#### STATE OF OREGON

RECEIPT # 95734

### WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE RECEIVE

SALEM, OR 973 OVER THE COUNTER 378-8455/378-8130 (FAX)

	Hoagensen, T. F.	mia	PERMIT	
	JEON # OTHER (IDENTIES)		TRANSFER	
: CI	HECK: # OTHER: (IDENTIFY)	Т	OTAL REC'D	s4351
04 00 0	WRD MISC CASH ACCT			1 1331
01-00-0				\$ 4351.
842.010	ADJUDICATIONS			\$
831.087	PUBLICATIONS/MAPS			s
830.650	PARKING FEES Name/month			\$
	OTHER: (IDENTIFY)			9
REDUCTION OF EXPENSE		CASH AC	CT.	
CO	ST CENTER AND OBJECT CLASS	VOUCHE	R #	\$
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 RIGHT'S:	EXAM FEE		RECORD I
842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
	WELL CONSTRUCTION	EXAM FEE		LICENSE I
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 FE	E		West of the second
842.013	WELL CONST START FEE	s	CARD #	
	MONITORING WELLS	\$	CARD #	
45-00-0	LOTTERY PROCEEDS			
864.000	LOTTERY PROCEEDS			\$
07-00-0	HYDRO ACTIVITY	LIC NUMBER		
842.011	POWER LICENSE FEE(FW/WRD)			\$
842.115	HYDRO LICENSE FEE(FW/WRD)			s
	HVDDO ADDITION			\$
	HYDRO APPLICATION			



March 10, 1995

WATER
RESOURCES
DEPARTMENT

CHARLES GUILE 52 CENTENNIAL LOOP EUGENE OR 97401

RE: SWR-148, SWR-268, SWR-341, SWR-354 & SWR-355

Dear Mr. Guile,

Thank you for the update on the above referenced files. As we talked on the telephone the other day, I appreciate your effort to complete the necessary work on the maps. With your help we can finish these claims.

Sincerely,

Don Knauer

Adjudication Specialist



Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130 3-7-95 SWR-354

BILL GULLE CULLE

WEEDED TO COMPLETE

THE MAP. HE IS MEETING.

WITH CLAIMANT PROGRET.

Der



October 17, 1994

WATER
RESOURCES
DEPARTMENT

CHARLES W GUILE 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

 $j:\w\s\c\1\swr-0355.004$ 



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



September 7, 1994

W A T E R R E S O U R C E S D E P A R T M E N T

CHARLES W GUILE 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\s\c\1\swr-0139.003



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

### 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 determent 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: TRUBEAN

- 241: LUDDINGTON

- 268: ACH

- 341: KNOWLSON

SWR-342: MILBUR

-347: WILBUR

-347: WILBUR

-347: WILBUR

-351: BUTLER

-354: BUTLER

-354: BUTLER

-354: BUTLER

-354: BUTLER

-354: BUTLER

-341: KNOWLSON



December 21, 1993

WATER
RESOURCES
DEPARTMENT

CHARLES W GUILE 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,

Don Knauer

Adjudication Specialist

M:\WP51\SWR\CWRE\CORRESPO\GUILE.01



October 29, 1993

W A T E R R E S O U R C E S D E P A R T M E N T

CHARLES GUILE 52 CENTENNIAL LOOP EUGENE OR 97401

RE: File# SWR-355

### DEAR CHARLES GUILE,

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 reciepts 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 The City of Eugene acting by and through the Eugene Water & Electric Board. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

diversion point size OAR 690-28-025-(4)-(c) "The dimensions and capacity of any

existing diversion systems."

paper OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-

inch mylar..."



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,

Don Knauer

Adjudication Specialist

**Enclosures** 

J:\WP51\SWR\CLAIMANT\3\SWR-0355.00M

### SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP JUL NAME (LIGHT ALLOWER # 2A	UNADJUDICATED AREA ?				
RECEIPT # 95734	s w r number 355				
CHECK ENCLOSURES PREL	IMINARY DATA BASE ENTRY DW				
ACKNOWLEDGEMENT LETTER	ENTER ON STREAM INDEX				
CHECK QUADRANGLE MAP	CHECK GLO PLATS				
WATERMASTER CHECKLIST PUBL	IC NOTICE PUBLICATION				
FORM REVIEW  blanks filled in signed date received stamped  MAP REVIEW source and trib diversion point location conveyances (pipes, ditch, e	tc.)				
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 d "beneficial use" type title "permanent-quality" paper	iversion system				
WATER RIGHT RECORD CHECK FIEL	D INSPECTION				
FINAL FILE REVIEW FINAL DAT	A BASE ENTRY				
ENTER ON PLAT CARDS					

C:\WP51\SWR\CHCKLIST.1

7-30-92



March 15, 1993

W A T E R R E S O U R C E S D E P A R T M E N T

CITY OF EUGENE EUGENE WATER & ELECTRIC BOARD PO BOX 10148 EUGENE OR 97440

Dear MR KUNKEL,

This will acknowledge that your Surface Water Registration Statement in the name of CITY OF EUGENE has been received by our office. The fees in the amount of \$4351.50 have been received and our receipt #95734 is enclosed. Your registration statement has been numbered SWR-355.

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-0355.001



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

# CHARLES W. GUILE & ASSOCIATES, GOLLAND SURVEYING

MAR - 9 1995

RESIDENCE
ELMIRA, OREGON
-----TELEPHONE 935-2025

NATER RESOURCES DEPT. SALEM, OREGON

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

March 7, 1995 93-27

RE: SWR-148, SWR-268, SWR-341, SWR-354 & SWR-355.

Dear Mr. Knauer:

In regards to the above referred:

SWR-148, Nancy Wright. We have been in contact since the middle of last week. Hopefully she will allow me to do the necessary field work to finish the report and map. She has had survey's done in the past and is trying to find enough so that I can use them instead of actually doing the field survey. I do not think she will be successful.

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

SWR-341, Mary Florence Knowlson. I have not heard from her after I wrote my letter to her dated October 7, 1994.

SWR-354 & SWR-355, City of Eugene. I never heard back from them after my letter dated October 7, 1994. Last week I talked with Mr. Mark Oberle and set up a meeting with him for tomorrow afternoon on another surveying project. I asked him if they still were interested in pursuing the projects and he said yes. We will also discuss these applications. I placed a call with you earlier this morning to get your imput before my meeting with Mark.

These should be the only ones left for me to correct. If you have any questions please give me a call. Thank you.

Sincerely,

Bill Guile

## CHARLES W. GUILE & ASSOCIATES, Co. LAND SURVEYING

52 CENTENNIAL LOOP EUGENE, OREGON 97401

TELEPHONE 343-9855

RESIDENCE ELMIRA, OREGON

TELEPHONE 935-2025

Mr. Mark Oberle Eugene Water & Electric Board P. O. Box 10148 Eugene, OR 97440-2148 October 7, 1994 92-89

SWR-354 & SWR-355

Dear Mark:

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 sentenances are a form type letter for you and others. On December 30, 1992, the Water Resources Department received your application map's and on October 29, 1993, Mr. Knauer wrote me letter's that additional information was needed.

At the time that I prepared the maps, you were pressed for time to meet the application deadline. When we met in our office to discuss the maps, you had with you two attorneys from Portland who specialized in water claim matters. Even they did not advise us that a final proof map and a beneficial use permit was required. Please contact me so that we can decide how to update the map and report for your claim. Thank you.

Sincerely

Bill Guile

BelleJunt

cc: Mr. Knauer

### CHARLES W. GUILE & ASSOCIATES, Co. LAND SURVEYING

August 30, 1994

52 CENTENNIAL LOOP EUGENE, OREGON 97401 **TELEPHONE 343-9855** 

RESIDENCE ELMIRA, OREGON **TELEPHONE 935-2025** 

RECEMENT

AUG 3 1 1994 NATER RES. SHOLD DEPT

SALEM, OREGON

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

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 mentioned 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** 

RECEIVE

DEC 20 1993

## CHARLES W. GUILE & ASSOCIATES, Co. LAND SURVEYING

52 CENTENNIAL LOOP EUGENE, OREGON 97401

**TELEPHONE 343-9855** 

O.
WATER RESOURCES DEPT RESIDENCE SALENIRA, 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)
	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 Euger	ie (92-89A)
File # SWR-355	dated October 29, 1993 - City of Euger	ie (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 the felt that they could document their proof of use, I would make the map.



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

### Cable, Huston, Benedict, Haagensen & Ferris

ATTORNEYS AT LAW 2000 SECURITY PACIFIC PLAZA 1001 S.W. FIFTH AVENUE PORTLAND, OREGON 97204-1136

JAMES E. BENEDICT
J. LAURENCE CABLE
KIMBALL H. FERRIS
DONALD A. HAAGENSEN
ROBERT T. HUSTON
DON K. LLOYD
LORY R. LYBECK
GREGORY S. McELROY\*
LAURA J. WALKER

TELEPHONE (503) 224-3092 FACSIMILE (503) 224-3176 SUSAN S. FORD THOMAS M. GRIM JAMES S. KINCAID LINCOLN D. SIELER\*

OF COUNSEL GEORGE B. HEILIG STEPHEN B. HILL DAVID K. MCADAMS

\*WASHINGTON BAR ONLY

December 30, 1992

### VIA HAND DELIVERY

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

Re: Registration Statements of the Eugene Water &

Electric Board

Dear Sir/Madam:

Enclosed for filing with your office are two Surface Water Registration Statements for Pre-1909 Vested Water Right Claims of the Eugene Water & Electric Board. Also enclosed are the checks payable to your order for filing fees in the amounts of \$1,700 and \$4,351.50.

If for any reason you are unable to file the documents or if there are any deficiencies in the filings, please contact me immediately at my telephone number shown above.

Very truly yours,

James E. Benedict

JEB/kma Enclosures

cc: Mr. Garry Kunkel

110000 1992

Version and version of



