

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # NONE CHECK ENCLOSURES See
 CHECK BASIN MAP Howe - Basin 10 UNADJUDICATED AREA ? yes
 SURFACE WATER REGISTRATION NUMBER 95
 PRELIMINARY DATA BASE ENTRY DWF
 ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX _____
 PUBLIC NOTICE PUBLICATION PNT WATERMASTER CHECKLIST _____
Payette 182
 CHECK QUADRANGLE MAP 7CB CHECK GLO PLATS _____

FORM REVIEW

_____ blanks filled in
 _____ signed
 _____ date received stamped

MAP REVIEW

#3 ✓ source and trib
 ✓ diversion point location
 _____ conveyances (pipes, ditch, etc.)
#5 ✓ place of use
 _____ scale
 ✓ township, range, section
 ✓ north arrow
 ✓ CWRE stamp
 ✓ disclaimer
 _____ date survey was performed
 ✓ P.O.B. of survey
#12 _____ dimensions and capacity of diversion system
#14 ✓ "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

SWR-92-52

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

Alright you guys, this is a test, DO YOU KNOW WHAT TIME IT IS? The answer is, it's time to get the maps, reports, answers, mylars and all that kind of stuff back to the Water Resources Department. There's talk around the office of putting together a "map-patrol" with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a deterrent to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:\wp51\swr\claimant\cwrememo.94

SWR-95 JAMES

December 10, 1993

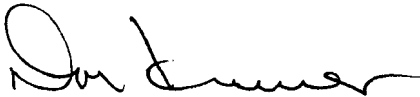
ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

RE: SWR-95

Dear Mr Gaschler,

This will acknowledge the receipt of the revised map to support the pre-1909 vested water right claim in the name of JAMES WEBER. I have added the map to the file. There is just one thing that I must know, **where was the actual diversion of water at the time of your inspection?** Was it from the Snake River or was it from the Dead Ox Canal? If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WAS\C\0\SWR-0095.004



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

December 10, 1993

WATER
RESOURCES
DEPARTMENT

JAMES WEBER
RT 1 BOX 85A
RICHLAND OR 97870

re: SWR-95

Dear Mr Weber,


In regards to our telephone conversation yesterday, I will affirm the points you were interested in. You have filed the required Surface Water Registration Statement claiming a pre-1909 vested water right. You have filed the required map prepared by a Water Right Examiner. You have done what is required at this time to protect your claim to a pre-1909 vested water right. As long as the water use began before 1909 and has continued through the years, you can continue to do so.

The formal adjudication of the water rights in your area will not take place for some time. You will be notified of any steps in the process. If you sell the property, you should make that know the the Water Resources Department.

Again, you have done all that is required to protect your claim to a pre-1909 vested water right.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\O\SWR-0095.005



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

September 8, 1993

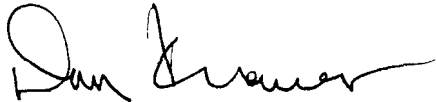
ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

RE: SWR-95

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 JAMES WEBER. The revised map will be added to the file.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WS\C\0\SWR-0095.003



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

July 1, 1993

ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

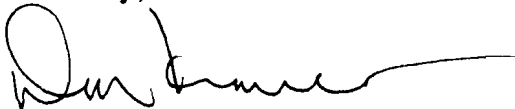
RE: FILE # SWR-95

Dear Mr Gaschler,

Thank you for your prompt attention to the map I returned for completion and correction. I may not have made it clear that I need enough information from you on the map to be able to calculate a quantity of water which could be diverted by the claimant. I am returning the map and a beneficial use sheet with the information I need highlighted.

I have two questions about the information you added to the map. First, you indicate there is 6" handline used for the irrigation. This seems quite large to me and I wonder if you would check that. Second, in the lower left of your map you changed the pump information to that of a well and I need you to explain that. Ground water is not involved in this program, only surface water.

Sincerely,



Don Knauer
Adjudication Specialist

enc
j:\w\slcl0\swr-0095.002



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

June 4, 1993

ALBERT GASCHLER
PO BOX 412
ONTARIO OR 97914

RE: File# SWR-95

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 requesting the map you prepared for Weber James. 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.

conveyance

ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..."

scale

OAR 690-14-170-1 "The map scale shall be 1" = 1320', 1" = 400', or the scale of the county assessor map..." IF YOU REDRAW THE MAP, PLEASE NOTE THE REQUIRED SCALE. IF YOU ADD THE INFORMATION, DISREGARD.

diversion point size

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

paper

OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."



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,

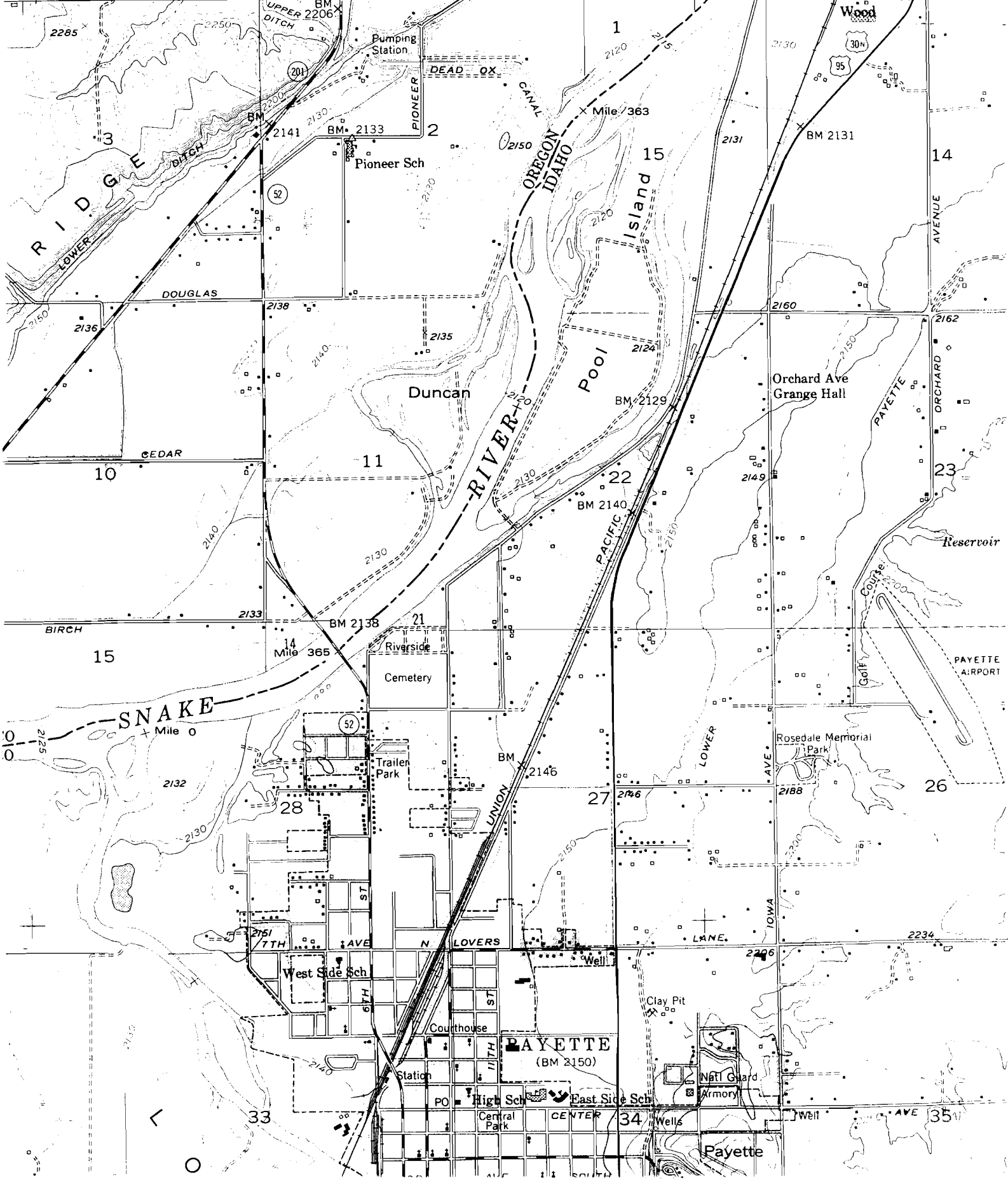
A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\SWR-095.00M

7'30" 04 BAKER 72 MI HUNTINGTON 28 MI. 2672 III NW (WEISER SOUTH) 06 55' 07 WEISER 10 MI. CRYSTAL 3 MI. R. 5 W.



November 16, 1992

JAMES WEBER
RT 1 BOX 85A
RICHLAND OR 97870

RE: Surface Water Registration Statement

Dear Mr. Weber,

This will acknowledge that your Surface Water Registration Statement in the name of James Weber has been received by our office. Your registration statement has been numbered SWR-95. There were no filing fees received with your form, I will assume since you reference file # S 71496, that there will be a credit for fees payed in the past.

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,

Don Knauer
Adjudication Specialist

enc

C:\WSIC\SWR-0095.001



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

October 1, 1992

James S. & E. Jay Weber
Rt. 1 Box 85A
Richland, OR 97870

REFERENCE FILE: 71496

Your application for a permit to appropriate 123 gallons of water per minute from one well for the irrigation of 11.0 acres was not accompanied with the required fees and land use information, so could not be filed.

A filed surface water application can not be superseded by a ground water application. If you have abandoned the development as described in the Surface Water Application 71496, you may request that the application be withdrawn from our records. We could than either refund the unearned Permit Recording fee of \$102 or transfer the unearned fee to another file.

The \$200 Examination fee is required by law to be paid into the State General Fund as an earned fee when an application is filed. The Examination fee is non-refundable and we would not be able to transfer it to another file.

Your Ground Water Application will require the Examination fee of \$200 and before being considered for approval, we will need the Permit Recording fee of \$102.

I am enclosing your Ground Water Application, together with the map, copy of the water well report, and copy of the pump test information.

Sincerely,

Wayne J. Overcash
Water Right Specialist

cc: Albert Gaschler, CWRE



STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water RECEIVED

I, JAMES S. & E. JAY WEBER (Name of Applicant) APR 10 1991

of 4774 Pioneer Road (Mailing Address) Ontario WATER RESOURCES DEPT. SALEM, OREGON

State of Oregon 97914 (Zip Code) Phone No. 1-889-7258 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Snake River

a tributary of Columbia

2. The point of diversion is to be located 3519 ft. North and 4399 ft. East (N. or S.) (E. or W.)

from the SW corner of Section 2 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SE 1/4 of the NE 1/4 of Sec. 2 Tp. 17S R. 47E, W. M., in the county of Malheur (N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Table with 5 columns: Township, Range, Section, List 1/4 1/4 of Section, List use and/or number of acres to be irrigated. Row 1: 17S, 47E, 2, Lot -5- SE NE, 11.0 Acres Primary

4. The amount of water which the applicant intends to apply to beneficial use is 0.275

cubic feet per second N/A

(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Irrigation

RECEIVED

APR 10 1991

6. DESCRIPTION OF WORKS

WATER RESOURCES DEPT.

Include dimensions and type of construction of diversion dam and headgate, length and diameter of pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Pump: 5 7/8" Impeller - 3500 RPM

Rated @ 175 G.P.M.

Motor: 7 1/2 HP - 3500 RPM

This land is presently being irrigated by hand lines. Upon receiving a permit from this application, we will install a wheel line for the majority of the land, with hands to irrigate the tight corners.

If for domestic use state number of families to be supplied N/A

7. Construction work will begin on or before Completed

8. Construction work will be completed on or before Completed

9. The water will be completely applied to the proposed use on or before Completed

Application No. 71496

Permit No.

Remarks: Back in the 1920's the Snow Moody Coal Co. exchanged a pumping right in their canal for access across the then owners property. The owner assumed he had a Water Right and it has been used ever since. Upon checking the records, we find no bonafide Water Rights. We are therefore applying for the rights.

RECEIVED

APR 10 1991

WATER RESOURCES DEPT.
SALEM, OREGON

James S. Weber
Signature of Applicant

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of....., 19.....

Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 10th day of April, 1991, at 3:00 o'clock P.M.

Application No. 71496

Permit No.

This message may contain confidential information, and is
intended only for the use of the individual(s) to whom it
is addressed.

Gerry Clark

Water Rights Specialist

725 Summer Street NE, Suite A

Salem, Oregon 97301

Phone: (503) 986-0811

Fax: (503) 986-0901

www.wrd.state.or.us

To: Gerald.E.Clark@wrd.state.or.us
Subject: ~~SVR 95 - Ownership Change~~

Mr. Gerry Clark,

Thank you for your help on getting information on Surface Water Registration Number 95. We have recently purchased the property appurtenant to this water registration. I have attached the Warranty Deed for the real estate transaction. We may be selling the property in the near future, and we will notify the Closing Agent of that transaction to notify you.

Is there anything else we need to do at this time?

Sincerely,

Roy McDaniel

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.



[AR-M450_20040930_112317.pdf](#)



INSTRUMENT NO. 2004 - 4768
Page 1 of 2 Pages

After recording return to:
Property No. 590-1648
After recording, return to:
LDS Church Real Estate - 12th Fl. East
50 East North Temple Street
Salt Lake City, UT 84150 OR ontario
Until a change is requested all
tax statements shall be sent to
the following address:
Property No. 590-1648
Send Tax Statements to:
LDS Church Tax Admin. - 22nd Fl.
50 East North Temple Street
Salt Lake City, UT 84150-3620
Escrow No. ONM02748
Title No. ONM02748
800-688

Inst. No. 2004-4768
I certify that the within instrument of
writing was received for record on
the 1 day of July, 2004
at 2:45 O'clock PM. FEE \$26
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk
By Sheryl Johnson Deputy

WARRANTY DEED

BRICE L. JOHNSTON and SHAUNA K. JOHNSTON, husband and wife,
Grantor(s) hereby conveys and warrants to:
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, A UTAH CORPORATION SOLE
Grantee(s) the following described real property, in the County of MALHEUR
and State of Oregon, free of encumbrances except as specifically set forth
herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
6576 174702/B00

The above-described property is free of encumbrances except all those items of
record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$ 249,967.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

Dated this 1 day of July, 2004.

Brice L. Johnston
BRICE L. JOHNSTON
Shauna K. Johnston
SHAUNA K. JOHNSTON

State of Oregon
County of MALHEUR

This instrument was acknowledged before me on July 1, 2004 by BRICE
L. JOHNSTON AND SHAUNA K. JOHNSTON.

Jane L. Reeves
(Notary Public for Oregon)
commission expires 8-8-07



202

EXHIBIT "A"

INSTRUMENT NO. 2004 - 4768
Page 2 of 2 Pages

Land in Malheur County, Oregon, as follows:
In Twp. 17 S., R. 47 E., W.M.:

Sec. 2: All that portion of Lot 5 lying North and East of the right of way of the Payette-Oregon Slope Irrigation District Canal.

TOGETHER WITH a road right of way and easement, including the terms and provisions thereof, as contained in that certain instrument between the United States of America, The North Board of Control of the Owyhee Project and James S. Weber and E. Jay Weber, husband and wife, dated November 7, 1973, recorded November 19, 1973, Instrument No. 151692, Deed Records, for ingress and egress over and across a strip of land 20 feet in width, being 10 feet on either side of the following described center line.

Beginning at a point which is located 25 feet South and 20 feet East of the Northwest corner of the SW1/4 NE1/4 of Section 2, Twp. 17 S., R. 47 E., W.M., Malheur County, Oregon;

thence N. 89 degrees 57' E., 1532 feet;

thence S. 31 degrees 00' E., 123 feet;

thence N. 59 degrees 00' E., 30 feet to the Point of Termination.

* * * * *

X-Mailer: Novell GroupWise Internet Agent 6.5.1
Date: Fri, 08 Oct 2004 13:34:08 -0600
From: "Roy McDaniel" <McDanielRB@ldschurch.org>
To: Gerald.E.CLARK@wrd.state.or.us
Subject: Re: SWR 95 - Ownership Change
X-WSS-ID: 6D7833A9242174-01-03
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=0.5 required=5.0 tests=HTML_20_30,HTML_MESSAGE
autolearn=no version=2.63
X-Spam-Level:

I have attached a scanned e-mail from the previous owner that documents the current water usage. We are attempting to get more specific statement from the previous owner. Should this statement be notarized?

Thanks

Roy McDaniel

>>> "Gerry Clark" <Gerald.E.CLARK@wrd.state.or.us> 10/8/2004 12:35:01 PM >>>
Mr. McDaniel,

Thank you for the information you provided concerning the ownership of the lands involved in SWR-95.

I do need some additional information from you. Please provide either a statement or documentation concerning water use over the past 5 years in accordance with the use(s) registered. Also, please confirm that the contact information regarding this file is:

LDS Church Real Estate - 12th Fl East
50 East North Temple St
Salt Lake City, UT 84150

To assist yourself or future owners of the lands involved in the Registration, continue to do the following things to help substantiate your use:

Keep a record of the water use for future reference.

Gather any and all information concerning the historical development and continual use of water. If the information is in the form of a statement from a knowledgeable source, the statement should indicate how and why the person is credible.

Notify the Department of any changes in address or future changes in ownership.

Submit any of the above information to the Department at the following address:

Oregon Water Resources Department

Adjudication Section
725 Summer Street NE, Suite A
Salem, OR 97301

Thanks for your help in keeping our records updated.

Sincerely,

Gerry Clark

Gerry Clark
Water Rights Specialist
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: (503) 986-0811

Fax: (503) 986-0901

www.wrd.state.or.us

At 11:57 AM 10/8/04 -0600, you wrote:

Mr. Gerry Clark,

Thank you for your help on getting information on Surface Water Registration Number 95. We have recently purchased the property appurtenant to this water registration. I have attached the Warranty Deed for the real estate transaction. We may be selling the property in the near future, and we will notify the Closing Agent of that transaction to notify you.

Is there anything else we need to do at this time?

Sincerely,

Roy McDaniel

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.



[Surface Water Registration 95 Instructions.pdf](#)

Donna Jarvis - Watering & Irrigation instructions on property #590-1648(Brice& Shauna Johnston)

From: "Jonston Family" <bricenshauna@ruralnetwork.net>
To: <jarvisdd@ldschurch.org>
Date: 6/23/2004 10:13 AM
Subject: Watering & Irrigation instructions on property #590-1648(Brice& Shauna Johnston)

Donna---Here are the instructions to the irrigation of the acreage and lawn.

LAWN INSTRUCTIONS:

The lawn is watered with water from the canal next to the property. The pump is set and is working very well.

FIRST you take the blue flexible hose which is lying next to the white picket fence and pull it across the road and connect it to the steel metal pipe located next to the front walk. SECOND you lay the hoses with sprinklers in the area in the back by the walnut tree AND in the center grass area of the driveway (these areas are watered with hoses/sprinklers that are moved around by hand—we will leave hoses etc necessary for this to be done). NEXT, you turn on the electrical switch for the pump (located behind white picket fence...there is a gate.) LASTLY, there are five "stations" or valves to be turned on one at a time (sixth valve will turn on but is not connected to any pipe). There is a metal rod to help in this process.

Plants in front by walkway and along south side must be fed by hand with hose. East of "hay barn" are two cottonwood trees and strawberries and raspberries to be watered by hand with hose (it does reach).

FIELD INSTRUCTIONS:

To water the fields, park the car by house and walk down road (you will need to go through the gate that spans the road) to the electrical panel on left. This is where the irrigation pump is turned off in order to move wheel line and opening valves for hand lines. Once the wheel-line is in place and hooked to main line and the "opening valves" are turned on for the hand lines on the right of field and in the back of the field you will turn the pump on at this same electrical panel. The wheel line begins close to the house, then we move it 4-5 turns (of the wheels) for the next setting. You can run the the wheel line and 2 smaller hand lines at a time OR you run the wheel line with only one larger hand line. They are different lengths because of the lay of the land. In the back of the field (towards the east) there are two long hand lines. These we run one at a time (you may add one of the small hand lines on the south of the field. To turn ON you turn black switch left to "hand" and then push the green button. To turn it off switch to "off." The wheel line is connected to the main line with a yellow flexible hose and sometimes you must use extending pipes in order to reach the main line.

We are more than willing to show anyone how to do this before we leave and if necessary afterwards. Brice will be in the home until July 9th and possibly until the tenth and will be

To: "Roy McDaniel" <McDanielRB@ldschurch.org>
From: Gerry Clark <Gerald.E.CLARK@wrd.state.or.us>
Subject: Re: SWR 95 - Ownership Change
Cc:
Bcc:
Attached:

Mr. McDaniel,

Thank you for the information you provided concerning the ownership of the lands involved in SWR-95.

I do need some additional information from you. Please provide either a statement or documentation concerning water use over the past 5 years in accordance with the use(s) registered. Also, please confirm that the contact information regarding this file is:

LDS Church Real Estate - 12th Fl East
50 East North Temple St
Salt Lake City, UT 84150

To assist yourself or future owners of the lands involved in the Registration, continue to do the following things to help substantiate your use:

Keep a record of the water use for future reference.

Gather any and all information concerning the historical development and continual use of water. If the information is in the form of a statement from a knowledgeable source, the statement should indicate how and why the person is credible.

Notify the Department of any changes in address or future changes in ownership.

Submit any of the above information to the Department at the following address:

Oregon Water Resources Department
Adjudication Section
725 Summer Street NE, Suite A
Salem, OR 97301

Thanks for your help in keeping our records updated.

Sincerely,

Gerry Clark

Gerry Clark
Water Rights Specialist
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: (503) 986-0811

Fax: (503) 986-0901

www.wrd.state.or.us

At 11:57 AM 10/8/04 -0600, you wrote:

Mr. Gerry Clark,

Thank you for your help on getting information on Surface Water Registration Number 95. We have recently purchased the property appurtenant to this water registration. I have attached the Warranty Deed for the real estate transaction. We may be selling the property in the near future, and we will notify the Closing Agent of that transaction to notify you.

Is there anything else we need to do at this time?

Sincerely,

Roy McDaniel

This message may contain confidential information, and is
intended only for the use of the individual(s) to whom it
is addressed.

To: "Roy McDaniel" <McDanielRB@ldschurch.org>
From: Gerry Clark <Gerald.E.CLARK@wrd.state.or.us>
Subject: Re: SWR 95 - Ownership Change
Cc:
Bcc:
Attached:

Roy,

The statement you provided in your e-mail indicates the mechanics of how the previous owners irrigated the lands. We are looking for a statement that indicates that the water has been used for the purposes identified in the SWR over the past 5 years. OAR 690-028-0055(1) does not require the statement or documentation to be notarized.

I hope this helps. Please feel free to contact me with any additional questions.

Gerry

At 01:34 PM 10/8/04 -0600, you wrote:

I have attached a scanned e-mail from the previous owner that documents the current water usage. We are attempting to get more specific statement from the previous owner. Should this statement be notarized?

Thanks

Roy McDaniel

>>> "Gerry Clark" <Gerald.E.CLARK@wrd.state.or.us> 10/8/2004 12:35:01 PM >>>
Mr. McDaniel,

Thank you for the information you provided concerning the ownership of the lands involved in SWR-95.

I do need some additional information from you. Please provide either a statement or documentation concerning water use over the past 5 years in accordance with the use(s) registered. Also, please confirm that the contact information regarding this file is:

LDS Church Real Estate - 12th Fl East
50 East North Temple St
Salt Lake City, UT 84150

To assist yourself or future owners of the lands involved in the Registration, continue to do the following things to help substantiate your use:

Keep a record of the water use for future reference.

Gather any and all information concerning the historical development and continual use of

water. If the information is in the form of a statement from a knowledgeable source, the statement should indicate how and why the person is credible.

Notify the Department of any changes in address or future changes in ownership.

Submit any of the above information to the Department at the following address:

Oregon Water Resources Department
Adjudication Section
725 Summer Street NE, Suite A
Salem, OR 97301

Thanks for your help in keeping our records updated.

Sincerely,

Gerry Clark

Gerry Clark
Water Rights Specialist
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: (503) 986-0811

Fax: (503) 986-0901

www.wrd.state.or.us

At 11:57 AM 10/8/04 -0600, you wrote:

Mr. Gerry Clark,

Thank you for your help on getting information on Surface Water Registration Number 95. We have recently purchased the property appurtenant to this water registration. I have attached the Warranty Deed for the real estate transaction. We may be selling the property in the near future, and we will notify the Closing Agent of that transaction to notify you.

Is there anything else we need to do at this time?

Sincerely,

Roy McDaniel

This message may contain confidential information, and is
intended only for the use of the individual(s) to whom it
is addressed.

From: "Roy McDaniel" <McDanielRB@ldschurch.org>
To: Gerald.E.CLARK@wrd.state.or.us
Subject: Re: SWR 95 - Ownership Change

Mr. Clark,

The LDS Church purchased and re-sold an employee's home located on 4774 Pioneer Rd, Ontario, OR 97914 this last year. I spoke to you earlier about SWR 95, and obtained the attached statement from the previous land owner. The name of the new land owner is D.J. Smith, at the address indicated above. We notified them of the information you requested from us.

I hope this helps. Please contact me if you need any other information for the file.

Sincerely,

Roy McDaniel

>>> "Gerry Clark" <Gerald.E.CLARK@wrd.state.or.us> 10/8/2004 12:35:01 PM >>>
Mr. McDaniel,

Thank you for the information you provided concerning the ownership of the lands involved in SWR-95.

I do need some additional information from you. Please provide either a statement or documentation concerning water use over the past 5 years in accordance with the use(s) registered. Also, please confirm that the contact information regarding this file is:

LDS Church Real Estate - 12th Fl East
50 East North Temple St
Salt Lake City, UT 84150

To assist yourself or future owners of the lands involved in the Registration, continue to do the following things to help substantiate your use:

Keep a record of the water use for future reference.

Gather any and all information concerning the historical development and continual use of water. If the information is in the form of a statement from a knowledgeable source, the statement should indicate how and why the person is credible.

Notify the Department of any changes in address or future changes in ownership.

Submit any of the above information to the Department at the following address:

Oregon Water Resources Department
Adjudication Section
725 Summer Street NE, Suite A
Salem, OR 97301

Thanks for your help in keeping our records updated.

Sincerely,

Gerry Clark

Gerry Clark
Water Rights Specialist
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: (503) 986-0811

Fax: (503) 986-0901

www.wrd.state.or.us

At 11:57 AM 10/8/04 -0600, you wrote:

Mr. Gerry Clark,

Thank you for your help on getting information on Surface Water Registration Number 95. We have recently purchased the property appurtenant to this water registration. I have attached the Warranty Deed for the real estate transaction. We may be selling the property in the near future, and we will notify the Closing Agent of that transaction to notify you.

Is there anything else we need to do at this time?

Sincerely,

Roy McDaniel

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.

**Brice & Shauna Johnston
2223 West 4200 South
Rexburg, ID 83440**

**Roy B. McDaniel
Physical Facilities Department
50 E. North Temple St. Rm. 1205
Salt Lake City, UT 84150-6320**

Dear Brother McDaniel-

We were requested to state our water usage o

**4774 Pioneer
Ontario, OR**

**We began our use of the water at that property
through June/July of 2004. We used the pump
weekly and it ran approximately 10-20 hours per
watering our lawn and garden area and received
our knowledge the pump was used by the owner
prior to our ownership.**

590-1648 Water Usage.jpg

Brice & Shauna Johnston
2223 West 4200 South
Rexburg, ID 83440

REAL ESTATE DIVISION
NATURAL RESOURCES SECTION
DEC 17 2004

14 December 2004

Roy B. McDaniel
Physical Facilities Department
50 E. North Temple St. Rm. 1205
Salt Lake City, UT 84150-6320

Dear Brother McDaniel-

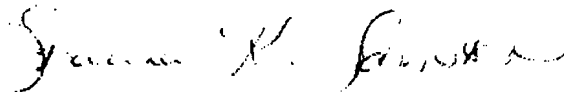
We were requested to state our water usage on the pump at our former residence:

4774 Pioneer Rd.
Ontario, OR 97914

We began our use of the water at that property in July of 1999 and continued our use through June/July of 2004. We used the pump in season (not during the winter months) weekly and it ran approximately 10-20 hours per week. This pump was for use in watering our lawn and garden area and received its water from the Dead Ox Canal. To our knowledge the pump was used by the owner before us as well, for at least the 5 years prior to our ownership.

I hope that this information will help in the record keeping on the usage of the pump at this property (SWR 95). If you need further information that we are able to supply please do not hesitate contacting us. I assure you I will respond more quickly.

Sincerely,



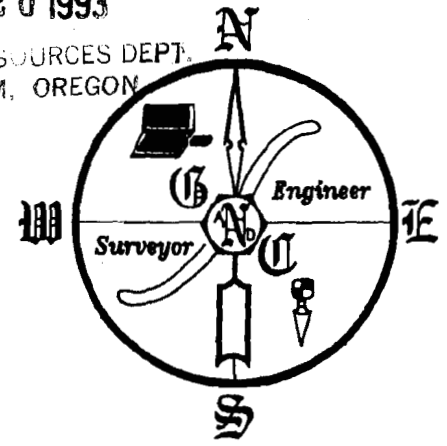
Shauna K. Johnston

RECEIVED

DEC 20 1993

GASCHLER & CUMMINGS
CIVIL ENGINEERING & LAND SURVEYING
P.O. BOX 412 • 786 SUNSET DR. • ONTARIO, OREGON 97914
Phone: (503) 889-2101 Fax: (503) 889-3840

WATER RESOURCES DEPT.
SALEM, OREGON



December 15, 1993

Don Knauer
Adjudication Specialist
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Re: SWR-95

Dear Sir,

The lands and point of diversion, at the time of our last visit to the site was from the Dead Ox Canal.

If you would review your file, you will find that the pre-1909 application, was the 3rd application on this project.

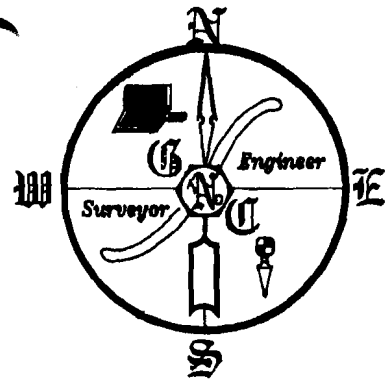
Sincerely,
Albert Gaschler
Albert Gaschler W.R.E.
Gaschler & Cummings

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 Road NE
Salem, Oregon 97310

Attn: Don Knauer
Adjudication Specialist
Re: SWR-95

RECEIVED

DEC - 8 1993

WATER RESOURCES DEPT.
SALEM, OREGON

We are sending the following items:		DESCRIPTION
DATE	COPIES	
12/6/93	1	Mylar Copy of Revised W.R.E. Map (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: Revised location of point of diversion for SWR-95

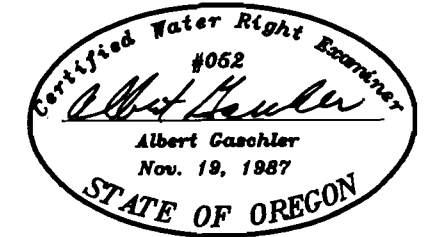
Submitted By:

Albert Gaschler

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

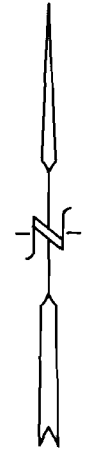
DISCLAIMER

I, ALBERT GASCHLER, HEREBY CERTIFY: THAT THIS MAP WAS MADE TO BE A PART OF REGISTRATION STATEMENT CLAIMING A RIGHT TO APPROPRIATE SURFACE WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.

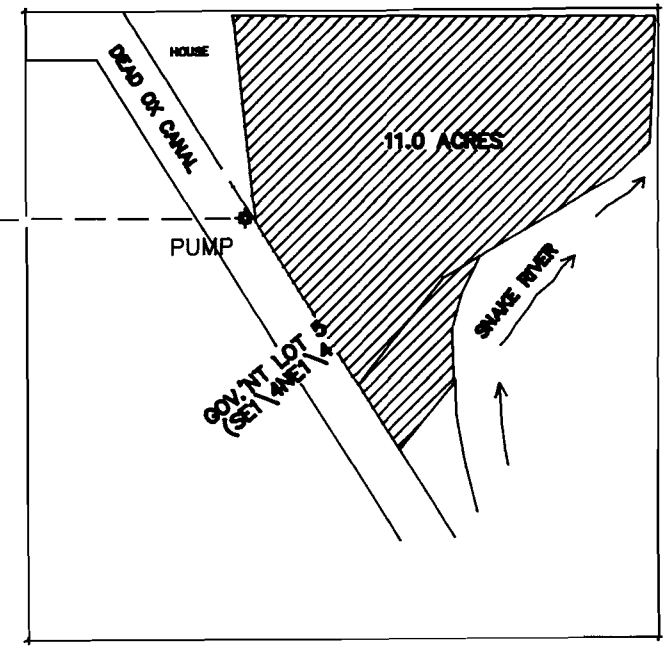


CERTIFICATE EXPIRES : 12-31-93

TAX LOT No. 17-47-2 800
SEC. 2 Twp. 17 S., R. 47 E. W.M.



SCALE: 1" = 400'



PUMP INFORMATION

MOTOR - CENTURY, 7 1/2 HP
3500 RPM
PUMP - BERKLEY, DIRECT DRIVE
MODEL B 2 TPM, CENTRIFUGAL,
175 GPM, 5 7/16" IMPELLER

IRRIGATION INFORMATION

PIPE, HANDLINES
MAINLINE - 30ea- 4" x 30' sections
SPRINKLERS - 25ea-3" x 30' sections
NOZZLES - 5/32", 5 gallons, RAINBIRD
25ea - 125 gallons max.

NOTE: ELEVATION DIFFERENCE BETWEEN
WATER LEVEL OF DEAD OX CANAL
AND MEAN FIELD ELEVATION IS
15 FEET.

EAST 4399'

NORTH 3519'

PUMP IS NORTH 3519' AND
4399' EAST OF THE
S.W. COR. SEC. 2,
Twp.17 S. R. 47 E., W.M.

N89° 39' 00" E

W1/16 COR. SEC. 2/11
Twp. 17 S., R. 47 E. W.M.

APPLICATION No.: SWR-95

PERMIT No.:

LEGEND

- GOVERNMENT CORNER
 - EARTH DITCH
 - PUMP
 - WELL
 - EXIST PRIMARY RIGHT
- REVISED 6-93: CHANGED SCALE, ADDED PUMP
MOTOR, PUT ON MYLAR
REVISED 8-93: PUMP, IRRIGATION LINES, ELEVATION

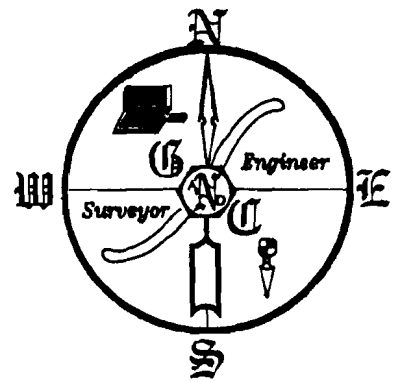
WATER RIGHTS EXAMINERS MAP		
FOR : JAMES J. AND E. JAY WEBER		
GASCHLER & CUMMINGS		
P.O.BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: DKC	DRAWN BY: AG	APPROVED BY: AG
DATE: 4/1/91	DRAWING No. 1091-A492	REVISED: 8-93
SHEET 1 OF 5	JOB No. WO-1091	BK.WO-4 PG.9

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 Road NE
Salem, Oregon 97310

RECEIVED

JUN 30 1993

Attn: Don Knauer, Adjudication Specialist

WATER RESOURCES DEPT.
SALEM, OREGON

Re: File # SWR-95

We are sending the following items:		DESCRIPTION
DATE	COPIES	
6/28/93	1	Mylar Map
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 checked="" type="checkbox"/> As requested	

Remarks: As requested by your letter dated June 4, 1993, for File # SWR-95

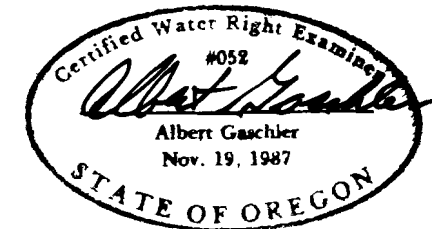
Submitted By:
Albert Gaschler

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

TAX LOT No. 17-47-2 800
SEC. 2 Twp. 17 S., R. 47 E. W.M.

DISCLAIMER

I, ALBERT GASCHLER, HEREBY CERTIFY: THAT THIS MAP WAS MADE TO BE A PART OF REGISTRATION STATEMENT CLAIMING A RIGHT TO APPROPRIATE SURFACE WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.



APPLICATION No.: SWR-95

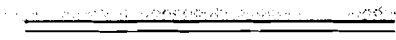
PERMIT No.:

LEGEND

GOVERNMENT CORNER



EARTH DITCH



PUMP



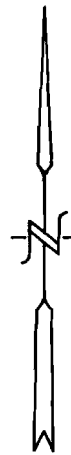
WELL



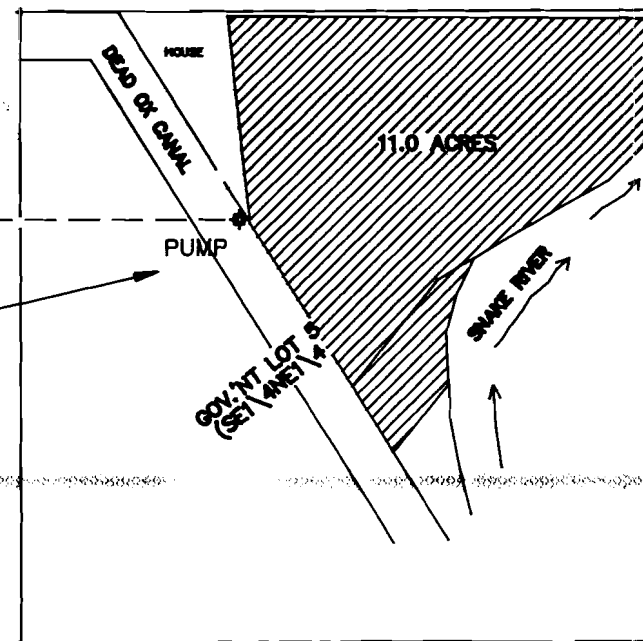
EXIST PRIMARY RIGHT



REVISED 6-93: CHANGED SCALE, ADDED PUMP MOTOR, PUT ON MYLAR



SCALE: 1" = 400'



PUMP MOTOR 7 1/2 H.P.
6" HAND LINES

Is this correct?

6" HANDLINES
SEEM VERY LARGE

Why did you
change the
pump location to
the location
of a well?

WELL IS NORTH 3580' AND
4378' EAST OF THE
S.W. COR. SEC. 2,
Twp. 17 S. R. 47 E., W.M.

N89° 39' 00" E

W1/16 COR. SEC. 2/11
Twp. 17 S., R. 47 E. W.M.

WATER RIGHTS EXAMINERS MAP
FOR : JAMES J. AND E. JAY WEBER

GASCHLER & CUMMINGS

P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON

CHECKED BY: DKC

DRAWN BY: AG

APPROVED BY: AG

DATE: 4/1/91

DRAWING No. 1091-A492

REVISED: 6-93

SHEET 1 OF 5

JOB No. WO-1091

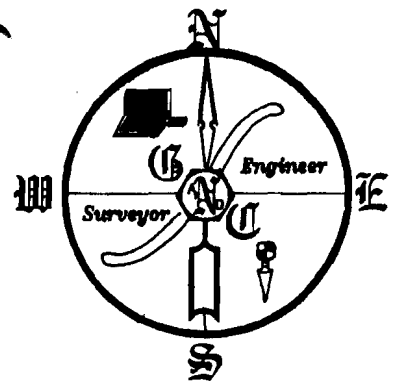
BK.WO-4 PG.9

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

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:

- 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.

SWR-95

TAX LOT No. 17-47-2 800
SEC. 2 Twp. 17 S., R. 47 E. W.M.

DISCLAIMER

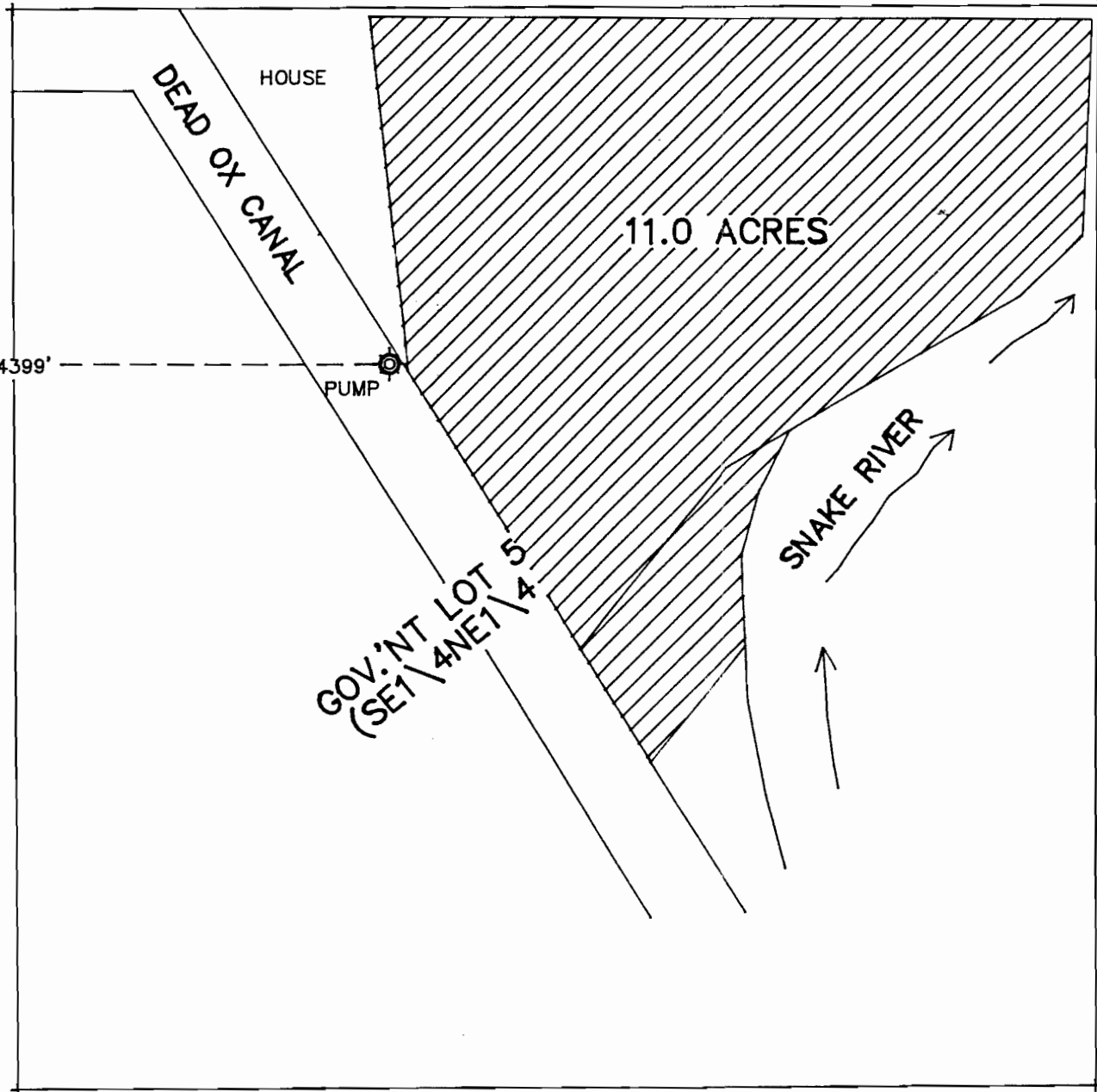
I, ALBERT GASCHLER, HEREBY CERTIFY: THAT THIS MAP WAS MADE TO BE A PART OF THE APPLICATION FOR A PERMIT TO APPROPRIATE SURFACE WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.

APPLICATION No.:

PERMIT No.:



SCALE: 1" = 200



EAST 4399'

NORTH 3519'

PUMP IS NORTH 3519 AND 4399' EAST OF THE S.W. COR. SEC. 2, Twp. 17 S. R. 47 E., W.M.

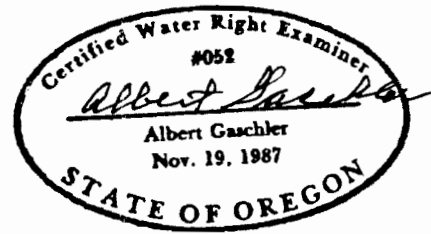
N89° 39' 00" E

W1/16 COR. SEC. 2/11
Twp. 17 S., R. 47 E. W.M.

LEGEND

- GOVERNMENT CORNER
- EARTH DITCH
- PUMP
- NEW PRIMARY RIGHT

WATER RIGHTS EXAMINERS MAP		
FOR : JAMES J. AND E. JAY WEBER		
GASCHLER & CUMMINGS		
P.O. BOX 412 / 786 SUNSET DR., 889-2101, ONTARIO, OREGON		
CHECKED BY: DKC	DRAWN BY: AG	APPROVED BY: AG
DATE: 4/1/91	DRAWING No. 1091-A492	REVISED:
SHEET 1 OF 5	JOB No. WO-1091	BK.WO-4 PG.9



RECEIVED

NOV 16 1992

WATER RESOURCES DEPT
SALEM, OREGON

La Grande, Or. 97850
2911 N. Oak St
Jan. 7, 1992

Pat Phillips
PO Box 1305
Ontario, Or 97814

Dear Mrs Phillips:

I remember when Belknaps moved from their homestead to their place on the Snake Rv. I'm not sure of the year but I know the Belknaps and MacDonalds were living on their homesteads in 1912. Belknaps had their house moved from the homestead down to the present site (on the "River place") - quite an undertaking in those days.

The Snow-Moody Canal was dug about the same time & left the huge piles of soil on each side of the canal. The pump on the Snake Rv. that my Grandfather used was some distance from the head gate of the Canal and closer to the property line of the adjoining farm.

Later a house was built down by the Canal for Robert & Stella Belknap. I'm not sure if there was a pump in the Canal to water the area around their house.

My father, Angus MacDonald, pumped water from the Canal.

I hope this will help Mrs & Mrs Haber.

Sincerely
Alice M Morehead

P.S. I had my second cataract surgery on Dec. 27, & it has
showered me down!

James S. Weber
Rt. 1, Box 85A
Richland, Oregon

NOV 16 1992
WATER RESOURCES BOARD
SALEM, OREGON

November 4, 1992

Mr. Dwight French
Water Resources Board
Salem, Oregon

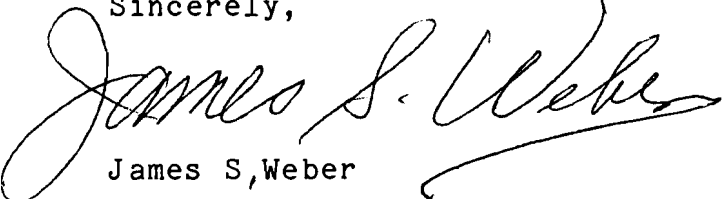
Dear Sir:

Included are two applications for a water right. One is dated December 19, 1991, the other November 5, 1992. We were informed at that time, that our best hope for a water right was to drill a well through the Snake River drainage into new water. We did this and then were advised that our best chance was to prove beyond a reasonable doubt that the property was being irrigated prior to 1909. In 1893 a water wheel irrigated the place but the exact acreage was never recorded.

I have included a letter from Mrs. Alice Morehead. She was on our place five years ago and pointed to the eleven acres we are applying for. She told me that she remembered in 1912 going out to the prune orchard with her grandfather to irrigate. Since a prune orchard takes several years to bear fruit, it is obvious that the land was being irrigated prior to 1909.

Although not recorded, I believe there is sufficient reason for a water right to be recorded.

Sincerely,


James S. Weber

P.S. JAN, 21 - 1992 WAS THE DAY
WE WERE ADVISED TO DRILL A WELL
