

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95671**

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

RECEIVED FROM: David Eisler
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-74416 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>500.</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

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	RECORD FEE	\$
842.003	GROUND WATER	\$	842.004	LICENSE FEE	\$
842.005	TRANSFER	\$	842.006	LICENSE FEE	\$

WELL CONSTRUCTION

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

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

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

RECEIPT # **95671**

DATED: 12-30-92 BY: D. Bushnell

2-7-95 9:50 AM
SWR-348 & 353
Paula Nozness

LEFT MESSAGE WITH
SECRETARY - SHE SAID
NOZNESS WAS ON VACATION THRU
END OF FEB. - SHE WILL
HAVE SOMEONE ELSE CHECK
THE FILES & CALL.

Wes

✓ VORNESS - 96

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-1348 Wisler

2353 Imbler

9-7-94 please call ARM DAVID GISLER - HE WILL CONTACT CURIE TO GET MAP IN. AS SOON AS POSSIBLE. JCK

October 27, 1993

PAULA L. NORNESS
1120 BAILEY HILL RD #5
EUGENE OR 97402

RE: File# SWR-348

DEAR PAULA L. NORNESS,

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 David Wisler. 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..."
place of use (¼ ¼)	ORS 539.240 (2) (d) (B) "The location of place of use by quarter-quarter section..."
diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."

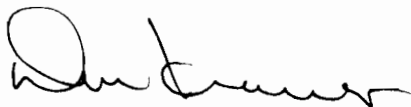


3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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-0348.00M

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Yes NAME Mid Coast # 12 UNADJUDICATED AREA ? YES
RECEIPT # 95671 S W R NUMBER 348
CHECK ENCLOSURES Yes PRELIMINARY DATA BASE ENTRY Yes
ACKNOWLEDGEMENT LETTER Yes ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION LC 81

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

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

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

March 22, 1993

DAVID EISLER
88613 NELSON MTN RD
WALTON OR 97490

Dear MR EISLER,

This will acknowledge that your Surface Water Registration Statement in the name of DAVID EISLER has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95671 was sent to you. Your registration statement has been numbered SWR-348.

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.

By your letter of March 16, 1993, you have withdrawn your claim to a vested water right for irrigation and stock. When we make our site inspection, I will have you amend your form.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

M:\WP51\SWR\CLAIMANT\SWR-0348.002



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

March 11, 1993

DAVID EISLER
88613 NELSON MTN RD
WALTON OR 97490

Dear MR EISLER,

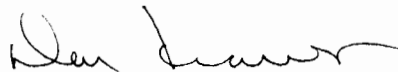
You failed to submit enough fees with your Surface Water Registration Statement as required under ORS 539.081.

You sent \$200.00 and your receipt #95671 is enclosed. You should have sent a total of \$430.00. The amount now due is \$230.00. Your claim will not be processed until these remaining fees are received. Your claim has been numbered SWR-348.

As we discussed in our telephone conversation, I am returning the application for a permit to appropriate surface water you had submitted with the registration statement.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0348.001



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

MARBUT -

NOTE TO FILE:

DATE: June 22, 1995

(SW2 348)

I spoke today on the phone with David Eisler.

Told him that the map did not need to be in immediately.

If we decided to start deadlines under SB 510, we would send another demand letter with a new date.

David says that he thinks Paula Norness' (CWRE) office sent in the map in early 1994.

They will be sending copies.

I suggested they send those directly to me.

STEPHEN H. FORD, INC.

Land Surveying • Construction Supervision • Water Rights Examinations

Certified W.B.E.

Refer to Job No. 2826.1

December 13, 1993

RECEIVED

DEC 15 1993

WATER RESOURCES DEPT.
SALEM, OREGON

DON KNAUER,
ADJUDICATION SPECIALIST
WATER RESOURCES DEPARTMENT
3850 PORTLAND RD. N.E.
SALEM, OREGON 97310

RE: File No. SWR-348

Mr. Knauer:

In response to your letter dated October 27, 1993 regarding the subject application, I will not be able to complete my response within the required sixty (60) days but will have the information completed and two you prior to January 27, 1994 (90 days following the date of your letter). I must apologize for the delay. I believed I would be able to complete the application prior to this date but have been rushed with season end construction projects. I will be out of the country until January 15, 1994 and so will complete the work as soon as I return.

Thank you for calling these omissions to my attention.

Sincerely,

STEPHEN H. FORD, INC.


Paula Lee Norness,

cc.: David Eisler

V. meant to Read

Waiting for answer

8:25 6/22

935-7847

DAVID EISLER

October 27, 1993

PAULA L. NORNESS
1120 BAILEY HILL RD #5
EUGENE OR 97402

RE: File# SWR-348

DEAR PAULA L. NORNESS,

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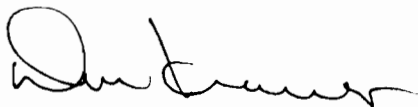


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As always, if you have any questions, please give me a call.

Sincerely,

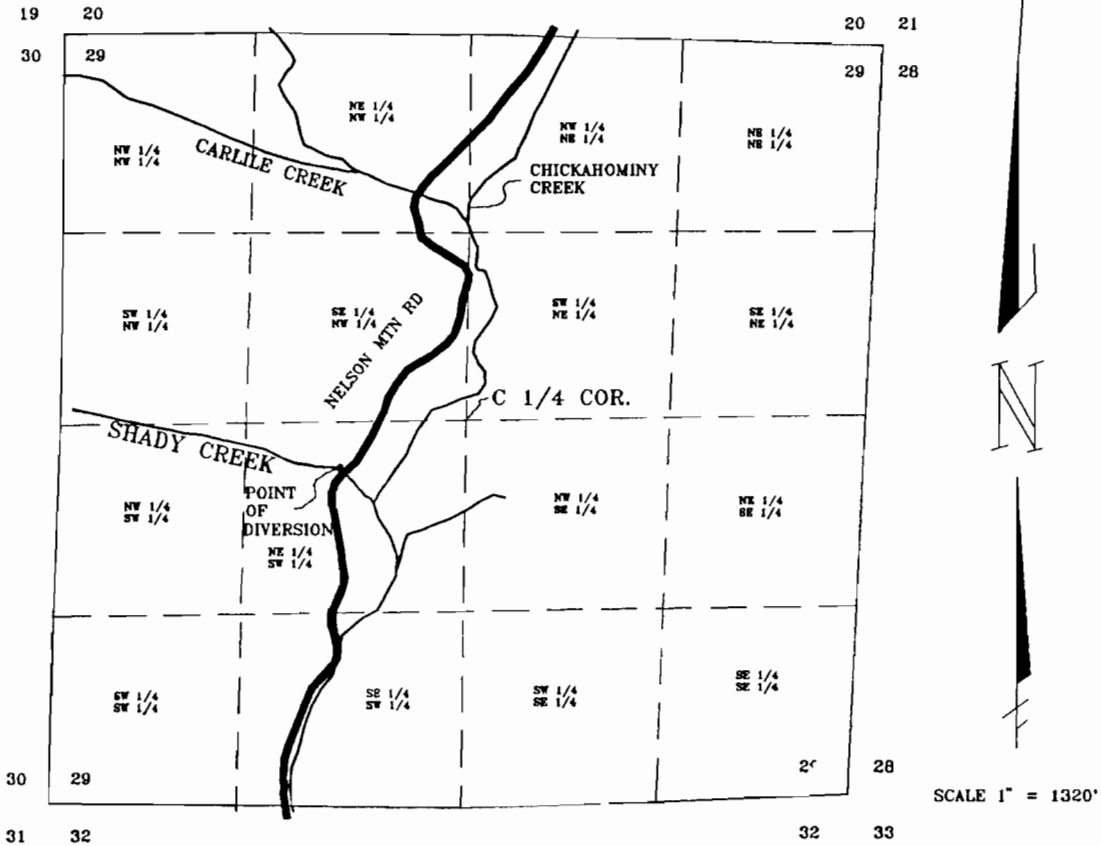
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Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\3\SWR-0348.00M

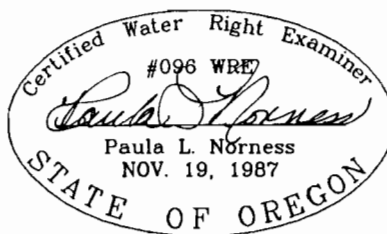
TOWNSHIP 17 SOUTH, RANGE 7 WEST, W.M.



POINT OF DIVERSION
 S 67°52'20" W 896.13' FROM
 THE CENTER 1/4 OF
 SECTION 29.

FINAL PROOF SURVEY
 PRE 1909 WATER RIGHT MAP
 DOMESTIC USE
 FOR
 DAVID EISLER
 88613 NELSON MOUNTAIN ROAD
 WALTON, OR 97490
 PH (503)935-7847
 BY
 STEPHEN H. FORD INC.
 1120 BAILEY HILL RD #5
 EUGENE, OR 97402
 PH (503)344-1852

NOTE:
 THIS MAP WAS PREPARED FOR THE
 PURPOSE OF IDENTIFYING THE LOCATION
 OF THE WATER RIGHT ONLY. IT IS
 NOT INTENDED TO PROVIDE DIMENSIONS
 OR LOCATION OF PROPERTY OWNERSHIP
 LINES.



JOB NO. 2026 & 2026.1
 ACAD NO. W2026

FORD ■ NESS ■ FASSBENDER

LAND SURVEYING ■ CONSTRUCTION SUPERVISION ■ WATER RIGHTS EXAMINATIONS

1120 Bailey Hill Road, No. 1 Eugene, Oregon 97402-3048 (503) 344-1852 FAX (503) 344-9923

7-11-95

JUL 11 1995

TRANSMITTAL LETTER

TO: Water Resources Department
Attn: Reed Marbut SWR 348
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

FROM: Tim Fassbender

DATE: July 10, 1995

JOB #2826 2826.01

RE: Final Proof Survey

WE ARE SENDING YOU

<u>QUANTITY</u>	<u>DESCRIPTION</u>
1	Mylar Final Proof Survey Lorilynn Imbler
1	Mylar Final Proof Survey David Eisler

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

*Formerly doing business as: Ford Surveying since 1945 and Leavitt, Ness & Co. since 1966
Certified W.B.E. / D.B.E.*

STEPHEN H. FORD, INC.

Land Surveying • Construction Supervision • Water Rights Examinations

Certified W.B.E.

Refer to Job No. 2826.1
December 13, 1993

RECEIVED

DEC 15 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

**DON KNAUER,
ADJUDICATION SPECIALIST
WATER RESOURCES DEPARTMENT
3850 PORTLAND RD. N.E.
SALEM, OREGON 97310**

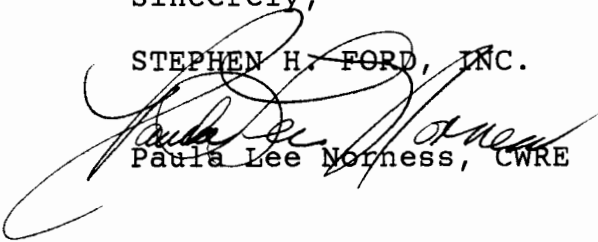
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Thank you for calling these omissions to my attention.

Sincerely,

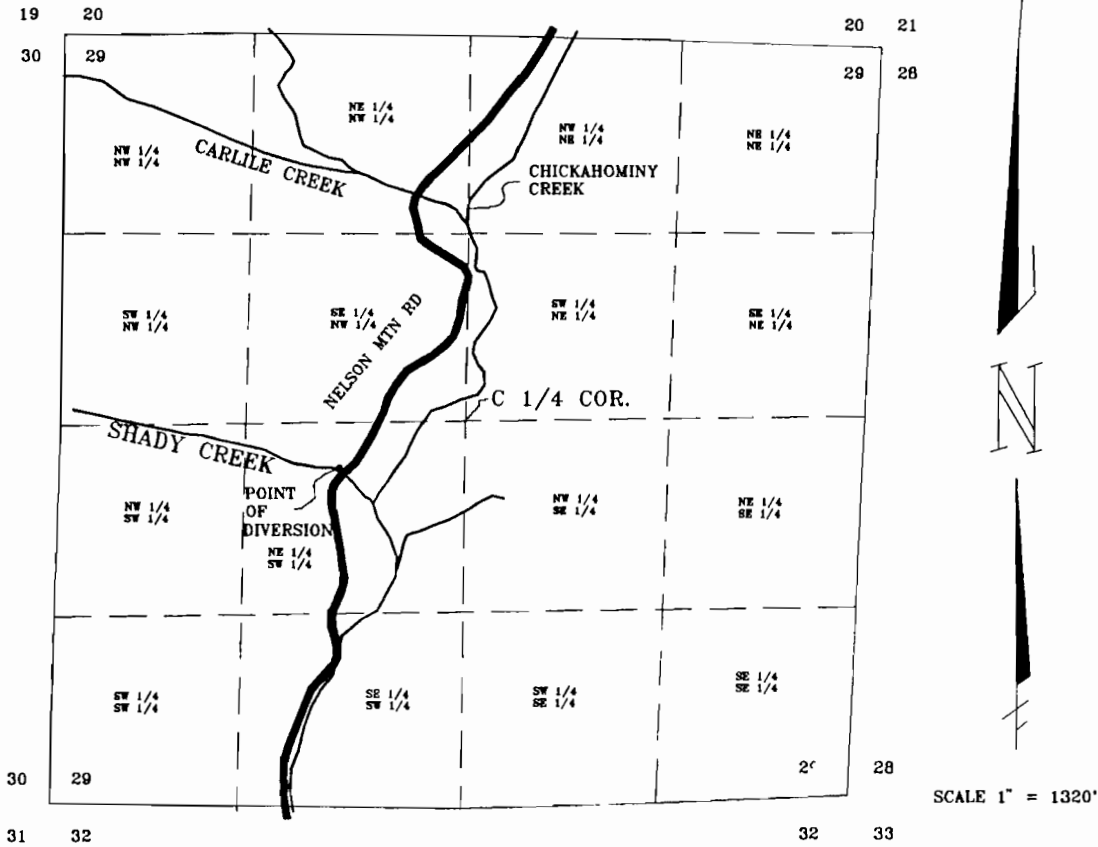
STEPHEN H. FORD, INC.



Paula Lee Norness, CWRE

cc.: David Eisler

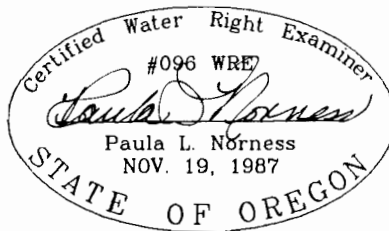
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FINAL PROOF SURVEY
 PRE 1909 WATER RIGHT MAP
 DOMESTIC USE
 FOR
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 88613 NELSON MOUNTAIN ROAD
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 PH (503)935-7847
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 OR LOCATION OF PROPERTY OWNERSHIP
 LINES.



JOB NO. 2826 & 2826.1
 ACAD NO. W2826

88613 Nelson Mtn Rd
Walton OR 97490
March 16, 1993

Don Knaver
Adjudication Specialist
Water Resources Dept.
3850 Portland Rd NE
Salem, OR 97310

RECEIVED

MAR 19 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Knaver —

In regard to our phone conversation of 3/12 and your letter of 3/11 we have decided to withdraw our request for irrigation and stock. We will use water for domestic use only. Our original payment of \$200 (Receipt # 95671) should now be complete for claim # SWR-348.

Sincerely
David [Signature]

Statement by Carroll Kirk (born 1909) regarding the water use of Carlile and Shady Creeks by the first homesteaders of the properties.

Charles Schade homesteaded the area along Chickahominy and Shady Creeks in the mid 1880s. At first he probably carried water by bucket to the house. Later he dug a ditch a hundred feet or so upstream up Shady Creek from the house site and diverted water to the house for drinking and washing. The water went back to Shady Creek over gravels. In later years Bert Kirk, Charles Schade's son-in-law, constructed a holding tank at a spring about 75' uphill from the house. As the spring dried up in the late summer and fall, the reservoir was supplemented by water from Shady Creek. A small motor, pump and plastic pipe moved water to the reservoir where it gravity fed to the house. This system is still in use today.

The Schades and the Kirks always had at least one hog and as many as four cattle and several horses. The stock had access to Shady Creek for drinking. In the early days gardens were not irrigated because there was always enough rainfall. However in the 1950s it became necessary to irrigate the gardens by pumping water from the creek.

RECEIVED

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

James Carlile settled along Chickahominy Creek and Carlile Creek in the early 1880s. The Carliles probably carried water by bucket to their house which was approximately 75' away. The creek has not changed its streambed near the residence over the last 100 years. About 90-100 years ago a hand-hewn log cabin was reconstructed on the original house site and around this time an iron pipe was placed upstream to divert water to the house for drinking and washing.

The Carliles always had a hog, a few cattle and horses which drank from Carlile Creek except where they were fenced off. The Carliles did not have to irrigate their gardens because of the ample rainfall. In later years it was necessary to irrigate the gardens.

Dec 21/92
Carroll E Kirk

STATE OF OREGON,

County of Lane

ss.

On this 21st day of December, 1992

before me, the undersigned, a notary public in and for said county and state, personally appeared the within named Carroll E Kirk

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Nancy F Sievers
Notary Public for Oregon.
My commission expires 10-31-95

Application No. _____

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water



Applicant(s) David Eisler
(Please print or type - use dark ink)

Mailing Address: 88613 Nelson Mtn Rd
Walton OR 97490 935-7847
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

- SOURCE OF WATER** for the proposed use: Shady Creek,
a tributary of the Siuslaw River (Chickahominy and Wildcat Creeks).
- TOTAL AMOUNT OF WATER** to be applied to beneficial use: _____ cubic feet per second, OR 0.1 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 40gal/day domestic, 10gals/day livestock
100gals/day irrigation
- INTENDED USE(s) OF WATER:** domestic (40gal/day), irrigation (100gal/day)
during mid summer, livestock (10gal/day)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; ONE

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____
 Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

A two inch section line sits in the creek and draws water by a 4 horsepower motor stationed alongside the creek. Water is pumped through a 1" plastic line approximately 150' uphill to a storage tank 4'x6' for domestic water use. Water for irrigation and lawn go through 75' of 3/4" garden hose. This system has been in existence for approximately 40 years.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed _____

Proposed date water use will be completed _____

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

_____ Applicant CWRE _____ Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant _____ CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS:

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.



 Signature of Applicant

_____ Date

_____ Signature of Co-Applicant, if any

_____ Date

RECEIVED
 DEC 30 1992
 WATER RESOURCES DEPT
 SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____

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: David Eisler
 Address: 88613 Nelson Mtn Rd
Walton
OR 97490
 Phone: 935-7847

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

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): vegetables
- Livestock (type of livestock, feedlot, slaughterhouse): horses, cattle
- Residential (# units, single or multi-family, # lots if partition or subdivision): one single family home
- 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 type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Land Use Information Form: Permits, Hydroelectric 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 water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

DEC 30 1992

Applicant's Name: DAVID EYLER
 Address: 88613 Nelson Mtn Rd
 City: Walton State: OR Zip: 97140 Day Phone: 935-784
 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, or irrigation uses within irrigation districts, 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 Use
Tax lot 500	601 F-1 Forest resource nonimpacted	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Lane

The following section must be completed by a planning official from **each** county and city listed **unless** your project will be located **entirely within city limits**. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. **Please mail the completed form directly to 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): _____ . 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)