

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP Jek NAME Southern # 17 UNADJUDICATED AREA ? YES
RECEIPT # 96025 S W R NUMBER 633
CHECK ENCLOSURES Jek PRELIMINARY DATA BASE ENTRY AWP
ACKNOWLEDGEMENT LETTER Jek 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

TOTAL FEE = \$ 2000 -
THIS CLAIM + 200
DUE = \$ 2000
RECEIVED 3-17-94

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

January 13, 1995

WATER
RESOURCES
DEPARTMENT

KEITH R JEHNKE
PO BOX 118
COOS BAY OR 97420

re: SWR-633 THRU SWR-640

Dear Mr Jehnke,

I completed the review of the map and site report received from you on Oct. 27, 1994 in support of the pre-1909 vested water right claim in the name of FRED MESSERLE & SONS, INC. The map and report meet the requirements for filing. I have added them 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

cc: Messerle & Sons

j:\w\slcl6\swr-0640.004



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

October 31, 1994

WATER
RESOURCES
DEPARTMENT

KEITH R JEHNKE
PO BOX 118
COOS BAY OR 97420

re: SWR-633

Dear Mr Jehnke,

This will acknowledge the receipt of the map and report you submitted in support of the pre-1909 vested water right claim in the name of FRED MESSERLE & SONS INC. Due to personnel and duty changes the information will not be reviewed at this time. I will add it to the file for future review.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

jt\w\slcl6\swr-0633.005



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

February 25, 1994

Oregon

WATER
RESOURCES
DEPARTMENT

FRED MESSERLE & SONS INC
2330 E CATCHING SLOUGH RD
COOS BAY OR 97420

RE: SWR-633, SWR-634 AND SWR-636

Dear Mr Messerle,

This will acknowledge the receipt of the eight claims to pre-1909 vested water rights, returned to the Water Resources Department(WRD) by Stuntzner Engineering. The files have been set up and the WRD will wait for the maps being prepared by Stuntzner.

There were changes made on three of the claim forms. You added a domestic use to the claims under file # SWR-633, SWR-634 and SWR-636. The fees you paid originally were for stockwater (instream). There are required fees for the three domestic additions to your claims. Each claim will require a fee of \$ 200.00 for the domestic use for a total due of \$ 600.00. Please give this your attention.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

cc: Stuntzner Engineering

j:\w\slcl6\swr-0633.003
.004



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

March 31, 1994

WATER
RESOURCES
DEPARTMENT

FRED MESSERLE & SONS INC
2330 E CATCHING SLOUGH RD
COOS BAY OR 97420

re: SWR-633, SWR-634 and SWR-636

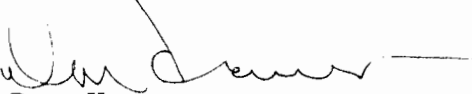
Dear Mr Messerle,

This will acknowledge the receipt of fees in the amount of \$ 600.00 for which our receipt # 110276 is enclosed. I will credit the fees in the following amounts to the following files:

SWR-633 \$ 200.00
SWR-634 \$ 200.00
SWR-636 \$ 200.00

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,


Don Knauer
Adjudication Specialist

m:\w\slc\swr-0633.003

J:\w\slc\GIS\swr-0633.003



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

STATE OF OREGON
W/ R RESOURCES DEPARTMENT
 RECEIPT # **110276** 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455 / 378-8130 (FAX)

RECEIVED FROM: Messure & Sons APPLICATION
 BY: _____ PERMIT
 TRANSFER

CASH: CHECK: # 196455 OTHER: (IDENTIFY) _____
 TOTAL REC'D \$ 600.-

01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$ <u>600.-</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 FEEDS			\$
880.109	MISC REVENUE: (IDENTIFY)	_____		\$
520.000	OTHER (P-6) (IDENTIFY)	_____		\$
WATER RIGHTS:				
842.001	SURFACE WATER		EXAM FEE	RECORD FEE
842.003	GROUND WATER		\$	842.002 \$
842.005	TRANSFER		\$	842.004 \$
			\$	842.006 \$
WELL CONSTRUCTION				
842.022	WELL DRILL CONSTRUCTOR		EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT		\$	842.023 \$
	OTHER (IDENTIFY)	_____		842.024 \$

06-00-0 WELL CONST START FEE			CARD #
842.013	WELL CONST START FEE	\$	_____
	MONITORING WELLS	\$	CARD # _____

45-00-0 LOTTERY PROCEEDS		
864.000	LOTTERY PROCEEDS	\$

07-00-0 HYDRO ACTIVITY		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	_____	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	_____	\$
	HYDRO APPLICATION	_____	\$

RECEIPT # **110276** DATED: 3-17-91 BY: S. Bucknell
 Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy File, Buff Copy-Fiscal

Handwritten notes:
 1
 200
 Egg
 Salt
 633
 (see 634 & 636)

February 23, 1994

DENNIS GOUDE
C/O STUNTZNER ENGINEERING
PO BOX 118
COOS BAY OR 97420

RE: SWR-633 (your number 1)

Dear Mr Goude,

This will acknowledge the receipt of the preliminary map and form to support the pre-1909 vested water right claim in the name of FRED MESSERLE & SONS INC. I have added the map to the file which is number SWR-633. Thank you for your attention to this matter.

The claim has been changed to include "domestic (2) including 1/2 acre of lawn & garden". Fees of \$ 200.00 were paid for only stockwater use. I am sending a copy of this letter to the claimant and requesting the required fees of \$ 200.00 for the added domestic use.

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:\WAS\C\6\SWR-0633.002



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

May 3, 1993

KEITH JEHNKE
PO BOX 118
COOS BAY OR 97420

RE: SURFACE WATER REIGSTRATIONS (SWR) FOR FRED MESSERLE & SONS INC

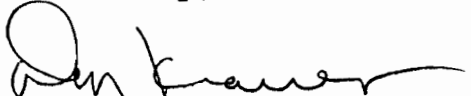
Dear Mr Jehnke,

As we talked on the phone the other day, I am returning the 8 SWR's in the name of Fred Messerle & Sons Inc. There can be only one priority date on a claim form. You can combine the dates or submit a seperate form for each different priority date. Any changes made on the forms I am returning will require the claimant to initial those changes.

I am sending Mr Messerle receipt # 96025 for the amount of \$2000.00 in fees. We will hold the fees and await setup of files until the forms are returned.

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

Sincerely,


Don Knauer
Adjudication Specialist

J:\W\SWR\CORRESPO\MESSERLE.01



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 RECEIPT # **96025** 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIVED FROM: <u>Messersmith & Sons</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>96-455</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>2000.00</u>
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01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>2000.00</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		\$
842.003	GROUND WATER		\$
842.005	TRANSFER		\$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR		\$
842.016	WELL DRILL OPERATOR		\$
	LANDOWNER'S PERMIT		\$

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 # **96025** DATED: 1/6/93 BY: C. Engel
 Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

ATTACHMENT IA

IRRIGATION AREA

SWR-633



RES #1

.50 AC



RES #2

.12 AC

SWR-634

RES #1



.22 AC

RES #2



.05 AC

RES #3



.08 AC

SWR-635

RES #1



.23 AC

RES #2



.1 AC

SWR-636



.21 AC

SWR-639



.16 AC



Scale 1" = 200 Feet



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

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

OCT 27 1994

PRE-1909 Claim of Beneficial Use and Site Report SWR-633
Located in portions of Sections 28, 29 & 33
T. 25 S., R. 12 W., W.M.
Coos County, Oregon

INFORMATION:

Permittee: Fred Messerle & Sons Inc.
2330 E. Catching Slough Rd
Coos Bay, OR 97420
(503) 267-2997

Ken Messerle and I visited the site on February 15, 1994 at that time he indicated that to the best of his knowledge there had been no variance in use since the date of development June 1, 1904. The survey was completed March , 1994.

SOURCES:

Vogel Creek a tributary to Coos River. Unnamed spring #1, Unnamed spring #2.

DIVERSION POINT:

P.O.D. 1 is an in-spring 40" well tile with a plastic filter on the end of a 1 inch diameter conveyance pipe. The P.O.D. is located 3398 feet East and 478 feet North of the Southwest corner of Section 28, T. 25 S., R. 12 W., W.M.

P.O.D. 2 is an earth dam 3 feet high and 5 feet wide on an intermittent stream. A 2 inch diameter outlet pipe is built into the base of the dam. The P.O.D. is located 1600 feet South and 1300 feet East of the Northwest corner of Section 33, T. 25 S., R. 12 W., W.M..

P.O.D. In-stream stock watering is inclusive the length of creek in the bottom acreage.

MOTOR:

N/A

PUMP:

N/A

PIPE:

The diameters and lengths are as follows:

2" dia.	-	575 feet
1" dia.	-	4060 feet
3/4" dia.	-	1385 feet

P.O.D. # 1 to places of use: A one inch diameter PVC pipe bears approximately N75 W for 2000 feet to a 2250 gallon concrete storage tank; thence a two inch diameter pipe bears approximately S 30 E for 400 feet to the barn and a 65 gallon stock trough; from the barn to residence #1 the one inch diameter pipe bears N88W for 250'; thence at this point the line has a "T" which supplies an adjacent 200 gallon stock tank. Then the pipe runs another 500 feet to the residence. To residence # 2 from the barn the line bears approximately N 5 W for 350 feet to the residence; thence N 25 W for 325 feet to an outside hose bib adjacent to the machine shed; thence approximately N 41 W for 485 feet to a 200 gallon stock trough.

P.O.D. # 2 is for stock water, all bearings are approximate and all distances are paced or obtained with a range finder. From the P.O.D. a two inch diameter pipe bears N 8 W for 175 feet; thence a one inch diameter pipe bears N 30 W for 150 feet; thence a 3/4" diameter pipe bears N 50 W for 80 feet, N 5 E for 200 feet, N 35 E 735 feet to a 65 gallon stock trough; thence N 70 W for 370 feet to a 200 gallon stock trough.

HEADS:

N/A

USES:

Stock watering troughs and In-stream stock watering (170 Hd), one barn and two domestic uses including lawn and garden watering.

LIFT/HEAD:

The difference in elevation from the P.O.D. to the 2250 gallon storage tank is 103 feet.

The difference from the storage tank to the places of use are:

Barn -107 feet	107 x .43 lb/in =	46 PSI
Residence #1 -80 feet	80 x .43 lb/in =	34 PSI
Residence #2 -84 feet	84 x .43 lb/in =	36 PSI

CALCULATIONS:

Stock watering, troughs and in-stream	170Hd @ 15GPD/Hd =	2550 GPD
Barn Cleaning	1000 Gallons	= 1000 GPD
2 residences including up to .5 acre of lawn and garden	.01CFS/Res	= .02 CFS

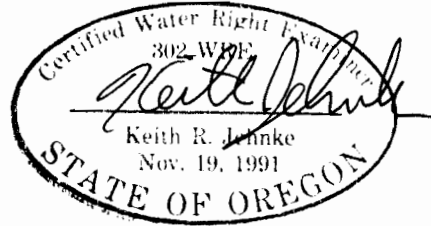
CLAIM OF BENEFICIAL USE	Livestock	3550 GPD =	.006 CFS
	Domestic		<u>.02 CFS</u>
			.026 CFS

POINT OF BEGINNING:

The Point of Beginning is the common section corner for Sections 29,28 and 32,33, T. 25 S., R. 12 W., W.M. The survey was tied using aerial photos, scale, string chain and a hand compass.

CONCLUSION:

The final proof survey and inspection of SWR-633 was completed on March 5 and the facts contained in this report and accompanying proof map are correct to the best of my knowledge.



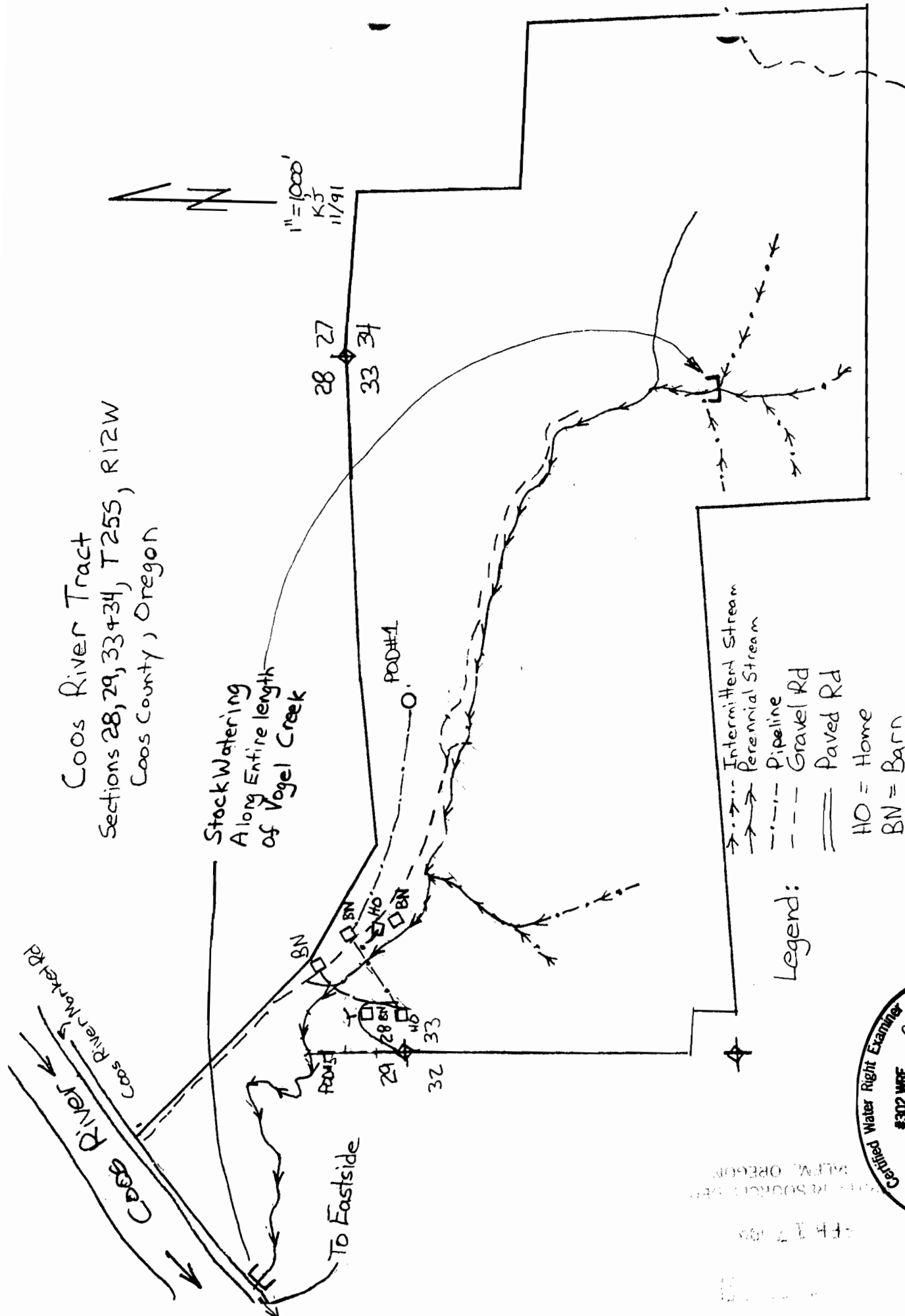
I, Ken Messerle, agree to the findings of the CWRE and do submit this site report and map as claim of beneficial use of the water as provided under the terms and conditions of our PRE-1909 SWR-633 claim.

10/25/99
Date

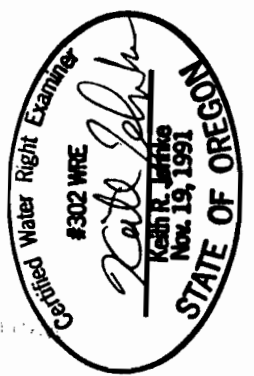
Ken Messerle

Coos River Tract
 Sections 28, 29, 33 & 34, T25S, R12W
 Coos County, Oregon

Stock Watering
 Along Entire length
 of Vogel Creek



- Legend:
- → → Intermittent Stream
 - → → Perennial Stream
 - - - Pipeline
 - - - Gravel Rd
 - ==== Paved Rd
- HO = Home
 BN = Barn
 ◇ Found Corner
 T = Trough



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.

Stutzman Engineering & Forestry

TELEPHONE 267-2872
 708 SO. 4TH, P.O. BOX 118 - COOS BAY, OREGON 97420

SWR-633

RECEIVED

FEB 17 1994

WATER RESOURCES DEPT.
SALEM, OREGON

72 1 67329

BARGAIN AND SALE DEED

RECEIVED

JAN 05 1993

WATER RESOURCES DEPT.
SALEM, OREGON

FRED G. MESSERLE and JOSEPHINE R. MESSERLE, husband and wife, LLOYD G. MESSERLE and ADA L. MESSERLE, husband and wife, and EVERETT C. MESSERLE and JOSEPHINE M. MESSERLE, husband and wife, convey to FRED MESSERLE & SONS, INC., an Oregon corporation, all that real property situated in Coos County, State of Oregon, described as:

All that real property set forth in Exhibit "A" attached hereto and made a part hereof.

SUBJECT to all exceptions of record.

The true and actual consideration for this transfer is other value given.

DATED, this 3rd day of January, 1972.

Fred G. Messerle
Fred G. Messerle

Josephine R. Messerle
Josephine R. Messerle

Lloyd G. Messerle
Lloyd G. Messerle

Ada L. Messerle
Ada L. Messerle

Everett C. Messerle
Everett C. Messerle

Josephine M. Messerle
Josephine M. Messerle

9 2 3

STATE OF OREGON)
) ss.
COUNTY OF COOS)
January 3, 1972.

Personally appeared the above named Fred G. Messerle and Josephine R. Messerle, husband and wife, Lloyd G. Messerle and Ada L. Messerle, husband and wife, and Everett C. Messerle and Josephine M. Messerle, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

(Notarial Seal)

David L. Smith
Notary Public for Oregon
My Comm. Expires: 11-12-72

Bargain and Sale Deed - 1

executed or suffered any act or thing whatsoever, whereby the above described premises or any part thereof now or at any time hereafter shall or may be imperiled, charged, or incumbered in any manner whatsoever; and the title to the above granted premises against all persons lawfully claiming the same from, through or under him the said party of the first part will forever warrant and defend.

IN TESTIMONY WHEREOF, The said party of the first part, has hereunto set his hand and seal the day and year first above written. Charles Kiegler (SEAL)
Signed, sealed and delivered in presence of : By J. M. Miner, his attorney in fact.
D. E. Lamm, J.P. Hobart

STATE OF MINNESOTA :
COUNTY OF HENNEPIN : So. On this 29th day of December, 1903, before me, a Notary Public, within and for said County, Personally appeared J. M. Miner, to me known to be the person who executed the annexed instrument, in behalf of Charles Kiegler (single) as his attorney in fact, and acknowledged that he executed the same as the free act and deed of said Charles Kiegler. (SEAL) Marvus P. Hobart, Notary Public of Hennepin County, Minnesota.

Recorded January 30th, 1904:
L. H. Hazard, County Clerk:
R. H. Hunt, Deputy :

39/359

D-39

THE UNITED STATES OF AMERICA.

CERTIFICATE NO. 1046.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, J. M. Davis of Coos County, Oregon, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Roseburg, whereby it appears that full payment has been made by the said J. M. Davis, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands" for the lot numbered two of section twenty-nine in township twenty-five south of range twelve west in the district of lands subject to sale at Roseburg, Oregon, containing twenty-six acres and sixty hundredths of an acre, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said J. M. Davis,

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said J. M. Davis, and to his heirs, the said tract above described; To have and to hold the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, therunto belonging, unto the said J. M. Davis, and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, I, Andrew Johnson, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the first day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States the ninety first.

BY THE PRESIDENT: Andrew Johnson,
By Edw. D. Hall, Sec'y.
(S E & S) W. Graham, Recorder of the General Land Office.

Recorded Vol. 2, Page 427, Mounted.

Recorded January 1st, 1904
L. H. Hazard, County Clerk:
R. H. Hunt, Deputy :

28-25-12 TL 1400 Coos River
29-25-12 TL 1900 Coos River

RECEIVED

FEB 17 1994

WATER RESOURCES DEPT.
SALEM, OREGON

39

1904 Robert

Woodruff

THE UNITED STATES OF AMERICA.

CERTIFICATE NO. 3483. TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, Robert Woodruff of Coos County, Oregon, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Roseburg, Oregon, whereby it appears that full payment has been made by the said Robert Woodruff according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands for the south half of the southwest quarter of section twenty-eight in township twenty-five south of range twelve west in the District of Lands subject to sale at Roseburg, Oregon, containing eighty acres, according to the Official Plat of the survey of the said Lands, returned to the General Office by the Surveyor General, which said tract has been purchased by the said Robert Woodruff,

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Robert Woodruff, and to his heirs, the said tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, unto the said Robert Woodruff, and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs 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 right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I, Ulysses S. Grant, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twentieth day of August, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States, the ninety-seventh.

BY THE PRESIDENT U. S. Grant, V. B. Sturgus, Asst. Sec'y, C. B. Bryntin, Recorder of the General Land Office.

(SEAL) Recorded Vol. 7, Page 370. Received February 1st, 1904: T. M. Hazard, County Clerk; W. H. Mast, Deputy

THE UNITED STATES OF AMERICA.

Certificate No. 349. TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, James M. Davis of Coos County, Oregon, has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at Roseburg, whereby it appears that full payment has been made by the said James M. Davis according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands," for the lot numbered one of section twenty-eight, in township twenty-five, south of range twelve, west in the District of Lands, subject to sale at Roseburg, Oregon, containing forty-seven acres and twenty-five hundredths of an acre, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said James M. Davis.

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said James M. Davis, and to his heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said James M. Davis, and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, I Andrew Johnson President of the United States of

RECEIVED

FEB 17 1904

WATER RESOURCES DEPT. SALEM, OREGON

America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the fifteenth day of August in the year of our Lord one thousand eight hundred and sixty-five and of the Independence of the United State the ninetieth.

By: THE PRESIDENT Andrew Johnson,
Edw. D. Smith, Sec'y.
M. Granger, Recorder of the General Land Office.

(SEAL)

Recorded Vol. 1, page 308.

Recorded February 1st, 1904:
L. H. Hazard, County Clerk:
R. H. Mast, Deputy :

THIS INSTRUMENT, made the 20th day of October, A.D. 1903, BETWEEN JOHN R. Cox and Sarah J. Cox, of the County of Coos and State of Oregon, parties of the first part, and Frank Flen of the aforesaid County and State party of the second part,

WITNESSETH that the said parties of the first part for and in consideration of the sum of one hundred and fifty dollars, lawful moneys of the United States of America, to them in hand paid by the said party of the second part, receipt whereof I hereby acknowledged, do by these presents, grant, bargain, sell and convey unto the said party of the second part and to his heirs and assigns.

All and the entire of the timber here and soft wood, including fir, spruce, white cedar and all other timber of whatsoever name and nature situated, and now upon, the following described premises (save and excepting therefrom all red cedar of every description), to wit:-

Lots numbered eleven (11) twelve (12) fourteen (14) and fifteen (15) of section twelve (12) in township twenty-nine (29) south of range fourteen (14) west of the Willamette Meridian in Coos County, Oregon, containing one hundred and sixty three (163) acres 84/100 of an acre.

TOGETHER with all and singular, the use and benefit, fruits, profits and revenues, to be obtained from the use, sale and manufacture of said timber,

TO HAVE AND TO HOLD all and singular the said timber as above mentioned on the aforesaid premises unto the said party of the second part his heirs executors administrators and assigns. Giving and granting unto the said party of the second part ten (10) years time from the date of this instrument, in which to cut, saw, remove, sell or manufacture the aforesaid timber and to fully and entirely to remove and take same from the aforesaid premises.

GIVING AND GRANTING the said second party full privilege of cutting laying out or building all necessary tramways or log ways, together with all other and necessary rights of way in and through the said premises for the purpose of cutting, sawing, removing and selling or manufacturing the said timber into merchantable goods.

Conditioned nevertheless that whatever tramways, log-ways, structures or roads, buildings or other improvements, or apparatus built or used in the removing, cutting or manufacturing of said timber into merchantable stock; shall in no way interfere with the cultivation and farming or operation of said premises as a farm; or in anywise damage any of the improvements now, or to be put upon said premises within the time here-in specified.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year in this instrument above written.

Executed in the presence of : J. R. Cather (SEAL)
Geo. P. Toppling, J. F. Hays : Sarah J. Cox (SEAL)

STATE OF OREGON :
COUNTY OF COOS : SS. On this the 20th day of October, A.D. 1903, personally came before me the undersigned a Notary Public in and for the aforesaid County and State, the within named John R. Cox and his wife, Sarah J. Cox, to me personally known to be the identical

D-39

RECEIVED

FEB 17 1994

WATER RESOURCES DEPT
SALEM, OREGON



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

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

RECEIVED

FEB 17 1994

WATER RESOURCES DEPT.
SALEM, OREGON

MEMORANDUM

TO: Don Knauer

DATE: 2/16/94

FROM: Dennis Goude

RE: Pre-1909's Fred Messerle + Sons INC.

Don:

I have marked all of the Messerle files on the outside of the envelopes. I should be able to have the reports and final maps in by the end of May.

Dennis Goude

Watermaster's Office
District No. 19
Coos County Courthouse
Coquille, OR 97423

JAN 05 1993

Receipt Name: Kenneth Messede

Date: December 31, 1992

Amount: \$ 2000.00

Pre-1909 application form.

PI

Received by: James Singer
Asst. Watermaster Dist. 19

RECEIVED

JAN 05 1993

WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

1. Name of Registrant: ^{FROD} Messerle & Sons, INC.
Mailing Address: 2330 E. Catching Slough Rd.
Coos Bay, OR 97420 Telephone No: 267-2997

2. Source of water: Unnamed Spring #1 & Vogel Creek
Tributary to: Coos River

3. Purpose(s) for which water is used: Domestic for 2 homes including less than 1/2 acre lawn & garden irrigation, and
(Irrigation, Stockwater, Domestic, Hydroelectric Power, Industrial, Etc.) Stockwater (IN-STREAM)
If irrigation, total number of acres irrigated: N/A

4. Priority Date

a) Date of first use: 1904
b) Date water use development first initiated: 1904
c) Name of party who initiated development: J.M. Davis / Robert Woodruff

5. Amount of water claimed: .0354, in CFS or GPM
(Water put to beneficial use)

6. Location of place of use:

28, 29 & 33 Sections, Township 25 N/S Range 12 E/W

_____ Sections, Township _____ N/S, Range _____ E/W.
(Attach additional pages if necessary)

7. Usual period of use: 1 / 1 / 1 to 12 / 31
month day month day

8. Remarks: _____

9. Total fees submitted with claim: \$400^{\$200}

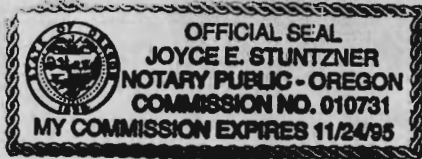
Notarized Statement Signed by Claimant.

STATE OF OREGON)
County of Coos) : ss

I, Kenneth C. Messerle, 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.

Fred Messerle + Sons Inc
Kenneth C. Messerle V.P.
Signature of Claimant

Signed and attested before me this 29th day of Dec, 19 92



Joyce E. Stuntzner
NOTARY PUBLIC for the State of Oregon
My commission expires: 11/24/95

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

Certified Water Right Examiner

Name: Keith Jehnke CWRE#: 302

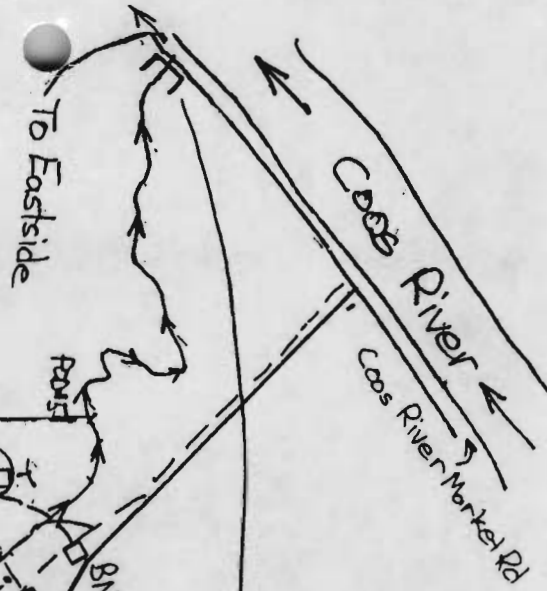
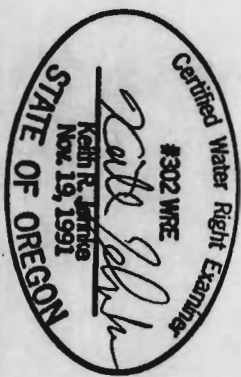
Address: P.O. Box 118, Coos Bay, OR

Telephone: 267-2872

RECEIVED

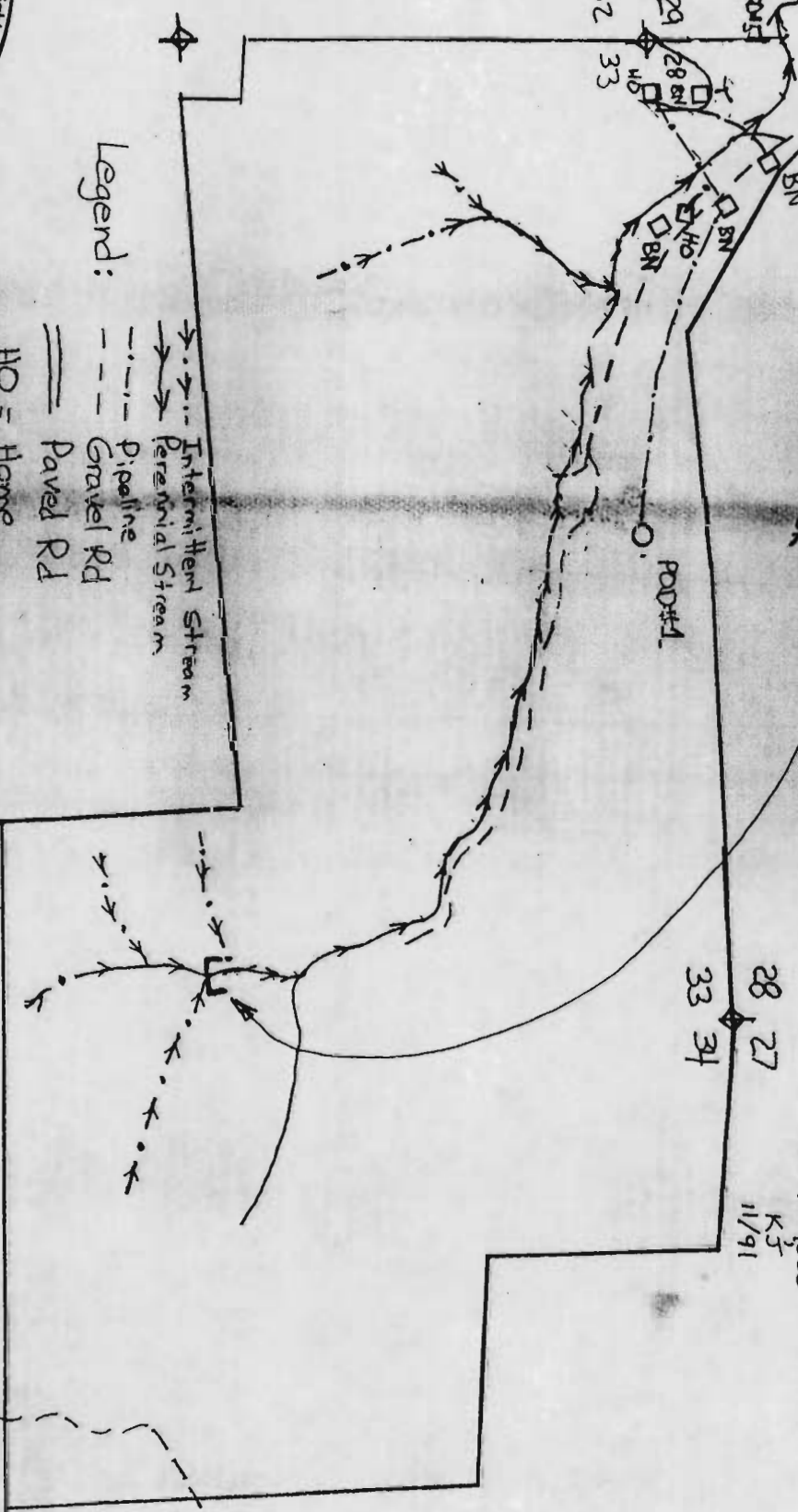
JAN 05 1993

WATER RESOURCES DEPT.
SALEM, OREGON



Coos River Tract
Sections 28, 29, 33+34, T25S, R12W
Coos County, Oregon

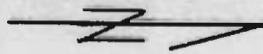
Stock Watering
Along Entire Length
of Vogel Creek



Legend:

- · · · → Intermittent Stream
- · · · → Perennial Stream
- · - · - Pipeline
- - - Gravel Rd
- ==== Paved Rd
- HO = Home
- BN = Barn
- ◇ Found Corner
- T = Trough

1" = 1000'
K5
11/91



EXAMINERS DISCLAIMER STATEMENT
THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF
IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND
NOT FOR DETERMINING THE DIMENSIONS OR LOCATION OF

Swingman Engineering & Surveying
TELEPHONE 387-4272
705 SO. 4TH P.O. BOX 118 - COOS BAY, OREGON 97420

