

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP Sec NAME MID # 2B UNADJUDICATED AREA ? yes  
Williamsport  
RECEIPT # 95209 S W R NUMBER 144  
CHECK ENCLOSURES Sec PRELIMINARY DATA BASE ENTRY DK  
ACKNOWLEDGEMENT LETTER Doc ENTER ON STREAM INDEX \_\_\_\_\_  
Duster  
CHECK QUADRANGLE MAP CAD CHECK GLO PLATS \_\_\_\_\_  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION Sec

**FORM REVIEW**

\_\_\_\_\_ blanks filled in  
\_\_\_\_\_ signed  
\_\_\_\_\_ date received stamped

RESERVOIR

**MAP REVIEW**

#2  
\_\_\_\_\_ ✓ 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  
#2 \_\_\_\_\_ ✓ 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 \_\_\_\_\_

October 14, 1993

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WATER  
RESOURCES  
DEPARTMENT

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Larry W. Jebousek  
4682 Cascade Hwy SE  
Sublimity OR 97385

RE: SWR-144

Dear Larry,

This will acknowledge the receipt of the map to support the pre-1909 vested water right claim in the name of CASCADE WEST TREES INC you returned with corrections and completions. I will add the map to the file.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WS\CV\1\SWR-0144.002



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

June 23, 1993

LARRY W. JEBOUSEK  
4682 CASCADE HIGHWAY SE  
SUBLIMITY OR 97385

RE: File# **SWR-144**

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 Cascade West Trees, Inc.. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

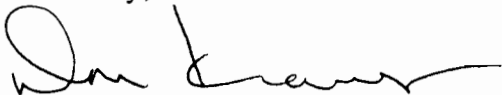
diversion point location      ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or .... recorded subdivision..."

diversion point size            OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems." I need the dam and reservoir information such as: height, width, slope, capacity, etc.

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,

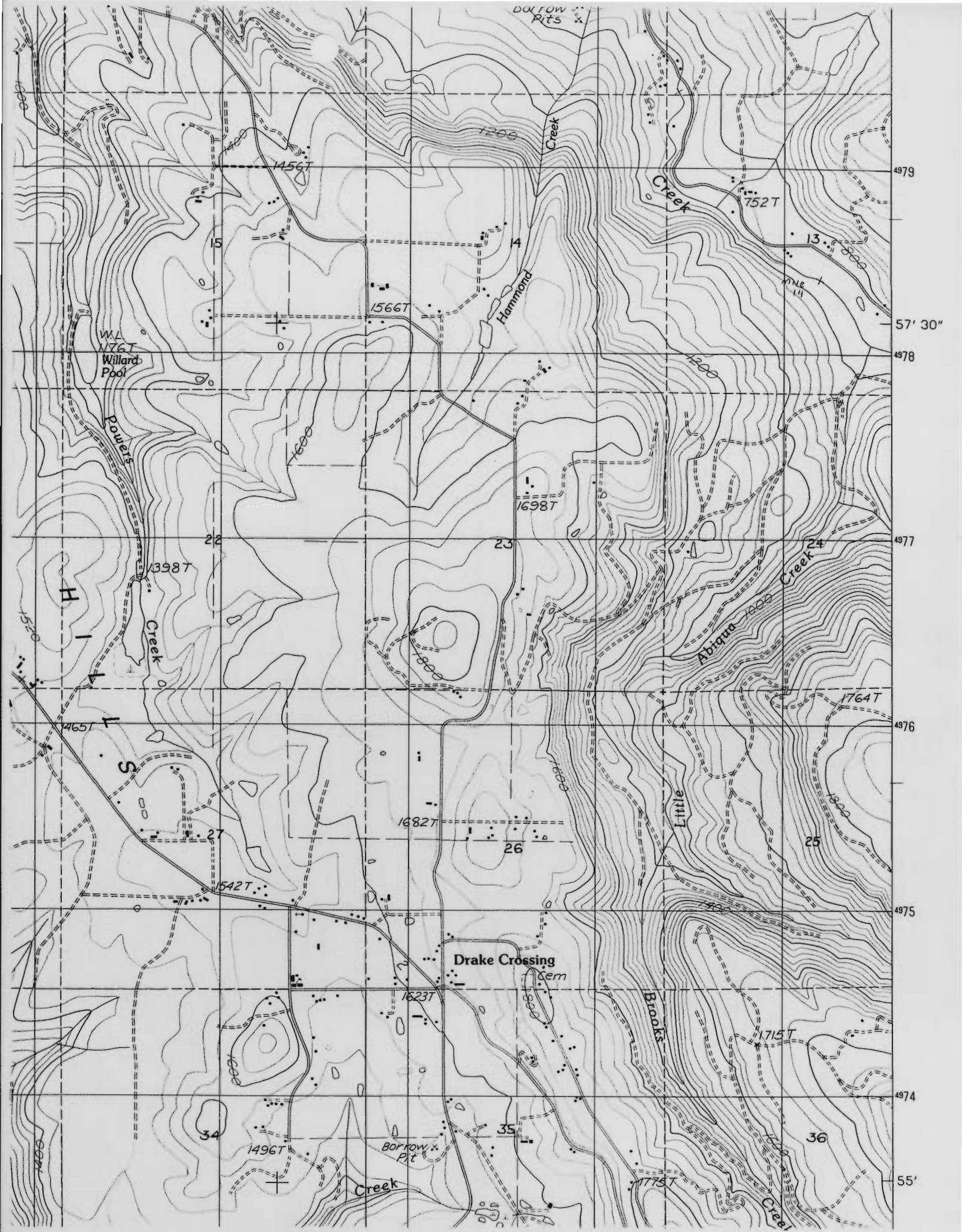


Don Knauer  
Adjudication Specialist

Enclosures  
J:\WP51\SWR\CLAIMANT\SWR-0144.00M



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



January 19, 1993

CASCADE WEST TREES INC  
19815 BRIDGE CREEK RD  
SILVERTON OR 97381

Dear MR KENT,

This will acknowledge that your Surface Water Registration Statement in the name of CASCADE WEST TREES INC has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95209 is enclosed. Your registration statement has been numbered SWR-144.

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-0144.001



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

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

RECEIPT # **95209**

RECEIVED FROM: <u>Cascade West Trees</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH:  CHECK: #  24-12 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 200.00

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

842.010	ADJUDICATIONS	\$ <u>200.00</u>
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:**

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	\$
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**07-00-0 HYDRO ACTIVITY**

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

RECEIPT # **95209**

DATED: 12-18-92 BY: D Bushnell

8. Remarks:

This property was granted to the Oregon California Railroad Company in 1870's by President R.B. Hayes.

Simon Ivy purchased the property from James and Mary Fronek in 1895. Simon Ivy died in 1906 in Nanimo, B.C., Canada. His widow, Bridgett Ivy, settled the estate between 1906 and 1910.

Lars A. Johnson establish a sawmill on the property in 1906. A mill pond was constructed at that time.

Powers Creek water was used for the maintenance of the mill pond to float logs and to operate a steam engine which powered the mill. Presumably, water was also used by the mill employees and for fire protection.

The mill stopped operating about the time of the depression.

The mill pond has been maintained and used for family recreation including fishing, swimming, boating, wildlife and is available for emergency fire protection.

An abstract from the 1870's to 1924 is available for coping if requested.

Addition affidavits from former mill employees will be submitted at a later date.

The reservoir was enlarged in the past and will be used for irrigation of nursery crops. Information on the dam, reservoir and use of water will be submitted with superseding applications # R-72299 and 72300 early in 1993.

NOTES

GLENN KENT

&

KURT SACHSE

CASCADE WEST

TREES

Application No. R-72299

RECEIVED

OCT 11 1993

State of Oregon  
WATER RESOURCES DEPARTMENT

WATER RESOURCES  
DEPARTMENT  
STATE OF OREGON

# Application for a Permit to Construct a Reservoir

Applicant(s) Cascade West Trees, Inc

(Please print or type - use dark ink)

Mailing Address: 19815 Bridge Creek Rd.

Silverton, OR 97381 (503)873-6994

City State Zip Daytime Phone No.

I (We) make application for a permit to construct two reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Powers Creek, a tributary of Abiqua Creek.  
If not in channel of a stream, state how it is to be filled: ---

2. **THE DAM:** The maximum height of the structure will be 9.9 feet above stream bed or ground surface at the centerline.  
The dam will be (check one)  earthfill,  concrete,  flashboard,  other.  
If "other" give description: \_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: 8 inch steel

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Multi-purpose (including irrigation and recreation).



OCT 11 1993

4. **THE AMOUNT OF WATER** to be stored is: #1 = 9.1, #2 = 4.0 acre-feet.  
The area submerged by the reservoir, when filled, will be #1 = 2.6 #2 = 0.45 acres,  
and the maximum depth of water will be 10' each feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. Both around right abutments.

Reservoir #1: 2- " and 1- " metal culverts located " below the crest of the dam.

Reservoir #2: 2.5' deep, 6' wide with 2:1 slopes.

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 1 year from permit.

Proposed date construction work will be completed 2 years from permit.

Proposed date water use will be completed 3 years from permit.

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant  CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant  CWRE Other (Identify in REMARKS section)

OFFICE

OCT 11 1993

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: Arthur L. and Elizabeth Sacher  
160 Silver Falls Dr. NE  
Silverton, OR 97381 (503)873-4715

Reservoir #1 is claimed under (SWR-144) for recreation use. This reservoir is classified by Division of State Lands as a wetland.

This application prepared by *Tony W. Gelousch*

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

X *Arthur L. Sacher*  
Signature

Oct 8 '93'  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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 the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X *Arthur L. Sacher*  
Signature of Applicant

Oct 8 '93'  
Date

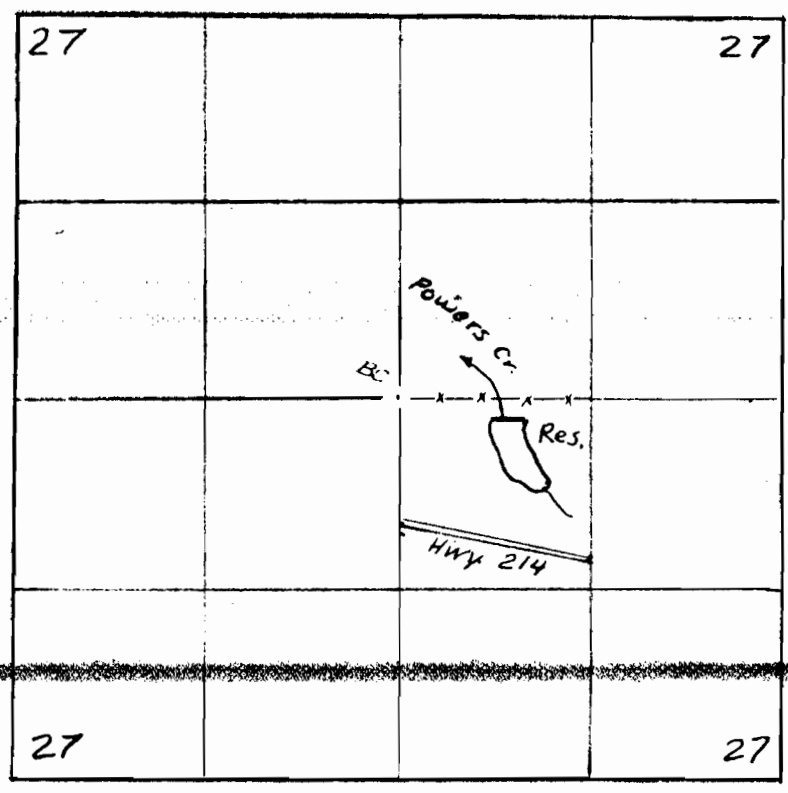
\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

T. 7 S. R. 1 E. W. M

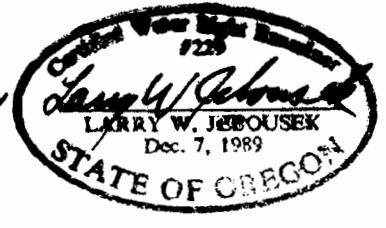
100  
200  
300  
400

A  
Scale  
4" = 1 Mi



WATER RIGHT MAP  
FOR  
Cascade West Trees, Inc.

Photo Survey on Nov. 18, 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.

RECEIVED

DEC 17 1992

WATER RESOURCES DEPT  
SALEM, OREGON

by the above named Acts,

And whereas, certain tracts have been selected and the Acts aforesaid by the Land Agent of the Oregon and California Railroad company as shown by his original list of selections dated June 17, and September 27, 1876, and certified under dates of June 21st and September 27, 1876, by the Register's and Receiver's at Oregon City and Roseburg, Oregon: The said tracts being described as follows, to-wit: South of base line and East of the Willamette meridian, Oregon. All of Section twenty-seven containing six hundred and forty acres. (Also other lands).

Now, Know Ye, That the United States of America in consideration the premises and pursuant to the said Acts of Congress, Have Given and Granted and by these presents Do Give and Grant unto the said Oregon and California Railroad Company of Oregon, and to its assigns, the tracts of land selected as aforesaid and described in the foregoing: Yet excluding and excepting from the transfer by these presents, "All mineral lands, should any such be found to exist in the tracts described in the foregoing: but this exclusion and exception according to the terms of the statute shall not be construed to include coal and iron lands

To have and to hold, the said tracts with the appurtenances unto the said Oregon and California Railroad Company of Oregon and to its assigns forever, with the exclusion and exception as aforesaid.

In testimony whereof, I, Rutherford B. Hayes, President of the United States, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington this eighteenth day

RECEIVED

DEC 17 1992

SALEM, OREGON

of June, in the year of our Lord one thousand eight hundred and seventy seven and of the Independence of the United States the one hundred and first.

(SEAL)

S. W. Clark

Recorder of the General Land Office.

Recorded April 11, 1891 in Book 47 of Deeds on page 143.

By the President: R. B. Hayes

By B. L. Lang,

Secretary.



RECEIVED

DEC 17 1992

SALEM, OREGON

unto Lars A. Johnson the following described premises, to-wit:  
The West one-half (1/2) of the Southeast quarter (1/4) of Section  
twenty-seven (27) Township Seven (7) South Range One (1)  
East of the Willamette Meridian in Marion County, Oregon.

TO HAVE AND TO HOLD the said premises, with their appurtenances  
unto the said Lars A. Johnson, his heirs and assigns forever.

And the said Bridget Ivey hereby covenant to and with the said  
Lars A. Johnson, his heirs and assigns, that she together with said  
children of the said Simon Holman Ivey, deceased is the owner in  
fee simple of said premises; that they are free from all incumbrances  
and that she will warrant and defend the same from all lawful claims  
whatsoever.

In Witness Whereof the said Bridget Ivey and James Ivey have  
hereunto set their hands and seals this 24th day of June, 1910.

her  
Bridget X Ivey Seal  
mark  
James Ivey Seal

Two Witnesses:

In Witness Whereof the said John Ivey and Grace Offerhouse and  
Herman Offerhouse have hereunto set their hands and seals this  
28th day of June, 1910.

John Ivey Wafer

Two Witnesses:

Grace Offerhaus Wafer  
Herman Offerhaus Wafer

In Witness Whereof Simon Ivey, Jr., has hereunto set his hand and seal  
this 4th day of July, 1910.

Simon Ivey, Jr. Wafer

Done in the presence of:  
H. W. Herchmer Notary Public

RECEIVED

DEC 17 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

AFFADAVIT

The mill that was on the Sacher property at 160 Silver Falls Drive NE, Silverton, Or 97381, was purchased by my father from Clarence and Kenneth Keith around 1927. The Keiths had logged all the surrounding timber by then and the mill was old. The mill pond was still there at that time.

Paul A. Thomas  
Paul A. Thomas

STATE OF OREGON

County of Marion

On this 27th day of November, 1992, personally appeared before me the above named PAUL A. THOMAS and acknowledged the foregoing instrument to be his voluntarily act and deed



[Signature]  
notary public for Oregon  
My Commission Expires: 7-18-93