

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Det NAME Sandy Coast # 17 UNADJUDICATED AREA ? YES
RECEIPT # 95582 S W R NUMBER 288
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 SCSV

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

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

_____ 1/04/92 name
WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

February 24, 1993

HOYT LITTERELL
43691 HIGHWAY 101
PORT ORFORD OR 97465

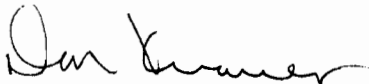
Dear MR LITTERELL,

This will acknowledge that your Surface Water Registration Statement in the name of HOYT LITTERELL has been received by our office. The fees in the amount of \$400.00 have been received and our receipt #95582 is enclosed. Your registration statement has been numbered SWR-288.

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-0288.001



RECEIPT # **95582**

STATE OF OREGON
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455/378-8130 (FAX)

RECEIVED FROM:

Hoyt Citterall

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

\$ *400.00*

01-00-0 WRD MISC CASH ACCT

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

\$ *400.00*
\$
\$
\$

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
842.003 GROUND WATER
842.005 TRANSFER

EXAM FEE
\$
\$
\$
EXAM FEE
\$
\$

842.002
842.004
842.006

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$
\$

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR
842.016 WELL DRILL OPERATOR
LANDOWNER'S PERMIT

842.023
842.019
842.024

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE
MONITORING WELLS

\$
\$

CARD #
CARD #

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 #

95582

DATED: *12-29-92*

BY:

[Signature]

**SURFACE WATER REGISTRATION STATEMENT
 PRE-1909 VESTED WATER RIGHT CLAIM
 in the name of
 HOYT LITTERELL**

SUPPLEMENTAL SHEET No. 1

Source	Tributary to:	Use	Amount of Water
Unnamed Stream #1	Unnamed Stream #2	Stock Water	0.005 cfs
Unnamed Stream #2	Elk River	Stock Water Domestic	0.005 cfs 0.01 cfs
Unnamed Stream #3	Unnamed Stream #2	Stock Water	0.005 cfs
Unnamed Stream #4	Elk River	Stock Water	0.005 cfs
Unnamed Stream #5	Unnamed Stream #4	Stock Water	0.005 cfs
Unnamed Stream #6	Unnamed Stream #4	Stock Water	0.005 cfs

Note: cfs = cubic feet per second

THE TOTAL AMOUNT OF WATER CLAIMED IS 0.015 CFS, BEING 0.01 CFS FOR DOMESTIC EXPANDED FROM UNNAMED STREAM #2 AND 0.005 CFS FROM EACH OF THE SOURCES DESCRIBED ABOVE.

WATER RECORDS
SALT LAKE COUNTY

DEC 2 1982

**SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM
in the name of
HOYT LITTERELL**

SUPPLEMENTAL SHEET No. 2

DEC 29 1992
WATER RESOURCES DIV.
SALEM, OREGON

Description of Original System:

The original system consisted of a hydraulic ram delivering water from the creek via a 1½ inch iron pipe to a storage tank above the house, thence to the house. As the iron pipe rusted out, plastic pipe was installed in its place.

The ram has a 3 inch intake and 1¼ inch outlet with a 7 inch dome. The ram is still in Port Orford, however, little else may be obtained because of its condition.

The storage tank was constructed of wood and measured 4 feet x 4 feet x 8 feet tall.

Description of Current System:

A 1½ Horsepower electric motor/jet pump delivers water via a 1½ inch plastic line approximately 400 feet in length to the place of use.

Calculation of Capacity:

pipe:	1½ inch plastic - 400 feet in length
pump:	1½ Jet
elevation head:	80 feet (estimated)
pressure head:	50 psi
friction head:	3 feet/100 feet

$$\begin{aligned} Q &= (C)(HP)/H \text{ (total)} \\ &= (6.61)(1.5)/80+(2.31 \times 50)+(3 \times 4) \\ &= 9.915/207.5 \\ &= 0.0478 \text{ cfs (greater than the 0.01 cfs claimed)} \end{aligned}$$

DEC 2 1992



STATE OF OREGON }
County of CURRY } ss.

WALTER H. ...
SALEM, OREGON

I, HOYT L. LITTERELL, being first duly sworn, depose and say that according to deed abstracts and search of Curry County personal property records and information from members of the McKenzie family, the water used for the Ellis house has been in use since 1908. This property was purchased by John McKenzie in 1910, then David McKenzie in 1918 and Donald McKenzie in 1932. At that time, Donald McKenzie built a house that replaced the Ellis house but used the same water and diversion point in a stream located in Section 21, Township 32, South Range 15 West. In 1952, Donald built a new home approximately 500 ft. NE of the original house and began using water from the same stream but further upstream in Section 16. The old house was rented until 1968 when the Oregon State Highway Department bought the property to straighten Highway 101. This destroyed the original water diversion point. In 1960, at the diversion point in Section 21, you could still see the steel pipe buried in the ground but was not in use at that time. Also there was an old water tank about 12 feet high but in bad shape and unusable. Robert Sutton of Port Orford has the ram-type pump found buried in the ground at this point. Water was pumped to the house by electric pump and plastic pipe in 1960.

Hoyt Litterell

Subscribed and sworn to before me

May 1, 19*92*
Aradia R. McDonald
Notary Public for OREGON
My commission expires *9-92*

DEC 2 1992



STATE OF OREGON }
County of CURRY } ss.

WATER RIGHTS DIVISION
SALEM, OREGON

I, KRISTA L. LITTERELL, being first duly sworn, depose and

say that in 1932, my father, Donald R. McKenzie built a house in Section 21, Township 32, South Range 15 West, for himself and my mother. At this time he was working the ranch property with my Grandfather, David McKenzie. After buying the property from my grandparents they changed houses and my grandparents lived in the house that replaced the Ellis house and used the water from this stream for household use as well as for a garden that was located upstream from the diversion point of the house water. After World War II, my grandparents left the area to work for the State of California and my folks and I moved into this house again. We lived there and used the water from the stream at the bottom of the hill until a new house was built in 1952. As a little girl, I can remember walking down the hill to catch the school bus and passing almost under the old water tank. I also remember the remains of the old Ellis house at the foot of the hill. Between 1952 and 1960, the house was rented to Mr. and Mrs. Roy Mast. Hoyt and I moved into the house in 1960 and lived there until we built a larger house right next to it in 1964. In 1968, the Oregon Highway Dept. bought this property to straighten U.S. 101. The house that my father built in 1952 is still using the water from this stream but the diversion point is futher upstream than the original Ellis point.

Krista Litterell

Subscribed and sworn to before me

May 5 1992

Wick M. Halcomb

Notary Public for

Oregon

My commission expires

11-5-93



DEC 2 1992

SAL, OREGON

STATE OF OREGON }
County of CURRY } ss.

I, GEORGE STANLEY QUIGLEY, being first duly sworn, depose and say that I was born in Sixes, Oregon on December 27, 1907. I have lived in northern Curry County for eighty four years.

I became acquainted with John McKenzie in about 1927. Mr. McKenzie owned a stock ranch in Section 21, Township 32, South Range 15 West.

I have first hand knowlege that the sources of water for domestic and livestock use were from several small spring-fed creeks and the Elk River. This usage had been in place for some number of years prior to 1927 and is still in use today.

I remember going to the McKenzie ranch to buy a Durham bull and would say that there were 60-80 head of cattle there in 1927.

I was also acquainted with Mr. Andy Ellis who lived and worked on the ranch at this time. The source of domestic water for his house was a spring fed stream that is still used today by Mr and Mrs Hoyt Litterell.

Stanley Quigley

Subscribed and sworn to before me
May 1, 1992

Sandra R. McDonald

Notary Public for OREGON
My commission expires 9-92

DEC 29 1992
WATER RESOURCES DIVISION
SALEM, OREGON

The following information was taken from the personal property
assessment rolls for Curry County

1901 found on page 24
N. P. Jurgensen

Township 32 S R14W
E 1/2 NE 1/4 Section 21
NW 1/4 Section 22
222 acres

Improvements \$50.00

19 sheep

The above stays the same for the years 1902, 1903, 1904, & 1905

1906 found on page 20

Same description

Improvements \$150.00

3 horses 2 cows

1907 is the same

1908 found on page 36

Improvements were increased to \$200.00

The following information was taken from the personal property
assessment rolls for Curry County.

RECEIVED

DEC 29 1992

1904 found on page 34

John W. McKenzie

Township 32S R15W Section 21
W1/2 NE1/4, E1/2 NW1/4

WATER RESOURCES DIV.
SALEM, OREGON

160 acres 4 horses 20 cows

1905 found on page

Same description

2 horses 28 cows

1906 found on page 20

add to the above E 1/2 NE 1/4 Sec. 21

2 horses 38 cows

1907 found on page

Same description

2 horses 40 cows 20 sheep

1908 found on page 25

Add to the above descriptions
SW 1/4 NW 1/4 Sec. 21

Improvements \$200.00

3 horses 46 cows 23 sheep

1909 found on page 24

Add SE 1/4 NE 1/4, SW 1/4 NW 1/4
E 1/2 NW 1/4, W 1/2 NE 1/4 and
20 acres in N 1/2 NE 1/4 NE 1/4

Improvements \$200.00

3 horses 45 cows 23 sheep

of said Lafferty Deed.

Thence South 0° 37' East ... feet to an iron pipe marking the South east corner of the East 10 foot strip of said Lafferty deed;

DEC 23 1941

WATER ... SALEM, OREGON

1004 VOLUME 14

Thence Due West 196.7 feet to an iron pipe driven at a point North 0° 19' West 51.1 feet from the Northeast corner of the tract of land deeded to E. H. Bogardus as described in Volume 24 page 327 of the Deed Records of Curry County, Oregon, with which survey all bearings in this deed conform;

Thence North 0° 19' West 195.9 feet, along the East side of the tracts of land deeded Georgia Bailey as recorded in Book 24, page 599, and Shell Oil Company as recorded in Volume 29, page 164, of the Deed Records of Curry County, Oregon;

Thence West 12.3 feet to the place of beginning.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantee, her heirs and assigns forever. And the said grantor does hereby covenant to and with the said grantee, her heirs and assigns, that she is the owner in fee simple of said premises; that they are free from all incumbrances, and that she will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the grantor has hereunto set her hand and seal this 23 day of May 1941.

(Canceled Documentary Stamp 55¢) Eliza Miller (Seal)

STATE OF OREGON,)
County of Curry.) SS

Be It Remembered, That on this 23rd day of May A. D. 1941, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Eliza Miller, who is known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

In Testimony Whereof, I have hereunto set my hand and notarial seal the day and year last above written.

(Notary Seal) Ferniece Turner, Notary Public for Oregon My commission expires July 31, 1944

Filed and recorded May 23rd, 1941. Oleta A. Walker, Clerk by Allen L. Lafferty, Deputy.

DONALD R. MCKENZIE, ET UX
TO
STATE OF OREGON

WARRANTY DEED

THIS INDENTURE WITNESSETH, That We, DONALD R. MCKENZIE and HAZEL MCKENZIE, husband and wife, grantors, for the consideration of the sum of NINE HUNDRED FIFTY-EIGHT and 00/100 (\$958.00) DOLLARS to us paid, have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the fol-

RECEIVED

DEC 20 1992

WARRANTY DEED

CONTRACT

WATER RESOURCES DEPT. 8594 A
SALEM, OREGON

IN WITNESS WHEREOF, That we, Donald R. McKenzie and Hazel McKenzie, husband and wife, grantors, for the consideration of the sum of TWO THOUSAND ONE HUNDRED FIFTY SEVEN AND NO/100 (\$2,157.00)-----DOLLARS to us paid have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the following described premises, to wit: PARCEL 1. A parcel of land lying the Southeast quarter (SE $\frac{1}{4}$) of Section 21, Township 32 South, Range 15 West, W.M., Curry County, Oregon the said parcel being described as follows: Beginning at a point on the Northeasterly

right of way line of the Elk River County Road; said point being 1069 feet South and 2855 feet East of the West quarter corner of said Section 21; thence following said right of way line South 61° 23' East a distance of 13.2 feet; thence South 59° 39' East a distance of 213.7 feet; thence South 19° 47' East a distance of 220.1 feet; thence South 31° 57' East a distance of 144.1 feet; thence North 89° 24' East leaving said road a distance of 204.2 feet; thence North 3° 35' West a distance of 195.9 feet to the most Southerly corner of the now owned State Gravel Bar Site; thence North 25° 49' West a distance of 185 feet; thence North 7° 21' East a distance of 155.7 feet; thence South 67° 33' West a distance of 431.1 feet to the point of beginning, containing 3.45 acres.

PARCEL 2. A parcel of land lying in the Southeast quarter (SE $\frac{1}{4}$) of Section 21, Township 32 South, Range 15 West, W.M., Curry County, Oregon. The said parcel being described as follows: Beginning at the Southeast corner of the foregoing described parcel; said corner being 1551.3 feet South and 2855 feet East of the West quarter corner of said Section 21; thence North 89° 24' East 22.4 feet; thence North 43° 37' East, 152.9 feet; thence North 31° 33' East, 170.4 feet; thence South 65° 25' East, 116.5 feet; thence North 58° 19' East, 114.4 feet; thence North 5° 06' East, 38.6 feet; thence North 14° 02' 30" East, 91.9 feet; thence North 44° 3' East, 101.2 feet; thence North 125° 45' West, 15.7 feet; thence South 8° 01' East, 203.1 feet; thence South 80° 31' West, 565 feet; thence South 41° 49' West 135 feet; thence South 3° 25' West 198.9 feet to the place of beginning, containing 5 $\frac{1}{2}$ acres.

TO HAVE AND TO HOLD the said premises with their appurtenances, in fee simple, unto the State of Oregon, by and through its State Highway Commission, its successors and assigns forever.

And we the said grantors do hereby covenant to and with the said State of Oregon, by and through its State Highway Commission, its successors and assigns, that we are the owners in fee simple of said premises; that they are free from all incumbrances and that we will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 10th day of January, 1992

Donald R. McKenzie (SEAL)
Hazel McKenzie (SEAL)

STATE OF OREGON,
County of Curry

ss,

Notary Public in and for

DEC 29 1992

WATER RESOURCES DEPT.
SALEM, OREGON

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WARRANTY DEED

DORIS WOODWORTH also known as DORRIS M. WOODWORTH, GRANTOR, conveys and warrants to HOYT L. LITTERELL and KRISTA LEE LITTERELL, husband and wife, GRANTEES, the following described real property, free of encumbrances except as specifically set forth herein:

ANY PORTION OF THE FOLLOWING DESCRIBED PARCEL LYING EAST OF THE EASTERLY LINE OF THOSE PARCELS CONVEYED BY INSTRUMENTS RECORDED IN DEED VOLUME 26 PAGE 364, AND DEED VOLUME 34 PAGE 563:

A parcel of land lying in Section Twenty-one (21), Township Thirty-Two (32) South, Range Fifteen (15) West, Willamette Meridian, Curry County, Oregon, more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21);
Thence along the North and South Quarter line North 00 degrees 40' East 2636.6 feet;
Thence along the East and West Quarter line North 89 degrees 41' West 1287.0 feet;
Thence North 1530.0 feet;
Thence along the thread of Elk River upstream on the following courses, South 46 degrees 26' East 1450.0 feet;
Thence South 64 degrees 41' East 1268.9 feet to the East and West Quarter line;
Thence along said line South 89 degrees 41' East and at 204.0 feet passing through an iron rod post and continue the same course a total distance of 700.0 feet to an iron post;
Thence South 00 degrees 32' West 1542.5 feet to an iron rod post;
Thence along the North boundary of the Rose Curry parcel North 88 degrees 23' West and at 651.7 feet passing through an iron rod post and continue the same course a total distance of 1140.0 feet;
Thence along the West boundary of Elk River County Road on curves the long chord of which bears South 16 degrees 46' East 1156.6 feet;
Thence along the South boundary of said Section Twenty-one (21), North 89 degrees 47' West 825.0 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM those parcels of land conveyed to the State Highway Commission recorded May 23, 1941 in Deed Volume 26 Page 364 and February 10, 1950 in Deed Volume 34, Page 563.

SAVE AND EXCEPT from the above parcels any portion lying within the Elk River County Road.

SUBJECT TO AND EXCEPTING FROM THE WARRANTIES HEREOF, the following claims and encumbrances:

1. The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.
2. Any adverse claim based upon the assertion that:
 - (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Elk River;
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created;
 - (c) Some portion of said land has been brought within the boundaries thereof by a change in the location of Elk River.
3. Such rights and easements for navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Elk River.
4. Any claim of ownership by the State of Oregon in that portion lying below the mean high water line of the Elk River.

5. An easement created by instrument, including the terms and provisions thereof,

Dated: March 30, 1927
 Recorded: July 29, 1929
 Deed Volume 20, Page 236
 In Favor of: W. J. Sweet
 For: Right of way.

6. An easement created by instrument, including the terms and provisions thereof,

Recorded: February 26, 1925,
 Contract Book 1, Page 94
 In Favor of: Coos-Curry Telephone Company
 For: Pole-line/utility

This easement was assigned to West Coast Telephone Company by instrument recorded July 2, 1928 in Deed Volume 20, Page 59.

7. Limited access in deed to State of Oregon, by and through its Department of Transportation, Highway Department, which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,

Recorded: June 27, 1967
 Book of Records 3, Page 368.

8. An easement created by instrument, including the terms and provisions thereof,

Dated: May 29, 1968
 Recorded: February 25, 1969
 Book of Records 10, Pages 67-68
 In Favor of: General Telephone Company of the Northwest Inc.
 For: Perpetual right-of-way easement.

9. At the time of this conveyance the property is specially assessed for farm use. Under that classification, a portion of the real property taxes that would otherwise be due and payable are deferred and not payable unless the use of the property is changed or the property becomes disqualified by acts or omissions of the owner or by changes in laws or regulations. In the event of such disqualification, previously deferred taxes can become due and payable. Therefore, the Grantor does hereby limit her warranties and liability by conveying this property to the Grantees subject to any and all future claims and demands that may be made upon the owners of this property for payment of past or future deferred taxes. It shall be the sole and exclusive responsibility of the Grantees to maintain, or not maintain, the qualification of the property for special assessment.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this conveyance is \$8,000.00.

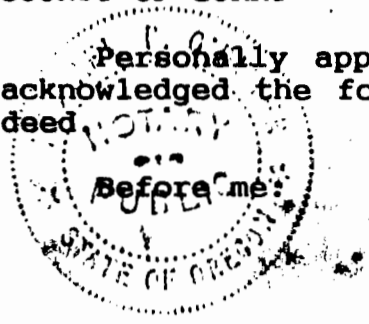
DATED this 30 day of May, 1989.

Dorris M. Woodworth
 DORIS WOODWORTH, also known as
 DORRIS M. WOODWORTH, GRANTOR

STATE OF OREGON)
) ss.
COUNTY OF CURRY)

May 30, 1989

Personally appeared the above named DORRIS M. WOODWORTH and acknowledged the foregoing instrument to be her voluntary act and deed



Michael P. Olmeyer
Notary Public for Oregon
My Commission Expires: 3/20/90

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

HOYT L. AND KRISTA LEE LITTERELL
~~Star Route, Box 146~~ 43691 Hwy 101
Port Orford, OR 97465



Indexed In Deeds
State of Oregon ss.
County of Curry
I hereby certify that the within instrument was recorded on the 1 day of June 1989 at 1:05 o'clock P.M. in Book of Records Vol. 157 Page 632-634 of said County. Witness my hand and seal of County affixed.
ELAINE J. JOY, Curry County Clerk
By Martha Officer Deputy
Fee Rec'd. \$20.00