

To: <dondavis16@comcast.net>
From: Bill Ferber - Watermaster District 16 <William.E.FERBER@ wrd.state.or.us>
Subject: RE: Water Rights
Cc:
Bcc:
Attached:

Good morning Don,

Thank you for your reply. The information was helpful. If I understand you correctly, the mother nature portion of the lake is 14.3 acre feet and you are claiming the difference, 42.9 acre feet. The 42.9 acre feet would be the amount stored before 1909 by the Trullingers construction of a man-made dam. Please let me know if this is correct. If it is not please provide additional information regarding the amount of water stored prior to 1909.

I hope the snow is not too deep in Harrisburg. Thank you for your patience.

At 10:03 PM 12/9/2003 -0500, you wrote:

Bill, sorry for the delay in responding. We were on vacation and it took me quite awhile to locate my folder associated with the water rights claim. In reviewing the documents the claim was based upon the additional water that the dam would impound over and above the natural lake that was there and not the total. I'm hoping this will alleviate the need for additional forms. If not, let me know and I will try and contact the people that helped me submit the original claim and seek their assistance in submitting any additional information.

From: Bill Ferber - Watermaster District 16 [mailto:William.E.FERBER@ wrd.state.or.us]
Sent: Thursday, November 20, 2003 1:18 PM
To: dondavis16@comcast.net
Subject: Re: Water Rights

Good afternoon Mr. Davis,

Thank you for your phone message today. My apology for not being around to speak with you and that I did not respond to your email sooner. Your information was very helpful and answered my question.

I read through the claim and noticed 14.3 acre feet was claimed even though the reservoir holds 57.2 acre feet when full. I talked to our water rights staff about the difference in storage, 42.9 acre feet. A water right needs to be filed on the difference if you plan to keep the reservoir full. You may download the application from our website, www.wrd.state.or.us. The application can be found by clicking on "publications" listed under the "jump to:" section at the left hand side of our website, then clicking on "Application Forms" in the upper right hand side of the page. From the information I have you will need to submit the "Application to Store Water: Standard Process" and the "Land Use Form". If the dam height, as measured through the center of the dam to the bottom of the original stream channel, is less than 10 feet you may file the "Application to Store

Water: Alternate Process".

Please contact me if you have questions. Thanks again for the reply and have a good day.

At 08:24 PM 11/5/2003 -0500, you wrote:

Mr.. Ferber,

In regards to a letter I recently received from you regarding water rights for:

4S 2E 21 01000
4S 2E 22 00803
4S 2E 22 00802

You mentioned in the letter that OWRD records do not show water rights for the listed property.

Hopefully my comments are pertinent to your question. In December 1992 we filed for a Surface Water Registration Statement Pre-1909 Vested Water Right Claim. In April of 2002 I inquired on the status of this filing with Teri Hranac in the OWRD office in Salem. She mentioned that the Claim had not been reviewed yet and that I should send updated address information so that I could be informed when the claim was processed. The only number that I can see on the documents is a receipt # 95745 dated 10/31/1992 signed by C. Engel referencing the receipt of funds for the filing of the Claim.

If this is not the information you need, I can be contacted at my office number of 717-975-8612 or via this email address.

Don Davis
1808 Fox Hunt Ln.
Harrisburg, Pa. 17110
Hm. 717-232-0345
Office 717-975-8612

```
+=====+
| William (Bill) Ferber P.E., W.R.E.          e-mail William.E.FERBER@ wrd.state.or.us |
| District 16 Watermaster                    website http://www.wrd.state.or.us   |
| Oregon Water Resources Department          ftp                               |
| ftp://ftp.wrd.state.or.us                  |                               |
| 725 Summer Street NE, Suite A             VOICE 503.986.0893                |
| Salem, OR 97301-2430                     FAX 503.986.0903                |
+=====+
```

May 5, 2002


Oregon Water Resources Department
Attn: Teri Hranac
158 12th St NE
Salem, Oregon
97301

Dear Teri:

Based upon our phone conversation and an email from you I am sending the requested update to my mailing address for a Surface Water Registration Statement Pre-1909 Vested Water Right Claim we filed in December 1992.

The names listed as Registrant were Don & Julie Davis, Happy Hour Tours Ski Club, Inc., George Beaty, William H. Beaty Jr., Thomas E. Beaty. The mailing address was listed as 27671 S. Ringo Rd. Mulino, Or. 97042 (This needs to change to 1808 Fox Hunt Ln. Harrisburg, Pa. 17110). The location of use as listed on the form was 21&22 Sections, Township 4 S 2E

Sincerely,



Don Davis

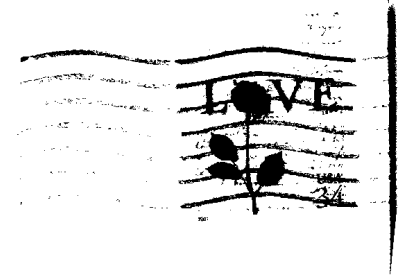
1808 Fox Hunt Lane
Harrisburg, Pa. 17110
(717)232-0345

..... RECEIVED

MAY 09 2002

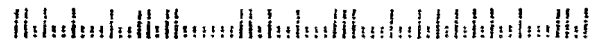
WATER RESOURCES DEPT.
SALEM, OREGON

1808 Fox Hunt Ln.
Harrisburg, Pa. 17110



Oregon Water Resources Department
Attn: Teri Hranac
158 12th St NE
Salem, Oregon
97301

97301+4172 09



ATTACHMENT A

AFFIDAVIT OF ALVIN FRIEDRICH

STATE OF OREGON)
) ss.
Multnomah County)

I, ALVIN FRIEDRICH, being duly sworn, depose and say:

1. I am the great-grandson of Gabriel Johnson Trulliger. On July 22, 1852, Gabriel Johnson Trulliger took up a Donation Land Claim on Milk Creek in Clackamas County. The Claim included parts of sections 20, 21, 22, 27 and 28, Township 4 South, Range 2 East.

2. In about 1858, Gabriel Trullinger built a sawmill along Milk Creek in section 28 and began logging his property.

3. Initially logs were floated down Milk Creek to the sawmill. Sometime after 1854, but before 1901, Gabriel Trullinger built a pond, known as the "old lake," to hold logs that were cut on land above Milk Creek. Logs stored in the old lake were skidded down a greased log chute to the mill on Milk Creek.

4. In about February 1893, Gabriel Trullinger's son Dellison L. Trullinger built a home on what is known as Cherry Tree Hill above the old lake. Dellison L. Trullinger was my grandfather. Dellison Trullinger worked in his father's sawmill. To reach the sawmill, he would walk down the hill and row across the old lake in a rowboat.

5. On May 21, 1901, Dellison Trullinger's son Cyrus Grant Trullinger drowned while attempting to cross the old lake by walking on floating logs.

6. In about 1907, Dellison Trullinger constructed a new sawmill and raised the height of the new dam.

7. During the 1920s and 1930s I observed and later assisted in, logging above Milk Creek. Logs were stored in the old lake before being used in the sawmill.

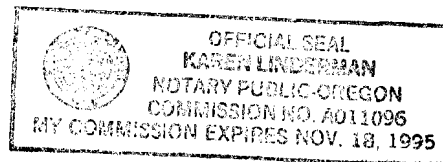
8. In addition to log storage, my family and others used the lake for ice skating during the winter.

9. I have personal knowledge of the matters discussed in this affidavit and those matters are true to the best of my knowledge and recollection.

Alvin Friedrich
Alvin Friedrich

Subscribed and sworn to before me this 30th day of December, 1992.

Karen Linderman
Notary Public for Oregon
My Commission Expires: 11-18-95



ATTACHMENT B

AFFIDAVIT OF RICHARD PRESTON TOLLESON

STATE OF HAWAII)
) ss.
_____ County)

I, RICHARD PRESTON TOLLESON, being duly sworn, depose and say:

1. From about 1955 until 1988 my wife and I owned the property now owned by Don Davis near Milk Creek in Clackamas County, Oregon.

2. Soon after purchasing the property, I used a tractor to repair an old dam to increase the size of a small lake on the property. My intent in doing this work was to improve the recreational value of the lake.

3. During the entire time my wife and I owned the property, we used the lake for various recreational activities including boating, fishing and swimming.

4. Following the divorce of my wife and I, the property was sold to Mr. Davis.

5. I have personal knowledge of the matters discussed in this affidavit and those matters are true to the

best of my knowledge and recollection

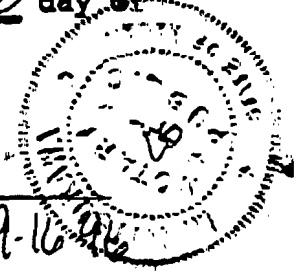
Richard Preston Tolleson
Richard Preston Tolleson

subscribed and sworn to before me this 30 day of

December, 1992.

M. Mitrova

Notary Public for Hawaii
My Commission Expires:



ATTACHMENT C

AFFIDAVIT OF DON DAVIS

STATE OF OREGON)
) ss.
Multnomah County)

I, DON DAVIS, being duly sworn, depose and say:


1. I am the owner of a parcel of property in Clackamas County, Oregon that includes part of the lake subject to this registration statement. I purchased the property in 1988.

2. During the entire period of my ownership, my family and I have used the lake that lies partially on the property for various recreational activities including swimming, boating, fishing, water skiing, and ice skating. For the last three years I have worked to increase the recreational value of the lake by removing weeds and other obstructions.

3. Based on my observation and work on the lake, I believe the natural lake level would be about 3 feet deep. With the dam in place, the average depth is about 4 feet deep when the lake is at its highest level.

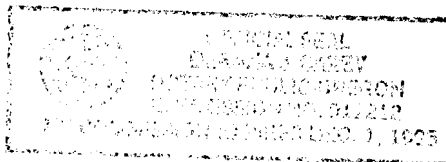
4. I have personal knowledge of the matters discussed in this affidavit and those matters are true to the

best of my knowledge and recollection.


Don Davis

Subscribed and sworn to before me this 31st day of
December, 1992.


Notary Public for Oregon
My Commission Expires: 12/1/95



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

November 23, 1993

Mr. Don Knauser, Adjudication Specialist
Oregon Water Resources Dept.
3850 Portland Road, NE
Salem, OR 97310

RECEIVED

NOV 29 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

**RE: FILE #SWR-403
MULINO LAKE VESTED WATER RIGHT CLAIM**

Dear Mr. Knauser:

Attached is a map of the subject lake revised in accordance with your letter of November 15, 1993.

The diversion point (control weir) is dimensioned from the southwest corner of Section 22, T4S, R2E, W.M.

The storage capacity of the lake is shown on the drawing as it is on the Registration Statement; 57.2 AF. Recreation use is claimed for 14.3 AF.

The drawing was produced by an HP 600 Ink Jet plotter on high quality mylar suitable for storage and in common use in the industry for official and legal documents.

Please let me know if we can assist further in this matter.

Very truly yours,

CURRAN-McLEOD, INC.



Patrick D. Curran, P.E.
PDC:ks

cc: Don Davis w/attachments

#1109

November 15, 1993

RECEIVED NOV 20 1993

PATRICK D. CURRAN
6655 SW HAMPTON ST, SUITE 210
PORTLAND OR 97223-8359

RE: File# SWR-403

DEAR PATRICK D. CURRAN,

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 not returning the print of the map you prepared for Don & Judy Davis. You must send the required map for review. 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 location

ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..."

✓ diversion point size

OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems." You must show the storage capacity of the lake.

✓ paper

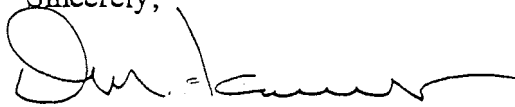
OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."



You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", written in a cursive style.

Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\4\SWR-0403.00M

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

November 23, 1993

Mr. Don Knauser, Adjudication Specialist
Oregon Water Resources Dept.
3850 Portland Road, NE
Salem, OR 97310

RECEIVED

NOV 24 1993

WATER RESOURCES DEPT.
SALEM, OREGON

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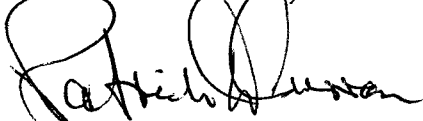
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Please let me know if we can assist further in this matter.

Very truly yours,

CURRAN-McLEOD, INC.



Patrick D. Curran, P.E.

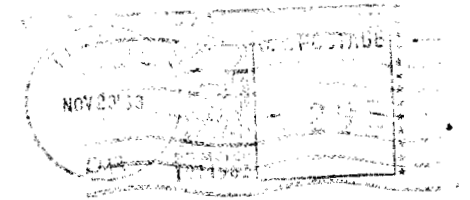
PDC:ks

cc: Don Davis w/attachments

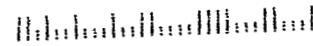
CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

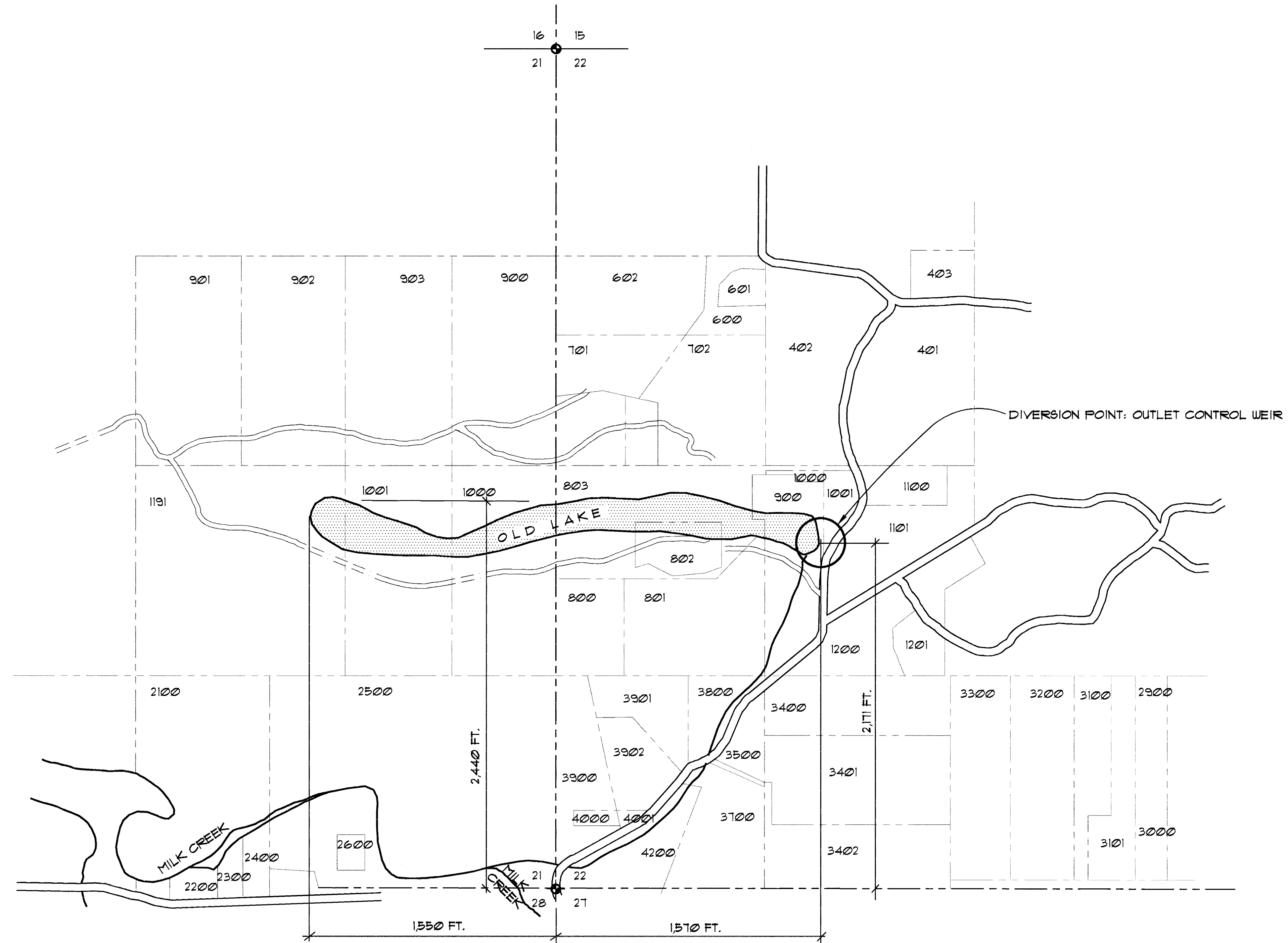
6655 SW. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

*No attachment
when it came downstairs
from the mail room
-CB 11/24/93*



Mr. Don Knauser, Adjudication Specialist
Oregon Water Resources Dept.
3850 Portland Rd., NE
Salem, OR 97310





NOTE : THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



SCALE 1" = 400'

NOTE :

1. HEADWORKS AT DIVERSION CONSIST OF CONCRETE WEIR W/VALVE, SCREENED OVERFLOW AND LEVEL CONTROL.
2. RESERVOIR ESTIMATED VOLUME = 51.2 AF WHEN FULL.
3. RECREATION VOLUME REQUESTED = 14.3 AF.

RECEIVED

NOV 29 1993
WATER RESOURCES DEPT.
SALEM, OREGON



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 SW HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

'OLD LAKE'
RECREATION RESERVOIR
MULINO, OREGON
SECTIONS 21 & 22
T. 4S., R. 2E., W.M.

DATE DEC. 92
BY JRM/MUN
CHK PDC
JOB 1123-201

1 OF 1

PHONE CALL

FOR TERI O DON DAVID DATE 4/29/2002 TIME 14:30 A.M. P.M.

M John ~~family~~

OF _____

PHONE FAX MOBILE (717) 439 9069 AREA CODE NUMBER EXTENSION

MESSAGE _____

J.DAVID@CREALC.COM

SW CLAIM OF THE 1909 RIGHT.

JERRY S.

SIGNED _____

Harrisburg PA

PHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
CAME TO SEE YOU
WANTS TO SEE YOU

March 29, 1993

DON & JULIE DAVIS, HAPPY HOUR TOURS SKI CLUB, INC.
GEORGE BEATTY, WILLIAM H. BEATY, JR., THOMAS E. BEATY
27671 SOUTH RINGO ROAD
MULINO OR 97042

Dear MR & MRS DAVIS,

This will acknowledge that your Surface Water Registration Statement in the name of DON & JULIE DAVIS, HAPPY HOUR TOURS SKI CLUB, INC., GEORGE BEATTY, WILLIAM H. BEATY, JR., THOMAS E. BEATY has been received by our office. The fees in the amount of \$200 have been received. Your registration statement has been numbered SWR-403.

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,

Dwight French
Adjudication Section

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0403.001

SWR 403

Oregon City

Don Davis
1808 Fox Hunt Ln
Harrisburg PA 17110
(717) 439-9069

DDAVIS@Riteaid.com

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME MID-WILLAMETTE # 2B UNADJUDICATED AREA ? OK DWF
RECEIPT # 95745 S W R NUMBER 403
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION 1988

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
#12 ✓ P.O.B. of survey
_____ dimensions and capacity of diversion system
#14 _____ "beneficial use" type title
_____ "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____

FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____

ENTER ON PLAT CARDS _____

December 7, 1993

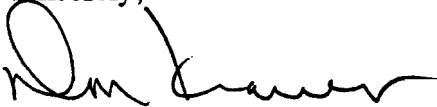
PATRICK D CURRAN
6655 SW HAMPTON ST, SUITE 210
PORTLAND OR 97223

RE: SWR-403

Dear Mr Curran,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of DAVIS, HAPPY HOUR SKI TOURS, BEATY you returned with corrections and completions. I have added the map 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\SI\C\4\SWR-0403.002



November 15, 1993

PATRICK D. CURRAN
6655 SW HAMPTON ST, SUITE 210
PORTLAND OR 97223-8359

RE: File# SWR-403

DEAR PATRICK D. CURRAN,

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



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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\4\SWR-0403.00M

RECEIPT # **95745**

RECEIVED
OVER THE COUNTER

RECEIVED FROM: Don P. Davis
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>200.00</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	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

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

RECEIPT # **95745**

DATED: 12/1/72 BY: C. Engel