



TELEPHONE (503) 267-2872  
FAX (503) 267-0588

705 SO. 4TH, P.O. BOX 118  
COOS BAY, OREGON 97420

**PRE-1909 VESTED WATER RIGHTS MAP  
CLAIM OF BENEFICIAL USE AND SITE REPORT SWR-544  
LOCATED IN THE NE1/4 OF SE1/4 AND THE SE1/4 OF NE1/4,  
OF SECTION 6, T. 26 S., R. 12 W., W. M. COOS COUNTY, OREGON**

**RECEIVED**

**FEB - 9 1994**

WATER RESOURCES DEPT  
SALEM, OREGON

**INFORMATION:**

**Permittee:** Bertha EBARB  
1180 W. Catching Slough Rd.  
Coos Bay, OR 97420  
(503) 267-6231

I met Mrs. Ebarb on site January 11, 1994, she indicated that they were the fourth owner of the ranch and to her knowledge there had been no variation in use (domestic and stock watering) since a patent had been filed for on May 20, 1862.

**SOURCES:**

The sources of water for domestic and livestock watering are two unnamed streams, tributaries to Catching Slough, tributary to Coos Bay.

**DIVERSION POINT:**

P.O.D. #1 is an in-stream collection box constructed of fibreglassed plywood. The box is 30 inches high and 30 inches wide by 36 inches long. Water flow is directed to the screened top of the box by a 10 foot long by 4 inches in diameter ABS plastic pipe. P.O.D. #2 is an 800 foot stream section for in-stream stock watering on unnamed stream #2.

**MOTOR:**

N/A

**PUMP:**

N/A

**PIPE:**



RECEIVED

FEB - 9 1994

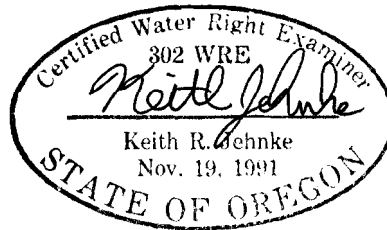
WATER RESOURCES DEPT  
SALEM, OREGON

**POINT OF BEGINNING:**

The P.O.D was tied to the SE 1/16 corner of Section 6, T. 26 S., R. 12 W., W. M. by using hand compass, string chain, aerial photos and an assessors map 6 26 12 of Coos County. The bearing and distance to the P.O.D. from the corner are North 37 East 624 feet.

**CONCLUSIONS / REMARKS:**

The final proof survey and inspection of PRE-1909, SWR-544 was completed on January 11, 1994 and the facts contained in this report and accompanying proof map are correct to the best of my knowledge.



I, Bertha Ebarb, agree to the findings of the CWRE and do submit this site report and map as claim of beneficial use of the water as provided under the terms and conditions of our SWR-544.

2-8-94  
Date

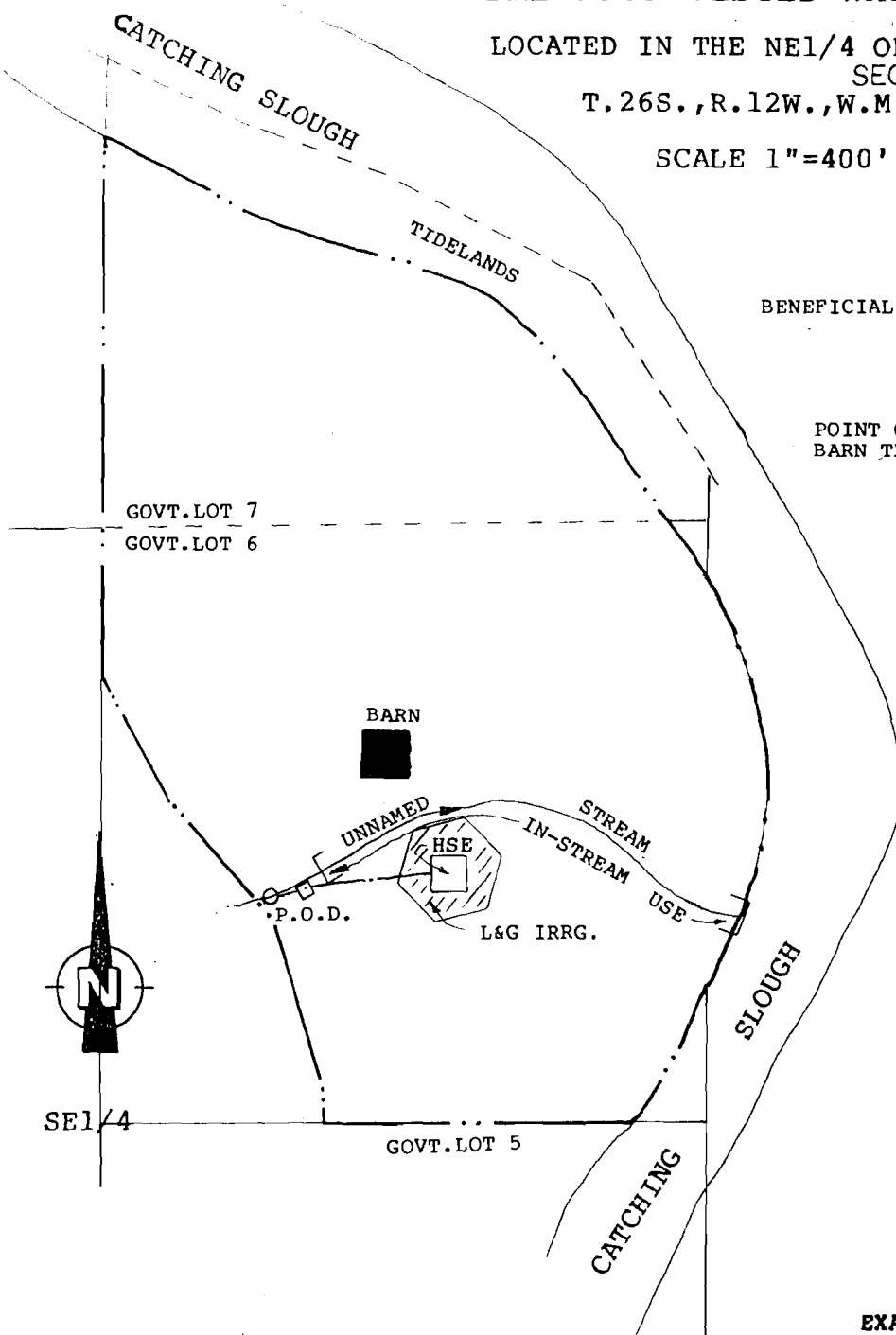
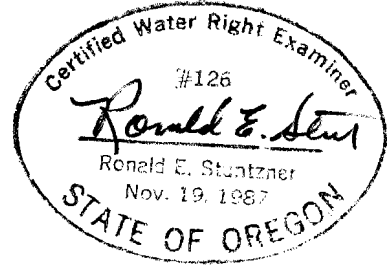
Bertha Ebarb  
Bertha Ebarb

PRE-1909 VESTED WATER RIGHTS APPLICATION MAP  
 LOCATED IN THE NE1/4 OF SE1/4 AND THE SE1/4 OF NE1/4,  
 SECTION 6  
 T.26S., R.12W., W.M., COOS COUNTY, OREGON

SCALE 1"=400'

DATE SURVEYED: PENDING  
 FOR: BERTHA EBARB

BENEFICIAL USES CLAIMED: IN-STREAM STOCKWATER  
 DOMESTIC INC. 1/2 AC.  
 LAWN AND GARDEN IRRIGATION  
 BARN W/ STOCK TROUGH  
 POINT OF DIVERSION SERVES DOMESTIC AND  
 BARN TROUGH BY GRAVITY SYSTEM



EXAMINERS DISCLAIMER STATEMENT

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

OK

WARRANTY DEED-SURVIVORSHIP

89 11 2208

CR 11

KNOW ALL MEN BY THESE PRESENTS, That FRANK M. VETTER and JOAN L. VETTER, Husband and Wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by BERTHA H. EBARR and MARTIN R. EBARR hereinafter called grantees, hereby grants, bargains, sells and conveys unto the said grantees, not as tenants in common but with the right of survivorship, their assigns and the heirs of the survivor of said grantees, all of the following described real property with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, situated in the County of Coos, State of Oregon, to-wit:

As described on attached exhibit "A"-----

State of Oregon County of Coos 89-11-2208

(tax a/c #4663.00, 4663.02 & 4663.92)

I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at 2:05 pm Nov 30, 1989

By [Signature] Deputy #pages 2-11-89 REC-2

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their assigns and the heirs of such survivor, forever; provided that the grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

And the grantor above named hereby covenants to and with the above named grantees, their heirs and assigns, that grantor is lawfully seized in fee simple of said premises, that same are free from all encumbrances except those set forth on attached exhibit "A"

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$145,000.00

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 29 day of November, 1989; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

[Signatures of Frank M. Vetter and Joan L. Vetter]

STATE OF OREGON, County of COOS, November 29, 1989.

STATE OF OREGON, County of Coos, Personally appeared [Signatures] and [Signatures] who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of [Signature], a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Personally appeared the above named Frank M. Vetter and Joan L. Vetter.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me, [Signature] Notary Public for Oregon My commission expires 10-20-93

Notary Public for Oregon My commission expires: [Signature] (If executed by a corporation, affix corporate seal)

Form fields for GRANTOR'S NAME AND ADDRESS (VETTER), GRANTEE'S NAME AND ADDRESS (EBARR), and recording information (BERTHA H. EBARR & MARTIN R. EBARR, Buena Park, CA 90621).

Form fields for STATE OF OREGON, County of Coos, recording information (I certify that the within instrument was received for record on the day of 11, 1989 at 2:05 o'clock PM and recorded in book/roll/volume No. 102612 on page 2 or as per instrument/microfilm/reception No. 89-11-2208), and witness fields.

NOV 30 1989

NOV 30 1989

EXHIBIT "A"

89 11 2209

Lots 6 and 7, Section 6, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING a portion of said premises previously deeded to Eugene L. Gething, Sr. and Nellie F. Gething, more particularly described as follows:

Starting at the SE 1/16 corner of Section 6, Township 26 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, the property line bears North 87° 14' East 488.00 feet to the Southeast lot corner, a car axle and thence bears North 02° 17' East 55.62 feet to a car axle and then North 14° 31' West 404.79 feet to a car axle; thence North 40° 06' West 326.66 feet to a car axle. From this last point, the property line bears North 28° 44' West 302.66 feet to a car axle beyond the power line a few feet past a fence corner, and from this point South 01° 46' West 986.23 feet to the point of beginning.-----

31

THE ABOVE PROPERTY IS SUBJECT TO THE FOLLOWING:

1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. As disclosed by the tax roll the premises herein described are classified as Forest Lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment of Catching Slough Drainage District.
4. The rights of fishing, navigation and commerce of the State of Oregon, the Federal Government, and the public in and to that portion thereof lying below the ordinary high water mark of Catching Slough, including any ownership rights which may be claimed by the State of Oregon below high water mark.
5. Easement, including the terms and provisions thereof, for transmission line to United States of America, by instrument recorded December 6, 1950, in Book 204, Page 573, Deed Records of Coos County, Oregon.
6. Easement, including the terms and provisions thereof, to Catching Inlet Drainage District, a municipal corporation of Coos County, Oregon, by instrument recorded June 1, 1956, in Book 250, Page 651, and recorded June 19, 1956, in Book 251, Page 202, Deed Records of Coos County, Oregon.
7. Contract of Sale, including the terms and provisions thereof, between Selmer J. Swanson and Elizabeth M. Swanson, husband and wife, vendor to Frank M. Vetter and Joan L. Vetter, husband and wife, vendee, as evidenced by a Memorandum of Contract dated May 10, 1969, and recorded December 27, 1979, bearing Microfilm Reel No. 79-6-6004, Records of Coos County, Oregon, for \$25,000.00.
8. Easement, including the terms and provisions thereof, dated November 13, 1989 and recorded November 30, 1989, bearing Microfilm Reel #89-11-2206, Records of Coos County, Oregon.

RECORDED  
TICOR TITLE  
INSURANCE  
56-641  
Coos County, Oregon

2209

## The United States of America.

Memorandum To all to whom these presents shall come, Greeting: Whereas  
 Certificate There has been deposited in the General Land Office of  
 No 1038 the United States a Certificate of the Register of the Land  
 Application Office at Roseburg Oregon, whereby it appears that  
 2000 persons to the Act of Congress approved 20<sup>th</sup> May 1862  
 So named Homesteads to actual settlers on the Public  
 Domain, and the acts supplemental thereto, His claims  
 of Benjamin Ross has been established and duly acknow-  
 nished, in conformity to Law, for the Lots numbered  
 Six, Seven, Eight and Ten, and the South East quarter  
 of the North West quarter of Section Six, in Township 20  
 Twenty six South, of Range Twelve West, in the District  
 of Oregon subject to sale at Roseburg Oregon, containing  
 one hundred and seventy five acres and ninety hundredths  
 of an acre according to the Official Plat of the  
 Survey of the said Land returned to the General Land  
 Office by the Surveyor General. Now know ye, that  
 there is hereby granted by the United States unto  
 the said Benjamin F Ross the tract of land above  
 described. To Have and to Hold the said tract of  
 Land, with the appurtenances thereof, unto the said  
 Benjamin F Ross and to his heirs and assigns for  
 ever, subject to any vested and accrued water rights  
 for mining, agricultural, manufacturing, and other  
 purposes, and rights to ditches and successions used  
 in connection with such water rights as may be  
 recognized and acknowledged by the local customs  
 laws and decisions of courts, and also subject to

...the same to be found  
...the premises hereby granted as

...of J. Rutledge B. Hays, President  
...have caused these letters  
to be made patent, and the deal of the Bureau Land  
Office to be herewith affixed.

...under my hand at the City of Washington  
the thirtieth day of December, in the year of our Lord the  
One thousand eight hundred and seventy eight, and of  
the Independence of the United States the One hundred  
and third.

By the President R. B. Hays.

By W. A. Hunt Secretary.

Recorded Vol. 3, Page 254. D. W. Clark, Recorder of the Bureau Land Office.  
Linn, Oregon 29 1878.

My truly yours, W. A. Hunt.

This indenture made on the 30th day of September  
1878 by and between John Thoms and Richard Thoms  
of the County of Linn and State of Oregon of the  
one part, and Lewis Beckman of the same place  
of the other part, witnesseth that for the consideration

of Dollars to them paid, the receipt whereof  
is hereunto attested, the parties of the first part have  
agreed and covenanted with the second part as follows:



**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP Jek NAME South West # 17 UNADJUDICATED AREA ? YES  
RECEIPT # 96018 S W R NUMBER 544  
CHECK ENCLOSURES Jek PRELIMINARY DATA BASE ENTRY PR  
ACKNOWLEDGEMENT LETTER Jek ENTER ON STREAM INDEX \_\_\_\_\_  
CHECK QUADRANGLE MAP \_\_\_\_\_ CHECK GLO PLATS \_\_\_\_\_  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION Scot

**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  
✓ 1/10<sup>th</sup> A.C.E.

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

February 14, 1994

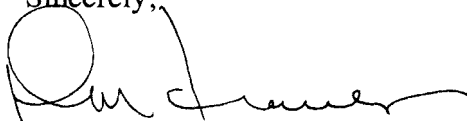
KEITH R JEHNKE  
PO BOX 118  
COOS BAY OR 97420

RE: SWR-544

Dear Mr Jehnke,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of BERTHA EBARB 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:\WIS\C\5\SWR-0544.003



December 29, 1993

RONALD E STUNTZNER  
PO BOX 118  
COOS BAY OR 97420

re:SWR-544

Dear Mr Stuntzner,

I am in the process of reviewing the maps submitted in support of the pre-1909 vested water right claims. It appears the map I have in the BERTHA H EBARB file was to be satisfy the December 31, 1992 deadline. Can you give me the anticipated submittal date of the required map? Thanks for your help.

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\SIC\5\SWR-0544.002

1-10-94

DENNIS GONDEA, STUNTZNER ENGINEERING  
CALLED TO SAY THE MAP & REPORT WILL  
BE SUBMITTED AROUND THE MIDDLE  
OF FEBRUARY.



April 23, 1993

BERTHA H EBARB  
1180 W CATCHING SLOUGH ROAD  
COOS BAY OR 97420

Dear MS EBARB,

This will acknowledge that your Surface Water Registration Statement in the name of BERTHA H EBARB has been received by our office. The fees in the amount of \$400.00 have been received and our receipt #96018 is enclosed. Your registration statement has been numbered SWR-544.

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

J:\WP51\SWR\CLAIMANT\5\SWR-0544.001



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

## WATER RESOURCES DEPARTMENT

RECEIPT # 96018

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455/378-8130 (FAX)

RECEIVED FROM: <u>Bertha H. Ebarb</u>	APPLICATION
BY:	PERMIT
	TRANSFER

CASH:  CHECK: # 2422 OTHER: (IDENTIFY) TOTAL REC'D \$ 400**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>400</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**

LIC NUMBER

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

RECEIPT # 96018

DATED: 1-6-93 BY: BRUNN