

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.

RECEIVED

AUG 2 7 1998

WATER RESOURCES DEPT. SALEM, DREGON

August 25, 1998

Water Resources Department Commerce Building 158 12th Street NE Salem, OR 97310-0210

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

Dear Don,

Enclosed, please find two (2) Mylar maps:

- (1) Love Reservoir, as built
- (2) Pre 1909 irrigated lands

Requested information on Ditch diversions, measurements of ditch size and calculation for capacities of ditches will be sent by separate mailing.

Thank you.

Yours truly,

James D. Hanley

CWRE

Enc. 2 mylar



July 13, 1998

Water Resources Department

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

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



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



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.

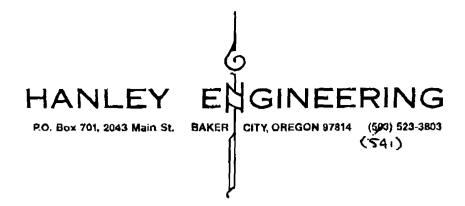
Sincerely,

Don Knauer

Manager Adjudications

c: Holtz Family Trust

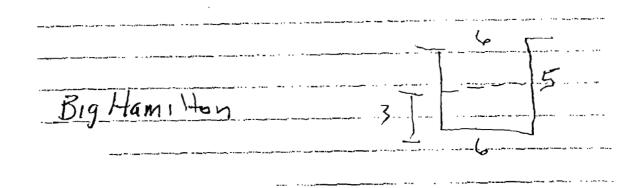
TRANSMISSION



FACSIMILE

DATE: 12-30-99 (Thurs) TIME: Z:45 PM
TO: Oregon WRD F0041-503-378-8130
ATTENTION: Dan Knauer
FROM: HANLEY ENGINEERING
SENT BY: Ton Henley
TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET IS
CONCERNING: Holtz Family Trust water rights
Enclosed are my calculations of the
capacity of the Love Reservoir feede
ditch which is the Big Hamilton Ditch.
Sincerely
Tontheley

ce: Curt Jacobs



Big Hamlton 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 feet

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

n = 0.030

s = .0026 5^{1/2} = 0.051

v = 1.486/.030 x 1.31 x 0.051 = 3.31 44/see

Q = 18 x 3.31 = 59.6 cfs
```

Total acres = 249.4 acres

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

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: Court

REO:vl Encl.

cc: Mr. Jim Hanley

Hanley Engineering

Land Title Insurance Building

P. O. Box 701

Baker City, Oregon 97814

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



December 10, 1993

DEC 1 3 1993

NATER RESOURCES DEPT. SALEM, OREGON

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

Attn: Reed Marbut

Re: Pre-1909 Vested Water Right Claim Registration Statements

Birch Creek, Malheur County

Holtz Family Trust

Dear Mr. Marbut:

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.

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 CWRE 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 CWRE 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.

KOTTKAMP & O'ROURKE

By: Bob O. Rouske

REO:vl Encl.

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 1 3 1993

NATER RESOURCED DEPT.
SALFM. OFFICIA

DEC 1 3 1993

Exhibit A

VATER RESUURCES DEPT. SALEM, OPEGON

3. If irrigation, total number of acres irrigated: 160 - see Exhibit A

Pursuant to an Order dated November 26, 1993 the Holtz Family Trust is filing three Registrations for the use of natural flow and stored water from Birch Creek for irrigation, stockwater The first Registration filed showed 415 acres and domestic uses. That Registration will be based upon the October 20, irrigated. 1905 priority.

The second Registration filed (this one) is for the priority date October 3, 1891 and it shows 160 acres irrigated. The third Registration filed shows a priority date of 1884 for 520 irrigated acres. However, the total number of irrigated acres claimed under all three Registrations is 415 acres. is the total acreage which will be claimed under all three priorities. When the CWRE map is filed for these three Registrations, it will not show more than 415 acres irrigated. The acreage shown herein is the tracts (by 40 acres) within which the irrigated acreage lies and within which it will be shown on the CWRE map.

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

The amount of water claimed for direct irrigation is 4.0 cfs. 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 and the diversion facilities.

Attached to this statement is a copy of a USGS topographical map showing generally the location of the subject land and diversion facilities. The precise locations of the subject land and diversion 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.

DEC 13 1993

EXHIBIT B

WATER RESUULCES DEPT SALEM. ORFGON

The Land

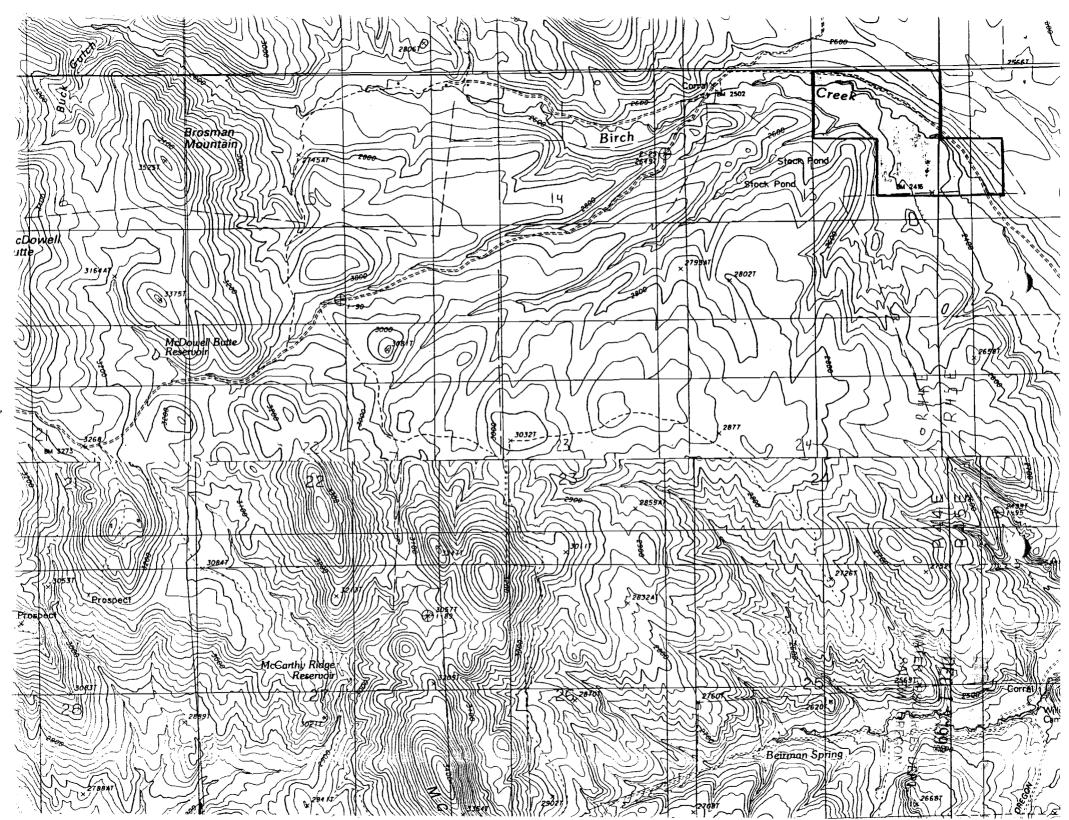
The 1891 Land Malheur County, Oregon

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

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

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

Section 18: SW4NW4





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

MON A 1993

November 24, 1993

VIA EXPRESS MAIL

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

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'RQURKE

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.)

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 MAPPER NAME TRIB SNAW #_	UNADJUDICATED AREA ? YES
RECEIPT # 107036/107035/108022	swr number 617
CHECK ENCLOSURES	preliminary data base entry
ACKNOWLEDGEMENT LETTER DWF/DEX	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, dit place of use scale township, range, section north arrow CWRE stamp disclaimer	ch, etc.)
date survey was perform P.O.B. of survey dimensions and capacity "beneficial use" type t "permanent-quality" pap 1/10th acre	of diversion system
WATER RIGHT RECORD CHECK	FIELD INSPECTION
FINAL FILE REVIEW FINA	L DATA BASE ENTRY
ENTER ON PLAT CARDS	

M:\WP51\SWR\CHCKLIST.1

7-30-92



January 7, 1994

WATER
RESOURCES
DEPARTMENT

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\S\C\6\SWR-0614.004

617.





EGEIPT #	SALEM,	ND ROAD NE OR 97310 8-8130 (FAX)		/
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831.087	PUBLICATIONS/MAPS			\$ ·
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000.000	OTHER: (IDENTIFY)			\$
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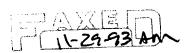
TO THE REPORT OF THE PERSON OF



November 29, 1993

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

WATER
RESOURCES
DEPARTMENT



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



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

IN THE MATTER OF THE SURFACE WATER REGISTRATION STATEMENT TO BE FILED IN THE NAME THE HOLTZ FAMILY TRUST, HENRY AND ELVERA HOLTZ, TRUSTEES ORDER ACCEPTING SURFACE WATER REGISTRATION STATEMENTS (Late filing)

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

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

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

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

Dated November 26, 1993.

Martha O. Pagel, Director

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: 350 PM PAGE 1 OF 1
TO:	BOB O'ROURKE
_	PENDLETON OR
_	
FAX #: _	503-276-6463
FROM:	DWIGHT FRENCH
COMMENTS:	THE SPECIAL OFDER HAS BEEN SIGNED.
_	I'M SENDING 4 COPY TO YOU. I'll
_	Let you bear the good news to MR+MRS
_	Holtz.
_	We need to talk about fees!
_	Please call me! 1800 624 3199
_	Duight French



November 19, 1993

WATER
RESOURCES
DEPARTMENT

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 registraiton 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\s\c\6\swr-614.001



STATE OF OREGON WATER RESOURCES DEPARTMENT

APPLICATION PERMIT TRANSFER TOTAL REC'D ACCT. HER # 842.002 842.004 842.006	\$ 4 50 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$		
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STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIPT # 107036 3850 PORTLAND ROAD NE **SALEM, OR 97310** 378-8455/378-8130 (FAX) APPLICATION RECEIVED FROM: PERMIT TRANSFER OTHER: (IDENTIFY) CASH: TOTAL REC'D 01-00-0 WRD MISC CASH ACCT 842.010 **ADJUDICATIONS** 831.087 PUBLICATIONS/MAPS PARKING FEES Name/month 830.650 OTHER: (IDENTIFY) REDUCTION OF EXPENSE CASH ACCT. COST CENTER AND OBJECT CLASS VOUCHER # 03-00-0 WRD OPERATING ACCT **MISCELLANEOUS: COPY FEES** 840.001 RESEARCH FEES 850.200 880.109 MISC REVENUE: (IDENTIFY) 520.000 OTHER (P-6) (IDENTIFY) EXAM FEE RECORD FEE **WATER RIGHTS:** 842.001 **SURFACE WATER** 842.002 842.003 **GROUND WATER** 842.004 842.005 **TRANSFER** 842.006 EXAM FEE LICENSE FEE **WELL CONSTRUCTION** WELL DRILL CONSTRUCTOR 842.022 842.023 \$ LANDOWNER'S **PERMIT** 842.024 OTHER (IDENTIFY) 06-00-0 WELL CONST START FEE CARD # WELL CONST START FEE 842.013 MONITORING WELLS CARD # LOTTERY PROCEEDS 45-00-0 864.000 LOTTERY PROCEEDS LIC NUMBER **HYDRO ACTIVITY** 07-00-0 842.011 POWER LICENSE FEE(FW/WRD)

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RECEIPT # 107036 DATED: 116.93 BY: 1 176.00

HYDRO LICENSE FEE(FW/WRD)

HYDRO APPLICATION

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

