

STATE OF OREGON

COUNTY OF CURRY

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DIRK VANZANTE,
DBA TU-TU-TUN LODGE
96550 NORTH BANK ROGUE RIVER ROAD
GOLD BEACH, OREGON 97444

confirms the right to use the waters of SCHNEIDAU CREEK AND ROGUE RIVER, tributaries of PACIFIC OCEAN, for the purpose of IRRIGATING 1.08 ACRES AND COMMERCIAL USE TO INCLUDE 18 UNIT MOTEL, RESTAURANT, AND SWIMMING POOL.

The right has been perfected under Permit 49746. The date of priority is MARCH 4, 1986. The right is limited to not more than 0.024 CUBIC FOOT PER SECOND; BEING 0.014 CFS FROM ROGUE RIVER FOR IRRIGATION AND 0.01 CFS FROM SCHNEIDAU CREEK DURING THE NON-IRRIGATION SEASON FOR COMMERCIAL USE, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 10, LOT 3 (NW 1/4 SW 1/4), SECTION 11, T 36 S, R 14 W, W.M.; CREEK - 893 FEET NORTH AND 183 FEET WEST; RIVER - 118.4 FEET SOUTH AND 642.9 FEET EAST, BOTH FROM W 1/4 CORNER SECTION 11.

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 and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

LOT 3 (NW 1/4 SW 1/4) 0.01 ACRE
LOT 3 (SW 1/4 NW 1/4) 1.07 ACRES AND COMMERCIAL USE
SECTION 11
TOWNSHIP 36 SOUTH, RANGE 14 WEST, W.M.

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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

Application No. 68680

Permit No. Superseded

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED

Application for Permit to Appropriate Surface Water

MAR 4 1986
WATER RESOURCES DEPT
SALEM, OREGON

I, Dirk Van Zante, doing business as Tu-Tu-Tun Lodge
(Name of Applicant)
of 96550 North Bank Rogue River Road, Gold Beach
(Mailing Address) (City)
State of Oregon, 97444 Phone No. (503)-247-6664
(Zip Code) 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 Schneidau Creek, a TRIBUTARY OF
ROGUE RIVER & ROGUE RIVER, a tributary of Rogue River

2. The point of diversion is to be located 893 ft. north and 183 ft. west
(N. or S.) (E. or W.) Sec 11
from the west 1/4 corner of Section 11 LYING WITHIN THE SE 1/4 OF NE 1/4 OF
(Public Land Survey Corner) 10
Also a pump 118.4 feet south and 642.9 feet east of the west 1/4
(If there is more than one point of diversion, each must be described)
corner of Section 11 to draw from the Rogue River /being within the
NW 1/4 of the SW 1/4 and within TO IRRIGATE WITHIN SW 1/4 OF NW 1/4
being within the SW 1/4 of the NW 1/4 of

Sec. 11 Tp. 36S R. 14W, W. M., in the county of Curry
(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 1/4 1/4 of Section	List use and/or number of acres to be irrigated
36 S	14 W	11	SW 1/4 of NW 1/4	commercial
36 S	14 W	11	SW 1/4 of NW 1/4	1.7A irrigation 1.72 A

4. The amount of water which the applicant intends to apply to beneficial use is0.1.....

cubic feet per second from Schneidau Creek / .0160 cubic feet per second from the Rogue River
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is0.1 cubic feet per second to be used

✓
→ *commercially / .016 cubic feet per second for irrigation of 1.72 Acres.
* FROM SCHNEIDAU CR
FROM THE ROGUE RIVER

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Aluminum collection and settling tank set in the center of Schneidau Creek behind earth and rock dam. 2" pipe to 1500 gallon concrete holding tank. Approximately 1300 feet of 2" pipe to area of usage. ~~5 HP pump with 1 1/2" pipe to area of irrigation~~ WHICH INCLUDES DOMESTIC USE FOR EXISTING SINGLE FAMILY DWELLING * & COMMERCIAL USE FOR 18 MOTEL UNITS, SWIMMING POOL, AND RESTAURANT PER APPROVED TRANSFER 5636
* PREVIOUSLY COVERED IN PERMIT # 9987

5 HP PUMP & W/PRESSURE TANK WITH 1 1/2" PLASTIC PIPE SERVICING AREAS OF IRRIGATION

If for domestic use state number of families to be supplied

7. Construction work will begin on or before constuction complete

8. Construction work will be completed on or before"

9. The water will be completely applied to the proposed use on or before..... January 1986

Application No. 680800

Permit No.

STATE OF OREGON
DEPARTMENT OF AGRICULTURE
RECEIVED

Remarks:.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Dick Van Zante
Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for..... correction and completion.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before May 21, 1986.....

WITNESS my hand this 25th day of March, 1986.....

William H. Young, Water Resources Director

By *Wayne J. Overcash*
WAYNE J. OVERCASH

RECEIVED
APR 29 1986
WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

4th day of MARCH, 1986, at 4:12 o'clock P.M.

Application No. 68680.....

Permit No.....

Application No. 68680

Permit No. Suspended

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 ... 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 ...

.....

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

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

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

Abstract of Permit

This is to certify that I have examined APPLICATION 68680 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Dirk VanZante, dba Tu-Tu-Tun Lodge, 96550 North Bank Rogue River Road, Gold Beach, Oregon, 97444, phone 247-6664, for the use of the waters of Schneidau Creek and Rogue River, for the PURPOSE of irrigation of 1.08 acres and commercial use to include 18 unit motel restaurant and swimming pool, being 0.014 cubic foot per second from Rogue River for irrigation and 0.01 cfs from Schneidau Creek during the non-irrigation * that the PRIORITY OF THE RIGHT dates from March 4, 1986

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.026 cubic foot per second.

The POINT OF DIVERSION is to be LOCATED: #1- (Schneidau Creek) 893 feet North and 183 feet West from the West quarter corner of Section 11 and #2- (Rogue River) 118.4 feet South and 642.9 feet East from the West quarter corner of Section 11, being within the #1- SE 1/4 NE 1/4 Section 10, and #2- NW 1/4 SW 1/4 Section 11, both in Township 36 South, Range 14 West, WM, in the County of Curry.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

* season for commercial use,

Township 36 South, Range 14 West, WM	Section 11	SW1/4	NW1/4	Commercial Use and 1.07 acres irrigation
		NW1/4	SW1/4	0.01 acres irrigation

INSPECTION OF PERMIT MAP 7-25-88 BSN

PH: 9827
30106
T-5006
49742

NEED TO V RECORDS IN 5000 FOR COMMENTS NOT ABLE TO TELL IN FIELD. by 11/5/88

SHOWN TO SPA.
NO DUTY ON ABSTRACT.

Actual construction work shall begin on or before September 29, 1987, and after be prosecuted with reasonable diligence and be completed on or before October 1, 19 88 .

Complete application of the water to the proposed use shall be made on or before October 1, 19 89 .

Witness my hand this 29th day of September , 19 86.

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Abstract of Permit

This is to certify that I have examined APPLICATION 68680 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Dirk VanZante, dba Tu-Tu-Tun Lodge, 96550 North Bank Rogue River Road, Gold Beach, Oregon, 97444, phone 247-6664, for the use of the waters of Schneidau Creek and Rogue River, for the PURPOSE of irrigation of 1.08 acres and commercial use to include 18 unit motel restaurant and swimming pool, being 0.014 cubic foot per second from Rogue River for irrigation and 0.01 cfs from Schneidau Creek during the non-irrigation * that the PRIORITY OF THE RIGHT dates from March 4, 1986

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.026 cubic foot per second.

The POINT OF DIVERSION is to be LOCATED: #1- (Schneidau Creek) 893 feet North and 183 feet West from the West quarter corner of Section 11 and #2- (Rogue River) 118.4 feet South and 642.9 feet East from the West quarter corner of Section 11, being within the #1- SE 1/4 NE 1/4 Section 10, and #2- NW 1/4 SW 1/4 Section 11, both in Township 36 South, Range 14 West, WM, in the County of Curry.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

* season for commercial use,

Township 36 South, Range 14 West, WM	Section 11	SW1/4	NW1/4	Commercial Use and 1.07 acres irrigation
		NW1/4	SW1/4	0.01 acres irrigation

Actual construction work shall begin on or before September 29, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 88 .

Complete application of the water to the proposed use shall be made on or before October 1, 19 89 .

Witness my hand this 29th day of September , 19 86.

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

9/11/87
DCI/MS
SAGE,
CRAND
VZANT

INSPECTION OF PERMIT AND
7-25-88 BSJ

NEED TO RECORD
IN CASE FOR
CONSIDER
NOT ABLE TO
TELL IN FIELD
by 11/5/88

PA: 9527
3C106
T-300
49672

INFO: TOURED SITE WITH GROUNDSKEEPER, RICHARD SAGE.
 SAME OWNER, ADDRESS & PHONE AS APPLIED. P.O.D. SAME AS
 DESCRIBED UNDER PERMIT #9987. PERMIT MAP 49746 BEST
 REPRESENTS EXISTING PROJECT.

PUMP DIRECT FROM RIVER THRU ALL BURIED SYSTEM
 WITH POP-UP SPRINKLERS, FOR IRRIGATION.

CREEK IS GRAVITY FLOW THRU EXISTING PIPELINE INTO
 1,000 GALLON STORAGE TANK @ DIV. GRAVITY TO PRESSURE TANK
 WITH BOOSTER PUMP INTO BUILDINGS. ALSO SAME P.O.D
 TANK SHARED WITH NEIGHBORING R.V. PARK TO THE WEST.
 SYSTEM'S IN OPERATION AT THIS TIME.

SOURCE: SCHNEIDAU CREEK & ROGUE RIVER

DIV. PTS: CREEK - ALUM. BOX PLACED IN CREEK BEHIND 2' CONCRETE DAM
 FORMS CATCH BASIN.

RIVER: DIRECT FLOW.

Creek to TANK = 2" pipe @ 14' per 100' =
 gravito $\frac{60 \text{ gpm}}{40} = 0.13 \text{ cfs}$

MOTORS: RIVER @ 90 PSI:
 BALDOR, 7 1/2 H.P. @ 3450 RPM
 ELECT. $\frac{7.5 (6.4)}{22.8 + 21} = 0.2 \text{ cfs}$

BOOSTER PUMP (CREEK SYSTEM)
 UNKN; ELECT. 1 H.P. @ 3450
 @ 50 PSI: $\frac{1 (6.4)}{127 - 4} = 0.05 \text{ cfs}$

PUMP: PACO, C.P.P. 1 1/2" X 1"

RED JACKET, C.P.P. 2" X 2"

PIPE: CREEK: AS MAP SHOWS.
 2" STEEL

RIVER; 2", 1", 3/4" Lengths UNKN.
 PVC

SPRINKLERS: 11 STATIONS WITH 4 STKS. = 44 TOTAL $\frac{128}{40} = 0.135 \text{ cfs}$
 POP-UP RB'S. 7/32 X 6
 MAX. USE: 4 @ 90 PSI

USE: LAWN, GARDEN, FRUIT TREES = RIVER
 COMMERCIAL BUILDINGS, MOTEL, RESTURANT, SWIM POOL = CREEK.

LIFTS: RIVER
 SUCTION: 6' DISCHARGE: 15' & 25'
 CREEK
 FALL: @ 58 PSI = 130'

CREEK WATER
 ST. TANK TO BLDGS:
 SUCTION = 1', DISCHARGE:
 fall - 5'

TIZ: INSPECTION OF PERMIT MAP.

Blue James F.I.
 7-25-88

MEMORANDUM OF CONTRACT

This document is to serve as notice that a Contract of Sale has been entered into between RALPH B. PRIESTLEY as Seller, and DIRK J. VAN ZANTE and LAURIE VAN ZANTE, husband and wife, as Buyer, dated the 29th day of May, 1980, on the following described property:

PARCEL I:

That certain tract of land lying in Section 11, Township 36 South, Range 14 West of the Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at an iron pipe driven at a point 170.9 feet North and 931.5 feet East of the Quarter section corner on the West side of Section 11, (Said iron pipe is described in the description of the tract deeded Gustaf W. Schneidau and Jennie Ione Schneidau, as recorded in Volume 21, Pages 96-98 of the official record of Deeds of Curry County, Oregon, as bearing North 17° 46' East 2849.7 feet from the Southwest section corner of said Section 11;)

Thence North 01° 46' East 299.4 feet to an iron pipe driven on the Southerly boundary of the County Road;

Thence Westerly following the Southerly boundary of the said road to a point 330.8 feet North and 528.1 feet East of the Quarter section corner on the West side of said Section 11;

Thence South 00° 21' East 173 feet, more or less, to the center of the channel of so-called Schneidau Creek; (Iron pipes are driven at 19.1 feet and 137.0 feet);

Thence Southerly following the thread of the said Schneidau Creek to the water of Rogue River;

Thence Easterly, following the right bank of the Rogue River to a point that bears South 01° 46' West from the place of beginning;

Thence North 01° 46' East 312 feet, more or less, to the place of beginning.

PARCEL II:

A parcel of land in Section 11, Township 36 South., Range 14 West, Willamette Meridian, Curry County, Oregon;

Commencing at the Southwest corner of said Section 11;

Thence North 17° 46' East 2949.7 feet;

Thence North 01° 46' East 326.5 feet;

Thence North 80° 35' West 225.5 feet;

Thence North 41° 15' West 30.0 feet, more or less, to the iron stake situated in the Northwest boundary of the Bagnell Ferry Lobster Creek County Road which said iron stake is the place of beginning of said parcel of land;

Thence North 41° 15' West 54.0 feet to an iron stake;

Thence North 73° 00' West 91.7 feet to an iron stake;

Thence North 84° 45' West 110.7 feet to an iron stake;

Thence North 70° 30' West 65.3 feet to an iron stake;

Thence South 21° 00' West 122.7 feet to an iron stake;

Thence South 60° 00' East 195.5 feet to an iron stake;

Thence South 80° 30' East 80.5 feet, more or less to an iron stake and the Westerly boundary of said County Road;

Thence Northeasterly along the West and Northwesterly boundary of said County Road to the place of beginning.

SUBJECT TO:

1. The rights of the public in and to that portion of the above property lying within the limits of roads.
2. Rights of the public and of governmental bodies in that portion of the above described property lying below the mean highwater mark of the Rogue River and the ownership of the State of Oregon in that portion lying below the water mark thereof.
3. Conditions and restrictions imposed by instrument, including the terms thereof, recorded March 30, 1937 in Book 24 of Deeds, Page 265, Records of Curry County, Oregon.
4. Mortgage, including the terms and provisions thereof, dated November 14, 1975, recorded November 17, 1975, in Book 42 of Records, page 345, Curry County, Oregon, given to secure the payment of \$300,000.00, with interest

Application No. 68680

Permit No. 1746

WATER FILING FOR TU-TU-TUN LODGE
LOCATED IN SW 1/4 of NW 1/4 & NW 1/4 of SW 1/4
SECTION II, T. 36 S., R. 14 W., W. M.
CURRY COUNTY, OREGON

RECEIVED
 AUG 14 1986
 WATER RESOURCES DEPT
 SALEM, OREGON

APPLICATION # 68680, REVISED July, 1986

POINT OF DIVERSION FOR PERMIT # 9987 DATED JAN. 24, 1981 DESCRIBED AS BEING N02°51'W ~ 3504.8' FM. SW COR. SEC. 11 LOCATED OCT. 1985 AS 893.0' NORTH AND 103.0' WEST OF THE WEST 1/4 COR. SEC. 11

POINT OF DIVERSION FOR PERMIT # 36106 DATED AUGUST 28, 1972 DESCRIBED AS BEING N02°04'W ~ 3452.2' FM. SW COR. SEC. 11 LOCATED OCT. 1985 AS 863.6' NORTH AND 46.4' WEST OF THE WEST 1/4 COR. SEC. 11

○ INDICATES POINT OF DIVERSION FOR THIS FILING
 ⇄ INDICATES PARCEL BOUNDARIES OF THIS FILING

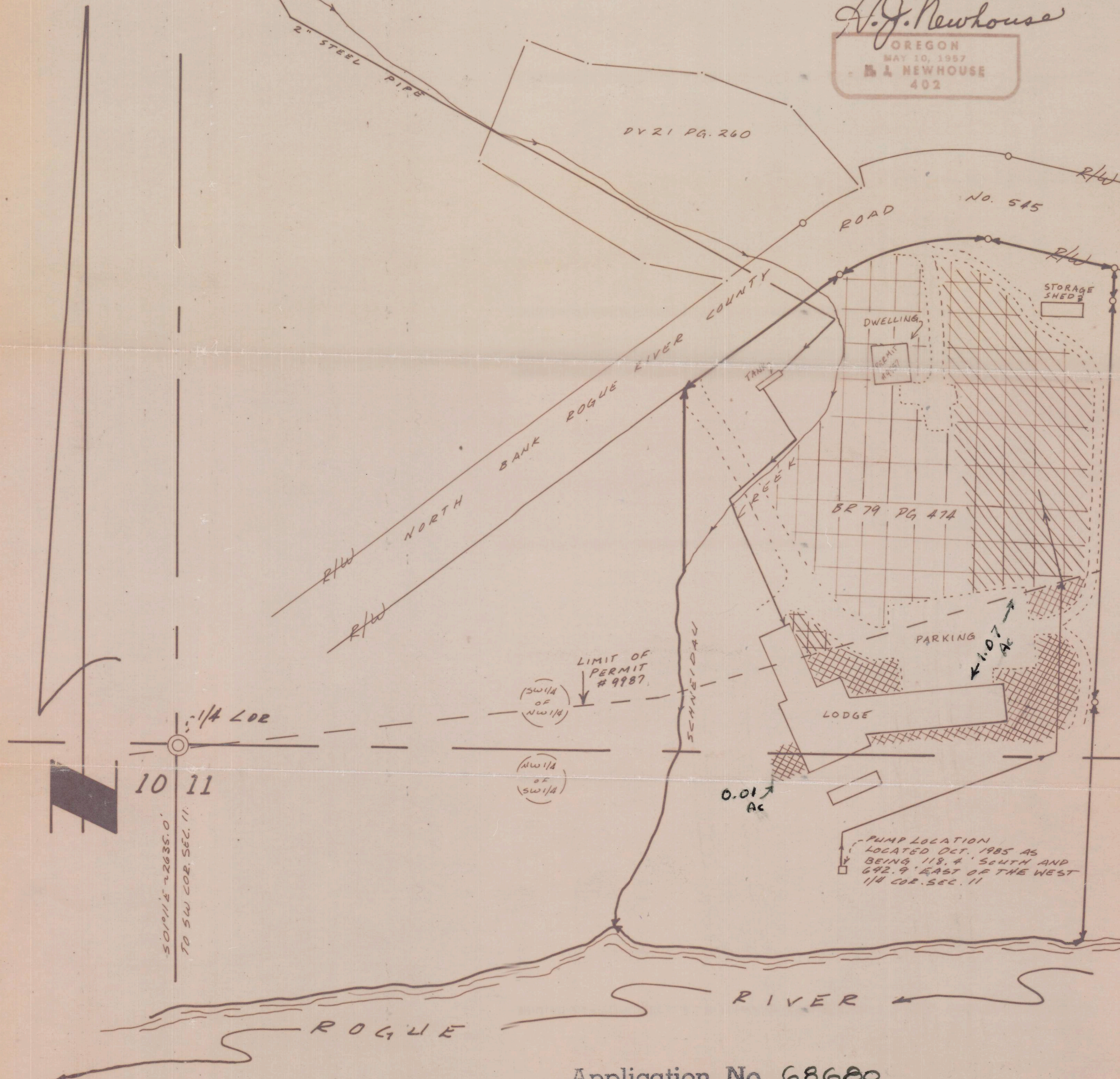
SCALE ~ 1" EQUALS 100'

DATED ~ OCTOBER 1985

- ▨ NEW AREA OF IRRIGATION = 0.28A
- ▨ AREA INCLUDED IN PERMIT #9987 (0.92A)
- ▨ 0.8A DELETED FROM PERMIT #9987 TO BE IRRIGATED FROM THE PROPOSED (RIVER) SOURCE

H. J. NEWHOUSE - LAND SURVEYING
 P.O. BOX 176
 WEDDERBURN, OREGON
 97491
 503-247-6923
 R. L. S. # 402

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
H. J. Newhouse
 OREGON
 MAY 10, 1957
 H. J. NEWHOUSE
 402



Application No. 68680
 Permit No. 49746

36-408-C
 B-179

WATER FILING FOR TU-TU-TUN LODGE
LOCATED IN SW 1/4 of NW 1/4 & NW 1/4 of SW
SECTION 11, T. 36 S., R. 14 W., W. M.
CURRY COUNTY, OREGON

RECEIVED
 AUG 13 1986
 WATER RESOURCES
 SALEM, OREGON

APPLICATION # 68680, REVISED July, 1986

POINT OF DIVERSION
 FOR PERMIT # 9987
 DATED JAN. 24, 1981
 DESCRIBED AS BEING
 N02°51' W - 3504.8'
 FROM SW COR. SEC. 11
 LOCATED OCT. 1985 AS
 893.0' NORTH AND
 183.0' WEST OF THE
 WEST 1/4 COR. SEC. 11

POINT OF DIVERSION
 FOR PERMIT # 36106
 DATED AUGUST 28, 1982
 DESCRIBED AS BEING
 N02°04' W - 3452.2' FROM
 SW COR. SEC. 11
 LOCATED OCT. 1985 AS
 863.6' NORTH AND 46.7'
 WEST OF THE WEST
 1/4 COR. SEC. 11

○ INDICATES POINT OF DIVERSION FOR THIS FILING

→ INDICATES PARCEL BOUNDARIES OF THIS FILING

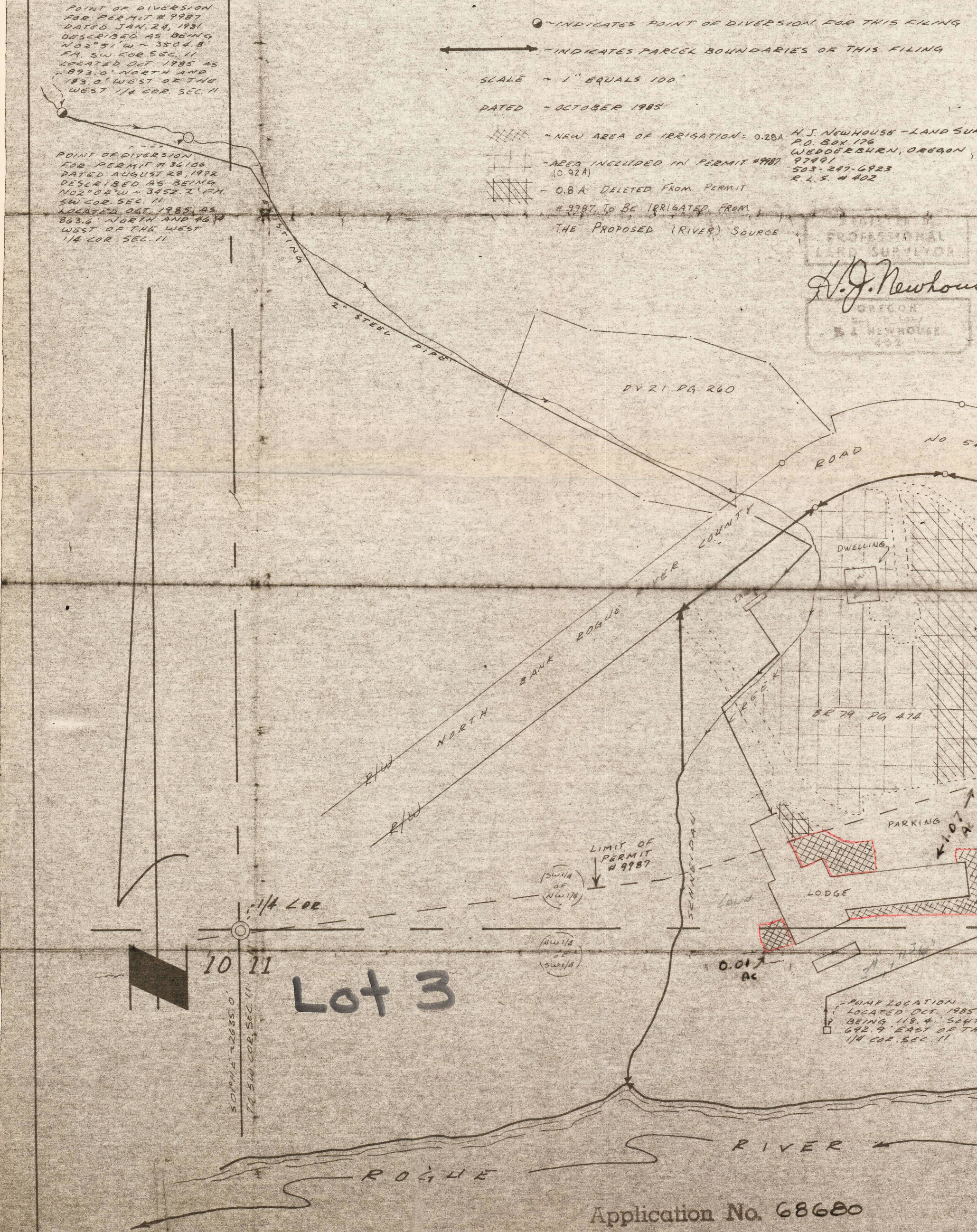
SCALE ~ 1" EQUALS 100'

DATED - OCTOBER 1985

- ▨ NEW AREA OF IRRIGATION = 0.28A
- ▨ AREA INCLUDED IN PERMIT # 9987 (0.92A)
- ▨ O.B.A. DELETED FROM PERMIT # 9987 TO BE IRRIGATED FROM THE PROPOSED (RIVER) SOURCE

H. J. NEWHOUSE - LAND SURVEYOR
 P.O. BOX 176
 WEDDERBURN, OREGON
 97491
 503-247-6923
 R.L.S. # 402

PROFESSIONAL
 LAND SURVEYOR
 H. J. Newhouse
 OREGON
 H. J. NEWHOUSE
 402



Lot 3

Application No. 68680
 Permit No. 49746

36-42
 B-179

7043

CREEK
CONCRETE, ALUM BOX, ROCK
CATCH BASIN
2" STEEL PIPE

GRAVITY FLOW

58 PSI

550 GPM TANK

1000
1 @ SPARE

PRESSURE TANK
BOOSTER

RED JACKET

1 H.P. @ 3450

C.P.D. ELECT

THRU 2" X 2"

CHLORINATION

INTO BUILDINGS

TRAILER PUMP
SHARES

LAWNS, APPLE TREES

IN OPERATION

IRRIGATION PUMP PSI

PACO 1 1/2" X 1" C.P.D.

BALDOR 7 1/2 H.P. @ 3450
ELECT

6' 6" D. 15' + 10'

INGROUND

11 STA @ 4 = 4 MARKS

POP-UP 25' 25' 7/32 X 0

90 PSI

STATE OF OREGON WATER RESOURCES DEPARTMENT
Application for Permit to Appropriate Surface Water

RECEIVED
 APR 29 1986
 WATER RESOURCES DEPT.
 SALEM, OREGON

I, Dirk VanZante, DBA Tu-Tu-Tun Lodge
(Name of Applicant)
 of 96550 North Bank Rogue River Road, Gold Beach
(Mailing Address) (City)
 State of Oregon, 97444 Phone No. (503)-247-6664
(Zip Code) 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 Schneidau Creek, a tributary of the Rogue River & the Rogue River, a tributary of _____

2. The point of diversion is to be located 893 ft. North and 183 ft. West
(N. or S.) (E. or W.)
 from the West 1/4 corner of Sec. 11 (lying within the SE 1/4 of NE 1/4 of Sec. 10
(Public Land Survey Corner)
 Also a pump 118.4 feet South and 642.9 feet East of the West 1/4 corner
(If there is more than one point of diversion, each must be described)
 of Sec. 11 being within the NW 1/4 of SW 1/4 of Sec. 11 to irrigate within
 the SW 1/4 of NW 1/4 of Sec. 11

_____ being within the _____ 1/4 of the _____ 1/4 of
 Sec. 10 & 11 Tp. 36 S. R. 14 W., W. M., in the county of Curry
(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 1/4 1/4 of Section	List use and/or number of acres to be irrigated
36 S.	14 W.	11	SW 1/4 of NW 1/4	irrigation of <u>0.92</u> acres commercial & <u>1</u> domestic
36 S.	14 W.	11	SW 1/4 of NW 1/4	<u>1.07</u> acres irrigation
<u>36 S.</u>	<u>14 W.</u>	<u>11</u>	<u>NW 1/4 of SW 1/4</u>	<u>0.01</u> " "

68680

4. The amount of water which the applicant intends to apply to beneficial use is .01
cubic feet per second from Schneidau Creek / .016 cubic feet per second from the
Rogue River (If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is .01 cfs from Schneidau Creek to be
used commercially ~~for irrigation and 1 domestic use~~ all
1.08 acres .016 cfs from the Rogue River for irrigation of

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

.....Aluminum collection and settling tank set in the center of Schneidau
Creek behind earth and rock dam. 2" pipe to 1500 gallon concrete
holding tank. Approximately 1300 feet of 2" pipe to areas of usage
which includes domestic use for a single family dwelling, previously
served by permit #9987, and commercial use for 18 motel units, res-
taurant, and swimming pool, and irrigation of 0.92 acres
per approved transfer 5636.

5 HP pump and pressure tank with 1½" plastic pipe servicing the
areas of irrigation (1.08 acres).

If for domestic use state number of families to be supplied.....

7. Construction work will begin on or before..... construction complete

8. Construction work will be completed on or before..... "

9. The water will be completely applied to the proposed use on or before..... January 1986

Application No. 68680

Permit No.

Remarks: The use of water for commercial purposes is only for the period of the year not allowed under the previously mentioned transfer 5636. Mr. John Drolet of the Coquille office of the Water Resources Department has indicated the irrigation season for Coos and Curry Counties to be May 1st through Oct. 15th. This would then cover the period of Oct. 16th through April 30th.

Di... ..
Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion.

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before August 19, 1986.

WITNESS my hand this 19th day of June, 1986.

William H. Young, Water Resources Director

By *Wayne J. Overcash*
WAYNE J. OVERCASH

RECEIVED

AUG 14 1986
WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 4th day of April, 1986, at 4:12 o'clock P.M.

Application No. 68680

Permit No.

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 0.026 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 Schneidau Creek and Rogue River

The use to which this water is to be applied is irrigation of 1.08 acres and commercial to include use for 18 unit motel, restaurant and swimming pool, being 0.014 cfs from Rogue River

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

for irrigation and 0.01 cfs from Schneidau Creek during the non irrigation season for commercial use

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

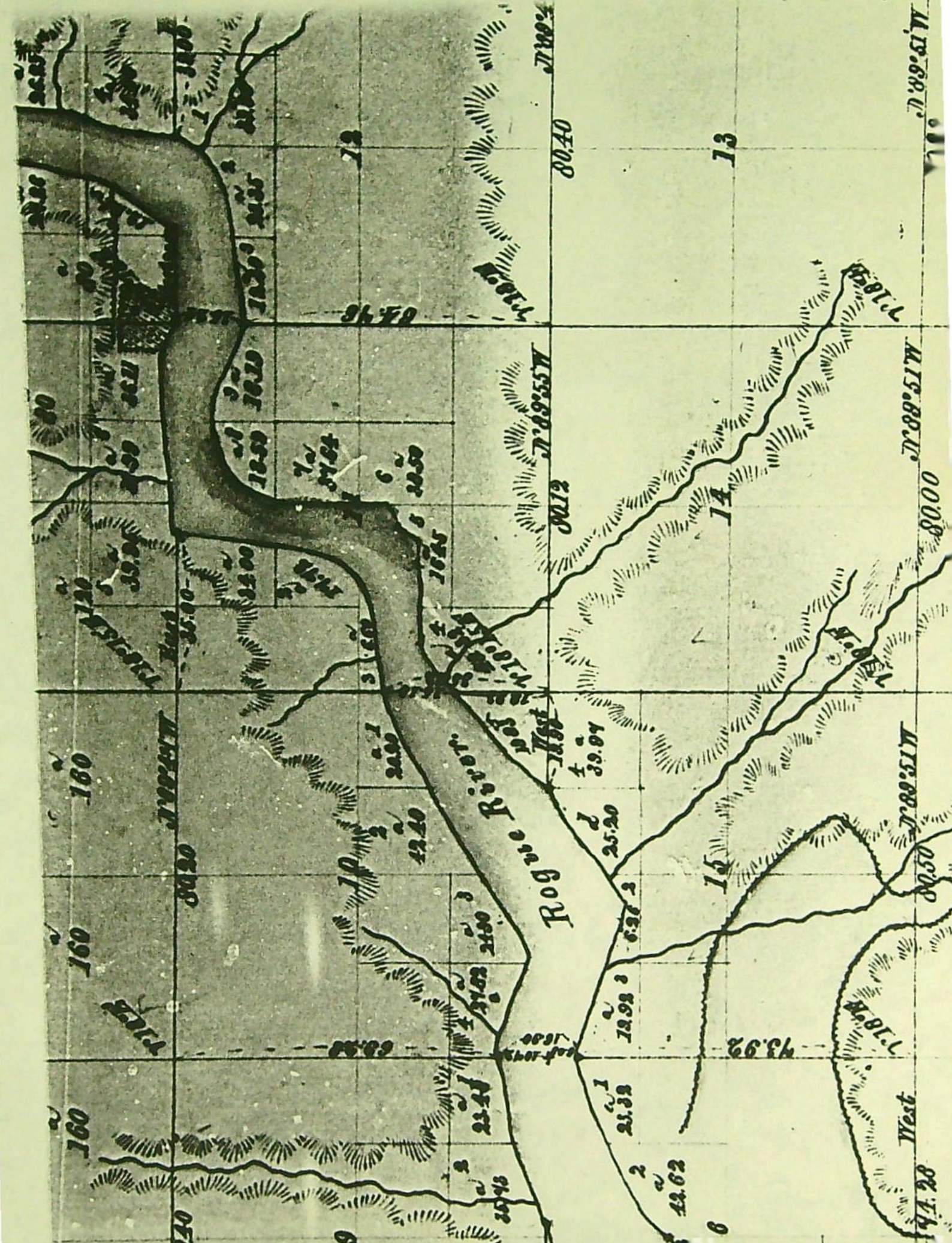
The priority date of this permit is March 4, 1986

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

Handwritten initials/signature



October 6, 1986

Dirk VanZante
dba Tu-Tu-Tun Lodge
96550 North Bank Rogue River Road
Gold Beach, OR 97444

68630

49746

August 20, 1986

Asa L. Lewelling
Lewelling and Grider, Lawyers
10th Floor - Capitol Tower
Salem, OR 97301

Dear Mr. Lewelling:

REFERENCE: File 68680

This is to acknowledge return of the Application 68680 and supporting map along with the superseding map. The application now describes the proposed use of 0.016 cubic foot of water per second from the Rogue River for the irrigation of 1.08 acres and use of 0.01 cfs from Schneidau Creek for commercial uses to include 18 motel units, restaurant, and swimming pool.

The application is now in satisfactory form and will be placed with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

cc: Dick Van Zante

6147D

August 14, 1986

Asa L. Lewelling
Lawyer

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AUG 14 1986

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 Portland Road NE
Salem OR 97310

Attention: Wayne J. Overcash

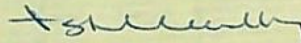
Re: File 68680

Dear Mr. Overcash:

I am handing you herewith revised application 68680, together with revised maps.

I think this complies with your suggestions of June 19, 1986.

Very truly yours,



Asa L. Lewelling

ALL:rs

Enclosures

388 State Street
10th Floor Capitol Tower
Salem, Oregon 97301
Telephone 503-581-2401

H.J. Newhouse - Land Surveying
P.O. Box 176
Wedderburn, Oregon 97491
(503) 247-6923

RECEIVED

AUG 14 1986
WATER RESOURCES DEPT
SALEM, OREGON

July 23, 1986

Asa L. Lewelling
Lewelling and Grider, Lawyers
10th Floor-Capital Tower
388 State Street
Salem, Oregon 97301

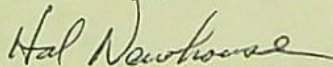
Dear Mr. Lewelling,

Enclosed is the VanZante water filing. Included is a copy of the revised map for application #68680. This map now shows 0.8 acre which was deleted from permit #9987, and is to be irrigated from the River source. Also 0.28 acre of new area to be irrigated from the River source. The remaining area to be irrigated from the Schneidau Creek source.

A description of the water system on Schneidau Creek is being prepared for the easement from Champion Int. Corp., you will be receiving this soon.

I hope the water filing is now satisfactory, if any problems still exist don't hesitate to contact us.

Sincerely,



Hal Newhouse

June 19, 1986

Asa L. Lewelling
Lewelling and Grider, Lawyers
10th Floor - Capitol Tower
388 State Street
Salem, OR 97301

Dear Mr. Lewelling:

REFERENCE: File 68680

This is to acknowledge the Application 68680 along with the superseding Application 68680 you submitted for Dick Van Zante doing business as Tu-Tu-Tun Lodge. The sepia print of the original map and the sepia print of the superseding map were also received along with the legal description of the property.

The application now describes the proposed use of 0.01 cubic foot per second from Schneidau Creek for commercial use during the non-irrigation season and use of 0.016 cfs from the Rogue River for the irrigation of 1.72 acres.

We will need some clarification on the application and supporting map relative to the use of water from the creek and river for irrigation purposes.

According to our records, the right use of water from Schneidau Creek appurtenant to the easterly 0.8 acre of the irrigated area where the right was perfected under the terms of Permit 9987 was transferred to commercial use. If it is now intended to establish a primary right to the use of water from the Rogue River for the irrigation of this 0.8 acre area in addition to the 0.02 acre area and to continue the use of water from the creek for the irrigation of the balance of the acreage not involved in the transfer and utilize water from the Rogue River to make up for any deficiency in supply at the creek for this acreage, it will be necessary to further complete the supporting map by showing the location of the acreage (0.82 acres) to receive the primary supply from the Rogue River and by showing in a different manner the acreage to receive the supplemental supply from the Rogue River.

Item 3 of the application will then need to be further completed by separately listing the acreage to receive the primary supply from the Rogue River and by separately listing the acreage to receive the supplemental supply. However, if it is no longer intended to utilize water from the creek for irrigation purposes, it will be necessary to provide for clearing our records of the existing right to the use of water from the creek and merely indicate on the application and map that waters from the Rogue River will be used for primary irrigation of all the acreage to be irrigated.

Asa L. Lewelling
June 19, 1986
Page 2

Incidentally, the full duty of water that may be allowed from the Rogue River for the irrigation of 1.72 acres would amount to 0.022 cfs (9.6 gpm). If there will be facilities for delivering this amount of water and it can be beneficially used, the application may be amended by requesting the greater amount.

I am returning the application and map to you for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before August 19, 1986.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

enclosures

cc: Dick Van Zente

5239D

Lewelling & Grider
Lawyers

April 29, 1986

Asa L. Lewelling
Mark K. Grider

Mr. Wayne J. Overcash
Water Resources Department
3850 Portland Road, N.E.
Salem OR 97310

Re: Application # 68680

Dear Mr. Overcash:

I am handing you herewith the completed and corrected application of Dirk Van Zante, dba Tu Tu Tun Lodge, for appropriation of water from the Rogue River and additional water from Schneidau Creek.

A man by the name of Gustaf Schneidau made the earliest appropriation of water from what is now known as Schneidau Creek through permit # 9987 which is evidenced by the water rights certificate recorded in Volume 10 at page 10751. This right with priority of January 24, 1931, was for irrigation and domestic use on 5.55 acres.

When Mr. Van Zante acquired the real property upon which the Tu Tu Tun Lodge is situated (see deed from Priestly to Van Zante, copy of which is handed you herewith), he acquired approximately 2.7 acres of Schneidau's original 5.55 acres.

The domestic use acquired by Schneidau is appurtenant to the old Schneidau house which is on the Tu Tu Tun property and is still used. In fact, Mr. and Mrs. Van Zante live in that house. It is shown on the maps I am handing you as "dwelling" on map # 1 (my numbering) and "dwelling permit # 9987" on map # 2.

That portion of the original Schneidau 5.55 acres now owned by the Van Zantes is shown on both maps by a line angling across a portion of the lodge with the legend "limit of Permit # 9987". The Tu Tu Tun property north of this line is the original Schneidau property. Map # 2 has been prepared to show the irrigated area included in Permit # 9987.

By order on transfer application # 5636, Mr. Van Zante was permitted to use 0.01 cfs of the water right granted under Permit # 9987 for commercial use serving Tu Tu Tun Lodge. This use was limited to the irrigation season which the local water master determined to be from May 1st to October 15th of each calendar

388 State Street
10th Floor Capitol Tower
Salem, Oregon 97301
Telephone 503-581-2401

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SALEM, OREGON

Mr. Wayne J. Overcash
April 29, 1986
Page Two

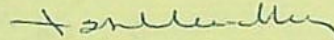
year. Mr. Van Zante gave up some irrigation rights appurtenant to the portion of his property which was subject to Permit # 9987 in order to gain the transfer.

The present application is intended to secure additional water from Schneidau Creek to serve a longer season at Tu Tu Tun Lodge. The water from the Rogue River is for irrigation and replaces that lost by the transfer under application 5636.

If you have any further questions, please advise.

Incidentally, I think the maps which I have handed you would augment the record to better explain the transfer under application 5636 and Mr. Sam Allison could probably use copies in that file.

Very truly yours,



Asa L. Lewelling

ALL:rs
Enclosures

cc: Dirk Van Zante

HAND DELIVERED

RECEIVED
APR 29 1986
WATER RESOURCES DEPT.
SALEM, OREGON

March 25, 1986

Asa Lewelling
Lewelling and Grider Lawyers
10th Floor - Capitol Tower
388 State Street
Salem, OR 97301

Dear Mr. Lewelling:

REFERENCE: File 68680

The Application 68680 you submitted for Dirk Van Zante describing the proposed use of 0.01 cubic foot per second from Schneidau Creek and 0.16 cfs from the Rogue River, being 0.01 cfs to be used commercially and 0.16 cfs for irrigation of 1.7 acres, together with the sepia print of a map, has been reviewed.

It will be necessary to make certain amendments to the application and supply additional information on the supporting map before the application can be considered for approval. We will also need the legal description of the property.

The legal description is needed to verify the place of use of water and may be copied from the deed, title insurance policy, or sales contract.

According to the information in Items 2 and 4 of the application, it is intended to utilize water from Schneidau Creek and the Rogue River. If so, the Rogue River needs to be included as a source of water in the first part of Item 1.

Item 2 must be completed to properly locate each point of diversion within the proper quarter-quarter section. According to the distances from the reference corner presently noted in Item 2 and according to the location of the points illustrated on the supporting map, the point on the creek would be located within the SE 1/4 NE 1/4 of Section 10 and the point on the Rogue River would be located within the NW 1/4 SW 1/4 of Section 11. If so, this information will need to be clearly given as such in Item 2.

The number of acres to be irrigated must be noted in Item 3 of the application without using a plus or minus figure.

Item 5 of the application must be further completed to clearly note the source to supply each use.

Asa Lewelling
March 25, 1986
Page 2

The type and extent of the commercial use needs to be explained in the application. This information may be supplied in Item 6 or in the remarks section. Also, if the use of water for commercial use is only for the period of the year not allowed under the order approving the Transfer 5636, this will also need to be noted.

The area to be irrigated will need to be clearly illustrated on the supporting map by hachuring or shading in some manner along with noting the number of acres to be in agreement with the information supplied in Item 3 of the application. If any part of the existing right for irrigation perfected under the Permit 9987 is being claimed for the property, it may be best to show both the existing right location and the lands to be covered by the new filing. This may be accomplished by shading or hachuring in different manners and placing a legend on the map. Also, if the dwelling illustrated on the map is covered by the domestic right for the use of water perfected under the Permit 9987, the dwelling should be designated as such.

I am returning the application and map to you for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before May 21, 1986.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

enclosures

cc: Dirk Van Zante

3681D

Water Resources Department

1000 BANK ROGUE RIVER ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

Lodge
1000 Bank Rogue River Road
Salem, OR 97444

File 68680

We have received your application for use of water for commercial and industrial purposes with the supporting data and fees. Your application has been assigned number 68680.

Applications which are received in proper form for a permit, including supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are in conflict with existing rights or require additional information will be returned in detail and will be returned for completion or completion within 45 days.

When your application is approved, the project described in the application will be subject to the Water Resources Commission's Basin Program which will regulate minimum flows and demands of prior rights during the permit term.

W. J. HANSON, Supervisor
Permit Section

*Correspondence to:
Asa Jewelling, A at L
10th Floor, Capitol Tower
388 State Street
Salem 97301*



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

March 10, 1986

Dirk Van Zante
dba Tu-Tu-Tun Lodge
96550 North Bank Rogue River Road
Gold Beach, OR 97444

REFERENCE: File 68680

We have received your application for use of water for commercial and irrigation along with the supporting data and fees. Your application has been filed and assigned number 68680.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

0003/X
3330D

MEMORANDUM OF CONTRACT

This document is to serve as notice that a Contract of Sale has been entered into between RALPH B. PRIESTLEY as Seller, and DIRK J. VAN ZANTE and LAURIE VAN ZANTE, husband and wife, as Buyer, dated the 29th day of May, 1980, on the following described property:

PARCEL I:

That certain tract of land lying in Section 11, Township 36 South, Range 14 West of the Willamette Meridian, Curry County, Oregon, described as follows:

Beginning at an iron pipe driven at a point 170.9 feet North and 931.5 feet East of the Quarter section corner on the West side of Section 11, (Said iron pipe is described in the description of the tract deeded Gustaf W. Schneidau and Jennie Ione Schneidau, as recorded in Volume 21, Pages 96-98 of the official record of Deeds of Curry County, Oregon, as bearing North 17° 46' East 2849.7 feet from the Southwest section corner of said Section 11); Thence North 01° 46' East 299.4 feet to an iron pipe driven on the Southerly boundary of the County Road; Thence Westerly following the Southerly boundary of the said road to a point 330.8 feet North and 528.1 feet East of the Quarter section corner on the West side of said Section 11; Thence South 00° 21' East 173 feet, more or less, to the center of the channel of so-called Schneidau Creek; (Iron pipes are driven at 19.1 feet and 137.0 feet); Thence Southerly following the thread of the said Schneidau Creek to the water of Rogue River; Thence Easterly, following the right bank of the Rogue River to a point that bears South 01° 46' West from the place of beginning; Thence North 01° 46' East 312 feet, more or less, to the place of beginning.

PARCEL II:

A parcel of land in Section 11, Township 36 South, Range 14 West, Willamette Meridian, Curry County, Oregon; Commencing at the Southwest corner of said Section 11; Thence North 17° 46' East 2949.7 feet; Thence North 01° 46' East 326.5 feet; Thence North 80° 35' West 225.5 feet; Thence North 41° 15' West 30.0 feet, more or less, to the iron stake situated in the Northwest boundary of the Bagnell Ferry Lobster Creek County Road which said iron stake is the place of beginning of said parcel of land; Thence North 41° 15' West 54.0 feet to an iron stake; Thence North 73° 00' West 91.7 feet to an iron stake; Thence North 84° 45' West 110.7 feet to an iron stake; Thence North 70° 30' West 65.3 feet to an iron stake; Thence South 21° 00' West 122.7 feet to an iron stake; Thence South 60° 00' East 195.5 feet to an iron stake; Thence South 80° 30' East 80.5 feet, more or less to an iron stake and the Westerly boundary of said County Road; Thence Northeasterly along the West and Northwesterly boundary of said County Road to the place of beginning.

SUBJECT TO:

- 1. The rights of the public in and to that portion of the above property lying within the limits of roads.
2. Rights of the public and of governmental bodies in that portion of the above described property lying below the mean highwater mark of the Rogue River and the ownership of the State of Oregon in that portion lying below the water mark thereof.
3. Conditions and restrictions imposed by instrument, including the terms thereof, recorded March 30, 1937 in Book 24 of Deeds, Page 265, Records of Curry County, Oregon.
4. Mortgage, including the terms and provisions thereof, dated November 14, 1975, recorded November 17, 1975, in Book 42 of Records, page 345, Curry County, Oregon, given to secure the payment of \$300,000.00, with interest

Application No. 68680
Permit No. 49746

APR 20 1980
WATER RESOURCES

WATER FILING FOR TU-TU-TUN LODGE
LOCATED IN SW 1/4 of NW 1/4 & NW 1/4 of SW
SECTION 11, T. 36 S., R. 14 W., W. M.
CURRY COUNTY, OREGON

Application No. 68
 Permit No. 4
 Super

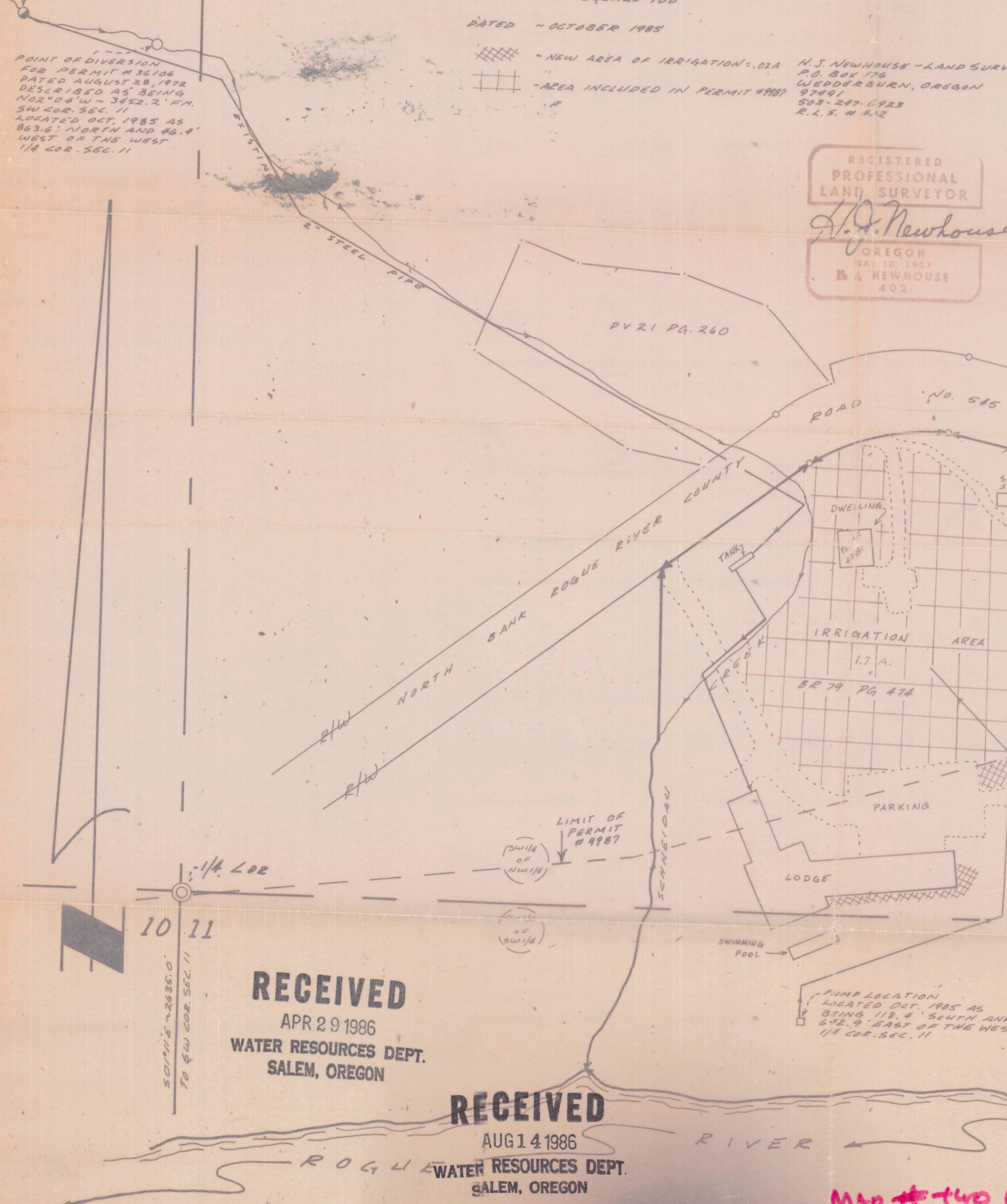
POINT OF DIVERSION
 FOR PERMIT # 9987
 DATED JAN. 24, 1981
 DESCRIBED AS BEING
 N02°51'W ~ 3504.8'
 FH. SW COR. SEC. 11
 LOCATED OCT. 1985 AS
 893.0' NORTH AND
 183.0' WEST OF THE
 WEST 1/4 COR. SEC. 11

POINT OF DIVERSION
 FOR PERMIT # 36106
 DATED AUGUST 29, 1972
 DESCRIBED AS BEING
 N02°04'W ~ 3452.2' FH.
 SW COR. SEC. 11
 LOCATED OCT. 1985 AS
 863.6' NORTH AND 46.4'
 WEST OF THE WEST
 1/4 COR. SEC. 11

○ INDICATES POINT OF DIVERSION FOR THIS FILING
 ← INDICATES PARCEL BOUNDARIES OF THIS FILING
 SCALE ~ 1" EQUALS 100'
 DATED ~ OCTOBER 1985
 ▨ NEW AREA OF IRRIGATION = .02A
 ▧ AREA INCLUDED IN PERMIT #9987

H. J. NEWHOUSE - LAND SURV.
 P.O. BOX 176
 WEDDERBURN, OREGON
 97441
 503-247-6923
 R.L.S. # 412

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 H. J. Newhouse
 OREGON
 MAY 10, 1957
 H. J. NEWHOUSE
 402



10 11
 50111'E ~ 2635.0'
 TO SW COR. SEC. 11

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 APR 29 1986
 WATER RESOURCES DEPT.
 SALEM, OREGON

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 AUG 14 1986
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 SALEM, OREGON

Map # two

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MAR 4 1986

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APR 29 1986

WATER RESOURCES DEPT.
SALEM, OREGON

WATER FILING FOR TU-TU-TUN LODGE

LOCATED IN SW 1/4 of NW 1/4 & NW 1/4 of SW 1/4

SECTION II, T. 36 S., R. 14 W., W. M.

CURRY COUNTY, OREGON

POINT OF DIVERSION
FOR PERMIT # 9987
DATED JAN. 24, 1981
DESCRIBED AS BEING
N02°51'W ~ 3504.8'
FM. SW COR. SEC. 11
LOCATED OCT. 1985 AS
893.0' NORTH AND
183.0' WEST OF THE
WEST 1/4 COR. SEC. 11

POINT OF DIVERSION
FOR PERMIT # 36106
DATED AUGUST 29, 1972
DESCRIBED AS BEING
N02°04'W ~ 3452.2' FM.
SW COR. SEC. 11
LOCATED OCT. 1985 AS
863.6' NORTH AND 46.4'
WEST OF THE WEST
1/4 COR. SEC. 11

○ INDICATES POINT OF DIVERSION FOR THIS FILING

↔ INDICATES PARCEL BOUNDARIES OF THIS FILING

SCALE ~ 1" EQUALS 100'

DATED ~ OCTOBER 1985

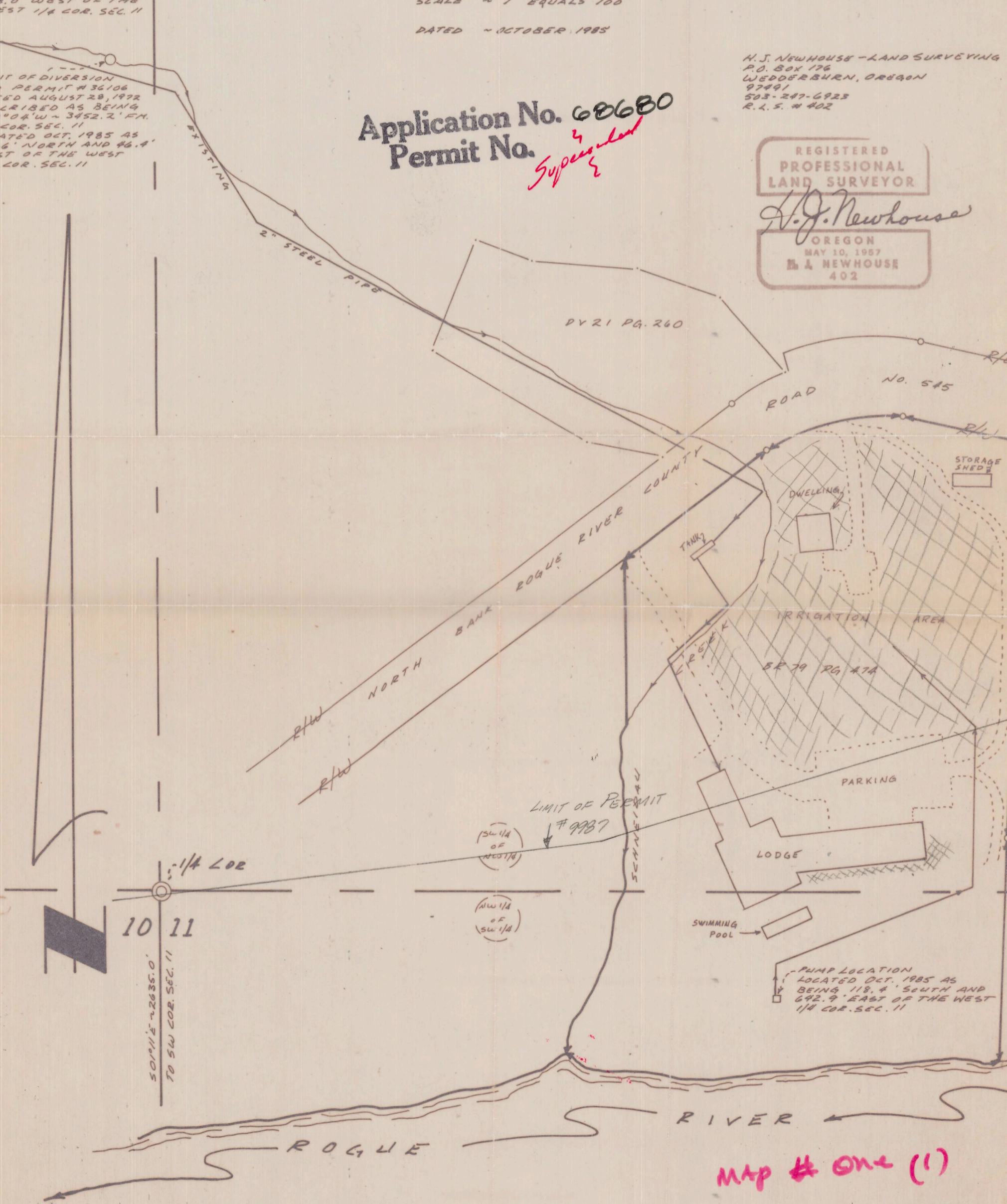
H. J. NEWHOUSE - LAND SURVEYING
P.O. BOX 176
WEDDERBURN, OREGON
97491
503-247-6925
R.L.S. # 402

Application No. 68680
Permit No. *Superseded*

REGISTERED
PROFESSIONAL
LAND SURVEYOR

H. J. Newhouse

OREGON
MAY 10, 1957
H. & NEWHOUSE
402



MAP # ONE (1)