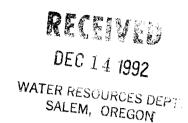
REPORT FOR VESTED WATER RIGHT

Page 1 of 2

NAME:

PERRY MURRAY 13683 South Myrtle Rd Myrtle Creek, OR 97457



INFORMATION: Mr. Murray

SOURCE OF WATER: Weaver Creek, a tributary of the South Myrtle Creek.

DIVERSION POINT: The present diversion points are pump sites with electrical services. Site #1 serves the house site, while Point of Diversion (POD) #2 is used for the irrigation system

MOTOR AND PUMP #1: 1 Hp Sta-rite, single phase, 3450 RPM, direct drive to Sta-rite model JHE-63, 1.25" inlet x 0.75" outlet centrifugal pump.

MOTOR AND PUMP #2. 5 Hp A O Smith, single phase, 3500 RPM, direct drive to Sta-rite Model A3-J1, 2.5" inlet x 2" outlet centrifugal pump.

PIPE: There is buried 1" plastic pipe from POD #1 to the house. Three hundred and fifty feet of 2" plastic irrigation pipe and 600 feet of 3" aluminum pipe are used for irrigation.

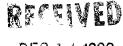
SPRINKLERS: There are 15 sprinklers with 5/32" X 5/32" nozzles. The claimed usage is 10 sprinklers with the 5 hp system.

USES: Hay, pasture, lawn, and garden are irrigated from POD #2. The area of irrigation encompasses all that part of the land as shown on the final proof per permit #31775 that could be irrigated by gravity from the original ditch. The use of water from POD #1 is for domestic, including 1/2 acre lawn and garden

LIFT: The lift for both irrigation and domestic is 30 feet.

CALCULATION OF MAXIMUM WATER RATE: Given 10 sprinklers operating at 30 psi delivering a total of 76 gpm. Lift head = 30 feet. Residual head = 69.3 feet (30 psi). Friction loss through pipe estimated to be 30 feet. Total Dynamic Head (TDH) = 130 feet. Theoretical power requirement is 2.2 hp @ 76 gpm at 120 feet TDH. The efficiency (2.2 hp/5 hp= 44%) is realistic. This system will satisfy the allowable rate of 20.2 gpm for the 3.6 acres of the claim.

The domestic system will easily deliver 4.48 gpm since the claimed rate is about 20% of the irrigation system and the horse power available on the domestic system is 20% of the irrigation system.



DEC 14 1992

REPORT FOR VESTED WATER RIGHT

WATER RESOURCES DEPT. SALEM, OREGON

Page 2 of 2

EVIDENCE AT THE ORIGINAL DIVERSION POINT: The record location for the original diversion point is taken from the appropriation notice by A. L. Ady, August 29, 1906, per Appropriation of Water, Book 1, pages 43 and 44 of Douglas County Clerk's Office (certified copy attached). The ditch is still quite evident at the original record diversion point although there is no remaining evidence of the diversion works. At the record diversion point, there is also a ditch on the east side of the creek from which water appears to have been flumed across the creek, East to West. The diversion point for the ditch on the east side of the creek would have been upstream from the record diversion point.

EVIDENCE OF DITCH: An old ditch is evident from the area of the record diversion point to the north end of the irrigated field. It is also visible for about 150 feet along the western edge of the irrigated field. Approximate ditch measurements were taken because this ditch varies and is in disrepair. The ditch is approximately 1 foot deep with a flat bottom about 1.5 feet wide. The slope is approximately 1 foot per 1000 feet.

SURVEY TIE: The survey is tied to features per final proof survey Permit #31775.

CERTIFICATION: By William J. Ruppert, Certified Water Right Examiner No. 115. The survey and inspection of the above use was completed by me on November 11, 1992, the facts contained in this report and the accompanying map are correct to the best of my knowledge.

Villiam . Ruppert Nov. 19, 1987

#115 WRE

TE OF ORE

I, Perry Murray, agree to the findings of the Certified Water Right Examiner, and do submit this site report and map as part of my Claim of Beneficial Use of the water for a vested water right.

/2/9/92 Date

NDIVIDUAL ACKNOWLEDGMENT	
State of Olyon County of Douglas	On this the Deday of December 19 9 before me, Sss
RECEIVED	the undersigned Notary Public, personally as peared Pull Municipal Survey Survey.
DEC 14 1992	personally known to me
WATER RESOURCES DEPT, SALEM, OREGON OFFICIAL SEAL WANDA F HUNTLEY NOTARY PUBLIC-OREGON COMMISSION NO. COM#01122 My Commission Expires NOV 24,19	
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT	mation requested below is OPTIONAL , it could prevent fraudulent attachment of this certificate to another document. Title or Type of Document Date of Document Signer(s) Other Than Named Above

RECEIVED

DEC 14 1992 12-11-1992

WATER RESOURCES DEPT. SALEM, OREGON

Dear Seri;

We were given a 10.8 acre water Right on July 18- 1966-Permit no. 31775 - The thought we had to establish this water Right

The water master Cane to house this sunner It talk us about the 1906 Water Right

We have lived here almost 30 years & have used the water for inrigation and domestic use every single year. Pury Murray S.

RECEIVED

DEC 14 1992

WATER RESOURCES DEPT. 9-10-92-SALEM, OREGON

Dear Sirs

I am a 78 year old man who lived on the property next to the murrays I buil there for 42 years.

personally (Mr. ådeg wae

personally (Mr. ady was the gentelman who applied for the water rights in 1906.)

not only ded I see

the water flowing in the ditches best I worked on

the ditcher from time to Time, I also worked on

The daw.

Jay Hoursbery

9-10-92 Personally appeared before me

VIRCINIA E FAULKNER
NOTARY PUBLIC - OREGON
COMMISSION NO 014130
MY UNITED EARLS MAY 1, 1996

Notrey: Vigeria Deulhier Expires: 5-1-96

APPROPRIATION OF WATER BOOK 1 PAGE 43, 4RECEIVED

DEC 14 1992

WATER RESOURCES DEPT. SALEM, OREGON

43 Notice of Hater Legation, Holice is hereby given, that I at Ady a citizen of the Undel State over the lage of Twenty one years residing as Mugget songlas County Oregon do hereby appropriate 1000 miners unches of water of the steam sunder as Heaver Creek said string bring cated and running thronghe Sections Nos 4, 9 and 16 in Jourship no 29 Range 3 Hest of Williamette Meridian in Douglas County regon said water to be taken by a detch from the diversion which said point is located as follows to int This five (43) rode east and Dix(6) rode with from the center Dection sistem If being in the aforesaid Township and ail ditch to rem through land belonging to & Hes Thadroick by the Estate of Mrs & Damit and known as Neaver Estate also through the land owned by the appropriation said litch sunning in a southwesterly derection said la located in Detrois Nos. 16, 21, 31 20 in the aforesed Tomahip The name of said sitch shall be known as thisting What ouis water is appropriated for irregation purposes Id domestic uses upon hand m Autoris GD Dyer WHIllieghr depose and say that on the 29" day of Buguer 19th I posted in a conspicuous place at the point of levelsion of the war of Weaver lines nto my proposed ditch by placing the said notice of to cation se curely tacked to a trand and the board securely nailed to a trie in plain open new of the point of diversion, which said point is forty five (43) rods East & (6) rods north of centir paction swotin Township 29 range 3 Heat. of M. M. in Druglas County Origina Mar this notice heret attacked is an exact copy of the notice of poster eles the diagreen allacked hereto is an exact copy of the his of the delet the porish I) deversion and the derection which the said detail is non That the notice acticled hereto is full true and correct cope, ? where posled. a L. ledy Lubrached and surme to before me this 31 days) Lei Tust. 1906

RECEIVED

DEC 14 1992

WATER RESOURCES DEPT. SALEM, OREGON

Filed and recorded Sept 1st 1906 Milye Cornety Clerk

il hereby certify this copy to be a true, full and correct copy of the original now on record in my office. GAY FIELDS,

X Dona X

12-04-92

Knauu



September 16, 1994

Howard and Michael Brownson Brownson Logging Co. PO Box 1578 Myrtle Creek OR 97457 WATER
RESOURCES
DEPARTMENT

Dear Messrs. Brownson:

On behalf of Governor Barbara Roberts, thank you for your letter of July 22 regarding water rights in the Myrtle Creek area. Senator Mark Hatfield also forwarded your concerns to us. I am aware that Don Knauer, our department's Adjudications Specialist, responded to your letter to us in late July. However, I would like to offer a further explanation about the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in your area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

For that reason, the Oregon Attorney General's office has advised our department that we may not regulate for or against pre-1909 claims. This means that we do not respond to calls for water from a claimant by shutting off junior water rights upstream (as you allege in your letter). Conversely, we do not shut off a claimant when calls for water are made downstream. I believe this position toward a pre-1909 claim of continuous water use appears fair while waiting until the local court determines the validity of the claim through the adjudication process.

In your situation, the watermaster is responding to a senior water right holder downstream of both your diversion and that of the claimant. The claimant is continuing to take the amount in his adjudication filing because the water is in the creek going through his property.

This situation may continue to occur in drought years until such time as the Umpqua Basin or South Myrtle Creek is adjudicated. At that time, the claimant's pre-1909 water right may be awarded. If the claim is finalized by the court at that time, a water right certificate will be issued and the holder then has the right to make a call on the water. I cannot give you an accurate forecast of when the adjudication for this basin will occur, but the current workload suggests that it will not be for several years.

Howard and Michael Brownson September 16, 1994 Page 2

I hope this information responds to your questions. Please do not hesitate to contact me if you have further questions or if I can be of assistance in this or other related water resource issues. You can also reach the area watermaster, Gary Ball, by calling (503) 440-4255.

Sincerely,

Martha O. Pagel

Musin V. all

Director

cc:

Sen. Mark Hatfield

Gary Ball, District 15 Watermaster Al Cook, Southwest Region Manager

129/62

BROWNSON LOGGING CO. TEVEIVEL P.O. BOX 1578 MYRTLE CREEK, OR 97457 IUL 20 1994

JULY 22, 1994

"EMNOR'S OFF

The Honorable Barbara Roberts Governor, State of Oregon State Capitol Salem, OR 97310

Pre-1909 Water Right Claim Section 19 Township T298 / Range R4W

Dear Mrs. Roberts,

I am writing concerning the rights of many people that live at South Myrtle Road in Myrtle Creek, Oregon. The rights I am referring to are water rights. It seems that Roy Anderson filed an application claiming water rights dated prior to 1909. However, as to this date we have seen no proof of this. He apparently is waiting for a legal process Known as "adjudication proceeding". However in the interim of this court date, he has been granted full water rights and left the remainder of us with no water. Keeping in mind that this adjudication proceeding could be postponed for several years is a great concern to all of us.

Am I right to understand that this is the legal process? At this time there is no indication that he will be granted these rights by a court of law. It hardly seems fair that an awaiting "application" could have this much power.

Please give this matter your valuable attention as we feel that this situation is grossly unjust.

Thank you in advance for your help and consideration in this matter.

Howard I Browner Midtell Burn Howard Brownson, Jr.

Michael Brownson

Nauer



WATER
RESOURCES
DEPARTMENT

September 16, 1994

Steve and Barbara Sutch 5303 South Myrtle Myrtle Creek OR 97457

Dear Mr. and Mrs. Sutch:

Governor Roberts has asked me to respond to your recent letter to her. I hope that I can clear up the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in the Myrtle Creek Area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

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In your situation, the watermaster is responding to a senior water right holder downstream of both your diversion and that of the claimant. The claimant is continuing to take the amount in his adjudication filing because the water is in the creek going through his property.

This situation may continue to occur in drought years until such time as the Umpqua Basin or South Myrtle Creek is adjudicated. At that time, the claimant's pre-1909 water right may be awarded. If the claim is finalized by the court at that time, a water right certificate will be issued and the holder then has the right to make a call on the water. I cannot give you an accurate forecast of when the adjudication for this basin will occur, but, as you correctly state in your letter, the current workload suggests that it will not be for several years.

Steve and Barbara Sutch September 16, 1994 Page 2

I hope this information responds to your questions. Please do not hesitate to contact me if you have further questions or if I can be of assistance in this or other related water resource issues. You can also reach the area watermaster, Gary Ball, by calling (503) 440-4255.

Sincerely,

Martha O. Pagel

Director

cc:

Gary Ball, District 15 Watermaster Al Cook, Southwest Region Manager

WRD Rights
Water Rights
Covenor Roberts:

MECELYEL 814 94 AUG 11 1994

OVERNOR'S OFFICE

Their is something that my husband and I don't understand and wonder if you could help us. We would like to know why legal water right holders are being shut off and denied water use to supply water to a vested water claim Application? what we can't understand is why they can go ahead and use the water right above us that have water hights. Especially when it house water hights. Especially when it house is a legal claim.

We would apprecial and hope for any information we can get on this.

Oliver Respond

Steve & Barbara Sutch 5305 South Mystle Mystle Creek, Ore 97457 Knaue

Oregon

WATER
RESOURCES
DEPARTMENT

September 20, 1994

Sandra L. Graf 10062 South Myrtle Rd. Myrtle Creek OR 97457

Dear Ms. Graf:

Thank you for your letters to Governor Barbara Roberts, Senator Bill Bradbury, Anne Squier and myself regarding water rights in the Myrtle Creek area. I hope that I can clear up the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in your area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

For that reason, the Oregon Attorney General's office has advised our department that we may not regulate for or against pre-1909 claims. This means that we do not respond to calls for water from a claimant by shutting off junior water rights upstream (although this may appear to be the case, as you suggest in your letter). Conversely, we do not shut off a claimant when calls for water are made downstream. I believe this position toward a pre-1909 claim of continuous water use appears fair while waiting until the local court determines the validity of the claim through the adjudication process.

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Sandra Graf September 20, 1994 Page 2

I hope this information responds to your questions. Please do not hesitate to contact me if you have further questions or if I can be of assistance in this or other related water resource issues. You can also reach the area watermaster, Gary Ball, by calling (503) 440-4255.

Sincerely,

Martha O. Pagel

Director

cc:

Governor Barbara Roberts

Sen. Bill Bradbury US Sen. Mark Hatfield

Anne W. Squier, Governor's Office Al Cook, Southwest Region Manager Gary Ball, District 15 Watermaster

-8/28/94

Centra Pagel, Director Water Resources

August 26, 1992 we attended a meeting by what Resources people about the Dr. 1909 Adjudication of water rights for the Unique Basin. We were given an application Claim pockage, told what the fees would be and that we had to file before Dec. 31, 1992.

I spent many hours researching our place back to The Causon hornesterd 1889. But logue said water wasn't pumped up over a small hill in Those days. So we didn't apply.

Now 8/28/14 most of the legal water right holders on South My the breek have been shut off denied water use. I except those who made claim application. The Roughas County water to Make, master says has been instructed by Salem to supply these applicants even the they have No Brossty or Right. Because of back by it could be 6 to 8 years before they get to court. And letty writing is position because theres more to this law or Bill then we were told. It would appear there was a great deal of information with held!

Do if we had put up some \$, filled out some papers, mailed them before Dec. 1942 wild have State enforced undimited water use for what could be Deveral years and to hell with the legal water hight holder be it 20,30, 40 years fresity.

What on earth is happering? Why would between led logal walls Right holder be denied, penaloged, restricted for the benifit of a non existents, gossible wall claim?

Please Respond

Danieu S. Dry 10062 Douth Mystle Rd. Mystle Creek, Ox 97457



August 22, 1994

WATER
RESOURCES
DEPARTMENT

STEVE SUTCH 5305 S MYRTLE MYRTLE CREEK OR 97457

re: SWR-89, SWR-122, SWR-298

Dear Mr Sutch,

Enclosed you will find the copies you requested and our receipt # 115625 for the copy fees of \$ 70.50. If you have any questions, please give me a call.

Sincerely,

Don Knauer Adjudication Specialist

j:w\s\c\0\swr-0122.003



89-122 RECEIPT #11	STATE OF C WATER RESOURCE 5625 158 12TH 5 SALEM, OR 9 378-8455 / 378	ES DEPARTME ST. N.E. 7310-0210	INVOICE #	
RECEIVED FROM:	Stare Sut	CA I	APPLICATION	
BY:			PERMIT	
			TRANSFER	_
CASH: CHECK	:# OTHER: (IDENTIFY) 96-505	, n	on (destination)	\$70.50
01-00-0 Y	VRD MISC CASH ACCT			
842.010 AD	2.010 ADJUDICATIONS		,	\$
831.087 PU	831.087 PUBLICATIONS / MAPS		* .*	\$
830.650 PA	830.650 PARKING FEES Name / month			\$
от	THER: (IDENTIFY)			\$
REDUCTIO	N OF EXPENSE			
		CASH ACC		\$
	ENTER AND OBJECT CLASS VRD OPERATING ACCT	VOUCHER	#	
	REPORTING ASSESS			
	ISCELLANEOUS DPY FEES			\$ 70.50
	ESEARCH FEES			\$
	SC REVENUE: (IDENTIFY)			\$
	THER (P-6) (IDENTIFY)			\$
W	ATER RIGHTS:	EXAM FEE		RECORD FEE
	JRFACE WATER	\$	842.002	\$
842.003 GF	ROUND WATER	\$	842.004	\$
842.005 TR	RANSFER	\$	842-006	\$
Wi	ELL CONSTRUCTION	EXAM FEE		LICENSE FEE
842.022 WE	ELL DRILL CONSTRUCTOR	\$	842.023	\$
LA	LANDOWNER'S PERMIT		842.024	\$
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06-00-0 V	VELL CONST. START FEE			
	ELL CONST START FEE	\$	CARD#	
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07-00-0 H	IYDRO ACTIVITY	LIC NUMBER		
842.011 PC	OWER LICENSE FEE (FW/WRD)			\$
842.115 HYDRO LICENSE FEE (FW/WRD)				\$
НҮ	DRO APPLICATION			\$
	•			

RECEIVED

AUG 1 7 1994

WATER RESOURCES LEFT.
SALEM, OREGON

Mr. Knauer:

Here is the Check to Pay For the lopeys on the Bre 1909 Water Claim's For 89 - Proy anderson Claim 122 - Perry Murray Claim 298 - Mark Wale Rice Claim For the Sum of #70.50.

Shank-you.

Stive Sulch 5305 S. Mystle Rd. Mystle Creek, Or. 97457

503-863-4057

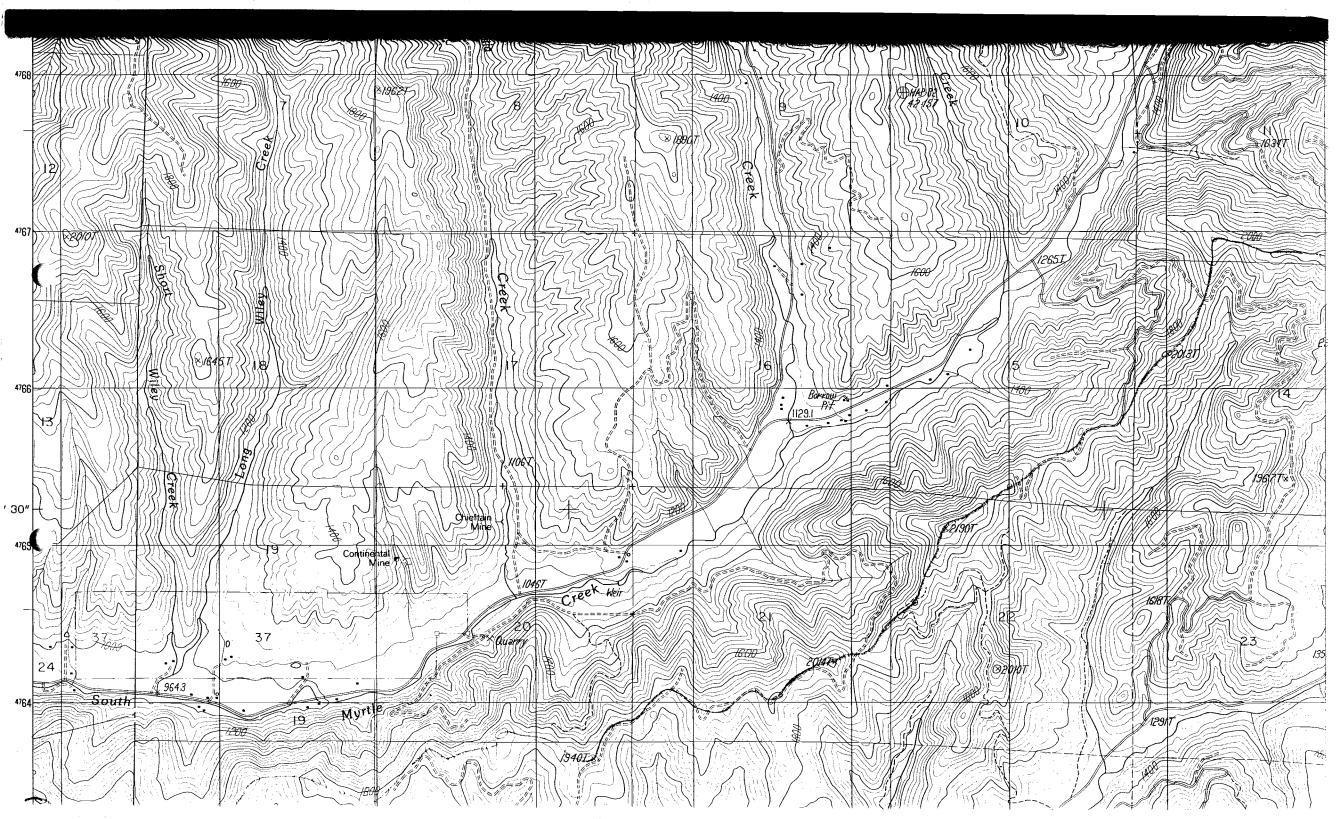
SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DW NAME UMPQUA # 16 UNADJUDICATED AREA ? OK OWP
RECEIPT # 95178 S W R NUMBER 122
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY
ACKNOWLEDGEMENT LETTER ENTER ON STREAM INDEX
ACKNOWLEDGEMENT LETTER ENTER ON STREAM INDEX CHECK QUADRANGLE MAP CHECK GLO PLATS
WATERMASTER CHECKLIST PUBLIC NOTICE PUBLICATION &
blanks filled in signed date received stamped MAP REVIEW source and 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 FIELD INSPECTION
FINAL FILE REVIEW FINAL DATA BASE ENTRY
ENTER ON PLAT CARDS

C:\WP51\SWR\CHCKLIST.1

7-30-92





WATER
RESOURCES
DEPARTMENT

December 16, 1992

PERRY MURRAY 13636 SOUTH MYRTLE RD MYRTLE CREEK OR 97457

RE: Surface Water Registration Statement

Dear Mr. Murray,

This will acknowledge that your Surface Water Registration Statement in the name of Perry Murray has been received by our office. The fees in the amount of \$230.00 have been received and our receipt #95178 is enclosed. Your registration statement has been numbered SWR-122.

Our office will review your form and map 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



122

RECEIPT # 95178 WATER RESOURCES DEPARTMENT 3850 PORTI AND BOAS TO SALEM, OR 97310

378-8455/378-8130 (FAX) APPLICATION BY: PERMIT TRANSFER OTHER: (IDENTIFY) X 24-22 TOTAL REC'D WRD MISC CASH ACCT 01-00-0 230.00 842.010 **ADJUDICATIONS** 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) EXAM FEE RECORD FEE WATER RIGHTS: 842.001 SURFACE WATER 842.002 **GROUND WATER** 842.004 842.003 842.005 **TRANSFER** 842.006 EXAM FEE LICENSE FEE **WELL CONSTRUCTION** 842.022 WELL DRILL CONSTRUCTOR 842.023 **WELL DRILL OPERATOR** 842.016 842.019 LANDOWNER'S PERMIT 842.024 06-00-0 WELL CONST START FEE WELL CONST START FEE 842.013 CARD # MONITORING WELLS CARD # LOTTERY PROCEEDS 45-00-0 864.000 LOTTERY PROCEEDS LIC NUMBER HYDRO ACTIVITY 07-00-0 POWER LICENSE FEE(FW/WRD) 842.011 842.115 HYDRO LICENSE FEE(FW/WRD) HYDRO APPLICATION

95178 **RECEIPT #**

Secure of the Philips

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

Copy-Fiscal