

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **95759**

RECEIVED FROM: Dale P. Carlson  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # 19-7155 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)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

**06-00-0 WELL CONST START FEE**

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

**45-00-0 LOTTERY PROCEEDS**

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

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

RECEIPT # **95759**

DATED: 12/31/92 BY: C. Engel

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME UPPER WILLAMETTE # 7A UNADJUDICATED AREA ? OK DWF  
RECEIPT # 95759 S W R NUMBER 435  
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 JAG

**FORM REVIEW**

\_\_\_\_\_ blanks filled in  
\_\_\_\_\_ signed  
\_\_\_\_\_ date received stamped

**MAP REVIEW**

source and trib  
 diversion point location  
 conveyances (pipes, ditch, etc.)  
 place of use  
 scale  
 township, range, section  
 north arrow  
 CWRE stamp  
 disclaimer  
 date survey was performed  
 P.O.B. of survey  
 dimensions and capacity of diversion system  
 "beneficial use" type title  
 "permanent-quality" paper  
 10th ACCE

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

April 4, 1994

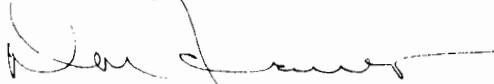
DALE P CARLSON  
PO BOX 1046  
LEABURG OR 97489

RE: SWR-435

Dear Mr Carlson,

This will acknowledge the receipt of the map and beneficial use report to support your pre-1909 vested water right claim. I have added these to the file. Thank you for your attention to this matter. 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:\WIS\CIV\SWR-0435.005



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

December 20, 1993

Oregon

WATER  
RESOURCES  
DEPARTMENT

DALE CARLSON  
BOX 1046  
LEABURG OR 97489

re: SWR-435

Dear Mr Carlson,

This will acknowledge your letter of December 8, 1993 which I have added to your file. I read your letter with interest and enjoyment. That is one form of compensation I consider to be gained from my work, the joy of learning history from folks such as yourself.

It appears to me that you have as good, and in some cases a better, claim to a pre-1909 vested water right as many of the other claimants. It will be a lengthy period of time before the true adjudication of water rights for your area actually begins. In the mean time, you have done all required of you, with the exception of the map to support your claim.

I received a letter from Charles Guile stating he will be preparing the map in the near future.

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\SI\C\4\SWR-0435.004

1-31-94

DALE CARLSON CALLED TO SAY THE MAP WILL  
BE SUBMITTED IN THE NEXT FEW WEEKS.  
WEEK



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

12-14-93

DAVE CARLSON

PHONED TO SAY HE TALKED  
TO GUILLET CURRÉ - HOPES  
TO HAVE ~~THE~~ MAP TO  
ME BY THE END OF  
JANUARY.

W. J. Kanner

November 19, 1993

DALE CARLSON  
BOX 1046  
LEABURG OR 97489

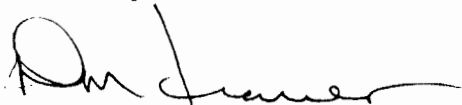
RE: SWR-435

Dear Mr Carlson,

I am sending a copy of the letter sent to CHARLES GUILLE on June 3, 1993. I have not heard anything from you or your CWRE in regards to the required map to support your pre-1909 vested water right claim. I am in the process of reviewing the maps and will pass your file by at this time. I cannot complete my review without the required map. You must send me a map submission date.

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

Sincerely,



Don Knauer  
Adjudication Specialist

cc: Charles Guile

J:\W\SIC\4\SWR-0435.003

11-30-93 DALE CARLSON CALLED TO SAY THAT THOUGH  
CHARLES GUILLE, CWRE WAS WORKING ON HIS  
MAP. HE HASN'T BEEN ABLE TO CONTACT  
GUILLE BUT EXPECTS TO SOON. HE'LL  
LET ME KNOW WHAT HE FINDS OUT  
IN THE NEXT WEEK OR TWO. *WJK*



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

June 3, 1993

CHARLES GUILÉ  
52 CENTENIAL LOOP  
EUGENE OR 97401

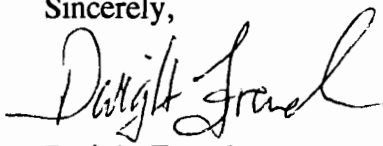
RE: Surface Water Registration Map

Dear MR GUILÉ,

DALE CARLSON has indicated to the Oregon Water Resources Department (WRD) that you have been hired to prepare the claim of beneficial use map for their Surface Water Registration Statement. Would you please inform me of your anticipated schedule of map preparation and submission to the WRD.

Please mark all correspondence related to this claim with the file number SWR-435.

Sincerely,



Dwight French  
Adjudication Section

J:\WP51\SWR\CLAIMANT\SWR-0435.002



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

April 2, 1993

WATER  
RESOURCES  
DEPARTMENT

DALE CARLSON  
BOX 1046  
LEABURG OR 97489

Dear MR CARLSON,

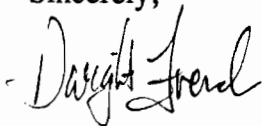
This will acknowledge that your Surface Water Registration Statement in the name of DALE CARLSON has been received by our office. The fees in the amount of \$30 have been received and our receipt #95759 is enclosed. Your registration statement has been numbered SWR-435.

The map you submitted with your claim is not acceptable. ORS 539.240 (2) (d) requires the map be prepared by a Certified Water Right Examiner (CWRE). Within 60 days of this letter you must send a letter to this address indicating you have contracted with a CWRE to prepare your map. You should send your letter to my attention. In your letter you must identify the name of the CWRE who will prepare your registration statement map. We will contact the CWRE to arrange a map submittal deadline.

We will not be able to process you claim until we have received your map. If you have any questions regarding this process, please do not hesitate to give me a call.

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

Sincerely,



Dwight French  
Adjudication Section

Enclosure

J:\WP51\SWR\CLAIMANT4\SWR-0435.001



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



CHARLES W. GUILLE & ASSOCIATES, Co. MAR 21 1994  
LAND SURVEYING

52 CENTENNIAL LOOP  
EUGENE, OREGON 97401  
TELEPHONE 343-9855

RESIDENCE  
1111 BELMIRA, OREGON  
TELEPHONE 935-2025

SWR-435

BENEFICIAL USE AND SITE REPORT

On February 7, 1994, I and my instrumentman met with Mr. Dale Carlson on his property. Mr. Carlsons home address on the property is 42916 Leaburg Drive, Leaburg, Oregon, 97489. His phone number is 1-503-896-3405.

The source of water is the McKenzie River. The diversion point is located in the Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) of Section 10, Township 17 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon. The said diversion point is a foot valve just under the water on the end of a 2" plastic pipe some 26 feet from the pump and motor and is 10 feet in elevation below the pump.

The motor was manufactured by A. O. Smith Corp., brand "STA-RITE", Model C56N2EA11A2, Serial B66 and is a 2 Horsepower pump, Ph. 1, Cyc. 60, Volts 230, Amps 10.9 and RPM=3450. The above was taken off from the data plate on the motor. Mr. Carlson said he was told by the vendor that the pump put out 60 pounds of pressure.

The pump is connected to the motor and is also a "STA-RITE" brand Centrifical 60 cycle "D" Series High Head, Model DHHGF-53, Code E66. The serial number was not given on the data plate. The pump has a 2" diameter intake and a 2" diameter discharge openings.

The pump and motor is located in a 5.0 x 5.0 foot concrete box with a roof.

Mr. Carlson has buried main lines from the pump and motor consisting of approximately 317 feet of 2" Plastic Pipe, 80 feet of 1 1/2" Plastic Pipe and 180 feet of 1" Plastic Pipe, as the said locations are indicated on the accompanying FINAL PROOF MAP CLAIM OF BENEFICIAL USE map. From the buried 1 1/2" main line, Mr. Carlson has some 14 sprinklers on permanent risors being fed by a buried 3/4" plastic pipe. To irrigate the corners of this area and the the other areas of his irrigated land, Mr. Carlson uses 3/4" garden hose with portable sprinklers.

The sprinklers are all Rainbird No. 25 with 1/8" diameter nozzles. Mr. Carlson said that he can run 14 sprinklers at a time, but the system seems to work best when he only uses 12 sprinklers at a time. The elevation of the higher ground of the irrigated area is 16 feet above the pump.

Computing the cfs of the system using the pump at 75%

MAR 21 1994

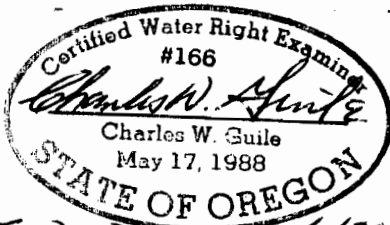
efficiency at 50 psi, we get a capacity of 0.093 CFS. By using 12 of the above mentioned sprinklers at 50 psi, we compute the capacity to be 0.086 CFS.

The present use of the irrigation system is to irrigate pasture, garden, lawn, flowers, shrubs and old fruit trees.

The survey tie that we made on the ground is from the Center 1/4 corner of the above mentioned Section 10. This corner is monumented by 16" x 10" x 36" stone, which the Lane County Surveyors office accepted as the corner and re-referenced this corner on January 5, 1990 being their Re-Established notes Index No. 11593. Our survey was done with a Total Station instrument using the EDM to measure the distances to the field corners and to the pump and point of diversion from the Center 1/4 corner, using local survey bearings for the basis of bearings for our survey. Our survey determined that Mr. Carlson is irrigating 1.6 acres of land.

At time that we did the final proof survey for beneficial use, the system was not in operation. Mr. Carlson pointed out to us the point of diversion, the pump and motor and the location of the main lines and described the method of his irrigating using both the installed system and the portable hose and sprinkler systems for the other areas.

The inspection and survey of the land irrigated by Mr. Carlson was made by me on February 7, 1994 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge. No irrigation was taking place at the time but the system (except for the portable hoses and sprinklers) was in place and the land appears to be used each year.



Charles W. Guile  
Charles W. Guile CWRE 166  
DATE: MARCH 8, 1994

EXP. DATE - 6/30/1995

I, Dale Carlson, agree to the findings of the CWRE and do submit this site report and map as my continuing Claim of Beneficial Use of the water for my application being SWR-435.

Dale Carlson  
Dale Carlson

MAR 21 1994

WATER RESOURCES DEPT  
SALEM, OREGON

March 16, 1994

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

Re: SWR435

Dear Mr. Knauer:

Please find enclosed the maps and the Beneficial Use and Site report as prepared by Mr. Charles W. Guiles and Associates Company.

Thank you for you patience.

Sincerely,

*Dale Carlson*  
Dale P. Carlson  
P.O. Box 1046  
Leaburg, Oregon 97489

RECEIVED

CHARLES W. GUILÉ & ASSOCIATES, Co.  
LAND SURVEYING

DEC 20 1993

WATER RESOURCES DEPT  
RESIDENCE  
SALEM, OREGON

52 CENTENNIAL LOOP  
EUGENE, OREGON 97401  
TELEPHONE 343-9855

TELEPHONE 935-2025

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

December 14, 1993

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DEC 20 1993

WATER RESOURCES DEPT  
SALEM, OREGON

Page 2

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

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

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

Thank you for your understanding and promptness in replying.

Sincerely,

Charles W. "Bill" Guile

cc: clients

**RECEIVED**

DEC 20 1993

WATER RESOURCES DEPT  
SALEM OREGON

December 8, 1993

Mr. Don Knauer  
Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon

Re: SWR 435

Dear Mr. Knauer:

I find it impossible to prove beyond a doubt that surface or ground water has been used without a five year interruption for the purpose of irrigation or livestock watering since before February 24th, 1909. However, I hope you will bear with me in my endeavor to convince you with my memories and circumstantial evidence that our property should qualify by the rules you set forth for obtaining a pre-1909 vested water rights permit. I do know that water for these purposes has been used continuously since 1928 when my family moved to Leaburg.

This property is directly south of the old Leaburg school and between Leaburg Drive, a county road (then the McKenzie Highway) and the McKenzie River. At that time on this property, there was a lane from Leaburg Drive to a ferry for crossing the river. About thirty feet east of this lane and about fifty feet north of the north shore of the river stood an old pitcher pump. The ferry landing was everyone's favorite place and about the only place with good access in the Leaburg area to easily view the river. Since the east side of the lane was not fenced, we youngsters often

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WATER RESOURCES DEPT  
SALEM, OREGON

followed a short path to the pump, taking turns at pumping great quantities of water.

It was the following summer I learned the purpose of the pump and the sections of half-round gutter stacked nearby. One summer day in 1929 (my first full summer in Leaburg) as I went down to the ferry landing, I saw my friend and classmate, Merle Slavens, pumping vigorously. The gutter sections were set up to carry water to a large garden north of the pump - one end attached to the pump, the other leading between two rows of vegetables. The water flowed down the rows as the garden sloped downwards to the north. This operation intrigued me and I asked for a turn at the pump, and here Merle pulled the perfect "Tom Sawyer" trick by acting dubious as to whether I could do it properly or if I could pump a sufficient volume of water. Also it was of great importance not to lose the prime. But I was able to assure him that I should be given a chance to prove my worth and he hesitatingly gave in. I pumped while he occasionally changed the gutters to new rows. I now knew the reason for the pump and gutters, and was proud that I could pump to the satisfaction of my friend, but I didn't catch on so soon that I had been hoodwinked.

In 1932, my mother bought this property and I had the chance to try my skill at bamboozling a few of my friends, but with little success. I soon discovered there was more than a vegetable garden - there was a strawberry patch, a

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WATER RESOURCES DEPT  
SALEM, OREGON

rhubarb patch and the only gooseberry bushes I recall seeing in Oregon. During the years that we used this system of watering our garden and a few fruit trees this well always became dry in late summer when the river became low.

This never occurred, we were told by the Slavens family, who my mother purchase this property from, until the Eugene Water and Electric Board diverted a considerable amount of the flow from the river to their new canal. At this time, we (but mostly I) had to carry water in buckets from the river to keep the garden growing for the few weeks until final harvesting.

The domestic water system for the property was a pitcher pump, a sink and a drainpipe in the kitchen of the old house in which we lived. The one and a half inch drain line extended southward and underground near two pear trees. The pears on these trees were the talk of the town because of their abundance, huge size, and fine flavor. It was several years before we realized that this pipe was well perforated and that the dishwater flowing down the pipe not only watered, but also fertilized these trees the year around.

This well, however, went dry one year in late summer about 1935 or '36 and at that time the river was by far the lowest I have ever seen it. It became obvious to me that these shallow wells, though not drawing directly from the river,

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WATER RESOURCES DEPT  
SALEM, OREGON

but being dependent on the river, should be considered ground or surface water.

The fenced area on the West side of the ferry lane was used for grazing, and it still is. At one spot along the south fence was a gate for allowing livestock to water at the river's edge. There was a fenced way from this gate to the river. This fence was made with posts set far apart and one strand of barbed wire on either side. These strands were easily removed if there were a threat of flooding, which was less frequent in those days before heavy logging. At the time we purchased the property the entire fence appeared very old, about half of the posts were considerably rotted, and in several places the barbed wire was rusted through.

This method of watering livestock hasn't been used on this property for over fifty years as my brother and I installed an electric one-horse pump to take water from the river in 1940 or 1941. This pump was used for irrigation of our garden, pasture, lawn and flowers plus watering livestock. This pump was replaced by a two-horse pump about 1960, which I still use today. Also, about 1946, we installed a domestic system at a new well site. This well is only 25 feet deep.

These early years on the McKenzie River were not easy to survive and almost everyone had a large garden, a cow, chickens and maybe a pig. A few years before we came, most



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DEC 20 1993

WATER RESOURCES DEPT  
SALEM, OREGON

people had one or two horses and some still did. The condition and age of the fences and buildings, including a small, rickety old barn, indicated that this had necessarily been the way of life on our place many years before we arrived. There are no old-timers of this era surviving from this area to verify my beliefs that this property has met the requirements of the Water Resources Department to qualify for a pre-1909 vested water right claim. Also, any surviving kin wherever they may be would likely be about my age and I'm doubtful that they would have memories that would aid in my endeavor to receive this permit.

The very small house on the property was obviously old when we moved into it. The fir flooring was badly worn and there were two layers of cedar shingles on the roof and other signs which indicated the poorly constructed house had been built many years before. Like us at this time, the people who had lived in this house before us certainly were less than affluent and depended on water for their animals, gardens and fruit trees in order to exist.

Thank you for your consideration.

Respectfully,



Dale P. Carlson  
P.O. Box 1046  
Leaburg, Oregon 97489

Leaburg, OR. 97489

May 30, 1993

RECEIVED

JUN - 3 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr. French,

This is to inform you that I have made arrangements with Certified Right Water Examiner, Charles W. Guile, of 52 Centennial Loop, Eugene, Oregon 97401 (phone: 343 9855) to prepare my map to accompany my application for a water permit. My registration statement number is S.W.R - 435.

Thank you for past help in my phone calls to you.

Sincerely,  
Dale Carlson

# 101 Cascade System  
# ~~85~~ 102 Old Church

Code Area

Account Number

19-09

547909

Oregon Property Tax Year

7-1-92 TO 6-30-93

County

LANE  
REAL

Property Description (Map Number)

Township	Range	Section	1/4	1/16	Tax Lot	Special Interest
----------	-------	---------	-----	------	---------	------------------

17	15	10	4	2	00600	
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Acres

Property Class

Pull Number

1.78

806

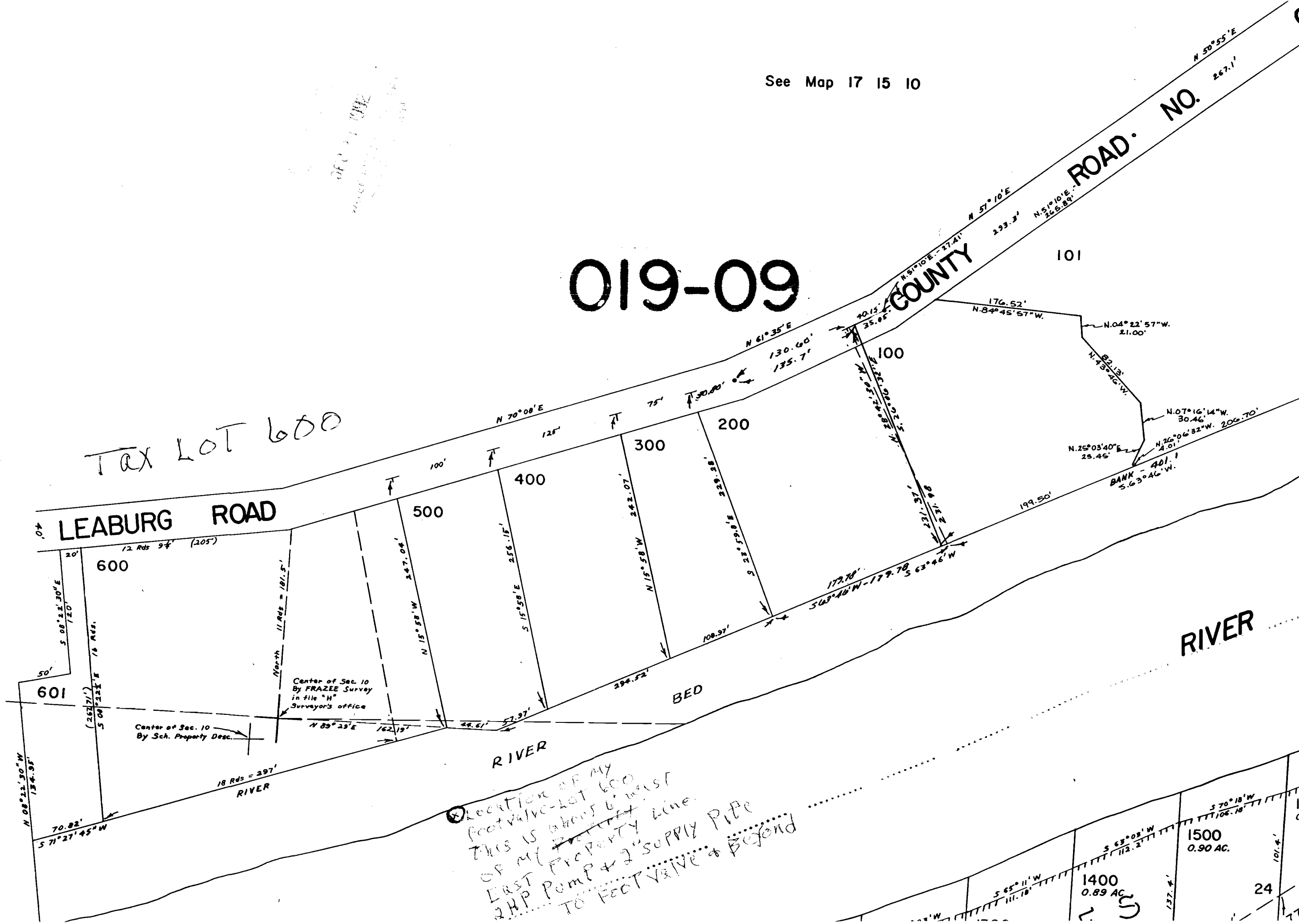
CARLSON DALE P  
42916 LEABURG DR  
LEABURG OR 97439

See Map 17 15 10

# 019-09

Tax Lot 600

See Map 17 15 10 3 1



Location of my  
 foot valve - lot 600  
 this is about 6' west  
 of my property line  
 east property line  
 2HP pump + 2" supply pipe  
 to foot valve & beyond

REC'D  
 10/12

ROAD NO. 101

RIVER

LEABURG ROAD

RIVER

BED

601

600

500

400

300

200

100

101

1400  
0.89 AC

1500  
0.90 AC

24