

3-7-95

Bill Guire, Guire

SAID HE HADN'T HEARD

FROM MS KNOWLSON -

SAID HE WOULD CALL

HER.

JJK

March 10, 1995

WATER
RESOURCES
DEPARTMENT

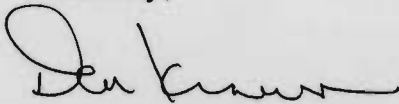
CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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 17, 1994

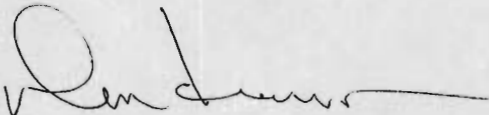
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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-03³⁴¹55.004



Commerce Building
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Salem, OR 97310-0210
(503) 378-3739
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September 7, 1994

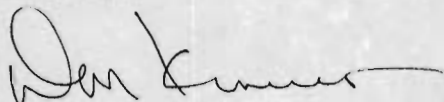
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-139, SWR-148, SWR-163, SWR-180, SWR-241, SWR-168, SWR-341, SWR-342, SWR-347, SWR-351, SWR-354, SWR-355

Dear Mr Guile,

Thank you for your letter of August 30, 1994. I look forward receiving the maps for the above listed files when your schedule allows. 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\stcl\swr-0139.003



Commerce Building
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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\ewrememo.94

- SWR- 139 : BRYAN
- 148 : WRIGHT
- 163 : TRUDRAN
- 241 : LUDINGTON
- 268 : ACH
- 341 : KNOWLSON

- SWR- 342 : WILSON
- 347 : WINGER
- 351 : BUTLER
- 354 : RENEVE WATER & ELEC
- 355 : RENEVE WATER & ELEC

March 14, 1994

Hon. Larry Campbell, Speaker
House of Representatives
State of Oregon
State Capitol
Salem, OR 97310

RE: Lake Creek/Siuslaw River Water Right Applications

Dear Speaker Campbell:

Thank you for your January 24, 1994, letter concerning the above-referenced water right applications. You have requested general information concerning our adjudication process and specific data on several water right applications. First let me respond to your three adjudication questions.

1. How long will it take to complete the adjudication process?

The surface water registrations filed by Mr. Wilbur (SWR 342) and Ms. Knowlson (SWR 341) have received a preliminary review. The appropriate fees were submitted. The maps attached to the Wilbur and Knowlson surface water registrations have been returned to their Certified Water Rights Examiner (CWRE) for completion and correction. After the corrected maps are returned to us, we should be able to complete our file review within a month or so.

Mr. Wilbur and Ms. Knowlson may continue to use water as described in their surface water registrations until the circuit court makes a final decision on the adjudication.

2. Will the Department adjudicate basins individually?

Yes. The Department will initiate adjudications basin by basin. The size of the basin adjudication varies from stream to stream.



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Salem, OR 97310
(503) 378-3739
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In the past, several river basins have been handled in single, "basin-wide" adjudications (e.g., Umatilla, Malheur, Owyhee, John Day, Rogue, etc.). In other cases, the basins have been split into sub-basins, and adjudications have been completed at that level, leaving the mainstem and other sub-basin tributaries unadjudicated. For example, the Santiam and Yamhill have been adjudicated, but the mainstem Willamette and other tributaries are yet to be adjudicated.

The decision on the size of a basin adjudication and whether one or more sub-basins should be split into separate adjudications is made by the Director on a case-by-case basis. As a general rule, where there is a logical sub-basin breakdown and where there are substantial claims and potential contests, we will conduct a separate sub-basin adjudication.

Our preliminary analysis indicates that the Siuslaw River Basin will be adjudicated as a single basin unit; however, the final decision as to this adjudication will not be made until the Director has completed the official examination of the basin pursuant to ORS 539.120. Because we have only two staff positions assigned to this program, we do not expect the basin examinations to begin until the surface water registration evaluation has been completed. (See below for discussion of the surface water registration evaluation.)

3. What is the Department's time-line for adjudicating the Siuslaw River Basin?

I'm afraid I cannot give you a specific timeline for adjudicating the Siuslaw. Much of our staff time is still being devoted to our permit application backlog. Once we are ready to initiate adjudications, staff will prepare a summary of the issues associated with each of the unadjudicated basins. We will then set our adjudication schedule according to these water allocation issues.

Our current work-plan indicates that staff will complete evaluations of the individual surface water registrations before the end of 1994. Once staff have completed the registration review we will begin scheduling the basin adjudications. Adjudications could begin as early as mid-1995.

However, our schedule could be further delayed as a result of pending litigation about our authority to require federal agencies to participate in the state process. This issue was raised when the United States government sued to enjoin the state from proceeding with the Klamath Basin adjudication. The state prevailed at the U.S. District Court level; however, the United States and Klamath Tribe have appealed the District Court decision to the Ninth Circuit Court of Appeals. Oregon has fought long and hard to verify that it has jurisdiction over federal claims to water use in Oregon. Since we stand a reasonably good chance of success in this appeal, we feel we should resolve the federal lawsuit before we move ahead with the Klamath adjudication and before we initiate subsequent basin adjudications.

In addition, we must weigh the relative need and priority of proceeding with the various basin adjudications. As you know, our Department faces a crushing workload in several areas. Because people who claim pre-1909 water rights are free to continue using water throughout the adjudication period, we must balance whether staff time should be committed to the adjudication program rather than spent processing new water right application requests for those who are not allowed to use water until an application is approved.

You also inquired about denied applications 73064 and 73118 (filed by applicants Wilbur and Knowlson, respectively) and approved applications 73166 and 73176 (filed by applicants Ward and Sprouse, respectively). Your letter requests an explanation of how, if the Department is truly processing applications on first-come, first-served basis, later-filed applications 73166 and 73176 were approved whereas earlier-filed applications 73064 and 73118 were denied.

The Wilbur, Knowlson, Ward and Sprouse applications were processed according to the first-come, first-served policy within the Siuslaw River Basin. However, since each application received its own individual technical review, the result for each application varied in accordance with the requested use. An important factor to keep in mind is that each of these applications was filed after July 17, 1992. Therefore, each was subject to the Water Resources Commission's 80 percent allocation policy. That means water must be available for appropriation at least 80 percent of the time in a given month.

The following table highlights the critical differences in types of use and month(s) of requested use among these four applications:

Hon. Larry Campbell, Speaker

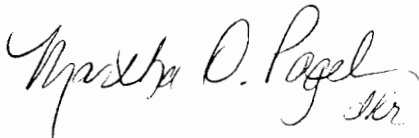
March 14, 1994

Page 4

<u>App. #</u>	<u>Name</u>	<u>Use</u>	<u>Remarks</u>
73064	Wilbur	Irrigation	Under the 80% standard, water was available only during March; therefore, the application received an unsatisfactory technical review.
73118	Knowlson	Irrigation	Under the 80% standard, water was available only during March; therefore, the application received an unsatisfactory technical review.
73166	Ward	Irrigation & Fire Protection	Under the 80% standard, water was limited to March; however, since fire protection was requested, the application received a satisfactory technical review for irrigation during March and for fire protection for the full year.
73176	Sprouse	Domestic	This application requested domestic use. Under the 80% standard, this application received a satisfactory technical review for full domestic use for the period December through March. In addition, human consumption and livestock uses are allowed for the full year.

I hope this letter responds to the various questions set out in your letter. If you have further questions or comments, please feel free to contact me.

Sincerely,



Martha O. Pagel
Director

MOP/arm



LARRY L. CAMPBELL

SPEAKER
HOUSE OF REPRESENTATIVES

JAN 31 1994
WATER RESOURCES DIVISION
SALEM, OREGON

January 24, 1994

Martha Pagel, Director
Department of Water Resources
3850 Portland Rd. NE
Salem, OR 97310

Dear Martha:

Once again we request your assistance in responding to constituent concerns about water rights in the Lake Creek/Siuslaw River area. Don Wilbur and Mary Knowlson have contacted our office and asked for our help. In order to respond to their concerns we need information you and your staff can provide.

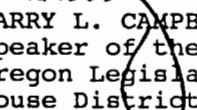
Both Mr. Wilbur and Ms. Knowlson have filed claims which are in the process of being adjudicated. Don Knauer has been very helpful to my staff by explaining the adjudication process. However, there are several questions that he indicated he did not have the authority to answer. They are:

1. What is the anticipated time line to complete each of the remaining steps in the process?
2. Will Water Resources adjudicate drainage basins individually?
3. If individual drainage basins can be adjudicated individually, then, in view of the problems associated with the Lake Creek/Siuslaw River water permit requests, will you agree to adjudicate the Siuslaw drainage as soon as possible? If so, what would the anticipated time line for this drainage basin be?

In addition to the claims for water rights that are in the adjudication process, Mr. Wilbur and Ms. Knowlson have applied for water rights permits. In reviewing the responses to the applicants we have received, we note that these applications, 73064 (filed 12/10/92) and 73118 (filed 12/30/92) have been denied. Applications 73166 (filed 1/12/93) and 73176 (filed 1/29/93) were approved. It has been our understanding that applications for each stream were being given water on a first-come, first-served basis. Would you explain this apparent deviation.

Your continued assistance in this matter is appreciated.

Sincerely,


LARRY L. CAMPBELL
Speaker of the House
Oregon Legislative Assembly
House District #43

LLC/jb

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

January 21, 1994

TO: REED MARBUT

FROM: DON KNAUER *DK*

SUBJECT: SPEAKER CAMPBELL

Yesterday afternoon Jean Borlan who works for Speaker Campbell called to ask some questions about the adjudication process and about a certain "wealthy" claimant who filed a surface water registration statement. The claimant is DON WILBUR and his file is number SWR-342. There is also a claimant named MARY FLORENCE KNOWLSON with file number SWR-341 who is related to Mr Wilbur. This is in Lane County, Lake Creek a trib to Siuslaw River.

A review of the two files shows they have done the required things; form, fees, and CWRE map. I have sent the map back to the CWRE for completion and corrections. Everything looks to be in order and I told Ms Borlan so. She said she had told Mr Wilbur that since he has filed his claim, he can continue to use the water. I agreed.

She asked questions about the adjudication process. I gave her a very general outline. She was most interested in time lines. I told her where I was in my review of the files. I told her that you were the person best suited to answer the time line questions. She said that in the past someone had told Speaker Campbell that the adjudications would be done within a few years following the December 31, 1992 filing deadline.

She had questions about four applications for permit. The application numbers are; Don Wilbur, S-73064, Ms Knowlson, S-73118 and two other neighbors #73116 and #73176. Apparently the neighbors who filed applications for permits after Wilbur, got some water but Wilbur didn't. She said she left a phone message friday and would like to talk to you.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

January 21, 1994

TO: REED MARBUT

FROM: DON KNAUER *JK*

SUBJECT: SPEAKER CAMPBELL

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December 21, 1993

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.

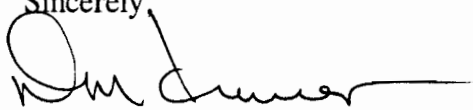


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Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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

October 26, 1993

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: File# SWR-341

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 Mary Florence Knowlson. 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.

diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."
paper	OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."

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-0341.00M



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
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SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP FILENAME Mo Coast # 18 UNADJUDICATED AREA ? YES
RECEIPT # 95715 S W R NUMBER 341
CHECK ENCLOSURES wek PRELIMINARY DATA BASE ENTRY duf
ACKNOWLEDGEMENT LETTER wek ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION ACR

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
#2 _____ dimensions and capacity of diversion system
_____ "beneficial use" type title
TA _____ "permanent-quality" paper
✓ 10th ACWZ

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

March 22, 1993

MARY FLORENCE KNOWLSON
15201 HWY 36
DEADWOOD OR 97430

Dear MS KNOWLSON,

This will acknowledge that your Surface Water Registration Statement in the name of MARY FLORENCE KNOWLSON has been received by our office. 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-0341.002



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

March 11, 1993

MARY FLORENCE KNOWLSON
15201 HWY 36
DEADWOOD OR 97430


Dear MS KNOWLSON,

This will acknowledge that your Surface Water Registration Statement in the name of MARY FLORENCE KNOWLSON has been received by our office. The fees in the amount of \$230.00 have been received and our receipt # 95715 was given to you. Your registration statement has been numbered SWR-341.

The signature on your claim form does not have a notarial acknowledgement. Oregon Administrative Rule 690-28-025 (1) requires that the registration statement be notarized. For this reason we are returning the claim form so that you can have your signature notarized. We have kept a copy of your form for our records. We will not process your claim until we have received your notarized registration statement. Please return it to my attention at this address.

If you have any questions regarding this process, please do not hesitate to give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

M:\WP51\SWR\CLAIMANT\SWR-0341.001



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52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

CHARLES W. GUILLE & ASSOCIATES, INC.
LAND SURVEYING

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.

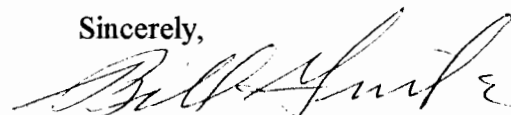
SWR-268, Carol Ach. We have been in contact last fall and agreed to wait until the snow melts. I believe that she also contacted you.

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

CHARLES W. GUILLE & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

Mary Florence Knowlson
15201 Highway 36
Deadwood, OR 97430

October 7, 1994
92-26

SWR-341

Dear Mary Florence:

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 required. 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.

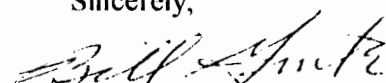
The above four sentences are a form type letter for you and others. On December 30, 1992, the Water Resources Department received your application map and on October 26, 1993, Mr. Knauer wrote me a letter that additional information was needed.

At the time that I prepared the application map, I did not know that you were also going to apply for a Pre-1909 claim, but was only going for a surface water application. You used the map that I prepared for both applications.

Unless you have watered the field since we did our surveying, I can not include it in the Final Proof Map and Beneficial Use Report, only the yard that you were watering at the time.

If you wish to proceed with your claim, please write or give me a call later this month. I wish to complete these some time this fall, when I can work it in with my other work. Thank you.

Sincerely,



Bill Guile

cc: Mr. Knauer

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

RECEIVED

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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WATER RESOURCES DEPT
SALEM, OREGON

Page 2

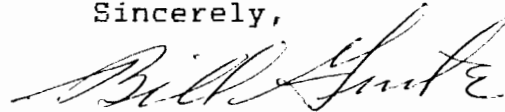
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

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

STATE OF OREGON

WATER RESOURCES DEPARTMENT RECEIVED

RECEIPT # 95715

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

OVER THE COUNTER

RECEIVED FROM: Don Wilbur, LTD.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96633 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. \$ _____
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)	\$
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	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

LIC NUMBER

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

RECEIPT # 95715

DATED: 12/30/92 BY: C. Engel

The United States of America,

To all to whom these presents shall come, Greeting:

RECEIVED

DEC 30 1992

WATER RESOURCES DEPT
SALMON, OREGON

Certificate No. 14446.

WHEREAS, _____ MARY JOHNSTON _____

has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Roseburg, Oregon, _____ whereby it appears that full payment has been made by the said Mary Johnston _____

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the west half of the southwest quarter of Section thirteen in Township seventeen south of Range nine west of the Willamette Meridian, Oregon, containing eighty acres, _____

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said Mary Johnston:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said

Mary Johnston _____ and to her heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Mary Johnston _____ and to her heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the _____ fourteenth _____ day of _____ September _____, in the year of our Lord one thousand nine hundred and _____ eight _____ and of the Independence of the United States the one hundred and _____ thirty-third _____

By the President: _____

By _____, Secretary,

Recorder of the General Land Office.



Patent Number

Recorded 13441, Vol. _____, Page _____

16661

268

C.E. 14446

1592

Mary Johnston
Greeneleaf

STATE OF OREGON, }
LANE COUNTY. } ss

I hereby certify that the
within instrument was filed for record
this 26 day of APR 1909 at
_____ o'clock; ~~A~~ M. and duly
recorded in Book 77 page 454
Lane County Deed _____ records.

County Clerk.
Per _____
Deputy.

U.S. LAND OFFICE
RECEIVED

11 AM
OCT 3 1908

ROSELAND ORE