

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE: May 27, 1992

SUBJECT: Indorsement of SWR-42

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Leslie R. Green
ADDRESS: 33115 Lloyd Ave.
Cottage Grove OR 97424

SOURCE: Unnamed Spring a tributary of Umpqua River.

USE: Domestic use for one family including irrigation of up to 1/2 acre lawn and garden.

PRIORITY DATE: 1905

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.01 CFS for domestic use to include not more than 0.5 acre lawn and garden.

DIVERSION POINT:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 22 S., R. 5 W., W.M.

PLACE OF USE:

Domestic NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24,
Township 22 S., Range 5 W., W.M.

PERIOD OF USE:

Domestic use allowed all year.

FILE C:\WP51\SWR\CLAIMANTS\SWR-0042.0IM

RECEIVED

MAR 19 1992

State of California
County of Napa

Exhibit A

WATER RESOURCES DEP
SALEM, OREGON

I, OPAL MARGARET JORDAN, born Margaret Opal Odell, being duly sworn, deposes and says:

I am the legal owner of a parcel of land described in the deed attached hereto as Exhibit A. This is part of a larger parcel of land which was originally owned by my uncle.

An abstract of the property through 1915 is attached hereto as Exhibit B. This declaration and affidavit will describe the chain of title thereafter as I remember it, and will discuss the use of 1) the spring which originates on the property and 2) Elk Creek, which runs through the property.

TITLE

My understanding was that my uncle, Spurgeon Odell and my father, Ezra J. Odell, purchased the property together in the early 1910's, I believe 1915. Spurgeon originally took title. And I do not believe that my father ever was named on title to the property, although he paid off some of the debt on the property, plus all of the taxes. From the time that my father paid off the original loan to this day, the property has never been used to secure a debt. My father, Ezra J. Odell, my mother, Carrie Hazelrigg Odell, my sister, Thea Alta Odell, and I lived on the property from the time it was purchased; Spurgeon never lived on the property.

When my father Ezra J. Odell died in 1927, the property remained in Spurgeon's name. In 1937, Spurgeon transferred part of the property, which is the portion in question, to my mother, Carrie Hazelrigg Odell, my sister Thea Alta Odell, and myself in equal shares. He kept a large piece of timber property which was eventually sold away to a third party.

My sister, Thea Alta Odell Shricker, died in 1944. Her then husband, Harold Shricker, transferred her share of the property by gift to my mother and me in equal shares.

As a result of this line of title, at this time, my mother and I owned the parcel equally.

My mother remarried Clarence N. McKern in 1937, the same year that I married William Carl Jordan. Clarence N. McKern had one son, William Louis McKern, of a previous marriage. At the time of these marriages, there was no encumbrance or lien on the property.

Clarence N. McKern died in 1974. My mother, who died after Mr. McKern, left one-half of her half of the property to her second husband's son, William Louis McKern, and the other half to me. As a result, on my mother's death, I owned three-quarters of the property and William Louis McKern owned one-quarter.

From
SWR-64

William Louis McKern and I sold off a portion of the property to Helen and Leslie Green. This property is correctly described in Exhibit C, which is the mortgage which I currently hold on the property. This property includes the spring which is the subject of the water registration.

In 1980, William Lewis McKern and I divided the property into separate parcels. My parcel is represented by Exhibit A. Mr. McKern's property does not adjoin the creek and the spring does not run across his land, and therefore his parcel is irrelevant to this declaration.

THE SPRING

The spring originates on a hill, once in a grove of Douglas fir trees. At the time my uncle Spurgeon purchased the property, it was owned by a family who had previously built a house on the property. The house was quite old (far more than 30 years), and I recall my father saying that the house had always used the spring as its source of water since it was built since the spring is the only source of fresh water (other than the Creek) on the property.

The previous owners had run the water from the spring for use at the house down a trough. The trough came near the house, and if you wanted water, you walked over to the trough and put in a pail or bucket and carried it back to the house. The trough could not carry all of the water, but did carry most of it. Under the trough was a ditch where the excess ran. I remember that we kept an old crock covered and padded with burlap in the trough for butter and cream and anything else which had to be kept cold. The trough eventually emptied into a watering trough near the road. The road was always in the same place it is now; people used to water their horses when they drove by. The water from the trough and the ditch eventually ran through a culvert under the road, and across the lower field where grazing cattle were kept, and eventually emptied into Elk Creek.

When we moved onto the property, one of my father's first projects was to construct a new spring box and to pipe the water directly to the house, to our large garden and to the watering trough. Surplus water still went down the ditch, under the road, across the lower field, and into Elk Creek. The only modification to this system came when Clarence N. McKern and my mother built a new house approximately 200 feet away from the old one in about 1943. The water was then carried to the new house, and the old house was torn down. There was no substantial difference in the water usage.

To my knowledge the spring has provided household water use for a residence on the property since far before 1900, and the house has been continuous occupied on the property during that time without interruption. The spring has been used for household use for two or more people including cooking, washing, and cleaning, plus a garden and/or lawn surrounding the residence.

In addition, the spring has provided water for grazing animals on the lower property. The previous owners kept cattle in the lower property; everyone in the area kept both livestock and raised crops, since the only way to make money and live was to diversify your farming. My father kept horses, cattle and sheep on the lower property; after my father died, and after my mother remarried, they continued to keep livestock on the property. After my mother died, I have continued to lease out the property for grazing to keep up the use and to maintain our water rights. My best estimate is that there have never been less than 50 head of livestock on the lower property in any three year period.

THE CREEK

Elk Creek has runs through the property. Fifty head of livestock have also used the Creek for water throughout our ownership and the ownership of the owners since 1900.

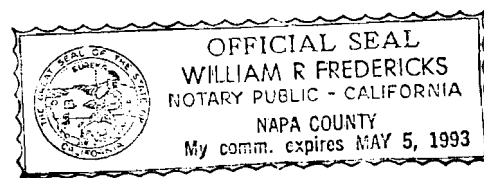
I swear and affirm that the foregoing is true and correct and that this declaration was executed at Napa, California on December 17, 1991.

Opal Margaret Jordan
Opal Margaret Jordan

Subscribed and sworn to before me on December 17, 1991.

William R. Fredericks

Notary Public



Route Slip



Date 5/26/92

TO: Name	Division /Section	Initial	Date
1. Don Knauer	Adjudication		
2.			
3.			
4.			
5.			

☒ as requested	☐ investigate	☐ per conversation
☐ approval	☐ justify	☐ prepare reply
☐ comment	☐ necessary action	☐ return with more detail
☐ confer	☐ initial and return	☐ review and circulate
☐ for your information	☐ note and file	☐ signature

Re:

SWR-42

These are the statements in
our file

FROM: Grady Ball

Phone No.

Central Stores 97677

☐ See Other Side



Recycled
Paper

RECEIVED

MAY 27 1932

WATER RESOURCES DEPT.
SALEM, OREGON

I, Mamie Lee, have resided in the Yoncalla area since 1897.

I owned that is now the Bartlett property near the Jordan-

McKern property for 24 years. I can attest that a

house has existed on the Jordan-McKern property for more

than 67 years and that the spring on the property has

been used for domestic purposes by the residents since

that time.

J. Maifan Myers
Notary

My Commission expires 9/8/79

Mamie Lee

Mamie Lee
61 3rd St
Yoncalla, Oregon
97499

12/8/75

Date

Opal M. Odell/Jordan
1909 Waverly Street
Hemp, California 94550

tel: 707-255-0748

I, Ray Turpin, have lived in the Yoncalla area since 1872.
I owned and resided on property adjacent to the Jordan-Mckern
property for 65 years. I can attest that a house has
existed on that property since 1905 and that the spring has
been used by its residents for domestic use regularly since
that date.

J. Maifan Myers
Notary
My Comm. Expires: 9/8/79

Ray Turpin
Ray Turpin

December 4, 1975
Date

Dec. 1975
F.1.75

Opal M. Odell/son
1909 Beverly St
Evan, California 9558

tel: 707- " " 8

May 21, 1992

WATER
RESOURCES
DEPARTMENT

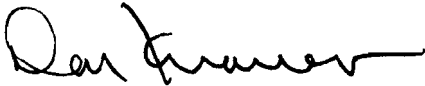
Gary Ball, Watermaster
Justice Bldg. Room 104
Roseburg OR 97470

RE: SWR-42 (Green)

Dear Gary,

I am in the final review of this registration statement and I find the letter indicating evidence was submitted to your office. To be completely sure I have everything of record, I am asking you to send me a copy of any records you have on the Green property. Thanks for your help.

Sincerely,



Don Knauer
Adjudication Specialist

C:\WIS\C\SWR-0042.004



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMORANDUM

*Oregon Water Resources Department
Adjudication Section*

TO: SWR #42

FROM: Don Knauer

DATE: March 10, 1992

SUBJECT: FIELD INSPECTION

On March 6, 1992 Dwight French and I made a field inspection and talked to Mr. and Mrs. Green about their water use. We found that the information on the form and the map appears to be correct and accurate.

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 80058

Pub. Not. Pub B

CHECK ENCLOSURES DWF

CHECK BASIN MAP DWF

UNADJUDICATED AREA ? O.K. DWF

SURFACE WATER REGISTRATION NUMBER SWR-42

BASIN 16
Unqu

ACKNOWLEDGEMENT LETTER DWF

ENTER ON STREAM INDEX _____

CHECK QUADRANGLE MAP DWF enc.

CHECK GLO PLATS Nothing DWF

FORM REVIEW

- ☒ blanks filled in
- ☒ signed
- ☒ date received stamped
- ☒ date received filled out on back

10) NEED PERMITS for Domestic
and irrigation
Signed by Leslie & Helen Green

MAP REVIEW

- ☒ source and trib
- ☒ diversion point location
- ☒ conveyances (pipes, ditch, etc.) use are not cross hatched
- ☒ place of use
- ☒ scale
- ☒ township, range, section
- ☒ north arrow
- ☒ CWRE stamp
- ☒ disclaimer NONE
- ☒ date survey was performed
- ☒ P.O.B. of survey
- ☒ dimensions and capacity of diversion system ON FORM
- ☒ "beneficial use" type title
- ☒ "permanent-quality" paper

EXISTING WATER RIGHT RECORD CHECK DWF

ENTER ON PLAT CARDS _____

A: SWRCHECK

10-15-91

Field Inspection - Mar 6, 1992 DEK

ASSIGNED

Opal M. and/or William C. Jordan

1909 Waverly Street

Napa, California 94558

19 December 1975

19 Dec 1975

suspended until 01/01/76

MAY 3 1976

CONSTRUCTION

MAY 3 1977

OCT 1 1977

OCT 1 1978

PROSECUTION OF WORK

"A" filed

"B" filed

"C" filed completed

FINAL PROOF

AUG 19 1980

received

certificate issued OCT 28 1980

Application No. 53807

Permit No. 40170

49659

Certificate No.

Stream Index, Page No. 16-20F

FEES PAID

Date	Amount	Receipt No.
12-19-75	35.00	50753

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
6-29-76	Leslie & Helen Green	Grove, 97424 78628 Mosby Creek Rd. Cottage	5	901

REMARKS

Form 150 sent SEP 22 1980

Application No. 53807
Permit No. 40170

RECEIVED
DEC 19 1975
WATER RESOURCES DEPT
ASHLAND, OREGON

WATER USE APPLICATION MAP
SECTION 24 T.22 S., R.5 W. W.M.

Scale 1" = 1000'

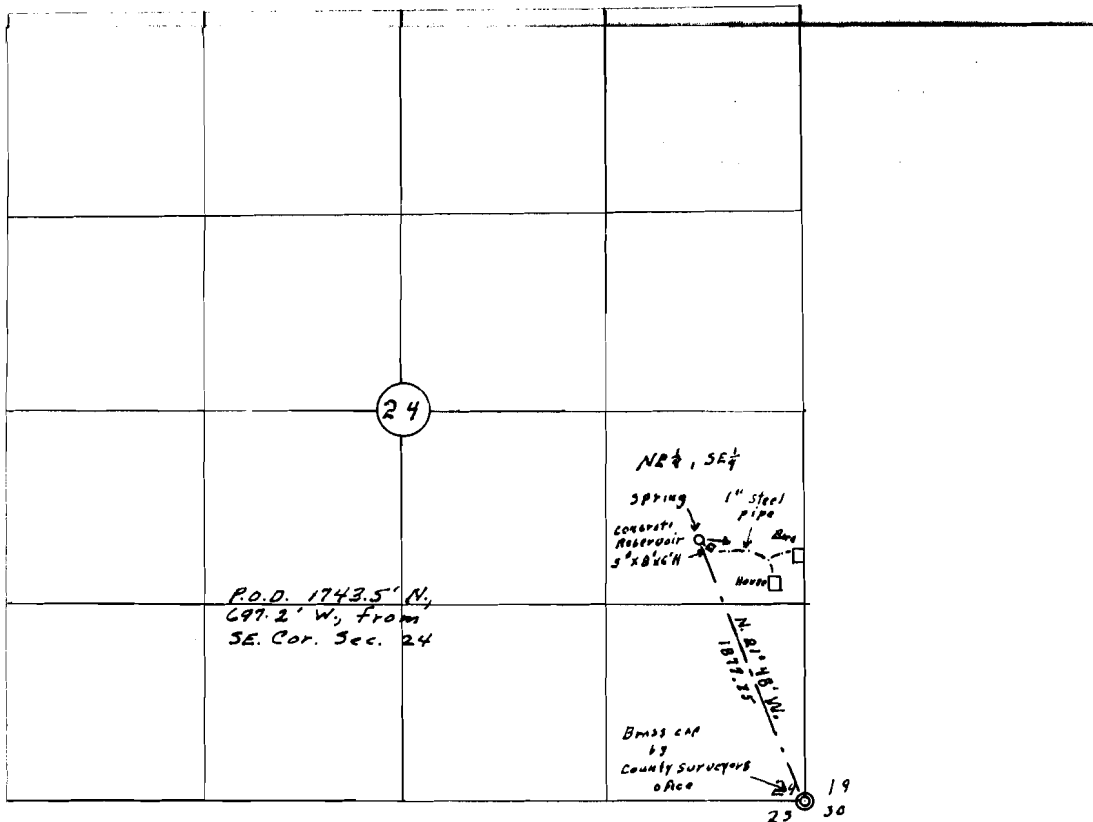
OCT 20 1975

William C Jordan
1909 Waucerly St.
NAPA Calif. 94558

REGISTERED
OREGON
LAND SURVEYOR

Wilford N. Haines

MAY 7, 1948
WILFORD N. HAINES
239



RECEIVED

SALEM, OREGON
WATER RESOURCES DEPT

DEC 19 1975

RECEIVED

1909 waverly St.
Napa, California 94558
December 17, 1975

James E. Sexson, Director
Water Resources Department
1178 Chemeketa Street
Salem, Oregon 97310

Dear Mr. Saxon:

Enclosed are:

1. Application for water rights on a spring located on my property near Yoncalla.
2. A map of the spring and residence located on the property.
(Map prepared by Wilford Haines, surveyor, of Drain, Oregon.)
3. A legal description of the property.
4. A spring description sheet.
5. A personal check for \$35 for filing fees.
6. Photostatic copies of affidavits signed by Ray Turpin and Mamie Lee, longtime residents of Yoncalla, attesting that a house has existed on the property since prior to 1905 and that the house has been served by the designated spring continuously since that time.

These affidavits will be on file in Roseburg.

My family bought the property in 1916 and had lived there until my mother passed away in 1974.

If there is any other information you need please contact me at the above address.

Sincerely,

Opal M. Jordan
Opal M. Jordan

Application No. 53807
Permit No.

I, Mamie Lee, have resided in the Yoncalla area since 1897.
I owned that is now the Bartlett property near the Jordan-
McKern property for 24 years. I can attest that a
house has existed on the Jordan-McKern property for more
than 67 years and that the spring on the property has
been used for domestic purposes by the residents since
that time.

J. Maurine Myers
Notary
My Commission expires: 9/8/79

Mamie Lee
Mamie Lee
61 3rd St
Yoncalla, Oregon
97499
12/8/75
Date

RECEIVED

DEC 19 1975

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 53807
Permit No.

Opal M. Odell/Jordan
1909 Waverly Street
Napa, California 94558

Tel: 707-255-0748

ADDED TO FILE BY:
Dwight French 10.22.91
See 453807

I, Ray Turpin, have lived in the Yoncalla area since 1892.
I owned and resided on property adjacent to the Jordan-McKern
property for 55 years. I can attest that a house has
existed on that property since 1905 and that the spring has
been used by its residents for domestic use regularly since
that date.

J. Maifan Myers
Notary
My Comm. Expires: 9/8/79

Ray Turpin
Ray Turpin

December 4, 1975
Date

RECEIVED

DEC 19 1975

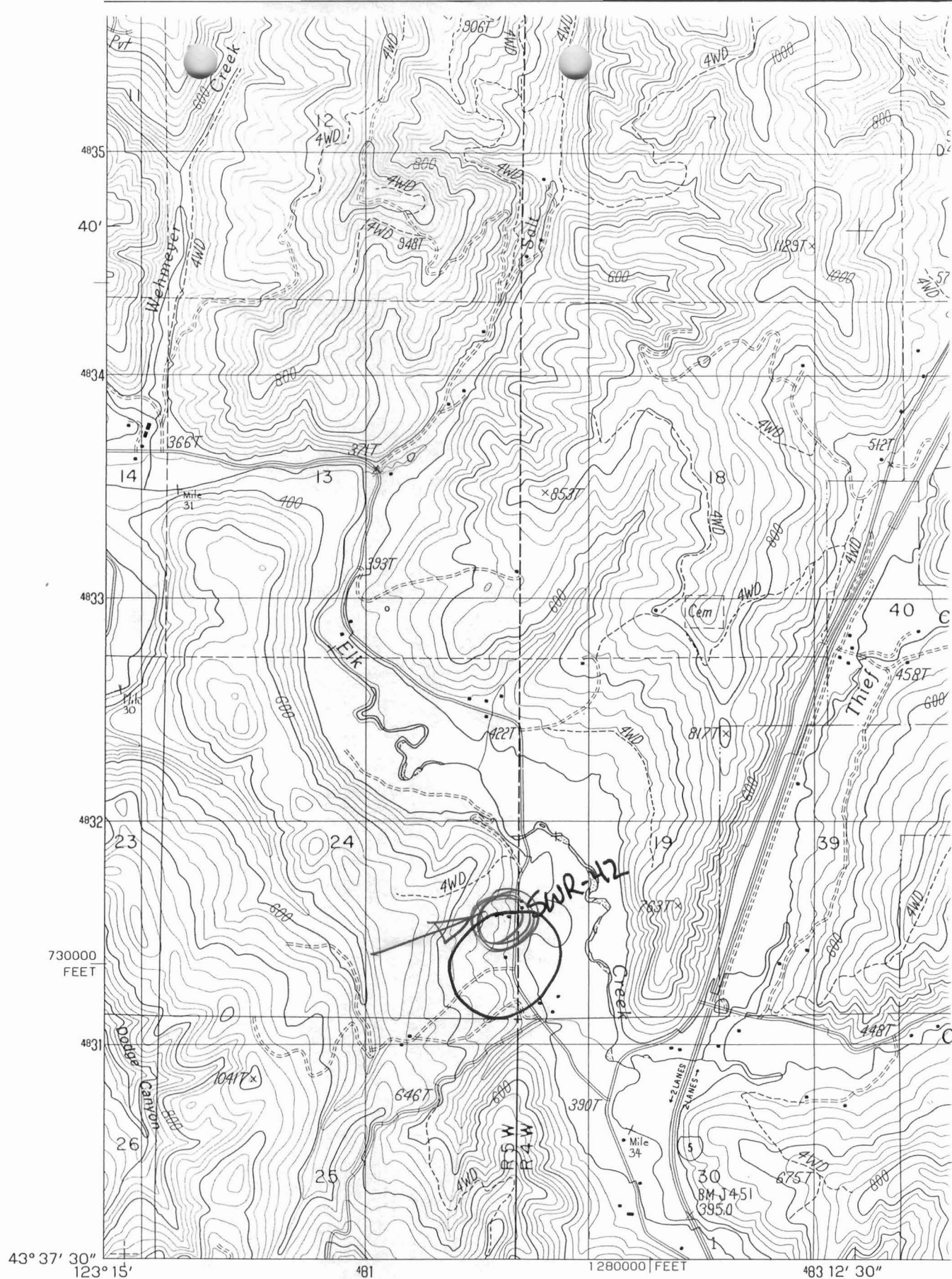
WATER RESOURCES DEPT
SALEM, OREGON

Application No. 53807
Permit No.

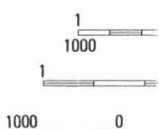
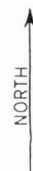
Opal M. Odell/Jordan
1909 Waverly Street
Napa, California 94558

Tel: 707-255-0748

ADDED TO FILE BY:
Dwight French 10.22.91 A53807



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS, NOAA, AND STATE OF OREGON
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1974 AND 1982
 FIELD CHECKED 1983. MAP EDITED 1987
 PROJECTION LAMBERT CONFORMAL CONIC
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 10
 10,000-FOOT STATE GRID TICKS OREGON, SOUTH ZONE
 UTM GRID DECLINATION 0°08' WEST
 1980 MAGNETIC NORTH DECLINATION 19° EAST
 VERTICAL DATUM ... NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1983,



PROVISIONAL MAP
 Produced from original

December 12, 1991

WATER
RESOURCES
DEPARTMENT

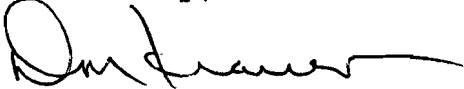
Leslie R. Green
33115 Lloyd Ave
Cottage Grove OR 97424

re: SWR-42

Dear Ms. Green,

I am sending a check for \$ 35.00 which is a refund of the fees you submitted with your surface water registration statement based on prior fees for a water right application.

Sincerely,



Don Knauer
Adjudication Specialist

enc

A:SWR-0042.002



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

ORIGINAL

ACTION
CODE

B

01-00-0

35.00

001139

AGENCY VOUCHER NO.

12-09-91

DATE

A69000

VENDOR NUMBER

PAYEE AND ADDRESS

GREEN, LESLIE R

AUDITED BY

WATER RESOURCES
3850 PORTLAND RD NE
SALEM OR 97310

TOTAL

\$35.00

PAYMENT OF: INVOICE 0000000000

REFERENCE 001139

NET PAID

35.00

\$35.00

MESSAGE: REV REFUND

STATE OF OREGON

INTEROFFICE MEMO

TO:

DAVE NELSON, RISCAL

DATE:

Dec 4, 1991

FROM:

David E. Turner
Authorized Examiner

SUBJECT:

Request for Refund Check

Please refund \$ 35- to LESLIE R. GREEN
file no. SWR-42, receipt no. 80058. These funds are
refunded due to:

_____ Application rejected
_____ Application withdrawn
_____ Excess fees collected for application
_____ File closed
X Other: OVER PAYMENT SEE BELOW
_____ Protest Filing Fees

ATTACHED
MEMO

0102C

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

INTEROFFICE MEMO

TO: FISCAL SECTION

DATE: Dec. 4, 1991

FROM: Don Knauer

SUBJECT: SWR - 42, Leslie R. Green

The Adjudication Section has received a registration statement from Mr. Green for a domestic use. He sent a check for \$ 200.00 and I am attaching a copy of our receipt # 80058. In the past a water right application was submitted to our office with examination and recording fees of \$ 35.00 on the same use at the same location.

ORS 539.081 (3) in part states; "...credit for the money paid as examination and recording fees. ...". We need to refund \$ 35.00 to Mr. Green. I need your help in getting a check I can send to him.

A:SWR-0042.001

October 22, 1991

Leslie R. Green
33115 Lloyd Ave.
Cottage Grove, OR 97424

RE: Surface Water Registration

Dear Leslie R. Green:

This will acknowledge that your Registration Statement Claiming a Right to Appropriate Surface Water in the name of Leslie R. Green has been received by our office. The fees in the amount of \$200.00 have been received and our receipt # 80058 is enclosed. The form you have submitted meets the requirements necessary for us to file it. It has been numbered SWR-42.

Our office will contact you in the future to advise you as to the next step in the proceedings. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Dwight French
Adjudications Section

enc

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-3739/378-8130 (FAX)

RECEIVED FROM:

Destiny + Helen Green

BY:

APPLICATION	
PERMIT	
TRANSFER	

CASH:

☐

CHECK: #

☒ *916-229*

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$200.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

831.087 PUBLICATIONS/MAPS

830.650 PARKING FEES Name/month

OTHER: (IDENTIFY)

\$ <i>200.00</i>
\$
\$
\$

02-00-0 FEDERAL FUNDS

OTHER: (IDENTIFY)

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6): (IDENTIFY)

\$
\$
\$

WATER RIGHTS:

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

842.016 WELL DRILL OPERATOR

LANDOWNER'S PERMIT

EXAM FEE		RECORD FEE
\$	842.002	\$
\$	842.004	\$
\$	842.006	\$
EXAM FEE		LICENSE FEE
\$	842.023	\$
\$	842.019	\$
	842.024	\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

\$	CARD #
\$	CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

69001 SUSPENSE ACTIVITY

LIC NUMBER

842.115 POWER LICENSE FEE(FW)

842.115 HYDRO LICENSE FEE(FW)

832.009 HYDRO EXAM FEE(GF)

\$
\$
\$

RECEIPT # *80058*

DATED:

10/21/91

BY:

D. Archer

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal

33115 Lloyd Ave
Cottage Grove, OR
97424

October 10 - 1991

Water Resources Dept
3850 Portland Rd NE
Salem, OR 97310

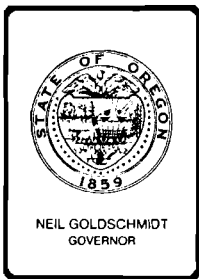
Dear Sir:

Enclosed documents for Registration
Statement for water right and
enclosed check of 200.00

Please note to apply the provisions
of ORS 539.081 Para 3 to see if we
have credits.

The letter from department in
Ravensburg shows the evidence
on file in that office. Statement
of Mance Lee.

Yours truly
Helen M. Green



Water Resources Department

JUSTICE BUILDING, ROOM 104, ROSEBURG, OREGON 97470 PHONE 440-4255

April 20, 1989

Leslie R. and Helen M. Green
33115 Lloyd Ave.
Cottage Grove, OR 97424

Dear Mr. & Mrs. Green:

Over the years, the Watermaster's Office has kept a file containing letters, affidavits and other materials relating to vested water right claims. You are receiving this mailing because a prior owner of your property (TL 800, T22 R05 S24) claimed a vested right and submitted evidence to our office to keep on file. I have enclosed a copy of this evidence for your reference.

The State of Oregon Water Resources Department is now accepting registrations of claims to vested water rights. Legislation enacted last session requires all persons claiming vested rights to register their claims with the Water Resources Department prior to December 31, 1992. A vested water right is an unrecorded water right initiated prior to February 24, 1909. Failure to file a registration statement will create a rebuttable presumption that the claim has been abandoned.

Enclosed you will find a registration form and information pamphlets. To file the registration statement, a map prepared by a registered land surveyor or engineer showing the claim must accompany the completed form. Enclosed you will also find a listing of Certified Water Right Examiners (CWRE's). A CWRE is a land surveyor or engineer certified to perform State water right work. Legislation currently proposed would require a CWRE to prepare the map. Therefore, if you wish to use the map you used for an application map when you filed for your permit (P#40170), you should act quickly - - before the legislation passes. If you wish to claim a use or source not shown on the map, a new map would need to be prepared.

If I can provide further information or assistance, please give me a call.

Yours truly,

Gary L. Ball
Watermaster, Dist. 15