

# FORD ■ NESS ■ FASSBENDER

LAND SURVEYING ■ CONSTRUCTION SUPERVISION ■ WATER RIGHTS EXAMINATIONS

1120 Bailey Hill Road, No. 1 Eugene, Oregon 97402-3048 (503) 344-1852 FAX (503) 344-9923

May 9, 1994

Oregon Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, Or 97310

RE: SWR-629,630 & 631

Mr. Don Knauer,

In response to your letters dated April 12, 1994. This one letter will address the questions you have on all three of the SWR's noted above. I will also enclose two copies of this letter for your records on the other two SWR's.

The pipe size from the diversion point to the end of the delivery system is a 6" diameter plastic pipe. The diversion point system is a valve at the toe of the slope of the Eugene Water and Electric Board (EWEB), canal. When the canal was built Cogswell creek was the source of water for those properties these water rights are addressing. The canal construction diverted Cogswell creek into the canal. EWEB installed a valve system to divert water from the canal to the properties formerly using Cogswell creek for their supply of water. The Valve size is a 10" diameter valve and pipe from the canal leading into said 6" diameter pipe leading to said properties.

If you have any questions feel free to inquire.

Respectfully,



H. Timothy Fassbender, PLS, CWRE  
1120 Bailey Hill Rd #1  
Eugene, Or 97402

*Formerly doing business as: Ford Surveying since 1945 and Leavitt, Ness & Co. since 1966  
Certified W.B.E. / D.B.E.*

April 2, 1994

**RECEIVED**

**APR - 4 1994**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Oregon Water Resources Dept.  
3850 Portland Rd NE  
Salem, OR 97310

RE: Alvie & Beverly Yarbrough Claim # SWR-629  
Don Carnes & Paula Madaglia SWR-630  
Wayne & Doris Hansen SWR-631

Dear Mr. Knauer,

The enclosures are the final papers needed to complete the application for Water Rights for the three families on a common line. You already are in possession of our original forms and documentation.

The remaining papers needed were the map prepared by a Certified Water Examiner and the depositions showing water use pre-1909.

Sincerely submitted,

*W. Wayne Hansen*

Alvie E. Yarbrough  
90074 Greenwood Dr.  
Leaburg, OR 97439

Don J. Carnes & Paula Madaglia  
90108 Greenwood Dr.  
Leaburg, OR 97439

W. Wayne Hansen & Doris Hansen  
90107 Greenwood Dr.  
Leaburg, OR 97439

RECEIVED

APR - 4 1937

WATER RESOURCES DEPT.  
SALEM, OREGON

42663

Ida D. Ward, being first duly sworn on oath, says that she is and has been practically all of her life a resident of Leaburg, Lane County, State of Oregon, with the exception of a short period of time subsequent to the year 1909, that she is familiar with lands located in the Southwest Quarter of Section 1, Township 17 South, Range 1 East, W. M., that she is familiar with the lands formerly owned by J. W. and Rachel Alice Elston, husband and wife, part of which lands are now owned by C. L. and Nellie L. Kelly, husband and wife, and also lands now being purchased by Otis J. and Alice Fisher, husband and wife, and Trueman R. and Juliet Fisher, husband and wife, that she is and has been practically all of her life familiar with the flow of water in Cogswell Creek, and that lands now owned by C. L. and Nellie L. Kelly, husband and wife, and also lands now being purchased by Otis J. and Alice Fisher, husband and wife, and Trueman R. and Juliet Fisher, husband and wife, on land contract were irrigated by water from the aforesaid Cogswell Creek and that said water was used for irrigation purposes on said lands prior to the year A. D. 1909.

Ida D. Ward

Subscribed and sworn to before me this 7 day of  
June, 1937.

H. V. Johnson  
Notary Public for Oregon

My commission expires March 8, 1941.

82662

*These affidavits are very  
very important. You can not  
obtain new ones as the old  
people have passed away.*

Annie Craft, first being duly sworn on oath says that she is a resident of Leaburg, Lane County, State of Oregon, and has been a resident of said county and state since the year 1908, that she is familiar with land located in the S. W. 1/4 of Section 1, Township 17 South, Range 1 East, W. M., and particularly with that portion of said quarter section formerly owned by J. W. and Rachel Alice Elston, Husband and wife, which lies in a generally southerly position from the Eugene Water Board canal.

The Affiant further says that she has during all of this period of time resided in the neighborhood above described and is familiar with the flow of water in Cogswell Creek, and that a portion of the water from said Cogswell Creek was used for irrigation purposes prior to the year A. D. 1909, and that a part of the land above referred to and formerly owned by J. W. and Rachel Alice Elston, husband and wife, a part of which is now owned by C. L. and Nellie L. Kelly, husband and wife, and also lands now being purchased under land contract by Otis J. and Alice Fisher, husband and wife, and Irueman R. and Juliet Fisher, husband and wife, are included in and a part of the lands irrigated by the waters of said Cogswell Creek prior to the year A. D. 1909.

**RECEIVED**

APR - 4 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Subscribed and sworn to before me this 7 day  
June, 1937,

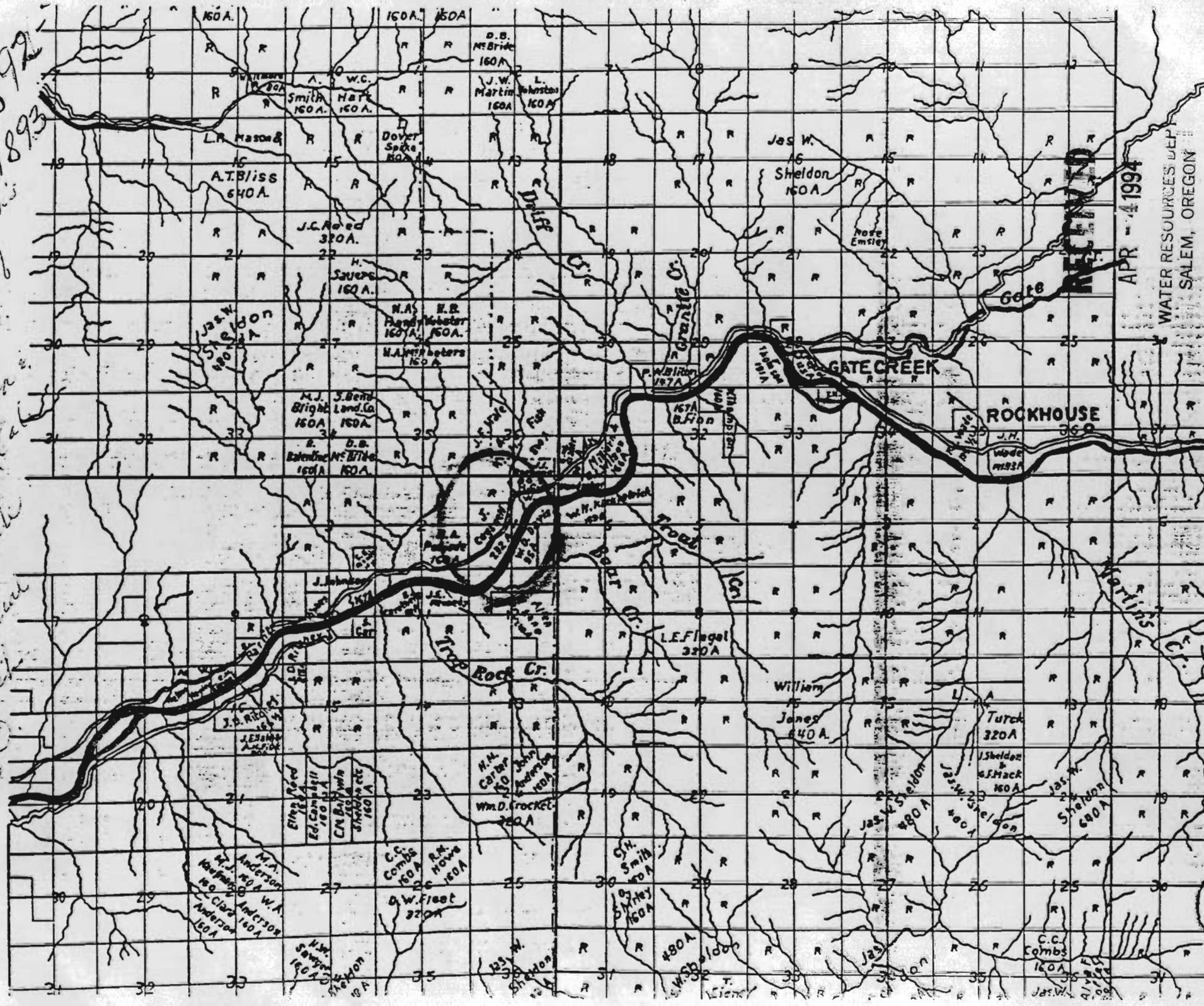
*Annie Craft*

*H. J. Fisher*

Notary Public for Oregon

My Commission expires March 6th, 1941.

Map of Ketchikan  
1892  
1893  
The District  
of Alaska  
Permit  
No. 1000



APR 4 1894

WATER RESOURCES DEPT  
SALEM, OREGON

March 4, 1994

The below information was taken from a 1 hour 45 minute afternoon visit with George and Eva Easton at their home in Leaburg, on Feb. 28, 1994.

George has an incredible mind and great wit. He has kept a daily diary since 1915 to 1992 which was shown to us.

Signed,  
*Loris M. Hansen*

I, George Easton of Leaburg, having been born in 1897 in the Walterville area and living my entire life in the surrounding area. I remember the John Cogswells farm starting at Greenwood Cemetery going east to the Curry Stagecoach Stop. Cogswell Creek ran thru the property with an open gravity-flow ditch to divert the water for irrigation. This would have been during years 1905-1908

Mr. Cogswell later sold that property to J.W. Elston.

Signed,  
*George M. Easton*  
-----  
*George Wotten*  
-----  
Witness

**RECEIVED**  
APR - 4 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON

ATTACHMENT 1

# CONSUMER INFORMATION REPORT

PREPARED BY



## Title Guaranty Company

RECEIVED

NOV 22 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Prepared for

J

Pat

\_\_\_\_\_

5-21-87

Date Prepared

Property Address \_\_\_\_\_

Enclosed please find the following information per your request:

### Tax Information

Account Number \_\_\_\_\_

Description \_\_\_\_\_

1987 Assessed/TC Value-Land \_\_\_\_\_

1987 Assessed/TC Value-Improvement \_\_\_\_\_

1986 Tax Amounts \_\_\_\_\_

Assessed Owner \_\_\_\_\_

Map

Copy Deed

Contract

Other Documents

### MAIN OFFICE

299 EAST 18th  
P.O. Box 10960  
EUGENE, OR 97440  
485-3588

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds; indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

THIS INDENTURE WITNESSETH:

THAT WHEREAS, WALTER W. CARTER and ELENOR M. CARTER are the owners of the following described property:

17-15-01-3  
T/L 200

Beginning at a point South 40° 12' West 472.3 feet from a point 378.8 feet North of an iron pipe set for the center of Section One (1) Township 17 South Range 1 East of the Willamette Meridian, and running thence South 40° 12' West 552 feet; thence North 49° 48' West 451.2 feet to the Southerly right of way line of the Mc Kenzie Highway; thence North 51° 48' East along said right of way line 563.5 feet; thence leaving the right of way line South 49° 48' East 337.9 feet to the place of beginning containing 5.00 acres more or less in Lane County, State of Oregon.

Also, All of that part of the West 1/2 of Section 1, Township 17 South, Range 1 East of Willamette Meridian, Lane County Oregon, which lies North of the right of way of the Mc Kenzie State Highway and South of the right of way of the City of Eugene Power Canal, containing 6.02 acres of land.

17-15-01  
T/L 400  
401  
402

THAT WHEREAS, W. E. MILLS and RUTH MILLS, his wife, are the owners of a tract of land described as follows:

17-15-01-3  
100  
101  
102  
103  
104  
\*TAX LOT #

Beginning at an iron pipe which is center of Section 1, Township 17 South Range 1 East of Willamette Meridian, thence North 378.4 feet to iron pipe, thence South 40° 12' West 777.3 feet to iron pipe, thence S. 49° 48' East 923 feet to iron pipe, thence N. 24° 08' East 310.7 feet, to iron pipe, thence N. 25° 32' East 233.3 feet to iron pipe, thence North 50° 50' West 185.8 feet to iron pipe, thence South 59° 20' West 40 feet to iron pipe, thence North 50° 50' West 345.8 feet to iron pipe, place of beginning, Lane County, Oregon.

THAT WHEREAS, HOWARD M. LEE and CARRIE S. LEE, his wife are the owners of the following described tract of land:

17-15-01-3  
300  
301  
302

Beginning at an iron pipe, which pipe is 777.3 feet South 40° 12' West of a point which is 378.4 feet North of a point which is the center of Section 1, and which point is marked by an iron pipe, and a Stone, in Township 17 South Range 1 East of the Willamette Meridian, in Lane County, Oregon, running thence South 49° 48' East 923.0 feet to an iron pipe, thence South 24° 08' West 133.0 feet to an iron pipe, thence North 49° 48' West 178 feet to an iron pipe, in the center of the County Road, thence along the center line of the County road, South 40° 12' West 126 feet to an iron pipe, thence North 49° 48' West 778.8 feet to an iron pipe, thence North 40° 12' East 247 feet to the place of beginning in Lane County, Oregon.

THAT WHEREAS, all of the above described tracts of land were once owned by MARY and MARION ELSTON, and the said Elstons entered into an agreement with the City of Eugene, which agreement is dated the 12th of March, 1928, and is recorded in Volume 155, Page 609, Deed Records, Lane County, Oregon,

WHEREAS by virtue of said agreement, the City of Eugene agreed to provide water to the land of said Elstons, which land included all of the above described properties.

WHEREAS the Elstons and their mesne grantees have constructed irrigation ditches and other means of distributing this water over the several properties above described which means have varied from time to time in location and capacity,

THAT WHEREAS all the parties to this instrument recognize the right of each of the above described lands to obtain a portion of the water furnished by the City of Eugene under the above referred to agreement with MARY and MARION ELSTON,

AND WHEREAS the several parties to this agreement are now desirous of determining the location of the ditches, pipelines, irrigation boxes and other means of distribution of the water furnished by the City of Eugene to these lands.

NOW, THEREFORE, IN CONSIDERATION of the premises and of the mutual covenants and agreements hereinafter set forth, WALTER W. CARTER and ELENOR M. CARTER, his wife, give, grant, and demise to HOWARD M. LEE and CARRIE S. LEE, his wife, and to W. E. MILLS and RUTH MILLS, his wife, a right of way over, upon, and across the following described premises:

Beginning at a point South 40° 12' West 472.3 feet from a point 374.8 feet North of an iron pipe set for the center of Section One (1) Township 17 South Range 1 East of the Willamette Meridian, and running thence South 40° 12' West 552 feet; thence North 49° 48' West 451.2 feet to the Southerly right of way line of the Mc Kenzie Highway; thence North 51° 48' East along said right of way line 563.5 feet; thence leaving the right of way line South 49° 48' East 337.9 feet to the place of beginning containing 5.00 acres more or less in Lane County, State of Oregon.

RECEIVED  
NOV 2 1945  
LANE COUNTY CLERK  
EUGENE OREGON

Which Easement shall more particularly be described as follows:

Commencing at a point 378.4 feet North and 774.5 feet South 40° 12' West of an iron pipe marking the center of Section 1, Township 17 South, Range 1 East of the Willamette Meridian (which said beginning point is 250.8 feet North 40° 12' East of the Northwest corner of that tract of land Deeded to Howard M. and Carrie S. Lee, November 30, 1943, and Recorded in Volume 258, Page 429, Deed Records, Lane County, Oregon), and running thence North 65° West 442 feet more or less to a culvert lying under the Mc Kenzie Highway.

The said Easement shall also extend over and across the premises described as follows:

All of that part of the West 1/2 of Section 1, Township 17 South, Range 1 East of Willamette Meridian, Lane County Oregon, which lies North of the right of way of the Mc Kenzie State Highway and South of the right of way of the City of Eugene Power Canal, containing 6.02 acres of land.

This said Easement shall be for the purpose of laying an irrigation pipe below the surface of the ground of the said premises at a depth of not less than 18 inches below said surface, and said Easement shall also include the right on the part of the grantees to enter into and upon said lands to maintain and repair said irrigation line.

The said grantees shall also have the right to construct and maintain the boxes and ditches which are necessary to supply water to said Irrigation Pipeline.

The said Easement shall be perpetual and shall run with the land of the grantees hereinabove named and to their heirs and assigns.

NOW IN CONSIDERATION of the grant of an Easement by WALTER W. and ELENOR M. CARTER, hereinabove set forth, the said grantees, W. E. MILLS and RUTH MILLS, his wife, and HOWARD M. LEE and CARRIE S. LEE, his wife, for themselves, their heirs, and assigns, hereby forever give up, release, and quit all claim to any easements, or rights of way held by them across the grantors' land previous to the date of this agreement.

AND FURTHER, IN CONSIDERATION of the mutual covenants and agreements hereinabove set forth, W. E. MILLS and RUTH MILLS, his wife, grant, demise, and convey unto HOWARD M. LEE and CARRY S. LEE,

his wife, their heirs and assigns, the right or easement over the Mills property to enable the Mills to obtain water from the box at the Southerly terminus of the above described irrigation pipe line.

IN WITNESS WHEREOF, we have hereunto set our hands this 22 day of March, 1950.

Walter W. Carter

Eleanor M. Carter

W. E. Mills

Ruth Mills

Howard M. Lee

Carrie S. Lee

STATE OF OREGON )  
                          ) ss.  
COUNTY OF LANE )

Be it remembered that on this 22 day of March, 1950, personally came before me, a Notary Public in and for said county, the within named WALTER W. CARTER and ELENOR M. CARTER; W. E. MILLS and RUTH MILLS, his wife; and HOWARD M. LEE and CARRIE S. LEE, his wife, to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and seal this day and year last above written.

My Commission Expires 9-13-53

Harold V. Johnson, Jr.  
Notary Public for Oregon





land of the grantor, and the described reference line is continuous with, and a part of the general reference line across other and adjacent lands."

That in consideration of the above conveyance, and of certain covenants named herein, which shall run with the land and be binding upon the grantee and its successors and which are not to be held or considered as merged in said deed, the parties hereto have agreed between themselves and do hereby agree and covenant each for himself as follows, to-wit:

That should the said City of Eugene construct a waterway over and through the above described property, the said City agrees as soon as practicable thereafter to construct, at the point designated by the first parties, a five ton capacity farm bridge, sixteen feet in width, with suitable railings and approaches for safe passing of farm animals across its waterway, for the use of the parties first above mentioned, and to grant to the said parties a right of way for farm purposes over its property, to and over the said bridge.

The City agrees to maintain the said bridge, with its approaches and railings, in a reasonable state of repair for farm purposes, but the parties hereto agree that the City shall not be liable to the said first above named parties for damages or repairs to the said bridge, caused by overloading or other abuse of the said structure.

In the event of the construction of waterway across the within described property, the City agrees to construct a stock tight fence along such part of boundary of the said property as the above first mentioned parties shall designate.

In the event that the City's operations on the within described property interfere with the location and use of any existing domestic water supply line, as at present located and constructed, the City agrees to protect or reconstruct the said line across its property at the present capacity thereof. The first parties shall have the right to install across the City's waterway, such additional pipes or conduits as they may from time to time desire.

Inasmuch as the parties of the first part, together with other and adjacent property owners, have diverted the waters of Cogswell Creek, for the purpose of irrigation and have constructed a system of ditches for the distribution of the said water; and the construction of a waterway by the City will intercept the flow of water in the said Cogswell Creek, the City agrees, in the event of the construction of the said waterway, that it will pass the water of Cogswell Creek, to the extent of the mean summer flow thereof, by flume, pipe or other conduit, across the City's property and into the channel of the said Cogswell Creek below its waterway, or, in lieu thereof, will deliver an equivalent amount of water from its waterway to the channel of Cogswell Creek. In the event of the diversion of any or all of the waters of the said Cogswell Creek northerly of the City's waterway, by the said first parties, the City will pass the said diverted water across its waterway or will deliver an equivalent quantity of water from its waterway to their irrigation ditches, for the use of the said first parties.

The City further agrees that if water is to be delivered from its waterway, the said City will install in its waterway 8" irrigation gates, as may be required, the said gates to be located at such points as will permit water to be taken therefrom and into the irrigation ditches now supplied by water from the said Cogswell Creek and will permit the said first parties to divert water through said gate or gates when and as they may elect.

It is hereby understood and agreed between the parties hereto, that the amount of water to be delivered by the said City, through the said gates to replace waters formerly diverted from the said Cogswell Creek, by the said first parties and by other and adjoining property owners, together with the water returned through the channel of Cogswell Creek, will not, in the aggregate, exceed the mean summer flow of the said Cogswell Creek, and it is further understood and agreed by the parties hereto that neither of the said parties shall either acquire or relinquish any titles to the waters of Cogswell Creek, by reason of the exchange of water herein mentioned.

This agreement shall be binding upon the successors, heirs or assigns of the parties hereto.

In Witness Whereof, the parties hereto have hereunto set their hands and seals, the day and date first above written.

MADE AND SIGNED IN DUPLICATE

WITNESSES:

Scottie Harbaugh

Marion Elston (SIL)

Mary Elston (SIL)

THE CITY OF EUGENE, LANE CO., OREGON.

Notary Public, in and for  
ELSTON AND MARY ELSTON, to  
executed the within instru-  
voluntarily for the uses  
IN TESTIMONY WHEREOF,  
day and year as in this co-

My commission expires: Apr  
Notarial Seal.

STATE OF OREGON, }  
COUNTY OF LANE, } ss.

On this 15th day of M  
both to me personally know  
the President, and he, the  
municipal corporation and  
authority of its Board of  
IN TESTIMONY WHEREOF,  
and year in this, my certifi-

My commission expires: Apr  
Notarial Seal.

J. W. ELSTON, et al  
to  
THE CITY OF EUGENE, LANE CO.

THIS AGREEMENT, made  
J. W. ELSTON AND RACHEL AL  
City of Eugene, Lane County  
WITNESSETH: That for  
to them in and paid by th  
and executed a warranty de  
owing described property,

"A tract of land 180.  
of Sec. 1, T. 14, S., R. 1  
feet on the Southerly side  
arly described as follows

"Beginning at a point  
of the said Section 1, an  
curve (radius 358.1 feet)  
the West line of the said  
described tract containin

"It is intended to c  
land of the grantors, and  
general reference line ac

That in considerati  
shall run with the land  
be held or considered as  
and do hereby agree and

That should the sai  
cribed property, the sai  
point designated y the  
with suitable railings

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NOV 22 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Form Approval  
OMB No. 2900-00

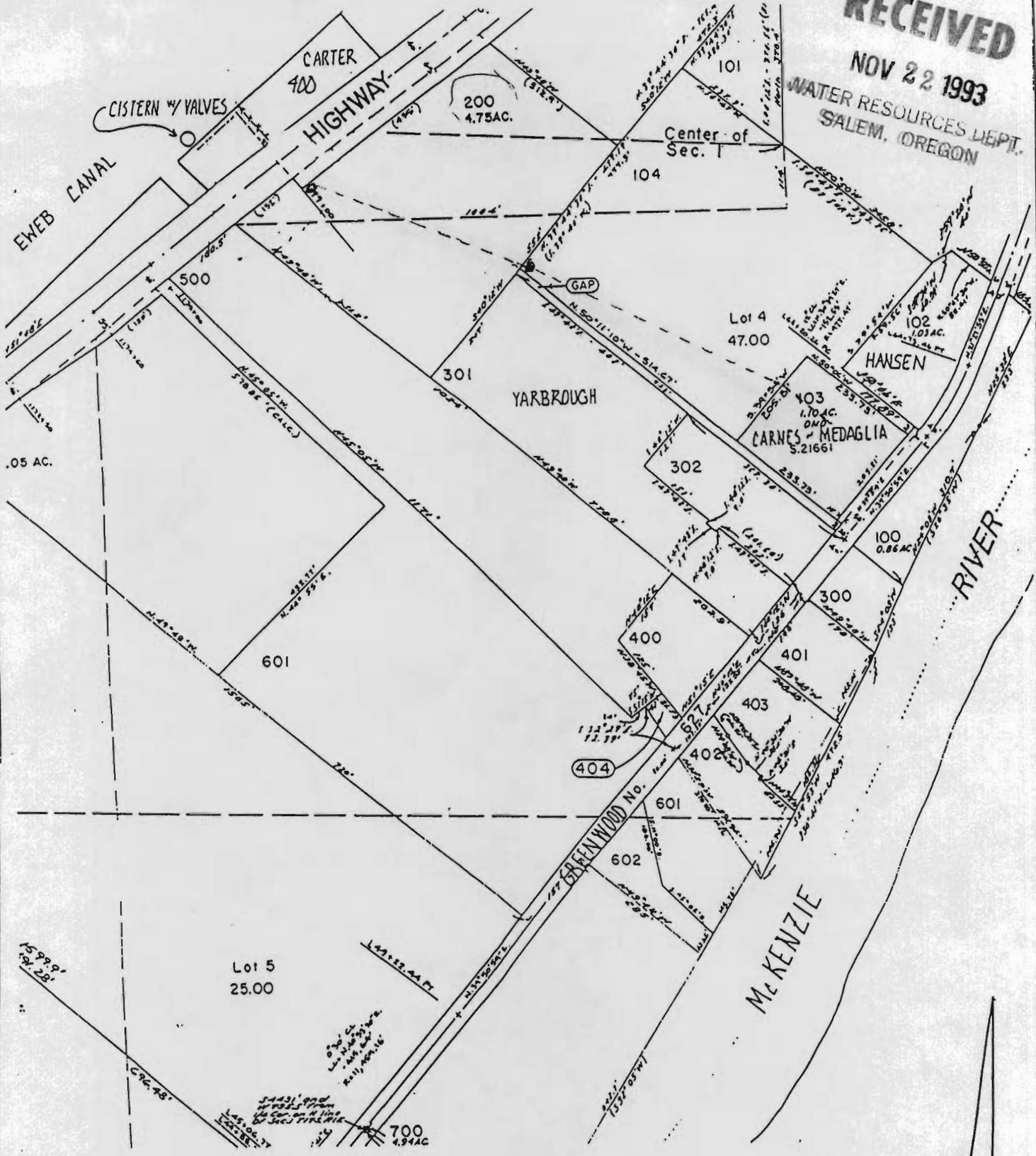
\* ATTACHMENT 2.

<input type="checkbox"/> VA CERTIFICATE OF REASONABLE VALUE <input type="checkbox"/> HUD <del>CON</del> DITIONAL C	HUD Section of Act 203B	1. CASE NUMBER 431-2112750
2. PROPERTY ADDRESS (Include ZIP Code) 90106 GREENWOOD LEABURG, OR 97141 LANE COUNTY, OR	Beginning at the 5/8 inch iron rod with aluminum cap marking the center of Section 1, Township 17 South, Range 1 East of the Willamette Meridian; thence South 50° 47' East 343.96 feet to a point marked by an existing 3/4 inch iron pipe; thence South 39° 54' West 259.56 feet to a point marked by an existing 1/2 inch iron rod; thence South 50° 06' East 177.89 feet to a point marked by an existing 1/2 inch iron rod, said point also being referenced by a 5/8 inch iron rod North 50° 06' West 10.00 feet; thence South 39° 54' West 20.00 feet to a point referenced by a 5/8 inch iron rod North 50° 06' West 10.00 feet said point being the true point of beginning of the land described; thence North 50° 06' West 243.73 feet to a point marked by a 5/8 inch iron rod; thence South 39° 54' West 205.81 feet to a point marked by a 5/8 inch iron rod; thence South 50° 11' 10" East 223.73 feet to the northwesterly line of Greenwood Drive; thence following said northwesterly line North 39° 54' East 205.81 feet, more or less, to the true point of beginning, in Lane County, Oregon.	
5. NAME AND ADDRESS OF FIRM OR PERSON  KEY P. EUC	3. BUILDING STATUS <input type="checkbox"/> PROPOSED <input type="checkbox"/> SUBSTANTIAL REHABILITATION <input checked="" type="checkbox"/> EXISTING <input type="checkbox"/> SEMI-DETACHED UNIT	

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NOV 22 1993

WATER RESOURCES DEPT.  
SALEM, OREGON





RECEIVED

NOV 22 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

November 12, 1993

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

Dear Mr. Knauer:

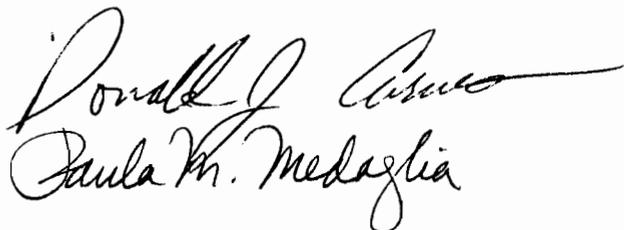
We are sending you this letter and attached documents in order to apply for irrigation water rights from the Eugene Water and Electric Board's Canal that flows through the McKenzie Valley area in Lane County. We have owned our property at 90108 Greenwood Drive in Leaburg, Oregon since August 8, 1987. At the time of purchase, we acquired this property with assurances from the previous owner, Mrs. Gwen Phibbs, and the Title Guaranty Company in Eugene, Oregon, that it came with deeded water rights from the EWEB canal. Those water rights were established through an agreement with the original owners and EWEB in 1928, and were set up to remain with the property, regardless of ownership. Supporting legal documents testifying to those water rights are on file with Lane County and are in our possession. We have attached a copy of those documents to support this application.

We now understand that the deadline for filing these water rights with your department expired on December 31, 1992. However, we are requesting that our claim be considered at this time. We and our neighbors who also share in this system (Beverly and Gene Yarbrough, Wayne and Doris Hansen, and the late Ruth Mills) had absolutely no knowledge of the requirement to file our water rights with your department. In fact, Mrs. Ruth Mills, who had lived on our property for a good many years, would have been the first person to inform us of any legal requirements of this nature.

This situation only came to our attention when the State Highway Division planned some construction on Highway 126 last summer and temporarily disrupted our water usage from the canal. In July, 1993, we had discussions with Mark Oberle from EWEB over the maintenance of the irrigation water pipes from the canal to our point of usage. At that time, we were first informed of the requirement for registering our water rights. On September 13, 1993, Mark Oberle sent us a letter advising us to contact your office for further instructions. Since that time, you have had communication with our neighbor, Gene Yarbrough, who provided us with the needed paperwork.

We are therefore submitting the enclosed Surface Water Registration Statement and specific attachments to this letter as a petition for registering our water rights.

Sincerely,

Handwritten signatures of Donald J. Carnes and Paula M. Medaglia. The signature of Donald J. Carnes is written in cursive and is positioned above the signature of Paula M. Medaglia, which is also in cursive.

Donald J. Carnes  
Paula M. Medaglia

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP JFK NAME Upper Niangua # 2A UNADJUDICATED AREA ? Yes  
RECEIPT # 107335 S W R NUMBER 630  
CHECK ENCLOSURES JFK PRELIMINARY DATA BASE ENTRY Paul  
ACKNOWLEDGEMENT LETTER Dwf ENTER ON STREAM INDEX \_\_\_\_\_  
CHECK QUADRANGLE MAP \_\_\_\_\_ CHECK GLO PLATS \_\_\_\_\_  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION \_\_\_\_\_

**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  
✓ 1/10th acre

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

May 11, 1994

TIM FASSBENDER  
c/o STEPHEN H FORD INC  
1120 BAILEY HILL RD #1  
EUGENE OR 97402

RE: SWR-629, SWR-630, SWR-631

Dear Mr Fassbender,

This will acknowledge the receipt of the information to support the pre-1909 vested water right claims in the names of YARBROUGH, CARNES & MEDAGLIA, AND HANSEN. I have added the information to the files. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WS\C\6\SWR-0629.005



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

April 12, 1994

H. TIMOTHY FASSBENDER  
STEPHEN H FORD INC  
1120 BAILEY HILL ROAD # 1  
EUGENE OR 97402-3048

RE: File# SWR-630

DEAR H. TIMOTHY FASSBENDER,

I am not returning the map you prepared for DONALD CARNES AND PAULA MEDAGLLIA. You can address the request in the form of a letter or report. 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.

conveyance	ORS 539.120 "...the location of .... and each ditch, canal, pipeline or other means of conveying the water..." The pipe size is the necessary information.
diversion point size	OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."

You must submit the information before the claim can be processed. If you cannot have it 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\6\SWR-0630.00M



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

February 8, 1994

Oregon

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WATER  
RESOURCES  
DEPARTMENT

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DONALD CARNES & PAULA MEDAGLIA  
90108 GREENWOOD DR  
LEABURG OR 97489

RE: SWR-630

Dear Mr Carnes & Ms Medgalia,

I am sending a copy of the order accepting your surface water registration claiming a pre-1909 vested water right. It has been filed in the records of the Water Resources Department (WRD). Your claim has been numbered SWR-630 and you should refer to that number in any correspondence.

Your claim form shows the priority date of March 12, 1928. I want to remind you that this program is to put on record water use begun prior to February 24, 1909. You should continue to think along that line. Did my water use begin before 1909 and what can I use to show that?

You have the requirement of a map prepared by a Water Right Examiner. I am sending a list of those certified by the State to do this kind of mapping. You must contract with one of the Water Right Examiners and let me know who that is as soon as possible. Nothing more can be done with your file until the required map is received by the WRD.

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\stcl6\swr-630.001



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

BEFORE THE DIRECTOR OF THE  
OREGON WATER RESOURCES DEPARTMENT  
SALEM, OREGON

IN THE MATTER OF THE	)	ORDER ACCEPTING
SURFACE WATER REGISTRATION	)	SURFACE WATER
STATEMENT TO BE FILED IN THE	)	REGISTRATION
NAME DONALD J CARNES AND PAULA	)	STATEMENTS
M MEDAGLIA	)	(Late filing)
_____		)

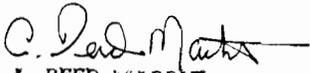
The above entitled matter comes before the Director for authorization to file a Surface Water Registration Statement after the filing deadline of December 31, 1992.

It appears that the claimed use of water has not been abandoned, that water has been applied to beneficial use and that the use of water by the claimant is subject to registration pursuant to ORS 539.240(4).

NOW, THEREFORE, it is hereby ORDERED that the Department accept for filing Surface Water Registration Statement in the name of

DONALD J CARNES AND PAULA M MEDAGLIA  
90108 GREENWOOD DRIVE  
LEABURG OR 97489

January 18, 1994.

  
A. REED MARBUT  
Martha O. Pagel, Director

December 7, 1993

DONALD J CARNES & PAULA M MEDAGLIA  
90108 GREENWOOD DRIVE  
LEABURG OR 97489

RE: PETITION FOR LATE REGISTRATION STATEMENT FILING

Dear Mr Carnes & Ms Medaglia,

This will acknowledge your petition for a late registration statement filing, copies of deeds, Registration Statement and the fees of \$45.00. Our receipt #107335 is enclosed.

I will begin to review and process your petition. I will let you know if there is anything else you need to do. If your petition is approved, the director will sign an order that allows us to file your claim. If this happens, I will send you a copy.

If you have any questions please give me a call.

Sincerely,

Dwight French  
Adjudication Section

enc

J:\W\S\C\6\CARNES.01



3-11-94

MR HANSEN CALLED  
TO SAY HE, CARVES  
AND YAR BROUGHT HAVE  
HIDDEN CURVE

STEPHEN H. FOED CO  
WHO WILL START THE  
WORK IN A FEW  
WEEKS.

Wes

RECEIPT # **107335**

RECEIVED FROM: Paula Medaglia  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: #  24 39 OTHER: (IDENTIFY)

TOTAL REC'D \$ 115.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>115.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month _____	\$
_____	OTHER: (IDENTIFY) _____	\$

**REDUCTION OF EXPENSE**

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

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

<b>MISCELLANEOUS:</b>		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY) _____	\$
520.000	OTHER (P-6) (IDENTIFY) _____	\$
<b>WATER RIGHTS:</b>		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
<b>WELL CONSTRUCTION</b>		
842.022	WELL DRILL CONSTRUCTOR	\$
_____	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY) _____	\$

<b>EXAM FEE</b>		<b>RECORD FEE</b>
\$	842.002	\$
\$	842.004	\$
\$	842.006	\$
<b>EXAM FEE</b>		<b>LICENSE FEE</b>
\$	842.023	\$
	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 # **107335**

DATED: 11 22 93 BY: K. Jones