



ENGINEERING, LAND SURVEYING, BUILDING DESIGN  
806 N. NINTH STREET COTTAGE GROVE, OREGON 97424  
TELEPHONE (503) 942-0126 FAX (503) 942-7935

# LETTER OF TRANSMITTAL

DATE 12-30-93	JOB NO. (92141) (92190) (92135)
ATTENTION	
RE SWR-446 Billy Ray Broch SWR-93 Rufus Hicklethier SWR-334 Don L. Jackson	

TO Don Knauer  
OWSD  
3850 Portland Rd. NE  
Salem, OR 97310

WE ARE SENDING  ATTACHED  UNDER SEPARATE COVER VIA \_\_\_\_\_

<input type="checkbox"/> SAMPLES	<input type="checkbox"/> SHOP DRAWINGS	<input type="checkbox"/> CONTRACTS
<input type="checkbox"/> LITERATURE	<input type="checkbox"/> ENGINEERING DRAWINGS	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PLANS	<input type="checkbox"/> CHANGE ORDERS	
<input type="checkbox"/> PRINTS	<input type="checkbox"/> LETTERS	

RECEIVED  
JAN - 3 1994  
WATER RESOURCES DEPT  
SALEM, OREGON

NOTES Attached please find 2 copies<sup>(ea.)</sup> of the mylar maps as per your letter, a copy of which is also attached, for each of the above files.

COPY TO	SIGNATURE Lynn Babcock
	TITLE Secretary
	DATE 12-30-93

November 24, 1993

ROBERT E. FINDORFF  
806 N. NINTH STREET  
COTTAGE GROVE OR 97424

**RECEIVED**  
JAN - 3 1994  
WATER RESOURCES DEPT  
SALEM, OREGON

WATER  
RESOURCES  
DEPARTMENT

RE: File# SWR-446

DEAR ROBERT E. FINDORFF,

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 Billy Ray Broch & Ethel J. Broch. 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." You must describe the spring box.
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,



Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\4\SWR-0446.00M



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

(next)

Notary Public for Oregon

Paid on the within Two Hundred Dollars, July 20, 1891

A.M. Crawford

Recorded July 20, 1891

George Clark Co. Clerk

By E. W. Benson Notary

102-26

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DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON.

O. C. R. R. Co.

to

George Clark

Book No. 1533.

Issued for contract No. 1533

This Indenture made this 25th day of February A.D. 1891 between the Oregon and California Railroad Company, a corporation duly incorporated under the laws of the State of Oregon party of the first part and George Clark, party of the second part, Witnesseth, that Whereas the party of the first part did on the sixteenth day of July A.D. 1880 by its contract numbered 1215 sell and agree to convey unto E. A. Estes the lands hereinafter described for the sum and price of One hundred (100) Dollars to be paid as in said contract provided, and Whereas said purchase price has been fully paid to the party of the first part and said George Clark as assignee of said E. A. Estes has thereby become entitled to a conveyance from the party of the first part of all the right title and interest which at the party of the first part has or may hereafter acquire from the United States in and to said lands and whereas by the judgments and decrees of the Circuit Court of the State of Oregon for the County of Multnomah rendered on the 12th day of July A.D. 1890 in a suit in equity in which James Estes was plaintiff and said Oregon and California Railroad Company and the Union Trust Company a corporation incorporated under the laws of the State of New York were defendants and appeared in said suit it was found adjudged and decreed by said Court that lands which had been sold by the party of the first part prior to the 12th day of May A.D. 1887, are not included in or covered by that certain deed of trust executed by the said Oregon and California Railroad Company to said Union Trust Company on the 1st day of July A.D. 1887, which trust deed is duly recorded in the record of mortgages for said

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WATER RESOURCES DEPT.  
SALEM, OREGON

County of Douglas in the State of Oregon and it was further decreed that said trust deed is not a lien upon such lands and that said Union Trust Company has no right under the terms of said trust deed to or any interests in the money received by said Oregon and California Railroad Company for lands so sold by it prior to said 12th day of May A.D. 1887, which judgment and decree is now in full force and effect and is also recorded in the record of mortgages for said county of Douglas, Now therefore in consideration of the premises and of the payment to the party of the first part of the said sum of One Hundred (100) Dollars the receipt whereof is hereby acknowledged, the said Oregon and California Railroad Company, party of the first part does hereby grant and convey unto said party of the second part his heirs and assigns all of the said land which is known and described as follows to wit, The North East quarter of the North West quarter of section twenty nine (29) Township Twenty-one (21) South, Range four (4) West, Willamette Meridian containing according to the United States survey thereof forty acres to the same more or less, to have the said premises with the appurtenances thereto unto the said party of the second part his heirs and assigns forever, reserving however a strip of land one hundred feet wide to be used by the Oregon and California Railroad Company for right of way and other railroad purposes, when the railroad of said Oregon and California Railroad Company or any of its branches is or shall be located upon the premises, and the right to take all water needed for the operating of said railroad, and also reserving and excepting from said described premises so much and such parts thereof as may be mineral lands other than coal and iron. And the said party of the second part does hereby for himself and his heirs and assigns covenant with the said Oregon and California Railroad Company its successors and assigns that he will erect and maintain on the boundary line or boundary lines between said premises and such right of way a good lawful and substantial fence sufficient to turn stock.

In Witness Whereof the said party of the first part has caused these presents to be read with its seal and executed by its 2nd Vice President and Secretary and the party of the second part has hereunto set his hand and seal the day and year first above written.

In presence of  
David Doring  
R. M. Murphy

The Oregon and California Railroad Company  
By R. K. Cochran  
2nd Vice President  
The Oregon and California Railroad Company  
By Geo. W. Andrews  
Secretary



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DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon }  
County of Multnomah }

Be it Remembered that on this Third day of  
March A.D. 1891, before me the undersigned, a Notary Public, in  
and for said County and State, duly commissioned and  
qualified personally came R. Koshler 2<sup>nd</sup> Vice President  
of the Oregon and California Railroad Company and Geo. H. Andrews  
Secretary of said Company whose names are subscribed to the  
foregoing instrument as 2<sup>nd</sup> Vice President and Secretary of said  
Company both personally known to me to be the same individuals  
named and described in and who executed the said instrument  
and they severally acknowledged to me that he the said R. Koshler  
as 2<sup>nd</sup> Vice President and he the said Geo. H. Andrews as Secretary  
of the said Oregon and California Railroad Company executed  
the foregoing instrument as and for the act and deed of  
said Corporation for the uses and purposes therein mentioned.  
And the said Geo. H. Andrews being by me duly sworn did depose  
and say that he is the Secretary of the Oregon and California  
Railroad Company and resides at Portland Multnomah County  
Oregon, that he is the legal custodian of and is acquainted  
with and has in his possession the corporate seal of said  
Company. That the seal affixed to the foregoing instrument as  
the seal of said Company is such corporate seal; that the  
same was so affixed by him as Secretary of said Company  
on the 2<sup>nd</sup> day of February A.D. 1891 by order of the Board of  
Directors of said Company, and that he signed his name  
thereto by the like order of the Board of Directors of said Company.

In Witness Whereof I have hereunto set my hand and  
affixed my official seal the day and year in this written  
first above written.

David Coring,  
Notary Public for Oregon



Recorded July 21, 1891

G. A. Taylor Co. Clerk  
By E. W. Benson  
Deputy

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O. C. R. R. Co. to George Clark

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DEC 31 1992

Deed No. 1560

WALLEN RESOURCES DEPT  
SALEM, OREGON

This Indenture Made this 28<sup>th</sup> day of February A.D. 1899 between the Oregon and California Railroad Company a corporation duly incorporated under the laws of the State of Oregon, party of the first part and George Clark, party of the second part, Witnesseth

That Whereas the party of the first part did on the 21<sup>st</sup> day of May A.D. 1887 by its contract numbered 135<sup>m</sup> sell and agree to convey to Edwin A. Estes, the land hereinafter described for the sum and price of Two hundred (\$200) Dollars to be paid as in said Contract provided and

Whereas said purchase price has been fully paid to the party of the first part and said George Clark as assignee of said Edwin A. Estes has thereby become entitled to a conveyance of the land hereinafter described from the party of the first part of all the right title and interest which is the party of the first part has or may hereafter acquire from the United States in and to said land and

Whereas by the judgment and decree of the Circuit Court of the State of Oregon for the County of Multnomah rendered on the 12<sup>th</sup> day of July A.D. 1890 in a suit in equity in which James Little was plaintiff and said Oregon and California Railroad Company and the Union Trust Company a corporation incorporated under the laws of the State of New York were defendants and appeared in said suit it was found adjudged and decreed by said Court that lands which had been sold by the party of the first part prior to the 12<sup>th</sup> day of May A.D. 1887 are not included in or covered by that certain deed or trust executed by the said Oregon and California Railroad Company to said Union Trust Company on the 1<sup>st</sup> day of May A.D. 1887 which trust deed is duly recorded in the record of mortgages for said County of Douglas in the State of Oregon and it was further decreed that said trust deed is not a lien upon such lands and that said Union Trust Company has no right under the terms of said trust deed to or any interest in the money lent by said Oregon and California Railroad Company for lands so sold by it prior to said 12<sup>th</sup> day of May A.D. 1887 which judgment and decree is now in full force and effect and is also recorded in the record of mortgages for said Douglas County

This Third day of Public in and qualified Oregon and Secretary of going mentioned any, both person and described usually as President the said the foregoing corporation for said Geo. H. And say that he is and Company on, that he is and has in ing, that the of said was so affixed day of February, company and of the said have hereunto the day and for Oregon





DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon }  
County of Multnomah }

Be it Remembered that on this third day of March 1891 before me the undersigned a Notary Public in and for said County and State duly commissioned and qualified personally came R. Kochler 2nd Vice President of the Oregon and California Railroad Company and Geo. H. Andrews Secretary of said Company whose names are subscribed to the foregoing instrument as 2nd Vice President and Secretary of said Company both personally known to me to be the same individuals named and described in and who executed the said instrument and they severally acknowledged to me that the said R. Kochler as 2nd Vice President and he the said Geo. H. Andrews as Secretary of said Oregon and California Railroad Company executed the foregoing instrument as and for the act and deed of said corporation for the uses and purposes therein mentioned. And the said Geo. H. Andrews being by me duly sworn did depose and say that he is the Secretary of the Oregon and California Railroad Company and resides at Portland Multnomah County Oregon, that he is the legal custodian of and is acquainted with and has in his possession the corporate seal of said company, that the seal affixed to the foregoing instrument is the seal of said company in such corporate seal, that the same was so affixed by as Secretary of said Company on the 20th day of February 1891 by order of the Board of Directors of said Company, and that he signed his name thereto by the direction of the Board of Directors of said Company. In Witness Whereof I have hereunto set my hand and affixed my official seal this day and year in this certificate first now written.

David Loring  
Notary Public in Oregon

Recorded July 21 1891

G. A. Dayton Co. Clerk

Ray G. W. Benson

Deputy

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DEC 31 1992

WATER RESOURCES DEPT

SALEM, OREGON

said County of Douglas.

Now therefore, in consideration of the premises and of the payment to the party of the first part of the said sum of One Hundred (100) Dollars the receipt whereof is hereby acknowledged, the said Oregon and California Railroad Company party of the first part does hereby grant and convey unto said party of the second part, his heirs and assigns all of the said land which is known and described as follows, to-wit:

The North west quarter of the North west quarter of Section twenty nine (29) Township Twenty-one (21) South, Range Four, West Willamette Meridian, containing according to the United States survey thereof Forty acres or the same more or less. To hold the said premises unto the said party of the second part his heirs and assigns forever, reserving however a strip of land one hundred feet wide to be used by the Oregon and California Railroad Company for right of way and other railroad purposes when the railroad of said Oregon and California Railroad Company or any of its branches is or shall be located upon the premises, and the right to take all water needed for the operating of said railroad; and also reserving, and excepting from said described premises so much and such parts thereof as may be mineral lands other than coal and iron.

And the said party of the second part do hereby for himself and his heirs and assigns, covenant with the said Oregon and California Railroad Company its successors and assigns that he will erect and maintain in the boundary line or boundary line between said premises and such right of way, a good lawful and substantial fence sufficient to turn stock. In Witness Whereof the said party of the first part has caused these presents to be signed with its seal and executed by its 2nd Vice President and Secretary, and the party of the second part has hereunto set his hand and seal the day and year first above written.

In presence of  
 David Loring  
 J. M. Murphy

The Oregon and California Railroad Company  
 Ray P. Hollier  
 2nd Vice President

The Oregon and California Railroad Company  
 Ray Geo. D. Andrews  
 Secretary



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DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon }  
County of Multnomah }

Be it Remembered that on this 21<sup>st</sup> day of March A.D. 1891 before me the undersigned a Notary Public in and for said County and State duly commissioned and qualified personally came P. Kohler 2<sup>nd</sup> Vice President of the Oregon and California Railroad Company and Geo. H. Andrews Secretary of said company whose names are subscribed to the foregoing instrument as 2<sup>nd</sup> Vice President and Secretary of said company, both personally known to me to be the same individuals named and described in and who executed the said instrument and they severally acknowledged to me that he the said P. Kohler as 2<sup>nd</sup> Vice President and he the said Geo. H. Andrews as Secretary of the said Oregon and California Railroad Company executed the foregoing instrument as and for the act and deed of said corporation in the uses and purposes therein mentioned. And the said Geo. H. Andrews being by me duly sworn did depose and say that he is the Secretary of the Oregon and California Railroad Company and resides at Portland Multnomah County Oregon, that he is the legal custodian of and is acquainted with and has in his possession the corporate seal of said company, that the seal affixed to the foregoing instrument as the seal of said company is such corporate seal, that the same was so affixed by him as Secretary of said company on the 28<sup>th</sup> day of December, A.D. 1891 by order of the Board of Directors of said company and that he signed his name thereto by the like order of the Board of Directors of said company. In witness whereof I have hereunto set my hands and affixed my official seal this day and year in this certificate first above written.

David Corwin  
Notary Public for Oregon

Recorded July 21 1891

Ed Taylor Co. Clerk

By E. M. B.

Notary

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME Umpqua # 16 UNADJUDICATED AREA ? OK DWF  
 RECEIPT # 95792 S W R NUMBER 446  
 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 SCSN

**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

#12 \_\_\_\_\_  
#14 \_\_\_\_\_ ? IS THIS LAND & GARDENS?

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

January 3, 1994

ROBERT E FINDORFF  
806 N NINTH STREET  
COTTAGE GROVE OR 97424

RE: SWR-446

Dear Mr Findorff,

This will acknowledge the receipt of two maps to support the pre-1909 vested water right claim in the name of BILLY RAY & ETHEL BROCH you returned with corrections and completions. I have added one of the maps to the file and am returning the other. 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\S\C\4\SWR-0446.002



November 24, 1993

ROBERT E. FINDORFF  
806 N. NINTH STREET  
COTTAGE GROVE OR 97424

RE: File# SWR-446

DEAR ROBERT E. FINDORFF,

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 Billy Ray Broch & Ethel J. Broch. 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." You must describe the spring box.

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,



Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\4\SWR-0446.00M





April 7, 1993

BILLY RAY BROCH & ETHEL J BROCH  
PO BOX 74  
CURTAIN OR 97428

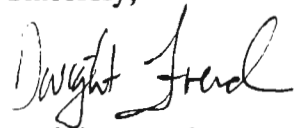
Dear BILLY AND ETHEL BROCH,

This will acknowledge that your Surface Water Registration Statement in the name of BILLY RAY BROCH & ETHEL J BROCH has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95792 is enclosed. Your registration statement has been numbered SWR-446.

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

J:\WP51\SWR\CLAIMANT\SWR-0446.001



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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **95792**

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

RECEIVED FROM: Billy Ray Brock  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: #  24-22 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	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 # **95792**

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