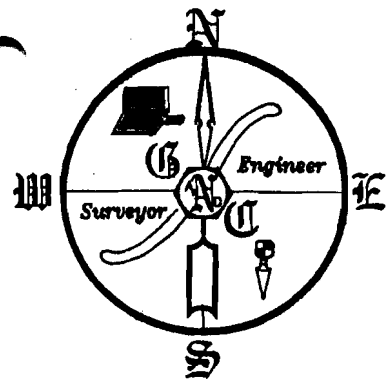


# GASCHLER & CUMMINGS

CIVIL ENGINEERING & LAND SURVEYING

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

Phone: (503) 889-2101 Fax: (503) 889-9644



## LETTER OF TRANSMITTAL

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

**RECEIVED**

SEP - 7 1993

Attn: Don Knauer, Adjudication Specialist

WATER RESOURCES DEPT.  
SALEM, OREGON

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:

☐ For your information    ☐ For action specified below    ☐ For review and comment    ☒ For your use    ☐ As requested

Remarks:

Submitted By:

*Albert Gaschler*  
Albert Gaschler, P.E., P.L.S.

EXHIBIT -A-

Par. -8- Remarks

In 1901, when the Government Surveyors were surveying this land they noted fields on these lands. (See enclosed map & field notes Exhibit -B-)

Our family has been in this area since the later part of the 19th century, and we are familiar with the historical use of these lands. We maintain that irrigation water has been diverted from Lasa Creek continually since 1901, and hereby register our claim thereto.

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

**RECEIVED**

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.**

DEC 14 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

Applicant's Name: Wilkinson Ranches  
Address: P.O. Box 245  
City: McDermitt State: NEV Zip: 89421 Day Phone: 502-522-2796

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>40-40-5008100 E.R.U.</u> |                                                       | <u>✓</u>             | <u>✓</u>       | <u>✓</u>  |
|                             |                                                       |                      |                |           |
|                             |                                                       |                      |                |           |

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>                                                                                       |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |

RECEIVED  
DEC 14 1992.

Subdivisions of S. 1/4 S. 1/4 E. 1/4

Exhibit "B"

WATER RESOURCES DE  
SALEM, OREGON

chr.

No timber.

Undergrowth, grass.

Mountainous land, or land  
covered with dense under-  
growth, 3000 chs.

Line S. at the cor. set at 022  
123°25' N. the decl. are land  
at 0° 1' N. the decl. observe  
the sum of the meridian.  
The resulting lat. is 2° 4'

N. 0° 2' 4" V. Bet. Sec 22 and 27.  
W. mountainous land.  
Descend from top through  
dense undergrowth.

7,000 Top of Rock Bluff 20 ft. high.  
leaves to and W.

9,750 Main Road, leaves to and W.

10,750 Chewer Creek, 8 ft. wide,  
course S. W. 100 ft. below  
Sec. Cor.

14,000 Set a Basalt Stone, 10x10x4 ins.

## Exhibit-B-

RECEIVED

DEC 14 1992

Subdivisions of T. 4 S. R. 40 E. W. 12 N.

chv.

WATER RESOURCES DE  
SALEM, OREGON

11 in. in the mound. for 14 ft.  
 cor. marked by a W. face and  
 raised a mound of stone, 2 ft.  
 Base, 12 ft. high, W. of Cor.  
 pits intractable.

69.10 Cherokee Creek W. of Cor. wide,  
 course S. E.

69.20 Fence, bears W. and S. E., and  
 Center field.

79.00 Graham Road, bears W.  
 and S. E.

80.00 Set a 6' x 8' 1/2" No. 1318 1/2 in.  
 12 in. in the mound. for Cor.  
 of Secs. 22, 23, 24 and 25  
 marked with 2 notches on S.  
 and E. edges, and raised a  
 mound of stone, 2 ft. Base,  
 12 ft. high, W. of Cor.  
 pits intractable.

Land, mountainous and  
 rolling.

Soil, sandy and stony. 3rd.  
 and 4th. rate.

No timber.

Undergrowth, Sage.

Mountainous land, or land

DEC 14 1992

WATER RESOURCES DEPT.  
LEWIS, OREGON

Subdivision of Twp. 22 S., R. 12 E., N. 12 S.

chr.

Subdivision

chr.

46.00 Continue descent.  
Dry Creek bed, 1/2 mi. wide,  
course S. by E. and S. by E.

63.85 Dry Creek bed, 1/2 mi. wide,  
course S. by E.

\* 43.20 Dry Creek bed, 1/2 mi. wide, S. and  
E. by E.

80.00 Shallow bed, Secs. 22, 23, 26 and 27,  
land, mountainous & rolling.  
Soil, sandy and stony.

2 mi. and 1/2 mi. wide.

40 timber

Undergrowth, Sugar.  
Mountainous land, 37.45 chr.

40.20 Dry Creek bed, Secs. 22 & 23.  
Through field.

\* 13.05 Pine trees, S. and W., and  
Leave field, and  
Forest dense undergrowth.

15.50 Dry Creek bed, 1/2 mi. wide,  
course S. E., and

80.00  
80.00

Subdivisions of S. 42 S. 13. 40 E, Mile Mer.

chr

400

1400

ascend.

Set a Basalt Stone, 14 x 9 x 8 ins, 9 ins. in the ground, for cor. marked 14 on W. face, and raised a mound of stone, 2 ft. base, 1 ft. high, W. of Cor. Pits impracticable.

Continue ascent.

1100

8000

A Point 250 ft. above Creek, and

Set a Basalt Stone, 15 x 8 x 7 ins, 12 ins. in the ground, for cor. of Secs. 14, 15, 22 and 23, marked with 3 notches on S. and 2 notches on E. edges, and raised a mound of stone, 2 ft. base, 1 ft. high, W. of Cor. Pits impracticable.

Land, mountainous and rolling, Soil, sandy and stony. 3 in. and 4 in. water.

No timber.

Undergrowth, Sage.

Mountainous land, or land covered with dense undergrowth, 64, 50 chr.

June 18, 1901.

127, 11100

5 chr.

23.

12

11, 12

Subdivisions of S. 4 &amp; S. 13 to S. 11, sec. 11, T. 11 N., R. 11 E.

In.

Subdivisions

chr.

no timber

Undergrowth, sage.

Mountainous land, or land  
covered with dense under-  
growth. 80.00 chr.

47.00

59.50

78.00

N. 89° 51' E. on a random line bet.  
Secs. 22 and 27.

49.80

40.00

79.80

Set temp. &amp; sec. cor.

Intersect N. and S. line at the cor.  
of Secs. 22, 23, 26 and 27.

Thence run

★

S. 89° 51' W. on a true line bet.  
Secs. 22 and 27.

Through field.

★

290

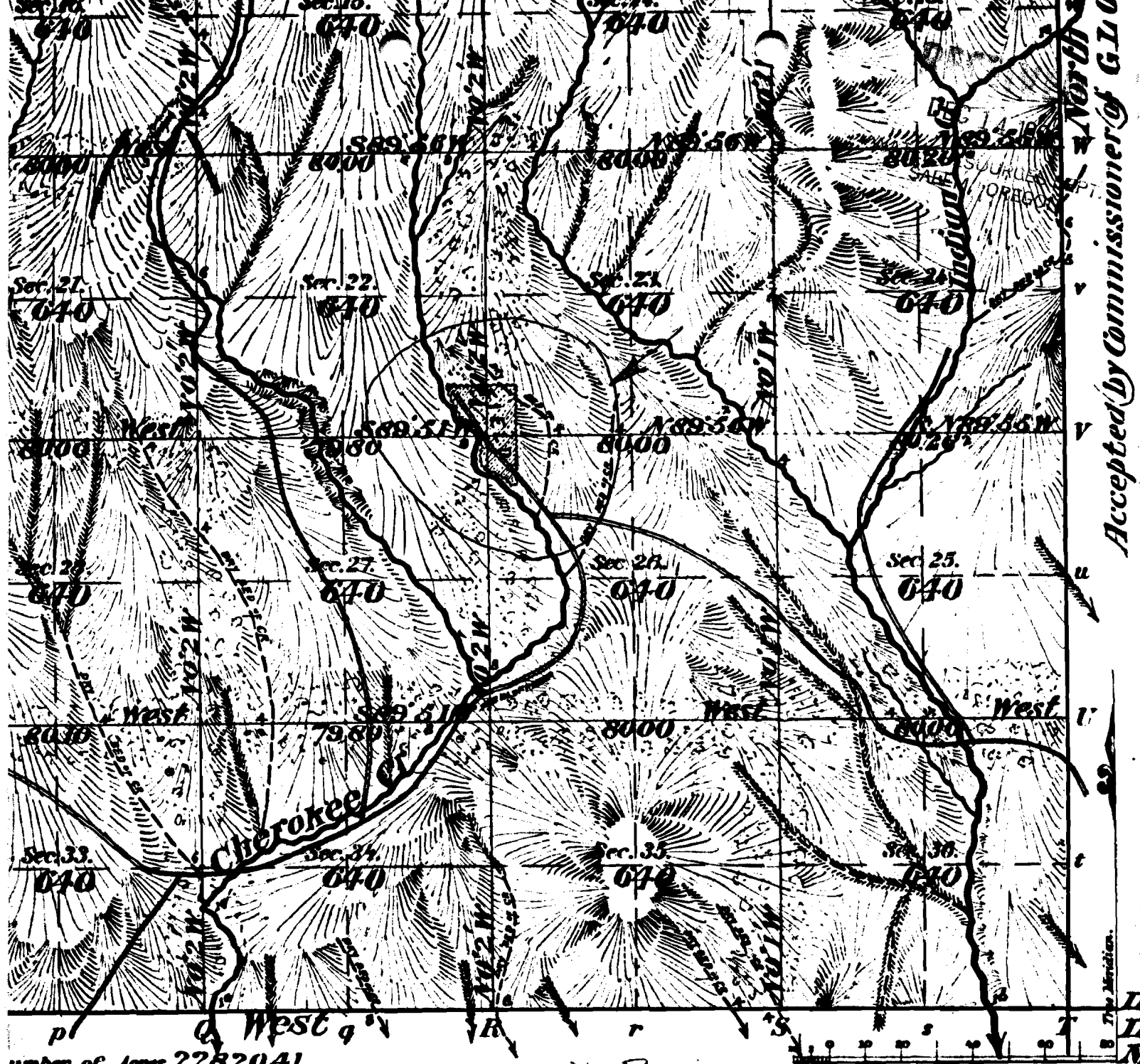
Fence, bears S. W. and S. E., and  
leave field.

3.00

Cherokee Creek, 5 ft. wide, course  
S. E.

3990

Set a Basalt Stone, 18 x 6 x 6 in.,  
12 in. in the ground, for 11 +  
sec. cor., marked 11 + on N. face,  
and raised a mound of stone



Accepted by Commissioner of G.L.O.

Number of Acres 22820.41

| When Surveyed    | No of Contract |
|------------------|----------------|
| June 10-30, 1901 | 731            |
| 1880             | 359            |

Exhibit-B-

The above Map of Township 1.40 South of the Willamette Meridian, Oregon, is notes of the survey thereof on file in this Office, which has

Surveyor General's Office.  
Portland Oregon April 24, 1902

Kerr

T40S R40E

**CORRECTION DEED**  
(Conveyance to Partnership)

**RECEIVED**

DEC 14 1992

THE UNDERSIGNED, George E. Wilkinson and Annetta Wilkinson, husband and wife, Kimble T. Wilkinson and Susan M. Wilkinson, husband and wife, and Fred S. Wilkinson and Judy Wilkinson, husband and wife, herein called GRANTORS, do hereby grant, bargain and convey to WILKINSON RANCHES, a Co-Partnership consisting of George E. Wilkinson and Annetta Wilkinson, husband and wife, as to an undivided one-fourth interest, Kimble T. Wilkinson and Susan M. Wilkinson, husband and wife, as to an undivided one-fourth interest, and Fred S. Wilkinson and Judy Wilkinson, husband and wife, as to an undivided one-half interest, which Co-Partnership is herein referred to as GRANTEE, all of GRANTORS' right, title and interest in and to that certain real property more fully described on Exhibit "B" consisting of 2 pages which is attached hereto and by this reference incorporated herein as if fully set forth.

This deed is made to confirm the intent of the GRANTORS that the above described real property be conveyed to be held in the name of Wilkinson Ranches, the above referenced Co-Partnership, as capital of said partnership pursuant to that certain partnership agreement made as of January 2, 1980 between GRANTORS. This deed also corrects, to the extent necessary prior deeds between GRANTORS and GRANTEE that erroneously referred to said Co-Partnership as Wilkinson Brothers or omitted one or more co-partners as a GRANTOR.\*

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, GRANTEE SHOULD CHECK WITH THE APPROPRIATE COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 13th day of June, 1989.

George E. Wilkinson  
George E. Wilkinson

Annetta Wilkinson  
Annetta Wilkinson

Kimble T. Wilkinson  
Kimble T. Wilkinson

Susan M. Wilkinson  
Susan M. Wilkinson

Fred S. Wilkinson  
Fred S. Wilkinson

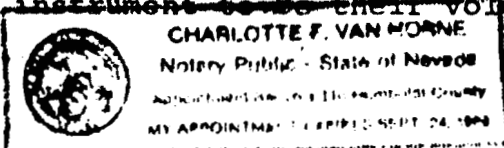
Judy Wilkinson  
Judy Wilkinson

STATE OF NEVADA )

County of HUMBOLDT )

ss. June 13, 1989

Personally appeared the above named George E. Wilkinson and Annetta Wilkinson and acknowledged the foregoing instrument to be their voluntary act and deed.



Mr. Charlotte F. Van Horne  
Notary Public for State of Nevada  
My Commission Expires: 9-24-89

TOWNSHIP 40 SOUTH, RANGE 40 EAST, W.M.

Section 3: Lot 4  
Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$   
Section 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 40 SOUTH, RANGE 41 EAST, W.M.

Section 13: N $\frac{1}{4}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 41 SOUTH, RANGE 42 EAST, W.M.

Section 2: SW $\frac{1}{4}$   
Section 11: NW $\frac{1}{4}$

TOWNSHIP 40 SOUTH, RANGE 40 EAST, W.M.

Section 36: All

TOWNSHIP 41 SOUTH, RANGE 42 EAST, W.M.

Section 4: NE $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$   
Section 9: E $\frac{1}{2}$   
Section 10: All  
Section 11: SW $\frac{1}{4}$   
Section 16: E $\frac{1}{2}$ NW $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 39 SOUTH, RANGE 40 EAST, W.M.

Section 31: Lot 2

TOWNSHIP 40 SOUTH, RANGE 39 EAST, W.M.

Section 23: E $\frac{1}{2}$ E $\frac{1}{2}$   
Section 26: E $\frac{1}{2}$ E $\frac{1}{2}$   
Section 36: All

TOWNSHIP 40 SOUTH, RANGE 40 EAST, W.M.

Section 7: NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 41 SOUTH, RANGE 42 EAST, W.M.

Section 15: Lot 1; NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; N $\frac{1}{2}$ NW $\frac{1}{4}$   
Section 16: NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 38 SOUTH, RANGE 46 EAST, W.M.

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$ ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$   
Section 21: E $\frac{1}{2}$ SE $\frac{1}{4}$ ; SW $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$   
Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$

RECEIVED

DEC 14 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME OWYHEE # 11 UNADJUDICATED AREA ? OK DWF  
RECEIPT # 95183 S W R NUMBER 124  
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY \_\_\_\_\_  
ACKNOWLEDGEMENT LETTER \_\_\_\_\_ ENTER ON STREAM INDEX \_\_\_\_\_  
CHECK QUADRANGLE MAP TCB CHECK GLO PLATS \_\_\_\_\_  
Payne Creek 182 Betty Mine 26  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION LC 87

**FORM REVIEW**

\_\_\_\_\_ 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

WHAT DOES "EXISTING WATER RIGHT" MEAN?

WATER RIGHT RECORD CHECK 410 acrs FIELD INSPECTION \_\_\_\_\_  
FINAL FILE REVIEW \_\_\_\_\_ FINAL DATA BASE ENTRY \_\_\_\_\_  
ENTER ON PLAT CARDS \_\_\_\_\_

September 8, 1993

WATER  
RESOURCES  
DEPARTMENT

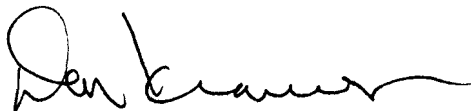
ALBERT GASCHLER  
PO BOX 412  
ONTARIO OR 97914

RE: SWR-124

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 WILKINSON RANCHES. The revised map will be added to the file.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WS\C\1\SWR-0124.002



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

June 16, 1993

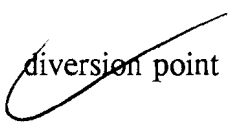
ALBERT GASCHLER  
PO BOX 412  
ONTARIO OR 97914

RE: File# SWR-124

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 Wilkinson Ranches. 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 size

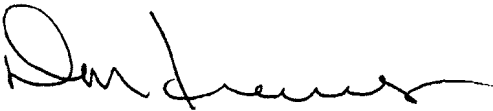
OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."

I would like to have you explain what you mean by "existing water right" in your legend.

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,



Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\1\SWR-0124.00M



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

December 16, 1992

WILKINSON RANCHES  
PO BOX 245  
MCDERMITT NV 89421

RE: Surface Water Registration Statement

Dear Mr. Wilkinson,

This will acknowledge that your Surface Water Registration Statement in the name of Wilkinson Ranches has been received by our office. The fees in the amount of \$110.20 have been received and our receipt #95183 is enclosed. Your registration statement has been numbered SWR-124.

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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
RECEIPT # 95183 3850 PORTLAND ROAD NE  
SALEM, OR 97310  
378-8455/378-8130 (FAX)

124

RECEIVED FROM: Gaschler & Associates  
BY: \_\_\_\_\_

|             |  |
|-------------|--|
| APPLICATION |  |
| PERMIT      |  |
| TRANSFER    |  |

CASH: ☐ CHECK: # ☒ 24-12 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 110.20

**01-00-0 WRD MISC CASH ACCT**

|         |                         |           |
|---------|-------------------------|-----------|
| 842.010 | ADJUDICATIONS           | \$ 110.20 |
| 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 | 842.002 | RECORD FEE |
| 842.003 | GROUND WATER  | \$       | 842.004 | \$         |
| 842.005 | TRANSFER      | \$       | 842.006 | \$         |

**WELL CONSTRUCTION**

|         |                        |          |         |             |
|---------|------------------------|----------|---------|-------------|
| 842.022 | WELL DRILL CONSTRUCTOR | EXAM FEE | 842.023 | LICENSE FEE |
| 842.016 | WELL DRILL OPERATOR    | \$       | 842.019 | \$          |
|         | LANDOWNER'S PERMIT     | \$       | 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 # 95183

DATED: 12/15/92

BY: C. Engel

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

Copy-Fiscal