

Name M. H. ~~Kunkert~~ Kundert  
By .....  
Address Box 726  
Burns, Oregon  
Rt. 2 Box 248  
Dallas, Ore. 97338  
Date filed December 12, 1960  
Priority January 19, 1961 for 155.0 a.f.  
December 12, 1960 for 4500 a.f.  
Action suspended until OK Cert  
1-15-77 a.f.

Returned to applicant .....  
Date of approval February 15, 1961

#### CONSTRUCTION

Date for beginning February 15, 1962  
Date for completion October 1, 1962  
Extended to 10-1-63 10-1-64  
Date for application of water October 1, 1963  
Extended to 10-1-64

#### PROSECUTION OF WORK

Form "A" filed December 5, 1961  
Form "B" filed .....  
Form "C" filed March 3, 1965

#### FINAL PROOF

Blank mailed .....  
Proof received .....  
Date certificate issued JUNE 16 1970

Application No. 34507  
Permit No. 27104  
Certificate No. 36760

Stream Index, Page No. 12-2D

See also File #R-34506  
Map file: C-37-22

#### FEES PAID

| Date            | Amount        | Receipt No.   |
|-----------------|---------------|---------------|
| <u>12-12-60</u> | <u>43.50</u>  | <u>2796.9</u> |
|                 |               |               |
|                 |               |               |
|                 |               |               |
|                 |               |               |
| <u>4/8/70</u>   | B. P. Fee     |               |
|                 | \$1 Cert. Fee | <u>18523</u>  |

#### FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |
|      |        |           |
|      |        |           |
|      |        |           |

#### ASSIGNMENTS

| Date | To Whom | Address | Volume | Page |
|------|---------|---------|--------|------|
|      |         |         |        |      |
|      |         |         |        |      |
|      |         |         |        |      |
|      |         |         |        |      |

#### REMARKS

4655.0 a.f. stored water only from Dry Creek Reservoir for irrigation and supplemental irrigation and stock; irrigation of 260.0 acres; being 4653.0 a.f. for irrigation and supplemental irrigation and 2.0 a.f. for stock.

OCT 23 1962 CARD FOR D  
SEP 24 1962 CARD FOR R.O  
OCT 19 1964 CARD FOR D  
JAN 12 1965 FORM 100 SK

Form A

NOTICE OF BEGINNING OF CONSTRUCTION

ation No. R-34506  
R-34507

I, M. H. Kunder, the holder of Permit No. R-3573

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 25<sup>th</sup> day of November, 1961.

Remarks: Began work with two men, cat & dog. Prior  
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed

to 25<sup>th</sup>, on Nov 18 started building road into reservoir.  
up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 4<sup>th</sup> day of December, 1961.

M. H. Kunder  
(Signature of Applicant)

44 S. ALDER BY 726, BURNS ORE  
(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

RECEIVED  
DEC 5 1961

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
HARNEY COUNTY

IN THE MATTER OF DIMINUTION OF AN )  
PORTION OF A PERFECTED WATER RIGHT ) FINAL ORDER  
EVIDENCED BY CERTIFICATE 36760 IN THE )  
NAME OF MELVIN H. KUNDERT )

**Findings of Fact**

1. On January 6, 2016, the Department received an affidavit from Robert T. and Carla M. Sanders, 342 Matson Road, Kalama, WA, 98625, the owner of lands and the water right appurtenant as evidenced by water right Certificate 36760.
2. Water Right Certificate 36760 allows the use of 178.0 acre feet (AF) stored water, being 176.0 AF for irrigation and supplemental irrigation and 2.0 AF for stock, from the Dry Creek Reservoir, for primary irrigation of 173.2 acres and supplemental irrigation of 54.2. The priority date is December 12, 1960.
3. The affiant requests a portion of the water right Certificate 36760 be diminished from a right for primary irrigation to supplemental irrigation.
3. The affidavit request the following lands be diminished to supplemental irrigation:

| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 32 S | 32 E | WM  | 20  | NW SW | 13.0  |
| 32 S | 32 E | WM  | 20  | SE SW | 39    |
| 32 S | 32 E | WM  | 20  | NW SE |       |
| 32 S | 32 E | WM  | 20  | SW SE | 14    |
| 32 S | 32 E | WM  | 29  | NW NE | 28    |
| 32 S | 32 E | WM  | 29  | SE NW | 15    |

Now, therefore, it is ORDERED:

1. Certificate 36760
2. The water right for Certificate 36760 is diminished
3. The Department shall

Draft

+ Done  
-mt  
Cancellation  
Checklist

\* Verify the  
Cancellation of  
PN date w/ actual  
Public Notice

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
HARNEY COUNTY

IN THE MATTER OF DIMINUTION OF AN )  
PORTION OF A PERFECTED WATER RIGHT ) FINAL ORDER  
EVIDENCED BY CERTIFICATE 36760 IN THE )  
NAME OF MELVIN H. KUNDERT )

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3. The affiant requests a portion of the water right Certificate 36760 be diminished from a right for primary irrigation to supplemental irrigation.
3. The affidavit request the following lands be diminished to supplemental irrigation:

| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 32 S | 32 E | WM  | 20  | NW SW | 13.0  |
| 32 S | 32 E | WM  | 20  | SE SW | 39.4  |
| 32 S | 32 E | WM  | 20  | NW SE | 1.0   |
| 32 S | 32 E | WM  | 20  | SW SE | 14.3  |
| 32 S | 32 E | WM  | 29  | NW NE | 28.4  |
| 32 S | 32 E | WM  | 29  | SE NW | 15.2  |

**Now, therefore, it is ORDERED**

1. Certificate 36760 is cancelled.
2. The water right for the use of primary irrigation on 111.3 acres as described by Certificate 36760 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 91404, a new and superseding certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing Date: \_\_\_\_\_

## STATE OF OREGON

## COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT T. AND CARLA M. SANDERS  
 342 MATSON RD  
 KALAMA, WA 98625

confirms the right to use the waters of DRY CREEK RESERVOIR, a tributary to DRY CREEK for IRRIGATION OF 61.9 ACRES, SUPPLEMENTAL IRRIGATION OF 141.3 ACRES, AND STOCK.

This right was perfected under Permit S-27104. The date of priority is DECEMBER 12, 1960. The amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 178.0 acre-feet store water only; being 176.0 acre-feet for irrigation and supplemental irrigation, and 2.0 acre-feet for stock, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                            |
|------|------|-----|-----|-------|---------------------------------------------------------------|
| 32 S | 32 E | WM  | 36  | SE NW | 3610 FEET NORTH AND 2670 FEET WEST FROM SE CORNER, SECTION 36 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 3.0 acre feet for each acre irrigated during the irrigation season of each year and shall be further limited to a total diversion of not to exceed 176.0 acre feet per year; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use for to which this right is appurtenant is as follows:

| STOCK |        |     |     |       |           |
|-------|--------|-----|-----|-------|-----------|
| Twp   | Rng    | Mer | Sec | Q-Q   | Gov't Lot |
| 32 S  | 32 E   | WM  | 36  | NE NE |           |
| 32 S  | 32 E   | WM  | 36  | NW NE |           |
| 32 S  | 32 E   | WM  | 36  | SW NE |           |
| 32 S  | 32 E   | WM  | 36  | SE NE |           |
| 32 S  | 32 E   | WM  | 36  | SE NW |           |
| 32 S  | 32 E   | WM  | 36  | NE SE |           |
| 32 S  | 32 E   | WM  | 36  | NW SE |           |
| 32 S  | 32 E   | WM  | 36  | SE SE |           |
| 32 S  | 32.5 E | WM  | 31  | SW NW | 2         |
| 32 S  | 32.5 E | WM  | 31  | NW SW | 3         |
| 32 S  | 32.5 E | WM  | 31  | SW SW | 4         |

| PRIMARY AND SUPPLEMENTAL IRRIGATION |      |     |     |       |               |                    |
|-------------------------------------|------|-----|-----|-------|---------------|--------------------|
| Twp                                 | Rng  | Mer | Sec | Q-Q   | Primary Acres | Supplemental Acres |
| 32 S                                | 32 E | WM  | 20  | NE SW | 19.0          | 13.0               |
| 32 S                                | 32 E | WM  | 20  | SE SW |               | 39.4               |
| 32 S                                | 32 E | WM  | 20  | NW SE | 24.2          | 1.0                |
| 32 S                                | 32 E | WM  | 20  | SW SE | 8.1           | 14.3               |
| 32 S                                | 32 E | WM  | 29  | NE NW |               | 22.4               |
| 32 S                                | 32 E | WM  | 29  | SE NW |               | 7.6                |
| 32 S                                | 32 E | WM  | 29  | NW NE | 10.6          | 28.4               |
| 32 S                                | 32 E | WM  | 29  | SW NE |               | 15.2               |

This certificate supersedes Certificate 36370, cancelled by an order of the Water Resources Director recorded in Special Order Volume 100, Page \_\_\_\_\_, entered \_\_\_\_\_, 2016.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
COOS COUNTY

IN THE MATTER OF DIMINUTION OF AN )  
ENTIRETY OF A PERFECTED WATER RIGHT )  
EVIDENCED BY CERTIFICATE 36760 IN THE )  
NAME OF MELVIN H. KUNDERT )

FINAL ORDER

Findings of Fact

1. The Department received an affidavit from Robert T. and Carla M. Sanders, 342 Matson Road, Kalama, WA, 98625 the owner of lands and the water right appurtenant as evidenced by water right Certificate 36760.
2. Water right Certificate 36760 allows the use of 178.0 acre feet (af) stored water, being 176.0 AF for irrigation and supplemental irrigation and 2.0 AF for stock, from the Dry Creek Reservoir, for primary irrigation of 173.2 acres and supplemental irrigation of 54.2. The priority date is December 12, 1960.
3. The affiant requests a portion of the water right Certificate 36760 be diminished from a right for irrigation of to a supplemental irrigation.
3. The affidavit request the use for the irrigation of the following lands be diminished to supplemental irrigation:

| Twsp | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 32 S | 32 E | WM  | 20  | NW SW | 13.0  |
| 32 S | 32 E | WM  | 20  | SE SW | 39.4  |
| 32 S | 32 E | WM  | 20  | NW SE | 1.0   |
| 32 S | 32 E | WM  | 20  | SW SE | 14.3  |
| 32 S | 32 E | WM  | 29  | NW NE | 28.4  |
| 32 S | 32 E | WM  | 29  | SE NW | 15.2  |

Now, therefore, it is ORDERED

1. Certificate 36760 is cancelled.
2. The water right for the use of primary irrigation of 111.3 acres 36760 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue Water Right Certificate 91404, a

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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COOS COUNTY

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| Twp  | Rng  | Mer | Sec | Q-Q   | Acres |
|------|------|-----|-----|-------|-------|
| 32 S | 32 E | WM  | 20  | NW SW | 13.0  |
| 32 S | 32 E | WM  | 20  | SE SW | 39.4  |
| 32 S | 32 E | WM  | 20  | NW SE | 1.0   |
| 32 S | 32 E | WM  | 20  | SW SE | 14.3  |
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3. The Department shall issue Water Right Certificate 91404, a new and superseding certificate.

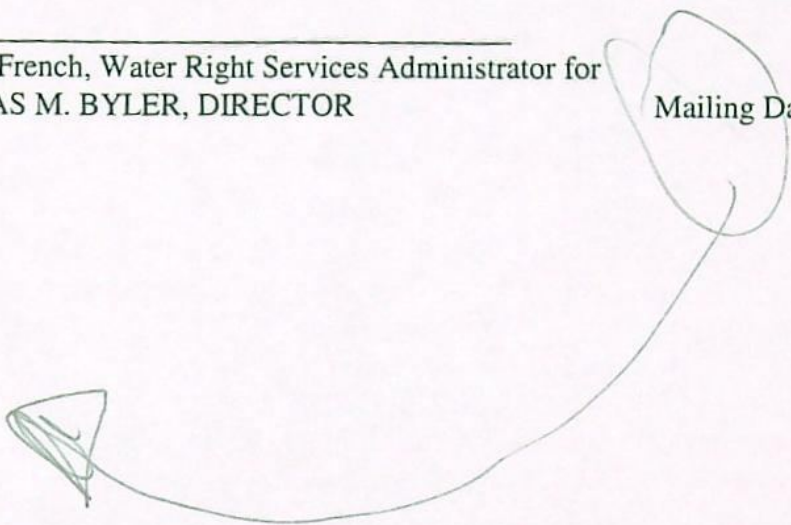
4. Isn't there a finding that says "...and app know it can't go back, poke around if you find it pls add to temp to primary" note will do.

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Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing Date: \_\_\_\_\_



STATE OF OREGON  
COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT T. AND CARLA M. SANDERS  
342 MATSON RD  
KALAMA, WA 98625

confirms the right to use the waters of DRY CREEK RESERVOIR, a tributary to DRY CREEK for IRRIGATION OF 61.9, SUPPLEMENTAL IRRIGATION OF 141.3, AND TOCK. *two spaces*

This right was perfected under Permit S-27104. The date of priority is DECEMBER 12, 1960. The amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 178.0 acre-feet store water only; being 176.0 acre feet for irrigation and supplemental irrigation, and 2.0 acre feet for stock, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                            |
|------|------|-----|-----|-------|---------------------------------------------------------------|
| 32 S | 32 E | WM  | 36  | SE NW | 3610 FEET NORTH AND 2670 FEET WEST FROM SE CORNER, SECTION 36 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 3.0 acre feet for each acre irrigated during the irrigation season of each year and shall be further limited to a total diversion of not to exceed 176.0 acre feet per year; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use for to which this right is appurtenant is as follows:

| STOCK |        |     |     |       |      |
|-------|--------|-----|-----|-------|------|
| Twp   | Rng    | Mer | Sec | Q-Q   | GLot |
| 32 S  | 32 E   | WM  | 36  | NE NE |      |
| 32 S  | 32 E   | WM  | 36  | NW NE |      |
| 32 S  | 32 E   | WM  | 36  | SW NE |      |
| 32 S  | 32 E   | WM  | 36  | SE NE |      |
| 32 S  | 32 E   | WM  | 36  | SE NW |      |
| 32 S  | 32 E   | WM  | 36  | NE SE |      |
| 32 S  | 32 E   | WM  | 36  | NW SE |      |
| 32 S  | 32 E   | WM  | 36  | SE SE |      |
| 32 S  | 32.5 E | WM  | 31  | SW NW | 2    |
| 32 S  | 32.5 E | WM  | 31  | NW SW | 3    |
| 32 S  | 32.5 E | WM  | 31  | SW SW | 4    |

*Gov't Lot*

| PRIMARY AND SUPPLEMENTAL IRRIGATION |      |     |     |       |               |                    |
|-------------------------------------|------|-----|-----|-------|---------------|--------------------|
| Twp                                 | Rng  | Mer | Sec | Q-Q   | Primary Acres | Supplemental Acres |
| 32 S                                | 32 E | WM  | 20  | NE SW | 19.0          | 13.0               |
| 32 S                                | 32 E | WM  | 20  | SE SW |               | 39.4               |
| 32 S                                | 32 E | WM  | 20  | NW SE | 24.2          | 1.0                |
| 32 S                                | 32 E | WM  | 20  | SW SE | 8.1           | 14.3               |
| 32 S                                | 32 E | WM  | 29  | NE NW |               | 22.4               |
| 32 S                                | 32 E | WM  | 29  | SE NW |               | 7.6                |
| 32 S                                | 32 E | WM  | 29  | NW NE | 10.6          | 28.4               |
| 32 S                                | 32 E | WM  | 29  | SW NE |               | 15.2               |

*Totals: 1*

This certificate supersedes Certificate 36370, cancelled by an order of the Water Resources Director recorded in Special Order Volume 100, Page \_\_\_\_\_, entered \_\_\_\_\_, 2016.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

# STATE OF OREGON

## COUNTY OF HARNEY

### CERTIFICATE OF WATER RIGHT

This Is To Certify, That **M. H. KUNDERT**

of Route 2, Box 248, Dallas, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Dry Creek reservoir, constructed under Appl. No. R-34506, Permit No. R-2573 a tributary of 61.9 for the purpose of irrigation of 173.2 acres, supplemental irrigation of 36.0 acres and stock under Permit No. 27104 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 12, 1960

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 178.0 acre feet stored water only; being 176.0 acre feet for irrigation and supplemental irrigation and 2.0 acre feet for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NW 1/4, Section 36, T. 32 S., R. 32 E., W. M. Diversion point located: 3610 feet North and 2670 feet West from SE Corner, Section 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second - per acre; a diversion of 3 acre feet for each acre irrigated during the irrigation season of each year and shall be further limited to a total diversion of not to exceed 176.0 acre feet per year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

| Primary    | Supplemental |               |
|------------|--------------|---------------|
| 32.0 acres | 13.0         | NE 1/4 SW 1/4 |
| 39.4 acres |              | SE 1/4 SW 1/4 |
| 25.2 acres |              | NW 1/4 SE 1/4 |
| 22.4 acres |              | SW 1/4 SE 1/4 |
|            |              | Section 20    |
|            | 22.4 acres   | NW 1/4 NE 1/4 |
|            | 7.6 acres    | SW 1/4 NE 1/4 |
| 39.0 acres |              | NE 1/4 NW 1/4 |
| 15.2 acres |              | SE 1/4 NW 1/4 |
|            |              | Section 29    |

→ 61.9 P 30.0 S STOCK

→ 111.3 S →

79.6 AF

96.4 AF

176.0

173.2  
+ 30  
203.2

176/203.2

0.866/acre

| Primary | Supplemental |
|---------|--------------|
|---------|--------------|

Stock  
Stock  
Stock  
Stock

NE¼  
SE¼ NW¼  
N½ SE¼  
SE¼ SE¼  
Section 36  
T. 32 S., R. 32 E., W. M.

Stock  
Stock  
Stock

Lot 2 (SW¼ NW¼)  
Lot 3 (NW¼ SW¼)  
Lot 4 (SW¼ SW¼)  
Section 31  
T. 32 S., R. 32½ E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 16<sup>th</sup> day of June, 19 70.

CHRIS L. WHEELER

State Engineer

# HARNEY County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2016

NOT OFFICIAL VALUE

April 18, 2016 10:36:30 am

Account # 92722 Tax Status ASSESSABLE  
Map # 32S32E00-00-01103 Acct Status ACTIVE  
Code - Tax # 1620-92722 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name SANDERS, ROBERT & & CARLA M

Deed Reference # 2010-766 (SOURCE ID(T): 20100766)

Agent

Sales Date/Price 07-09-2010 / \$150,000.00

In Care Of

Appraiser JOHN CLEMENS

Mailing Address 342 MATSON RD  
KALAMA, WA 98625-9719

Prop Class 550 MA SA NH Unit  
RMV Class 550 05 00 162 10756-1

Situs Address(s) Situs City

| Value Summary   |        |         |        |               |       |
|-----------------|--------|---------|--------|---------------|-------|
| Code Area       | AV     | RMV     | MAV    | RMV Exception | CPR % |
| 1620 Land       |        | 235,550 |        | Land          | 0     |
| Impr.           |        | 0       |        | Impr.         | 0     |
| Code Area Total | 17,659 | 235,550 | 77,200 |               | 0     |
| Grand Total     | 17,659 | 235,550 | 77,200 |               | 0     |

| Code Area   | ID# | RFD | Ex | Plan Zone | Value Source   | Land Breakdown |    |        |            |      | Trended RMV |
|-------------|-----|-----|----|-----------|----------------|----------------|----|--------|------------|------|-------------|
|             |     |     |    |           |                | TD%            | LS | Size   | Land Class | LUC  |             |
| 1620        | 1   | R   |    | EFRU-1    | Farm Use Zoned | 100            | A  | 368.00 | 5          | 006* | 184,000     |
| 1620        | 2   | R   |    | EFRU-1    | Farm Use Zoned | 100            | A  | 36.00  | 6          | 006* | 10,800      |
| 1620        | 3   | R   |    | EFRU-1    | Farm Use Zoned | 100            | A  | 163.40 | 7A         | 006* | 40,750      |
| Grand Total |     |     |    |           |                |                |    | 567.40 |            |      | 235,550     |

| Improvement Breakdown |     |          |            |             |     |               |     |           |  |             |
|-----------------------|-----|----------|------------|-------------|-----|---------------|-----|-----------|--|-------------|
| Code Area             | ID# | Yr Built | Stat Class | Description | TD% | Total Sq. Ft. | Ex% | MS Acct # |  | Trended RMV |
| Grand Total           |     |          |            |             |     |               |     |           |  | 0           |



# Oregon Water Resources Department Water Rights Mapping Tool

OWRD Only

725 Summer St NE, Sale

Return

He  
Co

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots

[OR Map](#)

- ☐ Off
- ☒ On

County: Harney

Taxlot: 32S32E000001103

Owner1: Null

Owner2: Null

Owner Address:

Site Address:

Acres: 567.4

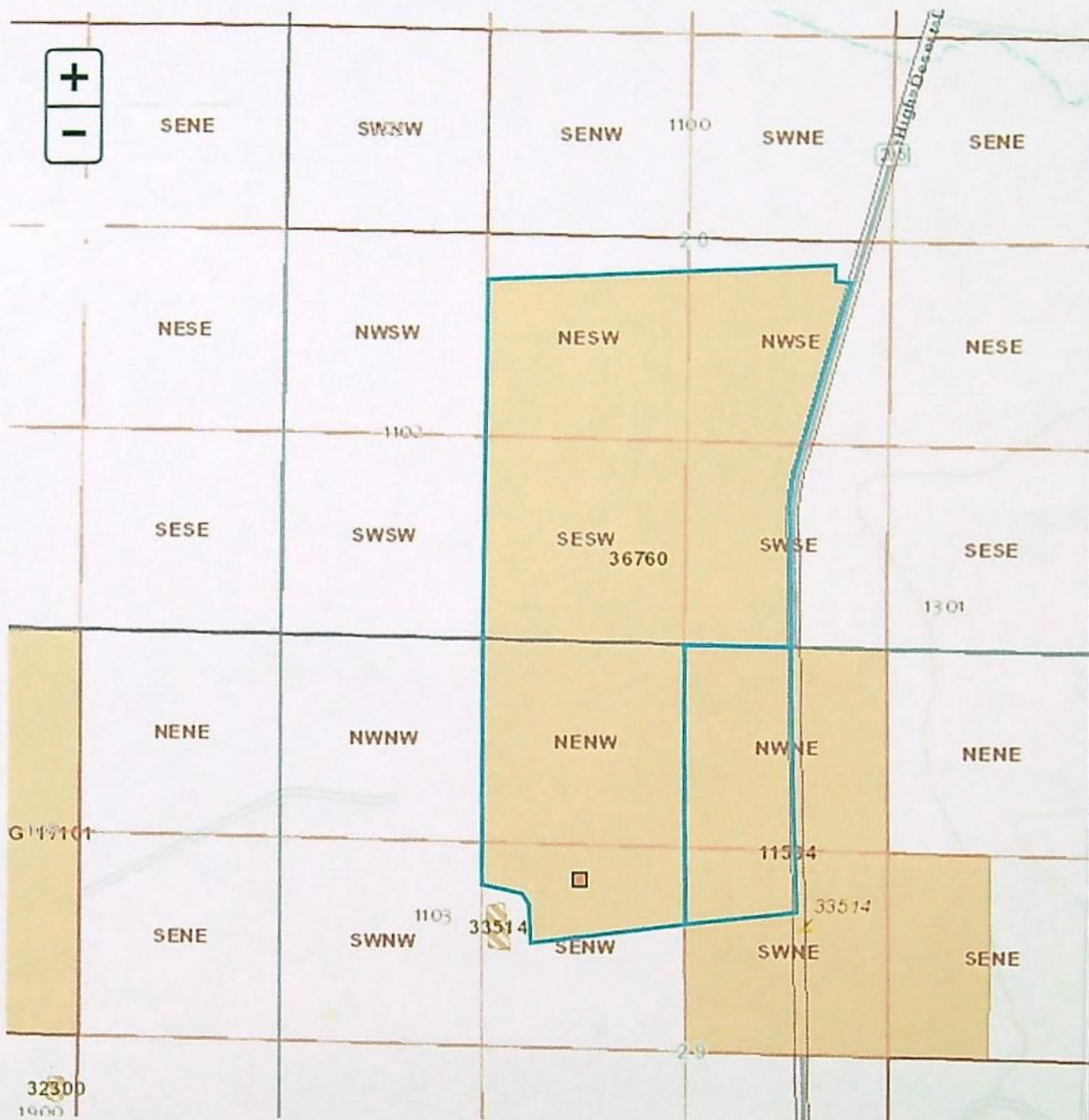
TRSQQ: WM32.00S32.00E0XXXX

Effective Date: January 1, 2014

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Tools



# HARNEY County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2016

NOT OFFICIAL VALUE

April 18, 2016 10:34:37 am

Account # 92721 Tax Status ASSESSABLE  
Map # 32S32E00-00-01102 Acct Status ACTIVE  
Code - Tax # 1620-92721 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name SANDERS, ROBERT & & CARLA M

Deed Reference # 2010-766 (SOURCE ID(T): 20100766)

Agent

Sales Date/Price 07-09-2010 / \$150,000.00

In Care Of

Appraiser JOHN CLEMENS

Mailing Address 342 MATSON RD  
KALAMA, WA 98625-9719

Prop Class 550 MA SA NH Unit  
RMV Class 550 05 00 162 10755-1

Situs Address(s) Situs City

| Value Summary   |        |         |        |               |       |
|-----------------|--------|---------|--------|---------------|-------|
| Code Area       | AV     | RMV     | MAV    | RMV Exception | CPR % |
| 1620 Land       |        | 129,450 |        | Land          | 0     |
| Impr.           |        | 0       |        | Impr.         | 0     |
| Code Area Total | 14,336 | 129,450 | 55,730 |               | 0     |
| Grand Total     | 14,336 | 129,450 | 55,730 |               | 0     |

| Land Breakdown |     |     |    |           |                |     |    |        |            |         |
|----------------|-----|-----|----|-----------|----------------|-----|----|--------|------------|---------|
| Code Area      | ID# | RFD | Ex | Plan Zone | Value Source   | TD% | LS | Size   | Land Class | LUC     |
| 1620           | 1   | R   |    | EFRU-1    | Farm Use Zoned | 100 | A  | 304.00 | 5          | 006*    |
| 1620           | 2   | R   |    | EFRU-1    | Farm Use Zoned | 100 | A  | 20.00  | 6          | 006*    |
| 1620           | 3   | R   |    | EFRU-1    | Farm Use Zoned | 100 | A  | 133.43 | 7A         | 006*    |
| Grand Total    |     |     |    |           |                |     |    | 457.43 |            | 129,450 |

| Improvement Breakdown |     |          |            |             |     |               |     |           |  | Trended RMV |
|-----------------------|-----|----------|------------|-------------|-----|---------------|-----|-----------|--|-------------|
| Code Area             | ID# | Yr Built | Stat Class | Description | TD% | Total Sq. Ft. | Ex% | MS Acct # |  |             |
| Grand Total           |     |          |            |             |     |               |     |           |  | 0           |



# Oregon Water Resources Department Water Rights Mapping Tool

OWRD Only

725 Summer St NE, Sale

Return

Hi  
Co

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

- ☐ Off  
☒ On

County: Harney

Taxlot: 32S32E000001102

Owner1: Null

Owner2: Null

Owner Address:

Site Address:

Acres: 457.4

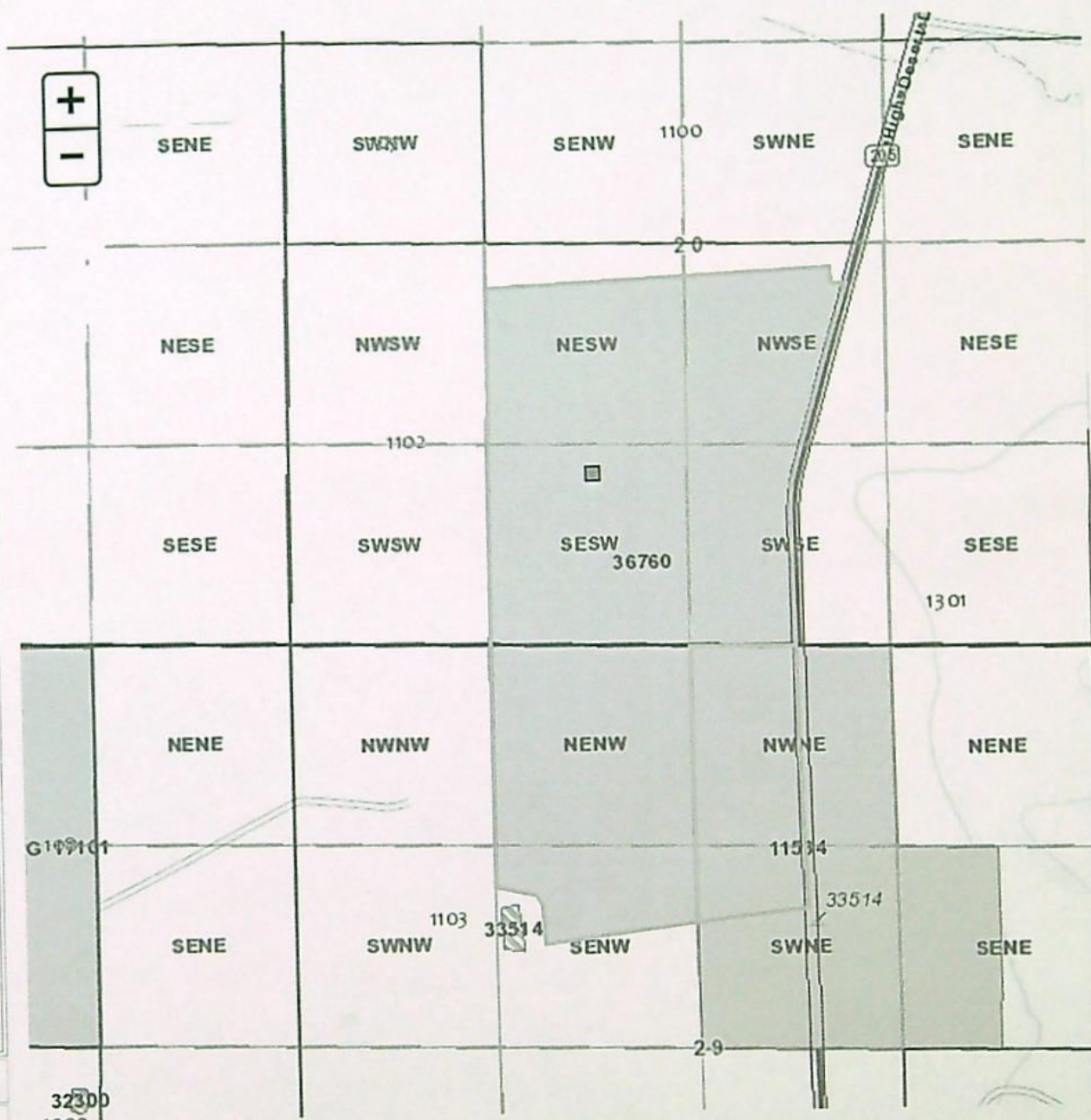
TRSQQ: WM32.00S32.00E0XXXX

Effective Date: January 1, 2014

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Tools



# AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

Certificate 36760  
Part 1  
Section 20  
Tax Lot 1102

State of Oregon )  
 ) ss  
County of Harney )

I/We (or authorized agent), Robert T. and Carla M. Sanders,  
residing at 342 Matson Road, Kalama, WA 98625,  
telephone number 360-431-2212, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 1102,  
within the 1/4 SE & SW 1/4, Section 20, Township 32 N S Range 32 E W, of the  
Willamette Meridian, in Harney County, Oregon, as shown on the  
attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 36760 issued to M.H. Kundert,  
with a date of priority of December 12, 1960 for use of 3 AF/Acre ~~cubic foot per second~~ of water  
from Dry Creek Reservoir (not to exceed 176 AF/Year) (sources) for the  
purpose of Irrigation and Stock (uses) is appurtenant to  
my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water  
improvement, or water control district, or federal reclamation project (if the right is located within a district  
or reclamation project, name it here:

Not Applicable);

4. If the water right is issued in the name of an irrigation district, then the affiant must have the  
concurrence of the district to the diminishment of the portion of the water right. (Signature of district  
manager on the line below documents concurrence of the district.)

Not Applicable      Not Applicable  
Signature of district manager      Printed Name      Date

5. I/We have obtained a better (e.g., better, more economical) source  
of water for the primary irrigation of the portion of this water right shown on the attached map and  
described as follows: The right to the use of 3 AF/Acre ~~cubic foot per second~~ from  
Dry Creek Reservoir for the irrigation of 67.7 acres located:

|             |        |      |       |
|-------------|--------|------|-------|
| NE & SE 1/4 | SW 1/4 | 52.4 | Acres |
| NW & SW 1/4 | SE 1/4 | 15.3 | Acres |
| 1/4         | 1/4    |      | Acres |

Section 20  
Township 32 N S Range 32 E W, WM;

6. I/we request the water right be diminished from a right for primary irrigation to a right for  
supplemental irrigation of the lands described above in item #5;

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JAN 06 2016

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT CERTIFICATE  
(CONTINUED)**

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from  
Dry Creek Reservoir (source) cannot be changed back to the primary  
source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available  
from the new primary source, I am/we are not entitled to use any water from  
Dry Creek Reservoir (source) for primary irrigation of these lands.

[Signature]  
Signature of legal owner as listed on deed, or authorized agent

1/4/2016  
Date

[Signature]  
Signature of legal co-owner as listed on deed  
(if applicable)

1/4/2016  
Date

Subscribed and sworn to Before Me this 4<sup>th</sup> day of January, 2016.



[Signature]  
Notary Public for ~~Oregon~~ Washington

My Commission Expires 8/10/17

**PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.**

**RECEIVED BY OWRD**

**JAN 06 2016**

**SALEM, OR**

**RECEIVED BY OWRD**

**JAN 06 2016**

**SALEM, OR**

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT CERTIFICATE**

Certificate 36760  
Part 2  
Section 29  
Tax Lot 1103

State of Oregon )  
 ) ss  
County of Harney )

I/We (or authorized agent), Robert T. and Carla M. Sanders,  
residing at 342 Matson Road, Kalama, WA 98625,  
telephone number 360-431-2212, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 1103,  
within the 1/4 SE & SW 1/4, Section 29, Township 32 N~~S~~ Range 32 E~~W~~, of the  
Willamette Meridian, in Harney County, Oregon, as shown on the  
attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 36760 issued to M.H. Kundert,  
with a date of priority of December 12, 1960 for use of 3 AF/Acre ~~cubic foot per second~~ of water  
from Dry Creek Reservoir (not to exceed 176 AF/Year) (sources) for the  
purpose of Irrigation and Stock (uses) is appurtenant to  
my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water  
improvement, or water control district, or federal reclamation project (if the right is located within a district  
or reclamation project, name it here:

Not Applicable);

4. If the water right is issued in the name of an irrigation district, then the affiant must have the  
concurrence of the district to the diminishment of the portion of the water right. (Signature of district  
manager on the line below documents concurrence of the district.)

|                               |                       |                       |
|-------------------------------|-----------------------|-----------------------|
|                               | <u>Not Applicable</u> | <u>Not Applicable</u> |
| Signature of district manager | Printed Name          | Date                  |

5. I/We have obtained a better (e.g., better, more economical) source  
of water for the primary irrigation of the portion of this water right shown on the attached map and  
described as follows: The right to the use of 3 AF/Acre cubic foot per second from  
Dry Creek Reservoir for the irrigation of 43.6 acres located:

|                      |                       |
|----------------------|-----------------------|
| <u>NE 1/4 NW 1/4</u> | <u>28.4</u> Acres     |
| <u>SE 1/4 NW 1/4</u> | <u>15.2</u> Acres     |
| <u>1/4 1/4</u>       | <u>        </u> Acres |

Section 29  
Township 32 N~~S~~ Range 32 E~~W~~, WM;

6. I/we request the water right be diminished from a right for primary irrigation to a right for  
supplemental irrigation of the lands described above in item #5;

RECEIVED BY OWRD

JAN 06 2016

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A  
WATER RIGHT CERTIFICATE  
(CONTINUED)**

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from  
Dry Creek Reservoir (source) cannot be changed back to the primary  
source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available  
from the new primary source, I am/we are not entitled to use any water from  
Dry Creek Reservoir (source) for primary irrigation of these lands.

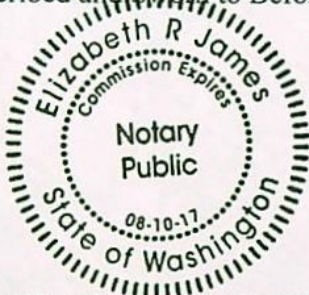
*Paul T. L.*  
Signature of legal owner as listed on deed, or authorized agent

1/4/2016  
Date

*Paul M. Sander*  
Signature of legal co-owner as listed on deed  
(if applicable)

1/4/2016  
Date

Subscribed and Sworn to Before Me this 4<sup>th</sup> day of January, 2016.



*Elizabeth R. James*  
Notary Public for Oregon Washington

My Commission Expires

8/10/17

**PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.**

**RECEIVED BY OWRD**

**JAN 06 2016**

**SALEM, OR**

20100766

State of California )  
 County of Tulare )

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On June 24, 2010 before me, Diana Lynne Cox  
(here insert name and title of the officer)  
 personally appeared Kerry Thompson Shultz and Linda Phipps

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Diana Lynne Cox



(Seal)

## OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Statutory Warranty Deed  
Escrow No. BU001964  
 containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)  
☐ Attorney-in-Fact  
☐ Corporate Officer(s)

Title(s)

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☐ Other: \_\_\_\_\_

representing:

Name(s) of Person(s) or Entity(ies) Signer is Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

RECEIVED BY OWRD

JAN 06 2016

SALEM, OR

20100766

After recording return to:

ROBERT T. SANDERS

342 MATSON RD.

KALAMA, WA 98625

Until a change is requested all tax statements  
shall be sent to the following address:

ROBERT T. SANDERS

342 MATSON RD.

KALAMA, WA 98625

Escrow No. BU0019764

Title No. 0019764

SWD r.012910

STATE OF OREGON }  
County of Harney } ss

I certify that the instrument identified herein was  
recorded on the 17 day of July  
2010 at 9:47 o'clock A.M. in the  
County Clerk's Records of Harney County, Oregon.  
Marta Iturriga, County Clerk

By:  Deputy

## STATUTORY WARRANTY DEED

KERRY THOMPSON SHULTZ and LINDA PHIPPS, as tenants in common, Grantor(s) hereby convey and warrant to ROBERT T. SANDERS and CARLA M. SANDERS, as tenants by the entirety, Grantee(s) the following described real property in the County of HARNEY and State of Oregon free of encumbrances except as specifically set forth herein:

Two parcels of land located in Sections 19, 20, 29 and 30, Twp. 32 S., R. 32 E., W.M., Harney County Oregon, more particularly described as follows:

Parcel 2 and Parcel 3 of Partition Plat No. 01-06-137, recorded June 4, 2001,  
Instrument No. 20010992, Harney County, Plat Records. SAVE & EXCEPT that portion of  
the SE1/4NW1/4 and the S1/2NE1/4, lying Westerly of State Highway 205.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

CODE # 16-2 ACCT. # 92721

MAP# 32S 32E TL 1102

CODE # 16-2 ACCT # 92722

MAP# 32S 32E TL 1103

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 \$150,000.00.

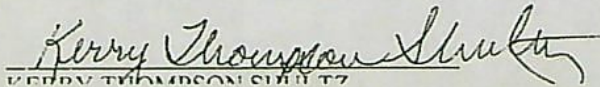
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

RECEIVED BY OWRD

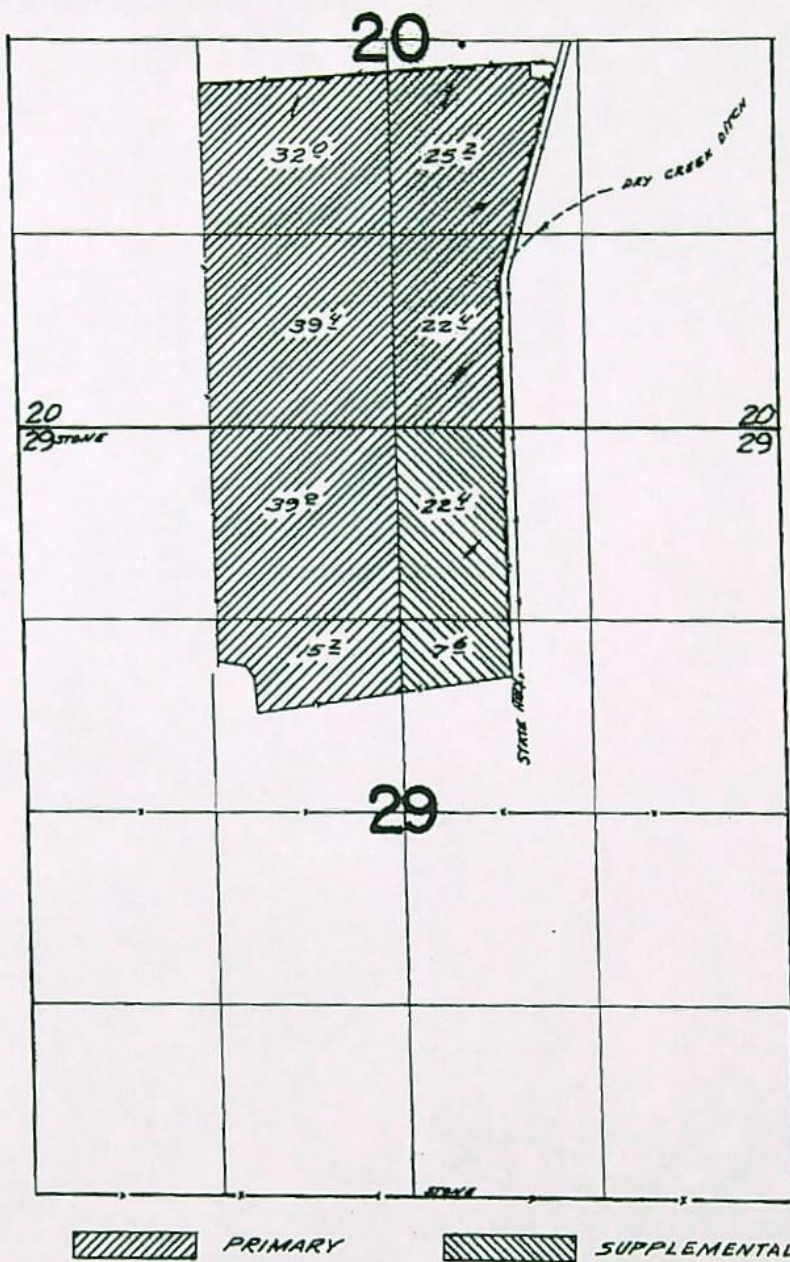
Dated this \_\_\_\_\_ day of \_\_\_\_\_,

JAN 06 2016

SALEM, OR

  
KERRY THOMPSON SHULTZ

T.32 S. R.32 E.W.M.



# FINAL PROOF SURVEY

## UNDER

Application No. 34507... Permit No. 27104...  
IN NAME OF

M. H. KUNDERT

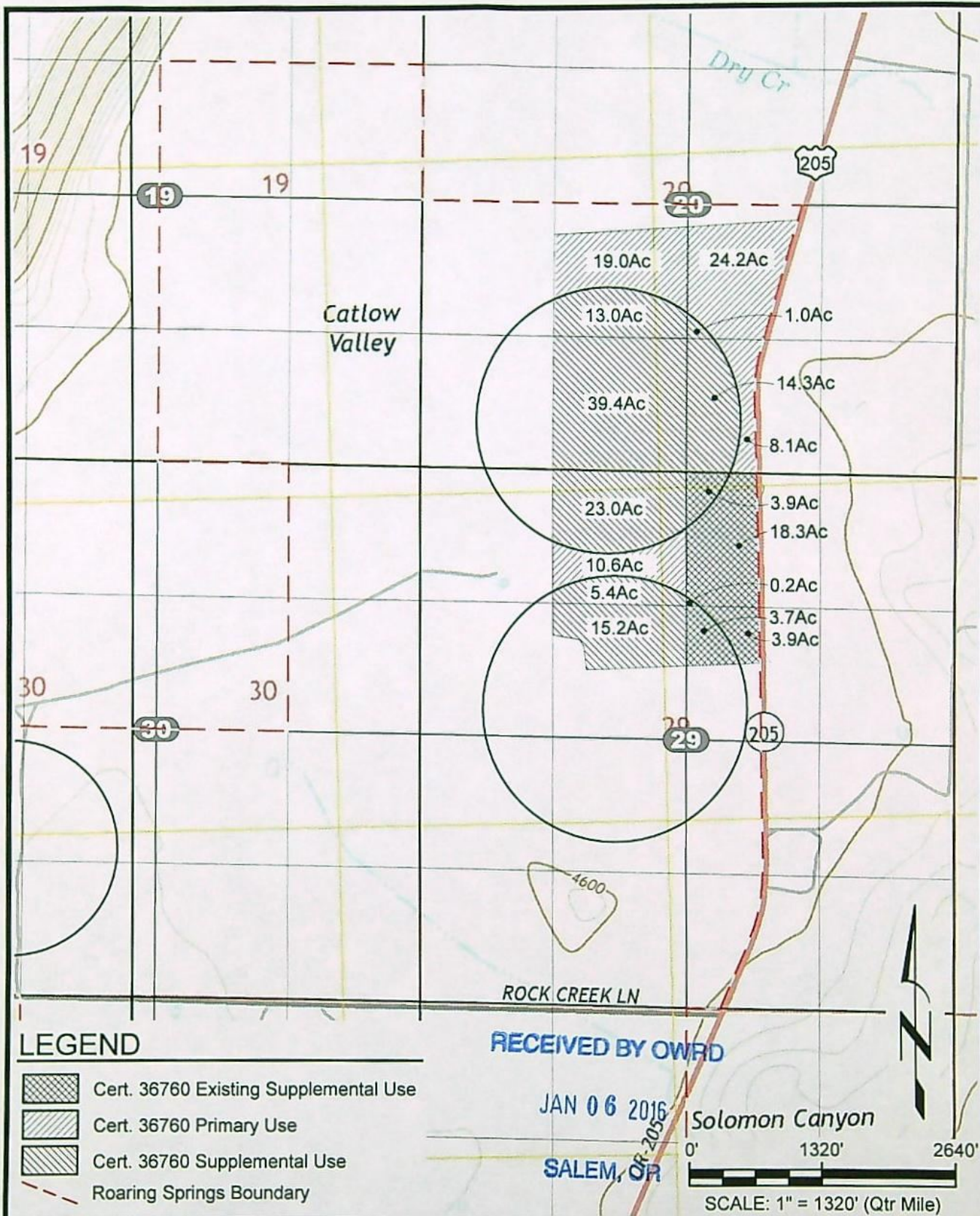
Surveyed Aug. 7, 1968, by J. Garner.....

RECEIVED BY OWRD

JAN 06 2016

SALEM, OR

1968-D



**NEWTON**  
**CONSULTANTS INC.**  
 Earth, Water and Rock Specialists  
 Ph: 541 504-9980 Fax: 541 504-9981



**Certificate 36760 Diminution**  
**Roaring Springs Ranch**  
**Harney County, Oregon**

DESIGNED BY:  
**S. Yankey**

DRAWN BY:  
**S. Schenck**

DATE:  
**DEC 2015**

PROJECT NO.  
**1172-101**

FIGURE **1**



# Oregon

Kate Brown, Governor

December 23, 2015

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

Andrew and Jenna Shields  
31437 Highway 205  
Frenchglen, Oregon 97736

Reference: Application S-34507, Permit S-27104, Certificate 36760  
Application S-8232, Permit S-5345, Certificate 11584

The requested assignments cannot be made. Once a water right is perfected as evidenced by the issuance of a Certificate of Water Right, Oregon Water Law views it as a property right that goes with the land when ownership changes. Therefore, there is no provision for changing the name on a certificate.

I am returning your requests and checks.

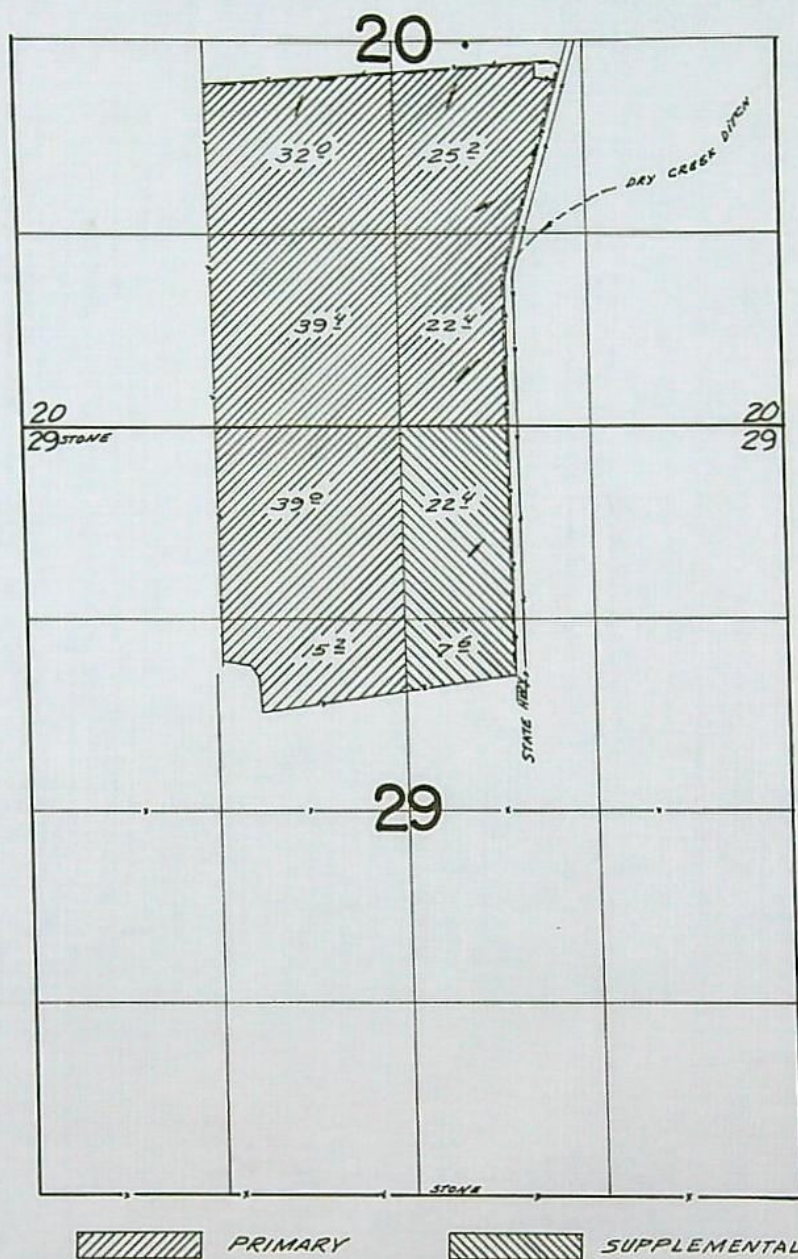
Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Requests and checks

cc: files

T.32 S. R.32 E.W.M.



FINAL PROOF SURVEY  
UNDER

Application No. 34507 Permit No. 27104  
IN NAME OF

M. H. KUNDERT

Surveyed Aug 7, 1968, by J. Garner



| Primary    | Supplemental |                                            |
|------------|--------------|--------------------------------------------|
| 32.0 acres |              | NE $\frac{1}{4}$ SW $\frac{1}{4}$          |
| 39.4 acres |              | SE $\frac{1}{4}$ SW $\frac{1}{4}$          |
| 25.2 acres |              | NW $\frac{1}{4}$ SE $\frac{1}{4}$          |
| 22.4 acres |              | SW $\frac{1}{4}$ SE $\frac{1}{4}$          |
|            |              | Section 20                                 |
|            | 22.4 acres   | NW $\frac{1}{4}$ NE $\frac{1}{4}$          |
|            | 7.6 acres    | SW $\frac{1}{4}$ NE $\frac{1}{4}$          |
| 39.0 acres |              | NE $\frac{1}{4}$ NW $\frac{1}{4}$          |
| 15.2 acres |              | SE $\frac{1}{4}$ NW $\frac{1}{4}$          |
|            |              | Section 29                                 |
| Stock      |              | NE $\frac{1}{4}$                           |
| Stock      |              | SE $\frac{1}{4}$ NW $\frac{1}{4}$          |
| Stock      |              | N $\frac{1}{2}$ SE $\frac{1}{4}$           |
| Stock      |              | SE $\frac{1}{4}$ SE $\frac{1}{4}$          |
|            |              | Section 36                                 |
|            |              | T. 32 S., R. 32 E., W. M.                  |
| Stock      |              | Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) |
| Stock      |              | Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) |
| Stock      |              | Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) |
|            |              | Section 31                                 |
|            |              | T. 32 S., R. 32 $\frac{1}{2}$ E., W. M.    |



| Primary    | Supplemental |                                            |
|------------|--------------|--------------------------------------------|
| 32.0 acres |              | NE $\frac{1}{4}$ SW $\frac{1}{4}$          |
| 39.4 acres |              | SE $\frac{1}{4}$ SW $\frac{1}{4}$          |
| 25.2 acres |              | NW $\frac{1}{4}$ SE $\frac{1}{4}$          |
| 22.4 acres |              | SW $\frac{1}{4}$ SE $\frac{1}{4}$          |
|            |              | Section 20                                 |
|            | 22.4 acres   | NW $\frac{1}{4}$ NE $\frac{1}{4}$          |
|            | 7.6 acres    | SW $\frac{1}{4}$ NE $\frac{1}{4}$          |
| 39.0 acres |              | NE $\frac{1}{4}$ NW $\frac{1}{4}$          |
| 15.2 acres |              | SE $\frac{1}{4}$ NW $\frac{1}{4}$          |
|            |              | Section 29                                 |
| Stock      |              | NE $\frac{1}{4}$                           |
| Stock      |              | SE $\frac{1}{4}$ NW $\frac{1}{4}$          |
| Stock      |              | N $\frac{1}{2}$ SE $\frac{1}{4}$           |
| Stock      |              | SE $\frac{1}{4}$ SE $\frac{1}{4}$          |
|            |              | Section 36                                 |
|            |              | T. 32 S., R. 32 E., W. M.                  |
| Stock      |              | Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) |
| Stock      |              | Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) |
| Stock      |              | Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) |
|            |              | Section 31                                 |
|            |              | T. 32 S., R. 32 $\frac{1}{2}$ E., W. M.    |

RECEIVED  
MAR 10 1965

**Form C**

**IMPORTANT**—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 34507.....

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

I, M. H. Kundert....., the holder of Permit No. 27104.....  
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in  
accordance with the terms of said permit, on the 30th..... day of September....., 1964.....

Remarks: I have irrigated 90% or more of the land described in the permit using  
as much storage water and direct flow as has been available.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd..... day of March....., 1965.....

M. H. Kundert  
(Signature of Applicant)

Burns Ave Box 75C  
(Address)

July 3, 1991

M. MARK KEMP  
76 E. WASHINGTON  
BURNS, OR 97720

REFERENCE FILES: R-34506 AND 34507

Thank you for your letter dated July 1, 1991. We also received your check in the amount of \$20 and a copy of the warranty deed.

Our records show that certificates 37659 and 36760 have been issued confirming use of water made under the terms of permits R-2573 and 27104.

Completed and perfected water rights evidenced by certificates of water right are appurtenant the specific place of use upon which the rights were established. Such rights remain with the land with change of ownership. There are no statutory provisions allowing for the reissuance of certificates to show subsequent owners names. An assignment is not necessary.

I have enclosed your check No. 1485 in the amount of \$20 and the deed copy.

Sincerely,

THOMAS E. SHOOK  
Water Right Specialist



---

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

Note: Claims to have irrig. about 90% of the land filed on by time limit of permit.

CUB

Survey Regardless

# Abstract of Permit No. 27104

Application No. 34507

Certificate No.

Name

M. H. Kundert

Address

Box 726  
Burns, Oregon

Source of water supply

Dry Creek Reservoir to be const. under application No. R-34506 permit No. R-2573

Use

Irrigation, supplemental irrigation and stock  
OF 173<sup>2</sup> acres OF 30<sup>0</sup> acres

Point of diversion

6. 13° W. 1580' from the NW corner of the NE<sup>1</sup>/<sub>4</sub> Section 36, being within the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 36, T. 32 S., R. 32 E., W.M., in the county of Harney.

Number of acres

260 DIV. PT LOC. 3610 FT. N. of 2670 FT. W. from the SE Cor Sec 36

T 32 S R 32 E W M

20 NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> ✓  
20 SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> ✓  
20 NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> ✓  
20 SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> ✓  
29 NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> ✓  
29 SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> ✓  
29 NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> ✓  
29 SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> ✓

Primary

32<sup>0</sup> ✓  
39<sup>4</sup> ✓  
25<sup>2</sup> ✓  
22<sup>4</sup> ✓  
39<sup>2</sup> ✓  
15<sup>2</sup> ✓

Suppl

22<sup>4</sup> ✓  
7<sup>6</sup> ✓

Stock

T 32 S R 32 E

36<sup>0</sup> NE<sup>1</sup>/<sub>4</sub> ✓  
36<sup>0</sup> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> ✓  
36<sup>0</sup> SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> ✓

X  
X  
X

T 32 S R 22 E

31<sup>0</sup> LOT 2 (SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) ✓  
31<sup>0</sup> LOT 3 (NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) ✓  
31<sup>0</sup> LOT 4 (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) ✓

X  
X  
X

Priority date

December 12, 1960 for 4700 acre-feet and 1700  
January 19, 1961 for 155 acre-feet

Amount of water

178<sup>0</sup> 176<sup>0</sup>  
4655 acre-feet stored water only; being 4653 a.f. for  
irrigation & suppl irrigation & 2<sup>0</sup> a.f. for stock.

Time limit to begin construction

February 15, 1962

Time limit to complete construction

10/1/62 extended to

extended to

Time limit to completely apply water

10/1/63 extended to

extended to

Remarks:

This appropriation shall be limited to a diversion of 3 acre feet for each acre irrigated during the irrigation season of each year and the right allowed hereunder for the appropriation of water for lands having a valid prior right shall be limited to the amount necessary to make up any deficiency in water available to said lands under said prior right and the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed herein, and shall be subject to such reasonable rotation system as may ordered by the proper state officer.

Note: Claims to have irrig. about 90% of the land  
filed on by time limit of permit.

C.B.B.

Survey Regardless

# Abstract of Permit No. 27104

Application No. 34507

Certificate No.

Name

M. H. Kundert

Address

Box 726  
Burns, Oregon

Source of water supply

Dry Creek Reservoir to be const. under application No. R-34506  
permit No. R-2573

Use

Irrigation, supplemental irrigation and stock

Point of diversion

S. 13° W. 1580' from the NW corner of the NE<sup>1</sup>/<sub>4</sub> Section 36;  
being within the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 36, T. 32 S., R. 32 E.,  
W.M., in the county of Harney.

Number of acres

260 DIV. PT LOC. 3610 FT. N. 2670 FT. W. from the SE Cor Sec 36

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

| Twp.                          | Range | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                |
|-------------------------------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
|                               |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |
| 32                            | 32 E  | 29   |                                | 40                             | 40                             | 20                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |
| THE ABOVE IS FOR SUPPLEMENTAL |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |
| 32                            | 32 E  | 20   |                                |                                |                                |                                |                                |                                |                                |                                | X                              |                                |                                |                                |                                |                                |                                |                                |
|                               |       |      |                                |                                |                                |                                |                                |                                |                                |                                | 40                             |                                |                                | 40                             |                                | 40                             | 40                             |                                |
|                               |       | 29   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |
| THE ABOVE IS FOR NEW          |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |

Priority date

December 12, 1960 for 4500 acre-feet and 178 ac ft.  
January 19, 1961 for 155 acre-feet

Amount of water

178<sup>0</sup> 176<sup>0</sup>  
4655 acre-feet stored water only; being 4653 a.f. for  
irrigation & supp'l irrigation & 2<sup>0</sup> a.f. for stock.

Time limit to begin construction

February 15, 1962

Time limit to complete construction

10/1/62 extended to

extended to

Time limit to completely apply water

10/1/63 extended to

extended to

Remarks:

Use stored water only limitation limit 176<sup>0</sup> of  
This appropriation shall be limited to a diversion of 3 acre feet for each  
acre irrigated during the irrigation season of each year and the right allowed hereunder  
for the appropriation of water for lands having a valid prior right shall be limited to  
the amount necessary to make up any deficiency in water available to said lands under  
said prior right and the amount allowed herein, together with the amount secured under  
any other right existing for said lands, shall be limited by the duty of water as fixed  
herein, and shall be subject to such reasonable rotation system as may be ordered by the  
proper state officer.

1968 DFE  
8-7-68  
V.G.

mgh

INFO:- MERLE GLEN - FARMS GROUND PAST 10 YEARS

WATER FROM DRY CREEK RES RELEASED  
DOWN DRY CREEK, THEN RESTORED IN KNUNBERT  
RES, WATER THEN RELEASED FROM KNUNBERT RES.  
DOWN DRY CREEK. WATER THEN DIVERTED FROM  
DRY CREEK ONTO LAND (DITCH LOCATION ON PHOTO)

MAIN DITCH - PARRELLS STATE RD. & N FENCE -

SILTED FROM NOT BEING USED THIS YEAR  
EVIDENCE INDICATES - 3" TOP 1" BOTTOM 1" DEEP -  
3" FALL PER 1000 -

GREAT WATER LOSS FROM RES TO LAND.  
7-8 MILES OF CREEK & DITCHES -

STOCK WATER FOR 60 HEAD OF CATTLE

BUT ONLY FROM MAIN RES - LOWER STOCK  
POND ABANDONED IN FAVOR OF WELLS -

NO LAND EAST OF STATE HIGHWAY  
IRRIGATED IN PAST 10 YEARS -

SURVEY TIED TO  $5\frac{1}{2}$  COR SEC 29  
MARKED STONE IN FENCE  
ALONG CO. RD -

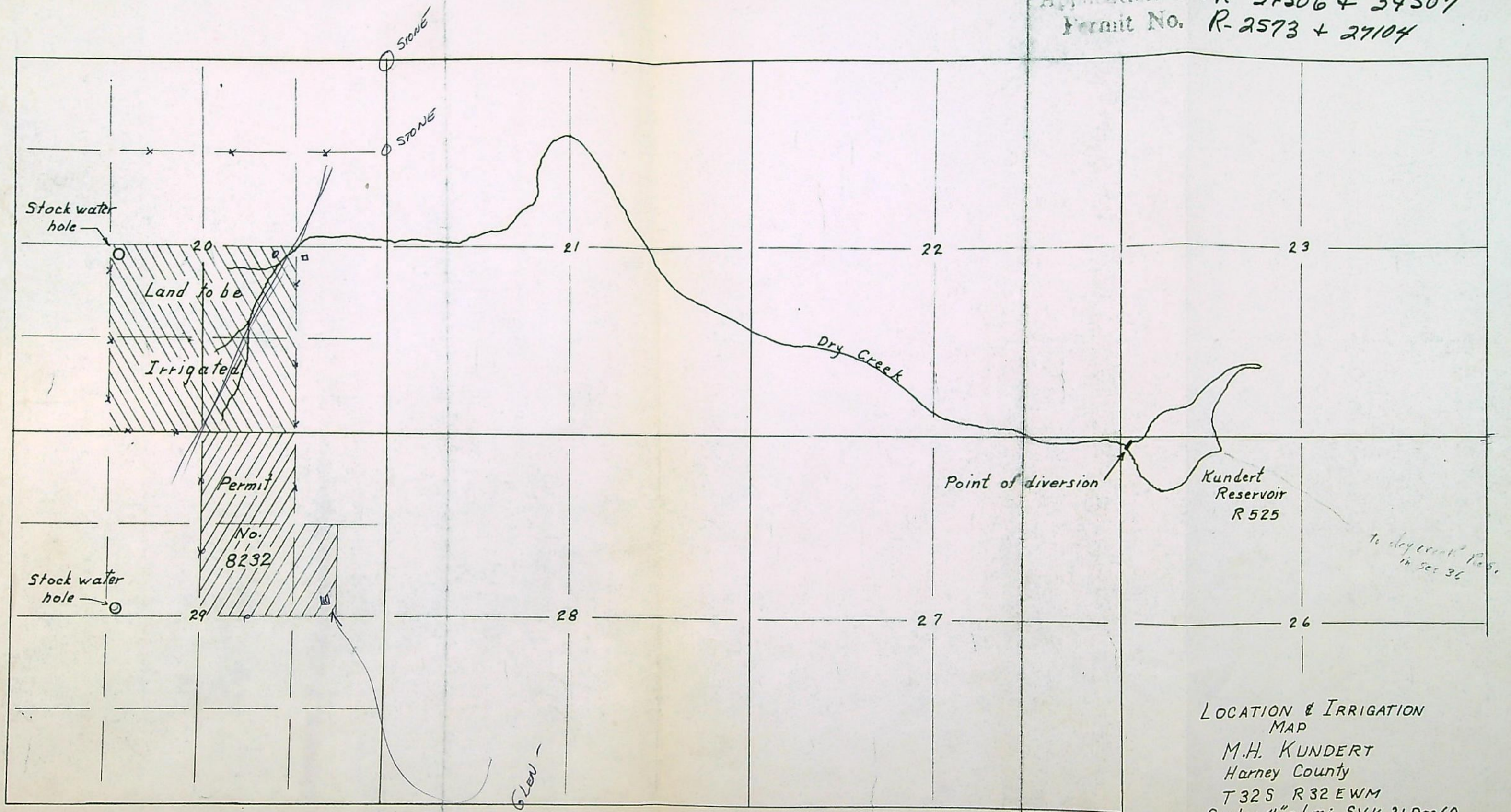
CROP:- PASTURE, HAY -

WHEN WATER AVAILABLE!

V. Harner  
H.

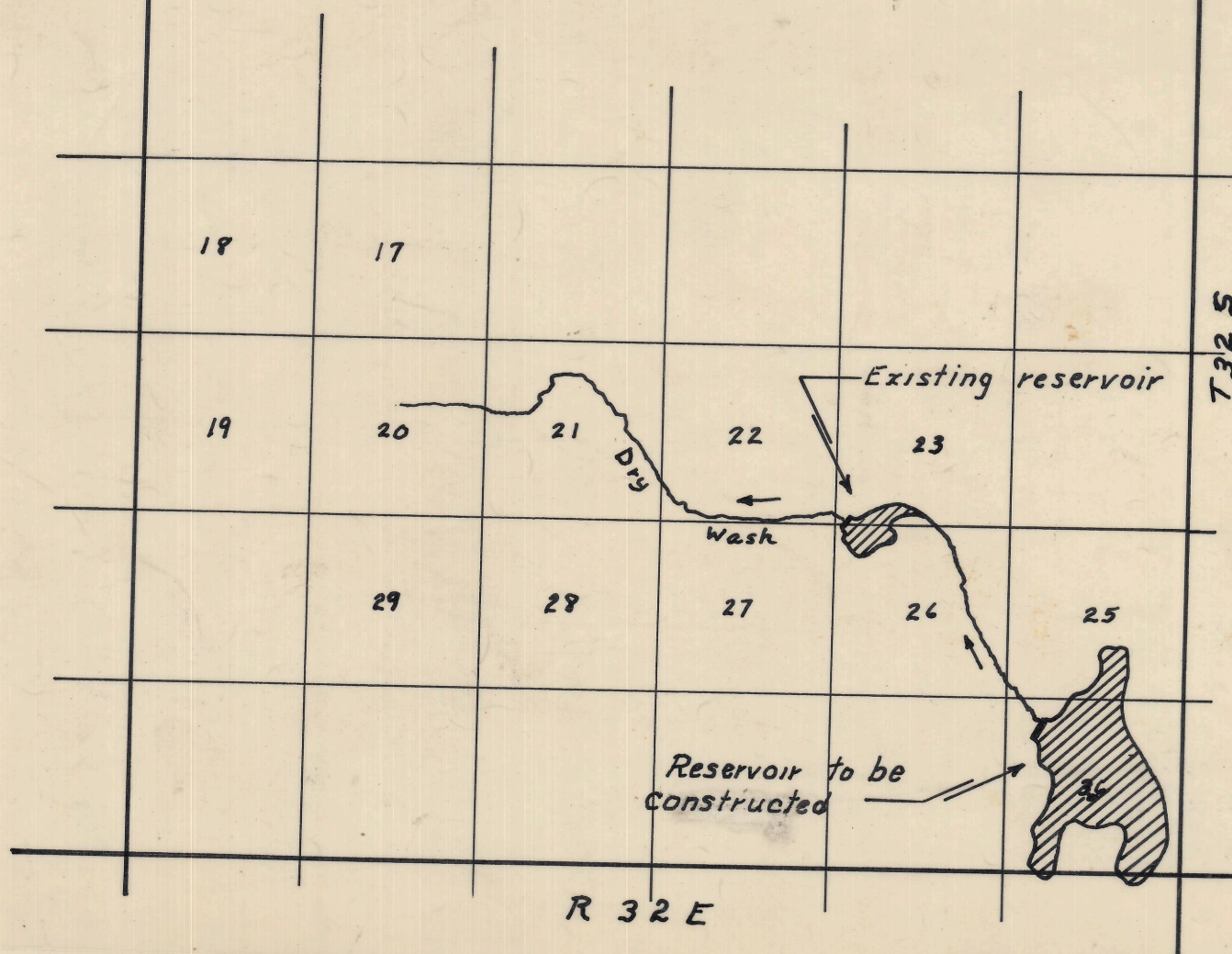
8-168

Application No. R 34506 + 34507  
Permit No. R-2573 + 27104



LOCATION & IRRIGATION  
MAP  
M.H. KUNDERT  
Harney County  
T 32 S R 32 E W M  
Scale: 4" = 1 mi SVK 21 Dec 60

Area to be irrigated initially,  
located in sec. 17, 20, 29.



App. R-34506, 34507  
Per R-2573,

24 foot  
Earth Fill



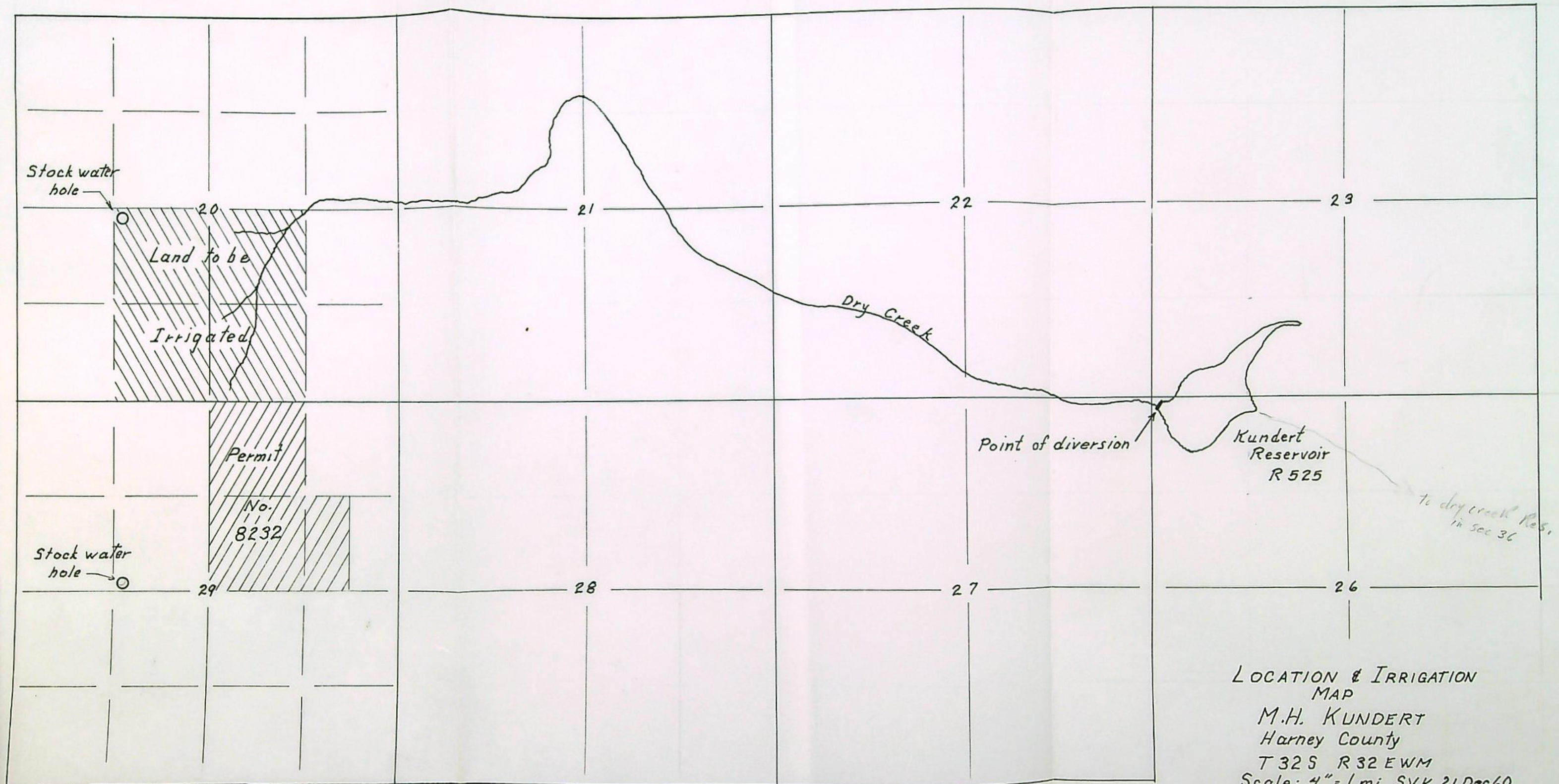
RECEIVED  
SEP 26 1960  
STATE ENGINEER  
SALEM, OREGON

Kundert Reservoir Additions  
PRELIMINARY DRAWING

Storage Capacity: 4600 acreft, approx.  
Scale: 1" = 300' 15 Sept 60  
Drawn by S.V. Kaser.

R 34506  
34507

Application No. R 34506 + 34507  
Permit No. R-2573 + 27104



LOCATION & IRRIGATION  
MAP  
M.H. KUNDERT  
Harney County  
T 32 S R 32 E WM  
Scale: 4" = 1 mi SVK 21 Dec 60



JOSEPH W. STRAUB  
GOVERNOR

## Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

R 54784, R 8231,  
R 8232, R 34506,  
R 34507

December 12, 1977

Bureau of Land Management  
74 S. Alvord Street  
Burns, Oregon 97720

ATTENTION: Don Holder

Dear Mr. Holder:

As you have requested, I am enclosing copies of the water right certificates and appropriate final proof survey maps regarding the existing water rights on Dry Creek (Kundert Reservoir).

You will notice that there is a reservoir located upstream from Kundert Reservoir and a right for storage of water and the release of stored water to irrigate lands downstream from Kundert Reservoir. It will be necessary that a suitable outlet pipe be installed in Kundert Reservoir to pass any direct flow of Dry Creek or the upstream stored water through Kundert Reservoir to serve the downstream lands.

I have discussed the type of outlet pipe required with Gary Oberholtzer, our dam safety engineer.

Gary advises that a galvanized corrugated metal pipe with asbestos-bonded bituminous coating is acceptable for use as outlet conduit. The gage of the pipe is determined by imposed loads. Normally 14 to 16 gage is adequate. Pipe joints must be water tight, normally using gasketed connecting bands. The outlet conduit should be sized to allow complete evacuation of the reservoir in 30 days with no inflow.

Should you have further questions regarding the existing rights or design requirements, please do not hesitate to contact this office.

Sincerely,

Vestal R. Garner  
Water Rights Engineer

VRG:slk  
Enclosures

378-3739

January 26, 1977

File R-34506  
34507

Mr. Bill Bright  
Bureau of Land Management  
74 S. Alvord  
Burns, OR 97720

Dear Sir:

In the spring of 1976, the Bureau of Land Management indicated that they intended to rebuild the Kundert Reservoir, and in May of 1976, Mr. Oberholtzer, an engineer from this office, performed an inspection of the now breached dam.

Would you please advise as to your intentions regarding this structure, and if you intend to rebuild this dam when we might expect submission of plans and specifications.

Very truly yours,

A.M. Petska  
Engineer

AMP:ls  
cc: M.H. Kundert  
Rt. 2, Box 248  
Dallas, OR 97338

8231  
8232  
R-34506  
34507

February 10, 1976

Mr. Don Holder  
Bureau of Land Management  
74 S. Alvord  
Burns, Oregon 97720

Dear Mr. Holder:

Questions from your office regarding Dry Creek Reservoir have been answered by different people here so I'm not sure what information you have and if you have enough. We have discussed the reservoir in Sections 23 and 26, Township 32 South, Range 32 East, W.M. There is a right of record for a reservoir in Section 36, Township 32 South, Range 32 East, and use under another for irrigation of lands in Sections 20 and 29. These may be a factor in your planning for construction of the reservoir in Sections 23 and 26.

I am enclosing copies of final proof maps for rights perfected under permits Nos. R 2573 and 27104. Certificate No. 36759 is for the construction of a reservoir and storage of 178.0 acre feet of water from Dry Creek. Certificate No. 36760 describes the appropriation of 176.0 acre feet of water from the reservoir for irrigation of 173.2 acres and supplemental irrigation of 30.0 acres and 2.0 acre feet of water for stock use.

Mr. Philip Hiibel, our Watermaster in Burns, has complete instructions regarding petitions for cancellation of existing rights which include an outline of the form of petition. I believe you intended to contact him for inspection of the old reservoir so he could give you the needed information then.

Sincerely,

Trevor Jones, Administrator  
Water Rights Division

TJ:whh  
Enclosures



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

R-34506  
34507  
REFER TO  
FILE NO.

March 17, 1970

M. H. Kundert  
Route 2, Box 248  
Dallas, Oregon 97338

Dear Sir:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No. R-2573 & 27104.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

Form 117

Enclosure  
cjs



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

February 9, 1970

R-34506  
REFER TO  
FILE NO. 34507

M. H. Kundert  
Box 726  
Burns, Oregon 97720

Dear Sir:

Enclosed is the final proof in connection with the incomplete water right represented by your permit No. R-2573, and 27104.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

Form 117

Enclosure

Please submit \$1.00 for each permit.

cjs



STATE OF OREGON

STATE ENGINEER  
516 PUBLIC SERVICE BUILDING

SALEM 10

March 10, 1965

REFER TO R-34506  
FILE NO. 34507

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. R-2573 and 27104.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

Form 128

PJ

## STATE OF OREGON

STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

January 12, 1965

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

According to the terms of your permit Nos. R-2573 and 27104 for storage of 4655.0 acre-feet of water from Dry Creek and appropriation of 4655.0 acre-feet from Dry Creek Reservoir for irrigation & supplemental irrigation, complete application of water was to have been made by October 1, 1964.

Complete application of water means the application of water to beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 19, 1964.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation of the permit.\*\*\*\*\*"

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit(s) may be canceled without further notice.

If for any reason you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved has changed hands and any part of the project has been completed, you should immediately assign the permit to the new owner and advise us of his name and address. An assignment form will be furnished upon request.

Very truly yours,



CHRIS L. WHEELER  
State Engineer

Form 100  
Certified  
Return receipt requested

March 11, 1964

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

I have your letter of February 26 stating that the agreement between you and Sam V. Kaser in regard to use of water stored in Dry Creek is being terminated.

I will be glad to attach your letter to the agreement and place it in the reservoir file. However, in view of the nature of the agreement between you and Mr. Kaser I question what legal effect your letter may have.

Pursuant to a statement by Mr. Kaser dated November 23, 1962, his application No. 35045 was withdrawn from consideration of the State Engineer.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr., Assistant

JWC:eh

cc - Mr. Leonard H. Waterman

LEONARD H. WATERMAN  
ATTORNEY-AT-LAW  
90 WEST ADAMS STREET  
BURNS, OREGON 97720

February 26, 1964

RECEIVED  
MAR 4 1964  
STATE ENGINEER  
SALEM, OREGON

State Engineer  
Salem, Oregon

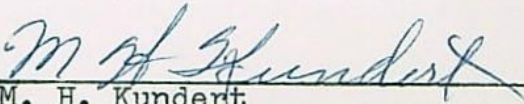
Re: Permit Number 27104  
M. H. Kundert

Gentlemen:

The undersigned has a permit numbered above for Dry Creek Reservoir for 4655 acre feet of stored water to be used for irrigation and supplementary irrigation and stock water, the stock water being 2.0 acre feet for stock use on lands described as being irrigated as NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  (stock) Section 29 NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  (including stock) and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 20, Township 32 S., R. 32 E., W.M., Harney County, Oregon.

That heretofore by agreements there have been provision for use of certain water from such Dry Creek Reservoir for use on other lands. That notice is herewith given that all interests of all parties other than the undersigned for use of water from such Dry Creek Reservoir have been and now are terminated and that this is notice to you of such termination.

Sincerely yours,

  
M. H. Kundert

P.S. If further or other notice than this is required please advise my attorney, Leonard H. Waterman, P.O. Box 1193, Burns, Oregon 97720.

MHK/sw

October 16, 1963

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

Your application for extension of time in which to complete construction under permits numbered R-2573 and 27104 and make application of water under permit No. 27104 indicates reasonable diligence has been exercised toward completion of the project; therefore the time limits are being extended to October 1, 1964.

Enclosed is our receipt No. 39985 covering the statutory filing fee submitted in the amount of \$4.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr., Assistant

eh

enclosure

January 7, 1963

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

Your application for extension of time limits in which to complete construction work under permits numbered R-2573 and 27104 indicates reasonable diligence has been exercised toward completion of the project; therefore the time limit is being extended to October 1, 1963.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr., Assistant

eh

December 5, 1962

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

This will acknowledge your application for an extension of time limits under your reservoir permit numbered R-2573 and your secondary permit numbered 27104, and will also acknowledge your check in the amount of \$2 for which our receipt numbered 36199 is enclosed.

The fee necessary to the filing of an application for extension of time limits is \$2 for each permit included in the application. Unless you completed the reservoir and filled it to capacity prior to October 1, 1962, it will be necessary for you to submit an additional payment of \$2.

In your reply please refer to file numbers R-34506 and 34507.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.,  
Assistant

JWC/klr

Enclosure

Application No. *R 34506*  
*34507*

# Application for Extension of Time

**RECEIVED**  
NOV 19 1962

STATE ENGINEER  
SALEM, OREGON

To the State Engineer of Oregon:

I, *M. H. Kundert*, of *Box 726, Burns*,  
state of *Oregon*, am the owner and holder of Permit No. *R 2573*  
*27104*, to  
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or  
before *October 1*, 19*62*, and complete application of water is required to be  
made on or before *October 1*, 19*63*.

I have heretofore done the following work described under said permit during the past year:

*Began construction the 25<sup>th</sup> of November 1961. Began with  
cat & dozer & spent approximately a week building dam.  
Prior to working on dam spent about a week building  
and did the following work prior to last year: road into reservoir. Held water  
in reservoir this spring & used water to irrigate.  
Then this summer was unable to get any more work done.  
This fall & up to the present time have been unable to do much  
due to rainy weather. Of late developed cat trouble. For these  
reasons I request an extension of time.  
costing \$..... and I estimate the cost of completion to be \$ .....*

I have heretofore used water under said permit to the following extent: .....

I am unable to { complete construction work  
make complete application of water } within the required time, for the following  
(Strike out phrase not applicable)

reasons, to wit: .....

(If additional space is required, attach separate sheet)

(A fee of \$2.00 for each permit involved must accompany this application.)

\$2.00 FEE PAID - 36422 - 12/12/62 (OVER)

\$2.00 FEE PAID

*Ex to 63* *Res 2nd*  
*(cons) (cons)*

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }  
{ complete application of water } under said permit to December 1, 1963  
(Strike out phrase not applicable)

**AFFIDAVIT OF APPLICANT**

STATE OF Oregon }  
County of Marion } ss.

I, M. H. Kandert, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of November, 1962

Subscribed and sworn to before me this 16th day of November, 1962

[Notarial Seal]

W. D. Nelson

Notary Public for Oregon

My commission expires May 26, 1964

251 FINANCE BUILDING  
170 12TH STREET S.E.

STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

REFER TO R-34506  
FILE NO. 34507

516 Public Service Building  
December 8, 1961

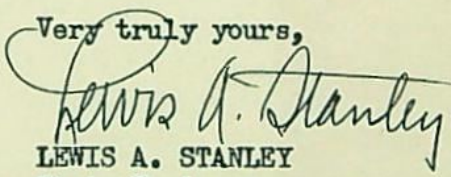
M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit Nos R-2573 & 27104.

The report has been filed with other matter pertaining to the permit, which is in good standing until October 1, 1962, when, under its terms, construction should be completed.

Very truly yours,

  
LEWIS A. STANLEY  
State Engineer

Form 118

klr

R-34506-7

February 27, 1961

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

R-34506, Permit No. R-2573, Application No.  
34507, Permit No. 27104 with blueprint.

R-34506  
34507

January 24, 1961

M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

This will acknowledge your letter received on January 19, 1961, regarding your application numbered R-34506.

The application has been amended in accordance with your instructions. Applications numbered R-34506 and 34507 will now be considered for approval by issuance of permits with the next group.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Walter N. Perry, Assistant

ngb

*Receipt enclosed*

State Engineer  
Fred D. Gustafson

Dear Sir:

With reference to  
your letter of Jan 4, re-  
garding additional 155  
acre feet of water, en-  
closed find check for  
additional <sup>\$</sup>78. to cover  
remaining feet of water.

Thanks for calling my  
attention to this.

Sincerely

M H Lundert

January 4, 1961

Mr. M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

In reviewing the plans prepared by Mr. Joseph Miles for the construction of your proposed Dry Creek dam I find that the reservoir capacity is shown as 4,655 acre feet whereas the application states "approximately 4,500 acre feet". If you wish the permit to reflect the total capacity of the reservoir please so advise us and remit an additional 78 cents recording fees for the additional 155 acre feet.

Should you care to let the application stand at 4500 acre feet will you please so advise us in order that we may proceed with processing your applications.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Fred D. Gustafson  
Engineer

FDG:mb  
cc: Joe Miles

R-34506  
34507

December 19, 1960

M. H. Kundert  
Box 726  
Burns, Oregon

Dear Mr. Kundert:

This will acknowledge receipt of two applications, one for a permit to construct Dry Creek Reservoir and store 4500 acre feet of water therein from Dry Creek for irrigation and stock use and one for a permit to appropriate 4500 acre feet of water from Dry Creek Reservoir for the irrigation of 260 acres and livestock use and fees in the sum of \$85.00 for which our receipts numbered 27968 and 27969 were handed to you.

Your applications have been examined and filed as provided by law under files numbered R-34506 and 34507. As was discussed with you at the time of filing of your applications, it will be necessary that you complete the applications by submission of the plans and specifications for the construction of the reservoir and a map showing the point of diversion and place or places where the water will be used.

Your applications will be held without further action pending submission of the data required for their completion.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Walter N. Perry, Assistant

WNP:mgc