

Aug 6, 1993

REED SAID HE HAS

NOT YET WRITTEN

THE LETTER ABOUT

FBI'S DUE BY HOLDER.

WILL WAIT TO SEND

MAP BACK.

Dee

August 4, 1993

JERRY CORNWALL-BRADY
257 S. FIRST STREET
ST. HELENS OR 97051

RE: File# SWR-188

DEAR JERRY CORNWALL-BRADY,

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 Holdner Farms - William F. Holdner. 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.

DOMESTIC USE:

conveyance	ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..."
place of use (¼ ¼)	ORS 539.240 (2) (d) (B) "The location of place of use by quarter-quarter section..."
diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."



STOCK USE:

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

place of use (¼ ¼) ORS 539.240 (2) (d) (B) "The location of place of use by quarter-quarter section..."

FLUSHING:

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

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

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



cc: T. Paul
Donkramer

O R E G O N T R O U T

August 25, 1994 (Via Fax)

John Mellott
Natural Resource Division
Oregon Department of Agriculture
635 Capitol St. N. E.
Salem, OR, 97310-0110

Dear John:

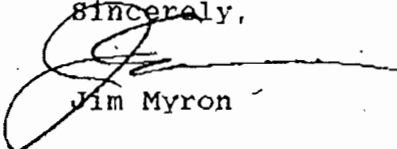
One of Oregon Trout's members recently reported a problem with a livestock feedlot on the South Fork of Scappoose Creek in Columbia County. The situation was reported to the Department of Environmental Quality yesterday, but I wanted to make sure that your agency was aware of the problem.

A man by the name of William Holdner operates a livestock feed lot on the creek. From what we have been told, the feed lot extends to the edge of the creek. Dams have been constructed that cause fish passage problems. Manure is spread in the proximity of the stream, and dead cattle are buried near the stream. Some dead livestock are allowed to stay right in the streambed.

At this time it looks like there could be violations of numerous agency provisions, including the CAFO statutes, fish screening and passage statutes, and water rights permitting laws.

I would encourage you to have someone from your agency investigate this situation at the earliest opportunity. Please feel free to contact a Mr. Tim Beaston at 543-3431. Mr. Beaston is a long-time landowner in the area who reported the incident to Oregon Trout.

Sincerely,



Jim Myron

c: Zarnowitz, ODFW
Marbut, WRD

To Protect and Restore Native Fish and their Ecosystems

Water Tower Building • 5331 S.W. Macadam • Suite 228 • Portland, Oregon 97201 • (503) 222-9091 • FAX (503) 222-9187



HOLDNER FARMS
975 S.E. Sandy Blvd.
Portland, OR 97214

December 22, 1992

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WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310


Dear Sir,

I am submitting herewith registration statement claiming a right to appropriate surface water and other supporting information.

I am enclosing a check for \$ 388.00. Examination fee \$ 200.00, recording irrigation fee \$ 188.00.

If you need additional information, please feel free to contact me.

Very truly yours,


WILLIAM F. HOLDNER

WFH/lm

Water Resources Department
3850 Portland Road N.E.
Salem, OR 97310

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EXHIBIT "WATER RESOURCES DEPT.
SALEM, OREGON

REGISTRATION STATEMENT CLAIMING A RIGHT
TO APPROPRIATE SURFACE WATER

Our review of information from various sources and legal documents obtained that as owner of the property we are entitled unlimited access and use of the surface water for agricultural purposes.

1) Under federal Donation Land Claim act of 1850 the property was deeded to William G. Poppleton who settled on the property in 1853. As a condition to being granted a patent/deed to the proeprty Poppleton was required to meet certain conditions establishing agricultural operation within four years. When the patent was granted to Poppleton it recited that in addition to the title to land he was entitled to all the appurtenances connected with the land. The dictionary defines "appurtenances"under law as a right, privilege, belonging to and passing with a property. "A water right is attached to the land, if the land is sold. The water right goes with the land to the new owner under Oregon law" Furthermore, no restrictions or limitations were placed upon the property regarding the use of surface water for agricultural purposes when the Donation Land claim was granted.

2) The Dutch Canyon property has since 1853 to this day been continuously used for agricultural purposes based on the best records available. With the gradual slopping of the land "river bottom" to the east and south nearly the entire property was naturally flood irrigated by the 3 creeks and a ditch which paralleled Rabinsky road and entered near the center of the property. However, when we acquired the property in 1974 we believed that a more efficient use of the land and water was desirable. An underground 5" mainline was constructed almost the entire length of the property for irigation and handling liquid manure to the land area. The mainline has been also used for irrigation during

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WATER RESOURCES DEPT.
SALEM, OREGON

the summer months and year around use flushing-out the manure system. We also installed drain tile through-out the property including a 10" drainline to the ditch from area near Rabinsky road to South Fork of the Scappoose creek.

(3) John Hergenreder acquired the property in 1921. He maintained a Dairy Operation which continued through family members until shortly before we acquired the property in 1974. The method used for cooling the milk was a steel pipe extending to Mud Creek and Salt Creek each from earth constructed dams allowing the water to free flow to the milk house. The system that is in place today is very similar except that the requirements and method of construction are different. The dams' on the "Mud and Salt Creeks" are constructed of concrete for flood control and provide a source of fresh clean water to cattle in the corral area. Much time, effort and money has been spent in pollution control at feeding facility. We believe that it is neither practical nor reasonable that we require our livestock to drink from a creek when pollution free method has been established. In the past 16 years, we believe the water flow has increased significantly in all three creeks namely, Mud, Salt and South Fork of Scappoose Creek. This is primarily due to home development in surrounding elevations and resulting in displacement of surface water.

4) The only usable water on the property is from surface water. Wells drilled directly adjacent land has produced only salt water and determined to be unsuitable for domestic and/or agricultural use.

Our analysis of the legal documents and legal opinions from attorneys obtained vested rights to the surface water from the three creeks was established when the Poppleton's filed for the Donation Land Claim and was granted a patent/deed to the land by the Federal Government. These vested rights were further established by the fact the land has been used for agricultural purposes since approximately 1853 with surface water being the only source of usable water on the property.

SUPPLEMENTAL INFORMATION - EXHIBIT "B"

None of the original system is in use today. The original irrigation system was a sub-irrigation system mostly by placing logs across the creeks. The new irrigation system has 2,700' of 5" PVC underground pipe, 3,000' of 3" aluminum pipe, one 1" gun and one 3/4" Nelson gun with 2-30 HP motors and 2 direct drive pumps, one at each end of the system. The manure system uses the same pipe and the 1" gun and one 30 H.P. motor and pump. The stock is watered at the feed lot from both of the small dams on salt and mud creeks. Domestic water has always been taken from salt creek. Currently a substantial amount of water used for irrigation and manure handling especially in the fall, winter and spring months comes from the roof of the barn and is collected in a 40,000 concrete holding tank.

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Registration Survey Report for William Holdner

WATER RESOURCES DEPT.
SALEM, OREGON

INFORMATION:

I met Mr. William Holdner at the site. His mailing address is 975 SE. Sandy Blvd., Portland, Oregon 97214 and his telephone number is 233-4601. Mr. Holdner showed me his beef operation. He has a large barn and concrete feed lot (total area approximately 56,000 sq.ft.) and 54 acres of pasture. Mr. Holdner tells me that his barn is near the site of the old dairy barn that was used from before 1909. Prior to 1909, water was used from Salt and Mud Creeks to cool milk, water stock, sub-irrigate pasture, and domestic use. While water from Scappoose Creek was used for stock water and sub-irrigation, today the water from Salt and Mud Creeks gravity flows into stock watering troughs in the feed lot. The overflow from the troughs, as well as rainwater, is used to wash manure in to the holding tank where it is collected and pumped onto the pasture thru the same pipe that is used to irrigate the pasture from Scappoose Creek. There is one residence on the property which used domestic water from Salt Creek.

SOURCE:

Water from the South fork of Scappoose Creek is used to irrigate and back flush the pipe after the manure tank is pumped onto the pasture.

Mud Creek is used for stock water and manure disposal and Salt Creek is used for domestic (one house), stock water and manure disposal.

DIVERSION POINTS &
PUMP & MOTOR:

P.O.D. #1; at Mud Creek, I found a concrete dam with an 8 ft. spillway and 8 ft. wings 4 ft. with a shallow pond behind it (approximately 10,000 cu. ft. of water) from which water flows thru a 3/4 inch pipe (gravity flow) to a water trough.

P.O.D. #2; at Salt Creek, I found a concrete dam 10 feet long and 4 feet high with a very small pond (less than 100 cu. ft. of water) behind it. There is

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DIVERSION POINTS &
PUMP & MOTOR continued:

WATER RESOURCES DEPT.
SALEM, OREGON

a small sump pump with a 3/4 inch pipe in the pond which is used as a back-up to the gravity flow pipe (3/4") to a water trough. Domestic water is also taken from this pond.

P.O.D. #3; there is a 30 hp. Lincoln motor (3470 rpm.) and Vaughn pump (direct drive) with a 3 inch discharge on an in ground 40,000 gallon holding tank.

P.O.D. #4; at Scappoose Creek, I found a 30 hp. U.S. Electric motor (3520 rpm.) with a direct drive centrifugal pump (no name tag) with a 6 inch intake and a 4 inch discharge. There is an 8 foot lift from the creek with no structure in the creek.

PIPE:

There is 3,000 feet of 3 inch aluminum portable pipe.

HEADS:

There is a 1 inch gun and a 3/4 inch gun. I find no name plate on them but was told that they are Nelson 100's. Only the 1 inch gun is used for manure but both are used for irrigation. The system was not in operation at the time of my visit. I am told it operates at 75 to 90 lbs. pressure at the pump.

USES:

Irrigation = 54 acres of pasture

Domestic = 1 family

Stock water = 600 head

Manure removal from feed lot

HEAD:

Scappoose Creek: The mean elevation of the pasture is about 15 feet above the water level in the creek. Salt Creek: The spillway in the dam is less than 10 feet above the watering trough. Mud Creek: The spillway in the dam is

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WATER RESOURCES DEPT.
SALEM, OREGON

HEAD continued:

less than 10 feet above the watering trough.

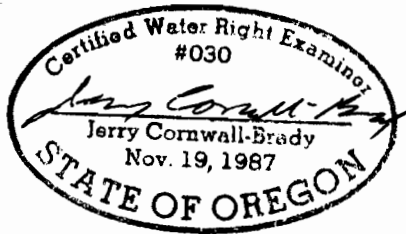
CALCULATIONS:

I measured the amount of water flowing into the water trough from Salt Creek at 4 gallons per minute and Mud Creek at 5 gallons per minute.

POINT OF BEGINNING:

I found the Southwest corner of the Poppleton Donation Land Claim and the West line of the Donation Land Claim and traversed East thru the pasture tying the P.O.D., underground pipe, edge of Pasture and the feed lot with a theadolite & EDM.

The Registration Survey and Inspection was completed by me on November 11, 1992 and the facts contained in this report and accompanying map are correct to the best of my knowledge.



Jerry Cornwall-Brady
Certified Water Rights Examiner

I, William Holdner, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use.

William Holdner
William Holdner

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BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE MATTER OF THE ASSESSMENT OF) C.P. 91-1
CIVIL PENALTY AGAINST WILLIAM HOLDNER)
ON CLASS I MINOR VIOLATION OF ORS 537.130) FINAL ORDER

A contested case hearing on the above-captioned matter was held on May 17th, 1991, at the offices of the Water Resources Department, 3850 Portland Rd. NE, Salem, Oregon.

Notice of Violation of ORS 537.130, storage of water without benefit of right or permit was served on the Defendant on January 31, 1991. Defendant was given 10 days from receipt of the notice to either drain the two ponds or remove the two dams located on tributaries to the South Fork Scappoose Creek flowing through defendant's property, Tax Lot 303, located in Section 16, Township 3 North, Range 2 West, WM, or to apply for a storage permit. Defendant was not charged with illegal use of water.

Defendant had previously been informed of said violation by letters sent on August 1, 1990 and August 8, 1990 and in a personal conversation on August 6, 1990. Defendant claimed an undetermined vested right to store and use water which, he said, had been established at the time the lands were deeded to the original owners under the Donation Land Act in 1854. Defendant was given until August 23, 1990, to file a registration of his claim with the Water Resources Department. The registration was to be filed pursuant to ORS 539.240.

Defendant filed an incomplete registration claim on August 20, which was returned to him on August 23 with directions for providing the necessary additional information for completion. No complete registration form was filed or received by the Department between August 23, 1990 and the present.

No further filings or corrections being made following receipt of the January 31, 1991 Notice of Violation, a Proposed Order Assessing Civil Penalty in the amount of \$1,000 was served on Defendant on March 27, 1991. Pursuant to the Assessment of Civil Penalty, Defendant requested a hearing on April 2, 1991, asserting again the existence of an undetermined vested right. Notice of Hearing was served on the Defendant on April 19, 1991.

Hearing was held as scheduled on May 17, 1991. The Proposed Order in this matter was issued by the Hearings Referee on May 31, 1991. Parties were allowed 30 days from the date of service within which to file exceptions to the Proposed Order.

No exceptions having been filed within the time allowed, and on review of the entire record, this Final Order is now issued.

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SALEM, OREGON

FINDINGS OF FACT

1. Defendant has owned the property on which water is stored from Salt and Mud Creeks since 1974, and has operated a dairy operation on the property since that time.
2. The previous owners owned the property since 1921 and operated a dairy operation on the property from 1921 to 1974.
3. Based on the construction of the original barn, the property was most likely operated as a dairy operation from the 1880's to 1921.
4. Water is presently stored on Salt and Mud Creeks by means of concrete dams and weirs located in the stream. Pipes in the dam deliver water to the barn and stock drinking troughs by gravity feed. Any runoff from the stock troughs is delivered into a large holding tank, which is normally filled with collected rainwater and stock waste, and used for irrigation.
5. The concrete dams and delivery system were constructed to replace the dams and delivery system that had been in place since prior to 1921, apparently since the 1880's, as part of an effort to improve the delivery system and reclaim swampy, wooded areas which had developed as the reservoirs behind the dams became silted in, broader and shallower.
6. No measurements of the quantity of water presently being stored were offered by the Department. Defendant offered measurements prepared by the U.S.D.A. Soil Conservation Service which stated that the reservoir on Salt Creek stores a maximum of .0083 acre feet (2,700 gallons) and the reservoir on Mud Creek holds a maximum of .45 acre feet (148,000 gallons).
7. While no measurements of the capacities of the reservoirs prior to replacement of the dams was offered by either the Department or Defendant, Defendant was persuasive on the question of whether or not, if an undetermined vested right for storage existed, the amount of water being stored as a result of the reconstructed dams was an increase over the amount previously being stored. I find that as a result of reclamation efforts which substantially reduced the surface area but slightly increased the depth of the reservoirs, no increase in the amount of water stored has occurred.
8. The Watermaster had no recollection of observing any reservoirs located on Defendant's property until making site visits as a result of complaints of unlawful storage, although he had been the Watermaster in Columbia County since 1965, and the dams had been replaced and lands surrounding the creeks had been reclaimed and brush and trees removed after 1974.
9. Four aerial photographs taken in 1990, 1982, 1970 and 1954 were introduced into evidence. No reservoir was observable on Mud Creek

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WATER RESOURCES DEPT.
SALEM, OREGON

in any of the four photos. A cleared area appearing to be a reservoir was seen in the 1990 and 1982 photos. This area appeared as brush or trees in the two earlier photographs, consistent with Defendant's testimony that these areas were swampy and brush-filled prior to replacement of the dams and reclamation of the area.

10. Tom Paul, witness for the Department, could not state with certainty on review of the 4 aerial photographs that no storage existed on either Mud or Salt Creeks prior to 1982. The Department offered no evidence that no reservoirs existed prior to 1954.

11. Available groundwater in the area appears to be largely unuseable due to salt or sulphur content.

12. Due to use by upstream appropriators or other causes, continuous flow in Salt and Mud Creeks is not always present year-round, particularly during the summer months.

13. Under the Donation Land Act, patents were given to claimants to the extent of the land lived on and cultivated or developed for 4 consecutive years, up to 320 acres per individual, including appurtenances. An appurtenance at that time could include a riparian right.

14. Even if the storage and use of water had not been developed at the time of the 1854 grant of these lands under the Donation Land Act, it appears that the likely 1880's construction of the dams still dates the storage and use of water as being established prior to 1909.

15. Domestic use, stock water and dairy operations would require adequate supplies of untainted water. If the groundwater source was unuseable, the only other source would be surface water. If a constant flow in the available surface water sources is not reliable, it would be logical to create storage capabilities in order to meet domestic, stock and dairy needs in a reliable manner.

CONCLUSIONS OF LAW

The Department has the burden to establish the violation charged, storage of water without benefit of right or permit.

While the Department did present evidence to show that there was no right of record for the storage of water from Mud and Salt Creeks on the Defendant's property, the Department did not establish that no undetermined right, or possibility of claim thereto, existed. The Department failed to meet its burden.

The violation proceeding and civil penalty assessment should be dismissed, with leave to refile after December 31, 1992 if a complete registration statement has not been filed.

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OPINION

WATER RESOURCES DEPT.
SALEM, OREGON

ORS 539.240 allows until December 31, 1992 to file a registration statement for undetermined, vested rights. The Director subsequently makes a preliminary determination on the completeness of the filing by indorsing the registration statement, entering it into the department's records, and sending a copy of the indorsed registration to the claimant and the watermaster. Entry of the indorsed registration into the department's records establishes a prima facie entitlement to the appropriation and uses in the manner and with the priority claimed in the registration until such time as the claim is adjudicated by the court under ORS 539.010 to 359.240. Such a complete filing, in this case, would also stop the clock on the enforcement proceeding.

Substantial quantities of supporting information and documentation are required to accompany the registration. While the statute would allow up to 2½ years to file from the time Defendant was directed to file, Defendant was given 2 weeks. Defendant did not file a complete registration statement by August 23 or at any time up to the time of hearing, nor did he have further communications with the Department to discuss his difficulties in obtaining information to complete the registration statement. That little effort on Defendant's part might well have been sufficient to avoid this proceeding.

Nevertheless, Defendant was credible in his representations at the hearing that he had been making all reasonable efforts to secure the necessary information and that he had been unable to obtain certain information due to matters beyond his control. Defendant made a credible case that the potential for proof of an undetermined vested right for storage and use of stored water from Salt and Mud Creeks existed, sufficient, when considered with the entirety of the record, to act as a successful defense to the violation charged and penalty assessed.

Moreover, the information presented at the hearing regarding the historic use of the property and construction of the original dams and delivery system, some of which information had been obtained prior to and in the years immediately following his purchase of the property, was sufficiently persuasive to be of considerable value in his defense. With additional documentation, if obtainable, this information would be appropriate for inclusion in Defendant's registration statement on refiling.

Overall, Defendant presented a very thorough defense, albeit in a relatively unorganized, argumentative manner, and demonstrating a lack of understanding on some aspects of the intricacies of Oregon water law. One of those misunderstandings, raised repeatedly by Defendant, should be addressed here.

Defendant repeatedly made the argument that Department staff did not properly investigate the alleged violation, and failed to cooperate with him because it did not, without a request from

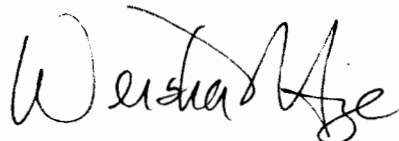
defendant, provide any and all available forms, or take defendant by the hand and walk him through the registration step by step, or make special exceptions or spend a good deal of extra time with him, disregarding staff's myriad other duties. This Referee disagrees.

The Department did an adequate job of investigating the violation by researching the Department's records and, to the extent possible in the face of the Defendant's instruction to the Watermaster not to go on the property, by observing the dams in question. When requested, forms and "how-to" information were provided. Defendant did not help himself by failing to provide any explanation of the delay or deficiencies, or make a request for assistance, when the Department returned his incomplete registration statement.

FINAL ORDER

NOW, THEREFORE, it is ORDERED that the Charge of Violation of ORS 537.130 and Assessment of Civil Penalty against William H. Holdner is DISMISSED without prejudice, with leave to refile said charge on failure of William H. Holdner to file with the Department a complete registration claim by December 31, 1992, for storage and use of stored water from Salt and Mud Creeks.

DATED this 1st day of July, 1991.



WEISHA MIZE
Hearings Referee

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

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SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

UNITED STATES
DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION
SERVICE

339 S. COLUMBIA RIVER HWY
ST. HELENS, OR 97051
(503) 397-4555

William F. Holdner
P.O. Box 858
Scappoose, Oregon 97056

May 2, 1991

Dear Mr. Holdner:

I had the opportunity to go over your Dutch Canyon operation last Tuesday. You have two ponds. The pond on Salt Creek is approx. 15 ft. X 40 ft. with an average depth of .6 ft. This pond holds 2,700 gallons (.0083 Ac. ft.) of water at an absolute maximum. The pond on Mud Creek is somewhat larger. It is approximately 60 ft. x 110 ft. with an approx. depth of 3 ft.. This pond holds approximately 148,000 gallons of water (.45 Ac. ft.) .

Neither pond is large enough, nor is there enough head to constitute any sort of a down stream hazard

In looking at some of the aerial photos that we have provided you, it would be difficult to see any ponds on them. That does not mean that they didn't exist, only that the photos had brush in the pond areas.

As to your question about the use of water, this water is necessary for your operation. There are very few wells in the Dutch Canyon area (and no wells on your property) that have good water. Most of the wells are either too high in salt, sulfur, or iron to be used for domestic (or livestock) purpose. Water is essential for you to have in order for you to continue with your livestock operation.

These ponds are needed for your pollution control system. If you could not operate your animal waste system, the creek would become severely polluted. Your system requires water in order to operate. You also are able to water your animals away from the creek. If you watered the animals in the creek, they would muddy, and pollute the creek, as well as break down and erode the creek banks.

As near as I can determine, the amount of water that you are using is under 5 gallons per minute from each of your ponds.

Your ponds, and present water usage are what we consider a BMP (Best Management Practice) for your property. The use of water from your small ponds allow for a controlled environment for the most efficient use of your water resource.

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SALEM, OREGON

We were initially contacted by you in 1974 to help you improve your existing water system. The areas where you have your ponds were in heavy brush, and extremely wet. The Mud Creek pond area at that time was larger than it is now. In my personal opinion, your ponds constitute an improvement to what were the existing facilities, and in no way were a new use of what already was there.

If you have any problems or questions, please feel free to give me a call.

Sincerely.



William Eagle
District Conservationist



Patent
United States of America to Wm. G. & Sally C. Poppleton

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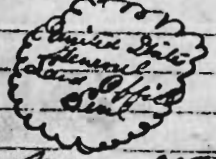
To all to whom these presents shall come, greeting:

Whereas, There has been deposited in the General Land Office of the United States a certificate numbered Fourteen hundred and fifty eight of the Register and Receiver at Oregon City, Oregon, which appears that under the provisions of the Act of Congress approved the 1st of September, 1850, entitled "An Act to create the Office of Surveyor General of the Public Lands in Oregon, and to provide for the survey and to make donations to settlers of the said Public Lands," and the legislation supplemental thereto, the claim of Wm. G. Poppleton and his wife Sally C. Poppleton of Columbia County, Oregon, Matriculation No. 7447, has been established to a donation of one half section, or three three hundred and twenty four of land, and that the same has been surveyed and delineated as shown number thirty eight, being parts of section six ten and six ten in Township three North of Range two West, according to the Official Map of Survey returned to the General Land Office by the Surveyor General, being bounded and described as follows to wit: Beginning at the West End corner of said section six ten, and running thence East fifty chains and fifty five links, Thence South thirty three chains; Thence West twenty chains and ten links; Thence North thirty chains; Thence West fifty five chains and fifty links; Thence North thirty chains and thence East fifty three chains and eight one link to the place of beginning in the district of lands subject to sale at Oregon City, Oregon containing three hundred and nineteen acres and eight three hundredths of an acre. Now know ye, that as United States of America, in consideration of the premises, and in conformity with the provision of the Act aforesaid, I can give and grant, and by these presents do give and grant, unto the said Wm. G. Poppleton and to his heirs the East half and unto his wife the said Sally C. Poppleton and to her heirs the West half of the tract of land above described. To have and to hold the said tract with the appurtenances, unto the said Wm. G. Poppleton and his wife Sally C. Poppleton and to their heirs and assigns forever, their respective portions as aforesaid.

My testimony, witness my hand and the seal of the said 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 nineteenth day of March, in the year of our Lord one thousand eight hundred and sixty six, and of the Independence of the United States the ninetieth.

By the President Andrew Johnson
John D. Mill Secretary
J. M. Sprague
Receiver of the General Land Office



Received Feb 8, Page 126
I hereby certify the above instrument of writing was received by me for Record on the 16th day of March A.D. 1866.
E. M. Miller
Recorder

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

August 4, 1993

TO: REED MARBUT

FROM: DON KNAUER 

SUBJECT: SWR-188 HOLDNER FARMS (WILLIAM HOLDNER)

I am in the process of reviewing the map submitted in support of the claim made by Holdner Farms. I find I must return the map for correction and completion. In the past I had a very distasteful conversation with Mr Holdner. My notes indicate that I referred him to you. I was wondering if you have anything in your files or memory that I should know before I send his map back to the CWRE? Thanks. Don

FEB 8, 1993

MAR 31, 1993

HOLMER FARMS

SINR-188

CHECK WITH

REED

WILLIAM F. HOLMER

HE CALLED IN REGARDS TO THE LETTER I SENT ABOUT THE NECESSARY FILING FEES.

HE WOULD NOT ALLOW ME TO EXPLAIN THE PROCESS I USED TO DETERMINE THE FEES I SHOWED IN MY LETTER -

HE WOULD NOT ANSWER QUESTIONS ABOUT HIS WATER USE.

HE WOULD NOT ALLOW ME TO FINISH A SENTENCE.

HE WANTED A "COMPLETE" COPY OF THE STATUTES COVERING REGISTRATION STATEMENTS.

I TOLD HIM I WOULD SEND THEM TO HIM.

HE WAS ANGRY, HE BROKE INTO EVERY SENTENCE I TRIED TO FINISH - HE SAID HE WAS GOING TO THE GOVERNORS OFFICE - HE SAID HIS CURR HAS CHECKED WITH THE WATERMASTER & THE STATE ABOUT THE FEES.

2-8-93

2-8-93

SENT ORS 539

February 3, 1993

HOLDNER FARMS
975 SE SANDY BLVD
PORTLAND OR 97214

Dear MR HOLDNER,

You failed to submit enough fees with your Surface Water Registration Statement as required under ORS 539.081.

You sent \$388.00 and your receipt was sent to you. You should have sent a total of \$708.00. Based on the following: irrigation = \$108.00, domestic = \$200.00, stockwater = \$200.00, and manure flushing = \$200.00 for a total of \$708.00. The amount now due is \$320.00. Your claim will not be processed until these remaining fees are received. Your claim has been numbered SWR-188.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0188.002



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

JUN-188

HOLANDER

DOMESTIC

STOCK

1921

FLUSHING

DOMESTIC		STOCK		1921		FLUSHING	
Map	Report	M	R	M	R	M	R
1-1	?						
2-	✓	✓	NMD CR SALT CR	✓	S.F. SCAPPOVE CR	✓	NMD CR SALT CR SP SCAP
3-	?	✓	✓	✓		?	ALL SOUNDS
4-	?	✓	✓	✓		✓	
	✓	✓	✓	✓		✓	
	✓	✓	✓	✓		✓	
	✓	✓	✓	✓		✓	
	✓	✓	✓	✓		✓	
10-	MAX	MAX	✓		✓		✓
12-	?	✓	NMD CR SALT CR	✓		✓	
	✓	✓	✓	✓		✓	
	✓	✓	✓	✓		✓	
15-							

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME North Coast # 1 UNADJUDICATED AREA ? OK DWF
RECEIPT # 95440 S W R NUMBER 188
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER _____ ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP ICE CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION Sc9V

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

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

January 25, 1993

HOLDNER FARMS (WILLIAM F HOLDNER)
975 SE SANDY BLVD
PORTLAND OR 97214

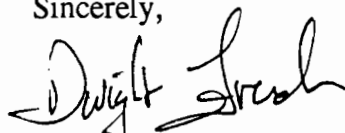
Dear MR HOLDNER,

This will acknowledge that your Surface Water Registration Statement in the name of HOLDNER FARMS (WILLIAM F HOLDNER) has been received by our office. The fees in the amount of \$388.00 have been received and our receipt #95440 is enclosed. Your registration statement has been numbered SWR-188.

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

C:\WP51\SWR\CLAIMANT\SWR-0188.001



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **95440**

3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIVED FROM: Hollace Farms
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-6 OTHER: (IDENTIFY)

TOTAL REC'D \$ 388.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>388.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. _____ \$
 COST CENTER AND OBJECT CLASS _____ VOUCHER # _____

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 # **95440**

DATED: 12/24/92

BY: [Signature]

SWR-188

RECEIVED

DEC 23 1992

WATER RESOURCES DEPT.
SALEM, OREGON

SURFACE WATER REGISTRATION SURVEY
FOR WILLIAM HOLDNER
IN SECTION 16 T3N R2W WM
COLUMBIA COUNTY, ORE.
NOV. 11 1992
SCALE 1" = 400'



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP LINES.

DIVERSION POINTS:

- P.O.D #1, CONCRETE DAM IN MUD CREEK 2515 FEET EAST AND 1350 FEET NORTH OF DLC CORNER
- P.O.D #2 CONCRETE DAM IN SALT CREEK 2888 FEET EAST AND 1430 FEET NORTH OF DLC CORNER
- P.O.D #3 PUMP AT 40,000 GAL TANK 2820' EAST AND 1056 FEET NORTH OF DLC CORNER
- P.O.D #4 PUMP AT SCAPPOOSE CREEK 884 FEET EAST AND 374 FEET NORTH OF DLC CORNER

