

Surface Water Registration Statement, Pre-1909  
Vested Water Right Claim for  
Richard W. & Gretchen M. Dunkin in the Henry Jones  
D.L.C. No. 48, T29S, R5W, W.M., Douglas, County, Oregon

8. Remarks continued:

The Dunkin property lies in the bottom lands of North Myrtle Creek in the Henry Jones Donation Land Claim No. 48, in Section 13, T29S, R5W, W.M., Douglas County, Oregon. The parcel is now a small homesite, some 2.0 acres in size. As part of the Henry Jones Donation Land Claim which was a ranch and farm, it was irrigated early. (Note the old irrigation ditch above the property mentioned in Vivian Hatcher's statement.) These North Myrtle bottom lands, composed mostly of rich, deep silt and loam have always been irrigated because of the good resulting crops.

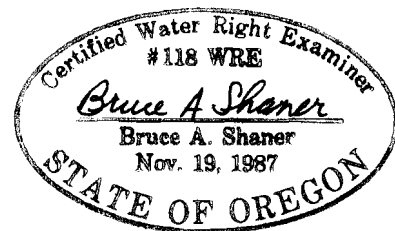
This small homestead is and always has been irrigated and occupied as a residence by local legend and as attested to by the witnesses herein. The street address is 3737 North Myrtle Creek Road, Myrtle Creek, Oregon 97457.

Irrigation and Domestic System

A 1 Hp electric Century Pump and Motor, (Jet), with a 40 gallon pressure tank for the residence and direct plumbing for irrigation, supplies the two systems. (Serial No's., etc., were illegible.) The average elevation for irrigation is 20 feet above the surface of North Myrtle Creek and 30 feet above the surface of North Myrtle Creek for the residence.

The intake pipe is 1 inch P.V.C. and the distribution main is 2 inch P.V.C.

Portable 2 inch hand lines with Rainbird Sprinklers are used for irrigation.



PHONE: (503) 672-4074

OFFICE: 433 S.E. MAIN

# *Shaner Engineering, Inc.*

FAX: (503) 673-7135

CIVIL ENGINEERING IN THE NORTHWEST

MAIL: P.O. BOX 1430 • ROSEBURG, OREGON 97470

October 18, 1993

Oregon Water Resources Dept.  
3850 Portland Road, N.E.  
Salem, Oregon 97310

re: File SWR-303  
R.W. Dunkin

Attention: Don Knauer,  
Adjudication Specialist

Dear Mr. Knauer:

Enclosed is revised map on SWR - 303,

Richard W. and Gretchen M. Dunkin.

Yours truly,

*Bruce A. Shaner*  
Bruce A. Shaner,  
CWRE

cc: Dunkin

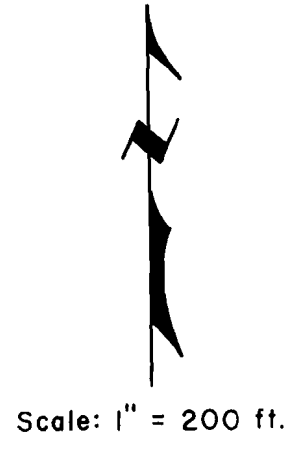
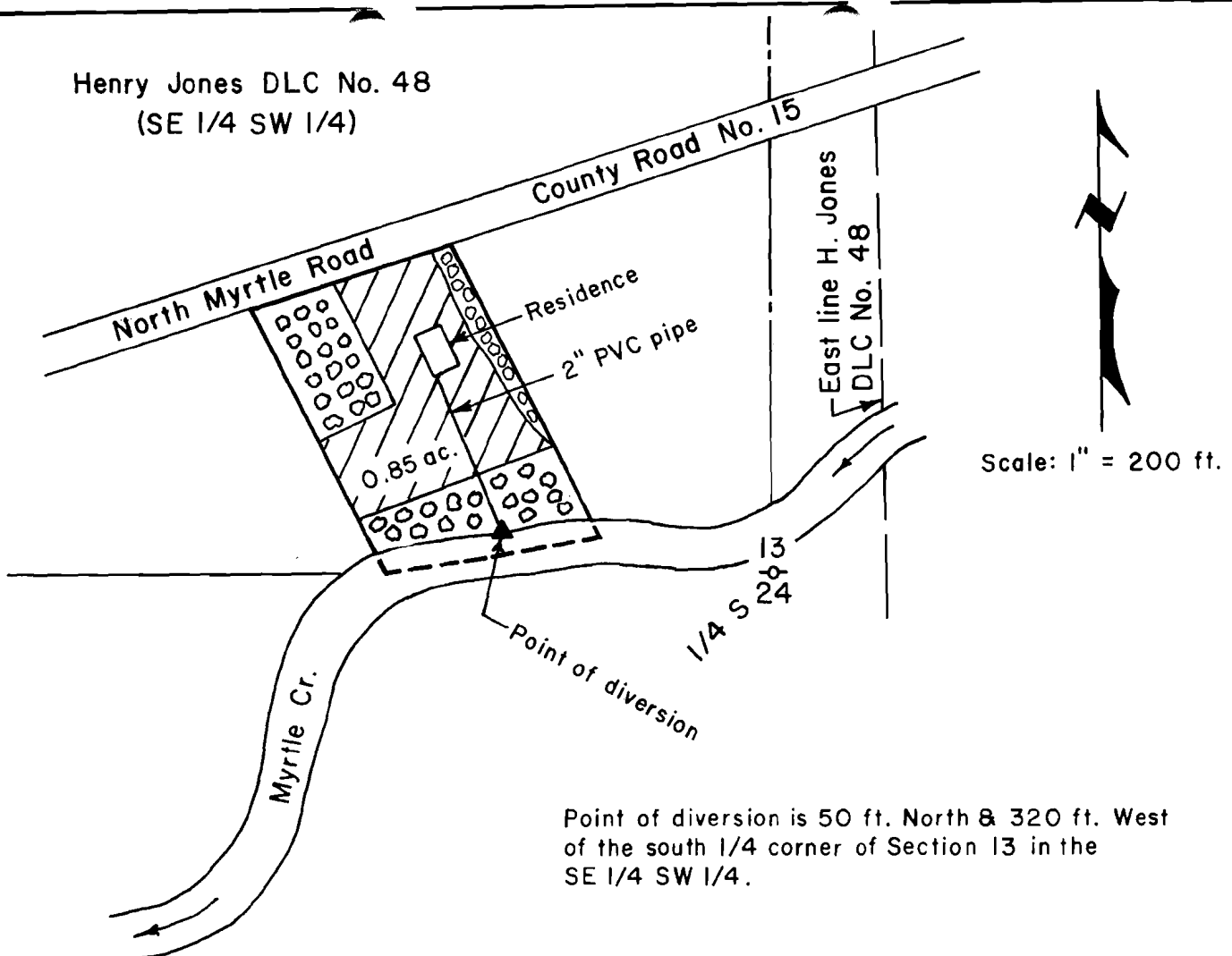
CERTIFIED RETURN RECEIPT

RECEIVED

OCT 20 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Henry Jones DLC No. 48  
(SE 1/4 SW 1/4)

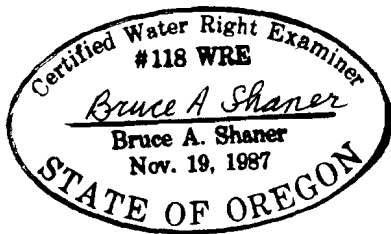


Point of diversion is 50 ft. North & 320 ft. West  
of the south 1/4 corner of Section 13 in the  
SE 1/4 SW 1/4.

**WATER USE REGISTRATION MAP FOR ADJUDICATION**  
in the Henry Jones Donation Land Claim No. 48  
& the SW 1/4 of Section 13, T 29 S, R 5 W,  
W. M., Douglas County, Oregon

Application No. \_\_\_\_\_

Permit No. \_\_\_\_\_



For: Richard W. & Gretchen M. Dunkin  
P. O. Box 204  
Valdez, Alaska 99686

By: Shaner Engineering, Inc.  
P. O. Box 1430  
Roseburg, Oregon 97470

December 28, 1992

PHONE: (503) 672-4074

OFFICE: 433 S.E. MAIN

FAX: (503) 673-7135

# *Shaner Engineering, Inc.*

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CIVIL ENGINEERING IN THE NORTHWEST

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MAIL: P.O. BOX 1430 • ROSEBURG, OREGON 97470

December 28, 1992

Oregon Water Resources Dept.  
3850 Portland Road, N.E.  
Salem, Oregon 97310

re: Registration of Pre 1909  
W.R. for Richard Dunkin

Attention: Adjudication Section

Dear Sirs:

Enclosed is the application for Water Use Registration for Adjudication for Richard W. and Gretchen M. Dunkin. Also enclosed are documents and a check.

Yours truly,

*Bruce A. Shaner*  
Bruce A. Shaner,  
C.W.R.E.

Encl: as above

cc: Dunkin

CERTIFIED RETURN RECEIPT

A F F I D A V I T

STATE OF ALASKA     )  
                          )   ss.  
CITY OF VALDEZ     )

I, Richard William Dunkin, a citizen of the United States of America, residing at 347 Lowe St., Valdez, Alaska 99686, being first duly sworn, on oath, depose and say:

I am now the age of 45 years and have been a continuous resident and inhabitant of Valdez since the year 1984.

I bought the property on North Myrtle Creek (located in the Henry Jones Donation Land Claim No. 48 and in Section 13, T29S, R5W, W. M., Douglas County, Oregon) in 1979. We lived there about 1 year, 1979 and 1980. From the appearance of the property and from local neighbors' statements the property had been under irrigation for many, many years. After we moved to Alaska for business purposes we have had renters on the property, who have continued the irrigation and using the North Myrtle Creek water for domestic use also. (One residence.) From about 1984 until the present, my neighbor, Jimmy Davis, has managed the renters and also seen that the water was applied for irrigation.

When we bought the property, the seller, Mrs. Vivian Hatcher told us that we had an existing water right... Perhaps she meant a "Pre 1909" water right as to date we have not found legal evidence of a filed water right.

Richard W. Dunkin

SUBSCRIBED & SWORN to before me on this  
21<sup>st</sup> day of December, 1992.

Kimberly A. Blackburn  
Notary Public for Alaska  
My Commission Expires:

**KIMBERLY A. BLACKBURN**  
My Commission Expires February 12, 1996

A F F I D A V I T

STATE OF OREGON )  
 ) ss.  
COUNTY OF DOUGLAS )

I, Vivian Margaret Hatcher, a citizen of the United States of America, residing at 1719 Orchard Lane, Roseburg, Oregon 97470, being first duly sworn, on oath, depose and say:

I am now the age of 83 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1942.

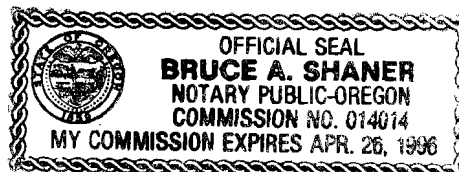
I married Otis Hatcher, August 1, 1946 and we moved onto the North Myrtle property in the early 1950's after building a home there. We lived there until I sold the property to Richard Dunkin in 1979. During our period of living there we always irrigated the garden, pasture and lawn and used the water for domestic purposes also. We always assumed that we had the right to use the water from North Myrtle Creek and did use it on a continuous basis.

To the best of my knowledge the land along North Myrtle, including ours, being good quality bottom land, has been irrigated since the early homesteaders in the 1800's. I remember an old irrigation ditch (flume) that was located above our property and the Maddux' property above us. It was rumored to have originally been built by the Chinese in their early mining efforts.

Vivian M. Hatcher

SUBSCRIBED & SWORN to before me on this 26th day of December, 1992.

Bruce A Shaner  
Notary Public for Oregon  
My Commission Expires: Apr. 26, 1996



A F F I D A V I T

STATE OF OREGON     )  
                          ) ss.  
COUNTY OF DOUGLAS )

I, Lena May Maddux, a citizen of the United States of America, residing at 3754 N. Myrtle Road, Myrtle Creek, Oregon 97457, being first duly sworn, on oath, depose and say:

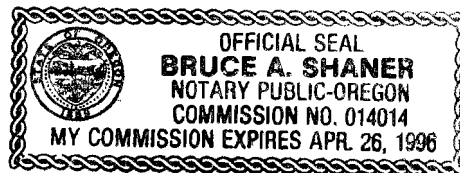
I am now the age of 60 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1947.

I have lived here on N. Myrtle Road, directly across from the (now) Richard and Gretchen Dunkin property, since 1950. (My husband, Ralph, and I raised 6 children here.) The previous Dunkin property owner was the Hatchers (Vivian). To my knowledge the property's lawn and garden has always been irrigated from N. Myrtle Creek and the residence has also used the creek water for domestic use on a continuous basis. To the best of my knowledge the Dunkin property has always (since the days of homesteading) been irrigated and the house has been supplied with domestic water, all being directed from N. Myrtle Creek, on a continuous basis.

Lena M Maddux

SUBSCRIBED & SWORN to before me on this  
22<sup>nd</sup> day of December, 1992.

Bruce A Shaner  
Notary Public for Oregon  
My Commission Expires: April 26, 1996



*[Faint, illegible handwritten text]*

STATE OF OREGON )  
COUNTY OF DOUGLAS ) SS.

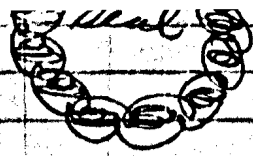
I, DORIS L. WADSWORTH, COUNTY CLERK  
AND RECORDER OF CONVEYANCES, IN AND FOR  
SAID COUNTY, DO HEREBY CERTIFY THAT THE  
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1979 JUN 7 PM 12 42

BY *Mary L. Bell*  
DEPUTY  
NO. *100*  
FEE *1.00*

DOUGLAS COUNTY OFFICIAL RECORDS





Recorded Vol 4  
page 378

of the General Land Office

Recorded the foregoing Patent Sept 30 1867

W. H. Lewis Recorder  
By L. L. Williams  
1867

Recorded the foregoing Conveyance Sept 30 1867

Henry Jones OLC No. 48

W. H. Lewis Recorder  
By L. L. Williams

Vol 4 pg 76

DEC 2

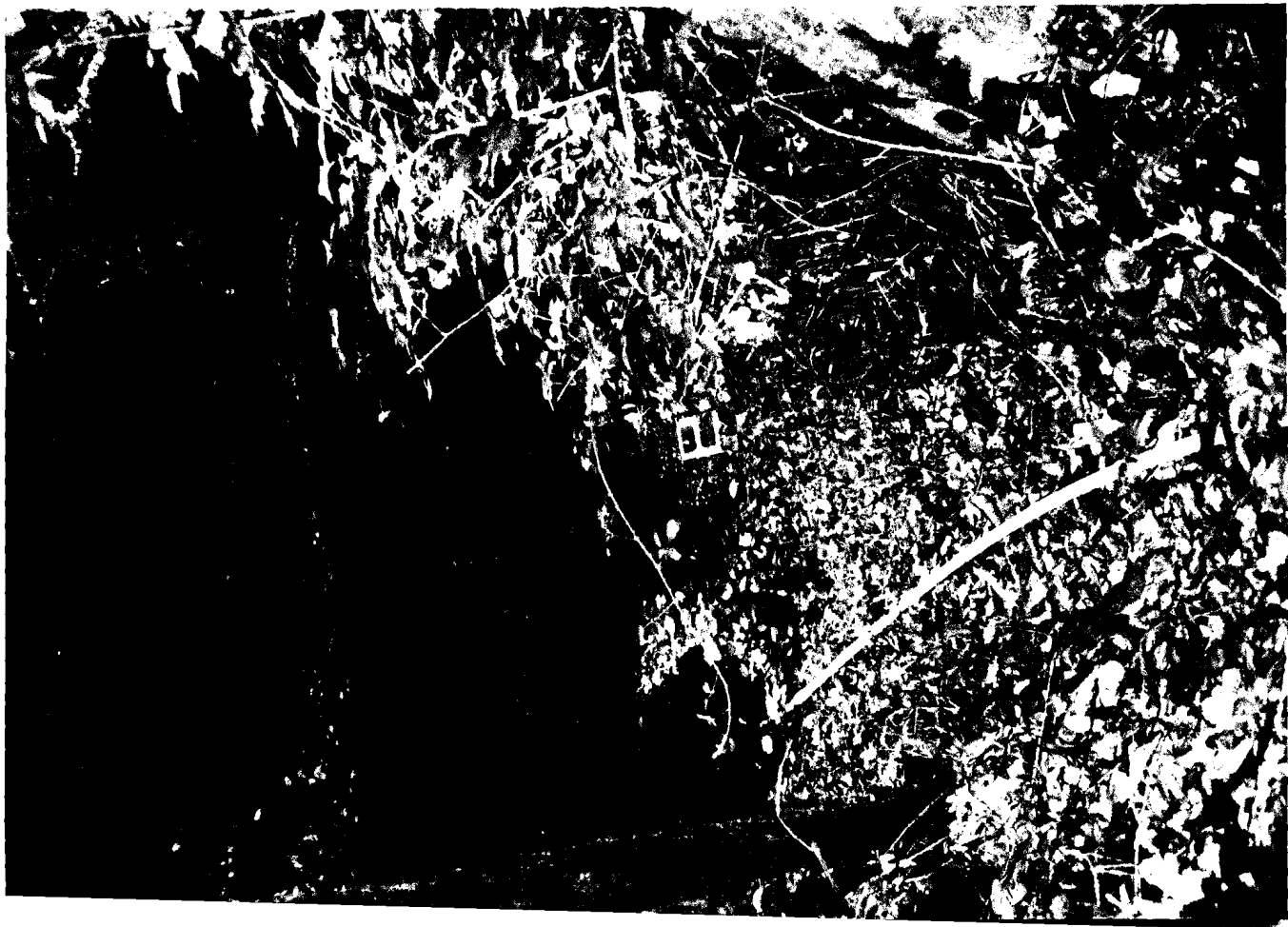
United States  
Henry Jones

The United States of America  
To all to whom these presents  
shall come greeting

Whereas there has been deposited  
in the General Land Office of the United States  
a Certificate numbered seven hundred and  
ninety one of the Register and Receiver at Portland  
Oregon whereby it appears that under the provisions  
of the Act of Congress approved the 27th day of Sept  
1850 entitled an act to create the Office of Surveyor  
General of the public lands in Oregon, and to provide  
for the survey and to make donations to settlers of the  
said public lands and the legislation supplemental  
thereto, the Claim of Henry Jones and his wife Mary  
Jones of Douglas County Oregon Notification No. 187  
has been established to a donation of One half  
section or three hundred and twenty acres of land  
and that the same has been surveyed and designated,  
as claim No forty eight being parts of sections thirteen  
fourteen fifteen sixteen and twenty four in Township  
twenty nine South of Range five West according to  
the Official plat of Survey returned to the General  
Land Office by the Surveyor General being bounded  
and described as follows to wit: Beginning at a  
point thirty eight Chains and eighty two Links  
West and eleven Chains and ninety three Links  
South from the corner to said sections thirteen  
fourteen fifteen sixteen and twenty four and running  
thence East eighty Chains thence north forty chains  
thence West eighty chains and thence South  
forty chains thence fifty five links to the place  
of Beginning in that District of lands subject  
to sale at Portland Oregon containing three acres







SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP See NAME Unyqua # 16 UNADJUDICATED AREA ? YES  
 RECEIPT # 95687 S W R NUMBER 303  
 CHECK ENCLOSURES See PRELIMINARY DATA BASE ENTRY DWF  
 ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX \_\_\_\_\_  
 CHECK QUADRANGLE MAP \_\_\_\_\_ CHECK GLO PLATS \_\_\_\_\_  
 WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION See

FORM REVIEW

\_\_\_\_\_ blanks filled in  
 \_\_\_\_\_ signed  
 \_\_\_\_\_ date received stamped

MAP REVIEW

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

WATER RIGHT RECORD CHECK 1/10th acre \_\_\_\_\_ FIELD INSPECTION \_\_\_\_\_  
 FINAL FILE REVIEW \_\_\_\_\_ FINAL DATA BASE ENTRY \_\_\_\_\_  
 ENTER ON PLAT CARDS \_\_\_\_\_

December 20, 1994

RICHARD AND GRETCHEN DUNKIN  
PO BOX 204  
VALDEZ ALASKA 99686

re: SWR-303

Dear Mr. and Mrs. Dunkin,

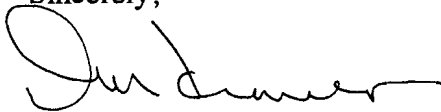
This letter is in response to our telephone conversation of December 19, 1994. You requested information about the status of your water right claim. I reviewed your file and found it to be complete and it meets the statutory requirements.

You have completed the form, supplied a map prepared by a water right examiner, and paid the required fees. These documents are on file with the Water Resources Department and is your record of water right. You have the legal right to use the water as described in your claim.

As we discussed, sometime in the future a general stream adjudication will be completed in your area to finalize all claims to pre-1909 vested water rights. I do not know when such a determination will be started or completed.

I hope this answers your questions. If I can be of further help, please let me know.

Sincerely,



Don Knauer  
Adjudication Specialist

m:\w\s\c\3\swr-0303.003



October 21, 1993

SHANER ENGINEERING  
PO BOX 1430  
ROSEBURG OR 97470

RE: SWR-303

Dear Bruce,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of RICHARD & GRETCHEN DUNKIN you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WAS\C\3\SWR-0303.002



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

October 6, 1993

BRUCE A. SHANER  
PO BOX 1430  
ROSEBURG OR 97470

RE: File# SWR-303

DEAR BRUCE A. SHANER,

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 Richard W. & Gretchen M. Dunkin. 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.

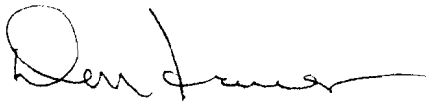
source & trib

The claim form, your report and my maps show the source as North Myrtle Creek. It appears your map should be corrected.

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

J:\WP51\SWR\CLAIMANT\3\SWR-0303.00M



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



# Oregon

WATER  
RESOURCES  
DEPARTMENT

March 1, 1993

RICHARD W & GRETCHEN M DUNKIN  
PO BOX 204  
VALDEZ ALASKA 99686

Dear MR & MRS DUNKIN,

This will acknowledge that your Surface Water Registration Statement in the name of RICHARD W & GRETCHEN M DUNKIN has been received by our office. The fees in the amount of \$230.00 have been received and our receipt #95687 is enclosed. Your registration statement has been numbered SWR-303.

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-0303.001



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

RECEIVED FROM: Richard Dunkin  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # X 396 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**

<b>MISCELLANEOUS:</b>			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY)		\$
520.000	OTHER (P-6): (IDENTIFY)		\$
<b>WATER RIGHTS:</b>			
842.001	SURFACE WATER	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$	\$
842.005	TRANSFER	\$	\$
<b>WELL CONSTRUCTION</b>		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	\$
842.016	WELL DRILL OPERATOR	\$	\$
	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 # **95687**

DATED: 12-30-92 BY: [Signature]