

RECEIVED

SEP 7 1993

WATER RESOURCES DEPT
SALEM, OREGON

ADDENDUM

TO

SWR - 129

by

Don Gnos
34235 Goltra Rd. SE
Albany, OR 97321 (503) 928-8929

The spring development is an excavated pool, approximately 6' x 12' x 3' deep.

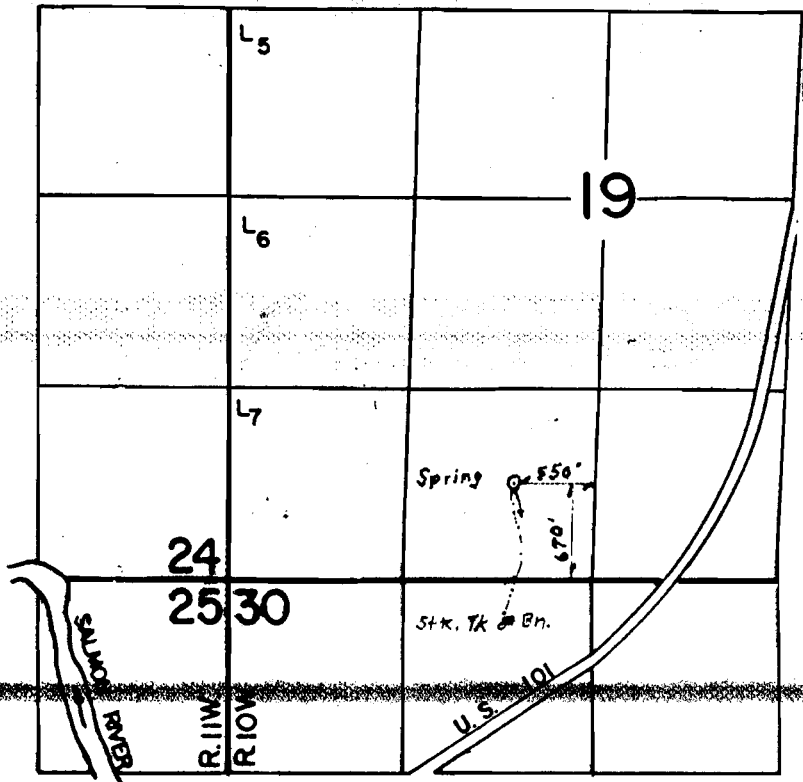
A 3/4" plastic pipe supplies gravity flow to the barn with \pm 70' of fall. This measurement was made by hand level and checked on the Geological Survey Quad map.

This is a dairy barn for a 100 head dairy with 49 milking stalls, milk parlor plus a 12' x 5' x 2½' deep stock tank outside the barn. This was last operated as a dairy in 1989. Since then, it has been used for livestock. In 1992, this consisted of 1,000 head of sheep and 30 head of beef stock.

August 26, 1993


Larry W. Jebousek

T.6S., R. 10 & 11 W., W.M.



Scale: 1" = 1320'

MAP FOR
DON GNOS

Photo Survey on Nov. 12, 1992 by

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



L. R. Church
1st Natl Bank of Portland

Gnos
Gnos, Oregon

No. 4

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WATER RESOURCES DEP
SALEM, OREGON

L R Church and Lawrence Gnos abstract in Escrow.

with Church Contract

EAST HALF OF SOUTHWEST QUARTER AND LOTS SIX
AND SEVEN IN SECTION NINETEEN: EAST HALF OF
NORTHWEST QUARTER OF SECTION THIRTY IN TOWN-
SHIP SIX SOUTH OF RANGE TEN WEST OF WILLAMETTE
MERIDIAN, AND LOTS NINETEEN, TWENTY, THIRTY
THIRTY ONE IN SECTION TWENTY FOUR IN TOWN-
SHIP SIX SOUTH OF RANGE ELEVEN WEST OF THE
WILLAMETTE MERIDIAN IN LINCOLN COUNTY, STATE
OF OREGON

3
TITLE POLICY
THE FEDERAL LAND BANK
OF OREGON

LOAN NO. 72518

ABSTRACT

293103
Lawrence Gnos
Oregon

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WATER RESOURCES DEPT.
SALEM, OREGON

CONTINUATION SHEET

The United States of America,
By Grover Cleveland, President
M. McKean, Secretary

Character of Instrument Trust Patent

Book 8 Page 206

Date of Instrument July 26th, 1894.

Date of Record May 6th, 1895

Consideration, \$

GRANTOR

TO

Granting words Hereby declares that
it does and will hold the land
thus allotted for the period of
twenty five years, in trust.

Are signatures sealed? Seal of General Land
Office is affixed

Covenants

Charles Howard,

GRANTEE

Witnesses

ACKNOWLEDGMENT

Where? City of Washington

When? July twenty-sixth 1894.

Before whom?

DESCRIPTION

The following described land, viz:

The East half of the North West quarter
of Section thirty of township six South of Range
ten West of Willamette Meridian in Oregon con-
taining eighty acres.

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DEC 15 1992

WATER RESOURCES DEPT.
SALEM, OREGON

which is the difference between the full purchase price of \$18,000.00 and the amount due upon said mortgage above referred to, shall bring interest at the rate of 5% per annum, payable semiannually. The purchasers do hereby promise and agree to pay said sum of \$11,658.49, together with interest thereon at the rate of 5% per annum in the following manner, to-wit: by paying to the seller 30% of the gross income from the sale of dairy products derived from the operation of the above described real property, but in any event not less than \$700.00 per annum. It is understood and agreed that out of the payment of 30% of the gross income, or the payment of \$700.00 per annum, there shall be first deducted semi-annual interest on the deferred balance at the rate of 5% per annum and that the remainder of said payments shall be applied upon the principal sum due from the purchasers to the seller.

The purchasers further promise and agree that they will pay to the seller 30% of said gross income as each check is received from the sale of dairy products in the operation of said premises, during the time of this contract and until the full purchase price, including interest, has been paid; and further agree to keep accurate books of account of their sale of dairy products and will once each year during the time of this contract render an accounting to the seller, and if at said time the several sums paid from time to time as hereinabove mentioned do not equal at least \$700.00 for the fiscal year, the purchasers agree to make up the

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DEC 15 1992
WATER RESOURCES DEPT.
SALEM OREGON

difference between the amounts paid during the year and the
of \$700.00, thus, however, shall not be considered to limit
payments during the year to \$700.00, if the 30% of the gross
the year should exceed \$700.00. It is understood and agree
purchasers shall have the right and privilege to pay off an
above said 30% of said gross receipts or said sum of \$700.
is larger, at any time during the time of this agreement, to
either on principal or interest.

In arriving at the basis of payment of 30% of the gross
from the sale of dairy products, it is the intent of all parties
contract that the purchaser shall keep at least 37 head of
on said premises during the time of this contract.

The seller agrees to pay all taxes assessed and levied on
premises to and including taxes assessed and levied for the

SIGNED by all parties

ACKNOWLEDGED by

DEC 15 1992

Mollie Bensell, a single person
heir of Charles Howard deceased
a Confederated Indian.

Character of Instrument Indian Deed
Book 17 Page 575
WATER RESOURCES DEPT.
SEM, OREGON

Date of Instrument June 14th 1905

Date of Record September 1st. 1906

Consideration, \$ 840.00

Granting words Does hereby grant,
bargain, sell, and convey.

GRANTOR

TO

Are signatures sealed? Yes.

Covenants Warrant the title.

George E. Cutler

GRANTEE

Witnesses C. W. Rastall
Clara R. DePoe

ACKNOWLEDGMENT

Where? Lincoln County, Oregon.

When? June 14th A. D. 1905

Before whom? W. S. Hall, Notary Public.

DESCRIPTION

The following described real estate
and premises situated in Lincoln County,
State of Oregon, to-wit:

Ne Nw/4 and Se Nw/4 sec. 30 T. 6 S. R.
10 W. W. M. containing 80 acres.

58502 Indian Office, Incl. No. 1 1905,
Department of the Interior,
Office of Indian Affairs,
August 28, 1905.

The within deed is respectfully sub-
mitted to the Secretary of the Interior.

DEC 15 1992

WAL
URGES DEPT.
SALEM, OREGON

with the recommendation that it be approved.

F. E. Leupp, Commissioner.

Department of the Interior.

September 8, 1905.

The within deed is hereby approved.

Thos. Ryan, Acting Secretary

Office of Indian Affairs.

Land Division. Sept. 14, 1905.

Recorded in Deed Book Inherited Indian Lands,
Vol. 10, page 55.

CONTINUATION SHEET

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DEC 15 1992

J. A. West and
M. E. West, his wife.
(In signing the instrument her
signature appears as E. M. West)

Character of Instrument Mortgage
WATER RESOURCES DEPT.
SALEM, OREGON
Book 9 Page 486
Date of Instrument September 8th 1909
Date of Record October 7th 1909
Consideration, \$ 600.00

GRANTOR

Granting words Grant, bargain, sell
and convey

TO

Are signatures sealed? Yes
Covenants Warrant and defend.

O. H. Davenport.
GRANTEE

Witnesses Clarence Parmele.
Hoyt F. Parmele.

ACKNOWLEDGMENT

Where? Lincoln County, Oregon.
When? Sept. 28, 1909.
Before whom? C. S. Parmele, Notary Public.

DESCRIPTION

That certain real property situated in
Lincoln County, State of Oregon, bounded
and described as follows, to-wit:

The Lots Numbered Nineteen (19) Twenty
(20) Thirty (30) and Thirty-one (31) of Sec-
tion Twenty-four (24) in Township Six (6)
South of Range Eleven (11) West of Willamette
Meridian in Oregon, containing 76.83/100 acres.

On the margin of the record is written the following:

For complete satisfaction of the within Mortgage see
Mortgage Record 12 page 399

Page 25

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RELEASE OF MORTGAGE.

WATER RESOURCES DEPT.
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That I, O. H. Davenport of Willamina, of the County of Yamhill, State of Oregon, the owner and holder of a certain Mortgage executed by J. A. West and M. E. West to O. H. Davenport for the sum of Six Hundred 00/100 Dollars, recorded in the office of the Recorder of Conveyances for Lincoln County, State of Oregon, in volume 9 page 486, of the Record of Mortgages, for said County, on the seventh day of October A. D. 1909, do hereby certify that said Mortgage has been fully paid and satisfied, and hereby cancel and forever discharge.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this eleventh day of January, A. D. 1912, and year first above written.

Signed and sealed in the
presence of

Wm. Burg, Paul Fundman.

O. H. Davenport.. (Seal)

This instrument is properly acknowledged
before Paul Fundman, Notary Public in and
Yamhill County, Oregon, January 11th 1912.

Filed and recorded March 16th A.D. 1912 at 9.10 o'clock A.M.

Recorded in Mortgage record 12 page 399

FLB 2726

CONTINUATION SHEET

DEC 15 1992

James A. West and
Elmira M. West, his wife.

Character of Instrument ^{WATER RESOURCES DEPT.} Mortgage _{SALEM, OREGON}

Book 9 Page 622

Date of Instrument January 29th 1910.

Date of Record February 17th 1910.

Consideration, \$ 2400.00

GRANTOR

TO

Granting words Have bargained, sold,
and conveyed and by these pre-
sents do bargain, sell and con-
vey.

Are signatures sealed? Yes.

Covenants

George E. Cutler

GRANTEE

Witnesses Leola A. West, Orville C. Lee.

ACKNOWLEDGMENT

Where? Lincoln County, Oregon.

When? January 29th 1910.

Before whom? R. W. Henry, Justice of the Peace.

DESCRIPTION

The following described premises, to-wit:

The East half of the Northwest quarter of Section 30 and the East half of the Southwest quarter and Lots No. 6, & 7 of Section 19 all in Township 6 South Range 10 West of the Will. Mer. in Lincoln County Oregon, and containing in all 234.52 acres more or less.

This mortgage is given to secure the payment of one promissory note for the sum of \$2400.00 dated January 19th 1910 and due on or before 5 years after date, with interest at the rate of seven per cent per annum.

Page 27

JUDGMENTS.

WE HEREBY CERTIFY that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described in the within caption only those set up in abstract.

in any court of record in Lincoln County, Oregon.

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TAXES.

WATER RESOURCES DEPT.
SALEM, OREGON

There are no taxes due and unpaid upon the lands described in the within caption.

All taxes including the year 1912 are paid.

CERTIFICATE.

STATE OF OREGON, }
County of Lincoln. } ss.

We, the undersigned, do hereby certify that the foregoing 27 sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title to the land described in the within caption.

WITNESS our hand and corporate seal affixed this the 27th day of August.

A. D. 1913 at 5 P. M.

YAQUINA BAY LAND & ABSTRACT CO.,
Abstracters.

Sara Fisher
Secretary.

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WATER RESOURCES DEPT.
SALEM, OREGON

No.

Abstract of Title

from

August 27th 1913 at 5 P.M.

To

The east half of the southwest quarter and lots six and seven in section nineteen, east half of the northwest quarter of section thirty in township six south of range ten west of Willamette Meridian, and

Lots nineteen, twenty, thirty and thirty one in section twenty four in township six south of range eleven west of the Willamette Meridian, all in Lincoln County, Oregon.

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DEC 15 1992

WATER RESOURCES DEPT.
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That I, A. M. Myer of the County of Tillamook, State of Oregon, in consideration of Ten Dollars and other valuable considerations, to me paid by A. N. Myer, of said County and State, the receipt whereof is hereby acknowledged, do hereby transfer, set over and absolutely assign unto the said A. N. Myer, all my right, title and interest in and to that certain lease to real and personal property, made and executed by J. A. West and his wife Elmira West, to myself and G. A. Bunn, on the 4th day of January, 1915.

This assignment includes the lease and option to buy the following described land, to-wit:

Lots 6 and 7 and the East half of the South West quarter of Section 19, the East half of the North West quarter of Section 30, Township 6 South of Range 10 West, lots 19, 20, 30 and 31 in Sec. 24, Township 6 South of Range 11 West, containing 312 acres.

together with option to purchase said real property and also lease on that certain personal property described in said instrument which instrument is in words and figures as follows to-wit:

This agreement made and entered into this 4th day of January 1915, by and between J. A. West and his wife, Elmira West of Otis, Lincoln County, Oregon, parties of the first part, and A. M. Myer of Tillamook, Oregon, and G. A. Bunn of Hebo, Oregon, parties of the second part, witnesseth:

That the parties of the first part for and in consideration of the covenants hereinafter mentioned, hereby lease to the parties of the second part, from February first, 1915, to January 31, 1918,

1113 31
1

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DEC 15 1992

the following described property, towit:

Lots 6 and 7 and the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 19 and East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 30 T. 6 S R 10 West and Lots 19, 20, 30 and 31 in Sec. 24 T. 6 S R 11 West containing 312 acres,

together with all buildings, cheese factory and cheese equipment, 12 milk cans, 2 horses (1 described as a black horse call Dan Patch and 1 sorrel more as Pet) 35 milk cows, 2 Bulls, 1 mowing machine 1 Hay Rake, 2 Plows, 1 set double harness, 1 wagon, 1 sickle grinder; 1 Grindstone, saws and wedges, 1 cook stove, 1 heater, 4 bedsteads and other furniture.

The parties of the second part hereby agree ^{pay} to the parties of the first part the sum of \$3000.00 (Three thousand Dollars) to be paid as follows: \$500.00 on February first, 1915; \$500.00 on July first, 1915; \$500.00 on February first 1916; \$500.00 on July first 1916; \$500.00 on February first 1917; and \$500.00 on July first 1917.

The parties of the second part agree to return all property to parties of the first part at expiration of this lease, in as good condition as it is at present ordinary wear and tear, fire and unavoidable casualty expected.

The parties of the first part hereby agree to give to the parties of the second part an option to buy the above described property at any time during the life of this lease, for the sum of \$16,000.00 (Sixteen Thousand Dollars) \$8000.00 to be paid in cash at time of sale, balance to be paid in three years with interest at six per cent per annum.

DEC 15 1992

It is further agreed that in the event that ^{WATER, SUGAR, ETC.} ~~parties of the~~ ^{SALEM, OREGON} second part do not take advantage of this option that the parties of the first part may sell the property described above at any time after February first 1916, upon 60 days notice being given to the parties of the second part.

It is further agreed that in the event of the property being sold to a third party that the parties of the first part agree to pay to the parties of the second part a sum for damages, said sum to be determined by arbitration if necessary.

Done this 4th day of January 1915 at Otis, Oregon.

Witnesses:

. Cecil Cospier

J. Anderson

J. A. West.....(Seal)

Elmira West.....(Seal)

A. M. Myer.....(Seal)

G. A. Bunn.....(Seal)

Subscribed and sworn to before me this 4th day of January 1915.

(Seal)

Cecil Cospier.
Notary Public in and for the
State of Oregon.

TO HAVE AND TO HOLD, unto the said A. N. Myer as her property absolutely, and the right to exercise any and all privileges which I have the right to exercise by virtue of said contract, particularly the right to exercise the option mentioned in said contract to purchase said party under the conditions therein named.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 6th day of January, 1915.

Done in the presence of

A. I. Fritzpatrick

S. S. Johnson.

A. M. Myers.....(Seal)

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DEC 15 1992

A G R E E M E N T

WATER RESOURCES DEPT.
SALEM, OREGON

L. R. CHURCH, a single person

DEED RECORDS

Book 102 page 168

Dated June 15, 1944

Recorded December 29, 1944

to

LAWRENCE GNOS and HATTIE L. GNOS,
husband and wife

Consideration --

. . . promises and agrees to sell and convey unto the purchasers and the purchasers agree to buy from the seller the following described real property situated in Lincoln County, State of Oregon, to-wit:

The east half of the southwest quarter of Section 19, and the east half of the northwest quarter of Section 30 and all that portion of the northeast quarter of the southwest quarter of Section 30, situate, lying and being north of Salmon River, all of the foregoing real property being located in Township 6 South Range 10 West W.M., in Lincoln County, Oregon.

For the sum of \$18,000.00 to be paid at the times and in the manner following, to-wit: The purchasers do hereby agree to assume and pay that certain mortgage upon a portion of the above described real property in favor of the Federal Land Bank of Spokane, Washington, upon which there is now due and owing the sum of \$6341.51, principal, together with interest to become due therein from time to time. The balance of \$11,658.49

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Dec NAME M. Coast # 18 UNADJUDICATED AREA ? yes
RECEIPT # 95198 S W R NUMBER 129
CHECK ENCLOSURES Dec PRELIMINARY DATA BASE ENTRY DWE
ACKNOWLEDGEMENT LETTER Dec ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP 100 CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION LCR

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
#12 _____ 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 _____

September 7, 1993

Larry W. Jebousek
4682 Cascade Hwy SE
Sublimity OR 97385

RE: SWR-129

Dear Mr Jebousek,

This will acknowledge the receipt of the map and information in support of the pre-1909 vested water right claim for DON GNOS. I will add the map and information to the file.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WIS\C\1\SWR-0129.002



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

June 17, 1993

LARRY W. JEBOUSEK
4682 CASCADE HIGHWAY SE
SUBLIMITY OR 97385

RE: File# **SWR-129**

DEAR LARRY W. JEBOUSEK,

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 Don Gnos. 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."

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\SWR-0129.00M





January 15, 1993

DON GNOS
34235 GOLTRA RD SE
ALBANY OR 97321

Dear MR GNOS,

This will acknowledge that your Surface Water Registration Statement in the name of DON GNOS has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95198 was hand delivered. Your registration statement has been numbered SWR-129.

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

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0129.001



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

Accepted +
received at
counter by
Dwight 1:25 pm

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

RECEIPT # **95198**

RECEIVED FROM: *Footnot Flats* APPLICATION
 BY: _____ PERMIT
 TRANSFER

CASH: CHECK: # 196-8 OTHER: (IDENTIFY) TOTAL REC'D \$ 200.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ 200.00
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

_____	OTHER: (IDENTIFY)	\$
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03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6): (IDENTIFY)		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$	842.002 \$
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
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	\$
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07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)	\$
842.115	HYDRO LICENSE FEE(FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **95198**

DATED: 12/15/92

BY: C. Engl