

# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

January 3, 2000

TOM HANLEY  
PO BOX 701  
BAKER CITY OR 97814

Re: SWR 614, 617, 618

Dear Sir,

This will acknowledge the receipt of the calculations you have submitted. Thanks for your attention to this matter. I have added them to the files.

If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer  
Manager Adjudications

c: Holtz Family Trust

# HANLEY ENGINEERING

P.O. Box 701, 2043 Main St. BAKER CITY, OREGON 97814 (503) 523-3803  
(541)

FACSIMILE TRANSMISSION

DATE: 12-30-99 (Thurs.) TIME: 2:45 PM

TO: Oregon WRD. - Fax #1-503-378-8130

ATTENTION: Don Krauer

FROM: HANLEY ENGINEERING

SENT BY: Tom Hanley

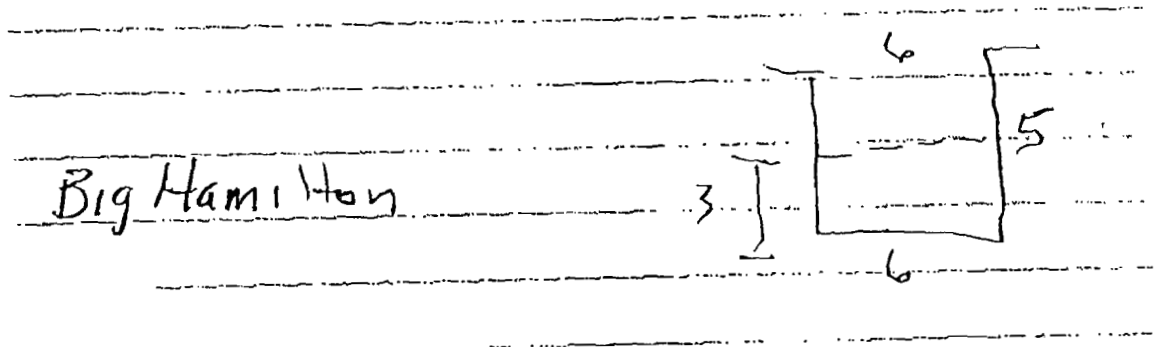
TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET IS 2

CONCERNING: Holtz Family Trust water rights.

Enclosed are my calculations of the  
capacity of the Love Reservoir feeder  
ditch, which is the Big Hamilton Ditch.

Sincerely,  
Tom Hanley

cc: Curt Jacobs



Big Hamilton Ditch - In this ditch is a concrete control. Top of the ditch is six (6) feet, bottom of the ditch is six (6) feet, height of the ditch is five (5) feet, water level in the ditch is three (3) feet. This ditch is also used to fill the reservoir.

$A = 18.0$

$p = 12 \text{ feet}$

$R = 18/12 = 1.5 \quad R^{2/3} = 1.31$

$n = 0.030$

$s = .0026 \quad s^{1/2} = 0.051$

$v = 1.486/0.030 \times 1.31 \times 0.051 = 3.31 \text{ ft/sec}$

$Q = 18 \times 3.31 = 59.6 \text{ cfs}$

Total acres = 249.4 acres

# HANLEY ENGINEERING

P.O. Box 701, 2043 Main St. BAKER CITY, OREGON 97814 (541) 523-3803

Consulting  
JAMES I.  
OREGON  
U.S.  
THOMAS

*Kurt*

1998

*COOPER*

Water I  
Comme  
158 12<sup>th</sup>  
Salem, O

*JACOBS*

*PLEASE*

*541-523-6679*

*FAX A*

Re: surf:

*FAX & PHONE*

WR-617,

*Copy of*

Dear Do

*THESE TO*

E

*3/24/99*

*JACOBS*

R

*THANKS*

capacities of ditches will be sent by separate mailing. \_\_\_\_\_asureme

Thank you.

Yours truly,

*James D. Hanley*  
James D. Hanley  
CWRE

Enc. 2 mylar



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

July 13, 1998

JAMES D HANLEY  
PO BOX 701  
BAKER CITY OR 97814

Re: surface water registration statements SWR-614, SWR-617, SWR-618

Dear Jim,

I have reviewed the draft copy of the map of the water use under the above claims. The only addition information I need is for the diversions and capacity of the diversion systems. I assume all diversions are by ditch. If this is the case, I need the measurements of the ditch size and calculations for capacities. This information could be submitted by letter or report and does not actually have to be on the map. Just a reminder, the final map must be ink on mylar.

If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer  
Manager Adjudication and Certificates

c: Robert O'Rourke  
Holtz Family Trust



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

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

September 1, 1998

JAMES HANLEY  
PO BOX 701  
BAKER CITY OR 97814

Re: SWR-614, SWR-617 and SWR-618 in the name of Holtz

Dear Jim,

This will acknowledge the receipt of the two mylar maps covering Love Reservoir and the pre-1909 irrigated lands. I have added these to the files. Thanks for your attention to this matter. If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer  
Manager Adjudication and Certificates

c: Robert O'Rourke  
Holtz Family Trust

# HANLEY ENGINEERING

P.O. Box 701, 2043 Main St. BAKER CITY, OREGON 97814 (541) 523-3803

Consulting Engineers and Surveyors  
JAMES D. HANLEY P.E., P.L.S.  
OREGON WATER RIGHTS EXAMINER  
U.S. MINERAL SURVEYOR  
THOMAS J. HANLEY P.E., P.L.S.

July 6, 1998

RECEIVED

JUL 7 - 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resource Department  
Commerce Building  
158 12th Street NE  
Salem, OR 97310

Attn: Reed Marbut

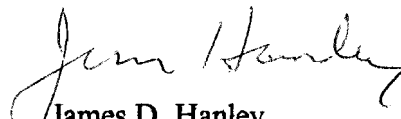
Dear Mr. Marbut,

Enclosed, is a draft copy of the Holtz Family Trust Pre-1909 map.

I will appreciate your examination of this and advise me of any necessary revision.

Thank you.

Yours truly,

  
James D. Hanley  
CWRE

FEES  
SWR 614-617-618

March 27, 97

FEES PAID

1368
202
4.50
\$ 1574.50

Ann Call Jan 4/197

- ① Fee calculator
- ② CWRE Sanegor -
- ③ Rosemin Jan

→ need map w/ Res. hope fee can be calculated

FEES OWED

To be calculated in more detail when CWRE map is received.

If the acreage is spread over the 3 files, the fees could be calculated as follows:

200	Dom	
200	LU	
150	Acres (614)	= 250
150	Acres (617)	250
115	Acres (618)	215
		\$ 1115
		$\times 1.5 = \$1672.50$

NOTE: If any of the 3 files end up w/ less than 100 Acres, the fee will be less.

FOR EXAMPLE if the split were 100, 280, 35, the total fee would be \$1575.



JOHN H. KOTTKAMP  
ROBERT E. O'ROURKE  
STEPHEN M. BLOOM

KOTTKAMP & O'ROURKE  
ATTORNEYS AT LAW  
331 S.E. 2ND STREET  
P.O. BOX 490  
PENDLETON, OREGON 97801-0490

TELEPHONE  
(503) 276-2141  
FAX  
(503) 276-6463

January 14, 1994

RECEIVED

JAN 18 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Donald E. Knauer  
Adjudication Specialist  
Water Resources Department  
3850 Portland Road N. E.  
Salem, Oregon 97310

Re: Surface Water Registration Statements  
- Holtz Family Trust

Dear Mr. Knauer:

Thank you for your letter of January 7. The Holtz Family Trust has retained Jim Hanley of Hanley Engineering to do the mapping. I have forwarded a copy of your letter of January 7 with enclosures to Mr. Hanley.

KOTTKAMP & O'ROURKE

By: 

REO:vl  
Encl.

cc: Mr. Jim Hanley  
Hanley Engineering  
Land Title Insurance Building  
P. O. Box 701  
Baker City, Oregon 97814

By: *Bob O'Rourke*  
KOTTKAMP & O'ROURKE

With respect to the number of irrigated acres, which is involved in the calculation of the filing fees, please refer to the discussion of irrigated acres in the Petition for Opportunity to Rebut Presumption and Exhibits A to the 1884 Registration and the October 3, 1891 Registration. These three documents explain that the total claimed irrigated acreage is 415 acres irrespective of the larger number of acres described. The 415 acres being claimed lie within the larger acreage and will be identified when the CWRM map is filed. It is my understanding that the filing of that map will not be required until next year when the season and weather permit the CWRM to go upon the land and do his work. If there is anything more that is needed for these three Registrations, would you please let me know immediately. Thank you for your consideration in this matter.

Pursuant to an Order dated November 26, 1993 the Holtz Family Trust has previously filed a Registration. The Registration referred to several priority dates. Because of that the Department asked that additional Registrations be filed so that there is a separate registration filing for each priority. The Registration previously filed is for the October 20, 1905 priority claim. Enclosed with this letter are two additional Registrations. One is for the 1884 priority claim and the other is for the October 3, 1891 priority claim. Also enclosed is a check from Henry and Elvera Holtz in the amount of \$202.00. The check represents the payment of the additional registration filing fees which you said would be required.

Dear Mr. Marbut:

Re: Pre-1909 Vested Water Right Claim Registration Statements  
Holtz Family Trust  
Birch Creek, Malheur County  
Attn: Reed Marbut

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

WATER RESOURCES DEPT.  
SALEM, OREGON

DEC 13 1993

December 10, 1993

KOTTKAMP & O'ROURKE  
ATTORNEYS AT LAW  
331 S.E. 2ND STREET  
P.O. BOX 490  
PENDLETON, OREGON 97801-0490

JOHN H. KOTTKAMP  
ROBERT E. O'ROURKE  
STEPHEN M. BLOOM

TELEPHONE (503) 276-2141  
FAX (503) 276-6463

(614)

5WR-617618

Water Resources Department  
December 10, 1993  
Page Two

cc: Mr. Jim Hanley  
Hanley Engineering  
Land Title Insurance Building  
P. O. Box 701  
Baker City, Oregon 97814  
(w/encl.)

DEC 18 1993  
WATER RESOURCES DEPT  
SALEM OREGON

JOHN H. KOTTKAMP  
ROBERT E. O'ROURKE  
STEPHEN M. BLOOM

KOTTKAMP & O'ROURKE  
ATTORNEYS AT LAW  
331 S.E. 2ND STREET  
P.O. BOX 490  
PENDLETON, OREGON 97801-0490

542-614  
(617-618)

TELEPHONE  
(503) 276-2141  
FAX  
(503) 276-6463

November 24, 1993

VIA EXPRESS MAIL

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

NOV 25 1993  
RECEIVED  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON

Re: Petition for Late Registration Statement Filing  
The Holtz Family Trust

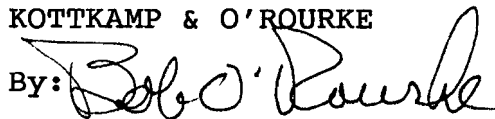
Dear Mr. French:

Following up on our telephone conversation of November 24, I enclose with this letter the completed Registration Statement. It has been signed by Mr. and Mrs. Holtz and their signatures have been notarized.

Would you please let me know immediately if anything more is needed in order for the Order to be signed. Thank you for your assistance with this.

KOTTKAMP & O'ROURKE

By:



REO:vl  
Encl.

cc: Mr. and Mrs. Henry Holtz  
17130 Ridge Canyon Drive  
Riverside, California 92506  
(w/encl.)

Mr. Charles Holtz  
HCR 60, Box 18  
Huntington, Oregon 97907  
(w/encl.)

Mr. Larry Powers, Watermaster  
Malheur County Courthouse  
251 "B" Street West  
Vale, Oregon 97918  
(w/encl.)

Mr. Jim Hanley  
Hanley Engineering  
Land Title Insurance Building  
P. O. Box 701  
Baker City, Oregon 97814  
(w/encl.)

Exhibit A

4. Priority Date

- a) Date of first use: \_\_\_\_\_  
b) Date water use development first initiated: \_\_\_\_\_  
c) Name of party who initiated development: \_\_\_\_\_

This registration involves several different priority dates. Exhibit B is a description of the land to which this registration relates. For reference purposes only, the land is described as the 1905 Land and the 1884 Land. With respect to the 1884 Land, the date of first use and the date water use development was first initiated is 1884. The name of the party who initiated the development is presently unknown and further research is being done on that subject.

With respect to the land designated as the 1905 Land, certain Notices are attached to this Exhibit. Those Notices show the name of the party who initiated the development, the date of first use and the date water use development was first initiated. Unless otherwise stated, the date of first use and the date the water use development was first initiated are the same as stated in the Notices.

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

The amount of water claimed for direct irrigation is 10.375 cfs. The amount of water claimed for diversion into storage and maintenance of storage and the amount of water stored will be developed by the CWRE when he prepares the map for this registration. Because of the location and geography of the subject land and the time of year, request is made for additional time for the CWRE to prepare the map. The requested additional time would be until the weather and season of the year allow the CWRE to prepare a map of the land irrigated, diversion and storage facilities.

Attached to this statement is a copy of a USGS topographical map showing generally the location of the subject land, diversion and storage facilities. The precise locations of the subject land, water diversion and storage facilities will be shown on the CWRE map and the claimant is not to be bound by the information shown on the attached map. It is submitted for general information purposes only and is not based upon any survey or measurement.

EXHIBIT B

The Land

The 1905 Land  
Malheur County, Oregon

Township 15 South, Range 44 E.W.M.

Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 15 South, Range 45 E.W.M.

Section 16: NE $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 18: SW $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 15 South, Range 45 E.W.M. Cont.

Section 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$

The 1884 Land

Township 15 South, Range 44 E.W.M.

Section 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW

( Snake Creek )

Filed for  
Record =  
May 29<sup>th</sup> A.D.  
1872.

Luther P. Lane,  
Clerk

Notice:  
To all it may concern: We the under-  
signed have this day located & taken up for  
agricultural purposes, the water of this creek  
located in Baker County, Oregon & entering into  
Snake River on Herbards Ranch & known as  
Snake Creek & have turned the water from the  
channel of the creek at a point where this  
Notice is posted about one & a half miles  
from Snake River.

This the 20<sup>th</sup> day of May, A.D. 1872.

John F. Herhard

Harvey Herhard

STATE OF OREGON, }  
County of Baker. } ss.

I, E. H. MIX, County Clerk of the above named County and  
State, do hereby certify that the foregoing Original Water Right  
has been by me compared with the original, and that the same is a cor-  
rect transcript therefrom and of the whole of such original Location  
as the same appears at page 271 Volume P Record of Water  
for Baker County, Oregon, in my Office and in my care and custody.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed my official seal this  
23 day of OCT A. D. 1887.

E. H. Mix  
County Clerk



## Birch Creek

Filed for  
Record  
Oct 3<sup>rd</sup> 1891

at

2<sup>1/2</sup> below S.M.

C. H. Tuck

Co. Clerk

by  
Tom Jones  
Deputy

Notice is hereby given to all whom  
it may concern that I the undersigned  
hereby claim and record all the water  
now flowing in Birch Creek in Malheur  
County, State of Oregon that said water  
is claimed for the purpose of irriga-  
tion and is to be taken out of said  
Birch Creek on the south side of the  
creek and on the North West quarter of  
Section Thirteen Township Fourteen South  
Range 45 East Willamette Meridian and is  
to be conducted by a ditch to be con-  
structed for that purpose on to my  
Homestead claim viz The N<sup>W</sup> NE<sup>4</sup> & SE<sup>4</sup> NE<sup>4</sup>  
Sec 13 Twp 15 Range 44 & SW<sup>4</sup> NW<sup>4</sup> Sec 18  
Twp 15 S of R 45 E. W.M.

Dated Oct 3<sup>rd</sup> 1891

done in presence of

C. H. Murray

Tom Jones

George T. Bond

Now owned by Chas. Holtz  
1993

H.C.R 60  
Box 18  
Huntington 97907

Notice of Location and Appropriation of  
the Waters of Birch Creek.

Notice is hereby given that the undersigned, C. A. Moore, H. N. Moore, Oscar Jacobson and W. S. Love, have located and appropriated 10,000 miner's inches of water, measured under a six-inch pressure, of the waters of Birch Creek, said waters to be diverted from said Birch Creek by means of a dam at the point where this typewritten notice is posted, said dam being located S 76° 30' W 20.16 chains from the north quarter-corner of section 13 Tp 15 S R 44 E W M, in Malheur County, Oregon, said waters to be conducted by means of a ditch or ditches, flumes and pipe lines for the distance of about four and one-half miles in a south-easterly direction and emptied into and retained and stored in the reservoir of said locators, said reservoir being located in what is sometimes called and is hereby designated as Willow Spring Basin, said Basin being located about one mile southerly from the point on said Birch Creek where the regularly traveled wagon road from Huntington to Willow Creek crosses said Birch Creek in section 16 Tp 15 S R 45 E W M, and said reservoir being located in and occupying parts of sections 20, 28, 29, 30 and 33, Tp 15 S R 45 E W M. The ditch by means of which said waters so appropriated are to be conducted to said reservoir is hereby designated the Supply Ditch of the Moore, Jacobson and Love Irrigation System, by which name the same shall be known, and the said locators hereby give notice that said ditch has been surveyed and located on the ground and actually constructed up to a carrying capacity, in the smallest place, of 150 miner's inches, of water, measured under a six-inch pressure, and that water has been conducted through the same, for the entire length thereof, up to said capacity. Said construction was begun about the 20th day of October, 1905, and it is the intention hereby that said appropriation shall date from the time when such construction was begun, and notice is hereby given that said ditch will be enlarged with all reasonable diligence, and that further ditches, flumes and pipe lines will be constructed that may be necessary, until the same shall be of sufficient capacity to carry the said 10,000 miner's inches of water so appropriated, and said ditch or ditches, flumes and pipe lines, together with the dam used in diverting said waters from said Birch Creek, will be continuously maintained so that the same will be effectual for the purposes herein named.

The waters so appropriated are to be used for reclaiming arid lands, and for irrigation generally, and for household and domestic purposes and for watering livestock.

This notice is posted on the ground, at the point of diversion, this 31st day of December 1906, and a duplicate thereof will be filed and recorded in the office of the County Clerk of Malheur County, Oregon, within 15 days from the date of such posting.

I, C.A. Moore, hereby certify that I am one of the locators signing the foregoing, and that the foregoing notice is a true and correct duplicate of the notice posted at the place and at the time named in such foregoing notice.

C.A. Moore  
H.N. Moore  
Oscar Jacobson  
W.S. Love

In witness whereof I have hereunto set my hand this 3rd day of January 1907.

C.A. Moore

NOV 20 1906

Notice of the Location and Appropriation  
of the Waters of Birch Creek.

Notice is hereby given that the undersigned, C.A. Moore, H.N. Moore, Oscar Jacobson and W.S. Love, have located and appropriated 1000 miner's inches of water, measured under a 6-inch pressure, of the waters of Birch Creek, said waters to be diverted from said Birch Creek by means of a dam at the point where this type-written notice is posted, said dam being located S 44° 30' W 25.66 chains from the North quarter- corner of Section 20, township 15 SR 45 E. T.M., in Malheur County, Oregon, said waters so appropriated to be conducted by means of a ditch in a north-easterly direction for the distance of about one-half of a mile and are emptied into the main Irrigation ditch of said locators at a point near where said Birch Creek crosses the section line between sections 17 and 20, T. 15 SR 45 E. T.M. Said ditch so diverting the water from Birch Creek shall be known and called the Middle Ditch of the Moore, Jacobson and Love Irrigation System, and said ditch is now surveyed and staked off on the ground.

The waters so appropriated are to be used for the reclaiming arid lands and for irrigation generally, and for household and domestic purposes and for watering live stock.

This notice is posted on the ground, at the point of diversion, this 31st day of December 1906, and a duplicate thereof will be filed in the office of the County Clerk of Malheur County, Oregon, within 10 days from the date of said posting.

C. A. Moore  
H. N. Moore  
Oscar Jacobson  
W. S. Love

I, C.A. Moore, hereby certify: That I am one of the locators signing the foregoing notice, and that the foregoing notice is a true and correct duplicate of the notice posted at the place and at the time named in the foregoing notice.

In witness whereof, I have hereunto set my hand this 3rd day of January 1907.

C. A. Moore

*and Dam Site.*

Notice of Location of Reservoir Site and of Appropriating the Waters of Willow Spring Basin and Reservoir Gulch.

Notice is hereby given that the undersigned, C. A. Moore, H. N. Moore, Oscar Jacobson and W. S. Love, have located and appropriated 15,000 cubic inches of water, measured under a six-inch pressure, of the waters of Willow Spring Basin and of what is hereby designated Reservoir Gulch, said Gulch being the outlet of said Willow Spring Basin, said Willow Spring Basin being located about one mile southerly from the point in section 13 Tp 15 S R 45 E W 4 where Birch Creek is crossed by the regularly traveled wagon road leading from Huntington to Willow Creek in Walheur County, Oregon, and it is the intention hereby to appropriate and retain all the waters accumulating in said Willow Spring Basin and to store the same therein for the reclamation of arid lands, and for irrigation generally, and for household and domestic purposes and for watering livestock.

Notice is further hereby given that said parties have appropriated said site at the outlet of said Willow Spring Basin for the purpose of constructing a dam thereon and to make a reservoir of said Willow Spring Basin, and it is the intention of said parties to construct a dam on said dam site, with all reasonable diligence, to the height of 100 feet from the bottom of the channel of said outlet, and said parties have appropriated and expect to use for a reservoir all that part of said Willow Spring Basin which will be covered by water when the said dam is raised to the height of 100 feet from the bottom of the channel constituting the outlet of said Willow Spring Basin, and the waters so appropriated are to be retained and stored by means of said dam and said reservoir. It is the present intention to construct said dam of earth, but if the same shall be found to be insufficient, then other material will be used until said dam shall be effectual for the purposes herein named.

The appropriation of said dam site and of said Willow Spring Basin for said reservoir, was actually made about October 20, 1905, by the delivery at said dam site of a part of the materials to be used in the construction of said dam, and otherwise making preparations for building said dam, and by commencing the construction of a ditch diverting water from Birch Creek to said reservoir at a point on said Birch Creek S 70° 30' W 20.18 chains from the north quarter-corner of section 13 Tp 15 S R 45 E W 4, said ditch being known as the Supply Ditch of the Moore, Jacobson and Love Irrigation System, in another notice posted, filed and recorded simultaneously with this appropriating said waters from Birch Creek so diverted, and it is the intention that the appropriation of said dam site and said Willow Spring Basin for a reservoir site and of the waters accumulating in said Willow Spring Basin shall date from the said October 20, 1905.

Said reservoir, when so constructed, shall also be used for receiving, retaining and storing the waters of Birch Creek diverted therefrom as above described, and shall be known as Moore, Jacobson and Love Reservoir.

This notice is posted on the ground, at the southerly end of the dam site above described, this 31<sup>st</sup> day of December 1906, and a duplicate thereof will be filed in the office of the County Clerk of Walheur County, Oregon, within 15 days from the date of such posting.

C. A. Moore  
H. N. Moore  
Oscar Jacobson  
W. S. Love

## MAP

Showing the MOORE, JACOBSON & LOVE RESERVOIR SITE, the supply ditch thereto taken out of and appropriating water from BIRCH CREEK: also the Middle ditch, taken out of and appropriating water from said Birch Creek: and also the irrigating ditch leading from said Reservoir, and which also receives and carries the waters from said MIDDLE DITCH.

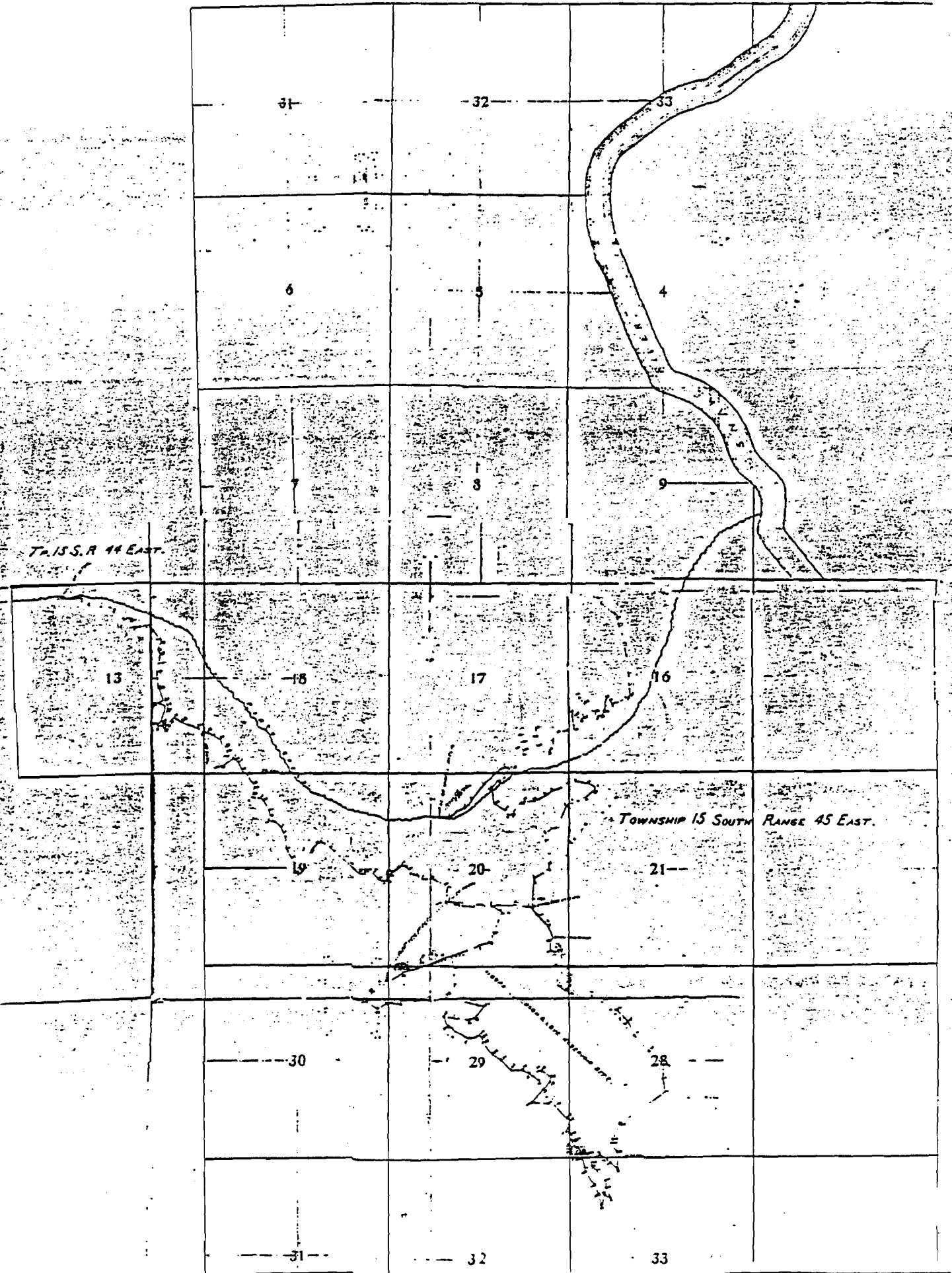
This map is accompanied by the field notes of the survey of said Reservoir, said supply DITCH, said MIDDLE DITCH, and said irrigating DITCH, all made from actual surveys and measurements in the field, the whole constituting an irrigation system belonging to C.A. MOORE, H.N. MOORE, OSCAR JACOBSON and W.S. LOVE, in common, and showing the manner of appropriating the water therefor and conveying the same from said reservoir.

Reference is hereby made to the copies of the three notices of location and appropriation of water for said irrigation system and the location of said reservoir site, for full detailed information regarding the claims and rights of the parties hereto.

I hereby certify that the above  
described map was made by the Surveyor  
of the Territory and is a true and correct  
copy of the original map made by  
Moore, Jacobson & Love Irriga-  
tion System, and each survey  
and measurement were made

at St. Paul, Minn.  
J. M. Foster  
Surveyor General  
November 9, 1887

TOWNSHIP 15 SOUTH RANGE 45 EAST.



JOHN H. KOTTKAMP  
ROBERT E. O'ROURKE  
STEPHEN M. BLOOM

KOTTKAMP & O'ROURKE  
ATTORNEYS AT LAW  
331 S.E. 2ND STREET  
P.O. BOX 490  
PENDLETON, OREGON 97801-0490

TELEPHONE  
(503) 276-2141  
FAX  
(503) 276-6463

November 10, 1993

VIA EXPRESS MAIL

**RECEIVED**

**NOV 12 1993**

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Reed Marbut  
Water Resources Department  
3850 Portland Road N. E.  
Salem, Oregon 97310

Attn: Darlene Castle

Re: Petition for Opportunity to Rebut Presumption  
Holtz Family Trust  
Birch Creek, Malheur County

Enclosed is an original Petition for Opportunity to Rebut Presumption. I have previously discussed this matter with you in our telephone conversation of November 10.

Originally we were going to base the Petition on 412 irrigated acres and 1 cfs each for domestic and stock water. That would have resulted in a filing fee of \$1,368.00. Enclosed is a check in that amount on the account of Mr. and Mrs. Holtz. However, we ended up showing 415 acres of irrigated ground in the Petition. Because of that, I enclose a check on our office account in the amount of \$4.50 to complete the filing fee amount.

Would you please let me know immediately if there are any omissions or other problems with respect to the Petition which would disqualify it for consideration under ORS 539.240 (4) and all applicable rules. Also please advise me immediately if the filing fee is deficient.

KOTTKAMP & O'ROURKE

By: 

REO:vl  
Encl.

cc: Mr. Larry Powers  
Watermaster District No. 9  
Malheur County Courthouse  
Vale, Oregon 97918  
(w/encl.)

Mr. Reed Marbut  
November 10, 1993  
Page Two

cc: Mr. Charles Holtz  
HCR 60, Box 18  
Huntington, Oregon 97907  
(w/encl.)

Mr. and Mrs. Henry Holtz  
17130 Ridge Canyon Drive  
Riverside, California 92506  
(w/encl.)

**RECEIVED**

**NOV 12 1993**

**WATER RESOURCES DEPT.  
SALEM, OREGON**



RECEIVED

NOV 12 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

BEFORE THE DIRECTOR OF THE  
OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF WATER RIGHTS ) PETITION FOR OPPORTUNITY  
FROM BIRCH CREEK IN MALHEUR ) TO REBUT PRESUMPTION  
COUNTY, OREGON )

1

Birch Creek. Attached hereto marked Exhibit A and incorporated herein is a map (the "Map") showing the location of a portion of Birch Creek in Malheur County, Oregon. Birch Creek generally flows in an Easterly direction and runs into the Snake River.

2

Subject Property. Exhibit B attached hereto and incorporated herein is a description of land in Malheur County (the "Land"). The Land is designated as the 1884 Land and the 1905 Land. All of the Land is owned by the Holtz Family Trust. Henry A. Holtz and Elvera Holtz are the trustees of that trust and the persons authorized to sign this Petition. On the third page of Exhibit B certain land is listed under the heading Land of Others. Some of the water distribution and storage facilities are located on that land. The Petitioner has the legal authority to use that land for such purposes.

3

ORS and OAR. This Petition relates to ORS 539.240 and OAR Chapter 690, Division 28. That law relates generally to the filing of a registration statement for a pre-1909 use of water. The subject of this Petition is the pre-1909 use of water from

Birch Creek on the Land.

4

Nonwaiver. By this Petition the Petitioner requests an opportunity to rebut the presumption of claim abandonment as described in ORS 539.240. However, the Petitioner files this Petition without waiver of any kind and without acknowledging or admitting that any notices or registrations need to be filed with respect to the use of water from Birch Creek on the 1905 Land.

Pursuant to Oregon law in effect at the time, notices have previously been filed with respect to the pre-1909 use of water from Birch Creek on the 1905 Land. Copies of the following notices are attached hereto marked as exhibits and incorporated herein ("the Notices"):

John T. Hibbard and Warren Hibbard	May 20, 1872	Exhibit C
George T. Bond	October 3, 1891	Exhibit D
C. A. Moore, H. N. Moore, Oscar Jacobson & W. A. Love	December 31, 1906	Exhibit E-1
C. A. Moore, H. N. Moore, Oscar Jacobson & W. A. Love	December 31, 1906	Exhibit E-2
C. A. Moore, H. N. Moore, Oscar Jacobson & W. A. Love	December 31, 1906	Exhibit E-3

A copy of the Map for Exhibits E-1, E-2 and E-3 is attached hereto marked Exhibit F and incorporated herein.

With respect to Exhibit D, there is a self-evident error in the legal description. The reference in line 10 to Township 14 South should be to Township 15 South and the reference in line 11 to Range 45 East should be to Range 44 East.

It is the Petitioner's belief and position that the Notices as filed not only satisfied the law then in effect but also satisfy the requirement for registration of pre-1909 water uses under current law on the 1905 Land. However, this Petition is being filed to further protect the uses of Birch Creek water on the 1905 Land and to register the use on the 1884 Land.

5

Use of Water.

The 1905 Land. The water of Birch Creek has been used continuously on the Land since before February 24, 1909. That use has been consistent with the development plan described in the Notices as well as modifications and improvements to that development plan. The fact of such continuous water usage is supported by the Notices, statements to the Petitioner, court records and other records, maps including survey maps, aerial photos and physical evidence. By way of example only and without limitation a principal feature of the diversion and use of water from Birch Creek is a diversion ditch which carries water from Birch Creek into Love Reservoir. Both the diversion ditch and Love Reservoir have been shown for many years on maps prepared by

the U. S. Geological Survey (see Exhibit A).

The 1884 Land. The water of Birch Creek has been used continuously on the 1884 Land since before February 24, 1909. The fact of such continuous water usage is supported by statements to the Petitioner, court records, maps including survey maps and physical evidence. By way of example only and without limitation, a lawsuit was filed in 1951 in the Circuit Court of the State of Oregon for Malheur County by a previous owner of the Land. In the Complaint filed in 1951 and the Amended Complaint filed in 1957, the continuous use of Birch Creek water on the 1884 Land beginning prior to 1909 is confirmed. (See Malheur County Circuit Court Case No. 7047E).

6

Reason for Not Filing a Registration Statement Prior to December 31, 1992. It is the position of the Petitioner that all notices required under previous and existing law have been filed with respect to the 1905 Land and that no further registration statement need be filed. However, a letter written recently from the Department, Watermaster District No. 9, to one of the Petitioner's attorneys suggests that a registration may need to be made. It is not clear whether the letter is referring to the 1884 Land or the 1905 Land. However, because of the very high value of the water use and water rights from Birch Creek on the Land, the Petitioner is filing this Petition to avoid any uncertainty with respect to the situation.

Attached hereto and incorporated herein are Exhibits G and H. They are respectively the Affidavits of Charles Holtz and Robert E. O'Rourke. Charles Holtz has been the active on site manager of the Land since 1971. His Affidavit explains why no registration was made prior to December 31, 1992. The Affidavit of Robert E. O'Rourke provides further background on the subject of the reason why no previous registration has been filed and why this Petition is now being filed asking for authority to file a registration.

7

Brief Summary of Claim. The general plan of development of the waters from Birch Creek on the 1905 Land are described in the Notices. The irrigation of the 1884 Land was by diversion dams in Birch Creek with ditches delivering water to the Land irrigated. Substantially all of the Land described in Exhibit B has been irrigated. Upon filing the registration, specific acreages by 40 acre tracts will be listed. The 1905 Land has been irrigated from Love Reservoir. Love Reservoir has received water through the Supply Ditch referred to in Exhibits E-1 and E-3. The diversion dam into the Supply Ditch is in the North Half of the North Half of Section 13, Township 15 South, Range 44 E.W.M.

Water has also been diverted into Love Reservoir from a diversion dam located downstream from the Supply Ditch. Not only has the 1905 Land been irrigated with stored water from

Love Reservoir, it has also been irrigated with water delivered directly from the ditches which deliver water into Love Reservoir and from several diversion dams located in Birch Creek (other than the dams which divert water into the ditches to Love Reservoir).

The Land that has been irrigated has been irrigated to the maximum extent water was available and could be used beneficially from time to time. Upon filing the registration, more specific information will be provided with respect to the amount of water claimed. For purposes of determining the filing fee to be paid to the Department, the claimed use will be for 415 acres of irrigated land and 1 cubic foot per second for domestic use and 1 cubic foot per second for stock water.

8

WHEREFORE, the Petitioner, without waiver of any kind, asks that the presumption of abandonment be rebutted and that the Director issue an order authorizing the Petitioner to file a registration statement as provided in ORS 539.240.

DATED November 8, 1993.

THE HOLTZ FAMILY TRUST

By Henry A. Holtz TRUSTEE  
Henry A. Holtz, Trustee

By Elvera Holtz Trustee  
Elvera Holtz, Trustee

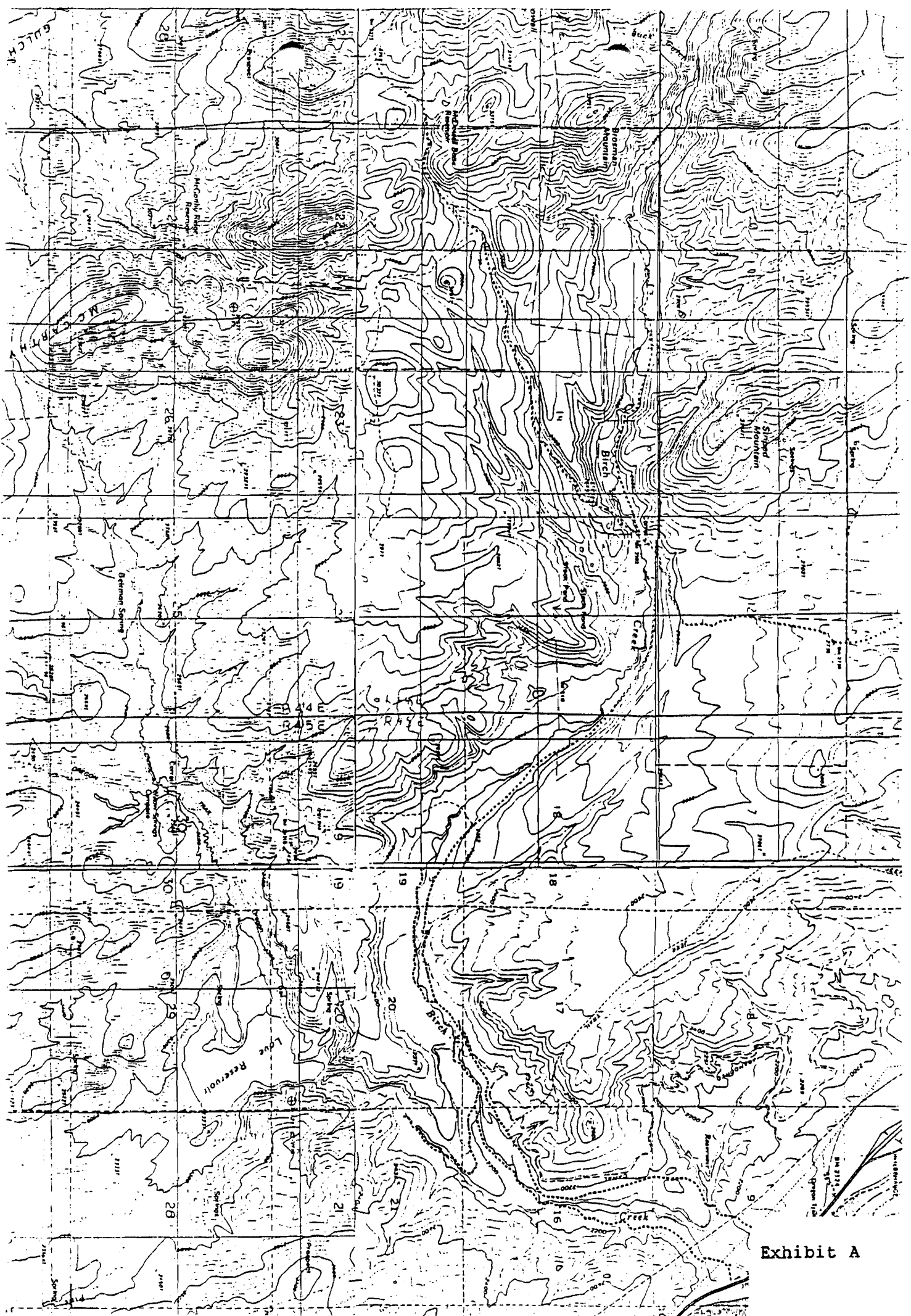


Exhibit A

EXHIBIT B

The Land

The 1905 Land  
Malheur County, Oregon

Township 15 South, Range 44 E.W.M.

Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$   
  
NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$   
  
NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 15 South, Range 45 E.W.M.

Section 16: NE $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 18: SW $\frac{1}{4}$ NW $\frac{1}{4}$   
  
NW $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$



Township 15 South, Range 45 E.W.M. Cont.

Section 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$

The 1884 Land

Township 15 South, Range 44 E.W.M.

Section 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ NE $\frac{1}{4}$   
SW $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$

Land Owned by Others

Township 15 South, Range 45 E.W.M.

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$   
W $\frac{1}{2}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$   
W $\frac{1}{2}$ SW $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 15 South, Range 45 E.W.M. Cont.

Section 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$   
W $\frac{1}{2}$ SW $\frac{1}{4}$   
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$   
S $\frac{1}{2}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$   
Section 33: NW $\frac{1}{4}$

Snake Creek

Filed for  
Record -  
May 29<sup>th</sup> A.D.  
1872.  
Luther B. Lane,  
Clerk

Notice:  
To all it may concern: We the under-  
signed have this day located & taken up for  
agricultural purposes, the water of this creek  
located in Baker County, Oregon & entering into  
Snake River on Keithards Ranch & known as  
Snake Creek & have turned the water from the  
channel of the creek at a point where this  
Notice is posted about one & a half miles  
from Snake River.  
This the 20<sup>th</sup> day of May, A.D. 1872.  
John F. Keithard  
Harmon Keithard.

STATE OF OREGON, }  
County of Baker. } ss.

I, E. H. MIX, County Clerk of the above named County and  
State, do hereby certify that the foregoing Original Water Right  
has been by me compared with the original, and that the same is a cor-  
rect transcript therefrom and of the whole of such original Location  
as the same appears at page 271 Volume P Record of Water  
for Baker County, Oregon, in my Office and in my care and custody.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed my official seal this  
25 day of OCT A. D. 1887.

E. H. Mix  
County Clerk

## Birch Creek

Filed for  
Record  
Oct 3<sup>rd</sup> 1891  
at  
7<sup>30</sup> o'clock P.M.  
E. H. Tuck  
Collector  
by  
Tom Jones  
Deputy

Notice is hereby given to all whom  
it may concern that I the undersigned  
hereby claim and record all the water  
now flowing in Birch Creek in Malheur  
County, State of Oregon that said water  
is claimed for the purpose of irriga-  
tion and is to be taken out of said  
Birch Creek on the south side of the  
creek and on the North West quarter of  
Section Thirteen Township Fourteen South  
Range 40 East Willamette Meridian and is  
to be conducted by a ditch to be con-  
structed for that purpose on to my  
homestead claim viz The N<sup>W</sup> NE<sup>4</sup> & SE<sup>4</sup> NE<sup>4</sup>  
Sec 13 Twp 15 Range 44 & SW<sup>4</sup> NW<sup>4</sup> Sec 18  
Twp 15 Sof R 45 E. W. M.

Dated Oct 3<sup>rd</sup> 1891

Done in presence of  
Ed R Murray  
Tom Jones

George J. Bond

Now owned by Chas. Holtz  
1993

H.C.R. 60  
30 x 18  
Huntington 97907

Notice of Location and Appropriation of  
the Waters of Birch Creek.

Notice is hereby given that the undersigned, C. A. Moore, H. W. Moore, Oscar Jacobson and W. S. Love, have located and appropriated 10,000 miner's inches of water, measured under a six-inch pressure, of the waters of Birch Creek, said waters to be diverted from said Birch Creek by means of a dam at the point where this typewritten notice is posted, said dam being located S 75° 30' W 20.16 chains from the north quarter-corner of section 13 Tp 15 S R 44 E W M, in Malheur County, Oregon, said waters to be conducted by means of a ditch or ditches, flumes and pipe lines for the distance of about four and one-half miles in a south-easterly direction and emptied into and retained and stored in the reservoir of said locators, said reservoir being located in what is sometimes called and is hereby designated as Willow Spring Basin, said Basin being located about one mile southerly from the point on said Birch Creek where the regularly traveled wagon road from Huntington to Willow Creek crosses said Birch Creek in section 16 Tp 15 S R 45 E W M, and said reservoir being located in and occupying parts of sections 20, 28, 29, 30 and 33, Tp 15 S R 45 E W M. The ditch by means of which said waters so appropriated are to be conducted to said reservoir is hereby designated the Supply Ditch of the Moore, Jacobson and Love Irrigation System, by which name the same shall be known, and the said locators hereby give notice that said ditch has been surveyed and located on the ground and actually constructed up to a carrying capacity, in the smallest place, of 150 miner's inches, of water, measured under a six-inch pressure, and that water has been conducted through the same, for the entire length thereof, up to said capacity. Said construction was begun about the 20th day of October, 1905, and it is the intention hereby that said appropriation shall date from the time when such construction was begun, and notice is hereby given that said ditch will be enlarged with all reasonable diligence, and that further ditches, flumes and pipe lines will be constructed that may be necessary, until the same shall be of sufficient capacity to carry the said 10,000 miner's inches of water so appropriated, and said ditch or ditches, flumes and pipe lines, together with the dam used in diverting said waters from said Birch Creek, will be continuously maintained so that the same will be effectual for the purposes herein named.

The waters so appropriated are to be used for reclaiming arid lands, and for irrigation generally, and for household and domestic purposes and for watering livestock.

This notice is posted on the ground, at the point of diversion, this 31st day of December 1906, and a duplicate thereof will be filed and recorded in the office of the County Clerk of Malheur County, Oregon, within 15 days from the date of such posting.

C. A. Moore  
H. W. Moore  
Oscar Jacobson  
W. S. Love

I, C. A. Moore, hereby certify that I am one of the locators signing the foregoing, and that the foregoing notice is a true and correct duplicate of the notice posted at the place and at the time named in such foregoing notice.

In witness whereof I have hereunto set my hand this 3rd day of January 1907.

C. A. Moore

FILED IN MALHEUR COUNTY OREGON

Notice of the Location and Appropriation  
of the Waters of Birch Creek.

Notice is hereby given that the undersigned, C.A. Moore, H.N. Moore, Oscar Jacobson and W.S. Love, have located and appropriated 1000 miner's inches of water, measured under a C-inch pressure, of the waters of Birch Creek, said waters to be diverted from said Birch Creek by means of a dam at the point where this type-written notice is posted, said dam being located S 44° 30' E 20.59 chains from the North quarter-corner of Section 20, township 15 SR 45 E. T.M., in Malheur County, Oregon, said waters so appropriated to be conducted by means of a ditch in a north-easterly direction for the distance of about one-half of a mile and are emptied into the main Irrigation Ditch of said locators at a point near where said Birch Creek crosses the section line between sections 17 and 20, T. 15 SR 45 E. T.M. Said ditch so diverting the water from Birch Creek shall be known and called the Middle Ditch of the Moore, Jacobson and Love Irrigation System, and said ditch is now surveyed and staked off on the ground.

The waters so appropriated are to be used for the reclaiming arid lands and for irrigation generally, and for household and domestic purposes and for watering live stock.

This notice is posted on the ground, at the point of diversion, this 31st day of December 1906, and a duplicate thereof will be filed in the office of the County Clerk of Malheur County, Oregon, within 10 days from the date of said posting.

C.A. Moore  
H.N. Moore  
Oscar Jacobson  
W.S. Love

I, C.A. Moore, hereby certify: That I am one of the locators signing the foregoing notice, and that the foregoing notice is a true and correct duplicate of the notice posted at the place and at the time named in the foregoing notice.

In witness whereof, I have hereunto set my hand this 3rd day of January 1907.

C.A. Moore

*and Dam Site,*

Notice of Location of Reservoir Site, and of Appropriating the Waters of Willow Spring Basin and Reservoir Gulch.

Notice is hereby given that the undersigned, C. A. Moore, H. N. Moore, Oscar Jacobson and W. S. Love, have located and appropriated 10,000 miner's inches of water, measured under a six-inch pressure, of the waters of Willow Spring Basin and of what is hereby designated Reservoir Gulch, said Gulch being the outlet of said Willow Spring Basin, said Willow Spring Basin being located about one mile southerly from the point in section 18 Tp 15 S R 46 E W 4 where Birch Creek is crossed by the regularly traveled wagon road leading from Huntington to Willow Creek in Malheur County, Oregon, and it is the intention hereby to appropriate and retain all the waters accumulating in said Willow Spring Basin and to store the same therein for the reclamation of arid lands, and for irrigation generally, and for household and domestic purposes and for watering livestock.

Notice is further hereby given that said parties have appropriated a dam site at the outlet of said Willow Spring Basin for the purpose of constructing a dam thereon and to make a reservoir of said Willow Spring Basin, and it is the intention of said parties to construct a dam on said dam site, with all reasonable diligence, to the height of 100 feet from the bottom of the channel of said outlet, and said parties have appropriated and expect to use for a reservoir all that part of said Willow Spring Basin which will be covered by water when the said dam is raised to the height of 100 feet from the bottom of the channel constituting the out-let of said Willow Spring Basin, and the waters so appropriated are to be retained and stored by means of said dam and said reservoir. It is the present intention to construct said dam of earth, but if the same shall be found to be insufficient, then other material will be used until said dam shall be effectual for the purposes herein stated.

The appropriation of said dam site and of said Willow Spring Basin for said reservoir, was actually made about October 20, 1905, by the delivery at said dam site of a part of the materials to be used in the construction of said dam, and otherwise making preparations for building said dam, and by commencing the construction of a ditch diverting water from Birch Creek to said reservoir at a point on said Birch Creek S 75° 00' W 20.16 chains from the north quarter-corner of section 13 T 15 S R 44 E W 4, said ditch being known as the Supply Ditch of the Moore, Jacobson and Love Irrigation System, in another notice posted, filed and recorded simultaneously with this appropriating said waters from Birch Creek so diverted, and it is the intention that the appropriation of said dam site and said Willow Spring Basin for a reservoir site and of the waters accumulating in said Willow Spring Basin shall date from the said October 20, 1905.

Said reservoir, when so constructed, shall also be used for receiving, retaining and storing the waters of Birch Creek diverted therefrom as above described, and shall be known as Moore, Jacobson and Love Reservoir.

This notice is posted on the ground, at the southerly end of the dam site above described, this 5<sup>th</sup> day of December 1906, and a duplicate thereof will be filed in the office of the County Clerk of Malheur County, Oregon, within 10 days from the date of such posting.

C. A. Moore  
H. N. Moore  
Oscar Jacobson  
W. S. Love

MAP

Showing the MOORE, JACOBSON & LOVE RESERVOIR SITE, the supply ditch thereto taken out of and appropriating water from BIRCH CREEK: also the Middle ditch, taken out of and appropriating water from said Birch Creek: and also the irrigating ditch leading from said Reservoir. and which also receives and carries the waters from said MIDDLE DITCH.

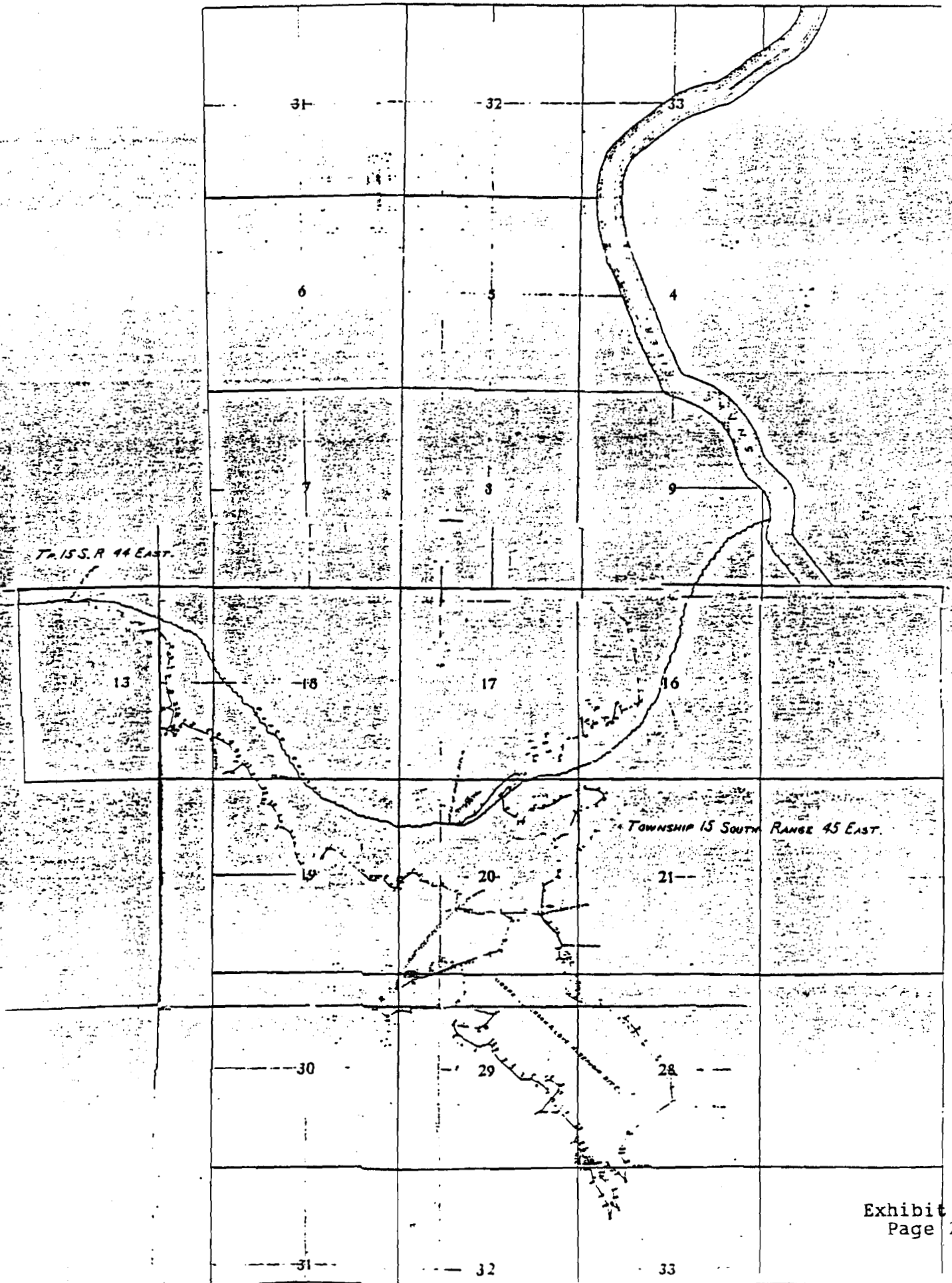
This map is accompanied by the field notes of the survey of said Reservoir, said supply DITCH, said MIDDLE DITCH and said irrigating DITCH, all made from actual surveys and measurements in the field, the whole constituting an irrigation system belonging to C.A. MOORE, H.N. MOORE, OSCAR JACOBSON and W.S. LOVE, in common, and showing the manner of appropriating the water therefor and conveying the same from said reservoir.

Reference is hereby made to the copies of the three notices of location and appropriation of water for said irrigation system and the location of said reservoir site, for full detailed information regarding the claims and rights of the parties hereto.

I have this day examined the above map and find it to be a correct and true representation of the same as the same was made by the Moore, Jacobson & Love Irrigation System and such survey and measurements as are thereon shown and the same is approved and confirmed by me this 9th day of August 1900



TOWNSHIP 15 SOUTH RANGE 45 EAST.



BEFORE THE DIRECTOR OF THE  
OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF WATER RIGHTS ) AFFIDAVIT IN SUPPORT OF  
FROM BIRCH CREEK IN MALHEUR ) PETITION  
COUNTY, OREGON )

STATE OF OREGON )  
 ) ss.  
County of Malheur )

I, Charles Holtz, having been duly sworn on oath,  
depose and say:

1

In 1971 I took over the management and operation of certain real property in Malheur County, Oregon including the Land (references are to the subjects identified in the Petition). The Land is a part of a larger irrigation and ranching operation all of which I have been directly involved with since 1971. During the time that I have been farming the Land, I have irrigated approximately 415 acres of it either with diversions directly out of Birch Creek, diversions out of Love Reservoir or both. Because a considerable portion of the livestock usage is from Love Reservoir, I believe a claim of one cubic foot per second for domestic and for stock water would adequately reflect the amount of water used for those purposes.

2

The water of Birch Creek has been used continuously on the Land since before February 24, 1909.

With respect to the 1905 Land, the continuous use of Birch Creek water on that Land since before February 24, 1909 has been consistent with the development plan described in the Notices as well as modifications and improvements to that development plan. The fact of such continuous water usage is supported by the Notices, statements to the Petitioner, court records and other records, maps including survey maps, aerial photos and physical evidence. By way of example only and without limitation a principal feature of the diversion and use of water from Birch Creek is a diversion ditch which carries water from Birch Creek into Love Reservoir. Both the diversion ditch and Love Reservoir have been shown for many years on maps prepared by the U. S. Geological Survey (see Exhibit A). By way of further example and without limitation, a lawsuit was filed in 1951 in the Circuit Court of the State of Oregon for Malheur County by a previous owner of the Land. In the Complaint filed in 1951 and the Amended Complaint filed in 1957, the continuous use of Birch Creek water on the Land beginning prior to 1909 is confirmed. (See Malheur County Circuit Court Case No. 7047E). By way of further example and without limitation post 1909 water rights have been obtained for the Land through the application, permit and certificate process. In the Water Resources Department (the "Department") file for Applications R-24019 and 24084, the Final Proof Survey shows the existence and approximate location of some

of the facilities described in the Notices.

4

With respect to the 1884 Land, the continued use of Birch Creek water on that Land since before February 24, 1909 has been consistent with the pleading statements found in the lawsuit described in the preceding paragraph. Additionally, I have come into possession of a set of maps prepared in 1954 by Melvin V. Davenport & Associates, professional engineers of Caldwell, Idaho. The maps show irrigable acres that were actually surveyed in November, 1953 for a previous owner of the Land. The survey shows the exact same acreage, by location, of the Land referred to in the above described lawsuit. The pleading statements in that lawsuit confirm the continuous use of Birch Creek water on the 1884 Land beginning in 1884.

5

I am not sure of the exact date or year but I believe that it was in 1991 or 1992 that I heard something about the need to file some kind of a paper with respect to certain water uses. The diversion of Birch Creek water to the Land is extremely important to its value and use as part of the total farming and ranching operation. Therefore, I contacted Larry Powers who was then and is now the watermaster for the Department for Malheur County. As I recall, I contacted him by telephone. I asked him if anything needed to be filed with respect to the diversion of water from Birch Creek to the Land. I do not recall his exact

words but he indicated that preceding owners of the Land had filed everything that needed to be filed. He gave me the impression that nothing more needed to be filed to protect the pre-1909 Birch Creek water usage. Relying upon my conversation with Larry Powers and the understanding which I gained from that conversation, I did not pursue any further the matter of filing papers with respect to the pre-1909 Birch Creek water usage.

6

Recently I have been contacted by representatives of the Department with respect to the construction and operation of Love Reservoir. The only issues raised were connected with dam safety.

7

I contacted attorneys Steve Bloom and Bob O'Rourke in Pendleton, Oregon to discuss with them the law related to the dam safety considerations. When I met with Bob O'Rourke on October 22 at Love Reservoir, he explained that Steve Bloom had received a letter from Larry Powers dated September 14. The letter talks about the time limit to file a pre-1909 water use. The letter suggested that Steve Bloom contact the Department to see if a filing could still be made. That is the first time that I was aware of even the possibility of any filing requirement.

8

Because the Birch Creek water is so valuable and important to the use and productivity of the Land and the entire

ranch operation, I believe that it is better to file the attached Petition even though no member of the Department has told me that the information I received from Larry Powers is wrong. I am referring to the information that the preceding owners of the Land had filed all notices required by law.

  
\_\_\_\_\_  
Charles Holtz

Subscribed and sworn to before me this 5<sup>th</sup> day of  
November, 1993.



  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires: 12-6-96

BEFORE THE DIRECTOR OF THE  
OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF WATER RIGHTS ) AFFIDAVIT IN SUPPORT OF  
FROM BIRCH CREEK IN MALHEUR ) PETITION  
COUNTY, OREGON )

STATE OF OREGON )  
 )ss.  
County of Umatilla )

I, Robert E. O'Rourke, having been duly sworn on oath,  
depose and say:

1

Steve Bloom and I are attorneys licensed to practice law in the State of Oregon. Our practice is conducted through the Pendleton, Oregon law firm of Kottkamp & O'Rourke. Recently we were contacted by Charles Holtz. He wanted some general information regarding the rules relating to the safety of dam and reservoir structures.

2

After we were contacted by Mr. Holtz we began gathering some information regarding his dam, reservoir and related facilities. In the course of that inquiry we received a letter from Larry Powers, Watermaster No. 9, Malheur County. Mr. Powers advised that the water rights related to the Love Reservoir were pre-1909 water use claims. He further advised that it may be necessary to register claims, that the deadline for registering expired December 31, 1992 and that it might be appropriate to contact the Water Resources Department (the "Department") to see if a claim could be filed. It was not clear whether Mr. Powers'

suggestion related to pre-1909 water use as described in the Notices or other pre-1909 water use from Birch Creek on the Land.

3

I have had further communications with Larry Powers. It is his recollection that Charles Holtz did contact him a year or so ago and Mr. Holtz asked about the registration of the Birch Creek pre-1909 water rights usage and rights on the Land. Larry Powers recalls telling Charles Holtz that preceding owners of the Land had already filed claims and that it would not be necessary for Charles Holtz to make any further filings or registrations.

In further communications with Larry Powers, he explained that he did not intend to include the 1884 Land in any comments to Charles Holtz about there being no need to make further filings or registrations. He explained to me that the comment in his letter of September 14 to Stephen Bloom that a registration might need to be filed related to the 1884 Land.

4

The Petition to which this Affidavit is attached refers to certain Notices. Copies of those Notices are on file in the office of Larry Powers. Larry Powers said that he obtained those copies from Larry Jebousek who formerly worked for the Department. According to Larry Powers, Larry Jebousek was discussing with him the subject of registering pre-1909 water use claims and Larry Jebousek said that the claims identified in the Notices had already been registered because of the Notices.



Further inquiry has been made of the Department to find out if they have copies of the Notices. The response was that copies were not on file with the Department in Salem.

5

I have reviewed the documents described in paragraph 5 of the Petition. Additionally, I have obtained copies of field notes filed with the U. S. Land Office in Vale, Oregon on August 2, 1915. The field notes relate to the water use facilities described in the Notices. The field notes appear to match the legal description shown in Exhibit E-4. Correspondence from the General Land Office dated October 12, 1916 indicates that the Assistant Secretary of the Interior approved the map which is Exhibit E-4. These documents evidence the continuous use of Birch Creek water on the 1905 Land beginning prior to February 24, 1909.

With respect to the 1884 Land, I have reviewed the 1954 survey maps of Melvin V. Davenport & Associates. I have compared those survey maps to the pleading statements in the lawsuit referred to in Exhibit G. The acreages match up and those documents evidence the continuous use of Birch Creek water on the 1884 Land beginning prior to February 24, 1909.

6

The Notices which we now have and which are exhibits to the Petition originally came from the Department in Salem. Because that office no longer has such Notices, it seems advis-

able to file a Petition even though the filing is not legally necessary. This filing seems more advisable in the light of the decision to register the water use claims on the 1884 Land.

Robert E. O'Rourke  
Robert E. O'Rourke

Subscribed and sworn to before me this 10<sup>th</sup> day of November, 1993.

Vicki Ledbetter  
Notary Public for Oregon



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO

September 26, 1994

TO: file SWR-614,617,618

FROM: DON KNAUER

SUBJECT: CWRE MAP

Jim Hanley, CWRE called to say they were starting the survey tomorrow for the water right map. He will keep me advised of the progress.

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP DK NAME TRIP TO SW# 10 UNADJUDICATED AREA ? yes  
RECEIPT # 107035/108022 S W R NUMBER 614  
CHECK ENCLOSURES \_\_\_\_\_ PRELIMINARY DATA BASE ENTRY DK  
ACKNOWLEDGEMENT LETTER DWF/DEK 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 \_\_\_\_\_

January 7, 1994

BOB O'ROURKE  
331 SE 2ND STREET  
PO BOX 490  
PENDLETON OR 97801-0490

RE : Surface Water Registration Statements - Holtz Family Trust

Dear Mr O'Rourke,

With reference to the Special Order filed at Volume 47 Page 382, the three claims to pre-1909 vested water rights have been assigned file numbers. The first claim received on November 26, 1993 has been numbered SWR-614. The second claim received December 13, 1993 with a priority date of Oct. 3, 1891 has been numbered SWR-617. The third claim received December 13, 1993 with a priority date of 1884 has been numbered SWR-0618.

I am enclosing our receipt # 108022 for \$ 202.00 paid in fees.

I suggest the map be prepared and submitted at the earliest convenience. I cannot proceed with a review of the file without the map. I am sending copies of the mapping requirements for you to forward to the Certified Water Right Examiner hired to do the work. There have been misunderstandings in the past by certain CWRE's about the requirements for the pre-1909 claim maps. I offer any help I can be to your CWRE prior to them starting the project which may save time and money in the end. I have enclosed a couple of my cards for your use. Two of the more important points in regards to the map are: First, this is a claim to beneficial use and should be treated as a final proof survey. Second, if the map covers use with different priority dates, the map must clearly show the boundaries of the different priority dates.

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

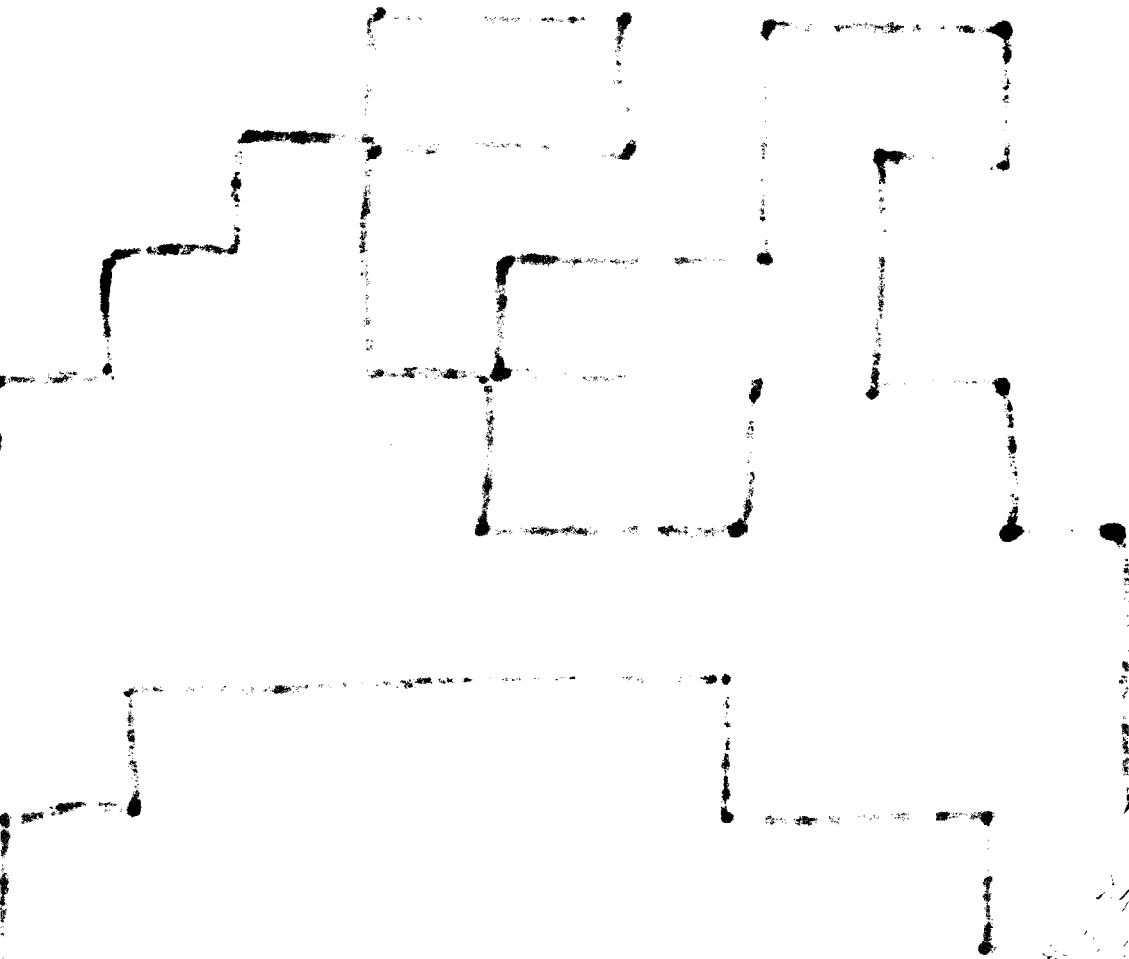
Sincerely,



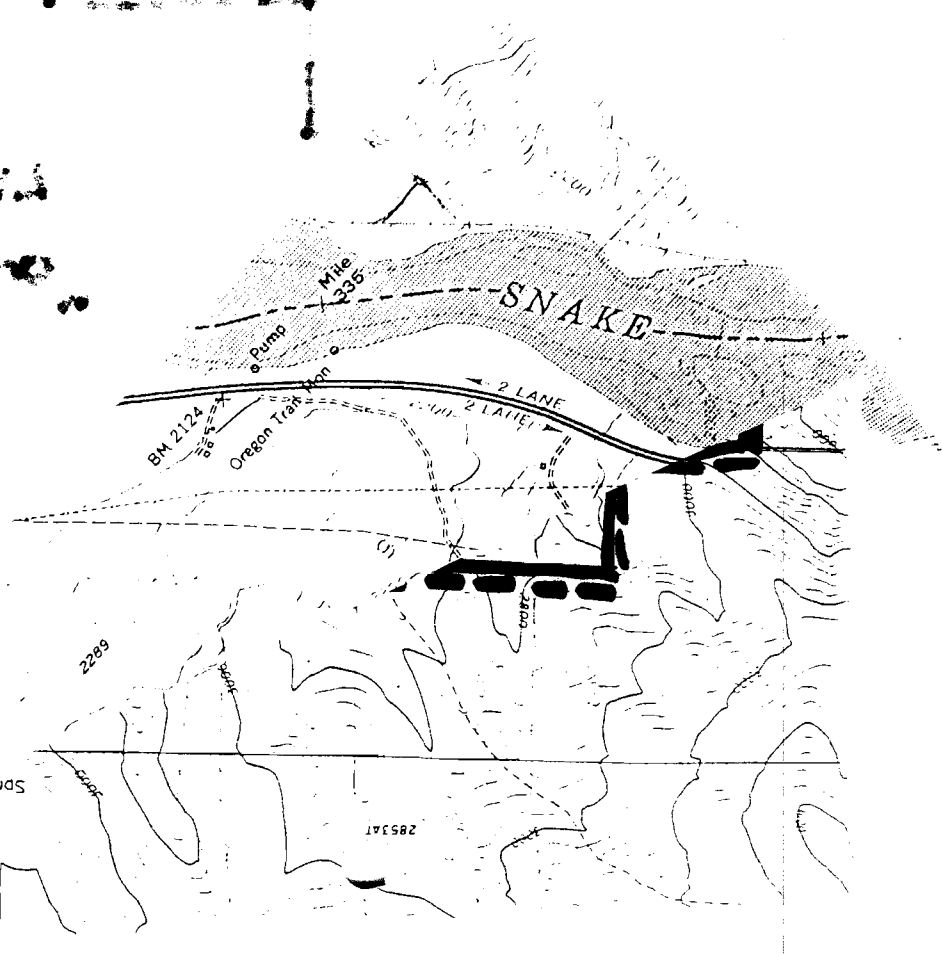
Don Knauer  
Adjudication Specialist

J:\W\SVC\6\SWR-0614.004





1881  
 200-1000



200-1000  
 1881

200-1000  
 1881

RECEIPT # **108022**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIVED FROM: _____	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH:  CHECK: # \_\_\_\_\_ OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ \_\_\_\_\_

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

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

**REDUCTION OF EXPENSE**

_____	CASH ACCT.	\$
_____	VOUCHER #	\$

**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	\$	842.002
842.003	GROUND WATER	\$	842.004
842.005	TRANSFER	\$	842.006
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	\$	842.023
	LANDOWNER'S PERMIT		842.024
_____	OTHER (IDENTIFY)		

**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 # **108022**

DATED: \_\_\_\_\_ BY: \_\_\_\_\_

November 29, 1993

BOB O'ROURKE  
331 SE 2ND STREET  
PO BOX 490  
PENDLETON OR 97801-0490

ALSO:

11-29-93 AM

RE: Special Order Signed

Dear Mr. O'Rourke,

This past Friday, a special order was signed that officially accepted for filing the Surface Water Registration Statement in the name of The Holtz Family Trust, Henry and Elvera Holtz, trustees. I have enclosed a copy of the special order.

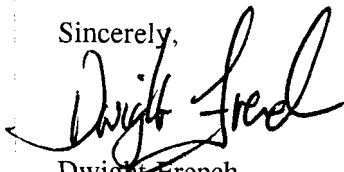
From our telephone conversation of November 24, 1993, I understand that the CWRE map will be submitted after the first of the year.

With respect to fees, our Administrative Rules (OAR 690-28-025 (2)) specify that "One registration statement may include multiple use with one common date of priority for parcels of contiguous land. Separate statements shall be registered for noncontiguous properties or different priority dates." Since a higher fee is levied on the first 100 acres for each priority date, it will be necessary for you to submit additional fees. Your fees appear to have been calculated as if there was only one priority date. The late filing deadline is December 31, 1993. The additional fees must arrive at our office before that date.

I understand that you will not know how many acres are attached to each priority date until the CWRE map is completed. If, after your CWRE map arrives, it appears that there was an overpayment of fees we will arrange for a refund.

Please feel free to contact this office if you have any questions.

Sincerely,



Dwight French  
Adjudication Section

enc

J:\WP51\SWR\CLAIMANT\6\SWR-614.003



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 THE HOLTZ FAMILY TRUST,	)	STATEMENTS
HENRY AND ELVERA HOLTZ, TRUSTEES	)	(Late filing)
<hr/>		

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 Statements in the name of

HOLTZ FAMILY TRUST, HENRY AND ELVERA HOLTZ, TRUSTEES  
17130 RIDGE CANYON DRIVE  
RIVERSIDE CA 92506

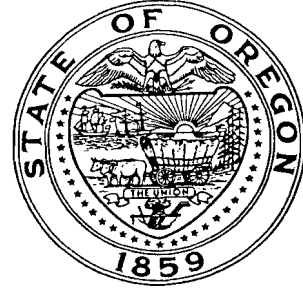
Dated November 26, 1993.

  
A. REED MARBUT

 Martha O. Pagel, Director

Recorded in Special Order Volume 47, Page 382.

WATER  
RESOURCES  
DEPARTMENT



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

FACSIMILE TRANSMISSION SHEET

DATE: November 26, '93 TIME: 3:50 PM PAGE 1 OF (1)

TO: BOB O'ROURKE  
PENDLETON OR

FAX #: 503-276-6463

FROM: DWIGHT FRENCH

COMMENTS: THE SPECIAL ORDER HAS BEEN SIGNED.

I'm SENDING A COPY TO YOU. I'll  
Let you bear the good news to MR+MRS  
Holtz.

We need to talk about fees!

Please call me! 1 800 624 3199

Dwight French

November 19, 1993

BOB O'ROURKE  
331 SE 2ND STREET  
PO BOX 490  
PENDLETON OR 97801-0490

RE: PETITION FOR LATE REGISTRATION STATEMENT FILING

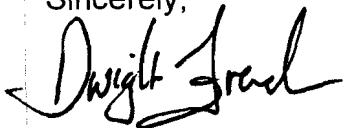
Dear Mr. O'Rourke:

This will acknowledge the petition for a late registration statement filing in the name of The Holtz Family Trust, Henry and Elvera Holtz, trustees. Fees in the amount of \$1,368.00 have been received and a receipt (# 107036) is being sent with a copy of this letter to Henry and Elvera Holtz. Additional fees in the amount of \$4.50 have also been received from your firm. Receipt # 107035 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

CC: Holtz Family Trust, Henry and Elvera Holtz, trustees  
17130 Ridge Canyon Drive  
Riverside CA 92506

j:\w\stcl6\swr-614.001



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

STATE OF OREGON  
**WATER SOURCES DEPARTMENT**

RECEIPT # **107035**

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

RECEIVED FROM: _____	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH:  CHECK: # \_\_\_\_\_ OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ \_\_\_\_\_

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

842.010	ADJUDICATIONS	\$ _____
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**

<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	\$ _____	842.002
842.003	GROUND WATER	\$ _____	842.004
842.005	TRANSFER	\$ _____	842.006
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	\$ _____	842.023
	LANDOWNER'S PERMIT		842.024
_____	OTHER (IDENTIFY) _____		

**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 # **107035**

DATED: \_\_\_\_\_ BY: \_\_\_\_\_

STATE OF OREGON  
**WATER SOURCES DEPARTMENT**  
 6000 PORTLAND ROAD NE  
 SALEM, OR 97310  
 378-8455/378-8130 (FAX)

RECEIPT # **107036**

<b>RECEIVED FROM:</b> _____	<b>APPLICATION</b>
<b>BY:</b> _____	<b>PERMIT</b>
	<b>TRANSFER</b>
<b>CASH:</b> <input type="checkbox"/>	<b>TOTAL REC'D</b> \$ _____
<b>CHECK: #</b> <input type="checkbox"/> _____	
<b>OTHER: (IDENTIFY)</b> <input type="checkbox"/> _____	

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

842.010	ADJUDICATIONS	\$ 1,165.00
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**

<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	<b>EXAM FEE</b>	<b>RECORD FEE</b>
842.003	GROUND WATER	\$	\$
842.005	TRANSFER	\$	\$
		\$	\$
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	<b>EXAM FEE</b>	<b>LICENSE FEE</b>
	LANDOWNER'S PERMIT	\$	\$
	OTHER (IDENTIFY)	\$	\$

**06-00-0 WELL CONST START FEE**

842.013	WELL CONST START FEE	\$	<b>CARD #</b>
	MONITORING WELLS	\$	<b>CARD #</b>

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
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**07-00-0 HYDRO ACTIVITY**

			<b>LIC NUMBER</b>
842.011	POWER LICENSE FEE(FW/WRD)	\$	
842.115	HYDRO LICENSE FEE(FW/WRD)	\$	
	HYDRO APPLICATION	\$	

RECEIPT # **107036**

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

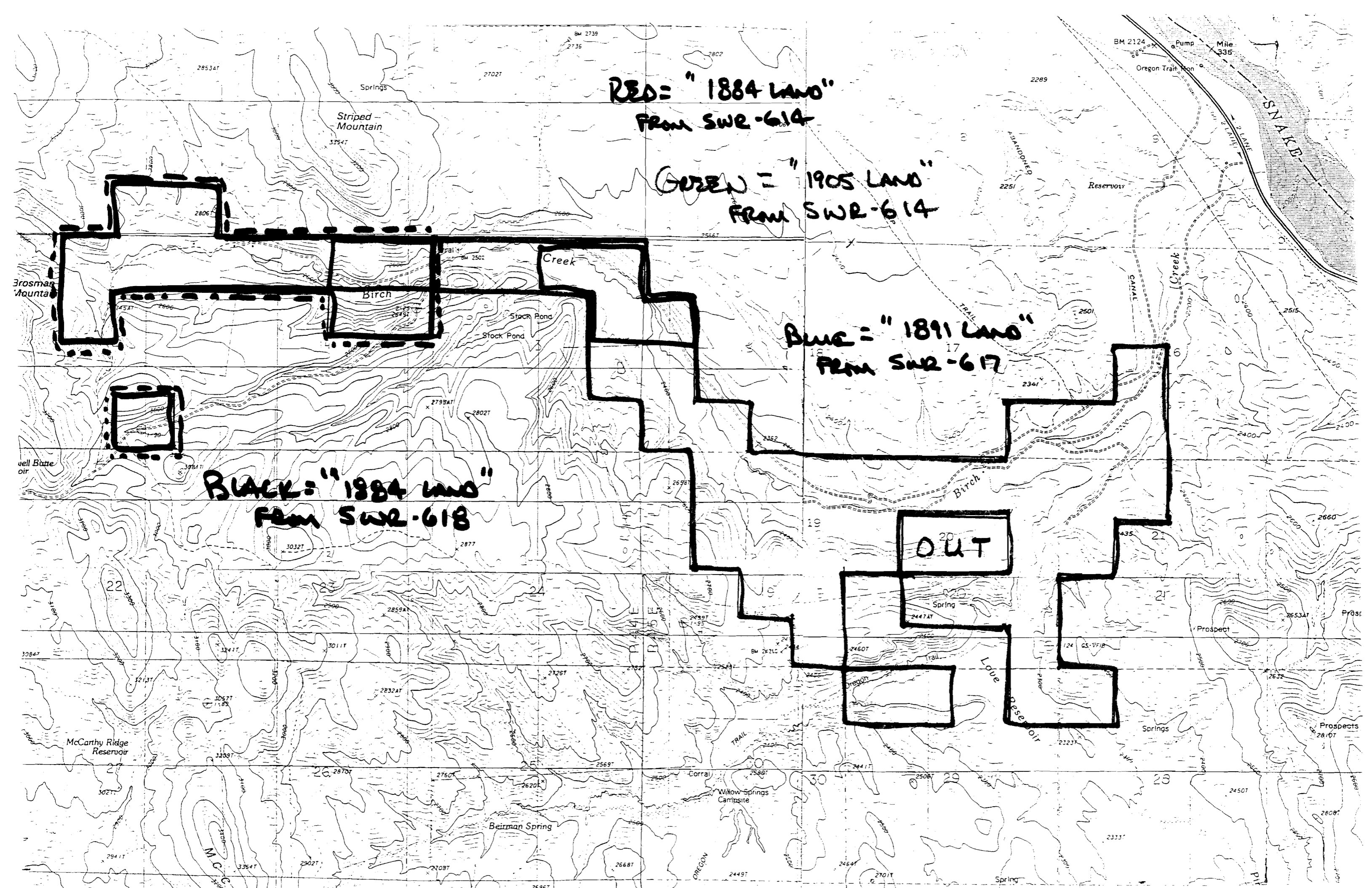
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FROM SWR-614

GREEN = "1905 LAND"  
FROM SWR-614

BLUE = "1891 LAND"  
FROM SWR-617

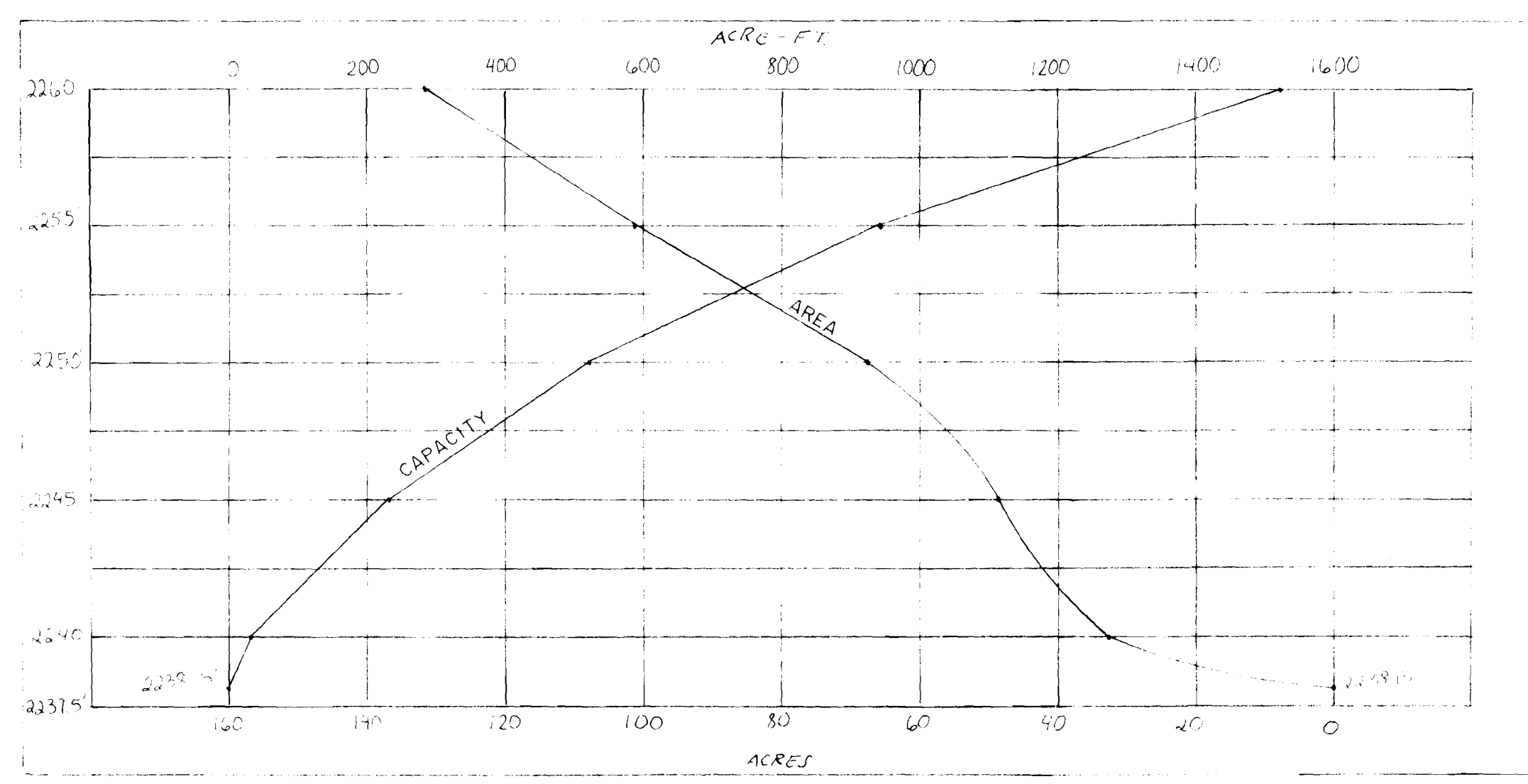
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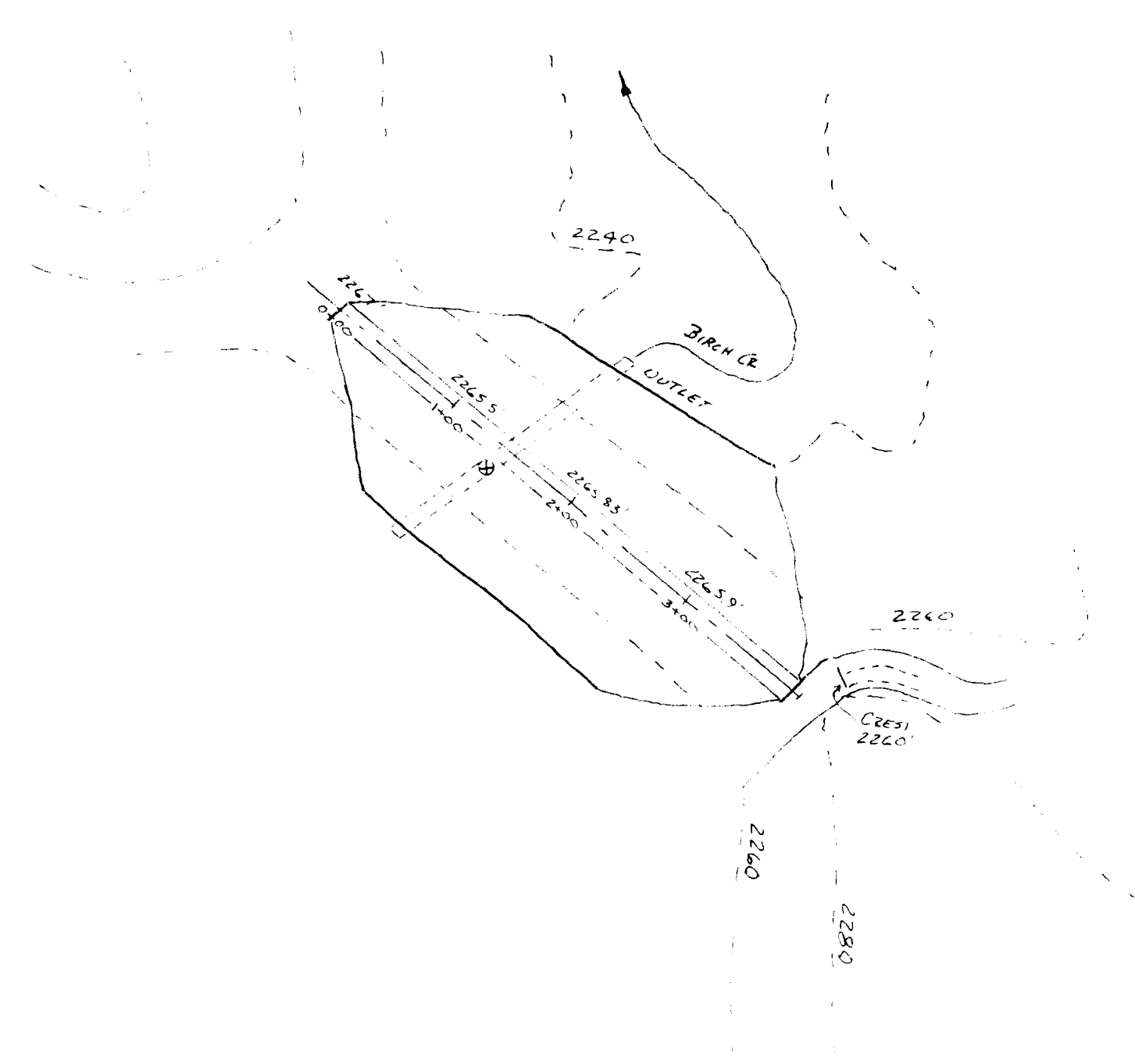


RECEIVED  
 AUG 27 1998  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

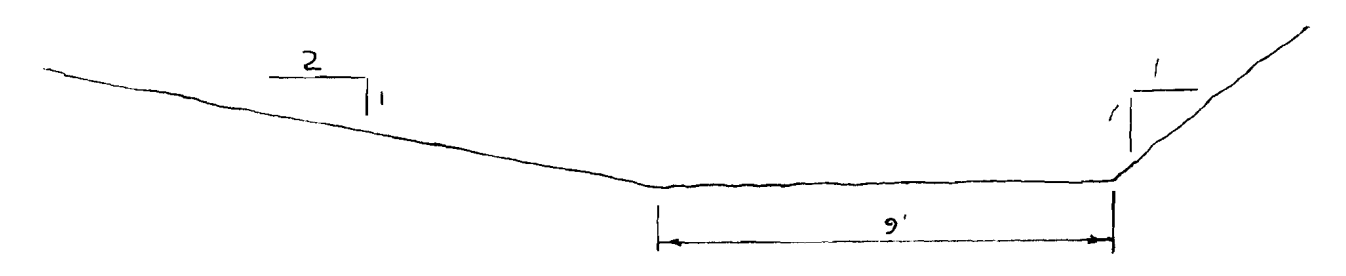
SWR-614  
 SWR-617  
 SWR-618



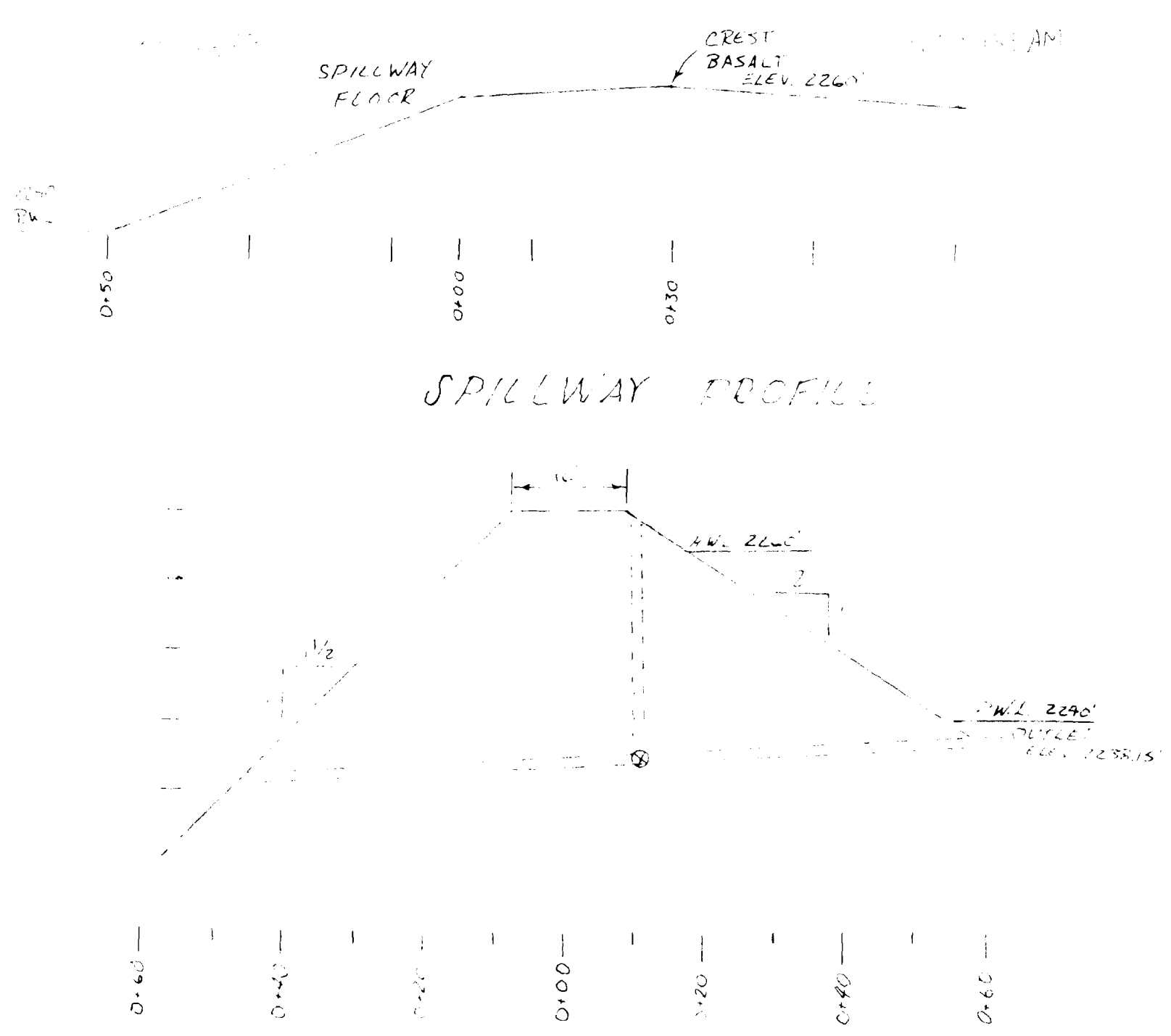
AREA-CAPACITY CURVES



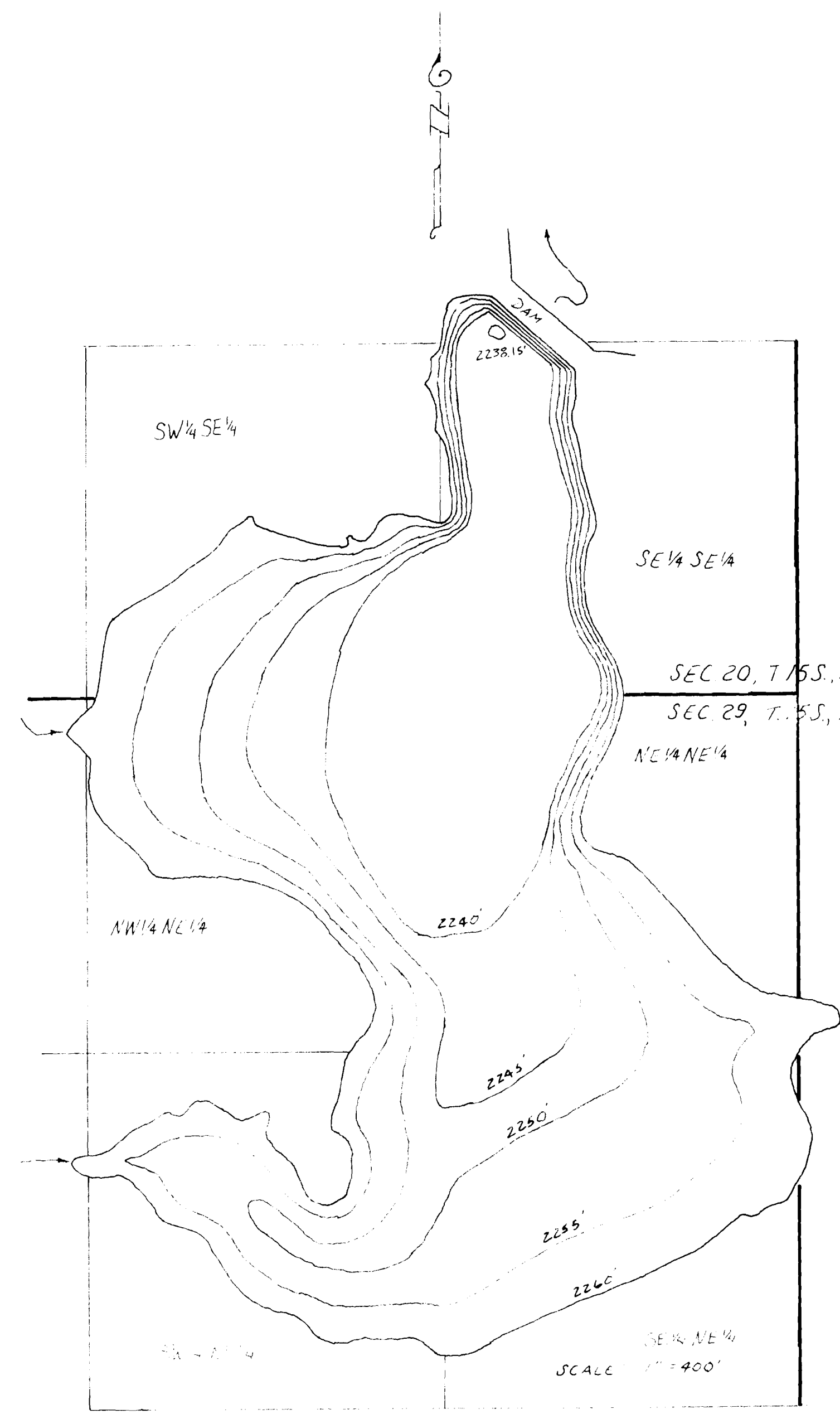
DAM & SPILLWAY PLAN  
 SCALE 1"=100'



SPILLWAY CROSS SECTION @ CREST  
 LOOKING DOWNSTREAM  
 CREST ELEV. 2260'



SPILLWAY PROFILE



SCALE 1"=400'

LOVE RESERVOIR  
 AS-BUILT

DRAWN FROM SURVEY AND AERIAL PHOTOS

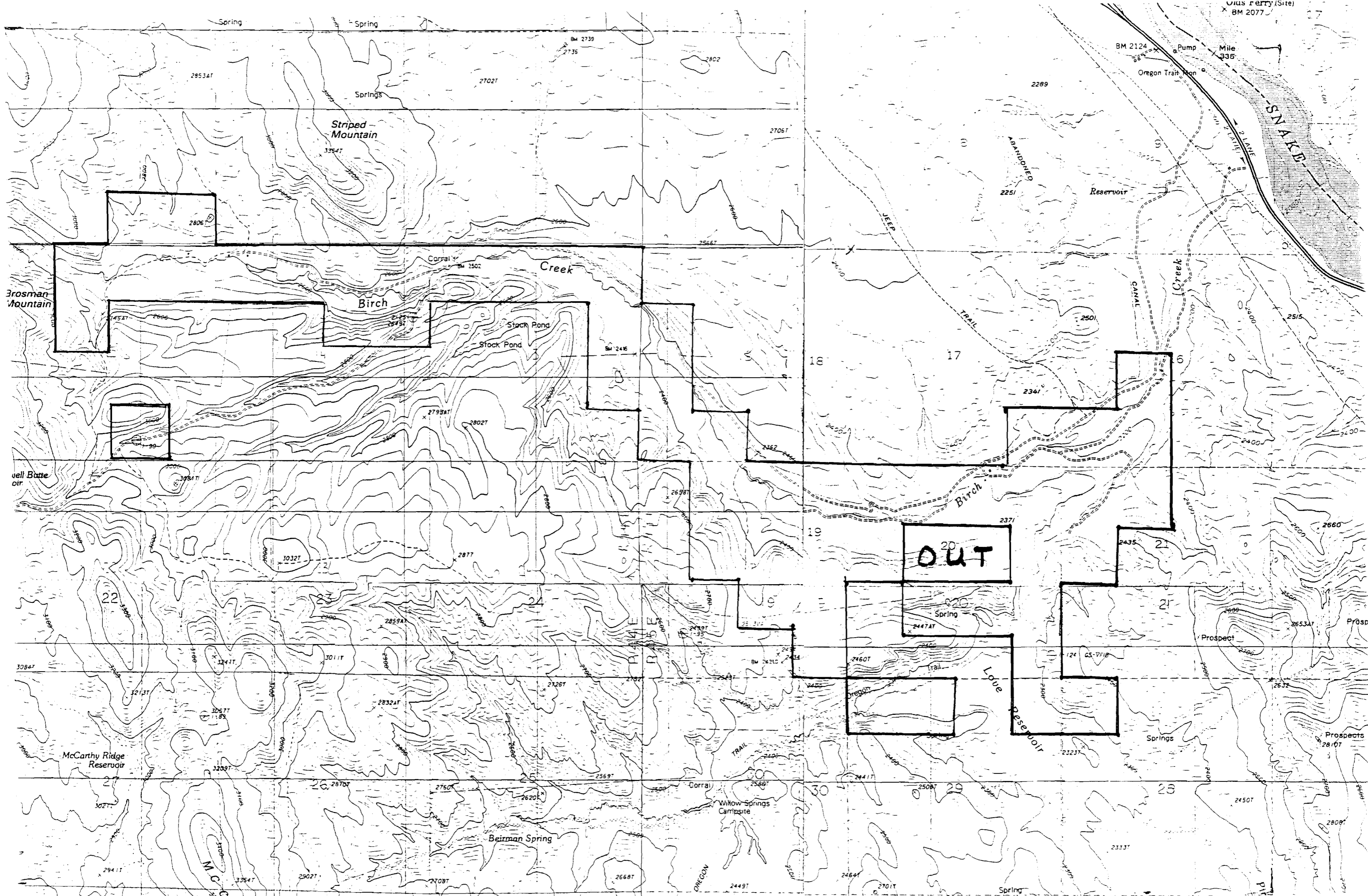
SCALES AS SHOWN  
 AUGUST, 1998

BY:  
 HANLEY ENGINEERING, INC  
 2043 MAIN STREET  
 BAKER CITY, OREGON

*James A. Hanley*







Olds Ferry (Site)  
BM 2077

Spring Spring

285341

27027

BM 2739  
2735

2802

BM 2124

Pump

Mile 335

Oregon Trail Mon

2289

Striped Mountain  
33547

27067

2806

25667

ABANDONED

Reservoir

Brosman Mountain

Corral

Creek

Birch

Stock Pond

Stock Pond

BM 2416

18

17

2501

2341

Well Butte

30817

2799A1

28027

26981

2362

Birch

2371

OUT

2435

19

30327

2877

Spring

2447A1

21

Prospect

Prospect

30847

22

32411

30117

2859A1

21267

21927

24907

24607

124 GS-7F1B

2609

2660

McCarthy Ridge Reservoir

30677

2832A1

21267

21927

24907

24607

124 GS-7F1B

2609

2660

3027

27

32807

28707

27607

25697

25887

24417

25087

24507

28097

Beirman Spring

Willow Springs Campsite

30

29

28

Spring

33547

29027

27087

26687

24497

24697

27017

23237

28097