

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Wet NAME Min Coast # 18 UNADJUDICATED AREA ? yes
 RECEIPT # 95657 S W R NUMBER 342
 CHECK ENCLOSURES Wet PRELIMINARY DATA BASE ENTRY Wet
 ACKNOWLEDGEMENT LETTER Wet ENTER ON STREAM INDEX _____
 CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
 WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION SCW

FORM REVIEW

_____ blanks filled in
 _____ signed
 _____ date received stamped

MAP REVIEW

2/ ✓ 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
 ✓ 1/10th ACQZ

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

February 17, 1995

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: SWR-342

Dear Mr Guile,

This will acknowledge the receipt of the map and report to support the pre-1909 vested water right claim in the name of DON WILBUR you returned with corrections and completions. I have added the map and report 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:\W\S\C\3\SWR-0342.005



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

October 17, 1994

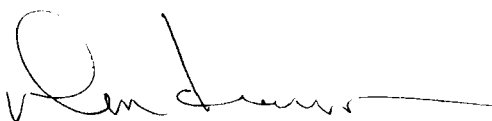
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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

Dear Mr Guile,

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

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\s\c\1\swr-0³⁴⁻²355.004



September 7, 1994

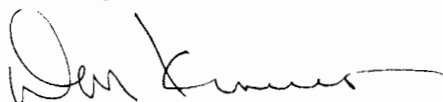
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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\slc\1\swr-0139.003



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

6-11-166

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\cwrememo.94

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

- SWR-~~342~~ : WILSON
- 347 : WINGEE
- 351 : BUTLER
- 354 : RUCONE WATER & ELEC
- 355 : RUCONE 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.



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

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

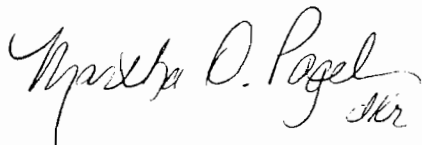
March 14, 1994

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 21 1994
MAILED
FEB 1 1994

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.

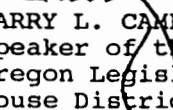
Both Mr. Wilbur and Ms. Knowlson have filed claims which are in the process of being adjudicated. Don Knauer has been very helpful to my staff by explaining the adjudication process. However, there are several questions that he indicated he did not have the authority to answer. They are:

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 73175 (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 *JK*

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 *DK*

SUBJECT: SPEAKER CAMPBELL

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December 21, 1993

WATER
RESOURCES
DEPARTMENT

CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

Dear Mr Guile,

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

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

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

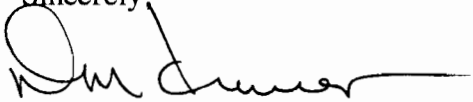


3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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-342

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 Don Wilbur. 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.

conveyance	ORS 539.120 "...the location of and each ditch, canal, pipeline or other means of conveying the water..." You must show the extent of water use from each diversion point.
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..."

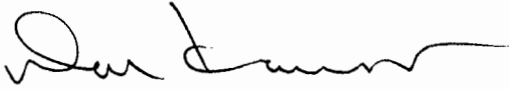


3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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,

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

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\3\SWR-0342.00M

March 22, 1993

DON WILBUR
PO BOX 40
DEADWOOD OR 97430

Dear MR WILBUR,

This will acknowledge that your Surface Water Registration Statement in the name of DON WILBUR has been received by our office. Your registration statement has been numbered SWR-342.

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

M:\WP51\SWR\CLAIMANT\SWR-0342.002



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

March 11, 1993

DON WILBUR
PO BOX 40
DEADWOOD OR 97430

Dear MR WILBUR,

This will acknowledge that your Surface Water Registration Statement in the name of DON WILBUR has been received by our office. The fees in the amount of \$274.00 have been received and our receipt #95657 was given to you. Your registration statement has been numbered SWR-342.

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. If someone other than you signs the form we need to have documentation showing their authority. 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

C:\WP51\SWR\CLAIMANT\SWR-0342.001



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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95657**

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

**RECEIVED
OVER THE COUNTER**

RECEIVED FROM: Don Wilbur, LTD.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-633 OTHER: (IDENTIFY)

TOTAL REC'D \$ 274.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>274.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____

COST CENTER AND OBJECT CLASS _____ VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE \$	842.002	RECORD FEE \$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023	LICENSE FEE \$
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT		842.024	\$

06-00-0 WELL CONST START FEE

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

45-00-0 LOTTERY PROCEEDS

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

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

RECEIPT # **95657**

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

T 17 S. R. 9 W. W.M.
SECTION 13 & 14
 FINAL PROOF MAP CLAIM
 OF BENEFICIAL USE

JAN 2 1995
 WATER DIVISION
 SEASIDE, OREGON

DOH WILBUR LTD.
 LAKE COUNTY, OREGON

JAN. 10, 1995

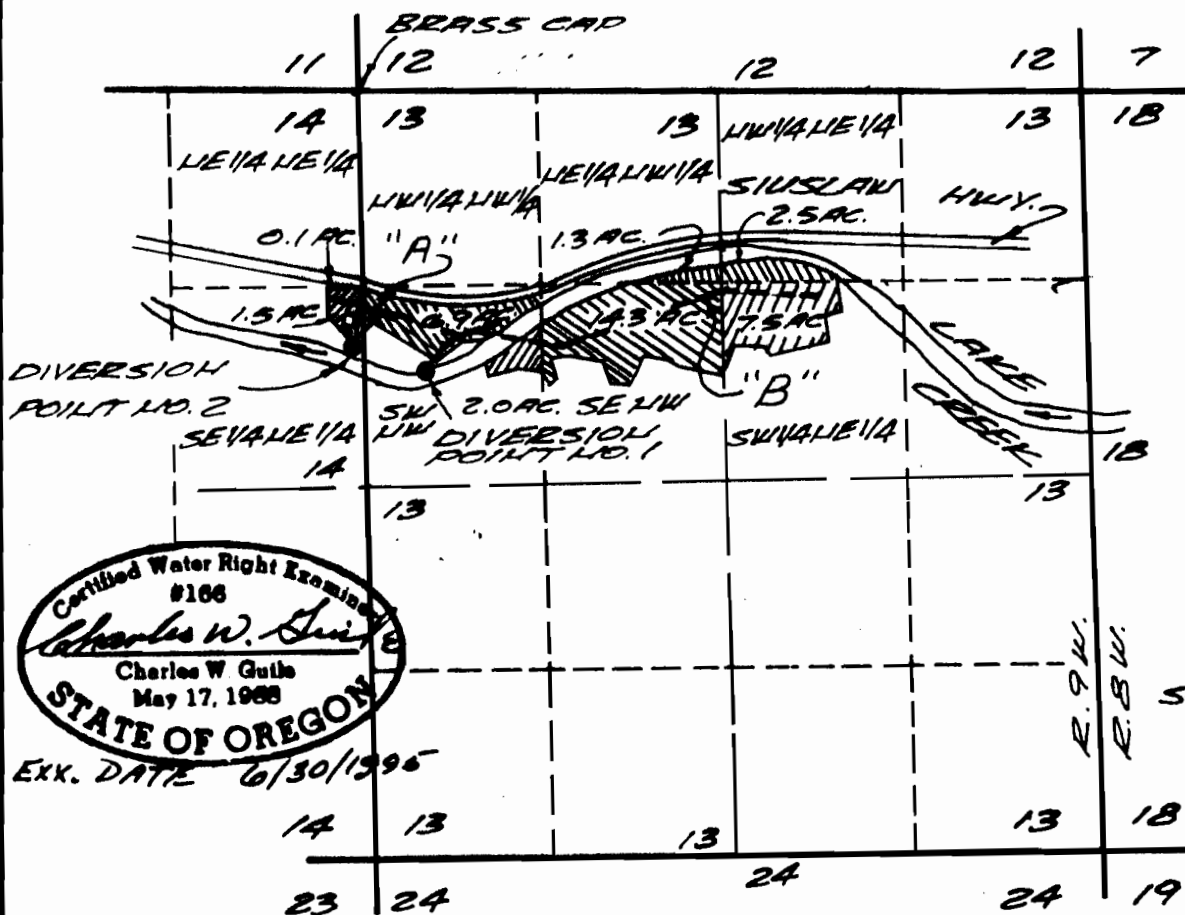
THIS MAP IS FOR WATER RIGHT
 PURPOSE ONLY AND IS NOT
 INTENDED TO PROVIDE
 DIMENSIONS FOR LOCATING
 PROPERTY BOUNDARIES

"A" - APPROXIMATE LOCATION
 OF A 2" BURIED
 MAINLINE

"B" - APPROXIMATE LOCATION
 OF A 4" BURIED
 MAINLINE.

DIVERSION POINT NO. 2

1720' SOUTH AND 70' WEST
 OF THE U.E. COR. SEC. 14



Certified Water Right Examiner
 #106
Charles W. Guile
 Charles W. Guile
 May 17, 1988
 STATE OF OREGON

EXX. DATE 6/30/1995

FILE NO. SWR-342
 SURVEYED JUNE 4, 1992
 BY: CHARLES W. GUILÉ

DIVERSION POINT NO. 1
 475' EAST AND 1955' SOUTH OF
 THE U.W. COR. SEC. 13

T 17 S. R. 9 W. W. M.
 SECTION 13 & 14
 FINAL PROOF MAP CLAIM
 OF BENEFICIAL USE

JAN 27 1995

WATER RIGHTS
 DIVISION

FOR
DOH WILBUR LTD.
 LAKE COUNTY, OREGON

JAN. 10, 1995

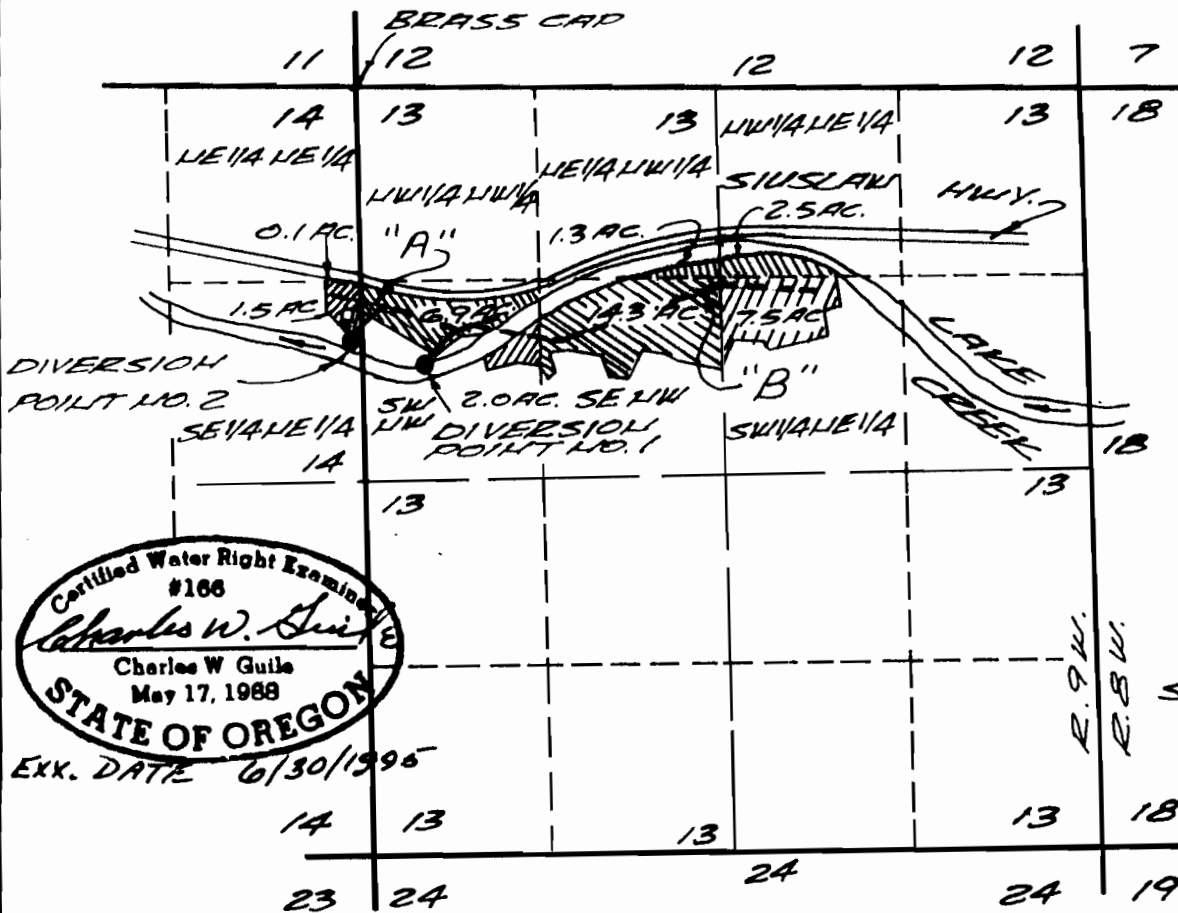
THIS MAP IS FOR WATER RIGHT
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 OF A 4" BURIED
 MAINLINE.

DIVERSION POINT NO. 2

1720' SOUTH AND 70' WEST
 OF THE N.E. COR. SEC. 14



Certified Water Right Examiner
 #166
Charles W. Guile
 Charles W. Guile
 May 17, 1988
 STATE OF OREGON

EXX. DATE 6/30/1995

FILE NO. SWR-342
 SURVEYED JUNE 4, 1992
 BY: CHARLES W. GUILLE

DIVERSION POINT NO. 1
 475' EAST AND 1955' SOUTH OF
 THE N.W. COR. SEC. 13

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

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

January 24, 1995
92-26

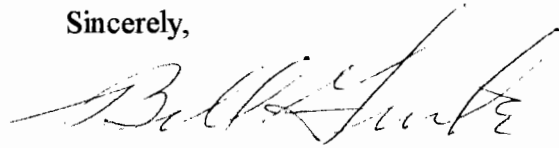
JAN 2 1995

Dear Mr. Knauer:

Enclosed is the Final Proof Map mylar and Beneficial Use Report for Don Wilbur (SWR 342).

If you have any questions, please give me a call. Thank you.

Sincerely,



Bill Guile

CLAIM OF BENEFICIAL USE

SWR - 342

RECEIVED

FEB 16 1995

WATER RESOURCES DEPT.
SALEM OFFICE

On June 4, 1992, my survey crew surveyed the irrigated field and other existing places of use for Don Wilbur, Ltd. on Mr. Don Wilbur's property. Mr. Wilbur's address and the address of the property is 15120 Highway 36, Deadwood, OR., 97430. His phone number is 1-503-964-3345. I do not know how the present system compares to the pre-1909 system used.

The source of water at the Diversion Points is Lake Creek.

The diversion points is the point where the pump and motors are located during the irrigation season. Diversion point Number 1 is used for irrigation of the pasture field and diversion point Number 2 is used for domestic irrigation of the lawn and yard areas around the house along with a separate pump for fire protection.

At the Point of Diversion No. 1, for the field irrigation, Mr. Wilbur uses a General Electric electric motor, Type K, Code F, Frame 324 CZ, Model 5K324E22, 15 Horsepower, 440 volts, 3 Phase with 60 CY @ 3480 rpm. This motor is attached directly to a Pico centrifical pump, Model No. 1/2Y15-2, Serial No. 53001, which has a 2 inch diameter intake opening with a 1 1/2 inch diameter discharge opening.

At the Point of Diversion No. 2 for the domestic yard irrigation, Mr. Wilbur uses a Fairbanks-Morris electric motor, Type WCCFK, 5 Horsepower, Frame 215C, Serial No. 414374, 220 Phase. This motor is attached directly to a Fairbanks-Morris centrifical pump, Model No. F11, Serial No. 4A30F2, which has a 1 1/2 inch diameter intake opening with a 2 inch diameter discharge opening.

Also at Point of Diversion No. 2 for Fire Protection, Mr. Wilbur uses a Brooks Motor Corp electric motor Type DP, Code G, Frame 254UCZ, Serial No. X211716, Volts 440, 3 Phase, 10 Horsepower. This motor is attached directly to a Fairbanks-Morris centrifical pump, Model No. 662, Serial No. 190, which has a 2 inch diameter intake opening and a 2 inch discharge opening.

The foot valves of the intake pipe's from in the water to the pump's has screened foot valves.

At the time of the year that we performed the field survey, the systems were not in operation. On October 25, 1994, Sally Owens, Mr. Wilbur's daughter, supplied us with the above and following information of the irrigation systems.

For the pasture irrigation system, we located the 4 inch PVC buried main line by surveying the numerous valves used for the two Big Gun sprinklers, one with a 2 inch diameter nozzle and the other having a 1 1/2 inch diameter nozzle. Sally said that each gun delivered 90 GPM at 70 psi. The field is generally level sloping upstream parallel with the slope of Lake Creek, with the maximum being approximately 30 feet above the water surface at the Point of Diversion No. 1.

For the domestic lawn and yard irrigation system, a buried pipe system is used, with about 1/2

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 SALEM, OREGON

of the buried line's being 2 inch steel pipe and the other 1/2 being 2 inch PVC pipe. The system has a total 22 Rainbird sprinklers being No. 35 and No. 40, both having a 1 1/4" nozzle opening. Sally said that only 11 at a time was used during irrigation. The ground is level and being approximately 10 feet above the water surface at the Point of Diversion No. 2.

For the fire protection system for the buidings, a pump which has a 2 inch diameter intake opening and a 2 inch diameter discharge opening is driven by a 10 horsepower Brooks, Type DP, Code G, Frame 254 UCZ, Serial Number X211716, 3 Phase motor. (This the only information furnished for this fire protection system).

For the pasture field irrigation system, assuming the pump was running at 75% efficiency with the 30 foot lift at 70 psi, I calculate the cfs to be 0.52 cfs.

$$\frac{6.60 \times 15}{30 + 161.7} = \frac{99.0}{191.7} = 0.52 \text{ cfs.}$$

Using the sprinklers at 70 psi, I calculate the cfs to be 0.46 cfs.

$$\frac{2 \times 90 \text{ gpm}}{449 \text{ gpm}} = \frac{180 \text{ gpm}}{449 \text{ gpm}} = 0.40 \text{ cfs.}$$

Therefore, I get an average of 0.46 cfs for the pasture irrigation system.

For the Domestic lawn and yard system, assuming the pump was running at 75% efficiency with a 10 foot lift at 40 psi, I calculate the cfs to be 0.315 cfs.

$$\frac{6.60 \times 5}{10 + 92.4} = \frac{33.0}{102.4} = 0.32 \text{ cfs.}$$

Using the sprinklers at 40 psi, I calculate the cfs to be 0.31 cfs.

$$\frac{11 \times 12.5 \text{ gpm}}{449 \text{ gpm}} = \frac{137.5 \text{ gpm}}{449 \text{ gpm}} = 0.31 \text{ cfs}$$

Therefore, I get an average of 0.315 cfs for the lawn and yard irrigation system.

For the Fire Protection system, assuming the pump was running at 75% efficiency with a 10 foot lift at 40 psi, I calculate the cfs to be 0.64 cfs.

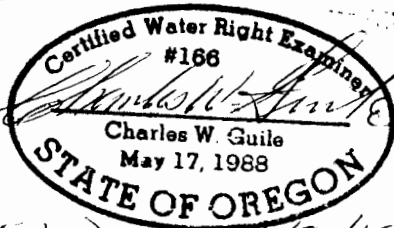
$$\frac{6.60 \times 10}{10 + 92.4} = \frac{66.0}{102.4} = 0.64 \text{ cfs}$$

The diversion points No. 1 and No. 2 as described above was tied by survey using a Total Station instrument to the United States General Land Office Brass Cap (dated 1931) monument marking the Northwest corner of Section 13, Township 17 South, Range 9 West of the Willamette Meridian, in Lane County, Oregon. Bearings were based on the Section line between the West 1/4 corner and the Northwest Section Corner of said Section 13 as being North 0° 37' West. By calculations, the Point of Diversion No. 1 computes to be 1955 feet South and 475 feet East of the Northwest Corner of said Section 13 and the Point of Diversion No. 2 computes to be 1720 feet South and 70 feet West of the Northwest corner of said Section 13.

The final proof survey and inspection of the use as found for SWR - 342 was done by me and my crew on June 4, 1992 with additional information presented to me on the systems by Sally Owens

on October 25, 1994, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

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Charles W. Guile
Charles W. Guile CWRE 166

WATER RESOURCES DEPT.
SALEM, OREGON

EXP. DATE - 6/30/1995

I, Don Wilbur, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the Water as provided for my application being SWR - 342.

Don Wilbur
Don Wilbur

January 10, 1995
92-26
92026D01.wpd

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

Mr. Don Knauer
Adjudication Specialist
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97410-0210

February 14, 1995
92-26

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WATER RESOURCES DEPT.
SALEM, OREGON

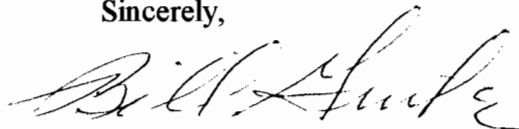
Dear Mr. Knauer:

At last, enclosed is the second original signed Beneficial Use Report for Don Wilbur (SWR
542
343).

I still have not found the first signed report as I know I received it.

If you have any questions, please give me a call. Thank you.

Sincerely,



Bill Guile

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON

TELEPHONE 935-2025

Sally
% Don Wilbur
P. O. Box 40
Deadwood, OR 97430

October 7, 1994
92-26

SWR-342

Dear Sally:

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

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

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

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

The above four sentences are a form type letter for you and others. On December 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.

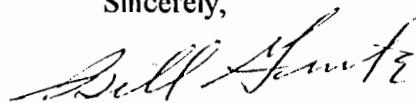
At the time that I prepared the application map, I thought you had given up on the Pre-1909 claim and was only going for a surface water application. You used the map that I prepared for both applications.

Some time ago you came to my office and gave me information on your pumps, etc., and at that time I was prepared to prepare the final proof map and the beneficial use permit. Also, at that time you borrowed my work maps to take to the blue printers to make copies for your records. Please return my work maps as I will need them to prepare the maps, particularly for Mary Florence's if she wishes to pursue her claim. I will probably have to refresh my memory as to the notes that you left with me.

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,

A handwritten signature in cursive script that reads "Bill Guile". The signature is written in black ink and is positioned below the word "Sincerely,".

cc: Mr. Knauer

Bill Guile

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

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

August 30, 1994

AUG 31 1994
WATER RESOURCES DEPT
SALEM, OREGON

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

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DEC 20 1993

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

WATER RESOURCES DEPT
RESIDENCE
SALEM, OREGON
TELEPHONE 935-2025

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

December 14, 1993

RE: Your Letters as follows for:

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

Dear Mr. Knauer:

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

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

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

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

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

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DEC 20 1993

WATER RESOURCES DEPT
SALEM, OREGON

Page 2

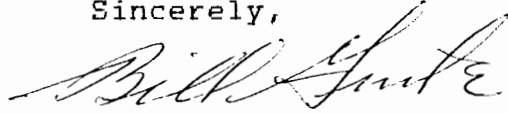
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

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

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

Thank you for your understanding and promptness in replying.

Sincerely,



Charles W. "Bill" Guile

cc: clients

TWP. 17 S. R. 9 W.W.M.
SECTION 13 & 14

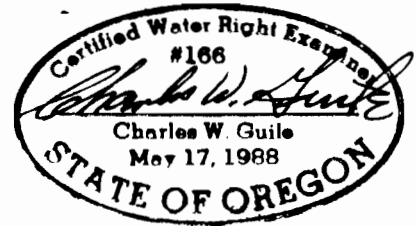
WATER RIGHT APPLICATION
MAP FOR

DON WILBUR LTD.

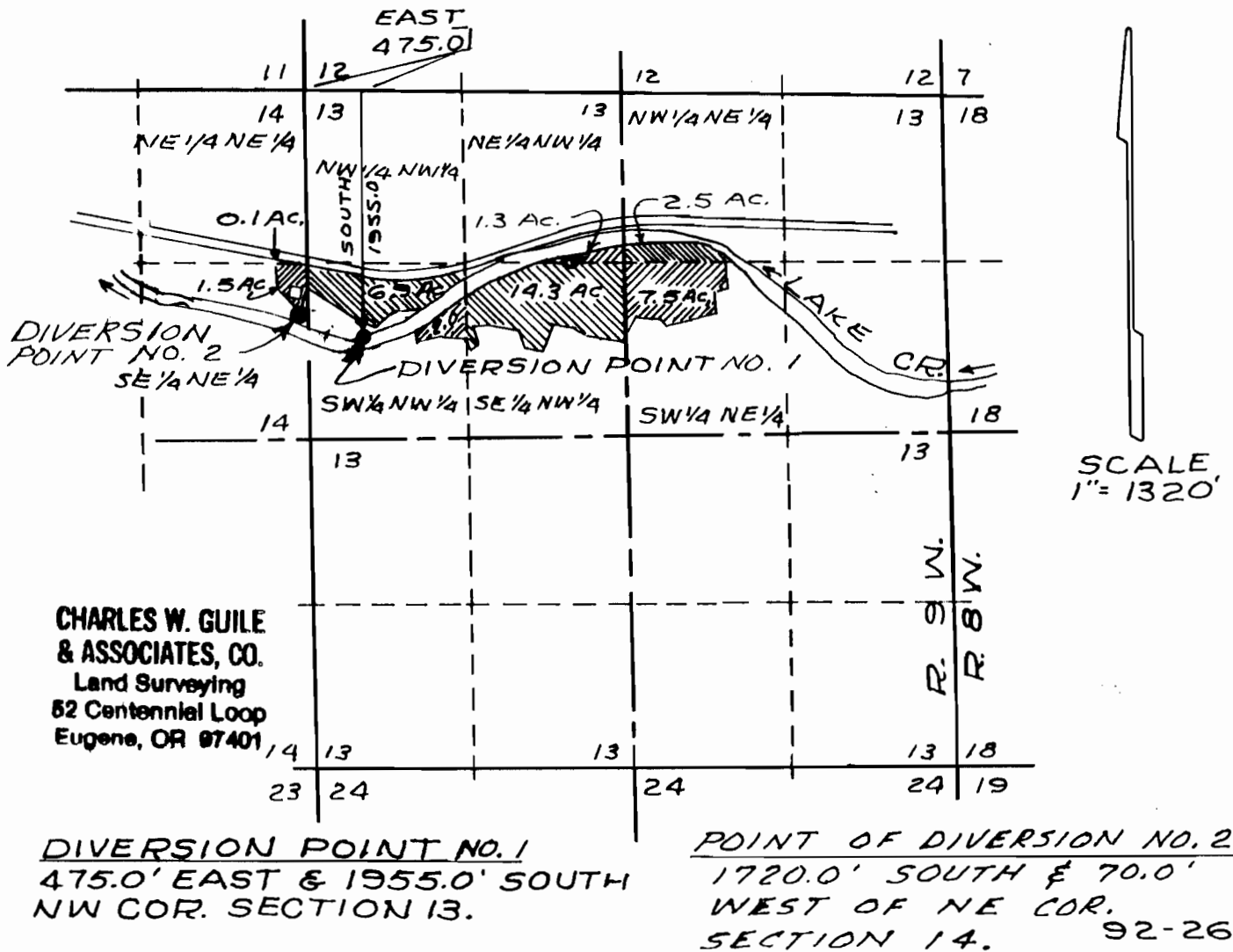
LANE COUNTY, OREGON
MAP 17-09-13 TAX LOT 400, 301
MAP 17-09-14 TAX LOT 300
AUGUST 20, 1992
REVISED SEPT. 7, 1992

000 00 1992

WATER RIGHT APPLICATION
SALF J. D. 10.14



THIS MAP IS FOR THE PURPOSE
OF LOCATING A WATER RIGHT
AND IS NOT INTENDED TO PROVIDE
DIMENSIONS FOR LOCATING
PROPERTY BOUNDARIES.



00

KNOW ALL MEN BY THESE PRESENTS, That I,

Don Wilbur



have made, constituted and appointed, and by these presents do hereby make, constitute and appoint

Sally J Owens

my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to demand, sue for, recover, collect and receive all such sums of money, debts, rents, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to me, to have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, and to compromise, settle and adjust and to execute and deliver acquittances or other sufficient discharges for any of the same; to bargain, contract for, purchase, receive and take lands, tenements, hereditaments, and accept the seizin and possession thereof and all deeds and other assurances in the law therefor and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, including my right of homestead in any of the same for such price, upon such terms and conditions and with such covenants as my said attorney shall think fit; to sell, transfer and deliver all or any shares of stock owned by me in any corporation for any price and receive payment therefor and to vote any such stock as my proxy; to bargain for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action, and to make, do and transact all and every kind of business of whatsoever nature or kind; for me and in my name and as my act and deed, to sign, seal, execute, acknowledge and deliver all deeds, covenants, indentures, agreements, trust agreements, mortgages, pledges, hypothecations, bills of lading, bills, bonds, notes, evidences of debt, receipts, releases and satisfactions of mortgages, judgments and other debts payable to me and other instruments in writing of whatever kind and nature which my said attorney in his/her absolute discretion shall deem to be for my best interests, to have access to any safety deposit box which has been rented in my name, or in the name of myself and any other person or persons; to sell, discount, endorse, deliver and/or deposit all checks, drafts, notes and negotiable instruments payable to my order, to withdraw any moneys deposited in my name with any bank, by check or otherwise, and generally to do any business with any bank or banker on my behalf; to complete, sign, and deliver any tax return or form and pay taxes thereon or collect refunds therefrom; also

Warren Sturges has power of ATty which I am now Revoking with this Document. DS

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

This power shall take effect: (delete inapplicable phrase)

(a) on the date next written below;

(b) on the date the executor hereof shall be adjudged incompetent by a court of proper jurisdiction.

My said attorney and all persons unto whom these presents shall come may assume that this power of attorney has not been revoked until given actual notice either of such revocation or of my death.

In construing this instrument and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on *Feb 6*, 19*89*

Don Wilbur

Don Wilbur

STATE OF OREGON, County of *Clatsop*

ss.

This instrument was acknowledged before me on *2/6*, 19*89* by *Don Wilbur*

(SEAL)

[Signature]
Notary Public for Oregon.
My Commission expires *1/12/91*

Power of Attorney

To
No.
AFTER RECORDING RETURN TO

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON } ss.
County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____, on page _____, or as fee/file/instrument/microfilm/reception No. _____, Record of _____ of said County.

Witness my hand and seal of County affixed.

By _____ Deputy

Copy

The United States of America,

To all to whom these presents shall come, Greeting:

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DEC 30 1992

WATER RESOURCES DEPT.
SALEM, 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: Theodore Roosevelt

By W. W. Gandy, Secretary,

H. W. Johnson
Recorder of the General Land Office.



Patent Number

Recorded 13441, Vol. , Page .

16661

268

C.E. 14446

1592

Mary Johnston
Greendale
Or

STATE OF OREGON, } ss
LANE COUNTY. }

I hereby certify that the
within instrument was filed for record
this 26 day of APR 1909 at
_____ o'clock; 1 M. and duly
recorded in Book 77 page 454
Lane County Deed _____ records.

[Signature]
County Clerk.
Per [Signature]
Deputy.

RECORDED
OCT 3 1908
ORE.