

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME OWYHEE # 11 UNADJUDICATED AREA ? OK DWF
 RECEIPT # 95155 S W R NUMBER 116
 CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF
 ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX _____
 CHECK QUADRANGLE MAP CAR CHECK GLO PLATS _____
 WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION LCSP

FORM REVIEW

- _____ blanks filled in
- _____ signed
- _____ date received stamped

MAP REVIEW

- #2 ✓ source and trib McDERMITT CR
- #4 ✓ diversion point location
- ✓ conveyances (pipes, ditch, etc.)
- ✓ place of use EXISTING?
- _____ 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 1/10 ACRES FIELD INSPECTION _____

FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____

ENTER ON PLAT CARDS _____

September 8, 1993

WATER
RESOURCES
DEPARTMENT

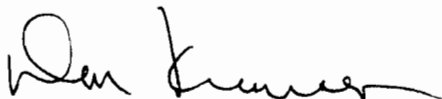
ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

RE: SWR-116

Dear Mr Gaschler,

This will acknowledge the receipt of the revised map in support of the pre-1909 vested water right claim in the name of DAVID ETCHART. The revised map will be added to the file.

Sincerely,



Don Knauer
Adjudication Specialist

JAWS/CV/ASWR-0116.002



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

June 15, 1993

ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

RE: File# SWR-116

DEAR ALBERT GASCHLER,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for David Etchart. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

✓ diversion point location

ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..."

✓ place of use (1/4 1/4)

ORS 539.240 (2) (d) (B) "The location of place of use by quarter-quarter section..." Your legend show the cross-hatched area as "existing water right", I need to know if this is the actual beneficial use at the time of your site inspection.



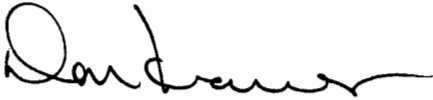
3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

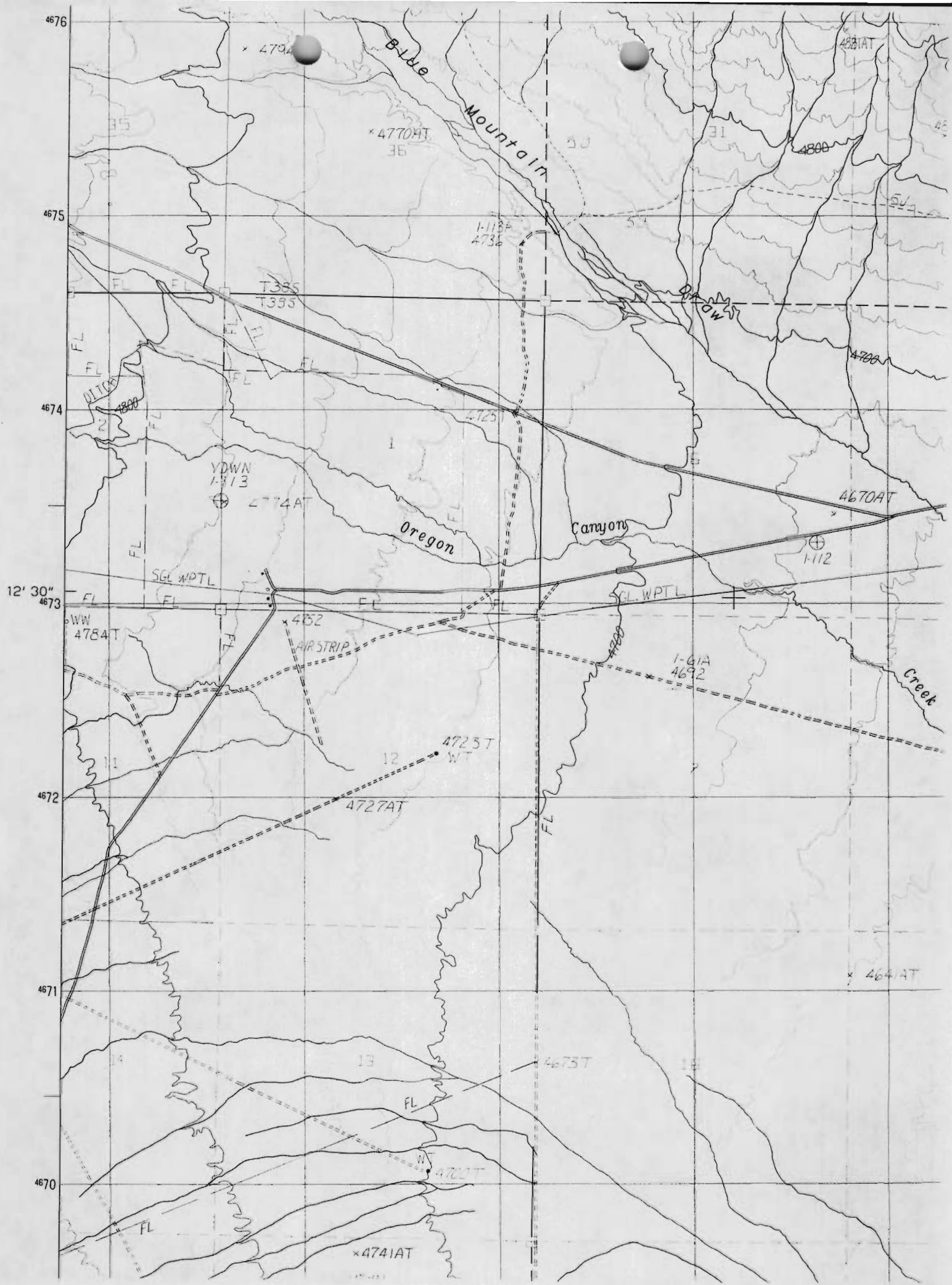
As always, if you have any questions, please give me a call.

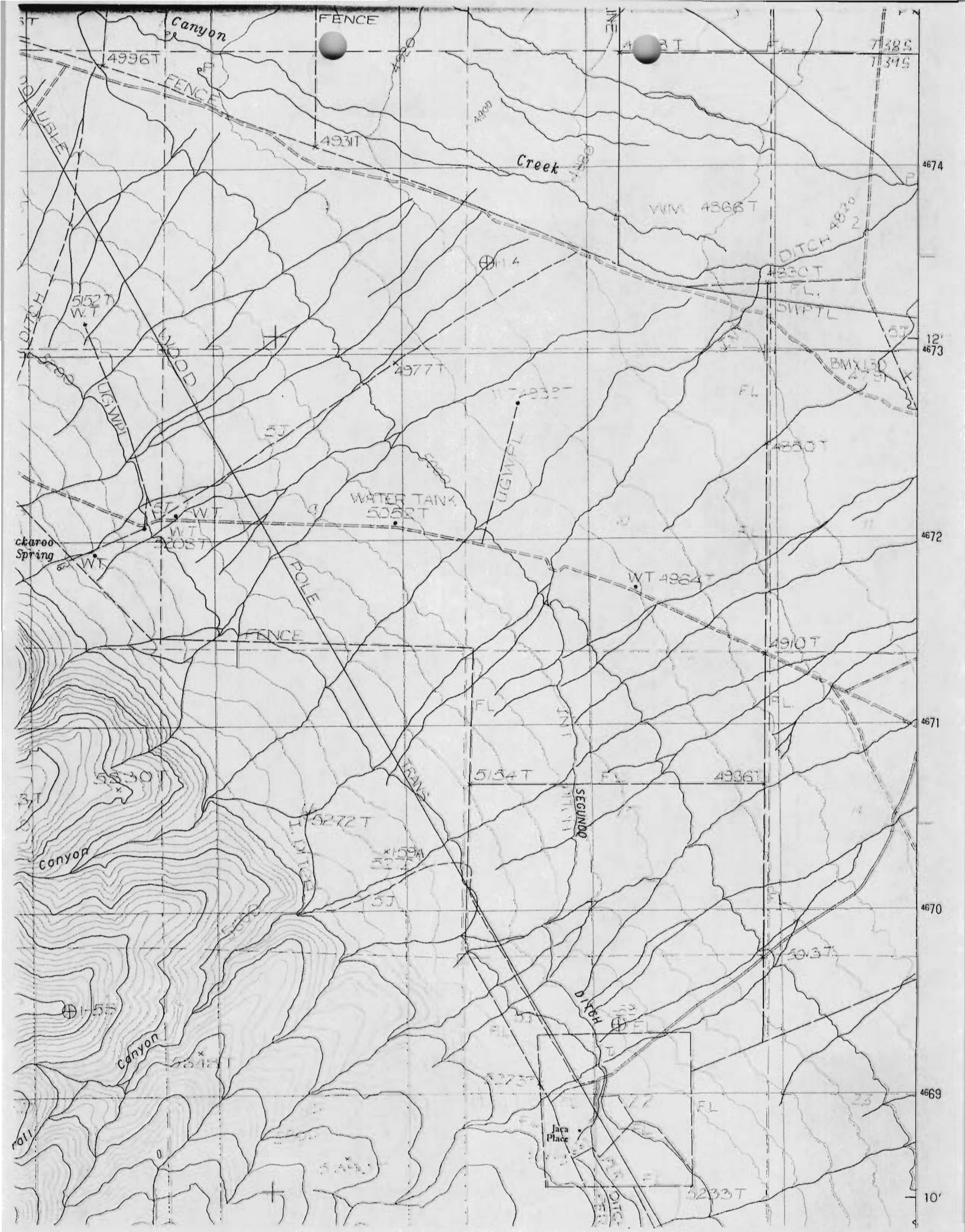
Sincerely,

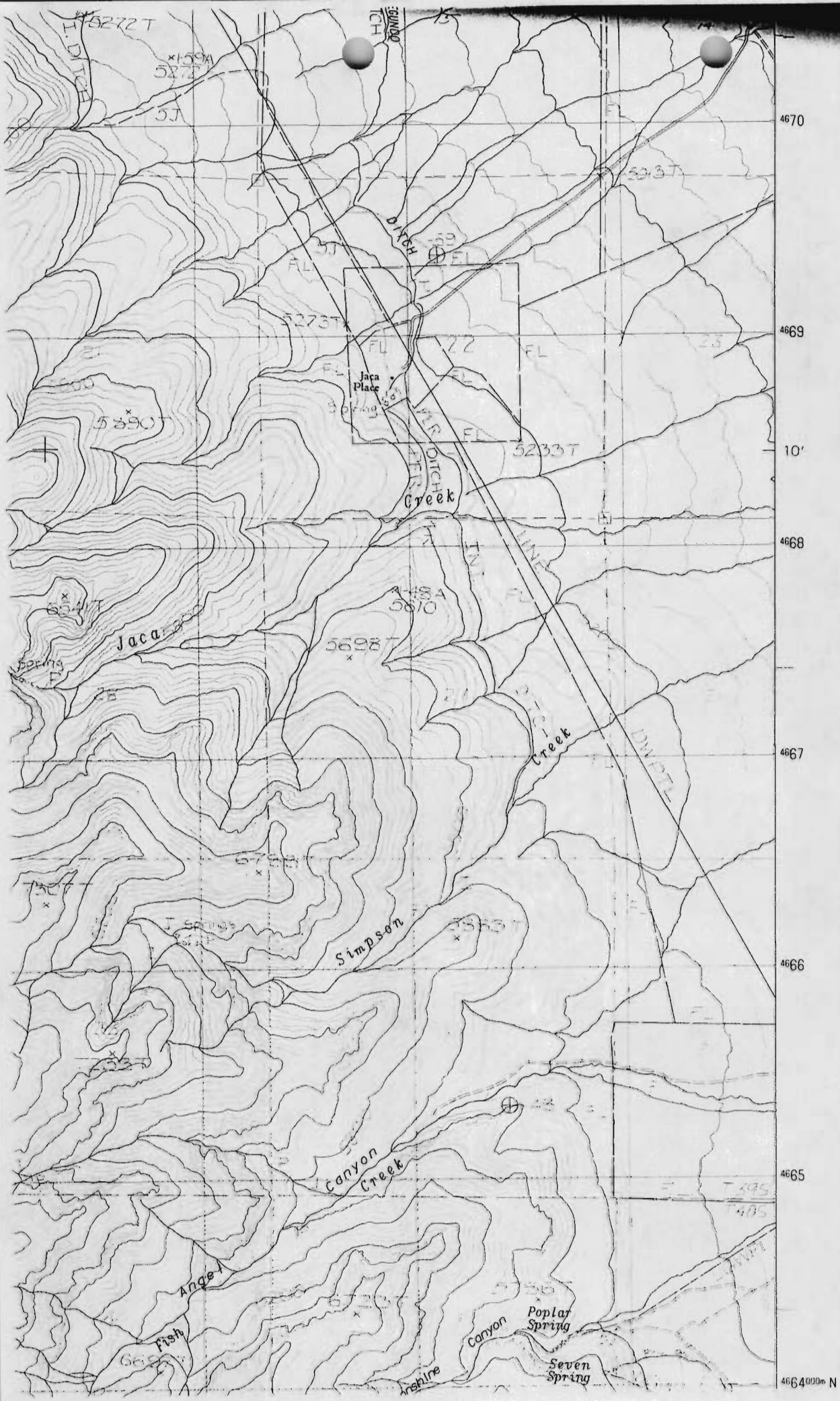
A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer
Adjudication Specialist

Enclosures







December 16, 1992

DAVID ETCHART
PO BOX 435
MCDERMITT NV 89421

RE: Surface Water Registration Statement

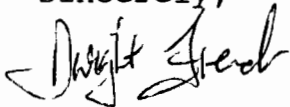
Dear Mr. Etchart,

This will acknowledge that your Surface Water Registration Statement in the name of David Etchart has been received by our office. The fees in the amount of \$572.90 have been received and our receipt #95155 is enclosed. Your registration statement has been numbered SWR-116.

Our office will review your map and form in the near future. 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
Adjudication Section

Enclosure



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

116

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIPT # 95155

RECEIVED FROM: <u>Gaehler & Associates</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> 2472	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$572.90
--------------------------------	---	--	----------------------

01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$572.90
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month _____	\$
_____	OTHER: (IDENTIFY) _____	\$

02-00-0 FEDERAL FUNDS		
_____	OTHER: (IDENTIFY) _____	\$

03-00-0 WRD OPERATING ACCT			
MISCELLANEOUS:			
840.001	COPY FEES		\$
850.200	RESEARCH 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	842.006 \$
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	\$

07-00-0 HYDRO ACTIVITY		LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)		\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # 95155 DATED: 12/14/92 BY: C. Engel

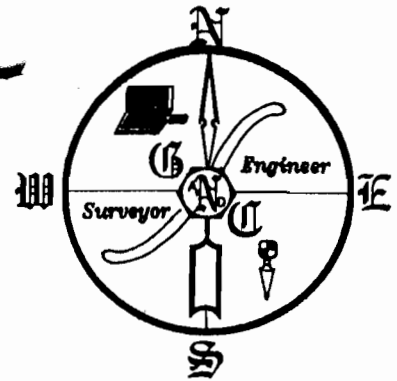
Distribution—White Copy-Customer, Yellow Copy-Fiscal, Copy-Fiscal

GASCHLER & CUMMINGS

CIVIL ENGINEERING & LAND SURVEYING

P.O.Box 412 / 786 Sunset Dr., Ontario, Oregon 97914

Phone: (503) 889-2101 Fax: (503) 889-9544



LETTER OF TRANSMITTAL
 Water Resources Department
 3850 Portland Rd. NE
 Salem, Oregon 97310

RECEIVED

SEP - 7 1993

WATER RESOURCES DEPT.
 SALEM, OREGON

Attn: Don Knauer, Adjudication Specialist

Re: Registration Statements SWR-116, 124, 125 & 95

We are sending the following items:		DESCRIPTION
DATE	COPIES	
8/31/93	1	1-Mylar Map Dave Etchart Re: your letter dated 6/15/93, File # SWR-116
8/31/93	1	1-Mylar Map Delbert Allison, Re: your letter dated 6/16/93, File #SWR-125
8/31/93	1	1-Mylar Map Wilkinson Ranchers, Re: your letter dated 6/16/93, File #SWR-124
8/31/93	1	1-Mylar Map Jay Weber, Re: Your letter dated 7/1/93, File #SWR-95
THESE ARE TRANSMITTED:		
<input type="checkbox"/> For your information <input type="checkbox"/> For action specified below <input type="checkbox"/> For review and comment <input checked="" type="checkbox"/> For your use <input type="checkbox"/> As requested		

Remarks:

Submitted By:

Albert Gaschler
 Albert Gaschler, P.E., P.L.S.
 W D E

RECEIVED

DEC 11 1992

STATE RECORDS DEPT
SALEM, OREGON

Exhibit - A -

MALHEUR TITLE & ABSTRACT COMPANY, VALE, OREGON

No. 1.

PATENT.

The United States of America,
By Benjamin Harrison, President,
By M. Mc Kean, Secretary,
J. M. Townsend, Recorder of the
General Land Office,
Seal of General Land Office,
-to-
Cornelius Ryan,

Dated June 26, 1889,
Filed Nov. 27, 1889,
Recorded Book B of
Deeds, page 518.

Given under the Act of Congress of April 24, 1820,
Grants:
The W $\frac{1}{2}$ of SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, and
The SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2,
In Township 39 S.R. 41 E.W.M. in Oregon containing 160 acres.
Usual reservations.

No. 2.

NOTICE OF WATER RIGHT.

Con Ryan
-to-
The Public,

Dated July 2, 1888
Filed July 2, 1888
Recorded Book A of
Water Rights, page 175

Do hereby claim and record all the waters of Pole Creek, said water is taken out of said Pole Creek at the mouth of what is known as Pole Creek Canyon, also all the waters of Road Creek, said waters are taken out of said Road Creek at what is known as the mouth of Road Creek Canyon, also all the waters of Rock Creek said waters being taken out of said Rock Creek at what is known as the mouth of Rock Creek Canyon, The waters of said Pole Creek, Road Creek and Rock Creek being conveyed by ditches onto Sections 1 and 2, Township 39 S.R. 41 E.W.M. and used for irrigation purposes on my land in said Sections 1 and 2, Township 39 S.R. 41 E.W.M.

No. 3.

MORTGAGE.

Cornelius Ryan----
-to-
Charles Bowling,

Dated Dec. 23, 1891,
Ack'd Dec. 23, 1891,
Filed Jan. 9, 1892,
Recorded Book B of
Mortgages, page 60,
Consideration \$1418.86

Grant and convey---
The W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, in Township 39 S.R. 41 E.W.M.
(together with other lands)
One witness.
Signature sealed.
Adm'd lodged before J. L. Dunn, Clerk of the District Court in 1892

DEC 11 1992

Exhibit - A -

MALHEUR TITLE & ABSTRACT COMPANY, VALE, OREGON

No. 4.

SATISFACTION OF MORTGAGE.

Charles Bowling,
-to-
Cornelius Ryan,

Dated Dec. 20, 1892,
Ack'd Dec. 26, 1892,
Filed Feb. 28, 1893,
Recorded Book B of
Mortgages, page 137

Certifies and declares that a certain mortgage dated Dec. 28, 1891, recorded Book B of Mortgages, page 60 on Jan. 9, 1892, together with the debt thereby secured is fully paid, satisfied and discharged.

One witness.

Signature not sealed.

Acknowledged before L.F. Munn, Clerk of the District Court, Humboldt County Nevada, Seal. By W.H. Minor, Deputy.)

No. 5.

DEED.

Cornelius Ryan-----
-to-
Jose Jaca,

Dated Oct. 15, 1900,
Ack'd Oct. 15, 1900,
Filed Oct. 24, 1900,
Recorded Book G of
Deeds, page 400,
Consideration \$500.00

Grant, bargain, sell and convey--

All those certain lots, pieces or parcels of land described as follows:

The W $\frac{1}{2}$ of S $\frac{1}{2}$, and the SW $\frac{1}{2}$ of NW $\frac{1}{2}$ of Section 1, and
The SE $\frac{1}{2}$ of NE $\frac{1}{2}$ of Section 2, in Township 39 S.R. 41 E.W.M. containing 160 acres, also
The E $\frac{1}{2}$ of SW $\frac{1}{2}$, and the NE $\frac{1}{2}$ of SE $\frac{1}{2}$ of Section 1, Township 39 S.R. 41 E.W.M.

(together with other lands)

No covenants.

Two witnesses.

Signatures sealed.

Acknowledged before W.F. Mullaney, Justice of the Peace, Malheur County, Oregon,

Note. Patent to Cornelius Ryan, for the W $\frac{1}{2}$ of SW $\frac{1}{2}$, and the NE $\frac{1}{2}$ of SE $\frac{1}{2}$ of Section 1, Township 39 S.R. 41 E.W.M. does not appear of record.

No. 6.

MORTGAGE.

Jose Jaca, and
Martina Jaca, his wife,
-to-
Cornelius Ryan,

Dated Oct. 15, 1900,
Filed Nov. 3, 1900,
Recorded Book D of
Mortgages, page 76.
Consideration \$3450.00

Mortgages,

The W $\frac{1}{2}$ of SW $\frac{1}{2}$ and the SW $\frac{1}{2}$ of NE $\frac{1}{2}$ of Section 1, and

Exhibit-A -

DEC 11 1992

WATER RESOURCES DEPT.
SALEM, OREGON

No. 7.

DEED.

Jose Jaca, and
Martina Telleria Jaca, his wife,
-to-
Domingo Bengoa,

Dated Oct. 22, 1906
Ack'd Oct. 31, 1906,
Filed Nov. 19, 1906,
Recorded Book M of
Deeds, page 386
Consideration \$6000.00

Grant, bargain, sell, convey and confirm--

All that certain 160 acres of land conveyed by the United States to Cornelius Ryan on his application for a homestead No. 764, Homestead Certificate No. 453, and described in Homestead Patent dated April 27, 1894, which is recorded in the U.S. Land Office at page 403 of Volume 1, being

The E $\frac{1}{2}$ of SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 1,

Also that certain other 160 acres described in the U.S. Patent to said Ryan, dated June 26, 1889, and recorded in said land office at page 355 of said Vol, and in the County Clerk's Office of said County at page 518 of Book B, being the W $\frac{1}{2}$ of SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1, and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, all being in Township 39 S.R. 41 E.W.M. in Malheur County, Oregon, embracing and including all of said land and all land described in said patent and all water rights, ditches and improvements appendent and appurtenant to said lands, reference being made to all of said patent and record thereof for a further and other description of the lands and real estate hereby conveyed.

No covenants.

Signatures not sealed.

Acknowledged before W.H.Minor, Notary Public, Humboldt County, Nevada, Seal.

No. 8.

DEED.

Domingo Bengoa, ---
Miguel Cobeaga, ---
Retiring partners of the firm of
Bengoa and Company--
-to-
Segundo Achabal, continuing
partner of said firm,

Dated Dec. 20, 1910,
Ack'd : See below.
Filed Jan. 9, 1911,
Recorded Book W of
Deeds, pages 336-7
Consideration: See below.

Whereas, the said parties hereto have heretofore been engaged in the business of raising sheep-etc- and

Whereas, the affairs of said partnership have been fully settled, closed and wound up, and all claims and demands of creditors against said partnership have been paid and discharged in full, and the said partnership dissolved, and

Whereas, said parties have arrived at and come to a full and complete settlement, etc-- and

Whereas, it has been agreed that the said parties of the first part have, accept and receive the sum of \$21 000.00--and that the said partner Segundo Achabal, the party of the second part herein, paying the said sum of \$21 000.00, have all and singular the property, both real and personal, heretofore belonging to said partnership,-etc-

Now therefore etc--

Jale Creek, Road Creek and Rock Creek

DEC 11 1901

WATER RESOURCES DEPT
SALEM, OREGON

Water Rights

To all whom it may concern notice is hereby given that I Coraeline Ryan of Wheeler County Oregon, do hereby claim and record all of the waters of Jale Creek, said water is taken out of said Jale Creek at the mouth of what is known as Jale Creek Canyon also all of the waters of Road Creek, said waters are taken out of said road creek at what is known as the mouth of road creek canyon and also all of the waters of rock Creek said waters being taken out of said rock creek at what is known as the mouth of rock creek canyon The waters of said Jale Creek Road Creek and Rock Creek being conveyed by ditches on to sections One and Two Township thirty nine South of Range forty one east of Willamette meridian and used for irrigating purposes on my ^{land} in said Sections 1 + 2 T 39 S of R 41 E. W. M.

Dated at Vale Oregon this July 2nd
A. D. 1888

Cora Ryan

Filed for Record
July 22 1888 at
J. Delbeck J. M.
E. H. Ford
County Clerk

Check names of
creek with old timers

Exhibit - B -

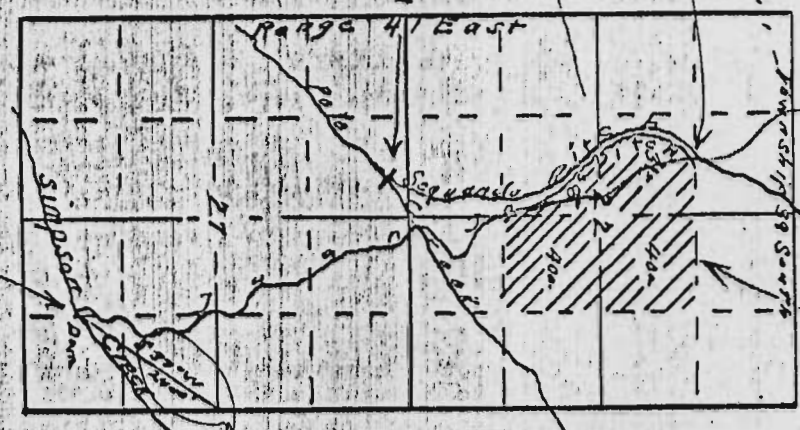
RECORDED

DEC 11 1992

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit C-

Assume
be main
County Rec
at 1888



Checked in the past.
the maximum acreage ever
irrigated in the past.

I. Lawrence R. Hagler, of McDermitt, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on September 3rd, 1915, and that it correctly represents the works described in the accompanying application together with the location of streams and other ditches in the immediate vicinity, and has written thereon the area in each smallest legal subdivision which it is proposed to irrigate.

I. Lawrence R. Hagler
Surveyor.

Checks with in
no. of our location

4522
A769

State
Engineers
Office

Per A769

OFFICE OF STATE ENGINEER
RECEIVED
SEP 20 1913
SALEM, OREGON

GASCHLER & ASSOCIATES

CIVIL ENGINEERING / SURVEYING

P.O. BOX 412 • 786 SUNSET DR. • ONTARIO, OREGON 97914
503-889-2101



EXHIBIT -D-

DEC 11 1992

SALES

8. Remarks:

These lands were developed in the late 1880's, see exhibits A B & C.

This ranch has been in continuous operation since it was developed, and we hereby claim the water rights to the lands as shown on the enclosed W.R.E. map, as of July 2nd, 1888.

Lanú Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

Exhibit - E -

DEC 11 1992

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: David Etchart
 Address: P.O. Box 435 McDermitt AH
 City: McDermitt State: NV Zip: 89421 Day Phone: 503-702-532-8240

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>39-41-200, 600</u>	<u>ERU</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Malheur

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Malheur County Code Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
<u>None</u>				

(over)

DEC 11 1992

10/29/91 Exhibit-F-

#20

WATER RESOURCES DEPT.
SALEM, OREGON

Blk 135- Pg 321

1 THIS INDENTURE, made this 2nd day of January, A. D. 1967, by
 2 and between DOLORES ACHARAL, of the County of Malheur, State of Oregon,
 3 the party of the first part, and DAVID ETCHART and AVELINA I. ETCHART,
 4 his wife, of the same place, the parties of the second part.

5 WITNESSETH: That the said party of the first part, for and
 6 in consideration of the sum of Ten Dollars (\$10.00), in lawful money of the
 7 United States of America, and other valuable consideration, to her in hand
 8 paid by the said parties of the second part, the receipt whereof is hereby
 9 acknowledged, does by these presents grant, bargain, sell, convey and con-
 10 firm unto the said parties of the second part, their heirs and assigns forever,
 11 as a tenancy in entirety and not as tenants in common, all those certain lots,
 12 pieces and parcels of land situate, lying and being in the County of Malheur,
 13 State of Oregon, and more particularly described as follows, to-wit:

TOWNSHIP 39 SOUTH, RANGE 41 EAST, W. M.

Section 1: W 1/8 SE 1/4, SW 1/4; S 1/2 NW 1/4;
SW 1/4 NE 1/4

Section 2: Lots 1 and 2; SE 1/4 NE 1/4; E 1/2 SE 1/4

Section 11: N 1/2 NE 1/4

Section 22: SW 1/4 NE 1/4; SE 1/4 NW 1/4; NE 1/4
SW 1/4; NW 1/4 SE 1/4

Together with any and all buildings and all other improve-
ments situated thereon.

Together with any and all water and water rights appurtenant
thereto.

Together with any and all range and range rights appertaining
thereto.

TOGETHER WITH the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, and the reversion and rever-

W. A. GALLAGHER
Attorney at Law
Salem, Oregon