

61048

December 4, 1980

Application No.

Permit No.

45595

Name **ASSIGNED** Withers Ranch, Inc.

Address Rt. 1, Box 220 Paisley OR 97636

Assigned NW Farm Credit Svcs, ACA

Address POB 148, K-Falls, OR 97601

AND Withers Ranch
38580 Hwy. 21
Paisley OR 97634

Beginning construction APR 15 1982

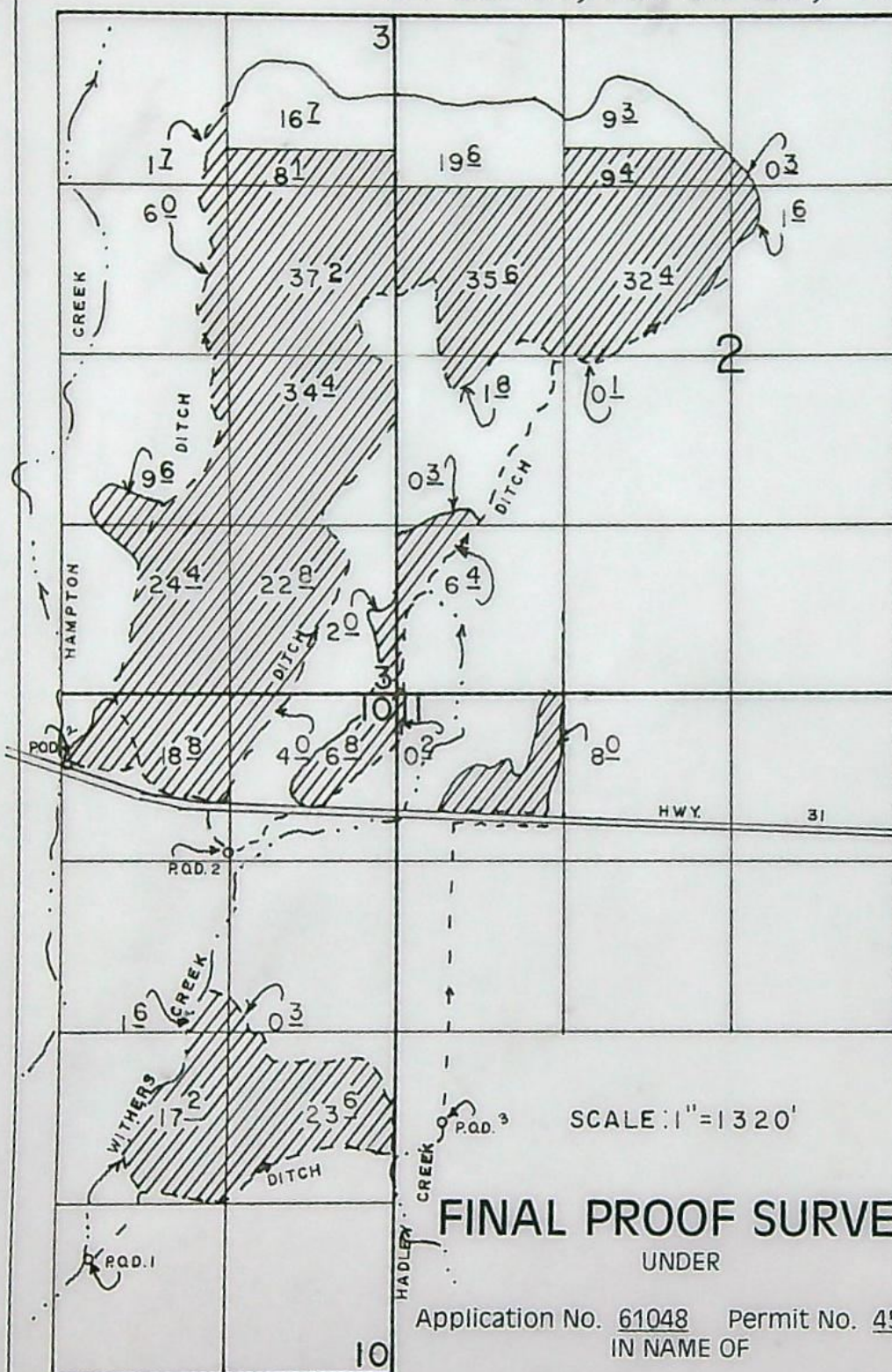
Completion of construction OCT 1 - 1983

Extended to

Complete application of water OCT 1 - 1984

Extended to

T. 33 S., R. 17 E., W.M.



P.O.D. 1. 890' N & 2360' W FROM SE COR. OF SEC 10.
P.O.D. 4. 1250' S & 1330' W FROM NE COR. OF SEC 10.
P.O.D. 5. 1930' N & 380' E FROM SW COR. OF SEC 11.
P.O.D. 550' S & 2600' W FROM NE COR. OF SEC 10.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

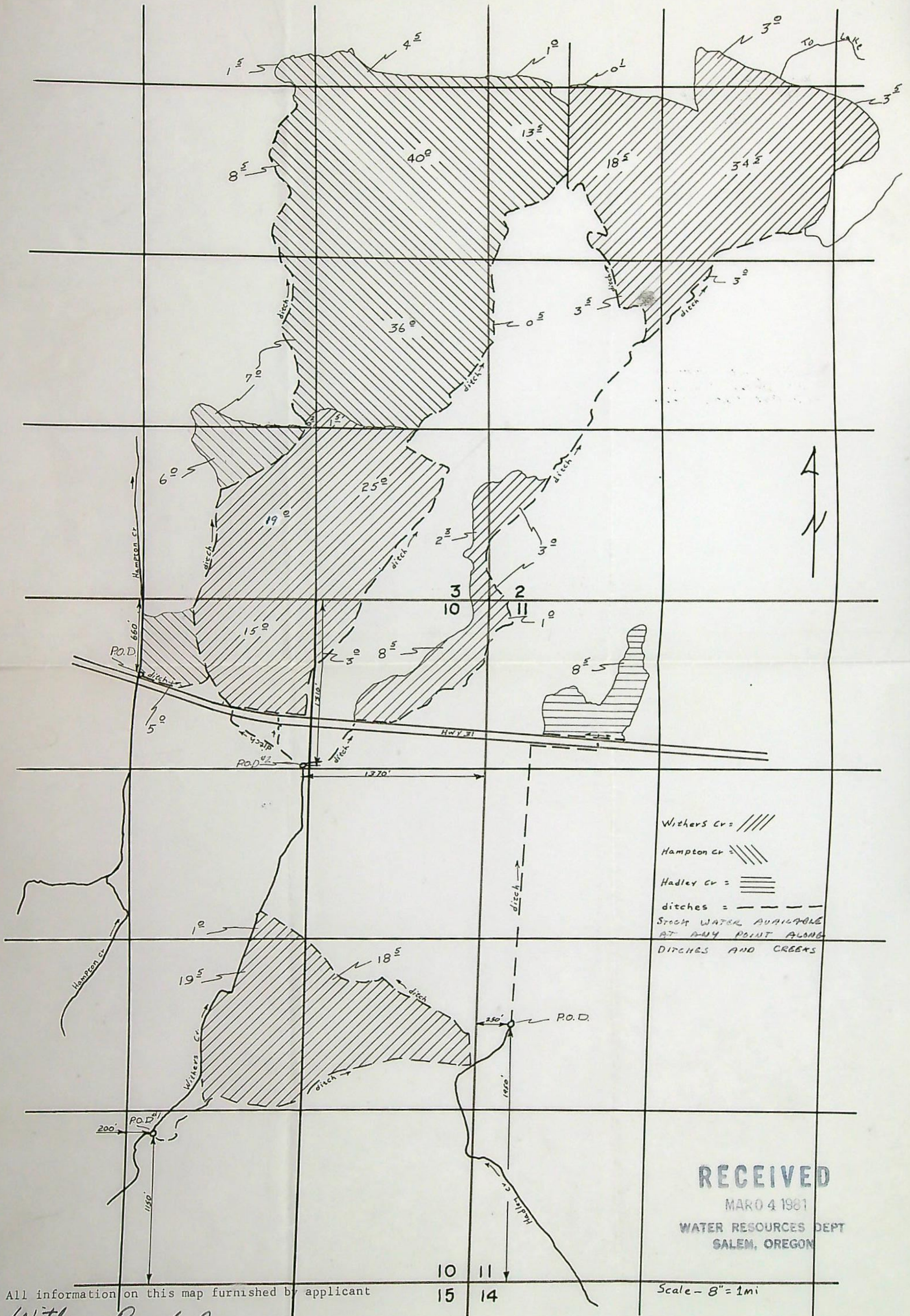
UNDER

Application No. 61048 Permit No. 45595
IN NAME OF

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

314.6 AC



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 either 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NW FARM CREDIT SVCS, ACA
PO BOX 148
KLAMATH FALLS OR 97601

WITHERS RANCH, INC.
28580 HWY 31
PAISLEY OR 97636

confirms the right to use the waters of WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES AND STOCK WATER.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.86 CUBIC FEET PER SECOND (CFS), BEING 0.05 CFS EACH FOR STOCK WATER FROM WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK, AND 4.57 CFS FOR IRRIGATION FROM WITHERS CREEK, 3.08 CFS FOR IRRIGATION FROM HAMPTON CREEK, AND 0.21 CFS FOR IRRIGATION FROM HADLEY CREEK, from January 1 of each year through the irrigation season and stock use, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion (POD) are located as follows:

WITHERS CREEK POD 1: SW 1/4 SE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 890 FEET NORTH AND 2360 FEET WEST FROM SE CORNER, SECTION 10.

WITHERS CREEK POD 2: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 1250 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 10.

HAMPTON CREEK: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 550 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 10.

HADLEY CREEK: NW 1/4 SW 1/4, SECTION 11, T 33 S, R 17 E, W.M.; 1930 FEET NORTH AND 380 FEET EAST FROM SW CORNER, SECTION 11.

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 ONE-FORTIETH of one cubic foot per second (CFS) (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 CFS from each source.

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

NW 1/4 NE 1/4	0.3 ACRE & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
NE 1/4 NW 1/4	9.4 ACRES & STOCK USE
SW 1/4 NW 1/4	35.6 ACRES & STOCK USE
SE 1/4 NW 1/4	32.4 ACRES & STOCK USE
NE 1/4 SW 1/4	0.1 ACRE & STOCK USE
NW 1/4 SW 1/4	2.1 ACRES & STOCK USE
SW 1/4 SW 1/4	6.4 ACRES & STOCK USE

SECTION 2

NE 1/4 NE 1/4	8.1 ACRES & STOCK USE
NW 1/4 NE 1/4	1.7 ACRES & STOCK USE
SW 1/4 NE 1/4	6.0 ACRES & STOCK USE
SE 1/4 NE 1/4	37.2 ACRES & STOCK USE
NE 1/4 SE 1/4	34.4 ACRES & STOCK USE
NW 1/4 SE 1/4	9.6 ACRES & STOCK USE
SW 1/4 SE 1/4	24.4 ACRES & STOCK USE
SE 1/4 SE 1/4	24.8 ACRES & STOCK USE

SECTION 3

NE 1/4 NE 1/4	10.8 ACRES & STOCK USE
NW 1/4 NE 1/4	18.8 ACRES & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
SE 1/4 NE 1/4	0.3 ACRE & STOCK USE
NE 1/4 SE 1/4	23.6 ACRES & STOCK USE
NW 1/4 SE 1/4	17.2 ACRES & STOCK USE

SECTION 10

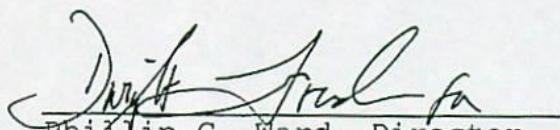
NW 1/4 NW 1/4	8.2 ACRES & STOCK USE
---------------	-----------------------

SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed NOV 28 2006

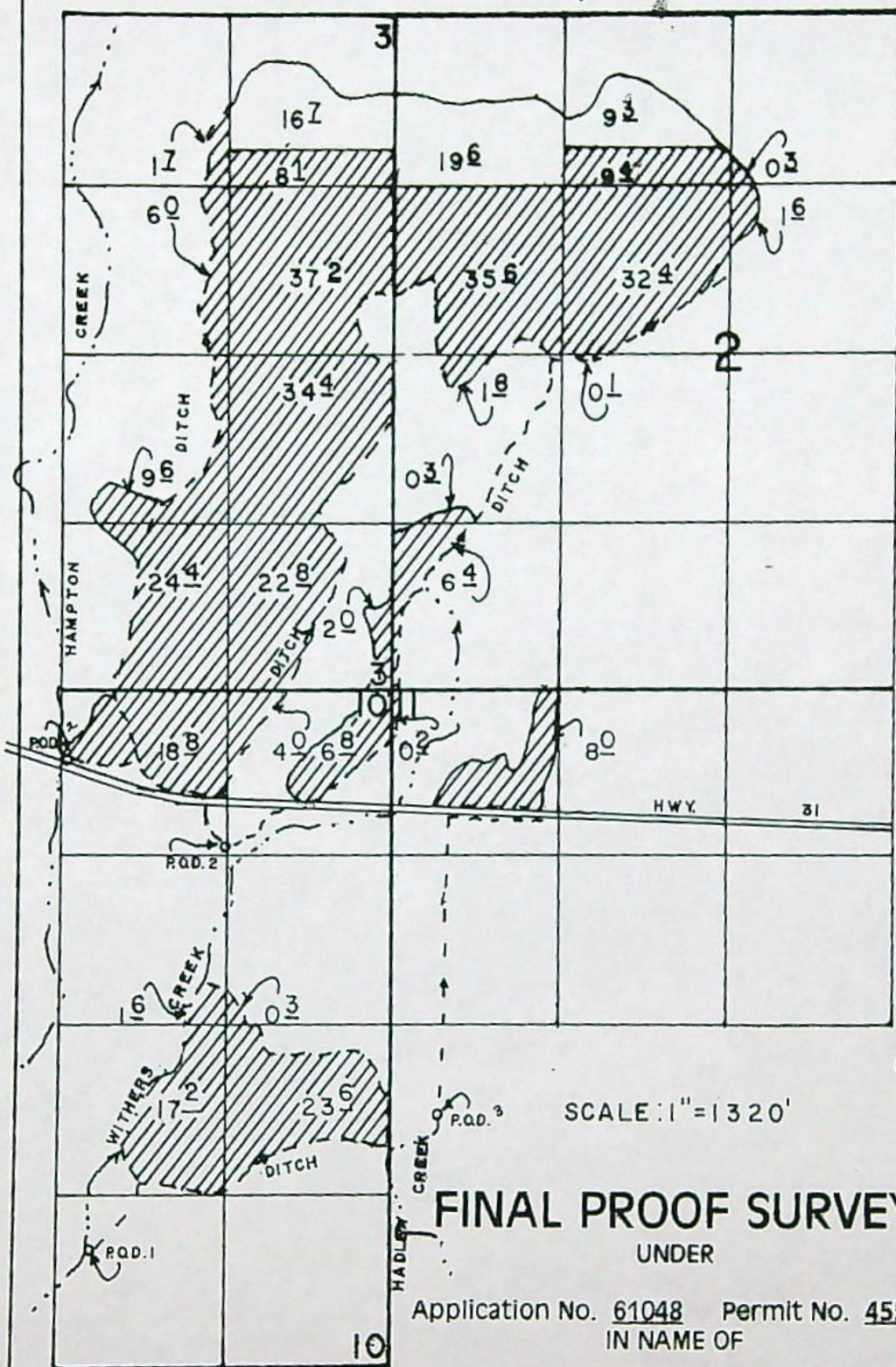

Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82694.

S-61048.JWG

T. 33 S., R. 17 E., W.M.



P.O.D. 1. 890' N & 2360' W FROM SE COR. OF SEC 10.
P.O.D. 2. 1250' S & 1330' W FROM NE COR. OF SEC 10.
P.O.D. 3. 1930' N & 380' E FROM SW COR. OF SEC 11.
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SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Application No. 61048 Permit No. 45595
IN NAME OF

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

314.6 AC

Mailing List for Certificate

Application S-61048
Permit S-45595
Certificate 82694

Permit/Certificate Holder: (include copy of map)

NW FARM CREDIT SVCS, ACA ✓
PO BOX 148
KLAMATH FALLS OR 97601

WITHERS RANCH, INC. ✓
28580 HWY 31
PAISLEY OR 97636

Other persons to receive copies: (Include map)

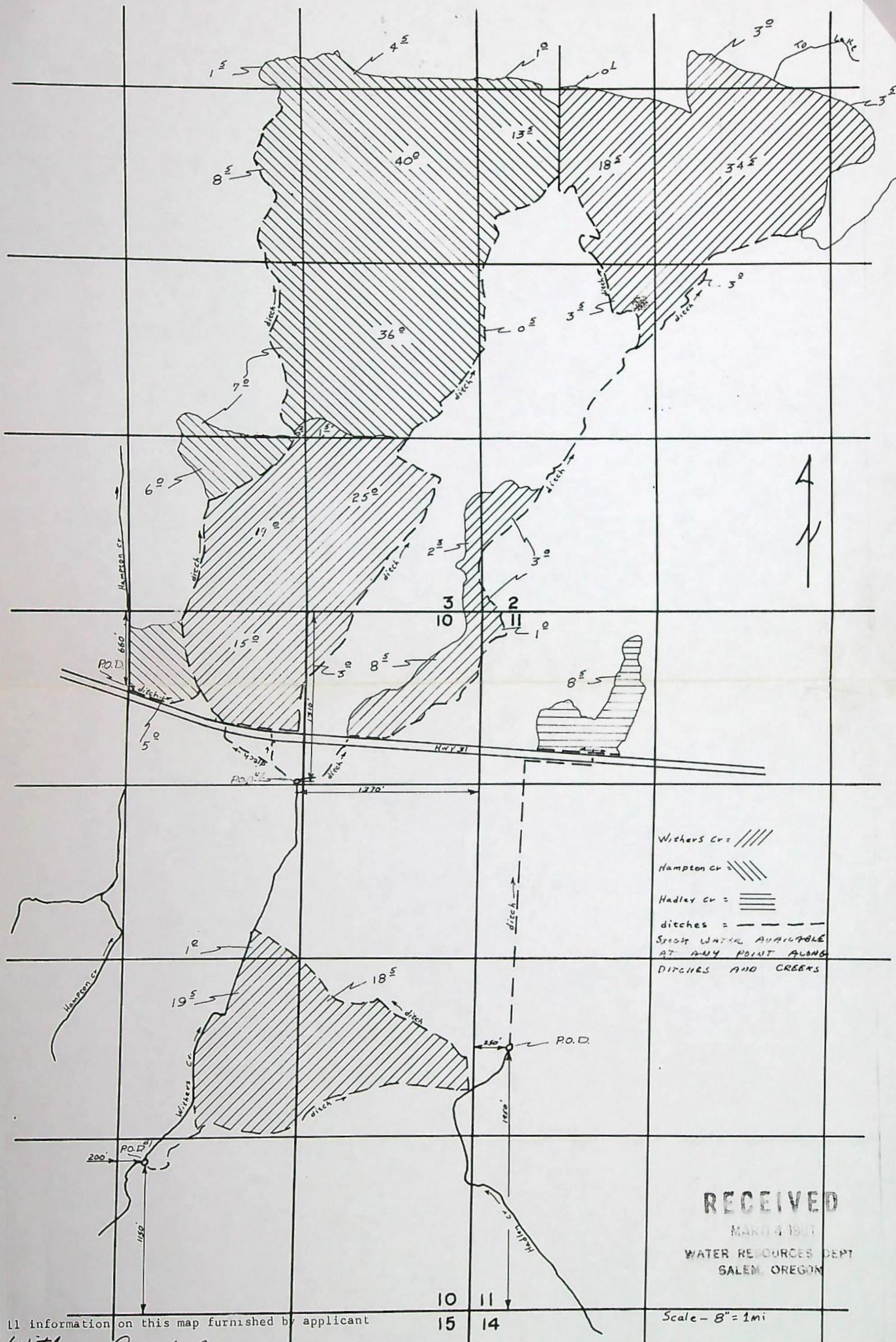
Copies (of final certificate) to be sent to:

1. Watermaster #12 (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

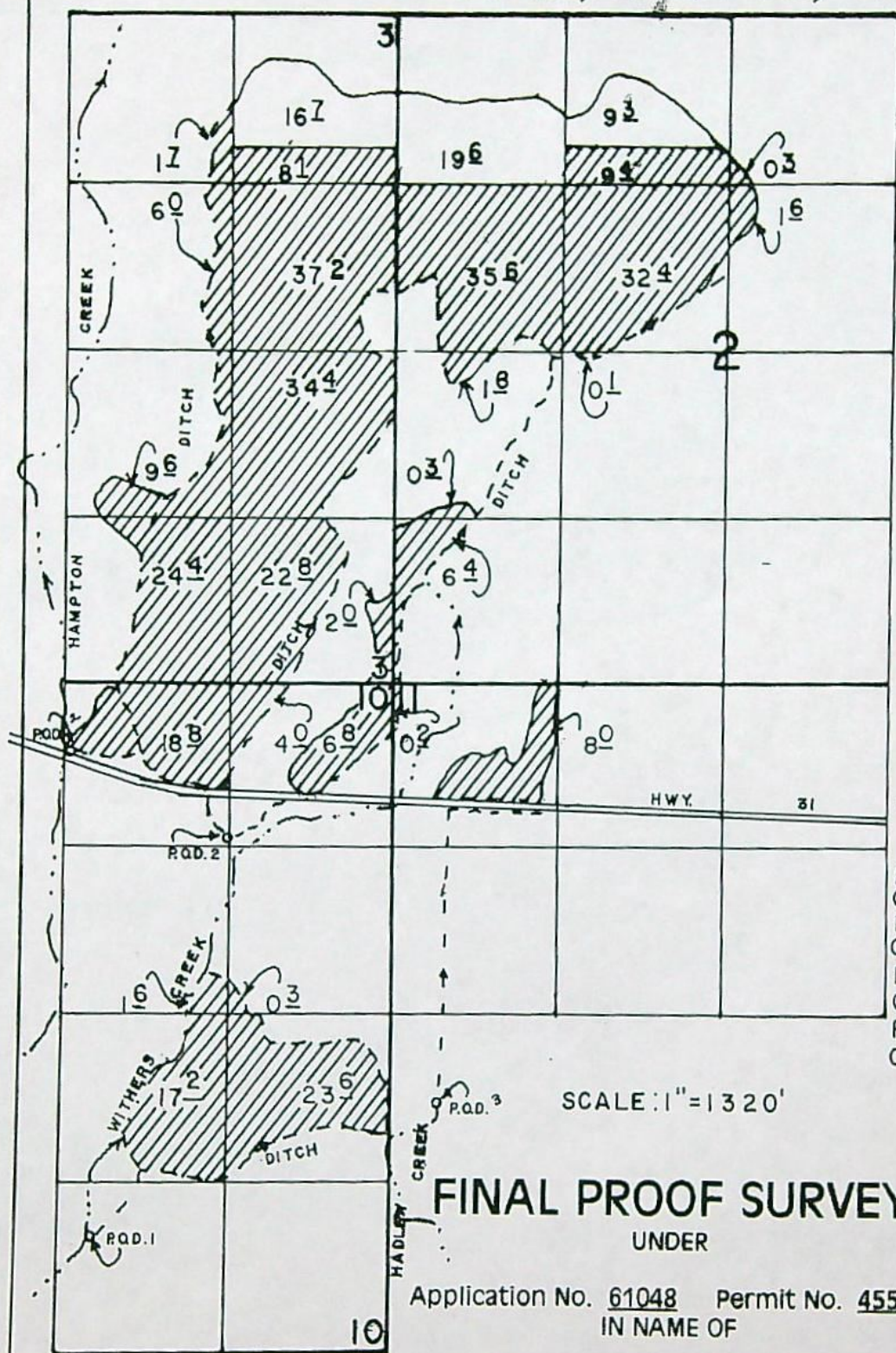
Copies Mailed

By: Connie Lane
(SUPPORT STAFF)

on: 4/28/2006
(DATE)



T. 33 S., R. 17 E., W.M.



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STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

PROPOSED

THIS CERTIFICATE ISSUED TO

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HAMPTON CREEK: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 550 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 10.

PROPOSED

PAGE TWO

HADLEY CREEK: NW 1/4 SW 1/4, SECTION 11, T 33 S, R 17 E, W.M.; 1930 FEET NORTH AND 380 FEET EAST FROM SW CORNER, SECTION 11.

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 ONE-FORTIETH of one cubic foot per second (CFS) (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 CFS from each source.

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SE 1/4 NE 1/4	0.3 ACRE & STOCK USE
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NW 1/4 SE 1/4	17.2 ACRES & STOCK USE

SECTION 10

NW 1/4 NW 1/4	8.2 ACRES & STOCK USE
---------------	-----------------------

SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed .

PROPOSED

Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered .

S-61048.JWG

Mailing List for Proposed Certificate

Mailing Date:

Application S-61048
Permit S-45595
Certificate PROPOSED 82694

Permit/Certificate Holder: (include copy of map)

NW FARM CREDIT SVCS, ACA ✓
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WITHERS RANCH, INC. ✓
28580 HWY 31
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Other persons to receive copies: (Include map)

Copies (of final certificate) to be sent to:

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2. Data Center
3. Water Availability
4. Vault
5. File

Copies Mailed
By <u>Connie Vance</u> (SUPPORT STAFF)
on: <u>6/30/2006</u> (DATE)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MAILED: June 30, 2006

NOTICE

Reference: Permit S-45595 Application S-61048

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights Division

INFORMATION : WENT TO Withers Ranch, everybody that
new about the Irrigation was out East
in the Desert rounding up cattle. SO
I did the final Proof anyway with
the help of the owners Sam.
Address is RT. 1 Box 220 Paisley OR. 97436
Ph. # 943-3943

Source : Hampton Cr., Withers Cr. AND Hadley Cr

Div. Pt. : CEMENT Structures 2x2 with gate.

Ditch : 3x2' AND 2x2'

Use : Stock water, pasture AND HAY

LIFT : 0 To - 10'

Survey Tie : photo survey tied To Fence corners
AND Summer Lake meandering. AND
Hwy 31. & Road.

Ralph M. Buttsfield
Field Inspector
4-13-94

Application No.

61048

Permit No.

45595

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 7.89 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Hampton Creek, Hadley Creek and Withers Creek

The use to which this water is to be applied is irrigation from January 1 of each year through the irrigation season and stock use, being 3.09 cfs for irrigation and 0.05 cfs for stock from Hampton Creek, 0.21 cfs for irrigation and 0.05 cfs for stock from Hadley Creek and 4.59 cfs for irrigation and 0.05 cfs for stock from Withers Creek.

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 cfs from each source,

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

The priority date of this permit is December 4, 1980

Actual construction work shall begin on or before April 15, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983

Complete application of the water to the proposed use shall be made on or before October 1, 1984

WITNESS my hand this 15th day of April, 1981

Water Resources Director

Application No.

61048

Permit No.

45595

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

Application for Permit to Appropriate Surface Water

DEC 04 1980

WATER RESOURCES DE
SALEM, OREGON

I, Withers Ranch, Inc.

(Name of Applicant)

of Rt. 1 Box 220

(Mailing Address)

Paisley

(City)

State of Oregon

97636

(Zip Code)

Phone No. 943-3943

do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Hampton Cr., Withers Cr., and Hadley Cr.

, & tributary of Summer Lake

SEE ATTACHMENT # 1 ITEM # 2

2. The point of diversion is to be located ft. and ft.

(N. or S.)

(E. or W.)

from the corner of

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the 1/4 of the 1/4 of

Sec. Tp. R. W. M., in the county of Lake

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
33S	17E	2	HAMPTEON CR. NW 1/4 SW 1/4	0.5
			NW 1/2 NW 1/2	1.0
			SW 1/2 NW 1/2	13.5
		3	SW 1/2 NW 1/2	13.5
			NE 1/2 NE 1/2	4.5
			NW 1/2 NE 1/2	1.5
			SE 1/2 NE 1/2	40.0
			NE 1/2 SE 1/2	36.0
			NW 1/2 SE 1/2	7.0
			SW 1/2 SE 1/2	6.0
		10	NW 1/2 NE 1/2	5.0
		10	NE 1/2 NW 1/2	1.0
33S	17E	11	HADLEY CR.	123.5
			NW 1/2 NW 1/2	8.5

Photo # Survey
41037-379-178L
4-13-94
P. M. Sutterfield

Revised

Attachment #1 for Application #61048

Hampton Creek

POD: 660 feet South and 00 feet East from the N $\frac{1}{2}$ corner of Section 10
being within the NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Sec. 10, T33S, R17E. W.M. in Lake County.

Withers Creek

POD #1: 1150 feet North and 200 feet East from the S $\frac{1}{2}$ corner of Section 10
being within the SW $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 10, T33S, R17E. W.M. in Lake County.

POD #2: 1310 feet South and 1370 feet West from the NE $\frac{1}{2}$ corner of Section 10
being within the NW $\frac{1}{2}$ NE $\frac{1}{2}$ of Sec. 10, T33S, R17E. W.M. in Lake County.

Hadley Creek

POD: 1950 feet North and 250 feet East from the SW $\frac{1}{2}$ corner of Section 11
being within the NW $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec. 11, T33S, R17E. W.M. in Lake County

AGW.

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61048

Permit No.

45595

ATTACHMENT #2 WITHERS CR.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
33S	17E	2			3.5		3.0	0.1	18.5	34.5	3.0	3.5	3.0					
		3													1.5	0.2	19.0	27.3
		10	11.5	15.0	1.0										18.5	19.5		
		11					1.0											
<i>Q.G.W.</i>																		
STOCK WATER LOCATIONS WITHERS CR.																		
33S	17E	2								X	X	X	X					
		3																X
		10	X	X	X										X	X	X	
		11						X										
STOCK WATER LOCATIONS HAMPTON CR.																		
33S	17E	10		X														
		3			X										X	X	X	
STOCK WATER LOCATIONS HADLEY CR.																		
33S	17E	11					X											
<i>Q.G.W.</i>																		

Remarks:

RECEIVED

MAR 4 1981

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

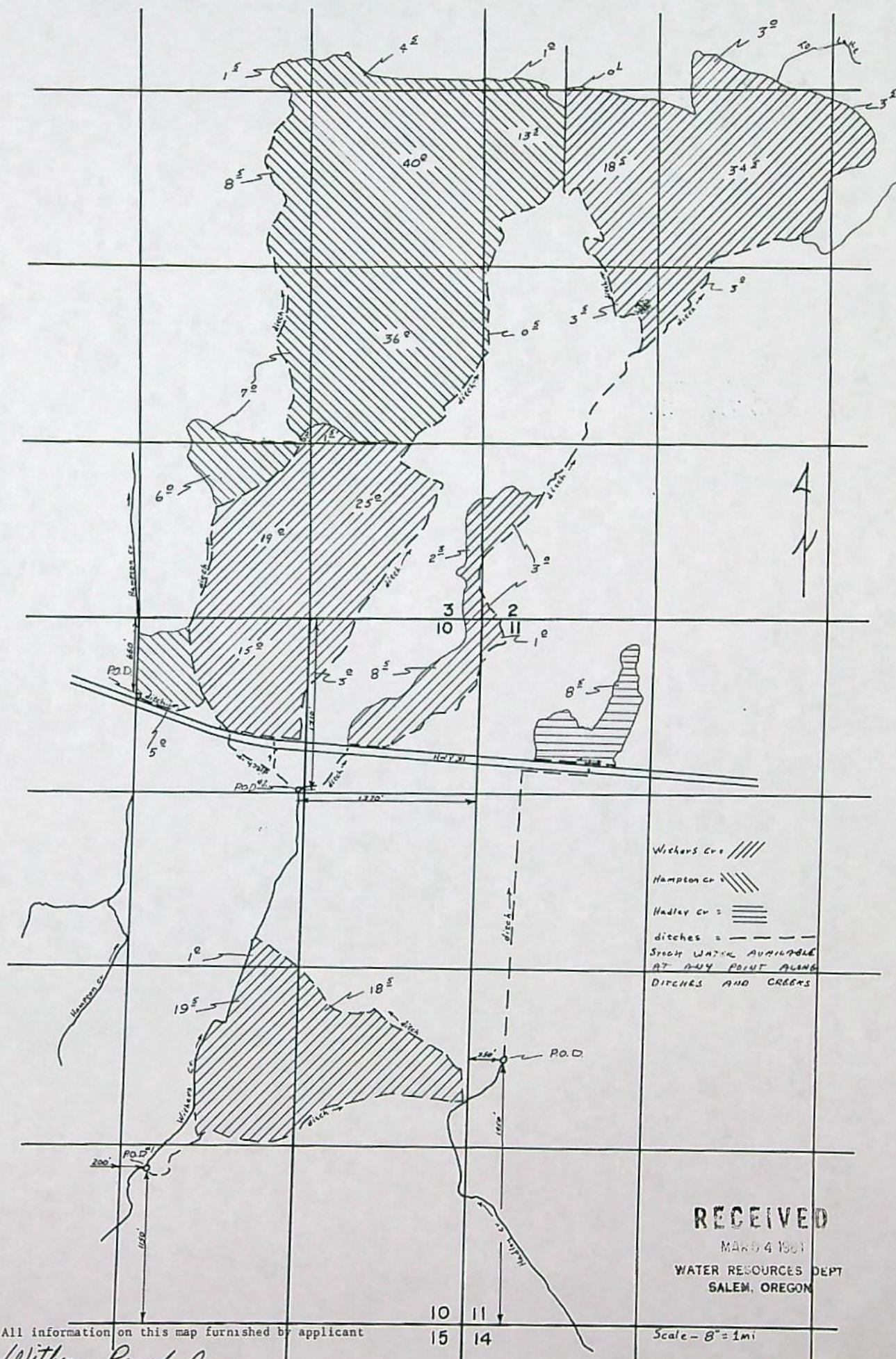
DEC 04 1980

WATER RESOURCES DEPT
SALEM, OREGON

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45595



S- 61048

APP MAP	ACRES	FPS MAP	
SEC 2		SEC 2	
SWNE	3.5	NWNE	0.3
NENW	3	SWNE	1.6
NWNW	1.1	NENW	9.4
SWNW	13.5	SWNW	35.6
SWNW	18.5	SENW	32.4
SENW	34.5	NESW	0.1
NESW	3	NWSW	1.8
NWSW	3.5	NWSW	0.3
NWSW	0.5	SWSW	6.4
SWSW	3		
SEC 3			
NENE	4.5	NENE	8.1
NWNE	1.5	NWNE	1.7
SWNE	8.5	SWNE	6
SENE	40	SENE	37.2
NESE	36	NESE	34.4
NESE	1.5	NWSE	9.6
NWSE	7	SWSE	24.4
NWSE	0.2	SESE	22.8
SWSE	6	SESE	2
SWSE	19		
SESE	25		
SESE	2.8		
SEC 10		SEC 10	
NENE	8.5	NENE	6.8
NENE	3	NENE	4
NWNE	15	NWNE	18.8
NWNE	5	SWNE	1.6
SWNE	1	SENE	0.3
NESE	18.5	NESE	23.6
NWSE	19.5	NWSE	17.2
SEC 11		SEC 11	
NWNW	1	NWNW	8
NWNW	8.5	NWNW	0.2
TOTAL	316.1		314.6

Platcard Report

NCR

Township 33S Range 17E Section 2 of (2, 3, 10, 11)

					NE				NW				SW				SE				Govt Lot	DLC
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i S61048 12/04/1980	S45595 -						3.5 IR		3.0 IR	1.1 IR	32.0 IR		3.0 IR	3.5 IR	3.0 IR							
12/04/1980							LV		LV	LV		LV	LV	LV	LV							
i S71044 12/13/1990	S51218 -						3.5 IS (s)		3.0 IS (s)	0.1 IS (s)	18.5 IS (s)	34.5 IS (s)	3.0 IS (s)	3.5 IS (s)	3.0 IS (s)							

Page:1

[Return to Platcard Query Screen](#)

Run Time: 0 seconds

NCR

Platcard Report

Township 33S Range 17E Section 3 of (2, 3, 10, 11)

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S6085 04/25/1919	S3781 8399										40.0 IS (s)	40.0 IS (s)			40.0 IS (s)						
i	S61048 12/04/1980	S45595 -			4.5 IR	1.5 IR	8.5 IR	40.0 IR									37.5 IR	7.2 IR	25.0 IR	27.3 IR		
	12/04/1980				LV		LV	LV									LV	LV	LV	LV		
i	S71044 12/13/1990	S51218 -															1.5 IS (s)	0.2 IS (s)	19.0 IS (s)	27.3 IS (s)		

Page:1

[Return to Platcard Query Screen](#)

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Platcard Report

NCR

Township 33S Range 17E Section 10 of (2, 3, 10, 11)

					NE				NW				SW				SE				Govt Lot	DLC
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i P78911 12/27/1994	-				LV								LV			LV						
i S6085 04/25/1919	S3781 8399								40.0 IS (s)			40.0 IS (s)		40.0 IS (s)	40.0 IS (s)							
i S61048 12/04/1980	S45595 -				11.5 IR	20.0 IR	1.0 IR										18.5 IR	19.5 IR				
	12/04/1980				LV	LV	LV										LV	LV				
i S71044 12/13/1990	S51218 -				11.5 IS (s)	15.0 IS (s)	1.0 IS (s)										18.5 IS (s)	19.5 IS (s)				
i S71291 02/14/1991	S53483 -							23.0 IR									28.5 IR			0.4 IR		

Page:1

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Platcard Report

WCR

Township 33S Range 17E Section 11 of (2, 3, 10, 11)

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S32210 03/24/1958	S25415 38460					14.7 IR										0.1 IR	33.2 IR				
i	S61048 12/04/1980	S45595								9.5 IR												
	12/04/1980									LV												
i	S71044 12/13/1990	S51218 -								1.0 IS (s)												
i	S71291 02/14/1991	S53483 -													11.1 IR	22.95 IR			25.9 IR	28.0 IR		
	02/14/1991										13.6 IS (s)			17.4 IS (s)	1.5 IS (s)	3.75 IS (s)						
i	U205 08/21/1946	U198 22838									33.5 IR	15.2 IR	40.0 IR	40.0 IR	15.0 IR	16.3 IR						

Page:1

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

STATE OF OREGON

COUNTY OF LAKE

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WITHERS RANCH, INC.
RT. 1 BOX 220
PAISLEY, OREGON 97636

PRELIMINARY
SUBJECT TO REVISION

confirms the right to use the waters of HAMPTON CREEK, HADLEY CREEK AND WITHERS CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.89 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

WITHERS CR. P.O.D. SW 1/4 SE 1/4, SECTION 10, 890 FEET NORTH AND 2360 FEET WEST FROM THE SOUTHEAST OF SECTION 10. HAMPTON CR. P.O.D. NW 1/4 NE 1/4, SECTION 10, 550 FEET SOUTH AND 2600 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 10. HADLEY CR. P.O.D. NW 1/4 SW 1/4, SECTION 11, 1930 FEET NORTH AND 380 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 11. ALL IN T 33 S., R 17 E., W.M.

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 ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NW 1/4 NE 1/4 0.3 ACRE

61048

STATE OF OREGON

COUNTY OF LAKE

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WITHERS RANCH, INC.
RT. 1 BOX 220
PAISLEY, OREGON 97636

PRELIMINARY
SUBJECT TO REVISION

confirms the right to use the waters of HAMPTON CREEK, HADLEY CREEK AND WITHERS CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.89 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

WITHERS CR. P.O.D. SW 1/4 SE 1/4, SECTION 10, 890 FEET NORTH AND 2360 FEET WEST FROM THE SOUTHEAST OF SECTION 10. HAMPTON CR. P.O.D. NW 1/4 NE 1/4, SECTION 10, 550 FEET SOUTH AND 2600 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 10. HADLEY CR. P.O.D. NW 1/4 SW 1/4, SECTION 11, 1930 FEET NORTH AND 380 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 11. ALL IN T 33 S., R 17 E., W.M.

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 ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NW 1/4 NE 1/4	0.3 ACRE
SW 1/4 NE 1/4	1.6 ACRES
NE 1/4 NW 1/4	9.4 ACRES
SE 1/4 NW 1/4	32.4 ACRES
SW 1/4 NW 1/4	35.6 ACRES
NW 1/4 SW 1/4	2.1 ACRES
NE 1/4 SW 1/4	0.1 ACRE
SW 1/4 SW 1/4	6.4 ACRES

SECTION 2

NW 1/4 NE 1/4	1.7 ACRES
SW 1/4 NE 1/4	6.0 ACRES
SE 1/4 NE 1/4	37.2 ACRES
NE 1/4 NE 1/4	8.1 ACRES
NE 1/4 SE 1/4	34.4 ACRES
NW 1/4 SE 1/4	9.6 ACRES
SW 1/4 SE 1/4	24.4 ACRES
SE 1/4 SE 1/4	24.8 ACRES

SECTION 3

NW 1/4 NE 1/4	18.8 ACRES
SW 1/4 NE 1/4	1.6 ACRES
SE 1/4 NE 1/4	0.3 ACRE
NE 1/4 NE 1/4	10.8 ACRES
NE 1/4 SE 1/4	23.6 ACRES
NW 1/4 SE 1/4	17.2 ACRES

SECTION 10

NW 1/4 NW 1/4	8.2 ACRES
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PRELIMINARY
SUBJECT TO REVISION

SECTION 11

TOWNSHIP 33 SOUTH., RANGE 17 EAST., W.M.

PRELIMINARY
SUBJECT TO REVISION

PRELIMINARY
SUBJECT TO REVISION

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

61048.RMS.

101048

Permit No. 45595

WR15

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 7.89 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Hampton Creek, Hadley Creek and Withers Creek

The use to which this water is to be applied is irrigation from January 1 of each year through the irrigation season and stock use, being 3.09 cfs for irrigation and 0.05 cfs for stock from Hampton Creek, 0.21 cfs for irrigation and 0.05 cfs for stock from Hadley Creek and 4.59 cfs for irrigation and 0.05 cfs for stock from Withers Creek.

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 cfs from each source,

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

The priority date of this permit is December 4, 1980

Actual construction work shall begin on or before April 15, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983

Complete application of the water to the proposed use shall be made on or before October 1, 1984

WITNESS my hand this 15th day of April, 1981


James E. Seaman
Water Resources Director

12-9

February 22, 1995

WATER
RESOURCES
DEPARTMENT

NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 148
KLAMATH FALLS OR 97601

REFERENCE: File 61048 & 71044

The assignment of Permit 45595 and 51218 from Alan Withers, Withers Ranch, Inc. to you and Alan Withers, Withers Ranch, Inc. has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipts number 121319 & 121374 covering the recording fee of \$20 you submitted.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

Enclosure

cc: Alan Withers, Withers Ranch, Inc.



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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121319**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: <u>Farm Credit Service</u>	APPLICATION <u>61048</u>
BY: _____	PERMIT <u>45595</u>
	TRANSFER _____

CASH: ☐ CHECK: # 24-12 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 20.-

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY) <u>assignment</u>	\$ <u>10.-</u>
520.000	OTHER (P-6) (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	EXAM FEE \$
842.003	GROUND WATER	842.002 \$
842.005	TRANSFER	842.004 \$
WELL CONSTRUCTION		842.006 \$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	842.023 \$
	OTHER (IDENTIFY)	842.024 \$
		RECORD FEE
		LICENSE FEE

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
OTHER	(IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

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

RECEIPT # **121319**

DATED: 1-26-95 BY: D. Bushnell

ck 4613
mailed 4/30/81
Qij

April 20, 1981

Withers Ranch, Inc.
Route 1, Box 220
Baisley, Oregon 97636

61048

45595.

You are entitled to a refund of excess recording fees in the amount of \$3.
Our check will be sent as soon as it is prepared.

$$\begin{array}{r} 4.59 \\ 0.21 \\ \hline 3.09 \\ \hline 1.89 \end{array}$$

$$\frac{183.6}{40} = 4.59$$

with Mrs. Cr.

1.00 +
1.50 +
1.50 +
1.00 +
1.50 +
1.15 +
2.73 +
1.00 +
2.00 +
1.50 +
3.00 +
3.50 +
3.00 +
3.45 +
1.85 +
1.00 +
3.00 +
3.50 +
1.83.00 +

$$\frac{8.5}{40} = 0.21$$

Hedley Cr.

2.50 +
2.50 +

$$\frac{123.5}{40} = 3.09$$

Hampton Cr.

5.00 +
6.00 +
7.00 +
3.50 +
4.00 +
2.50 +
1.50 +
4.50 +
1.35 +
1.00 +
3.00 +
1.23.50 +

$$\begin{array}{r} 183.6 \\ 8.5 \\ \hline 123.5 \end{array}$$

$$\begin{array}{r} 315.6 \\ 30.0 \\ \hline 285.6 \end{array}$$

$$\begin{array}{r} 286 \\ 3 \\ \hline 5580 \end{array}$$

20
9580
1500
10.9580

Application No. 61048
Permit No. 45595

RECEIVED

DEC 04 1980

WATER RESOURCES DEPT
SALEM, OREGON

ATTACHMENT #1

Item #2

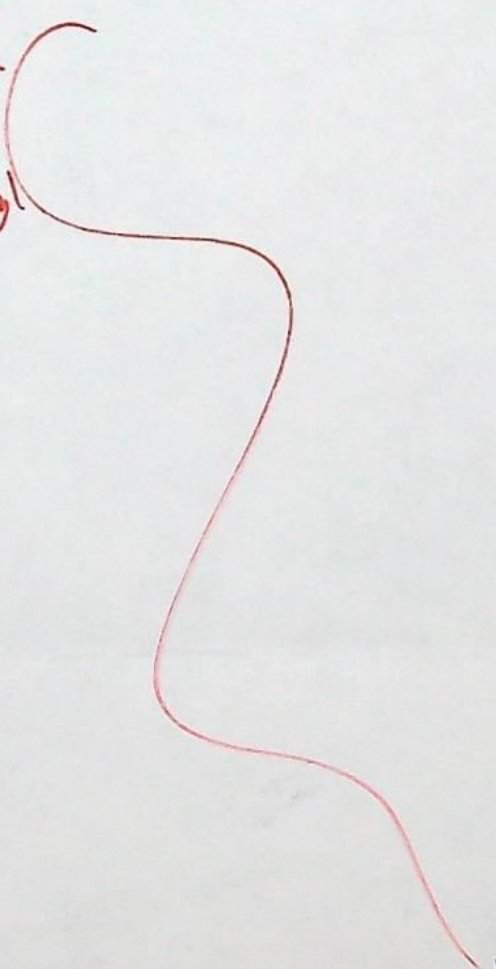
Points of diversion are located as follows:

Hampton Creek-600 feet South and 2700 feet West from the NE $\frac{1}{4}$ corner of Section 10, T.33S, R.17E. being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T.33S, R.17E., W.M.

Withers Creek-1300 feet South and 1340 feet West from the NE $\frac{1}{4}$ corner of Section 10, T33S, R.17E being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T.33S, R.17E, W.M.

Hadley Creek-1100 feet South and 850 feet East from the NW $\frac{1}{4}$ corner of Section 11, T33S, R.17E being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T33S, R.17E, W.M.

agw.
Superseded
Jan 15, 1981



RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

DEC 04 1980

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61048
Permit No. *Superseded*

T.33S. R.17E.

RECEIVED

DEC 04 1980

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61048
Permit No. 3



All information on this map furnished by applicant

Withers Cr. Rd.
Applicant
By Alan B. Withers



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1-800-452-7813

March 30, 1981

Withers Ranch, Inc.
Route 1, Box 220
Paisley, OR 97636

Attn: Alan G. Withers, President

Gentlemen:

REFERENCE: File 61048

Your Application 61048 now describing the proposed use of 3.11 cubic feet of water per second from Hapteen Creek for the irrigation of 123.5 acres, 4.8 cubic feet of water per second from Withers Creek for the irrigation of 183.6 acres, 0.21 cubic foot of water per second from Hadley Creek for the irrigation of 8.5 acres, and 0.05 cubic foot of water per second from each of the aforementioned sources for stock use, together with the map and attachment sheets, has been reviewed.

The application now appears to be in satisfactory form and will be placed with the next group to be considered for approval by the issuance of a permit.

Sincerely,

WAYNE J. OVERCASH
Water Rights Engineer

WJO:wpc

4430A

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

File No. 61048

March 12, 1981

Withers Ranch Inc.
Rt. 1, Box 220
Paisley, OR 97636

Attention: Alan G. Withers, President

Your application No. 61048, map and a attachment No. 2 have again been reviewed.

As mentioned in my previous correspondence, it will be necessary for you to complete Item 5 on the application by noting the amounts of water to be appropriated from each source for each use.

Since the stock will merely drink from the ditches, the permit approving your application will provide that during the irrigation season when water is being used for irrigation purposes, the water to be allowed for stock use will be included in the amount entitled to be diverted for the irrigation purposes, but when water is not being used for irrigation purposes, a small amount of water could be allowed to be diverted into the ditches for stock use.

Therefore, if you wish to establish a right for both stock use and irrigation, it will be necessary for you to request the amounts from each stream you wish to use for each purpose. The approximate number and type of stock to utilize the water should also be noted to justify the amount of water to be requested for the stock.

I am returning your application for correction and completion. The application is endorsed and in order to retain its date of priority, it must be received in this office on or before May 12, 1981.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO/jw

Enclosure

March 1, 1981

Mr. Wayne J. Overcash
Water Rights Engineer
Water Resources Department
Mill Creek Office Park
555 13th Street N. E.
Salem, Oregon 97310

RECEIVED

MAR 04 1981

WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Overcash,

Enclosed please find the amended application for water rights on Withers Creek, Hadley Creek, and Hampton Creek.

As noted in my previous letter, livestock will drink at any point along the ditches. Free access to all the ditches can be made by livestock throughout the entire system, however, we have noted in Item 3 Attachment 2 each $\frac{1}{4}$ - $\frac{1}{4}$ section in which stock will utilize water. We do not anticipate installing any stock watering facilities.

We hope these amendments meet with your approval.

Yours truly,

Alan G. Withers

Alan G. Withers, President
Withers Ranch Inc.
Rt. 1 Box 220
Paisley, Oregon 97636



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 22, 1981

Withers Ranch, Inc.
Route 1, Box 220
Paisley, OR 97636

Gentlemen:

Your application No. 61048 together with the attachment sheets, your accompanying letter, and revised map have been reviewed. Our receipt No. 22360 covering the additional \$15.27 you submitted is enclosed.

Will you please review the acreage listed in Item 3 to be irrigated from Hampton Creek? It appears that an oversight may have been made in listing the 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2 twice. Your map only indicates 0.5 acre to be irrigated in said NW $\frac{1}{4}$ SW $\frac{1}{4}$ by the use of water from Hampton Creek.

As mentioned in my earlier correspondence, according to your map, only 3.5 acres is shown to be irrigated from Withers Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, instead of the 4.0 acres presently noted in the attachment. I apologize for not enclosing the attachment No. 2 in my earlier correspondence. It will be necessary for you to correct the map or the attachment so that they are in agreement.

The number of acres to be irrigated by the use of water from Withers Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 should be reviewed. It appears that there is several acres less than the 27.0 acres noted.

Also, as mentioned in my previous correspondence, if it is intended to divert water for stock use, it will be necessary to: (1) show the location of the stock watering facilities on the map, (2) complete Item 3 on the application by listing the locations, and (3) complete Item 5 by noting the amounts of water to be appropriated from each source for each use, the total of which must be in agreement with the totals given in Item 4. If stock will drink at any points along the ditches, this should be noted on your map and in Item 6 of your application. However, if there will be stock watering facilities installed, the location of these facilities should be shown on the map. Item 3 must be completed by listing each $\frac{1}{4}$ - $\frac{1}{4}$ section where you intend to have the stock utilize water from the ditches.

I am returning your application, map, and attachment No. 2 for correction and completion. The application is endorsed and in order to retain its date of priority, must be received in this office on or before March 23, 1980.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lrs
Enclosures

Mr. Wayne Overcash
Water Rights Engineer
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, Oregon 97310

Reference: File No. 61048

RECEIVED

JAN 15 1981

**WATER RESOURCES DEPT
SALEM, OREGON**

Dear Mr. Overcash,

Enclosed please find our corrected application for a permit for waters of Hampton Creek, Withers Creek, and Hadley Creek.

The corrected map displays the ditches as broken lines (- - -) and the natural stream channels as a solid line. Also, all points of diversion have been located by distances from the reference corners as outlined on the corrected Attachment No. 1.

The 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 was erroneously included in this application and has been deleted. I can vouch for this change as Withers Ranch Inc. is the legal owner of the disputed 1.0 acre also.

A correction in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 has been made which was a mathematical error.

The following information is provided regarding the proposed use of the water as per your request:

- Item No. 1: The specific dates of proposed use are Jan. 1 thru Sept. 15. This long season is requested since the stream flows are so low that winter application is necessary to build up deep soil moisture and thus assure a crop.
- Item No. 2: The number of acre feet to be used during this would be 970.8.
- Item No. 3: The crop grown is native meadow with a requirement of the total water available.
- Item No. 4: The soil type is a clay loam with a root zone depth of 8 to 10 inches. We have no soil surveys available.
- Item No. 5: The moisture penetration is to plus or minus 2 feet.

Stock water is available in the same ditches used as water delivery system.

An attachment showing water from Withers Creek was not returned. I am assuming it is in your files.

I hope this information can assist you in processing this application.

Please note we have included affidavits as proof of our use of water prior to 1909. It is our intent to establish these rights when and if the streams of Lake County are adjudicated at which time we will waive this application in preference for a prior right. In the mean time we submit this application to establish our rights to these waters at this date.

Sincerely,

Alan G. Withers

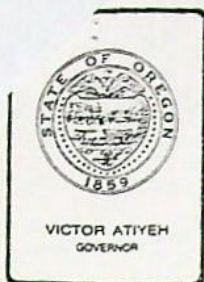
Alan G. Withers, President
Withers Ranch Inc.
Rt. 1 Box 220
Paisley, Ore. 97636

RECEIVED

JAN 15 1981

**WATER RESOURCES DEPT
SALEM, OREGON**

Enclosed: Application, maps, attachments, check for 15.27.



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 12, 1980

Wither Ranch, Inc.
Route 1, Box 220
Paisley, Oregon 97636

REFERENCE: File Number 61048

Your application for a permit to appropriate 8.12 cubic feet per second of water for stock and irrigation, being 3.11 cfs from Hampton Creek for irrigation of 124.5 acres, 0.21 cfs for irrigation of 8.5 acres and 4.8 cfs for irrigation of 192.1 acres, has been filed as number 61048. The print of your map and fees of \$118.53 were also received. Our receipt number 21761 is enclosed.

It will be necessary for you to supply additional information on your supporting map in regard to the stream channels and ditches. The stream channels should be shown in a different manner than the ditches and a legend should be placed on the map so that it clearly indicates which are natural stream channels and which are the ditches used for conveying water to the lands to be irrigated. If ditches are not to be used to irrigate some of the lands, it will be necessary for you to explain how it is intended to irrigate the lands.

Also, each point of diversion must be shown on the map by the distances from the reference corners.

The water right evidenced by certificate 8399 provides for use of water from Blue Lake Reservoir for irrigation of, among other lands, 40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 33 South, Range 17 East, W.M., with a date of priority of May 11, 1919. If you wish to establish a primary right to use of water from Hampton Creek for irrigation of the 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10 as noted on your application, it will be necessary for you to provide for clearing our records of that part of the existing right involved. We can prepare the necessary affidavit of abandonment if you will advise us of the names of the legal owners of the property.

According to the map, only 3.5 acres will be irrigated from Withers Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, instead of the 4.0 acres presently noted in attachment number 1. Whichever is in error must be corrected.

Withers Ranch, Inc.
File No. 61048
Page Two

Since it is intended to use water outside the normal irrigation season, information regarding the proposed use is required to support the application as follows:

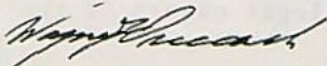
1. The specific dates of proposed use.
2. The number of acre feet to be used during this period. (This would be a part of your ordinary annual irrigation allotment.)
3. The type of crop or crops and their water requirements. If not planted, the planting schedule.
4. Soil type and root zone depth and usable soil moisture storage capacity from soil surveys.
5. Measured soil moisture profile or depth to which the water has penetrated.

If it is intended to divert water for stock use, it will be necessary to show the location of the stock watering facilities on the map, complete item 3 on the application by listing the location of the stock facilities with respect to the proper sources and locations, complete item 5 by noting the amounts of water to be appropriated from each source for each use, the total of which must be in agreement with the totals given in item 4, and submit the additional recording fee of \$15.27.

The original map from which the print was made should be submitted so that we can be insured of being able to obtain clear copies for our records.

I am returning your application and the map print for correction and completion. The application is endorsed so that in order to retain its priority date must be received in this office on or before February 12, 1981.

Sincerely,



Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Dennis R. Glender, Watermaster

GENTLEMEN -

I WOULD VERY MUCH
APPRECIATE IT IF YOU COULD
PROCESS THIS APPLICATION AS
QUICKLY AS POSSIBLE. WE
HAVE A LOAN PENDING AND
ONE OF THE REQUIREMENTS
WE MUST MEET IS TO
HAVE A RECEIPT FROM
YOUR OFFICE ACKNOWLEDGING
THAT WE HAVE APPLIED
FOR THIS WATER RIGHT.

THANK YOU

AL WITHERS

RECEIVED

DEC 04 1980

WATER RESOURCES DEPT
SALEM, OREGON

A F F I D A V I T

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
) SS
COUNTY OF LAKE)

I, Mellie Taylor being first duly sworn, on oath depose and say that I have been familiar with the Use Water Rights out of Hampton, Withers, and Hadley Creeks for the property owned by Withers Ranch for a total of 269 acres, situated in Lake County, Oregon, and described as follows:

Township 33 South, Range 17 East of the Willamette Meridian

Section 2: Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$

which water rights are known to me to have been used since and prior to February 24, 1909, and know that they have been in continual use with no legal obstruction.

Mellie Taylor

Subscribed and sworn to before me this 14th day of December, 1980

Edyck L. Withers
Notary Public for Oregon

My commission expires 4/1/81

A F F I D A V I T

STATE OF OREGON)
) SS
COUNTY OF LAKE)

RECEIVED
JAN 15 1981
WATER RESOURCES DEPT
SALEM, OREGON

I, Paul J. Brattain being first duly
sworn, on oath depose and say that I have been familiar with the Use Water
Rights out of Hampton, Withers, and Hadley Creeks for the property owned
by Withers Ranch for a total of 269 acres, situated in Lake County, Oregon,
and described as follows:

Township 33 South, Range 17 East of the Willamette Meridian

Section 2: Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 11: NW $\frac{1}{2}$ NW $\frac{1}{4}$

which water rights are known to me to have been used since and prior to
February 24, 1909, and know that they have been in continual use with no
legal obstruction.

Paul J. Brattain

Subscribed and sworn to before me this 14th day of December, 1980

Edyth L. Withers
Notary Public for Oregon

My commission expires 4/15/84

A F F I D A V I T

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
) SS
COUNTY OF LAKE)

I, Agnes F. Elder being first duly
sworn, on oath depose and say that I have been familiar with the Use Water
Rights out of Hampton, Withers, and Hadley Creeks for the property owned
by Withers Ranch for a total of 269 acres, situated in Lake County, Oregon,
and described as follows:

Township 33 South, Range 17 East of the Willamette Meridian

Section 2: Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{4}$
Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 11: NW $\frac{1}{2}$ NW $\frac{1}{4}$

which water rights are known to me to have been used since and prior to
February 24, 1909, and know that they have been in continual use with no
legal obstruction.

Agnes F. Elder

Subscribed and sworn to before me this 14th day of December, 1980

Edyth L. Withers
Notary Public for Oregon

My commission expires 4/15/84

RECEIVED

JAN 15 1981

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT

I, Alan Withers, do hereby swear the following statement is true and correct to the best of my knowledge.

I am 51 years of age and have been a resident of Oregon all of my life. Most of my life has been spent on the Withers Ranch of Summer Lake of which I am now Manager.

I can recall going with my Dad on horseback to check and change the water flowing from Hadley Creek, Withers Creek, and Hampton Creek onto our meadows. This had to have been in about 1935 as the old mare I rode died in 1936.

This ranch has always been owned by our family since about 1880. Our ancestors settled here in 1871 but did not "prove up" on any particular parcel of land until 1880.

The waters we are applying for flow over our property and into Summer Lake which is an alkali lake. It never leaves our property nor could it be diverted without crossing our property.

The business has always been a livestock operation raising both cattle and sheep. I submit that beneficial use of the waters of Hampton, Hadley, and Withers Creeks must have been made to provide feed for the livestock since the very beginning when this country was first settled.

Alan G. Withers
Alan G. Withers

State of Oregon,) ss.
County of Lake.)

On the 12th day of December 1980, personally appeared before me the above named Alan G. Withers, and acknowledged the foregoing instrument to be his voluntary act and deed.

Edyth L. Withers
Notary Public for Oregon
My Commission Expires: 4/15/84

