

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

CHARLES W. GUILLE & ASSOCIATES, G.P.
LAND SURVEYING

RECEIVED
MAR - 9 1995
WATER RESOURCES DEPT.
SALEM, OREGON

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

Mr. Don Knauer
Adjudication Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

March 7, 1995
93-27

RE: SWR-148, SWR-268, SWR-341, SWR-354 & SWR-355.

Dear Mr. Knauer:

In regards to the above referred:

SWR-148, Nancy Wright. We have been in contact since the middle of last week. Hopefully she will allow me to do the necessary field work to finish the report and map. She has had survey's done in the past and is trying to find enough so that I can use them instead of actually doing the field survey. I do not think she will be successful.

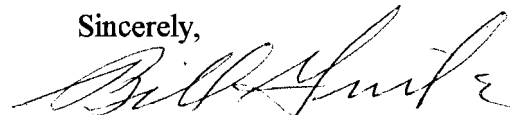
SWR-268, Carol Ach. We have been in contact last fall and agreed to wait until the snow melts. I believe that she also contacted you.

SWR-341, Mary Florence Knowlson. I have not heard from her after I wrote my letter to her dated October 7, 1994.

SWR-354 & SWR-355, City of Eugene. I never heard back from them after my letter dated October 7, 1994. Last week I talked with Mr. Mark Oberle and set up a meeting with him for tomorrow afternoon on another surveying project. I asked him if they still were interested in pursuing the projects and he said yes. We will also discuss these applications. I placed a call with you earlier this morning to get your input before my meeting with Mark.

These should be the only ones left for me to correct. If you have any questions please give me a call. Thank you.

Sincerely,



Bill Guile

7-11-94

DEC - 8 1994

WATER RESOURCES DIVISION
SALINA, OK 73771

To Mr Don Knauer

December 1994

After our conversation, I talked to Mr. Guile again about changing the map. We do plan to meet your requirements as soon as we have reasonable access to the property. Right now, there is a foot of snow up there though the water is being used by residents for both power and domestic uses still. No irrigation is in use until summer.

Sincerely
Carol Ach

manager, Lost Resort

re: SWR-268

RECORDED

OCT 21 1994

WATER RESOURCES DEPT.
SALEM, OREGON

October 19, 1994

To Don Hume

Last week Charles Guile informed me of a letter he received from you dated Sep 21, 1993. As the manager of a trust which owns Foley Springs I would like to know exactly what needs to be done to assure use of water on the property.

Sincerely,

Carol Ann
80232 Hwy 99
Cottage Grove, OR
97424

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON

TELEPHONE 935-2025

Carol Ach
80232 Highway 99
Cottage Grove, OR 97424

October 7, 1994
92-88

SWR-268

Dear Carol:

In regards to your Pre-1909 Vested Water Right Claim, Mr. Don Knauer of the State of Oregon Water Resources Department says that the Map I prepared for you is not right, that I should have prepared a **FINAL PROOF MAP AND A BENEFICIAL USE REPORT** for you to submit along with your claim. On May 29, 1991, Mr. Knauer did send out a memo stating this, of which I placed it in my water right's file along with numerous other mailings from the Department and forgot about receiving his memo when you contacted me to prepare the map.

I was not asked to do a map for a Pre-1909 claim until late in 1992 and early in 1993. The instructions to you that we discussed was only that a map prepared by a CWRE must be submitted along with your claim of use. The instructions to you did not specify that a final proof map and beneficial use report was require. If it had, I would have known what was needed and would have advised you differently and would have prepared the final proof map and the beneficial use report, if you still thought that you had a claim.

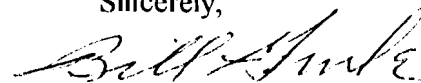
To prepare a Final Proof Map, I will need to survey the area of actual use and make a tie to a government corner. To prepare the Beneficial Use Report, I will need to get data from the motor, pump, sprinklers, etc., so to prepare the report. In case of springs, we will have to survey the spring and the lines to the place of use for the map.

For the maps that I prepared from records, I will have to charge for the field survey and the data collected for the beneficial use report, but will prepare the new final proof map at no charge. For the maps that I did do a field survey for, I will only charge for the time spent in gathering the data for and preparing the Beneficial Use Report.

The above four sentences are a form type letter for you and others. On December 29, 1992, the Water Resources Department received your application map and on September 21,, 1993, Mr. Knauer wrote me a letter that additional information was needed.

Please contact me about what is needed and what only I can show on the final proof map and beneficial use report, if you wish to proceed with your claim. Thank you.

Sincerely,



Bill Guile

cc: Mr. Knauer

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
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AUG 31 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Don Knauer
Adjudicated Specialist, Water Resources Dept.
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

August 30, 1994

RE: Beneficial Use Permits and Final Proof Maps
For Adjudication

Dear Mr. Knauer:

I have misplaced your last letter but I remember by the tone of your letter it appears that I am not only the CWRE that has not responded to your request of submitting a Beneficial Use Report and a Final Proof Map for the various owners that I prepared a map for their adjudicated request's.

Again, I feel that the property owners were misled when the application only stated that a map by a CWRE was needed and did not explain to them that the above was needed.

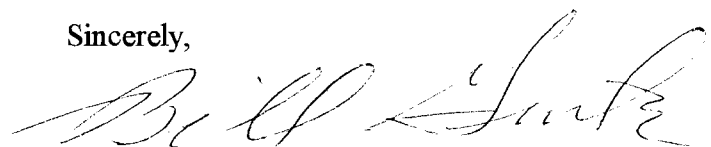
I will begin contacting the clients that I was involved with. Some, I did not know they were applying for adjudication as they also applied for a Water Permit with the maps that I prepared. One I only revised the map as her first CWRE was sick not knowing the background. The City of Eugene had specialist Attorney's in Water Rights from Portland involved and they did not mention that the above was needed. Some I would have advised against if I knew the above was needed.

Anyway, I am now in the process of notifying my clients that additional data is needed. I cannot give you a precise time table, only that it will probably run into next year. I will concentrate first on the ones that are irrigating land. Some of them might not qualify.

I am enclosing a copy of my letter to you dated December 14, 1993 which shows the ones that I have to contact. I have already completed the field survey for the Bryan's.

Thank you.

Sincerely,



Charles W. "Bill" Guile
CWRE 166

RECEIVED

DEC 20 1993

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

WATER RESOURCES DEPT
RESIDENCE
SALEM, OREGON

TELEPHONE 935-2025

Mr. Don Knauer
Adjudicated Specialist
Water Resources Department
Salem, OR 97310

December 14, 1993

RE: Your Letters as follows for:

File # SWR-139	dated June 22, 1993	- Bryan	(92-79)
File # SWR-148	dated June 24, 1993	- Wright	
File # SWR-163	dated June 29, 1993	- Tradeau	(92-81)
File # SWR-180	dated July 30, 1993	- Owens	(92-91A)
File # SWR-241	dated September 3, 1993	- Luddington	(93-27)
File # SWR-268	dated September 21, 1993	- Ach	(92-87)
File # SWR-341	dated October 26, 1993	- Knowlson	(92-26)
File # SWR-342	dated October 26, 1993	- Wilbur	(92-26)
File # SWR-347	dated October 27, 1993	- Winger	(92-85)
File # SWR-351	dated October 28, 1993	- Murr	(92-88)
File # SWR-354	dated October 29, 1993	- City of Eugene	(92-89A)
File # SWR-355	dated October 29, 1993	- City of Eugene	(92-89B)

Dear Mr. Knauer:

I apologize for being so late in answering the above referred letters from you for the above referred File numbers.

When I began to receive your letters, I got so disgusted that I just threw them into a file as I could see that all would be returned. I think that all of the maps that I prepared for my clients who applied for Adjudicated Rights have now been returned. Also, I had many projects that had to be done by the end of 1993 which have now been completed. Therefore, I must take care of the above referred Files.

I guess what disturbs me the most is that I do not remember seeing anything that said the CWRE had to make a final proof map and a beneficial use report to be submitted along with my clients application for their Adjudicated Rights claims.

I have a copy of your pamphlet titled "Should I File a Pre-1909 Water Right Claim" dated April, 1990 which says that the claimant needs a map prepared by a CWRE and that the claimant needs to document their claims. I do not see where a beneficial use report from the CWRE is required.

Also, as I remember, the forms that my clients filled out with their application for their claim only said that a map by a CWRE was required. I told some of my clients who asked before they made application if they felt that they could document their proof of use, I would make the map.

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DEC 20 1993

WATER RESOURCES DEPT
SALEM, OREGON

Page 2

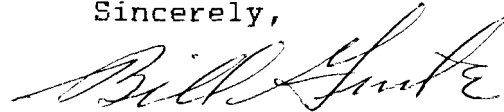
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

It appears that in all of the above referred File Numbers, you are asking me to prepare a Final Proof Map and a Beneficial Use Report for each. Please let me know by letter if this is what you expect for each and I will contact each client as to how I should proceed to meet your requirements as stated in your letters.

I have another client, Mr. Dale Carlson, who wants me to prepare the map for his claim. I want to do it correct the first time and I would appreciate hearing from you first. I told him I could do it in January, 1994.

Thank you for your understanding and promptness in replying.

Sincerely,



Charles W. "Bill" Guile

cc: clients

Land Use Information Form: Permits, Licenses, Water Uses in Addition to Classified Uses

RECEIVED

DEC 29 1992

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

WATER RESOURCES DEPT
SALEM, OREGON

Applicant's Name: CAROL ACH
 Address: 80232 HIGHWAY 99
 City: COTTAGE GROVE State: OR Zip: 97424
 Phone: 942-3638 WRD Application No.: _____

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
16-65-28-	TL 100 F-2 PLOT 635			X
16-65-29-	TL 100 F-2 PLOT 634			X
	F2/FOREST LANDS			

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.211(2)(d). Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
SPECIAL USE PERMIT	LC 16.211(3)(g)			

(over)

WRD Applicant Name: _____

Receipt for Request for Land Use Information

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: THOM LANFEAR
Title: ASSOCIATE PLANNER

Date: 12-23-92
Phone: 687-4054

Signature: Thom Lanfear

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Continuations or Additional Comments:

① HOT SPRINGS POOL + BATHHOUSE + 2 LIVING UNITS PRE-DATE LANE
COUNTY RURAL COMPREHENSIVE PLAN - NON CONFORMING USE LC16.251

② HYDROPOWER DEVELOPMENT REQUIRES DIRECTOR APPROVAL AS PER LC 16.211(2)
IF OLD HYDROPOWER FACILITIES HAVE BEEN DISCONTINUED FOR MORE THAN
ONE YEAR

Lined area for additional comments.

RECEIVED

DEC 29 1992

WATER RESOURCES DEPT.

December 14, 1992 SALEM, OREGON

To Whom It May Concern:

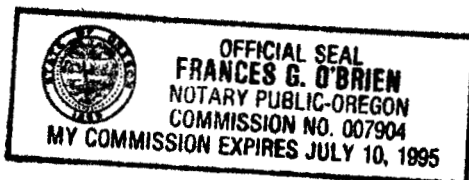
My family has owned the property known as Foley Hot Springs since 1882. We have continuously used the water from Avenue Creek for the purposes of irrigation, stockwatering, domestic and hydroelectric (saw mill) though we have not filed for water rights. The property is now being purchased by Carol Ach who wishes to retain the rights to this water usage.

William G. Roney

On Dec. 14, 1992 William G. Roney signed the above document in my presence.

Frances G. O'Brien
Notary for Oregon

my Commission expires 7-12-94



Planning Official Initials: TL

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: CAROL ACH
Address: 8032 HIGHWAY 99
COTTAGE GROVE, OR 97424
Phone: 942-3638

RECEIVED
DEC 29 1992

WATER RESOURCES DEPT
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): PASTURE & NURSERY
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): 2 UNITS
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): DIVERSION FROM AVENUE CRK.
- Other (Name and list key characteristics): FOLLY HOT SPRINGS TO POOL & BATHHOUSE

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>AVENUE CREEK</u> <u>& FOLLY HOT SPRINGS</u>	<u>0.010</u> Cubic feet per second. <u>DOMESTIC</u> <u>48.72</u> Gallons per minute. <u>IRRIGATION</u>
<input type="checkbox"/> Reservoir or pond	Acre-Feet <u>HYDROPOWER - ?</u>
<input type="checkbox"/> Ground Water	<u>SPRING - ALL WITH TOTAL DISCHARGE RUNOFF INTO CREEK CHANNEL -</u>

December 6, 1995

Charles W. Guile, CWRE
52 Centennial Loop
Eugene, OR 97401

RE: SWR 268

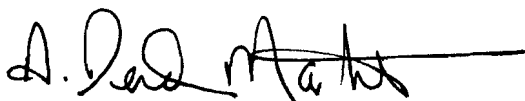
Dear Mr. Guile:

We have received the Claim of Beneficial Use Report and Final Proof Map you submitted on the above-referenced Surface Water Registration.

The Report and Map appear to meet the standards set out in statute and rule. The Report and Map have been added to the Registration file.

Thank you for such providing highly professional documentation. SWR 268 appears to be in good order and will be included in the future adjudication.

Sincerely,


A. Reed Marbut
Adjudications



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

RECEIVED
NOV 28 1995
WATER RESOURCES DEPT
SALEM, OREGON

Mr. Don Knauer
Adjudication Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

November 24, 1995
92-87

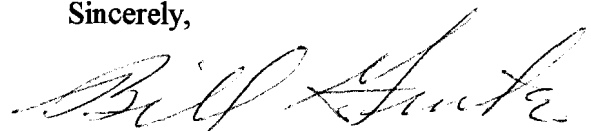
RE: SWR-268

Dear Mr. Knauer:

Enclosed is the Final Proof mylar and the signed Claim of Beneficial Use Report for Carol Ach under the above referred SWR-268 claim.

I only received back the signed Use Report on November 22, 1995. If you have any questions, please give me a call. Thank you.

Sincerely,



Charles W. "Bill" Guile
CWRE 166

RECEIVED
NOV 28 1995
WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE REPORT

SWR - 268

On October 5, 1995, I and my transitman met with Carol Ach and others on their property and made a field survey of the existing place of use. The property is on the Foley Springs County Road No. 459, some 5.0 miles Southeasterly of McKenzie Bridge, Oregon. Carol Ach's mailing address is 80232 Highway 99, Cottage Grove, OR 97424. Her phone number is 1-541-942-3638. I do not know how the present system compares to the pre-1909 system used.

The source of water at the Diversion Point for the domestic, irrigation and power uses is Avenue Creek which is a tributary of Horse Creek. The diversion point is the point in Avenue Creek where a 4 inch plastic pipe is set in place to divert water by a gravity system and is located in the Southwest one-quarter of the Northwest one-quarter (SW1/4 NW1/4) of Section 28, Township 16 South, Range 6 East of the Willamette Meridian, in Lane County, Oregon. The Point of Diversion was tied by a survey using a Total Station instrument to a 1939 Brass Cap monument marking the Northwest Corner of said Section 28. By calculations, the Point of Diversion computes to be 1905 feet South and 1140 feet East of the said Northwest corner of Section 28.

The gravity system main lines consist of 4 inch, 3 inch and 2 inch plastic pipes to a point just north of the Horse Creek Road. At this point the 2 inch plastic pipe connects to a 2 inch aluminum pipe which runs on to the irrigated area between the Horse Creek Road and Horse Creek. The areas of use lies within Sections 28 and Section 29 of the same Township and Range as described above.

At this time of the year, the irrigation system was not in use, but the main lines were in place and the 2 inch aluminum pipe with sprinklers were placed in a pile along both of the irrigated areas. The irrigation water is used for a small nursery area, a small garden area and two small fields.

The nursery area is some 0.04 acres in size within the Northwest one-quarter of the Northwest one-quarter (NW1/4 NW1/4) of Section 28 and contained pots with small trees and shrubs. The nursery area is some 102 feet in elevation below the Point of Diversion.

The small garden area is some 0.05 acres in size within the Northwest one-quarter of the Northwest one-quarter (NW1/4 NW1/4) of Section 28 which contained corn, beans, strawberries and other small vegetables. The garden area is some 123 feet in elevation below the Point of Diversion.

The small field south of the Horse Creek Road is some 0.50 acres in size within the Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4) of Section 29. The irrigation system used in this field were 2 inch by 30 feet aluminum pipes with up to six Buckner Rainer 856 sprinklers with 1/8 inch diameter nozzle opening. Native grass was the crop irrigated. The point on the main line where the irrigation pipes were connected is some 138 feet in elevation below the Point of Diversion.

The small field north of the Horse Creek Road is some 0.30 acres in size within the Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4) of Section 29. The irrigation system used in this field were 2 inch by 30 foot aluminum pipes with up to 6 Bucker Raider 856 sprinklers with 1/8 inch diameter nozzle opening. Native grass was the crop irrigated. The point on the main line where the irrigation pipes were connected is some 202 feet in elevation below the Point of Diversion.

The domestic use of the water is to supply water to the house. The house is within the Northwest one-quarter of the Northwest one-quarter (NW1/4 NW1/4) of Section 28. A 2 inch plastic pipe takes off of the 2 inch plastic pipe main line and runs to the southeast corner of the house. The ground at the southeast corner of the house is some 111 feet in elevation below the Point of Diversion.

The use of water for Power is to run a Pelton No. 12G Centrifical with water cups to drive a 12 volt Generator by a small V Belt and is within the Northwest one-quarter of the Northwest one-quarter of Section 28. The Pelton was designed and manufactured by the "Pelton Water Company Hydraulic Engineers", product 12G, Order 3418, date 11/13/50. This Pelton has a 2 inch intake and two 2 inch outlets which runs into a small pond and on into an existing drainage channel. This is presently providing electricity for the house. The ground elevation at the Pelton is some 123 feet in elevation below the Point of Diversion.

The Foley Hot Springs is the Point of Diversion for the pool and bathhouse and is located in the Southwest one-quarter of the Northwest one-quarter (SW1/4 NW1/4) of Section 28. By survey, this Point of Diversion computes to be 1385 feet South and 235 feet East of the said Northwest corner of Section 28. A portion of the Hot Spring water is piped downhill to the Bathhouse and pool which lies within the Northwest one-quarter of the Northwest one-quarter (NW1/4 NW1/4) of Section 28. The excess water runs off through an existing drainage channel and discharges into Horse Creek.

RECORDED

NOV 28 1995

WATER RECORDS
SALEM, OREGON

By my calculations, using only a 2 inch main line with no friction, 216 psi would be generated at the field of irrigation south of the Horse Creek Road (0.434 x 3.14 sq. in. x -138 ft. elev. = 216 psi) and 275 psi would be generated at the field of irrigation north of the Horse Creek Road (0.434 x 3.14 sq. in. x -202 ft. elev. = 275 psi). But the table for sprinkler capacity by nozzle size for an 1/8 inch diameter is rated for a maximum of 50 psi which equals 3.2 gpm each. By using this table, the 6 sprinklers would use 19.2 gpm at each field or a total of 38.4 gmp or 0.09 cfs if both systems were used at the same time.

The maximum domestic use for the house would be 0.023 cfs.

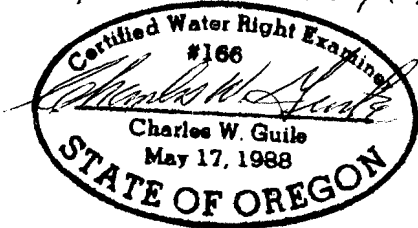
The use for the garden and nursery probably would be minimal.

The water used for power at the Pelton is returned through the channel and discharged back into Horse Creek.

The spring water is returned from the bathhouse and pool through the channel and discharged into Horse Creek.

The final proof survey and inspection of the use as found to be for SWR-268 was done by me on October 6, 1995 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

EXP. DATE 6/30/1997



Charles W. Guile Nov. 8, 1995.
Charles W. Guile CWRE 166 Date

I, Carol Ach, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided for my application being SWR-268.

Carol Ach 11-12-95
Carol Ach Date

RECEIVED

NOV 28 1995

WATER RESOURCES DEPT
SALEM, OREGON

November 8, 1995
92-87
92087D01.wpd

FINAL PROOF MAP FOR CAROL ACH

SECTION 28 & 29 T16 S.R. 6 E.W.M.
LAKE COUNTY, OREGON
OCT. 16, 1995

FILE NO. SWR-268

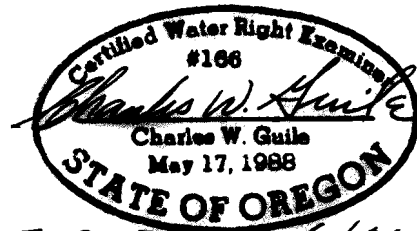
THIS MAP IS FOR WATER RIGHT
PURPOSE ONLY AND IS NOT INTENDED
TO PROVIDE DIMENSIONS FOR
LOCATING PROPERTY BOUNDARIES

FILE NO. SWR-268
SURVEYED OCTOBER 6, 1995
BY: CHARLES W. GUILÉ

POINT OF DIVERSION
AVENUE CREEK
1905 FEET SOUTH AND 1140 FEET
EAST OF HW COR. SEC.
28 T16 S.R. 6 E.W.M.

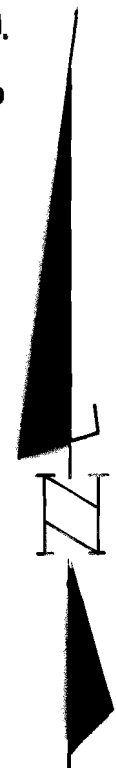
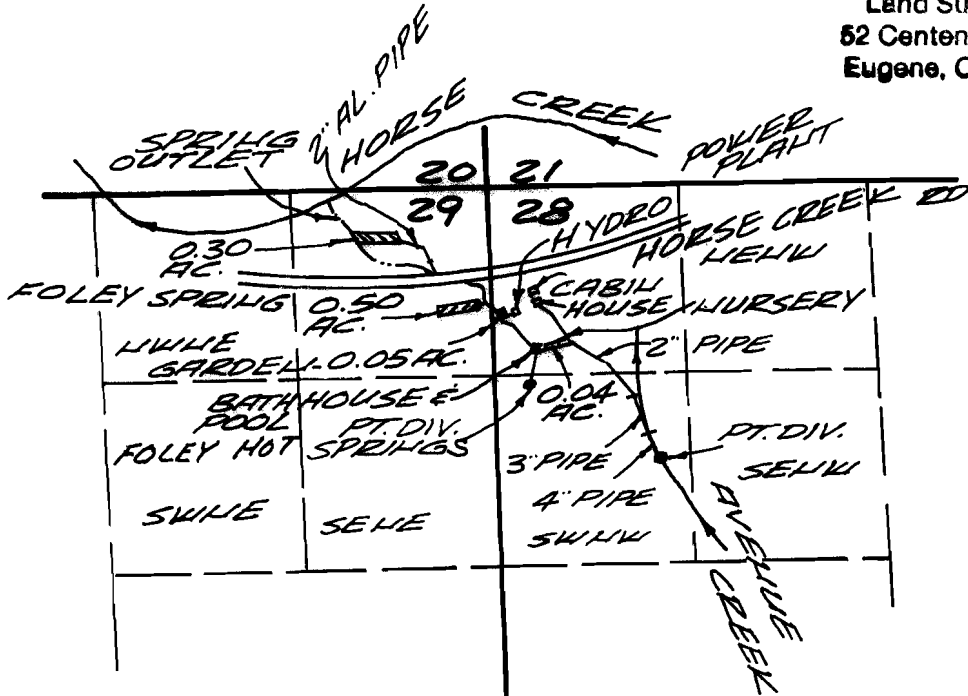
RECEIVED

MAY 17 1998
WATER RIGHTS DIVISION
SALEM, OREGON



EXP. DATE 6/30/1995

CHARLES W. GUILÉ
& ASSOCIATES, CO.
Land Surveying
52 Centennial Loop
Eugene, OR 97401



SCALE 1" = 1320'

POINT OF DIVERSION
FOLEY HOT SPRINGS
1385 FEET SOUTH AND 235 FEET
EAST OF HW COR. SEC.
28 T16 S.R. 6 E.W.M.

92-87

**FINAL PROOF MAP
FOR
CAROL ACH**

SECTION 28E29 T10S R9 E.W.M.
LAKE COUNTY, OREGON
OCT. 10, 1992

FILE NO. 2MR-268

RECEIVED

THIS MAP IS FOR WATER RIGHT
PURPOSE ONLY AND IS NOT INTENDED
TO PROVIDE DIMENSIONS FOR
LOCATING PROPERTY BOUNDARIES

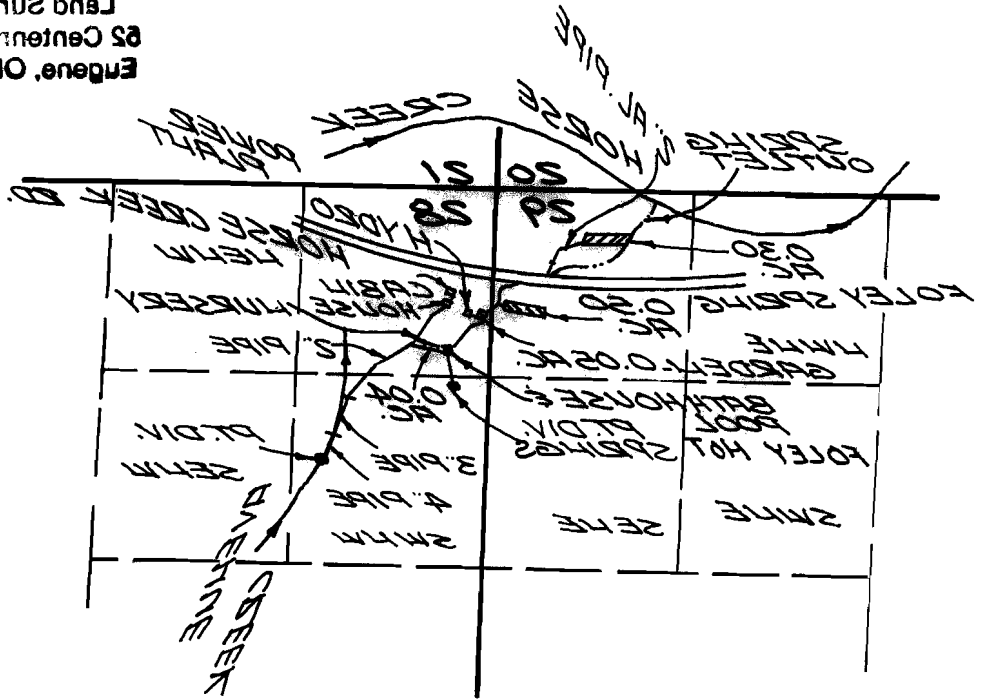
FILE NO. 2MR-268
SURVEYED OCTOBER 6, 1992
BY: CHARLES W. GULE

POINT OF DIVERSION
AVERAGE CREEK
1902 FEET SOUTH AND 140.
FEET EAST OF THE COR. SEC.
28 T10 S R9 E.W.M.



Exp. DATE 03/30/1992

CHARLES W. GULE
& ASSOCIATES, CO.
Land Surveying
85 Central Loop
Eugene, OR 97401



POINT OF DIVERSION
FOLEY HOT SPRINGS
1982 FEET SOUTH AND 332.
FEET EAST OF THE COR. SEC.
28 T10 S R9 E.W.M.

SCALE 1"=1350'

PS-87

T. 16 S., R. 6 E., W.M.
SECTIONS 28 & 29

WATER RIGHT APPLICATION
MAP FOR

CAROL ACH

TAX LOT 100, MAP 16-65-28

TAX LOT 100, MAP 16-65-29

LANE COUNTY, OREGON

DECEMBER 28, 1992

RECEIVED

DEC 20 1992

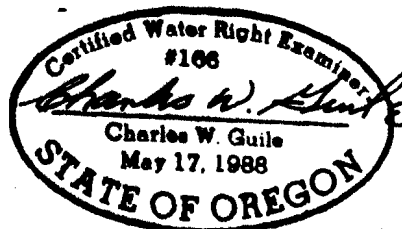
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

NOV 28 1995

WATER RESOURCES DEPT
SALEM, OREGON

CHARLES W. GUILLE
& ASSOCIATES, CO.
Land Surveying
88 Centennial Loop
Eugene, OR 97401

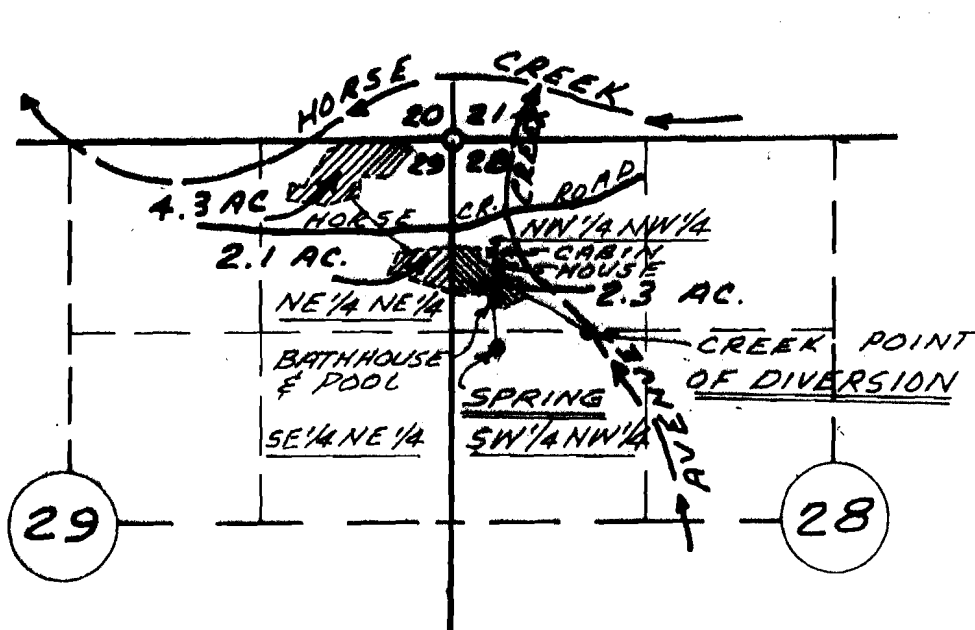


DIVERSION POINTS:

CREEK: 1310' SOUTH &
905' EAST OF THE
NW COR. OF SECTION 28.

SPRING: 1395' SOUTH &
245' EAST OF THE
NW COR. OF SECTION 28.

THIS MAP IS FOR
WATER RIGHT PURPOSES
ONLY AND DOES NOT
PROVIDE DATA TO LOCATE
PROPERTY BOUNDARIES.



SCALE
1" = 1320'

92-87

March 10, 1995

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: SWR-148, SWR-268, SWR-341, SWR-354 & SWR-355

Dear Mr. Guile,

Thank you for the update on the above referenced files. As we talked on the telephone the other day, I appreciate your effort to complete the necessary work on the maps. With your help we can finish these claims.

Sincerely,



Don Knauer
Adjudication Specialist



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 31, 1994

CAROL ACH
80232 HWY 99
COTTAGE GROVE OR 97424

re: SWR-268

Dear Ms. Ach,

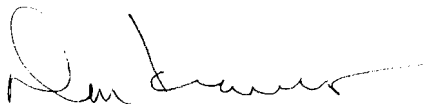
Thank you for your letter of October 19, 1994 inquiring about the status of your Surface Water Registration Statement. The Water Resources Department (WRD) received the form, fees and map you submitted on December 29, 1992. These were the required documents to assert your claim to a pre-1909 vested water right.

The map you submitted was prepared by Charles W. Guile, a water right examiner. The map does not meet Oregon Revised Statute and Oregon Administrative Rule requirements. I returned the map to Mr. Guile on September 21, 1993 for corrections and completion. As long as the problems with the map can be remedied before the actual Mckenzie River Adjudication begins, that will be acceptable. I do not know when the adjudication will begin. In the mean time, if a question of regulation comes up, it would be to your advantage to have your claim, to include the map, in proper order.

To answer your question, "... exactly what needs to be done to assure use of water on the property ?", your claim (form, map and fees) must be in proper form to be presented to Circuit Court for a water right decree.

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

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\SI\CL\2\SWR-0268.005



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 17, 1994

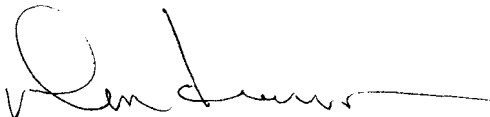
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-148,SWR-163,SWR-180,SWR-241,SWR-268,SWR-341,SWR-342,SWR-347,SWR-351,SWR-354,SWR-355

Dear Mr Guile,

This will acknowledge the receipt of the copies of letters for the above referenced files. I have added the copies to the files.

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\s\c\1\swr-²⁶⁸0355.004



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

SWR-166

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

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

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

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

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

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

SWR-139 : BRYAN
- 148 : WRIGHT
- 163 : THURMAN
- 241 : LUDINGTON
- [REDACTED] : ALW
- 341 : KNOWLSON

SWR-342 : WILSON
- 347 : WINGEE
- 351 : BUTLER
- 354 : BUREAU WATER & ELEC
- 355 : BUREAU WATER & ELEC

December 21, 1993

WATER
RESOURCES
DEPARTMENT

CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

Dear Mr Guile,

This will acknowledge your letter of December 14,1993. I have thought about how I can best address your distress over the problems with the maps you prepared to support pre-1909 vested water right claims. There has been some misunderstanding with regards to the pre-1909 map requirements in the past by both claimants and Certified Water Right Examiners (CWRE). When I took this project over, I made many efforts to provide the necessary information to the folks involved. I arranged and held public meetings, mailed notices and memos, had public notices published in local newspapers, among other things.

I took a look in my files and copied two of the memos I hope will help to show my attempt to inform you of the pre-1909 vested water right mapping requirements. I have always made myself available to the CWRE,s. I do not have a record, nor do I recall, you contacting me about the pre-1909 mapping requirements.

My notes show I sent copies of my checklist, the mapping requirements and the claim of beneficial use sheet while returning the maps for SWR-139, SWR-163 and SWR-268. I am sending you another copy.

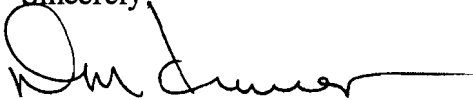


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Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

On to the problem at hand. You must prepare a "final proof map and a beneficial use report" to satisfy the statutory and administrative requirements for the map to support a pre-1909 vested water right claim.

I am sending one of my cards and if there is anything you want to discuss please give me a call. The toll free number is 1-800-624-3199.

Sincerely

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

Don Knauer
Adjudication Specialist

September 21, 1993

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: File# **SWR-268**

DEAR CHARLES GUILLE,

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 Carol Ach. 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.

Since Ms Ach included irrigation, stockwater, domestic and hydroelectric as uses of water, you must supply the information as to beneficial use for all the claimed uses. I need to know which sources and quantities of waters are used for each claimed use. You have shown a cabin and house on the map so I need an explanation about the domestic use. You have shown a bath house and pool on the map so I need an explanation about the water use and how it is covered in this pre-1909 vested water right claim.

diversion point location	ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..." I need the information for the stockwater, domestic and hydroelectric water uses.
--------------------------	--



conveyance

ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..." I need the information for the stockwater, domestic and hydroelectric water uses.

place of use (¼ ¼)

ORS 539.240 (2) (d) (B) "The location of place of use by quarter-quarter section..." I need the information for the stockwater and hydroelectric water uses.

diversion point size

OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems." I need this information for all beneficial water uses.

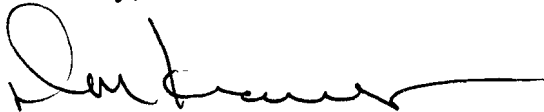
A reminder that the map must be "...in ink or permanent-quality linen or 0.003-inch mylar..".

I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosures

	<u>1021</u>	<u>STE</u>	<u>DOM</u>	<u>HYPPO</u>
— 1.)	CREEK ‡ ?	?	?	?
— 2.)	✓	?	?	?
— 3.)	✓	?	?	?
— 4.)	✓	?	✓	?
5.)	✓			
6.)	✓			
7.)	✓			
8.)	✓			
9.)	✓			
10.)				
11.)	✓			
— 12.)	?	?	?	?
— 13.)	NO	<hr/>		
— 14.)	NO	<hr/>		
— 15.)	✓			

WHAT ABOUT HOUSE AND CABIN ? part of domestic?

WHAT ABOUT BATH HOUSE ‡ POOL ~~AND~~
SPRING

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Det NAME Upper # 2A UNADJUDICATED AREA ? Yes
RECEIPT # 95565 Wickhamette S W R NUMBER 268
CHECK ENCLOSURES Det PRELIMINARY DATA BASE ENTRY Det
ACKNOWLEDGEMENT LETTER Det ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION scw

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

SEE NOTE

_____ ✓ source and trib
_____ ✓ diversion point location
_____ conveyances (pipes, ditch, etc.)
_____ place of use
_____ scale
_____ township, range, section
_____ north arrow
_____ CWRE stamp
_____ disclaimer
1 _____ date survey was performed
_____ P.O.B. of survey
2 _____ dimensions and capacity of diversion system
_____ "beneficial use" type title
4 _____ "permanent-quality" paper
_____ 1/10th scale

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____

FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____

ENTER ON PLAT CARDS _____

February 25, 1993

CAROL ACH
80232 HWY 99
COTTAGE GROVE OR 97424

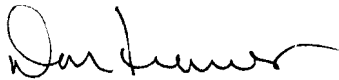
Dear MS ACH,

This will acknowledge that your Surface Water Registration Statement in the name of CAROL ACH has been received by our office. The fees in the amount of \$422.00 have been received and our receipt #97414 is enclosed. Your registration statement has been numbered SWR-268.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

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

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0268.002



STATE OF OREGON
WATER RESOURCES DEPARTMENT
 RECEIPT # **97414** .850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIVED FROM: <u>Carol Ash</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER
CASH: <input type="checkbox"/> CHECK: # <input checked="" type="checkbox"/> <u>96-609</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>422.00</u>

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>422.00</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 \$
842.003	GROUND WATER	RECORD FEE \$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$
842.016	WELL DRILL OPERATOR	RECORD FEE \$
	LANDOWNER'S PERMIT	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

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

RECEIPT # **97414** DATED: 2/25/93 BY: C. Engel

February 19, 1993

CAROL ACH
80232 HWY 99
COTTAGE GROVE OR 97424

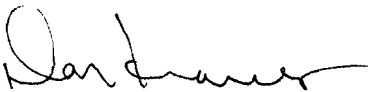
Dear MS ACH,

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

You sent \$230.00 and your receipt #95565 is enclosed. You should have sent a total of \$652.00. The required fees are as follows: Irrigation = \$52.00 Stockwater = \$ 200.00 Domestic = \$ 200.00 and Hydroelectric = \$ 200.00. The amount now due is \$422.00. Your claim will not be processed until these remaining fees are received. Your claim has been numbered SWR-268.

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

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0268.001



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

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

RECEIPT # **95565**

RECEIVED FROM: Carol Ach
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96609 OTHER: (IDENTIFY)

TOTAL REC'D \$ 230.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>230.00</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 # **95565** DATED: 12-29-92 BY: D. Bushnell