for Marion County, Oregon as follows:

Beginning at a point on the North and South center line of Section 11, Township 9 South, Range 3 East of the Willamette Meridian in Marion County, State of Oregon, said point being 1474.30 feet South of the Quarter Section corner on the North line of said Section 11; thence North 84°51' West 378.22 feet along the center line of an access road; thence North 72°13' West 238.12 feet along said center line; thence North 51°03' West 82.36 feet along said center line to a point on the North line of said South one-half of the North one-half of Section 11; thence East 664.25 feet along said North line to the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 11; thence South 154.30 feet along the North and South center line of said Section 11 to the place of beginning.



ALSO, SAVE AND EXCEPT the following:

Beginning at a point from which the Section corner common to Sections 2, 3, 10 & 11, Township 9 South, Range 3 East, Willamette Meridian, Marion County, Oregon bears West 515.42 feet and North 2294.71 feet; thence from said point of beginning S56°46'46"E, 208.71 feet; thence S33°13'14"W, 208.71 feet; thence N54°46'46"W, 208.71 feet; thence N33°13'14"E, 208.71 feet to the point of beginning, containing 1 acre.

ALSO, SAVE AND EXCEPT:

That portion lying East and South of the center line of the North Fork Road SE, also known as County Road 960, in said Township and Range.

TRACT 2:

The East one-half of the Southeast quarter of Section 10, Township 9 South, Range 3 East of the Willamette Meridian in Marion County, State of Oregon.

SUBJECT TO:

Easement to the United States of America, recorded July 20, 1964 in Volume 588, Page 662, Deed Records for Marion County, Oregon; Reservations recorded April 15, 1886 in Volume 33, Page 433, Deed Records for Marion County, Oregon; Roads and roadways; Right of way Easement, to Benton-Lincoln Electric Cooperative, Inc., recorded September 13, 1954 in Volume 467, Page 255, Deed Records; Right of way Easement to Benton-Lincoln Electric Cooperative, Inc., recorded September 13, 1954 in Volume 467, Page 256, Deed Records for Marion County, Oregon; Right of way agreement, to Walter D. Miller, recorded March 19, 1955 as Fee Number 494530, Miscellaneous Records for Marion County, Oregon; and Easement to the United States of America, recorded May 20, 1958 in Volume 512, Page 5, Deed Records for Marion County, Oregon.

SAVE AND EXCEPT:

That portion lying South of the center line of the North Fork Road SE, also known as County Road 960, in said Township and Range.

TRACT 3:

The Northwest quarter of the Southeast quarter of Section 10, Township 9 South, Range 3 East and the Southwest quarter of the Southeast quarter of Section 10, Township 9 South, Range 3 East, Marion County, Oregon.

SAVE AND EXCEPT:

That portion lying South of the center line of the North Fork Road SE, also known as County Road 960, in said Township and Range.



STATE OF OREGON

COUNTY OF MARION

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD L. CUTLER  
32295 NORTH FORK ROAD  
LYONS, OREGON 97538

confirms the right to use the waters of AN UNNAMED STREAM AND RESERVOIR  
CONSTRUCTED UNDER PERMIT R-1393, a tributaries of LITTLE NORTH FORK  
SANTIAM RIVER, for IRRIGATION OF 47.8 ACRES.

This right was perfected under Permit 21578. The date of priority is OCTOBER 9, 1951. The  
amount of water to which this right is entitled is limited to an amount actually beneficially used  
and shall not exceed 0.60 CUBIC FOOT PER SECOND, or its equivalent in case of rotation,  
measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SW 1/4, SECTION 11, TOWNSHIP 9 SOUTH, RANGE 3 EAST, WM.

The amount of water used for irrigation, together with the amount secured under any other right  
existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per  
acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to  
exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year  
from direct flow and storage from reservoir constructed under Permit R-1393.

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

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

SE 1/4 NE 1/4	0.9 ACRE
NE 1/4 SE 1/4	14.6 ACRES
NW 1/4 SE 1/4	3.9 ACRES
SW 1/4 SE 1/4	1.9 ACRES

SECTION 10

SW 1/4 SW 1/4	13.5 ACRES
SE 1/4 NW 1/4	6.2 ACRES
NE 1/4 SW 1/4	0.8 ACRE
NW 1/4 SW 1/4	6.0 ACRES

SECTION 11

TOWNSHIP 9 SOUTH, RANGE 3 EAST, WM

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the  
Water Resources Director entered MARCH 3, 1975, and supersedes Certificate 22818, State  
Record of Water Right Certificates.

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

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

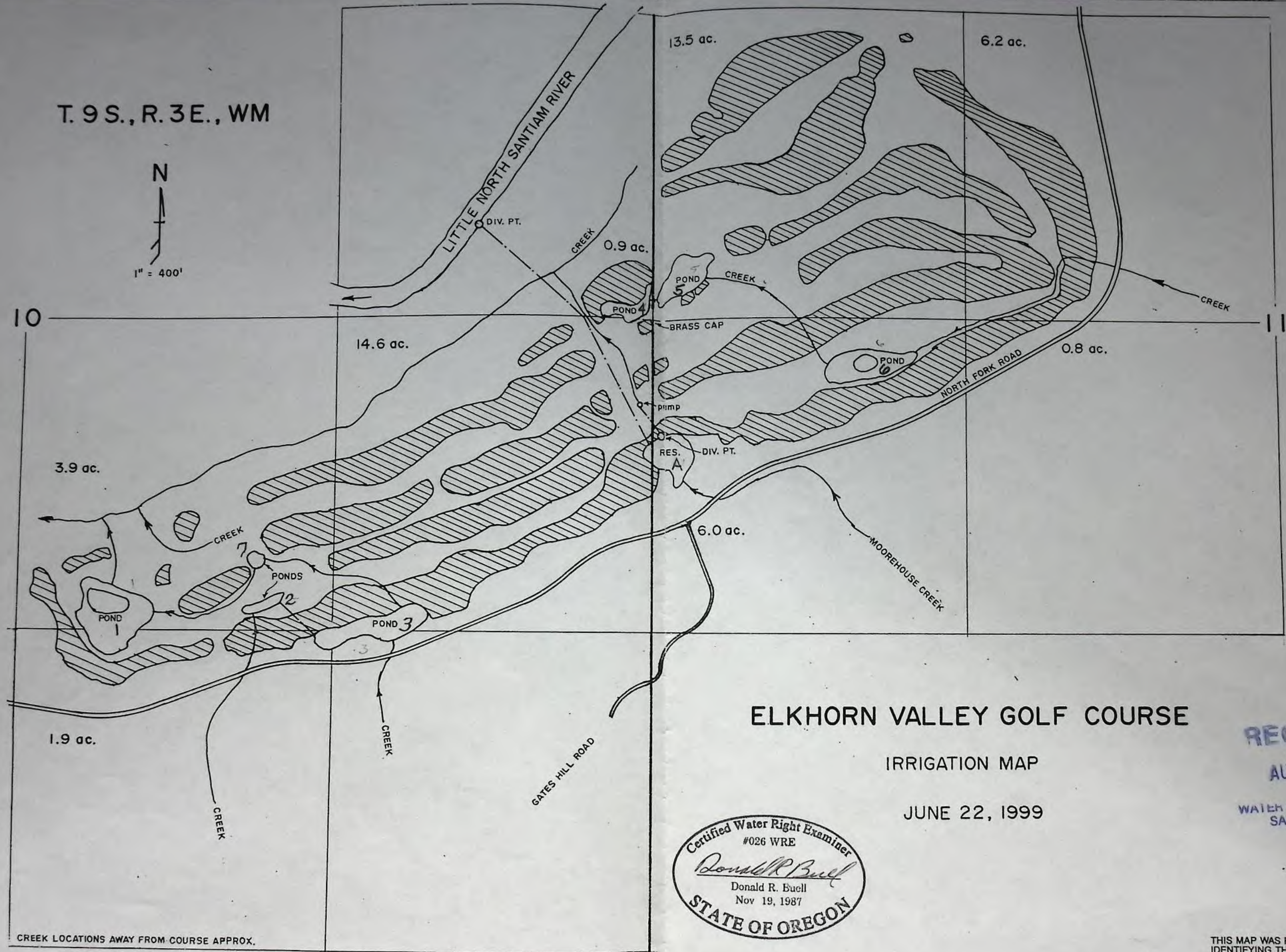
T-3172.SB



T. 9 S., R. 3 E., WM



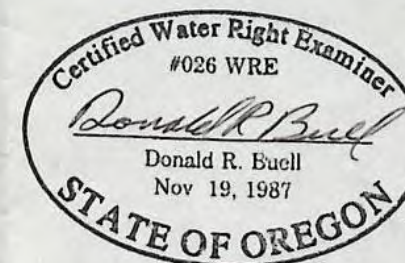
10



## ELKHORN VALLEY GOLF COURSE

IRRIGATION MAP

JUNE 22, 1999



RECEIVED

AUG 03 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

CREEK LOCATIONS AWAY FROM COURSE APPROX.

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



ORIGINAL  
SIGNED

MM 32 7/200

COURSE

REMOVED

REMOVED

REMOVED

REMOVED

REMOVED

REMOVED

REMOVED



App # 52805  
T-3172  
58091

# ELKHORN VALLEY GOLF COURSE ACREAGE

## SECTION 10:

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.6 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.9 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.9 acres

## SECTION 11:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.5 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.2 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 acres

TOTAL: 47.8 acres

RECEIVED

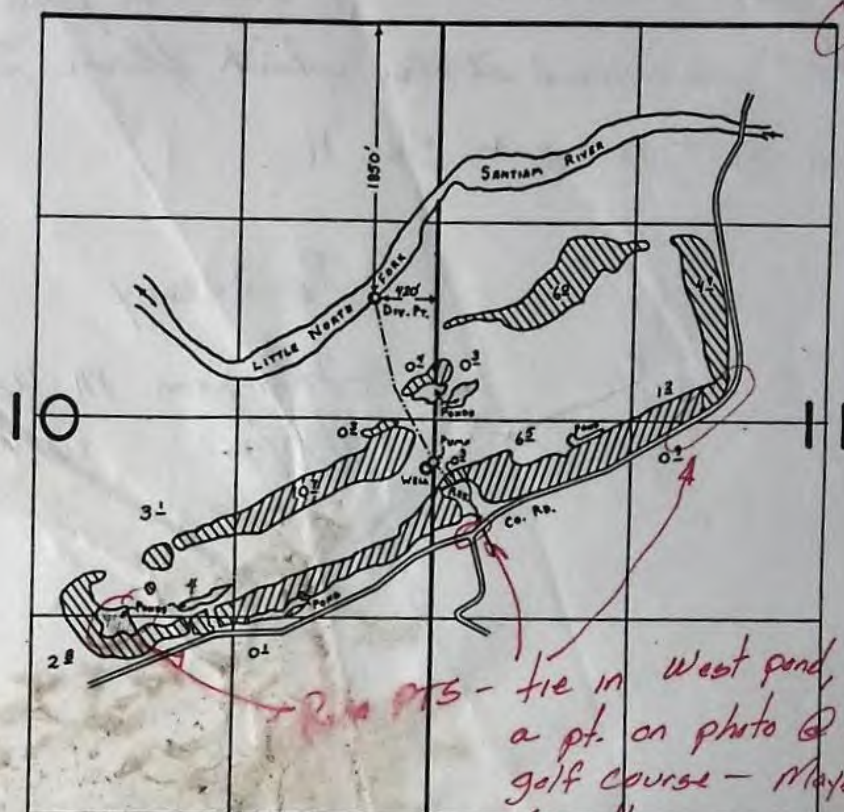
AUG 03 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



RE-SURVEY  
7/19/90 TAW

T9S R3E WM



- PRIMARY IRR. T-3172; SUPPLEMENTAL IRR. APP. 52805, 58091  
- SUPPLEMENTAL IRR. APP. 52805, 58091

## FINAL PROOF SURVEY

UNDER

T-3172

R-52804

R-6116

52805

37778

57704

43445

Application No. 58091 Permit No. 43713

IN NAME OF

ELKHORN INVESTMENT CO.

Surveyed Sep. 13, 1977, by R. R. SVP  
APR. 28, 1980, C. L. HUGHES

Run plane table survey -

Tie in West pond, photo tie point, and a photo point near east portion of golf course. If possible, tie in N 1/4 cor Sec. 11.

Show locations of East and West Vnn Strm's. Show how ponds are filled

etc.

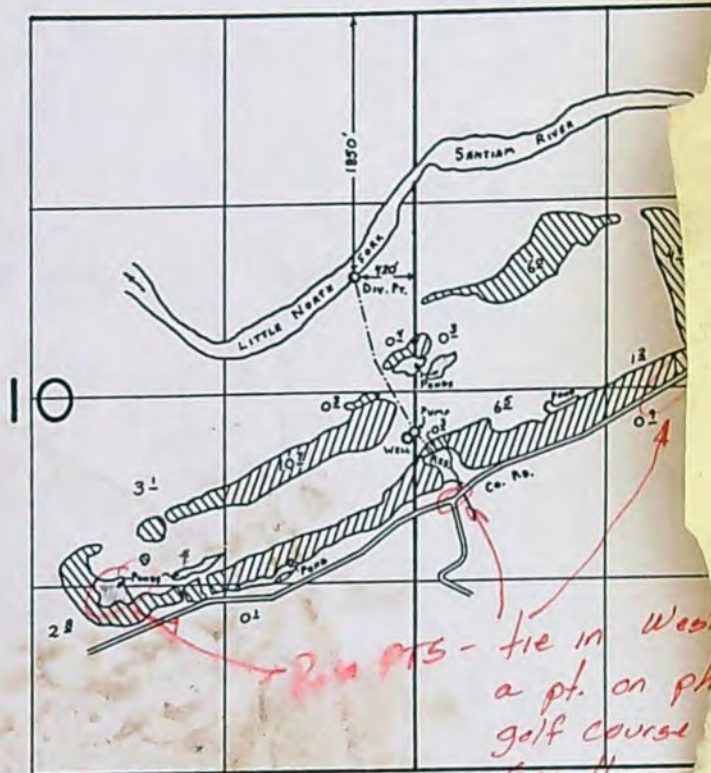
Transfer is surveyed -

N/C  
DSM  
11-5-90



TE-SURVEY  
7/19/90  
T.M.W.

T9S R3E WM



- ▨ - PRIMARY IRR. T-3172; SUPPLEMENTAL IRR. APP. 52805,  
▨ - SUPPLEMENTAL IRR. APP. 52805, 58091

## FINAL PROOF SURVEY

UNDER

T-3172

R-52804

R-6116

52805

37778

57704

43445

Application No. 58091 Permit No. 43713

IN NAME OF

ELKHORN INVESTMENT CO.

Surveyed Sep. 13, 1977, by R.R. SAMPSON  
APR. 28, 1980, C. L. HUGHES

DFM-544-223

PT5-1977-14A CLW



Info: Personal observation + Roger, greenskeeper  
Re-surveyed per instructions on front, taking  
photo pts, ponds & C- $\frac{1}{2}$  Cor. Sec. 11.  
Ponds are filled from main irrigation reservoir  
in W $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SEC. 11 via 4" PVC. This  
includes the most westerly one on previous PTS.  
I did show unnamed stream which flows into  
two ponds in SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  SEC. 11

RE-SURVEY

Thompson M. Warren  
7/17/90 W.R.E.



## Certificate No.

Use	Storage in reservoir, six ponds, and three unnamed streams, to be appropriated under application No. 32805, permit No. 37778, for irrigation and aesthetic use. DAM LOCATED 1/2 mile S. sec. 11, T. 9 S., R. 3 E., W. M., county of Marion.
Point of diversion	
Number of acres	

[illegible]

Remarks:

extended to

Field Engineer  
9-13-77







Application No. 52803 Certificate No.

Application No. 52805

Certificate No

*Source of water supply* Three unnamed streams; reservoir and six ponds to be constructed under application No. R-52804, permit No. R-6116.

Use Irrigation, supplemental irrigation and aesthetic purposes.

Point of diversion 870 ft N and 120 ft E from the SW corner, sec. 11, being within the NW 1/4 sec. 11, T. 9 S., R. 3 E., W. M., county of Marion

Number of acres (Diversion points for 6 ponds -- please see \*)  
58.2

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	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
9 S	3 E	10				0.9												
		11			1.1	13.6			13.6									
<p>*Location of Pond outlets from the SW corner, NW 1/4, sec. 11;</p> <p>Diversion Point No. 1: 1090 ft N and 800 ft E, being within the NW 1/4, sec. 11;</p> <p>Diversion Point No. 2: 1370 ft N and 20 ft E, being within the SW 1/4, sec. 11;</p> <p>Diversion Point No. 3: 1325 ft N and 190 ft W, being within the SE 1/4, sec. 10;</p> <p>Diversion Point No. 4: 35 ft N and 1450 ft W, being within the NW 1/4, sec. 10;</p> <p>Diversion Point No. 5: 0 ft N and 975 ft W, being within the SE 1/4, sec. 10;</p> <p>Diversion Point No. 6: 15 ft S and 2320 ft W, being within the SW 1/4, sec. 10;</p> <p>T.9 S., R.3 E., W.M., county of Marion.</p>																		

Priority date February 26, 1975

Amount of water 0.79 cfs, being 0.69 cfs from middle stream and reservoir for irrigation  
0.5 cfs from West stream and 3 ponds and 0.5 cfs from east stream and 3 pond for aesthetic  
Time limit to begin construction 4-10-76 purposes.

Time limit to complete construction 10-1-76 extended to

Time limit to completely apply water extended to

Remarks: This appropriation shall be limited to 1/80<sup>th</sup> of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and further limited to the use of stored water only on the lands described as supplemental, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.



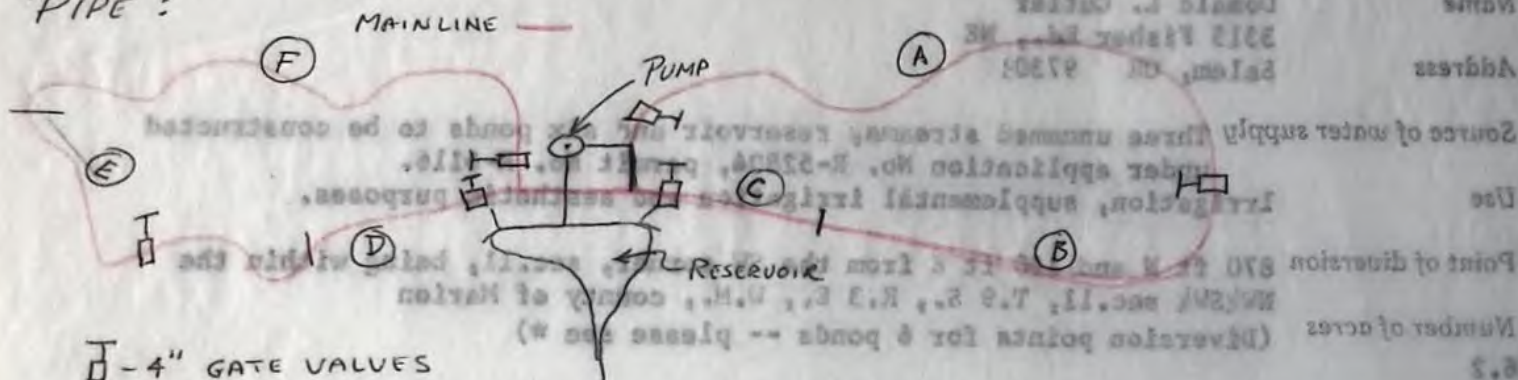
INFO: CUTLER

PUMP: 6" IN X 4" DISCH.

MOTOR: GE 60HP @ 3550 RPM

INTAKE: 90'-8" IRON PIPE TO PUMP

PIPE:



DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

SECTION	DESCRIPTION	AREA	PERCENTAGE	ACRES	FEET	INCHES	DIAMETER	DEPTH	TYPE	DATE
SECTION (A)	3200'-4"-BURIED PIPE									
SECTION (B) & (C)	540'-6"-BP									
	1275'-4"-BP									
SEC (D) + PART (E)	620'-6"-BP									
	1600'-4"-BP									
SEC (F) + PART (E)	3650'-4"-BP									
LATERALS:	ALL BURIED PIPE									
SECTION (A)	600'-2"									
	1800'-1 1/2"									
	2100'-1 1/4"									
(B)	200'-2"									
	400'-1 1/2"									
	1250'-1 1/4"									
(C)	200'-2 1/2"									
	300'-2"									
	1400'-1 1/2"									
	1300'-1 1/4"									
(D)	200'-2"									
	1000'-1 1/2"									
	1400'-1 1/4"									
(E)	300'-2"									
	800'-1 1/2"									
	1200'-1 1/4"									
(F)	240'-2 1/2"									
	200'-2"									
	700'-1 1/2"									
	1200'-1 1/4"									

Removal: This application shall be limited to 1/30" of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and further limited to the use of stored water only on the lands described as supplemental, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

Time limit to complete construction extended to 4-10-75

Time limit to complete application extended to 7-7-77

Amount of water 0.79 cfs from West stream and 0.5 cfs from East stream and 3 pond for aesthetic purposes.

Priority date February 1, 1975



SPRINKLERS: FROM GATE VALVES TO NEXT GATE VALVES

(A) 37 - ROTOR-51  $\frac{1}{4} \times \frac{3}{16}$

43 - RB 51  $\frac{5}{16} \times \frac{3}{16}$

(B)+(C) 55 - ROTOR-51  $\frac{1}{4} \times \frac{3}{16}$

25 - RB 51  $\frac{5}{16} \times \frac{3}{16}$

(D)+PART(E) 28 - ROTOR 51  $\frac{1}{4} \times \frac{7}{16}$

30 - RB-51  $\frac{5}{16} \times \frac{3}{16}$

(F)+PART(E) 48 - ROTOR 51  $\frac{1}{4} \times \frac{3}{16}$

21 - RB 51  $\frac{5}{16} \times \frac{3}{16}$

10 - RB 51  $\frac{7}{8} \times \frac{7}{32}$

1 - ROTOR 81 B  $\frac{11}{32} \times \frac{7}{32} \times \frac{5}{32}$

LIFT: SUCTION 8'

PUMP 20'

CROP: GREENS & FAIRWAYS OF GOLF COURSE

T/E: SECTION CORNER  $\frac{10}{15} \frac{11}{14}$  T 95 R 3 E

PTS-1977-14-A

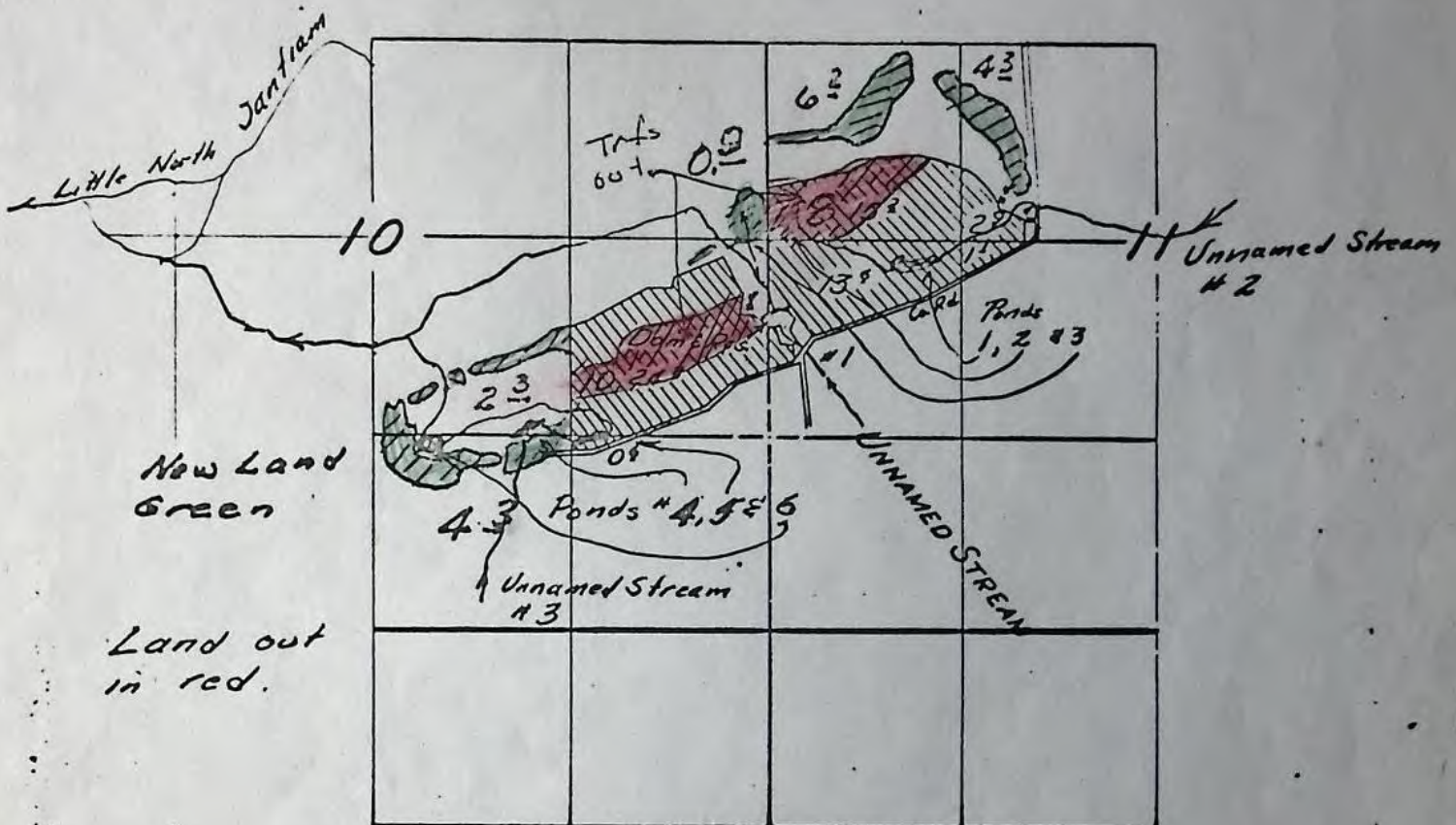
DFN-5LL-223

9-13-77

Bruce R. Samuel  
FIELD ENGINEER



T. 9 S. R. 3 E. W. M.



FINAL PROOF SURVEY

UNDER  
R-20549 R-1393  
Application No. 20550 Permit No. 21578

IN NAME OF

BILL BICKETT

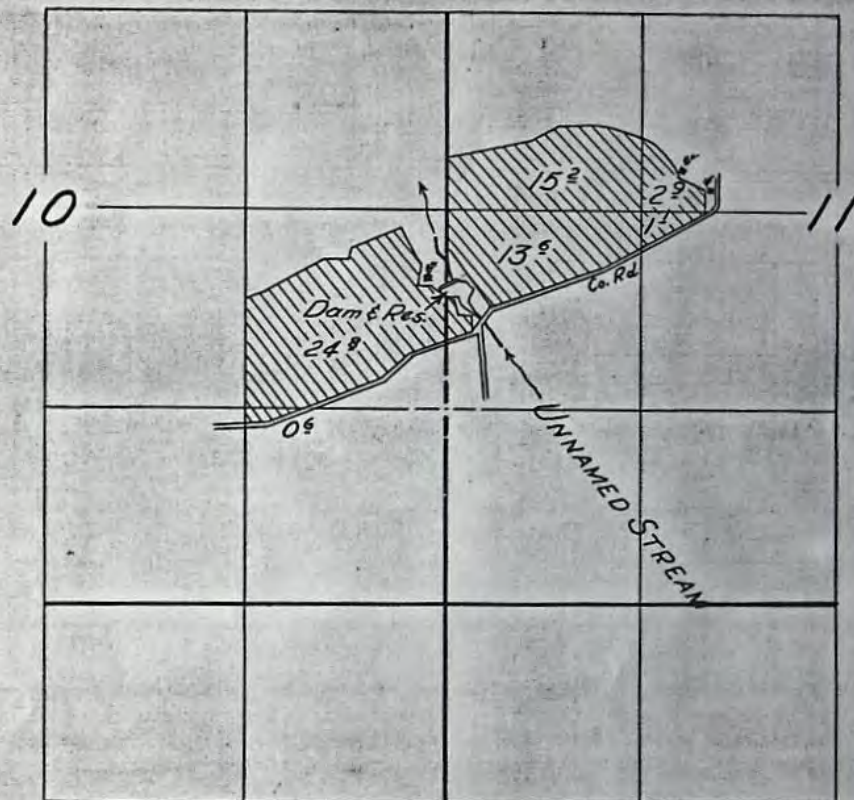
Surveyed 23 July 1956 by [Signature]

Application No. R-52804 & 52805  
Permit No. R 6116 & 37778

1956-W



T. 9 S. R. 3 E. W. M.



**FINAL PROOF SURVEY**

UNDER

R-26549

R-1393

Application No. 26550 Permit No. 21578

IN NAME OF

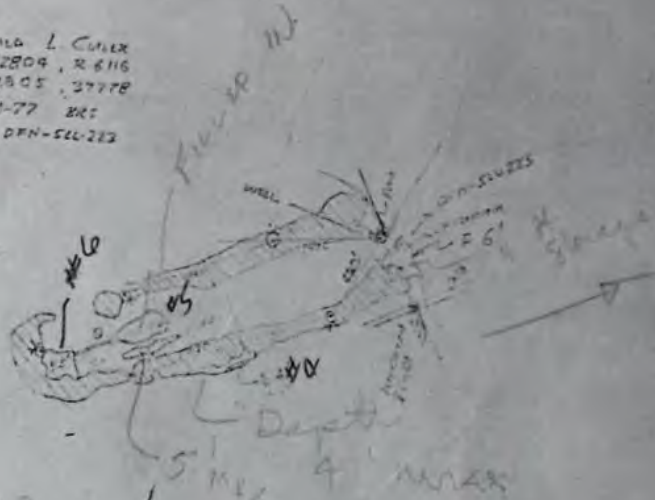
BILL BICKETT

Surveyed 23 July 1956, by [Signature]



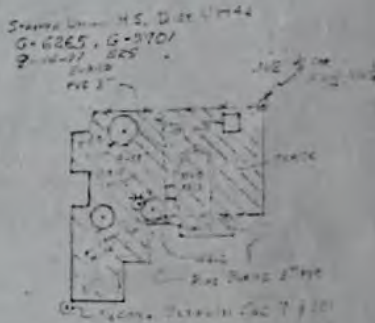
10 HP Generator @ 3000 RPM  
 DDC  
 Buck 3 x 2 1/2  
 Switch  
 See ground

DONALD L. CULLEN  
 R-52804, R-5116  
 51505, 37778  
 9-12-77 BKS  
 716 DEN-566-222



Jim Goss  
 Switch Supply

10. 26. 6  
 170  
 40 1/1





AUG 23, 1979

INFO: MR CUTLER &  
SOURCE: UNNAMED Streams & Reservoirs  
USE: IRRIGATION

POND #1; THIS pond is now LARGER THAN WHAT WAS SURVEYED IN 1977 BY SUND. MAX STORAGE IS 42 INCHES.

PONDS #2 & #3, APPROX 5 ft MAX Depth.

POND #4 - MAX Depth 4 ft

POND #5 - MAX Depth was 5 ft. this pond has been abandoned it is being filled in and will not be used any more.

POND #6: MAX Depth Approx 8 ft this reservoir is being enlarged at the present time.

Reservoir: MAX usable storage ELEVEN FEET.

Note: ALL LAND IRRIGATED IS SHOWN ON PHOTO & PTS - 1977 14 A  
MAX HEADS UNKNOWN.

Steve Bunn  
FIELD ENGINEER



CHANGE IN PLACE OF USE

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FOR

Transfer No. 3172

County Marion

1. Name Donald L. Cutler Address 32265 North Fork Rd. 3315 Fisher Rd., N.E., Salem
2. Source of Supply unnamed stream and res. Trib. of Little N. Fork Santiam
3. Amount of Water 0.69 Priority Date Oct. 9, 1951
4. Use irrigation
5. Proposed Point of Diversion

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
9S	3E	10	SE $\frac{1}{4}$ NE $\frac{1}{4}$		0.9 acre
9S	3E	10	NW $\frac{1}{4}$ SE $\frac{1}{4}$		2.3 acres
9S	3E	10	SW $\frac{1}{4}$ SE $\frac{1}{4}$		4.3 acres
9S	3E	11	N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$		6.2 acres
9S	3E	11	SE $\frac{1}{4}$ NW $\frac{1}{4}$		4.3 acres

Note: This inspection should be made at some time  
as inspection under permits No R-6116 and 37178



INFO: TALKED TO MR CUTLER, SURVEY R-52804 AND 52805  
MADE AT SAME TIME AS INSPECTION. SEE PTS-1977-14-A  
AND DFN-5LL-223.

9-13-77 Bruce R. Lund  
FIELD ENGINEER



T. 9 S. R. 3 E. W. M.



FINAL PROOF SURVEY

UNDER

R-26549

R-1393

Application No. 26550 Permit No. 21578

IN NAME OF

**BILL BICKETT**

Surveyed 23 July 1956, by

*[Signature]*



Application No. 58091Permit No. 43713

## STATE OF OREGON WATER RESOURCES DEPARTMENT

## Application for Permit to Appropriate Surface Water

RECEIVED

NOV 14 1978

WATER RESOURCES DEPT.  
SALEM, OREGONI, Elkhorn Investment Co.

(Name of Applicant)

of 860 Rural St. S.E. 32265 North Fork Rd. Salem Lyons(Mailing Address) 97358

(City)

State of Oregon97302

(Zip Code)

Phone No. 362-4735

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Little North Fork Santiam River, a tributary of Santiam River2. The point of diversion is to be located 2,040 ft. S. and 740 ft. W.

(N. or S.)

(E. or W.)

from the NE corner of Section 10

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  ofSec. 10 Tp. 9S. R. 3E., W. M., in the county of Marion

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
9S.	3E.	10	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.8
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.3
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.3
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.6
		11	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.4
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.2
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.6
				58.2



Application No. 58091

Permit No. 43713

## Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.73 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Little North Fork Santiam River.

The use to which this water is to be applied is supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

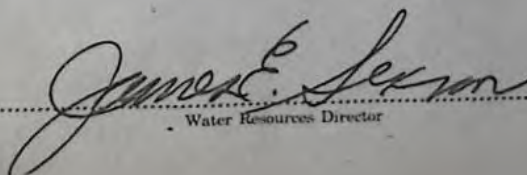
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is November 14, 1978

Actual construction work shall begin on or before December 21, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1981

WITNESS my hand this 21st day of December, 1978

  
Water Resources Director

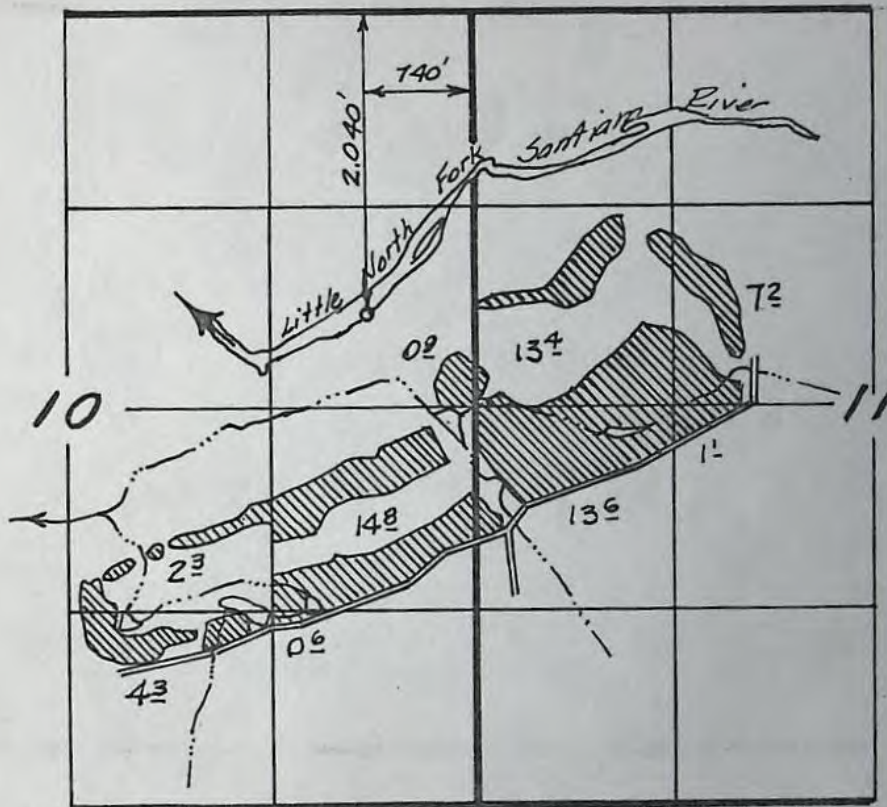


T.9S., R.3E., W.M.

RECEIVED

NOV 14 1978

WATER RESOURCES DEPT.  
SALEM, OREGON



Application No. 58091

Permit No. 43713

PREPARED BY:  
*R. Jackson*

INFORMATION FURNISHED BY:  
[illegible]



Info: Mr. Cutler. Land is irr. as applied.

Source: Little N. Fk. Santiam R. Div dir fr. R.

pump - Has just installed a 25 HP @ 3520 RPM U.S.

Berkley CDD <sup>4x3 1/2</sup> rated @ 250 GPM, 190' HD, 3600 RPM <sup>25 HP</sup>  
not used yet

Old pump was a 10 H.P.

pumps through 4" white pvc to res.

For irr. sys, GE 60HP @ 3550 RPM Corn/ CDD 5 1/2 x 4 1/2  
running @ 60 psi

Use: Irr of golf tees, greens, and fairways.

Equip: Irr. sys. all buried. Sys. same as Sund survey.

Lift: See quad.

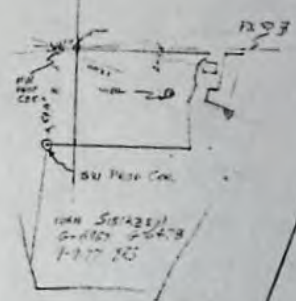
Tie: Insp. of DFN-5LL-223 and PTS (Sund survey app R-52804, 52805)

Chris Hughes

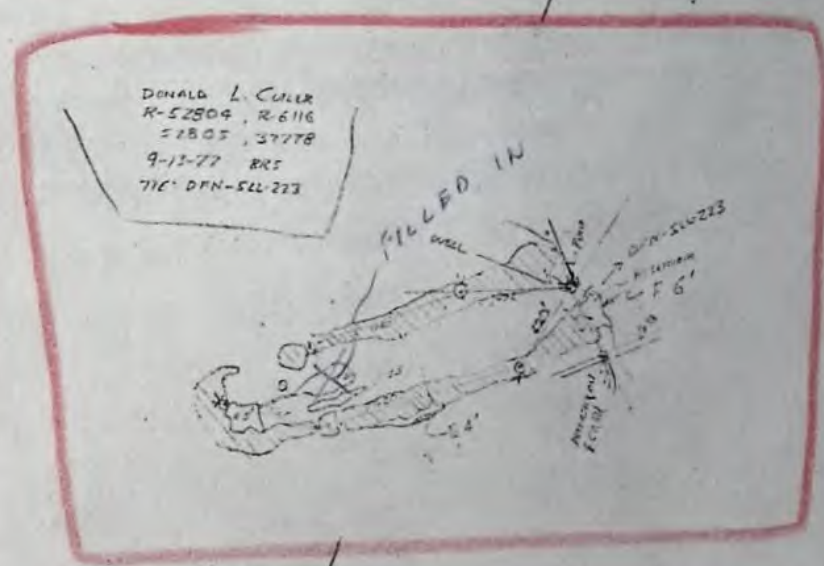
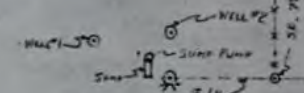
FE

4/28/60

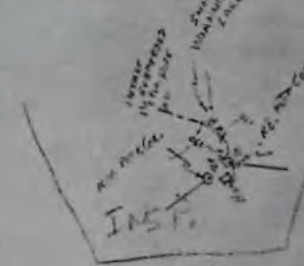




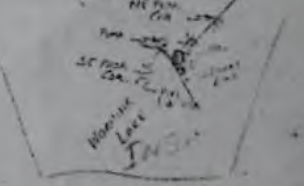
RICHARD P. JENKS  
A: G-6881 P: G-6412  
8-19-77 BRS  
DFN-3LL-164



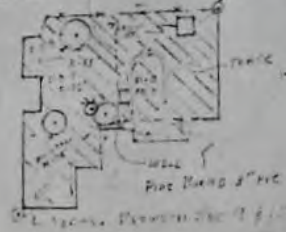
HARLEY C. SARTER  
A: 52472 P: 37796  
8-24-77 BRS



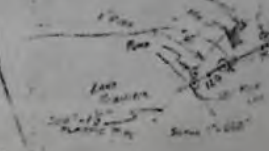
JOHN O. SANDERS  
A: 52472 P: 37796  
8-24-77 BRS



SHARON L. H. DIST. 11442  
G-6265, G-3901  
P: 37796  
8-24-77 BRS



JOHN E. EDDY  
A: 52472 P: 37796  
8-24-77 BRS





Permit No. 43445

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED  
Application for Permit to Appropriate Surface Water JUL 26 1978

WATER RESOURCES DEPT  
SALEM, OREGON

I, ELKHORN INVESTMENT Co  
32295 N. FORK ROAD (Name of Applicant)  
of ~~860 RURAL SE.~~ Mill City  
SALEM (Mailing Address) 97358  
State of OREGON, 97302 (City)  
(Zip Code) Phone No. ~~362-4735~~ 897-3363 do hereby

*make application for a permit to appropriate the following described waters of the State of Oregon:*

1. The source of the proposed appropriation is LITTLE NORTH FORK SANTIAM  
RIVER, a tributary of \_\_\_\_\_

2. The point of diversion is to be located 2610 ft. S. and 1820 ft. W.  
(N. or S.) (E. or W.)  
from the NE corner of SECTION 10  
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

- being within the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of  
Sec. 10 Tp. 9S R. 3E, W. M., in the county of MARION  
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

[illegible]



Application No. 57704

Permit No. 43445

## Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same *SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD* and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.5 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Little North Fork Santiam River.

The use to which this water is to be applied is recreation.

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.

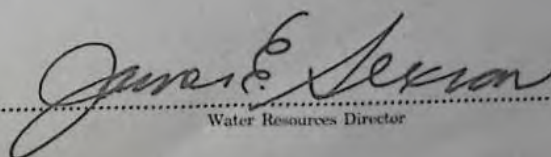
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is July 26, 1978

Actual construction work shall begin on or before October 5, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1981

WITNESS my hand this 5th day of October, 1978

  
Water Resources Director

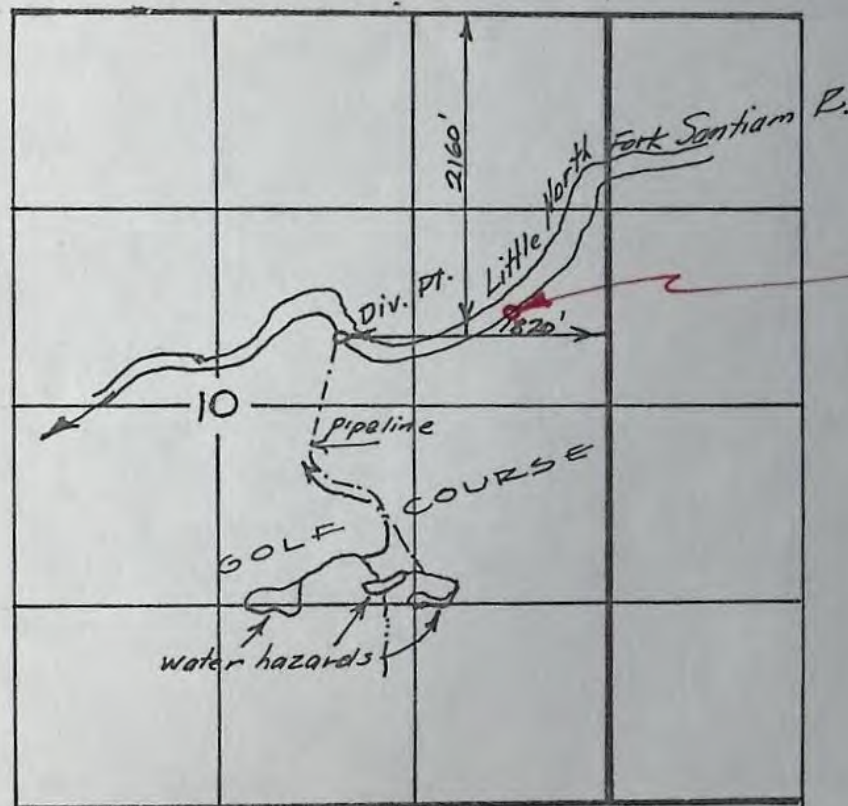


RECEIVED

JUL 26 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

T. 9 S. R. 3 E., W. M.



DIV. PT.  
ACTUALLY PUT  
IN THIS LOCATION  
- SEE SUBSEQUENT  
FILING

THIS MAP PREPARED BY  
*R. Jackson*  
FROM INFORMATION FURNISHED BY  
THE APPLICANT.

Application No. 57704  
Permit No. 43415



Info: Mr. Cutler, Res. used as applied.

Source: Little N. Fk, Santiam R. Div der.

pump - Has just installed a 25 HP @ 3520 RPM US

with Berkley CDD 4x3½ rated @ 250 GPM, 190' HD  
25 HP @ 3600 RPM

Not used yet

Old pump was a 10 HP

Pump for irr. sys. is GE 60 HP @ 3550 RPM Corneil CDD 5½x4½  
running @ 60 psi

Irr sys also pumps into 5 small Res. All res.  
excavated to 3'-5' feet. Have cement spillways.

Use: Storage in res. for rec. use.

Tie: Insp. See photo DFN-SLL-223 and Sund PTS (App R-52804,  
52805)



This certificate is issued to confirm a change in place of use ~~and point of diversion~~ approved by an order of the Water Resources Director entered MARCH 3, 1975 and together with certificate of water right recorded at page \_\_\_\_\_, Volume \_\_\_\_\_, State Record of Water Right Certificates, supersedes certificate 22818.

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



Superseded by

Cert. No.

1 R Sp. Or. Vol. 225

Confirming

STATE OF OREGON  
COUNTY OF MARION

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That Donald L. Cutler  
BILL BICKETT  
of 32265 North Fork Rd, Lyons, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
an unnamed stream & reservoir constructed under App. No. R-26549, Per. No. R-1393  
a tributary of Little North Fork Santiam  
irrigation of 17.8 acres for the purpose of  
under Permit No. 21578 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from October 9, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.69 cubic foot per second  
0.22

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NW 1/4 SW 1/4, Section 11, Township 9 South, Range 3  
East, W. M.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated from direct flow and shall be  
further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each  
acre irrigated during the irrigation season of each year, from direct flow and  
storage from reservoir constructed under Permit No. R-1393,

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

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

<u>0.4 acre SE 1/4 NE 1/4</u>	<u>24.8 acres in the NE 1/4 SE 1/4</u>
<u>0.3 acre NE 1/4 SE 1/4</u>	<u>0.6 acres in the SE 1/4 SE 1/4</u>
<u>3.1 acres NW 1/4 SE 1/4</u>	<u>Section 10</u>
<u>2.8 acres SW 1/4 SE 1/4</u>	<u>15.2 acres in the SW 1/4 NW 1/4</u>
<u>Section 10</u>	<u>2.9 acres in the SE 1/4 NW 1/4</u>
<u>6.0 acres SW 1/4 NW 1/4</u>	<u>1.1 acres in the NE 1/4 SW 1/4</u>
<u>4.9 acres SE 1/4 NW 1/4</u>	<u>13.6 acres in the NW 1/4 SW 1/4</u>
<u>0.3 acre NW 1/4 SW 1/4</u>	<u>Section 11</u>
<u>Section 11</u>	<u>Township 9 South, Range 3 East, W. M.</u>

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

WITNESS the signature of the State Engineer, affixed

this 12th day of July, 1957

LEWIS A. STANLEY

State Engineer



# ELKHORN VALLEY GOLF COURSE ACREAGE

## SECTION 10:

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.6 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.9 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.9 acres

## SECTION 11:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.5 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.2 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 acres

TOTAL: 47.8 acres

RECEIVED

AUG 03 1999

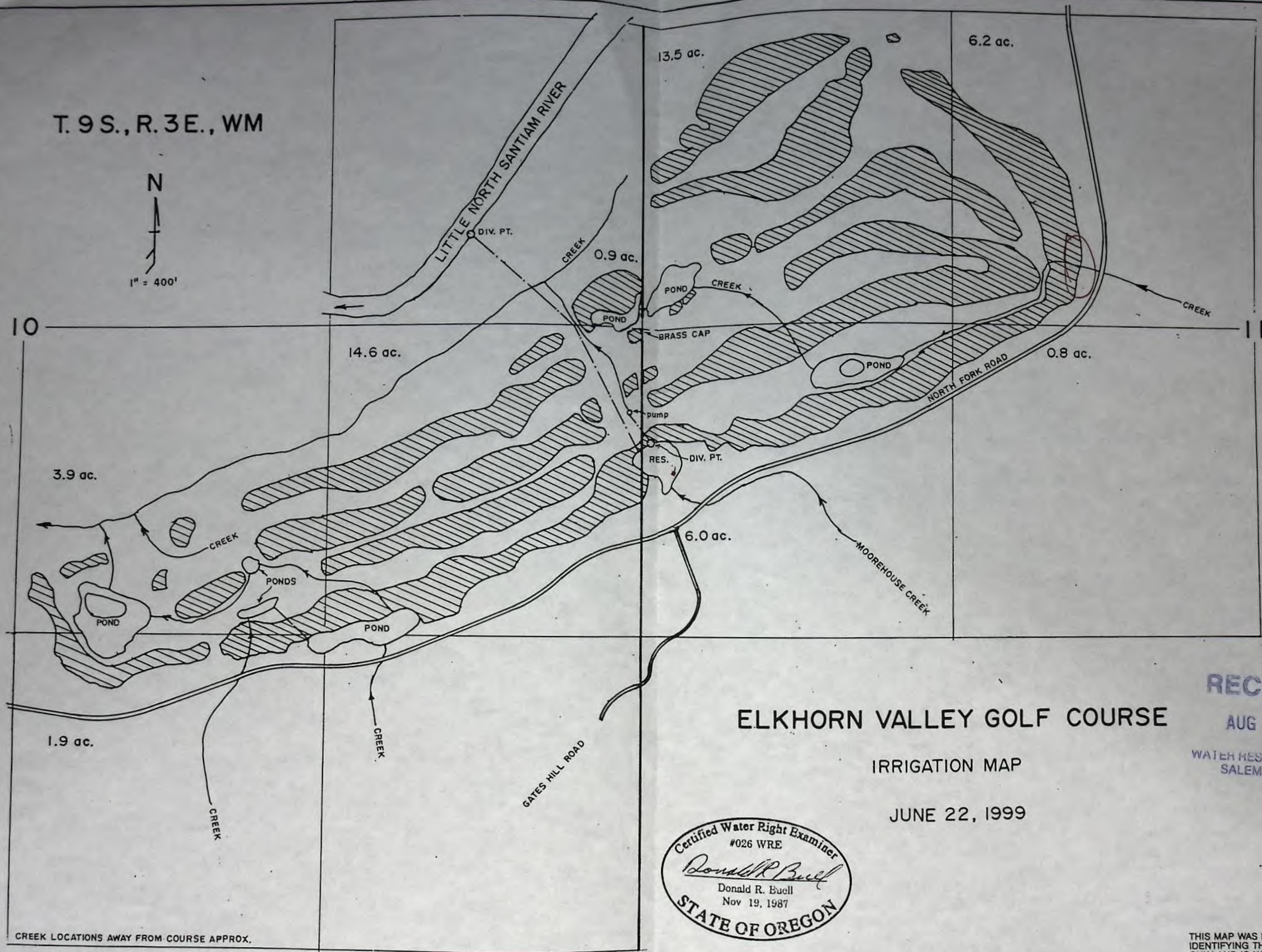
WATER RESOURCES DEPT.  
SALEM, OREGON



T. 9 S., R. 3 E., WM



10



CREEK LOCATIONS AWAY FROM COURSE APPROX.

## ELKHORN VALLEY GOLF COURSE

IRRIGATION MAP

JUNE 22, 1999



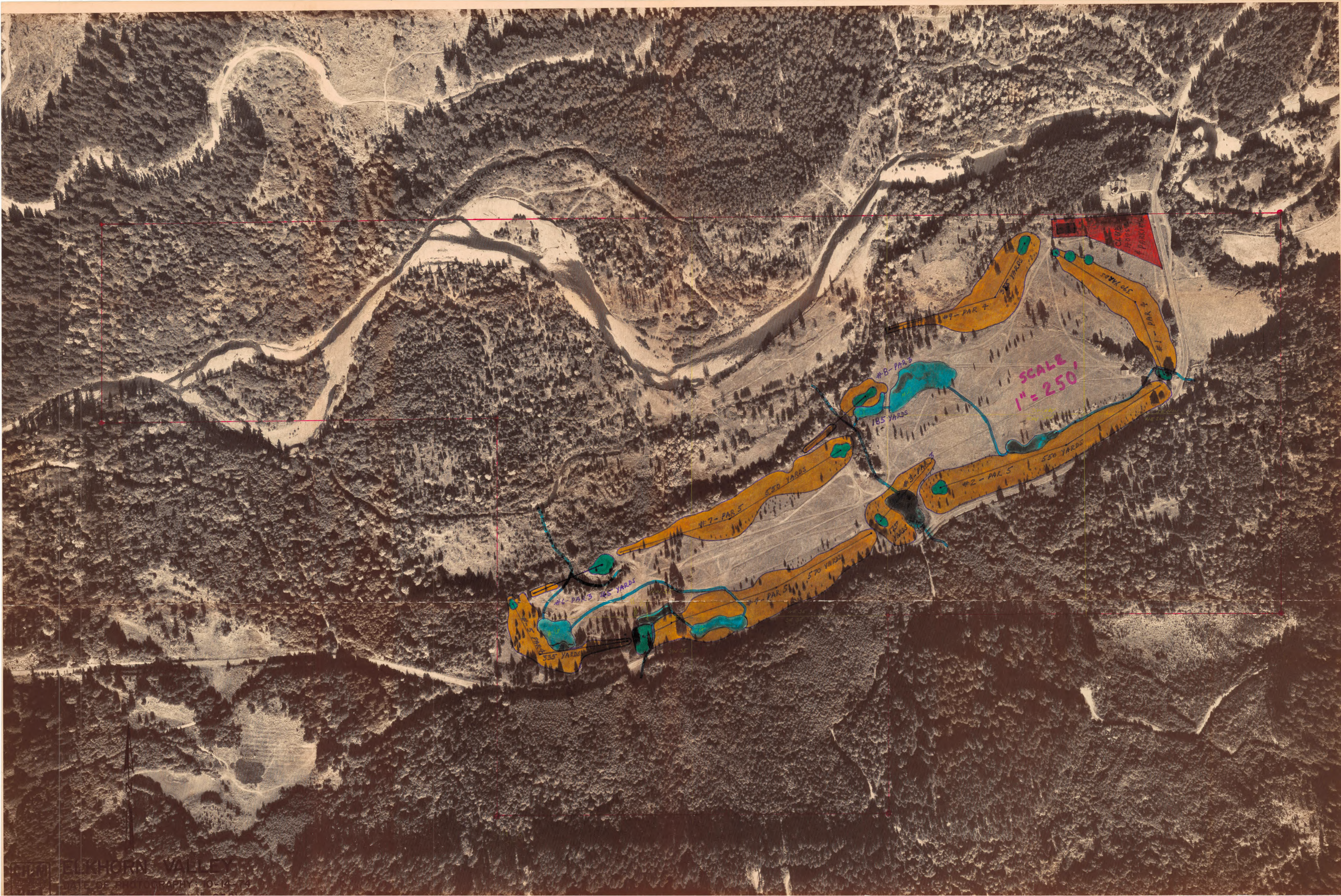
RECEIVED

AUG 03 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.





SCALE  
1" = 250'

CLUB  
HOUSE  
& PARKING

#9 - PAR 7

500 YARDS

#1 - PAR 3

#8 - PAR 3

185 YARDS

#3 - PAR 4

170 YARDS

#2 - PAR 5

550 YARDS

#7 - PAR 5

550 YARDS

#6 - PAR 3

165 YARDS

#4 - PAR 5

570 YARDS

335 YARDS



Don Cotter



TOWNSHIP 9 S RANGE 3 E W. M. #1 SECTION 11

Not used  
this property  
CANCELED

NC

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
						Dom 1.0										Findings, Vol. 14 Page 165	14908	
						Stock	Stock	Stock	Stock							Findings, Vol. 14 Page 165	14908	
						15 <sup>2</sup> 2 <sup>2</sup>	1 <sup>1</sup> 13 <sup>6</sup>									26 550	21578	22818
							Res.									R-26549	R-1393	22819
							Res.									R-42946	R-4896	CANCELED
						15 <sup>2</sup> 2 <sup>2</sup>	1 <sup>1</sup> 13 <sup>6</sup>									42996	32159	CANCELED
																50294	37973	53470
																R-52804	R-6116	
																52805	37798	
																T-3172	V25P225	
																R-53866	R-6438	
																53842	40391	
																58091	43713	2

TOWNSHIP 9 S RANGE 3 E W. M. #2 SECTION 11

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
						Dom 1.2										58256	43865	
						2.7										58147	43923	54706
						25 <sup>1</sup> 6 <sup>1</sup>										59185	44387	54869

SECTION 10

TOWNSHIP 9 S RANGE 3 E W. M.

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																Findings, Vol. 14 Page 152	14873	CANCELED
																20144	15702	CANCELED
																21916	17253	CANCELED
																26 550	21578	22818
																R-26549	R-1393	22819
																R-42946	R-4896	CANCELED
																42944	32159	CANCELED
																R-52804	R-6116	
																52805	37778	
																T-3172	V25P225	
																57104	43445	
																58091	43713	2

15  
is  
used  
for  
16.2  
Conflict



# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Donald L. Cutler

(Name of applicant)

of 3315 Fisher Rd., N.E., Salem

(Postoffice)

County of Marion

State of Oregon

, do hereby make application for change in place of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is unnamed stream and reservoir

(Name of stream)

2. The use to which the water is applied is irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is \_\_\_\_\_

4. The point of diversion is located 870 ft. N and 120 ft. E from the SE

(N. or S.)

(E. or W.)

corner of NW 1/4 SW 1/4, Section 11

(Section or subdivision)

being within the NW 1/4 SW 1/4

of Section 11 Tp. 9 S R. 3 E W. M., in the County of Marion

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	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
9 S	3 E	10													10			
		11							5 1/2									
									8									

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? October 9, 1951

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit ~~R-1393~~ 21578



10. Do you hold a water right certificate? Yes If so, give number of certificate 22818; 22819  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No

(Yes or No)

If so, give title of proceedings

12. Is the water right recorded in your name? No Bill Bickett

(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

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 $\frac{1}{4}$
9 S	3 E	10				.9											2.3	4.3
		11							N $\frac{1}{2}$ 6.2	4.3								

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ..... ft. .... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

15. Are you the owner of the land on which the proposed point of diversion is to be located? .....

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? .....

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Real estate loan	Salem Fed. Saving	23,000.00
Covers land being transferred	from	
from as well as to		

20. Reasons for the proposed changes are Wants to make a recreational golf course  
development and needs to change the location of irrigated land in part to match  
green and fairway location.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Marion

SS.

I, Donald L. Culler, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 26 day of February, 1975

x Donald L. Culler  
(Name of applicant)

Subscribed and sworn to before me this 26 day of February, 1975

[Notarial Seal]

Laura Jones  
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 11, 1976

Remarks There has been some nonuse of water on this land in the past, but I don't believe it was abandoned. Concurrently with this change I am filing new applications to enlarge the reservoir by 8.3 acre feet, build 6 beautification ponds along two relocated and natural stream channels by excavation and for some irrigation of the land covered by this transfer and the remaining land not shifted. In the event the old right is ever held abandoned, these filings will cover the use for irrigation as carried out. The enlarged reservoir and ponds were built some time ago.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF DONALD L. CUTLER FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM UNNAMED STREAM AND RESERVOIR )  
-----

ORDER APPROVING  
TRANSFER NO. 3172

On February 26, 1975, Donald L. Cutler filed an application in the office of the State Engineer for the approval of a change in place of use of water from an unnamed stream and reservoir.

Certificate of water right issued to Bill Bickett and recorded at page 22818, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 0.69 cubic foot per second of the waters of an unnamed stream and reservoir constructed under permit No. R 1393 and recorded at page 22819, Volume 16, State Record of Water Right Certificates, for the irrigation of, among other lands, 10.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, and 8.0 acres in the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 9 South, Range 3 East, W.M., with a date of priority of October 9, 1951.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 0.9 acre in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 4.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, and 6.2 acres in N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 9 South, Range 3 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.



NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 10.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, and 8.0 acres in the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 9 South, Range 3 East, W.M., with a date of priority of October 9, 1951, be severed therefrom and simultaneously and without loss of priority transferred to 0.9 acre in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 4.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, 6.2 acres in N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.3 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 9 South, Range 3 East, W.M.

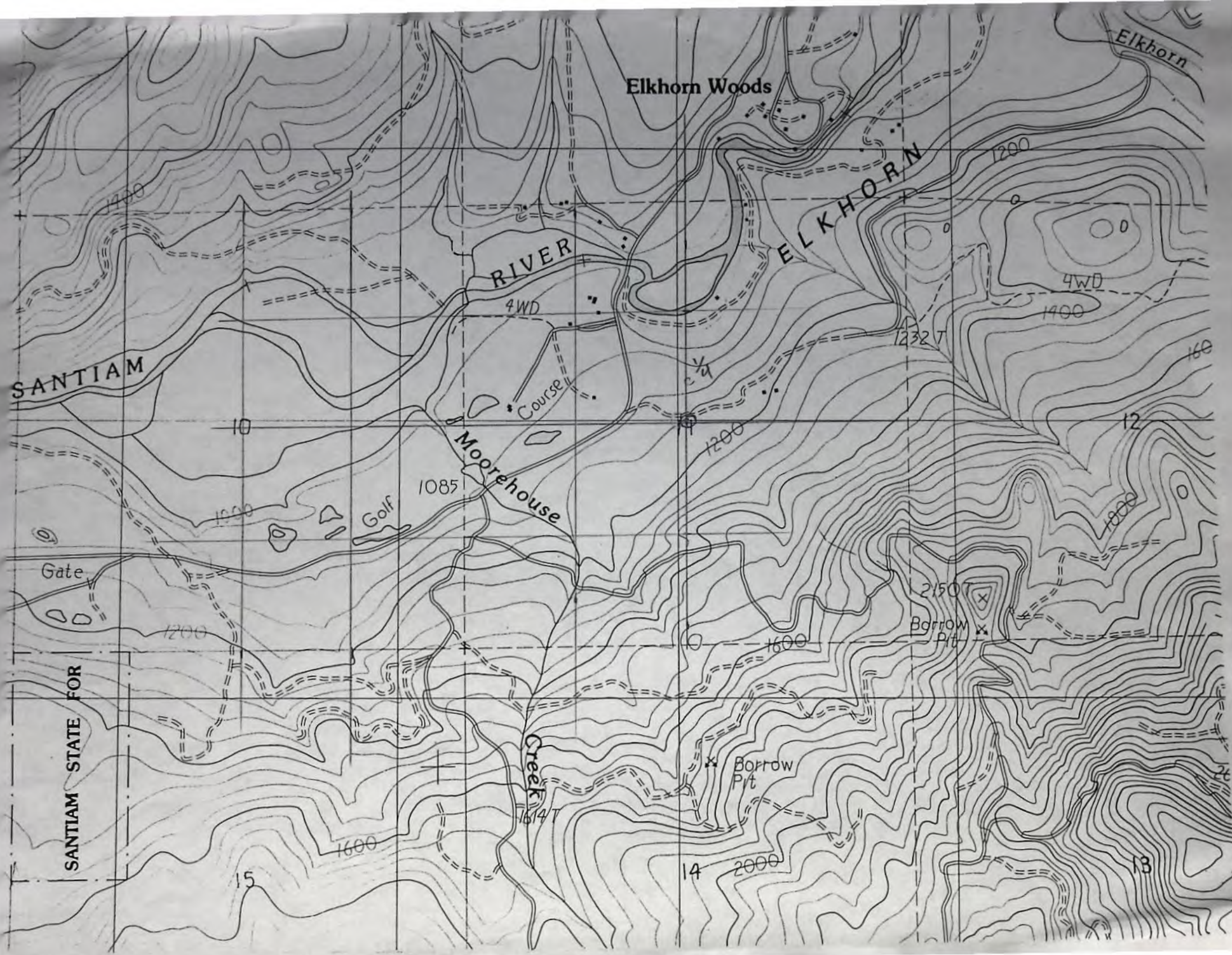
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Bill Bickett and recorded at page 22818, Volume 16, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Donald L. Cutler confirming the extent to which the water has been applied beneficially, and covering the balance of the right not involved in this proceeding.

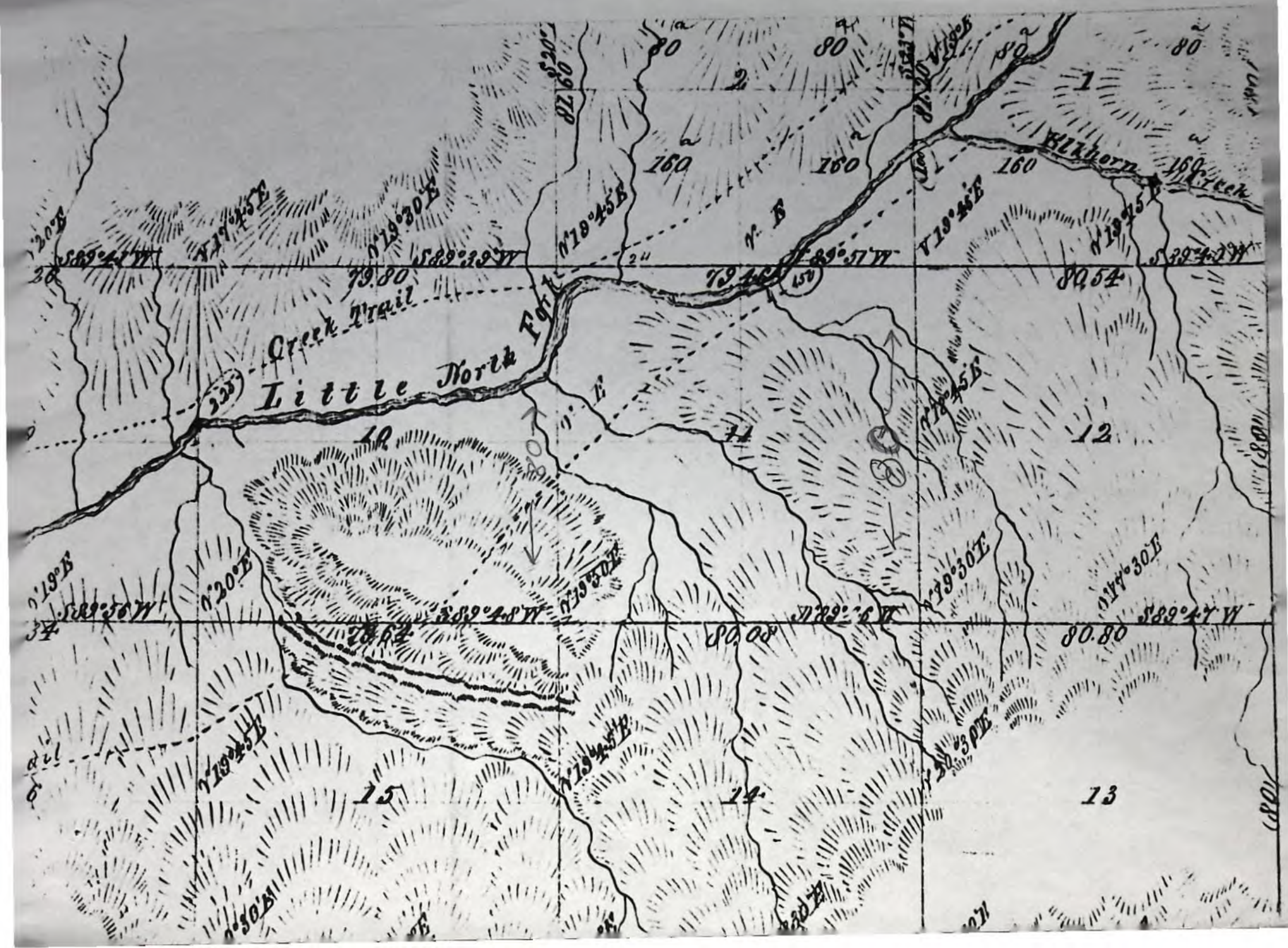
Dated at Salem, Oregon, this 3rd day of March, 1975.

/s/ CHRIS L. WHEELER  
State Engineer











NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 3172

I, Ronald Buttle, hereby certify that  
on 1975 Irrig Season, 1975, the water has been applied to the  
lands to which the water right was transferred by an order of the State  
Engineer dated Mar 3 1975, approving an application for a  
change in place of use of water from unimproved stream & Res.

10/13/75  
Date

Ronald Buttle  
Signature