

JAN 04 1993

KAYE C. ROBINETTE
RICHARD W. CLEVELANDWATER RESOURCES DEPT
777 HIGH STREET
SALEM, OREGON
EUGENE, OREGON 97401
(503) 485-1616DOCUMENT TRANSMISSION
(503) 342-1996

December 30, 1992

Mr. Gary Johnson
Oregon Water Resources Department
Field Operations Division
3850 Portland Road, N.E.
Salem, OR 97310Re: Artesian water source for spring-rights registration, Lane County tax lot no.
17-03-19-4-3-1200

Dear Gary:

This is an application for recognition and protection of the water rights relating to a spring or artesian water source on certain property in Lane County. On the above tax lot, near the southeasterly corner thereof, is a spring. This spring has been flowing continuously for many years and has been used as a domestic water source using concrete storage structures built under building permit beginning in 1949 and extending until approximately 1955. In approximately 1955 a concrete reservoir was built to contain the outflow of the spring and collect it for use. This reservoir has a concrete bottom and concrete walls holding water approximately 5' 8" deep on average. The reservoir is approximately fifty feet in diameter. The water is fed into the reservoir through a 3/4 inch galvanized iron pipe from a concrete box covering the stones where the spring emerges.

Prior to the installation of the concrete box to keep the spring origin area clean and the galvanized iron pipe emerging from that box, the spring was used as a domestic water supply system continuously from early pioneer days. In the early pioneer days a hand split cedar shake and single wall construction cabin was located within about 75 feet of the spring because of the spring, which was the source of domestic water. That cabin was torn down in the mid 1950's after it had been used for a number of years as an outbuilding for a residential structure built on the property.

Prior to that time, it was occupied by the Crenshaw family. Mr. Crenshaw, if still living, is quite elderly now and in my childhood or boyhood days and college days he was living on property adjacent to the spring but up the hill, and no longer used the spring as a source of water. It was commonly known to me and to

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WATER RESOURCES DEPT.
SALEM, OREGON

Letter to Mr. Gary Johnson
December 30, 1992
page two

members of my family and to neighbors that he and his elderly mother, who was killed on nearby property in a truck accident in the early 1960's at the approximate age of 90, had used the spring water from early pioneer days and so had their family members before them. We understood clearly from talking with Clinton Crenshaw and his mother that the spring had not ceased flowing for over 100 years in their collective family memory, and it was one of the reasons that my parents purchased the property in 1949.

It is impossible to apply pressure to the source of the spring water by capping it and there is little doubt in my mind that a number of wet areas downhill from this spring are indicators that the spring has more outflow, and always has had, than is captured by the 3/4 inch pipe.

I attach a copy of the map used for GR 1894, on which I have noted the location of the spring collection box marked with a square, labelled "spring". For over the past ten years the spring water has served the same lots as GR 1894.

Yours truly,



Richard W. Cleveland

owner

RWC/gc
Enclosure

CLEVELAND & ROBINETTE
Attorneys at Law

KAYE C. ROBINETTE
RICHARD W. CLEVELAND

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JAN 04 1993

WATER RESOURCES DEPT.
SALEM, OREGON
747 4TH STREET, SUITE 100
EUGENE, OREGON 97401
(503) 485-1616

DOCUMENT TRANSMISSION
(503) 342-1996

December 31, 1992

Mr. Dwight French
Oregon Water Resources Department
Field Operations Division
3850 Portland Road, N.E.
Salem, OR 97310

Dear Mr. French:

Enclosed is an application for registration of water rights from a spring on our property in Eugene, along with our check in the amount of \$30 for a registration fee. I used the same map as for a well on the same property, noting the location of the spring on the map and again in the application.

This is being sent to you by fax and also by mail this date. Please advise if you need any additional information.

Yours truly,



Richard W. Cleveland

RWC/gc
Enclosures

CLEVELAND & ROBINETTE

Attorneys at Law

KAYE C. ROBINETTE
RICHARD W. CLEVELAND777 HIGH STREET, SUITE 100
EUGENE, OREGON 97401

(503) 485-1818

DOCUMENT TRANSMISSION

(503) 342-1998

FACSIMILE TRANSMISSION SHEET

DATE: December 31, 1992

TO: Mr. Dwight French

FACSIMILE #: 378-8130

NUMBER OF PAGES: 8 (including this form)


FROM: Richard Cleveland

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This facsimile transmission (and or documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the document.

Yours truly,

CLEVELAND & ROBINETTE


Richard W. Cleveland

RWC/gc

CLEVELAND & ROBINETTE
Attorneys at Law

KAYE C. ROBINETTE
RICHARD W. CLEVELAND

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Richard W. Cleveland

RWC/gc
Enclosures

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM**

1. Name of Registrant: Richard W. Cleveland/Stephanie J. Cleveland
 Mailing Address: 1165 Debrick
Eugene, OR 97401 Telephone No: 484-1895, 485-1616
2. Source of water: spring
 Tributary to: Willamette River in Eugene
3. Purpose(s) for which water is used: irrigation
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
 If irrigation, total number of acres irrigated: 2
4. Priority Date
 a) Date of first use: prior to 1850
 b) Date water use development first initiated: prior to 1850
 c) Name of party who initiated development: Crenshaw
5. Amount of water claimed: 10 gpm in CFS or GPM flow through
(Water put to beneficial use) 3/4 inch I.D. pipe
6. Location of place of use: Lane County tax map #17-03-19-4-3
Sections, Township _____ N/S, Range _____ E/W. 1200, 1100 and 1300
Sections, Township _____ N/S, Range _____ E/W.
(Attach additional pages if necessary)
7. Usual period of use: Jan. / 1 to Dec. / 31
 month day month day

7. Usual period of use: $\frac{\text{Jan.}}{\text{month}}$ / $\frac{1}{\text{day}}$ to $\frac{\text{Dec.}}{\text{month}}$ / $\frac{31}{\text{y}}$

8. Remarks: see attached narrative statement (2 pages) and map. The exact location of the spring is at the bottom of a concrete improvement adjacent to and southwest of the trunk of a large Maple tree, within 5 feet of the easterly boundary of the property and 30 feet of the southerly boundary of the property marked tax lot 1200.

9. Total fees submitted with claim: \$30

Notarized Statement Signed by Claimant.

STATE OF OREGON)
) : ss
 County of Lane)

I, Richard W. Cleveland, having been duly sworn, depose and say that I, and being the claimant of the existing surface water right described herein, have read the contents of this claim and to the best of my knowledge all of the matters stated herein are true and correct.

Richard W. Cleveland
 Signature of Claimant

Signed and attested before me this 31st day of December, 1992



Gina D. Coontz
 NOTARY PUBLIC for the State of Oregon
 My commission expires: 5/30/95

THIS FORM MUST BE ACCOMPANIED BY A MAP PREPARED BY A CERTIFIED WATER RIGHT EXAMINER (CWRE).

Certified Water Right Examiner

Name: _____ CWRE#: _____

Address: _____

Telephone: _____

CLEVELAND & ROBINETTE

Attorneys at Law

KAYE C. ROBINETTE
RICHARD W. CLEVELAND

777 HIGH STREET, SUITE 100
EUGENE, OREGON 97401

(503) 485-1818

DOCUMENT TRANSMISSION

(503) 342-1996

December 30, 1992

Mr. Gary Johnson
Oregon Water Resources Department
Field Operations Division
3850 Portland Road, N.E.
Salem, OR 97310

Re: Artesian water source for spring-rights registration, Lane County tax lot no.
17-03-19-4-3-1200

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Letter to Mr. Gary Johnson
December 30, 1992
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Yours truly,



Richard W. Cleveland

Owner

RWC/gc
Enclosure

1" = 100'

SEE MAP 17-03-19-4-2

CLINTON

DR

COAST

HILLS VISTA

GARDENS

004-00

(VACATED)

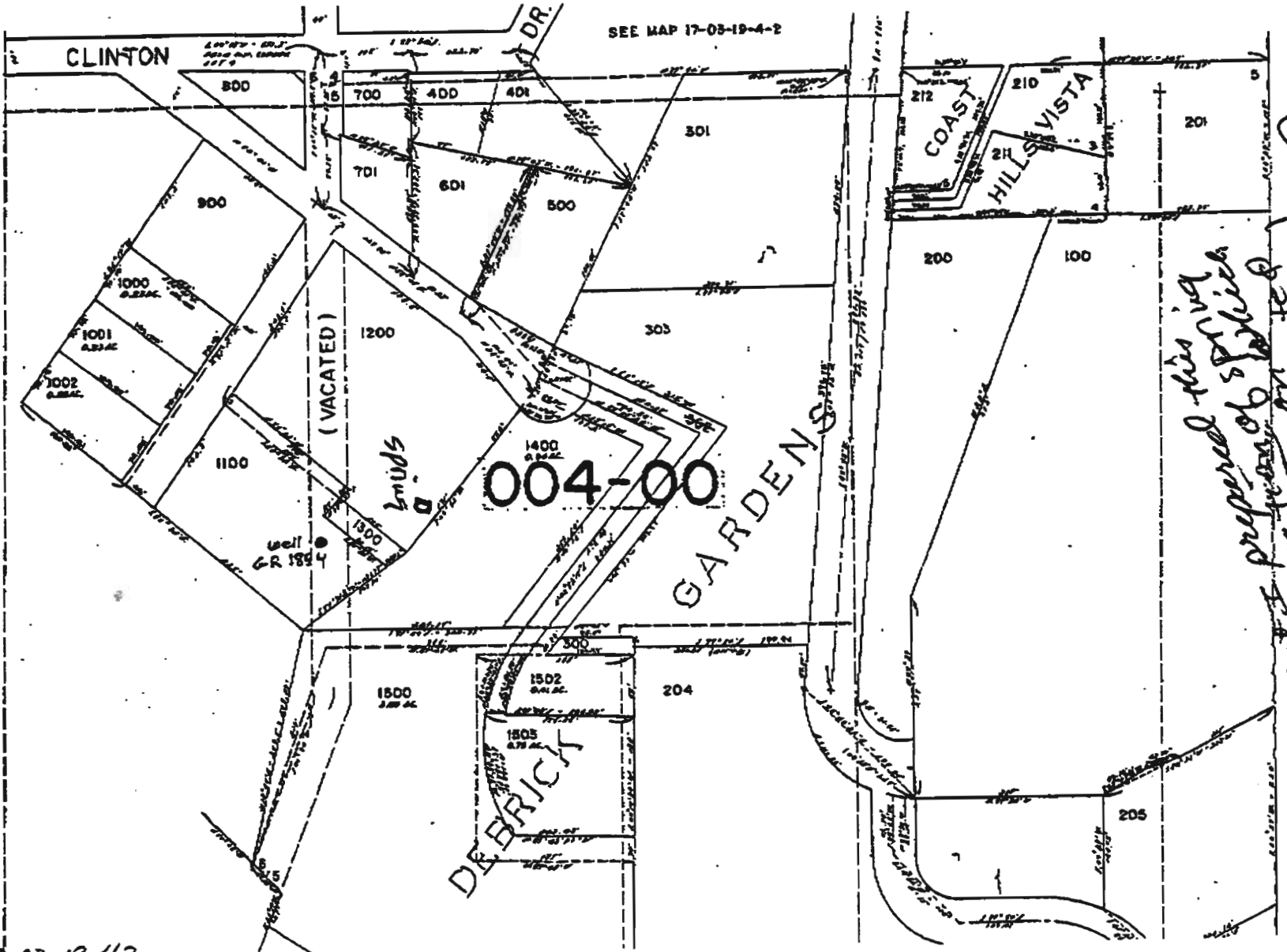
Smiths

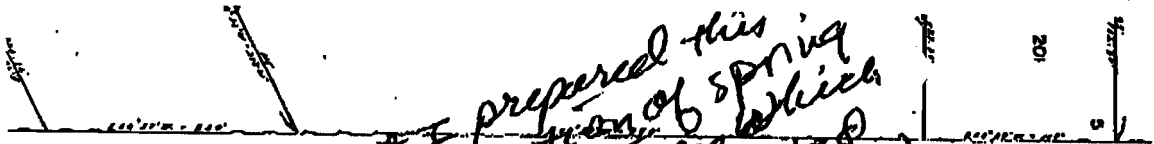
DE BRICK

Handwritten note: This is a prepared sketch prepared by which

SEE MAP 17-03-19-3

MAP 17 03 19 43





I certify that I prepared this
map showing location of spring
as owner of property on which
the spring is located
Richard Cleveland

December 15, 1993

RICHARD W & STEPHANIE J CLEVELAND
1165 DEBRICK
EUGENE OR 97401

RE: SWR-482

Dear Mr & Mrs Cleveland,

I am in the process of reviewing the maps submitted in support of pre-1909 vested water right claims. There may have been some misunderstanding about the required map during the last few months before the December 31, 1992 deadline. As the deadline approached, it was apparent the Water Right Examiners (WRE) would not be able to survey and prepare the required map and site report. We allowed claimants to submit most any kind of map to meet the deadline. We tried to insure claimants understood that the survey, map and site report would be required as soon as the WRE had time to make the field survey and complete the map and report.

The reason I am writing today is about your map. The map submitted does not meet the statutory requirements. I need to know when I might receive the required map from you. I cannot complete my review of your claim without the required map.

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:\WS\C\4\SWR-0482.002



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

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME UPPER WILLAMETTE # 2A UNADJUDICATED AREA ? OK DWF
RECEIPT # 95875 S W R NUMBER 482
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 JCSU

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

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

April 12, 1993

RICHARD W CLEVELAND/STEPHANIE J CLEVELAND
1165 DEBRICK
EUGENE OR 97401

Dear RICHARD AND STEPHANIE CLEVELAND,

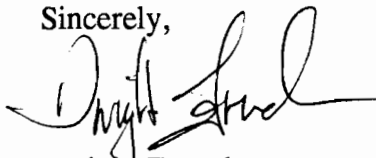
This will acknowledge that your Surface Water Registration Statement in the name of RICHARD W CLEVELAND/STEPHANIE J CLEVELAND has been received by our office. The fees in the amount of \$30.00 have been received and our receipt #95875 is enclosed. Your registration statement has been numbered SWR-482.

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\CLAIMANT\SWR-0482.001



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95875**

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

RECEIVED FROM: Richard W. Cleveland
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-D 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.	\$
_____	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 # **95875**

DATED: 1-4-93 BY: D. Bushell