

June 14, 1993

WILLIAM D CRAMER
ATTORNEY AT LAW
90 W WASHINGTON ST
BURNS OR 97720-1545

RE: SWR-58 & SWR-59 (VICKERS)

Dear Mr Cramer,

This will acknowledge your letter received June 14, 1993. You asked about the review of the files and my recommendation to the Water Resources Director in regards to the pre-1909 vested water right claims made by the Vickers. I did expect to complete the review and my recommendation sometime last winter. Two unexpected projects occurred and delayed my review and my recommendation to the Director. The big one was receiving over 500 pre-1909 vested water right claims during the fall and early winter.

There is legislation pending, House Bill 2110, which would change the Water Resources Departments (WRD) processing and administrating the pre-1909 claims. I am waiting the outcome of this bill before completing my review.

The Vickers have done what has been required to file their claim to a pre-1909 vested water right. The manner in which the WRD processes their claim will not affect the validity of their claim.

If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WS\C10\SWR-0059.006



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

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 83340 CHECK ENCLOSURES SEK
CHECK BASIN MAP R - Millham Lake UNADJUDICATED AREA ? YES
SURFACE WATER REGISTRATION NUMBER 59
PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER SEK ENTER ON STREAM INDEX h
PUBLIC NOTICE PUBLICATION h WATERMASTER CHECKLIST h
CHECK QUADRANGLE MAP h CHECK GLO PLATS h

FORM REVIEW

- blanks filled in
- signed
- date received stamped

MAP REVIEW

- source and ^{NO} trib
- diversion point location
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ ENTER ON PLAT CARDS _____
FIELD INSPECTION _____ FINAL FILE REVIEW _____
FINAL DATA BASE ENTRY _____

A:SWRCHECK

12-24-91

June 3, 1993

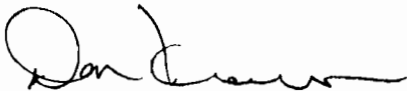
WATER
RESOURCES
DEPARTMENT

CRAMER & MALLON
90 W WASHINGTON ST
BURNS OR 97720-1545

RE: SWR-59

This will acknowledge the receipt of the map prepared by a CWRE in support of the claim to a pre-1909 vested water right in the name of LYLE & HELEN VICKERS. The map will be added to the file and reviewed in the future.

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\O\SWR-0059.005



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

May 24, 1993

WATER
RESOURCES
DEPARTMENT

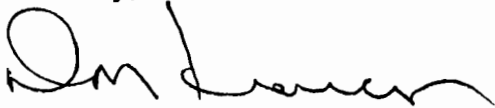
CHARLES F PALMER
BOX 61
BURNS OR 97720

RE: SWR-59

Dear Mr Palmer,

I am in the process of final review of the maps to support claims to pre-1909 vested water rights. I find that you prepared the map for Lyle & Helen Vickers, your job # 1233B. I have a copy of the map in the file, I am requesting the "permanent quality" paper map. I assume the map was done on mylar or the like. I need it for the file. Thanks for your help. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\0\SWR-0059.004



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

INTEROFFICE MEMORANDUM

*Oregon Water Resources Department
Adjudication Section*

WATER
RESOURCES
DEPARTMENT

TO: SWR-59 FILE, VICKERS

FROM: Don Knauer

DATE: October 21, 1992

SUBJECT: Field Inspection on October 12, 1992

On Oct 12, 1992 Dwight French and I visited this property. Mrs Vickers was not available to meet with us. We spoke with her hired man who said he has been there about a month. She had told him that it has been about three years since any water was in the creek.

Dwight and I drove up the field to the diversion points. The fields south and east of Curtis Creek are hay. The fields north and west are bunch grass and some sage brush. There isn't much sign of water being used from the creek but it must be due to the drought. I think the claim is somewhat marginal but couldn't actually recommend denying it.

I don't think there is anyone downstream who might be affected by this water use. And it is unlikely anyone upstream would be.

C:\WISIC\SWR-0059.003



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

September 30, 1992

WATER
RESOURCES
DEPARTMENT

Helen Vickers
HC 73 1166 Buchanan Rd
Burns OR 97720

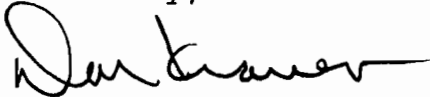
re : SWR-58 and SWR-59

Dear Mrs. Vickers,

This letter is to confirm the appointment we have for October 12, 1992 in the afternoon. I will be leaving Salem first thing in the morning and will be to your property around 2:00 or 3:00 in the afternoon.

As I said on the phone, this is a routine inspection and any questions I have about the water use and mapping I will address to the map maker, M.A. Palmer and Sons.

Sincerely,

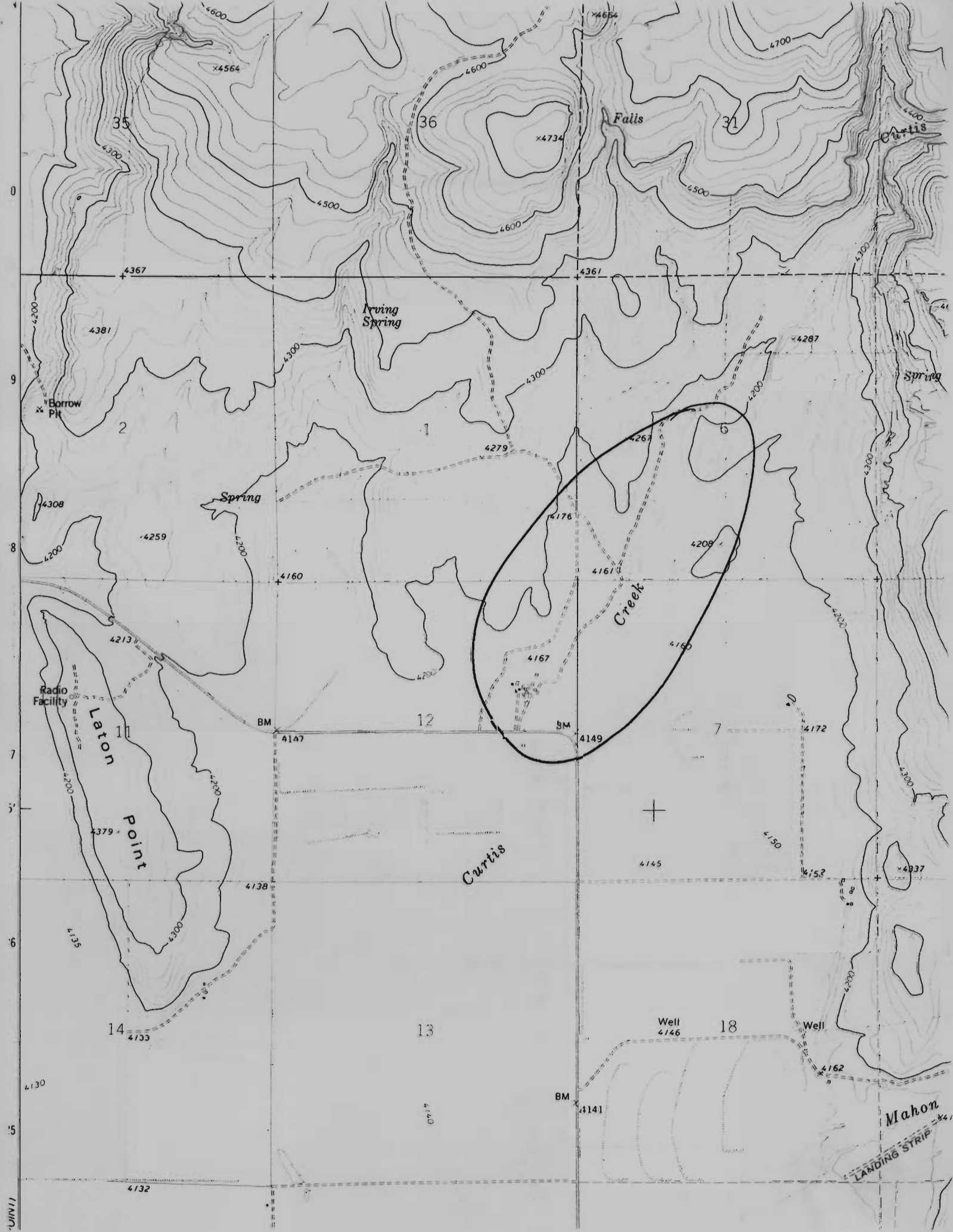


Don Knauer
Adjudication Specialist

C:\WSVC\SWR-0058.002



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



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4367

4361

4381

Irving Spring

4287

Spring

4308

Spring

4259

4160

4279

4176

4208

Radio Facility

Laton Point

Point

4379

BM 4147

BM 4149

4172

Curtis

4145

4152

4837

Well 4146

Well 4162

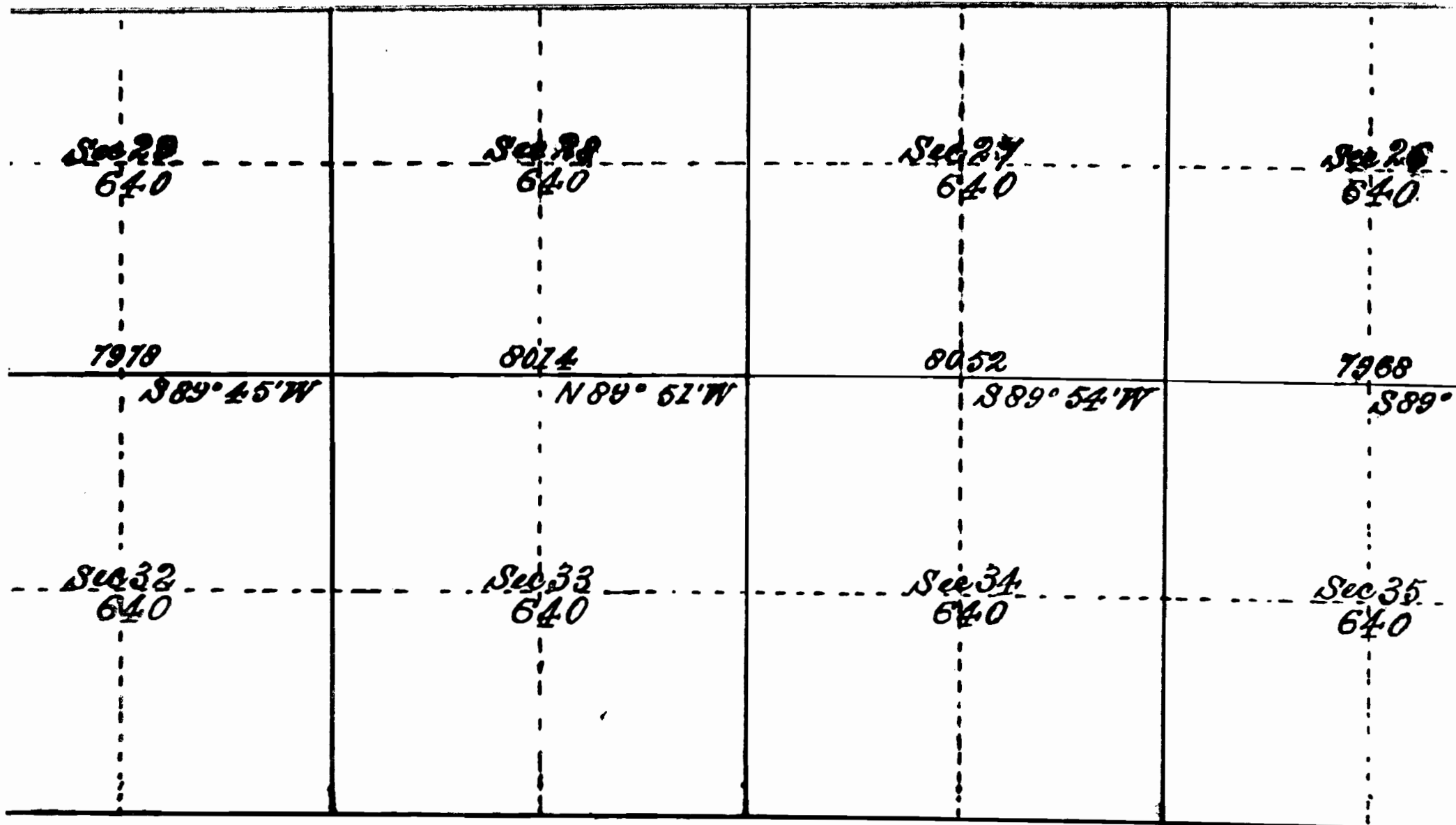
BM 4141

Mahon LANDING STRIP

4132

4140

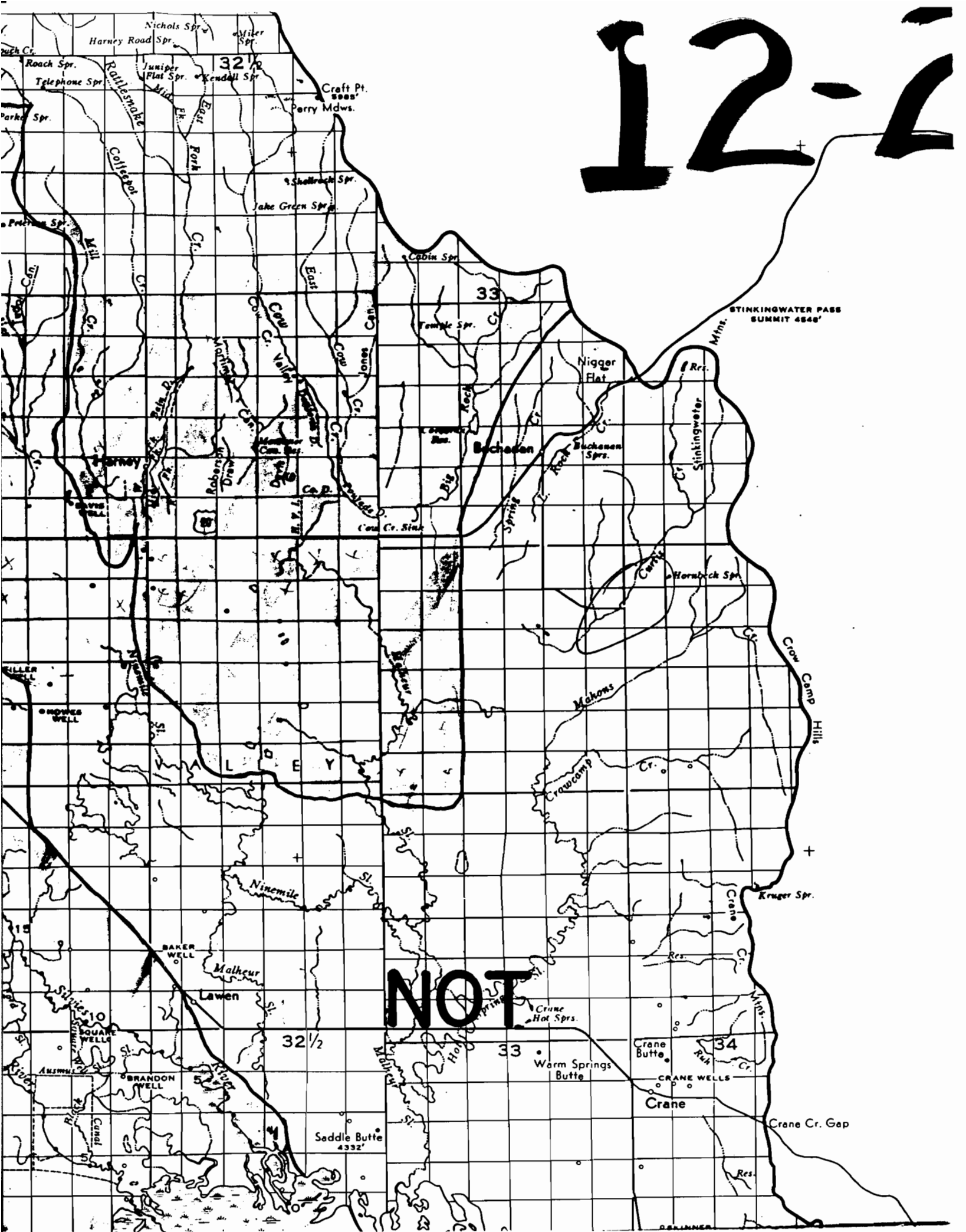
4162



Total area

BY SURVEYED.	NO.	DATE OF CONTRACT.	AMOUNT OF SURVEYS.			WHEN SURVEYED.	MEAN DECLINATION.
			Miles.	Chains.	Links.		
McClure	480	July 10 1883				August 10 to 16 1883	20° E.
McClure	480	July 10 1883	59	74	39		

12-4



STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE:

SUBJECT: Indorsement of SWR-59

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: Lyle Vickers & Helen Vickers
ADDRESS: HC 73, 1166 Buchanan Road
Burns OR 97720

SOURCE: a tributary of .

USE:

PRIORITY DATE:

AMOUNT OF WATER FOR EACH CLAIMED USE:

DIVERSION POINT(s):

PLACE OF USE:

PERIOD OF USE:

C:\WP51\CLAIMANT\SWR-0059.0IM

March 9, 1992

WATER
RESOURCES
DEPARTMENT

William D. Cramer
Cramer & Mallon
90 W. Washington
Burns OR 97720-1545

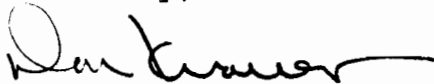
re: SWR-59

Dear Mr. Cramer,

This will acknowledge the receipt of the modified surface water registration form in the name of Lyle and Helen Vickers. You have answered the questions I asked. Our office will process the claim and may make a field inspection in the future to complete our review. We hope to be in a position to make our recommendation to the Water Resources Department Director concerning this claim by this winter.

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

Sincerely,



Don Knauer
Adjudication Specialist

(C:\WISIC\SWR-0059.002)



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

INTERDEPARTMENT MEMO

TO: Watermaster District # 10
FROM: Adjudication Section
RE: Surface Water Registration

Enclosed is a copy of a Registration Statement and accompanying map that has been filed in your district. It has been numbered SWR #27.

We are gathering information about this claim to a pre-1909 water use and would like you to assist us by filing out the checklist below and including any comments that you think might be of significance.

(Yes or No)

- 1. Do you know anything about this water use? Y
- 2. Have there been any distribution problems relating to this claim? N
- 3. Do you have reason to believe that the claimed priority date is not accurate? N
- 4. Does the quantity of water claimed look unreasonable for the uses named? N
- 5. Does the place of use look to be accurately depicted by the CWRE map enclosed? Y
- 6. Do you know if there has been a period of more than a five years of non-use? N
- 7. Should someone in our section contact you concerning this claim? N?

If you answered yes to any of the above questions, please explain below on an additional sheet of paper.

Attach any memo's or correspondence that deal with this water use and return to the Adjudication Section at the address below.

Thank you for your assistance.

Sincerely,

Darlene Castle
Adjudication Section

Enclosures

- ① I have observed the use on these lands in the Spring since my roll as water master since 1976. The last few drought years the stream didn't flow enough to water the entire area. (1) H. Beal Watermaster, Dist #10

WILLIAM D. CRAMER
WILLIAM D. CRAMER, JR.
GORDON MALLON

CRAMER & MALLON
ATTORNEYS AT LAW
90 W. WASHINGTON
BURNS, OREGON 97720-1545

RECEIVED
MAR - 3 1992

PHONE (503) 573-2066
FAX (503) 573-2068

March 3, 1992

Oregon Water Resources Department
3850 Portland Road NE
Salem, OR 97310

RE: Lyle & Helen Vickers
Our File No. 5349

ATTN: Don Knauer, Adjudications Section

Dear Mr. Knauer:

In accordance with the instructions of our engineer, I have added some detail to the answer to question #2. He estimates that well over 90% of the water comes from Curtis Creek and I have attempted to show that by showing that 95% comes from Curtis Creek and 5% from the unnamed drainage.

The stock water use is at the same time as the irrigation use and so we don't need to show a separate appropriation for that.

I am returning herewith the modified Surface Water Registration Statement which you have designated as number SWR-59. Please advise if there is anything further we need to do at this time. Thank you.

Very truly yours,

CRAMER & MALLON



William D. Cramer

WDC;pg

Enc.

cc: Mr. and Mrs. Lyle Vickers
Cork Palmer

6/75

February 14, 1992

William D. Cramer
Cramer & Mallon
90 W. Washington
Burns, OR 97720-1545

RE: Surface Water Registration

Dear Mr. Cramer:

This will acknowledge that a Registration Statement Claiming a Right to Appropriate Surface Water in the name of Lyle and Helen Vickers has been received by our office. The fees in the amount of \$ 92.00 have been received and our receipt #83340 is enclosed. The claim has been numbered SWR-59.

I am returning the claim form because I need clarification on the following items. Your answer to question # 2 lists two sources. I need to know the quantities of water claimed from each source in your answer to question # 5. Your answer to question # 3 lists two beneficial uses, irrigation and stockwater. If these are two separate uses you will need to list the amount of water for each use from each source, list the period of use for each in answer to question # 7 and pay a fee for both uses. (An additional \$ 200 if the amount is less than 1 cfs.) If the stockwater use is part of the irrigation use then all I need is clarification. The question is if water is diverted outside of the usual period of irrigation use for stockwater. If the answer is no then usually the stockwater use is included with the irrigation use. If the answer is yes then you will need to answer the questions I have listed above and we will need to have the stockwater use shown on the map prepared by your CWRE.

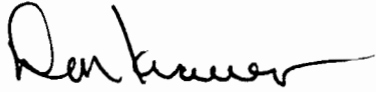
You asked when this claim would be confirmed and a certificate issued. The earliest you could expect an "indorsement" under ORS 539.240 (6) would be late fall or winter of this year. I can't speculate as to when an adjudication of this area might occur. It won't start until after the deadline for filing registration statements which is December 31, 1992. I have no idea how long an adjudication might take and a final decree entered by circuit court. Certificates would not be issued until a decree is entered.



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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Knauer".

Don Knauer
Adjudications Section

Enc.

cc: Mr. and Mrs. Lyle Vickers

(C:\WSIC\SWR-0059.001)

RECEIPT # 83340

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIVED FROM: Lyle & Helen Vickers
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK. # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$92.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>92.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

_____	OTHER: (IDENTIFY)	\$
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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	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$	842.002 \$
842.005	TRANSFER	\$	842.004 \$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.023 \$
	LANDOWNER'S PERMIT	\$	842.019 \$
			842.024 \$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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69001 SUSPENSE ACTIVITY

		LIC NUMBER	
842.115	POWER LICENSE FEE(FW)		\$
842.115	HYDRO LICENSE FEE(FW)		\$
832.009	HYDRO EXAM FEE(GF)		\$

RECEIPT # 83340

DATED: 2/13/92

BY: [Signature]

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

WILLIAM D. CRAMER
WILLIAM D. CRAMER, JR.
GORDON MALLON

CRAMER & MALLON

ATTORNEYS AT LAW
90 W. Washington St.
Burns, OR 97720-1545

PHONE (503) 573-2066
FAX (503) 573-2068

June 9, 1993

RECEIVED

JUN 14 1993

Oregon Water Resources Department
3850 Portland Road NE
Salem, OR 97310

WATER RESOURCES DEPT
SALEM, OREGON

RE: Lyle & Helen Vickers
Our File No. 5349
Your Ref. No. SWR-58 & SWR-59

ATTN: Don Knauer, Adjudication Specialist


Dear Mr. Knauer:

This will acknowledge receipt of your letter of June 3, 1993. I have reviewed my file and note that you told us that you expected to make your recommendation concerning this pre-1909 water right to the Water Resources Director by not later than last winter (see your letter of March 9, 1992).

I am wondering how soon you expect to get this matter completed. Please advise.

Very truly yours,

CRAMER & MALLON



William B. Cramer

WDC;pg
Enc.
cc: Helen Vickers
[F:\pam\lt\081t0609.kna]

WILLIAM D. CRAMER
WILLIAM D. CRAMER, JR.
GORDON MALLON

CRAMER & MALLON

ATTORNEYS AT LAW
90 W. Washington St.
Burns, OR 97720-1545

PHONE (503) 573-2066
FAX (503) 573-2068

May 26, 1993

RECEIVED

JUN - 1 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310

RE: Lyle & Helen Vickers
Our File No. 5349

ATTN: Don Knauer, Adjudication Specialist

Dear Mr. Knauer:

Cork Palmer has referred your May 24 letters to our office for reply.

In accordance with your request, I am sending you the "permanent quality" paper maps which we have been holding in our file.

Very truly yours,

CRAMER & MALLON



Pam Glerup
Legal Assistant

pg
Enc.
cc: Cork Palmer
[F:\pam\lt\021t0526.kna]

WILLIAM D. CRAMER
WILLIAM D. CRAMER, JR.
GORDON MALLON

CRAMER & MALLON
ATTORNEYS AT LAW
90 W. WASHINGTON
BURNS, OREGON 97720-1545

FEB 12 1992
PHONE (503) 573-2066
FAX (503) 573-2068
WATER RESOURCES DEPT.

February 5, 1992

Oregon Water Resources Dept.
3850 Portland Road NE
Salem, OR 97310

RE: Lyle and Helen Vickers
Surface Water Registration Statement
for Pre-1909 Vested Water Right Claim

Gentlemen:

Enclosed herewith please find the following:

1. Application form for registration of 45.6 acres signed by Mr. and Mrs. Vickers and duly notarized. Also enclosed is Exhibit "A" showing the exact descriptions involved and the map prepared by Charles F. Palmer, Certified Water Right Examiner of the State of Oregon. I'm also enclosing the statement of Charles F. Palmer concerning the historical background of this application.
2. Mr. Vickers' check for the fees of \$92.00 which are due with this application.

I will appreciate your confirming this and advising us if there is any further information you need from us at this time. Also, we will appreciate your advising when this water right will be confirmed and certificate issued. Thank you.

Very truly yours,

CRAMER & MALLON


William D. Cramer

WDC;pg
Enc.
cc: Mr. and Mrs. Lyle Vickers
5/14

FEB 12 1992

November 26, 1991

WATER RIGHTS DEPT.

Conversation with Lyle Vickers at Vicker's home in Sec. 12, T.23S., R.33E., W.M., Harney County, Oregon

RE: Surface Water Rights - "Turner Field"

"Mahon Creek used to be called Menn Creek after Jim Menn.

Water from Curtis Ck. flows Southwest to Layton Point and then some goes South and some swings West around Layton Point and fills up a little pond, and then about 90% goes South again.

Curtis Ck. and Mahon (Menn) Ck. come together in Sec. 13 and flows Southwesterly to the Turner Field. The water just floods Southwest, there are no definite ditches or dikes until you get to the SW corner of Sec. 26. Everything south of Sec. 13, and Mahon Ck., misses Turner Field.

In SW of Sec. 26, the SE of Sec. 27, and the NE of Sec. 34, there are a series of dikes and levees that dam off the "low spots" to keep the water flowing Southwest towards Turner Field.

Some years the whole area floods, and even in low water years it spreads out over a large area.

From the stock well located in the SE1/4 of Sec. 33 the water collects here in a main ditch that flows Southwest to the pond located just East of Turner Field. There is a large dike just South of this pond that directs the overflow from this pond West to Turner Field.

Turner Field has a series of dikes and levees that hold the water so this field can be flood irrigated. When the water gets deep enough it spills over these dikes and heads South again."

I, Charles F. Palmer, registered Water Rights Examiner, certify that the above is a true and accurate summary of the conversation I had with Lyle Vickers on Nov. 26, 1991, and based on my notes.

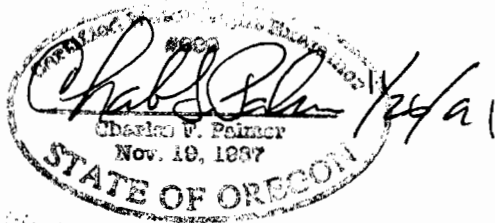


EXHIBIT "A"

In Harney County, Oregon:

Twp. 23 S., R. 33 E., W.M.:

Section 12:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.6 AcresNE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.5

Twp. 23 S., R. 34 E., W.M.:

Section 7:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.0 AcresSW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5

TOTAL: 45.60 Acres