

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95706**

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

RECEIVED FROM: Ira J. Winger
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 2412 OTHER: (IDENTIFY)

TOTAL REC'D \$ 30.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>30.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

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

WATER RIGHTS:

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

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
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 # **95706**

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

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP WEX NAME Upper Wisconsin # 2A UNADJUDICATED AREA ? yes
RECEIPT # 9576 S W R NUMBER 347
CHECK ENCLOSURES WEX PRELIMINARY DATA BASE ENTRY _____
ACKNOWLEDGEMENT LETTER WEX ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION 8/27

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

#3 ✓ 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
#12 ✓ P.O.B. of survey
_____ dimensions and capacity of diversion system
_____ "beneficial use" type title
#1A ✓ "permanent-quality" paper
_____ 1/10th ACRE

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

January 19, 1995

WATER
RESOURCES
DEPARTMENT

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-347

Dear Mr Guile,

I completed the review of the map and site report received from you on Dec. 6, 1994 in support of the pre-1909 vested water right claim in the name of IRA WINGER. The map and report meet the requirements for filing. I have added them 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

cc: Ira Winger

j:\w\slc\3\swr-0347.006



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

December 7, 1994

WATER
RESOURCES
DEPARTMENT

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-347

Dear Mr Guile,

This will acknowledge the receipt of the map and report you submitted in support of the pre-1909 vested water right claim in the name of IRA WINGER. Due to personnel and duty changes the information will not be reviewed at this time. I will add it to the file for future review.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

cc: Ira Winger

jlwlscl3lswr-0347.005



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

October 17, 1994

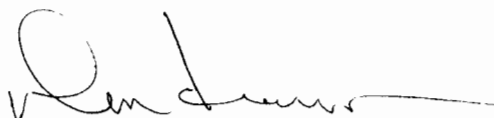
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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-³⁴⁷0355.004



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

September 7, 1994

WATER
RESOURCES
DEPARTMENT

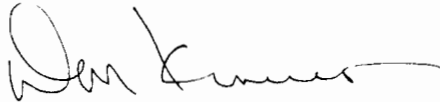
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

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

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 : THURMAN
- 241 : LUDINGTON
- 268 : ACH
- 341 : KNOWLSON

- SWR-342 : WILSON
- 347 : WILSON
- 351 : BUTLER
- 354 : AUCHEWATER & BUSE
- 355 : AUCHEWATER & BUSE

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 27, 1993

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: File# SWR-347

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 Ira Winger. 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..."
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". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\3\SWR-0347.00M

March 11, 1993

IRA WINGER
1478 SOUTH 39TH STREET
SPRINGFIELD OR 97478

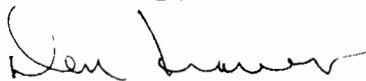
Dear MR WINGER,

This will acknowledge that your Surface Water Registration Statement in the name of IRA WINGER has been received by our office. The fees in the amount of \$30.00 have been received and our receipt #95706 was given to you. Your registration statement has been numbered SWR-347.

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-0347.001



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

CLAIM OF BENEFICIAL USE REPORT

REC

DEC 11 1994

SWR - 347

WATER RESOURCES DEPT
SALEM, OREGON

On November 8, 1994, I and my transitman met with Mr. Ira Winger on his property and made the field survey of the existing place of use. Mr. Wingers address and the address of the property is 1478 South 39th Street, Springfield, OR. 97478. His phone number is 1-503-741-0381. I do not know how the present system compares to the pre-1909 system used.

The source of water at the Diversion Point is the Middle Fork of the Willamette River water which is diverted through the old Booth-Kelly mill race canal ditch.

The diversion point is the point where the pump and motor sets during irrigation, being some sixteen feet South of the intake point in the canal ditch.

Mr. Winger uses a 7.5 Horsepower General Electric three phase motor Class B Design No. OF2404 connected directly to the pump. At 60 cy fl amp 19.8/9.9 fl speed 3500 and/or at 50 cy fl amp 24/12 fl speed 2900 (as stated on the information plate). The pump is a Pacific Pumping Co. centrifical pump Model 2BL, Serial 5P10634 which has a 3 inch diameter intake opening with a 2 inch diameter discharge opening. Mr. Winger stated that the pump generally runs at around 42 psi.

At this time of the year, the irrigation system was not in operation. The pump and motor was stored in a shed and the aluminum pipe and sprinklers were stacked along the edge of the field. Mr. Winger stated that they use 4" diameter aluminum pipe for the main line with 3" aluminum pipe laterals with the sprinkler heads. He also stated that they run between 16 and 17 Rainbird Model 30 sprinklers having a nozzle opening of 3/16" diameter.

The use of the water is for irrigation of the field which is generally irrigated for truck farming and for a small garden being in the southeast corner of the field.

The highest point in the field is some 7.2 feet higher than the water surface was at the time we surveyed the field. The field is basically flat, falling in elevation some to the West.

Assuming that the pump was running at 75% efficiency with the 7.2 foot lift at 40 psi, I calculate the cfs to be 0.50 cfs..

$$\frac{6.60 \times 7.5}{7.2 + (40 \times 2.31)} = \frac{49.50}{99.60} = 0.50 \text{ cfs}$$

Using the sprinklers at 40 psi, I calculate the cfs to be 0.24 cfs.

$$\frac{17 \times 6.4 \text{ gpm}}{448.8 \text{ gmp}} = \frac{108.8}{448.8} = 0.24 \text{ cfs}$$

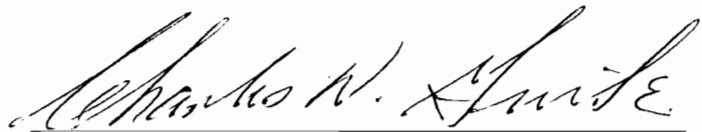
Therefore I get an average of 0.37 cfs for the system.

The Diversion point as described above was tied by survey using a Total Station instrument to the Lane County Brass Cap monument marking the Southeast corner of the R. R. Harper Donation Land Claim No. 66, in Section 6, Township 18 South, Range 2 West of the Willamette Meridian, in Lane County Oregon. Bearings were based on a local private survey and are local True Bearings.


By calculations, the Point of Diversion computes to be 511 feet South and 417 feet West of the said SE Corner of the Harper DLC No. 66.

The final proof survey and inspection of the use as found to be for SWR - 347 was done by me on November 8, 1994 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.




Charles W. Guile CWRE 188

I, Ira Winger, 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 - 347.


Ira Winger

November 20, 1994
92-85
92085D01.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 97310-0210

December 4, 1994
92-85 & 92-88

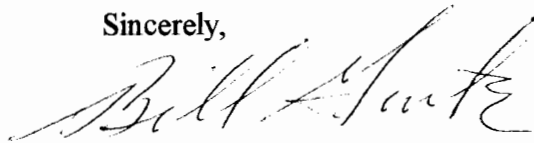
DEC 7 1994
DFC - 1994
WATER RESOURCES DEPARTMENT
SALEM, OREGON

Dear Mr. Knauer:

Enclosed are the Final Proof Map and Beneficial Use Report for Ira Winger (SWR - 347)
and for Eugene W. and Emma Murr (SWR - 351).

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

Sincerely,



Bill Guile

IMPORTANT MESSAGEFOR Don KruweDATE 10/12 TIME 9:30 A.M. P.M.M Iku Wenger

OF _____

PHONE 741-0381

AREA CODE

NUMBER

EXTENSION

 FAX MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input checked="" type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE _____

10-12-94 SWR-347He'll contact GUILD, call
TO GET APPROPRIATE MAP.SIGNED CAK

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON

TELEPHONE 935-2025

Mr. Ira Winger
1478 South 39th
Springfield, OR 97478

October 7, 1994
92-85

RE: SWR-347

Dear Mr. Winger:

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.

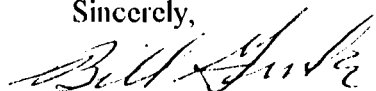
To prepare a Final Proof Map, I will need to survey the area of actual use and make a tie to a government corner. To prepare the Beneficial Use Report, I will need to get data from the motor, pump, sprinklers, etc., so to prepare the report. In case of springs, we will have to survey the spring and the 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 27, 1993, Mr. Knauer wrote me a letter that additional information was needed.

If you wish to proceed with your claim, I will need to come to your property and survey your irrigated area as I indicated above and get the data for the beneficial use report. If, you do proceed, I would like to coordinate the trip to complete Mr. Murr's at the same time. Please write or phone me. 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

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

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.

RECEIVED

DEC 20 1993

WATER RESOURCES DEPT
SALEM, OREGON

Page 2

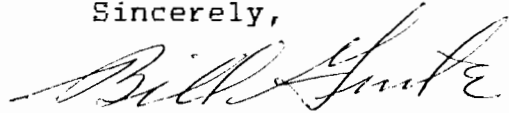
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

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. 18 S. R. 2 W. W.M.
 SECTION 6
 WATER RIGHT APPLICATION
 MAP FOR
 IRA WINGER
 TAX LOT 1601 MAP 18-02-06
 LAKE COUNTY, OREGON

JUL 6 5 0 1992

WATER RIGHT APPLICATION
 STATE OF OREGON

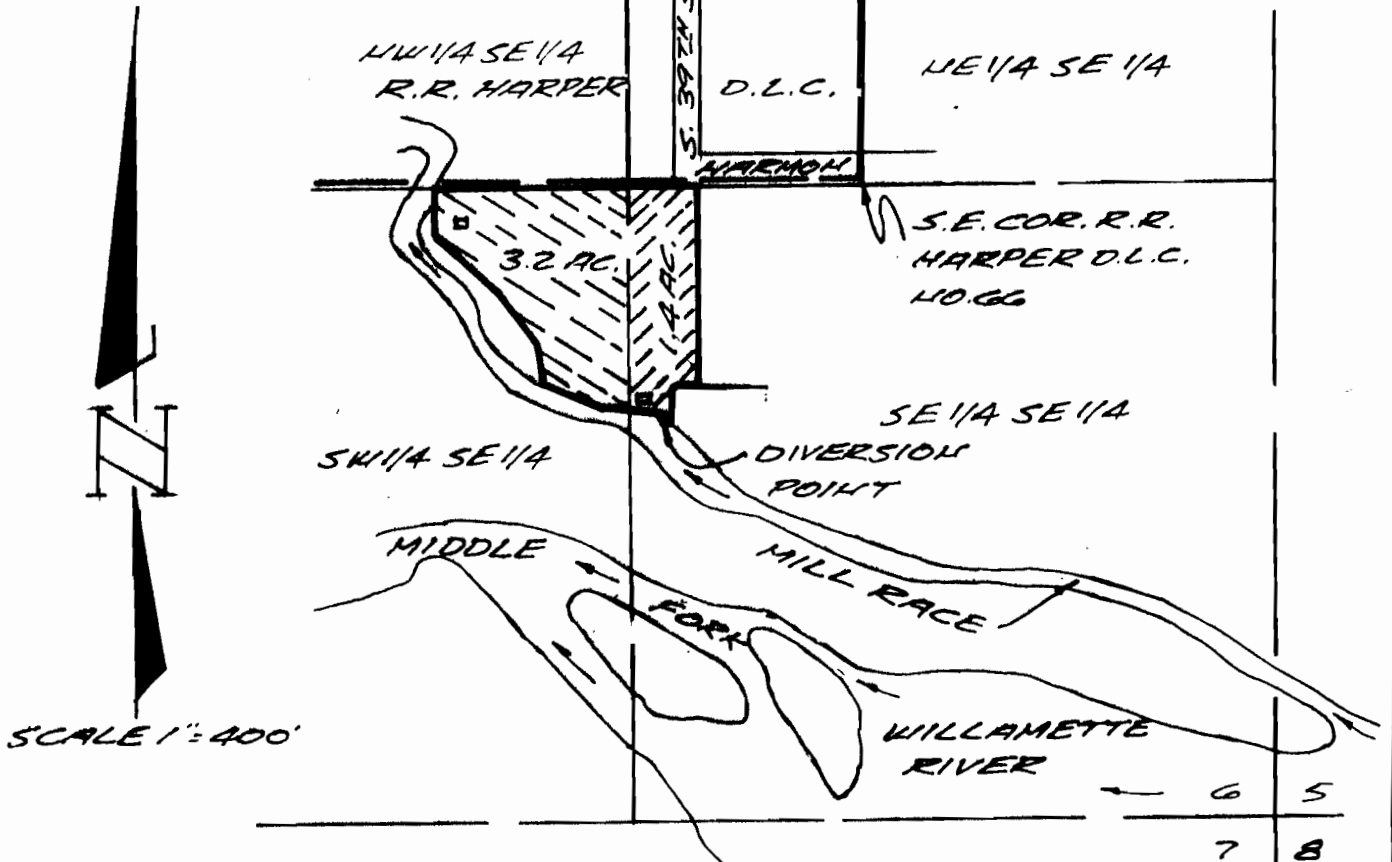
CHARLES W. GULE
 & ASSOCIATES, CO.
 Land Surveying
 88 Centennial Loop
 Eugene, OR 97401



DIVERSION POINT

POINT IS 495.0 FEET SOUTH
 AND 410.0 WEST OF THE S.E.
 COR. D.L.C. 140.66

THIS MAP IS FOR WATER
 RIGHT PURPOSES ONLY AND
 DOES NOT PROVIDE DATA TO
 LOCATE PROPERTY
 BOUNDARIES



PREPARED FROM RECORDS

92-85

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

RECEIVED

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.

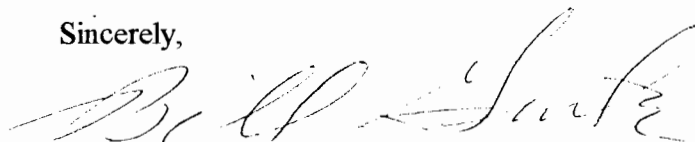
I will begin contacting the clients that I was involved with. Some, I did not know they were applying for adjudication as they also applied for a Water Permit with the maps that I prepared. One I only revised the map as her first CWRE was sick not knowing the background. The City of Eugene had specialist 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. GUILLE & 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

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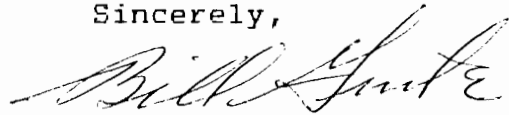
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

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. 18 S. R. 2 W. W.M.
 SECTION 6
 WATER RIGHT APPLICATION
 MAP FOR
 IRA WINGER
 TAX LOT 1601 MAP 18-02-06
 LAKE COUNTY, OREGON

JUL 30 1992

WATER RIGHT DIVISION
 SULLY OFFICE

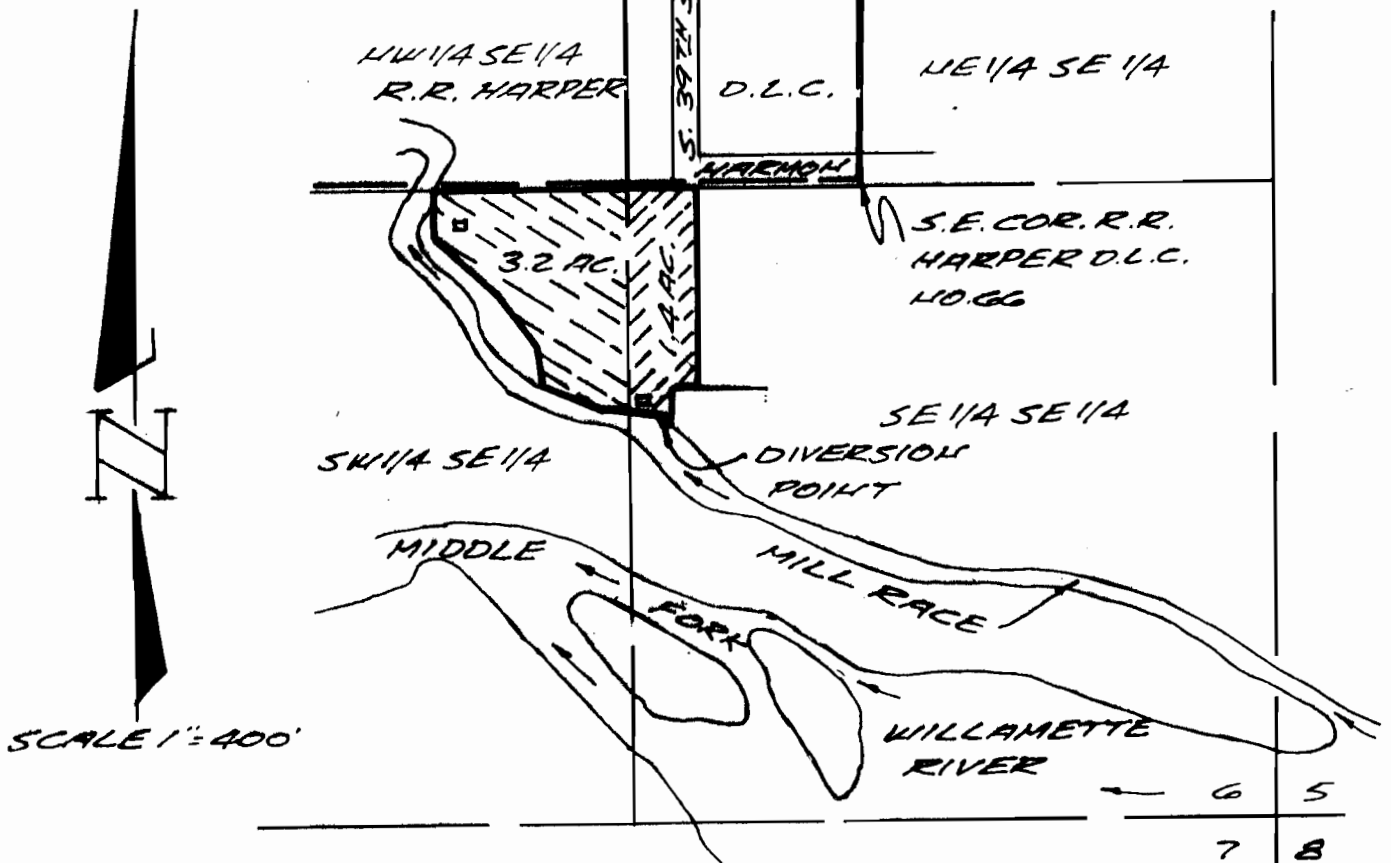
CHARLES W. GULE
 & ASSOCIATES, CO.
 Land Surveying
 88 Centennial Loop
 Eugene, OR 97401



DIVERSION POINT

POINT IS 495.0 FEET SOUTH
 AND 410.0 WEST OF THE S.E.
 COR. D.L.C. NO. 66

THIS MAP IS FOR WATER
 RIGHT PURPOSES ONLY AND
 DOES NOT PROVIDE DATA TO
 LOCATE PROPERTY
 BOUNDARIES



PREPARED FROM RECORDS

92-85

Land Use Information Form: Permits, Licenses, Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

APR 10 1992

Applicant's Name: IRA WINGER
 Address: 1478 SOUTH 39TH
 City: SPRINGFIELD State: OR Zip: 97478
 Phone: 741-0381 WRD Application No.: _____

WATER RESOURCES DEPARTMENT
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>18-02-06</u>	<u>E-25 PLOT # 1011</u>			<u>X</u>
<u>1601</u>	<u>AGRICULTURE / E25</u>			

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.212(2)(a). Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

WRD Applicant Name: _____

Receipt for Request for Land Use Information

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: THOM LANFEAR
Title: ASSOCIATE PLANNER

Date: 12-18-92
Phone: 687-4054

Signature: Thom Lanfean

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Continuations or Additional Comments:

Lined area for providing continuations or additional comments.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: IRA WINGER
 Address: 1478 SOUTH 39 TH.
SPRINGFIELD, OR 97478
 Phone: 741-0381

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): PASTURE / ROW CROPS
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>(MILL RACE) MIDDLE</u> <u>FORK WILLAMETTE</u> <u>RIVER</u>	_____ Cubic feet per second. <u>125.8</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

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WATER RESOURCES DEPT
SANTA ANA COUNTY

\4

Booth Kelly Lumber Co. purchased the property in this area in 1904 for access to the millrace which they owned. After the property was purchased by Booth Kelly Lumber Co, Ed McBee a neighbor and employee of Booth Kelly Lumber Co., farmed this land, he raised vegetables and livestock. Then Ernest Skinner, also a employee of Booth Kelley Lumber Co. farmed here until we began farming it in 1966. All of these operations required some form of irrigation from the millrace.

We are currently using, and have since 1966 a 7 1/2 HP pump for our irrigation needs. We were under the impression when we purchased this property, that the right to use water from the millrace accompanied this property, as both were previously owned by Booth Kelly.

Ira Winger