

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

TO: Reed Marbut  
FROM: Don Knauer

DATE: March 27, 1992

SUBJECT: Indorsement of SWR-23

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made a inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Lynn Deguire  
ADDRESS: HC 73 162 Buchanan Rd  
Burns OR 97720

SOURCE: Two Springs both tributaries of Warm Springs Creek.

USE: Irrigation and stockwater

PRIORITY DATE: February 24, 1900

AMOUNT OF WATER FOR EACH CLAIMED USE:

5.10 CFS for irrigation of 204.1 acres.  
0.20 CFS for stockwater.

DIVERSION POINTS:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 6, T. 27 S., R 29 W., W.M.  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T. 27 S., R 29 W., W.M.

PLACE OF USE:

36.4 acres and Stockwater Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
36.4 acres and Stockwater Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
36.5 acres and Stockwater Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
26.0 acres and Stockwater Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
22.1 acres and Stockwater SW $\frac{1}{4}$  NW $\frac{1}{4}$   
40.0 acres and Stockwater SE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 5,  
4.1 acres and Stockwater Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
2.6 acres and Stockwater SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 6,  
Township 27 S., Range 29 E., W.M.

PERIOD OF USE:

The irrigation season is March 1 thru October 1. Stockwatering

allowed all year.

FILE C:\WP51\SWR\CLAIMENTS\SWR-0023.OIM

WATER RESOURCES DEPARTMENT

October 3, 1991

To: File SWR-23, Deguire, Lynn  
From: Don Knauer  
Subject: Field Inspection

Dwight French and I met with Lynn Deguire at his home on Buchanan Road. We talked about his SWR form. He initialed the changes he had made.

We talked about the stock water sites which he had shown on the map, he gave me a copy of an application map which correctly locates the stock water uses from Goulden Canal.

We talked about his sources. He said two springs are used for irrigation and stock water. He said his stock also have access to Warm Springs Creek water at the two sites shown.

We met at the property covered by his SWR. The use is as shown on the map.

The stock water use from Warm Springs Creek is out of the Goulden Canal. This is a drain canal maintained by the Fish & Wildlife Service to control Warm Springs Creek. Deguire's stock have access to the canal at the two points shown.

0862

STATE OF OREGON

INTEROFFICE MEMO

TO: Reed Marbut

DATE: February 11, 1991

FROM: Don Knauer

SUBJECT: SWR - 23 by Lynn Dequire

I have made the preliminary review of the registration statement and the map. The following are my notes.

Registration Statement: some changes made to entries that have not been initialed by claimant

Map: no date of survey (as per OAR 690-28-025 4 a)

not on permanent-quality linen of 0.003 inch mylar (as per OAR 690-140-170 (1))

doesn't show GLO government lots

stock water sites not to scale (done by claimant?)

shows "application" map

doesn't show what springs are trib to

Supporting Evidence: "notice of water right" by I.N. Hughet item 1 shows Warm Springs Creek as the source not springs and item 3 shows location of div. pt. off of Dequire land

Water Resources Dept.  
- Adjudications Section  
In relation to - SWR-23  
Dear Sirs:

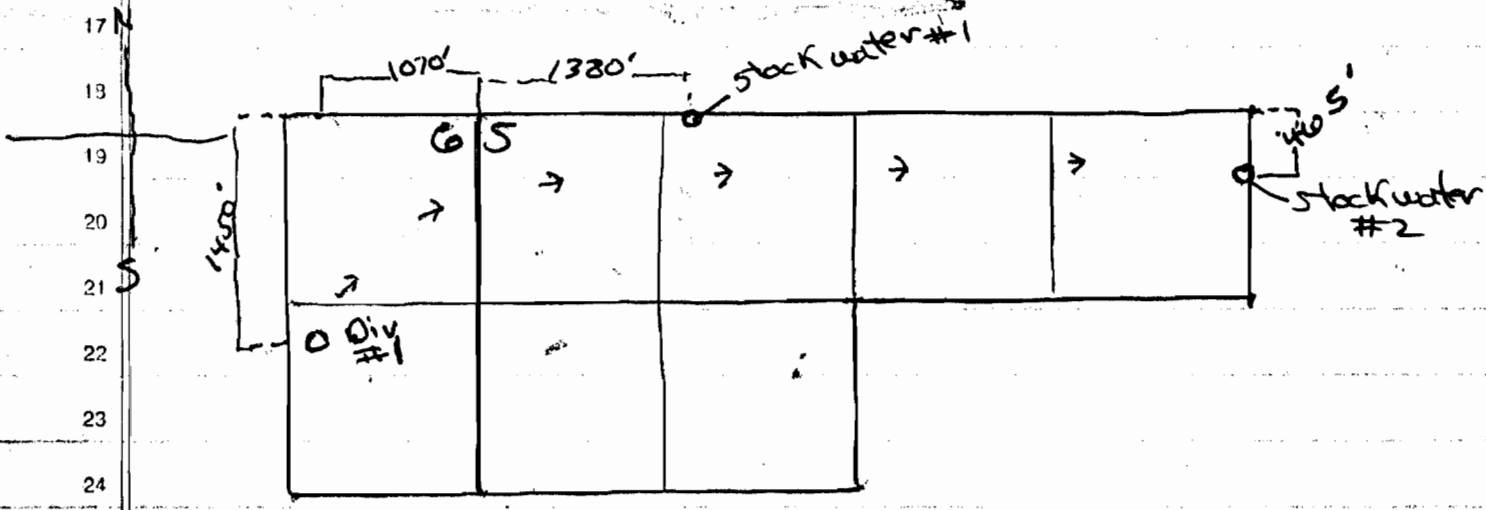
RECEIVED

JAN 25 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

I can understand U.S.F. & W.S. objection to the claims of water by me in Section 2 (NE 1/4 NW 1/4) & (NE 1/4 of NE 1/4) T 27 S, R 29 E W.M.. I must sincerely apologize for my mistake and the inconvenience it has caused. It was my mistake. They should have read: NE 1/4 NW 1/4 section 5, T 27 S, R 29 E W.M. NE 1/4 NE 1/4 section 5, T 27 S, R 29 E W.M.

Stock water #1  
Stock water #2



Furthermore; these 2 sections were only stock water locations, not irrigation requests. The water for irrigation of these 2 sections comes from Spring Div #1 on my deeded property.

In addition I realize this mistake could have come about as a result of my penmanship.

Sincerely, Lynn ReGuire SWR-23

Barbara Scott-Brier att. USF&WS 550 NE Multnomah St. Suite 607 Portland OR 97232

cc: [unclear]

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

RECEIPT # 69356

CHECK ENCLOSURES Feb-91 DEC

CHECK BASIN MAP 2-8-91 DEC

UNADJUDICATED AREA YES DEC

SURFACE WATER REGISTRATION NUMBER 23

ACKNOWLEDGEMENT LETTER OVERCASH 11-28-90

ENTER ON STREAM INDEX OVERCASH

CHECK QUADRANGLE MAP DEC 2-11-91

CHECK GLO PLATS DEC 2-11-91

BASIN 12

**FORM REVIEW**

- blanks filled in
- signed
- date received stamped
- date received filled out on back

DEC

- SURF CHANGES  
NOT INITIATED BY  
CLAIMANT

**MAP REVIEW**

- diversion point location - STOCK
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp

APPEARS TO HAVE BEEN  
DONE BY CLAIMANT  
NOT CWRE

- SHOWS "APPLICATION" MAP

EXISTING WATER RIGHT RECORD CHECK DEC 2-11-91

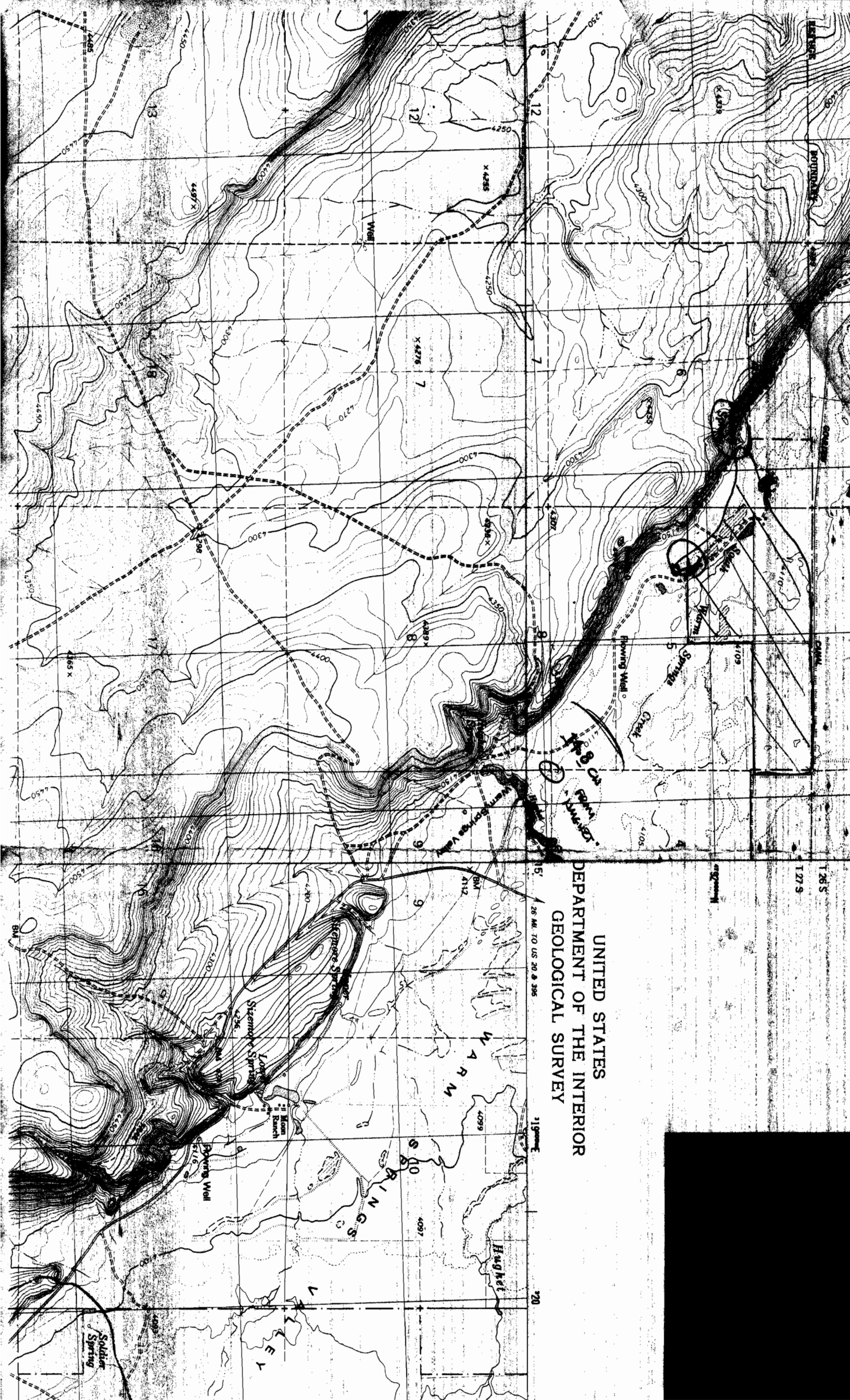
- NOT IN MY LAND

ENTER ON PLAT CARDS OVERCASH

- DOESN'T SHOW WHAT  
SPERMOS ARE TRIG  
TO.

126 S  
127 S  
128 S

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY





United States Department of the Interior

OFFICE OF THE SOLICITOR  
Pacific Northwest Region  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232

RECEIVED

DEC 27 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

FWS.PN.0899

DEC 26 1990

Water Resources Department  
Adjudications Section  
3850 Portland Road NE  
Salem, OR. 97310

Subject: Surface Water Registration Statement of Lynn  
Deguire, SWR-23

Dear Sir:

The United States Fish and Wildlife Service (Fish and Wildlife Service) recently received a copy of the notice of the above-referenced surface water registration statement and provides the following comments.

By making these comments, the United States or its agencies are not acknowledging that the State of Oregon has jurisdiction over the United States or federal agencies with respect to the State's registration statement requirements. Further, these comments are not to be construed as a waiver of the sovereign immunity or of any legal rights or claims of the United States or its agencies.

Surface water registration statement number SWR-23 was filed in the office of the Water Resources Director during the week of September 14, 1990, to September 20, 1990. The Water Resources Department issued a notice of filing of registration statement number SWR-23, on November 30, 1990, copy attached, and provided therein that comments must be received within thirty days from the date of the notice. Thirty days from the date of notice is December 30, 1990. These comments are being telefaxed and provided by overnight mail to the Water Resources Department on December 26, 1990. Therefore, these comments are timely filed.

The surface water registration statement was filed in the name of Lynn Deguire for irrigation and stockwater use on 204.1 acres of land. Included in the description of the place of use were the following two parcels: NE 1/4 NW 1/4 Section 2, T 27 S, R 29 E, W.M.; NE 1/4 NE 1/4 Section 2, T 27 S, R 29 E, W.M. Those two parcels are located within the boundaries of the Malheur National Wildlife Refuge and are lands owned and managed by the United States. Lynn Deguire has no right of access to or right of use of these lands for irrigation or stockwater purposes. Accordingly, the Fish and Wildlife Service objects to the approval of that



portion of registration statement number SWR-23 that claims the referenced two parcels as part of the place of use for the alleged water right.

If you have any questions, please address them to the undersigned attorney. We also request that copies of all correspondence be provided to this office. Further, if a hearing is scheduled in this matter, the Fish and Wildlife Services wishes to participate. Thank you for your attention to this matter.

Sincerely,



Barbara Scott-Brier  
Attorney for the U.S. Fish and  
Wildlife Service  
550 N.E. Multnomah Street Suite 607  
Portland, OR. 97232  
Telephone: 503-231-2139  
Telefax: 503-231-2166

cc:

Lynn Deguire, 162 Buchanan Rd., Burns, OR 97220  
Forrest Cameron, Refuge Manager, FWS, Malheur NWR  
Robert K. Oser, Program Analyst, FWS, Reg. 1



# United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232

FWS.PN. 0899

PHONE: FTS 429-2139  
COM (503) 231-2139

DATE: December 26, 1990

FAX: FTS 429-2166  
COM (503) 231-2166

TIME: 3:10 p.m.

TO: Water Resources Department  
Adjudications Section  
3850 Portland Road NE  
Salem, OR 97310  
FAX 503-378-8130

FROM: Barbara Scott-Brier, Esquire  
Office of the Regional Solicitor  
500 NE Multnomah St, Suite 607  
Portland, OR 97232

Number of pages (including transmittal sheet): 4

Enclosed is a copy of the United States Fish and Wildlife Service's comments regarding registration statement number SWR-23, Lynn Deguire.

The signed original is being mailed by overnight mail on this date.

Don 12/26  
This is the Fax copy  
of the Deguire / Interven  
correspondence - should  
be in the file.  
Seed 4





## United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232

FWS.PN.0899

DEC 26 1990

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Adjudications Section  
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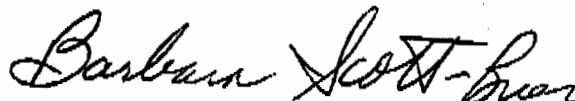
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Attorney for the U.S. Fish and  
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cc:

Lynn Deguire, 162 Buchanan Rd., Burns, OR 97220  
Forrest Cameron, Refuge Manager, FWS, Malheur NWR  
Robert K. Oser, Program Analyst, FWS, Reg. 1

The following surface water registrations were filed in the office of the Water Resources Director during the week of September 14, 1990 to September 20, 1990. By law, all water within the state belongs to the public (ORS 537.110). Persons who began using water prior to February 24, 1909, or who have a federal reserved water claim may register that claim as a vested water right. These persons may receive an approved order of registration from the Director which entitles them to appropriate the water until the right is finally determined by a court.

Persons, agencies or other interested parties are invited to provide comments on the following registrations. Comments should address whether the claim contains:

1. a wrong priority date,
2. a wrong quantity of water,
3. a wrong area of use,
4. a use that has been forfeited by five or more consecutive years of non-use less than fifteen years ago, or
5. a use that has been intentionally abandoned.

Comments on these registrations should be directed to the Adjudications Section of the Department at the above address, and must be received within 30 days from the date of this notice.

HARNEY CO.

SWR-23 LYNN DEGUIRE  
 HC-73 162 BUCHANAN ROAD, BURNS OR 97720  
 TWO SPRINGS, TRIBUTARY TO WARM SPRINGS CREEK FOR  
 IRRIGATION AND STOCK.  
 5.12 CFS, TOTAL OF 204.1 ACRES  
 NE 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 SE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 2, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 2, T 27 S, R 29 E, W.M.

HARNEY CO.

SWR-24 WILLIAM AND RUTH MOSER  
 BOX 14, DENIO NV 89404  
 DENIO CREEK, TRIBUTARY OF PUEBLO SLOUGH FOR IRRIGATION.  
 2.68 CFS, TOTAL OF 107.1 ACRES ALL IN NEVADA  
 TRACT 37 SECTIONS 3 & 4, T 47 N, R 30 E, M.D.M.

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 5.12 CFS, TOTAL OF 204.1 ACRES  
 NE 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 SE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 2, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 2, T 27 S, R 29 E, W.M.

*D. S. ...*

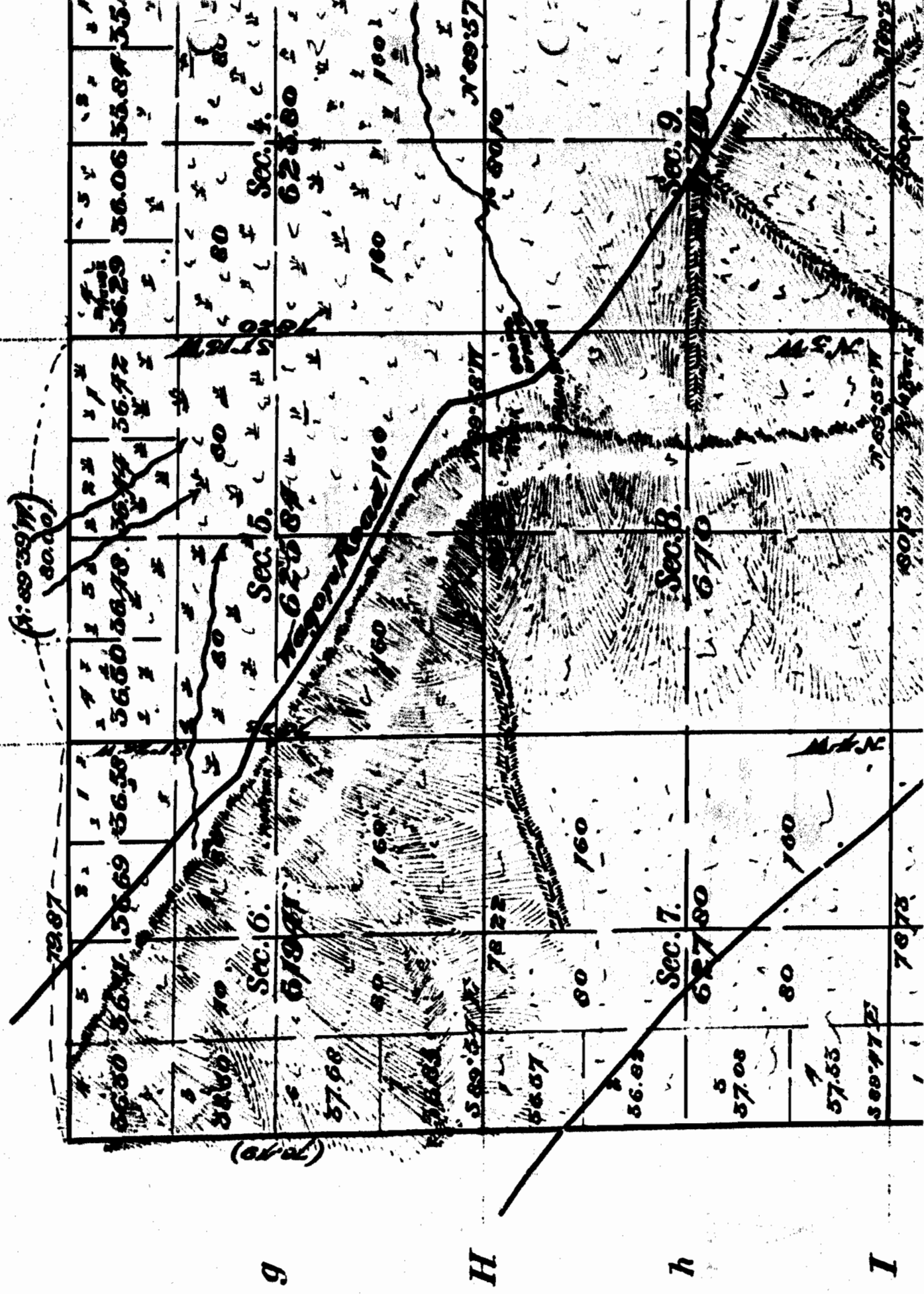
HARNEY CO.

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 TRACT 37 SECTIONS 3 & 4, T 47 N, R 30 E, M.D.M.

1891

T27S R29E

3915 G f F e d

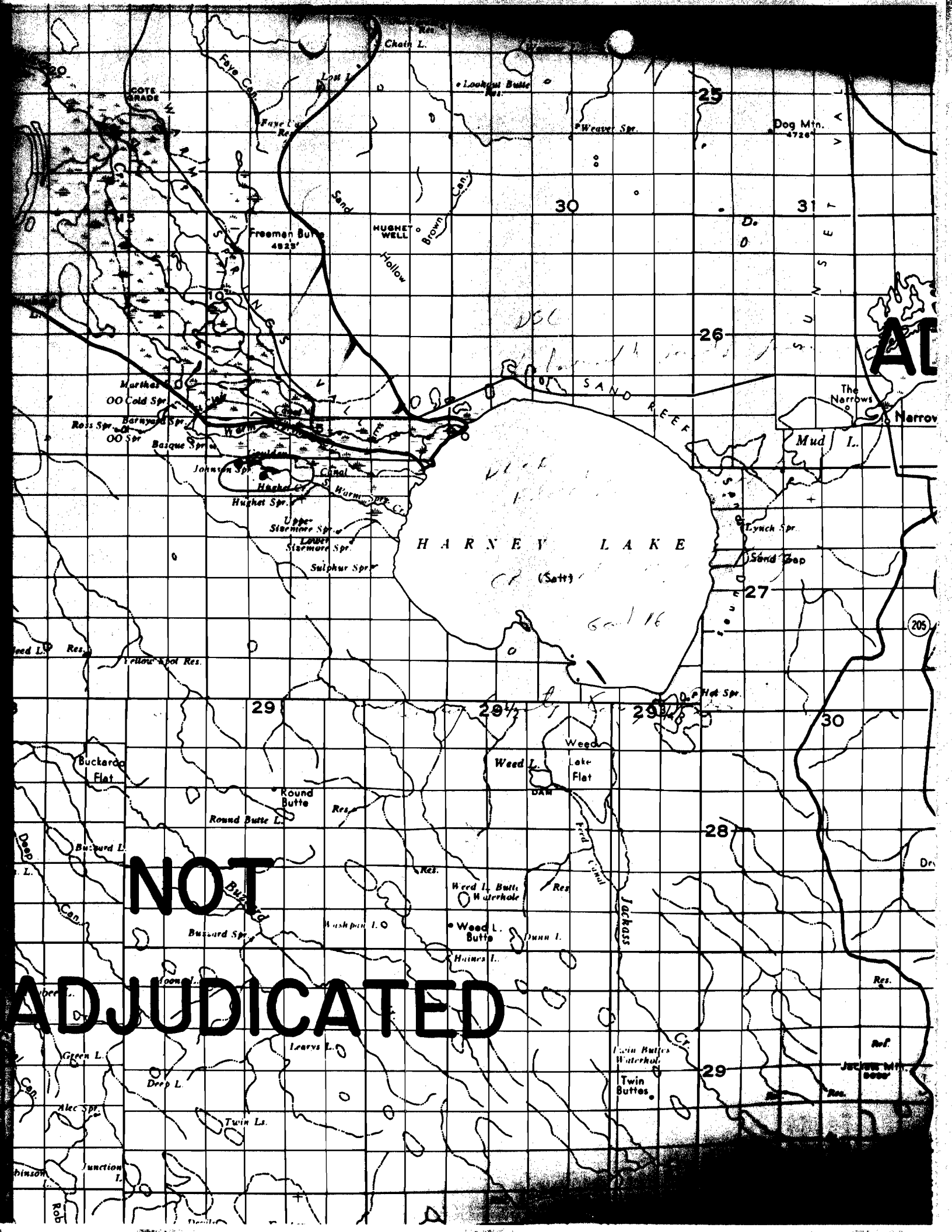


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H

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TOWNSHIP 27S RANGE 29E W. M.

SECTION 5

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
<sup>36</sup> <sub>36</sub>				<sup>36</sup> <sub>36</sub>	26°	22'	40"									SWR23		

SP 35621-600

TOWNSHIP 27S RANGE 29E W. M.

SECTION 6

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
4 <sup>l</sup>				2 <sup>6</sup>												SWR 23		

SP 35621-600

The following applications for water-use authorizations (water rights) were filed in the office of the Water Resources Director during the week of NOV/23/1990 to NOV/29/1990. By law, all water within the state belongs to the public (ORS 537.110). With very limited exceptions, a permit from this department is required to use, divert or store the surface and ground waters of the state (ORS 537.130). Permits may be issued only for beneficial use without waste. When a water use is developed within the terms of a permit, a certificate of water right is issued.

Persons, agencies or other interested parties are invited to provide comments on the following list of applications. Comments should address whether the proposed use:

1. Would adversely affect existing rights.
2. Is wasteful, uneconomic, impractical, or unreasonable.
3. Would impede orderly economic development of the water for multiple purposes.
4. Is compatible with local comprehensive land-use plans.
5. Would otherwise have a significant adverse effect on the public interest.

Comments on these applications should be directed to the Applications & Permits Section of the Department at the above address, and must be received within 30 days from the date of this notice (within 14 days for Limited License requests).

-----  
GROUND WATER  
-----

BAKER

G 12309 NORMAN BUTLER  
RT 1 BOX 144B BAKER CITY, OR 97814  
A WELL IN THE SPRING CREEK BASIN  
for IRRIGATION OF 197.5 ACRES.  
350.0 GALLONS PER MINUTE  
NW 1/4 NE 1/4 Section 33 T 8 S R 39 E WM.

CLACKAMAS

G 12315 CLARIZIO INDUSTRIES INC. DBA ARROWHEAD GOLF CLUB  
28301 S HIGHWAY 213 MOLALLA, OR 97038  
A WELL IN THE MOLALLA RIVER BASIN  
for SUPPLEMENTAL IRRIGATION OF 107.9 ACRES FOR  
GREENS AND FAIRWAYS OF ARROWHEAD GOLF CLUB.  
1.34 CUBIC FEET PER SECOND  
NW 1/4 SE 1/4 Section 29 T 4 S R 2 E WM.

## CLACKAMAS

G 12317 SANDELIE GOLF CLUB INC.  
 28333 SW MOUNTAIN RD WEST LINN, OR 97068  
 THREE WELLS IN THE WILLAMETTE RIVER BASIN  
 for IRRIGATION OF 203.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES.  
 3.19 CUBIC FEET PER SECOND  
 SW 1/4 NW 1/4 Section 16 T 3 S R 1 E WM.  
 NE 1/4 SW 1/4 Section 16 T 3 S R 1 E WM.  
 SE 1/4 NE 1/4 Section 17 T 3 S R 1 E WM.

## CLACKAMAS

G 12318 ROBERT W KAISER  
 2390 SW ADVANCE RD WEST LINN, OR 97068  
 A WELL IN THE WILLAMETTE RIVER BASIN  
 for IRRIGATION OF 23.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 7.6 ACRES.  
 0.39 CUBIC FOOT PER SECOND  
 NW 1/4 NW 1/4 Section 16 T 3 S R 1 E WM.

## CLACKAMAS

G 12319 WILLIAM KAISER  
 28333 SW MOUNTAIN RD WEST LINN, OR 97068  
 TWO WELLS IN THE WILLAMETTE RIVER BASIN  
 for IRRIGATION OF 59.1 ACRES.  
 0.74 CUBIC FOOT PER SECOND  
 NE 1/4 NE 1/4 Section 17 T 3 S R 1 E WM.  
 NW 1/4 NE 1/4 Section 17 T 3 S R 1 E WM.

## COOS

G 12316 EDWARD L AASEN  
 RT 1 BOX 1550 BANDON, OR 97411  
 ONE WELL AND ONE SUMP IN THE BETHEL CREEK BASIN  
 for CRANBERRY OPERATIONS.  
 0.134 CUBIC FOOT PER SECOND, BEING 40.0 GPM FROM WELL AND 20.0 GPM FROM SUMP  
 SW 1/4 SW 1/4 Section 13 T 30 S R 15 W WM.  
 NW 1/4 SW 1/4 Section 13 T 30 S R 15 W WM.

## DESCHUTES

G 12311 RIVER MEADOWS IMPROVEMENT DISTRICT  
 \* PO BOX 4178 SUN RIVER, OR 97707  
 A WELL IN THE DESCHUTES RIVER BASIN  
 for DOMESTIC SUPPLIES FOR 235 DWELLINGS INCLUDING  
 UP TO ONE-HALF ACRE IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN EACH.  
 270.0 GALLONS PER MINUTE  
 SW 1/4 SE 1/4 Section 23 T 20 S R 10 E WM.

## KLAMATH

G 12310 DANIEL L CRAWFORD  
 9059 HIGHWAY 66 KLAMATH FALLS, OR 97601  
 A WELL IN THE KLAMATH RIVER BASIN  
 for IRRIGATION OF 13.6 ACRES.  
 0.17 CUBIC FOOT PER SECOND  
 SE 1/4 SW 1/4 Section 22 T 39 S R 8 E WM.

## LANE

G 12308 GORDON R JAGER  
 JAGER FARMS INC.  
 28645 JAGER LANE JUNCTION CITY, OR 97448  
 A WELL IN THE WILLAMETTE RIVER BASIN  
 for IRRIGATION OF 31.0 ACRES.  
 0.38 CUBIC FOOT PER SECOND  
 NW 1/4 NW 1/4 Section 17 T 15 S R 4 W WM.

## LINN

G 12312 BURNEL HARNISCH  
 31845 DEVER CONNER DR NE ALBANY, OR 97321  
 FOUR WELLS IN THE CROOKS CREEK BASIN  
 for IRRIGATION OF 193.5 ACRES.  
 4.2 CUBIC FEET PER SECOND,  
 BEING 0.90 CFS FROM WELL 3, 1.5 CFS FROM WELL 4 AND 1.8 CFS FROM WELLS 5 AND 6  
 NW 1/4 SE 1/4 Section 1 T 10 S R 4 W WM.  
 SE 1/4 NW 1/4 Section 12 T 10 S R 4 W WM.  
 SE 1/4 SW 1/4 Section 1 T 10 S R 4 W WM.  
 SE 1/4 SW 1/4 Section 1 T 10 S R 4 W WM.

\* WITHIN OR ABOVE A STATE SCENIC WATERWAY

## LINN

G 12313 ELMER COOK  
 32073 DEVER CONNER DR NE ALBANY, OR 97321  
 FOUR WELLS IN THE CROOKS CREEK BASIN  
 for IRRIGATION OF 104.0 ACRES.  
 1.3 CUBIC FEET PER SECOND,  
 BEING 0.5 CFS FROM WELL AR1, 0.24 CFS FROM WELL AR2, 0.29 CFS FROM  
 WELL AG2 AND 0.27 CFS FROM WELL AG3

NE 1/4	NE 1/4	Section 1	T 10 S	R 4 W	WM.
NW 1/4	NW 1/4	Section 6	T 10 S	R 4 W	WM.
NW 1/4	SW 1/4	Section 6	T 10 S	R 4 W	WM.
SW 1/4	SW 1/4	Section 31	T 9 S	R 3 W	WM.

## LINN

G 12314 WEDDLE FARMS INC.  
 34547 HIGHWAY 99E JEFFERSON, OR 97352  
 SEVEN WELLS IN THE SANTIAM RIVER BASIN  
 for IRRIGATION OF 98.0 ACRES.  
 1.25 CUBIC FEET PER SECOND,  
 BEING 0.4 CFS FROM WELLS WB1 & WB2, 0.52 CFS FROM WELLS WR1 & WR2,  
 0.28 CFS FROM WELLS WO1 & WO2 AND 0.05 CFS FROM WELL WG1

SW 1/4	NW 1/4	Section 11	T 10 S	R 3 W	WM.
SE 1/4	NE 1/4	Section 10	T 10 S	R 3 W	WM.
SE 1/4	NW 1/4	Section 11	T 10 S	R 3 W	WM.
NE 1/4	NW 1/4	Section 11	T 10 S	R 3 W	WM.
SE 1/4	NW 1/4	Section 11	T 10 S	R 3 W	WM.
SW 1/4	NE 1/4	Section 11	T 10 S	R 3 W	WM.
SW 1/4	NE 1/4	Section 11	T 10 S	R 3 W	WM.

## MARION

G 12305 GERALD E ROTH  
 4196 81ST AVE NE SALEM, OR 97305  
 FIVE WELLS IN THE PUDDING RIVER BASIN  
 for IRRIGATION OF 14.0 ACRES.  
 0.175 CUBIC FOOT PER SECOND

NW 1/4	SE 1/4	Section 2	T 7 S	R 2 W	WM.
SW 1/4	SE 1/4	Section 2	T 7 S	R 2 W	WM.
SW 1/4	SE 1/4	Section 2	T 7 S	R 2 W	WM.
NE 1/4	NE 1/4	Section 11	T 7 S	R 2 W	WM.
NW 1/4	NW 1/4	Section 12	T 7 S	R 2 W	WM.

## MARION

G 12306 GERALD E ROTH  
 4196 81ST AVE NE SALEM, OR 97305  
 TWO WELLS IN THE LITTLE PUDDING RIVER BASIN  
 for IRRIGATION OF 41.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 46.98 ACRES.  
 1.11 CUBIC FEET PER SECOND  
 NE 1/4 SE 1/4 Section 10 T 7 S R 2 W WM.  
 NW 1/4 SW 1/4 Section 11 T 7 S R 2 W WM.

## MARION

G 12307 GERALD E ROTH  
 4196 81ST AVE NE SALEM, OR 97305  
 SIX WELLS IN THE PUDDING RIVER BASIN  
 for IRRIGATION OF 40.5 ACRES.  
 0.51 CUBIC FOOT PER SECOND  
 NE 1/4 NE 1/4 Section 14 T 7 S R 2 W WM.  
 NW 1/4 NE 1/4 Section 14 T 7 S R 2 W WM.  
 NW 1/4 NE 1/4 Section 14 T 7 S R 2 W WM.  
 NE 1/4 SE 1/4 Section 14 T 7 S R 2 W WM.  
 NW 1/4 SE 1/4 Section 14 T 7 S R 2 W WM.  
 SE 1/4 SE 1/4 Section 14 T 7 S R 2 W WM.

## WASHINGTON

G 12304 ALFRED MEISNER  
 CASCADIAN NURSERIES INC.  
 13495 NW THOMPSON RD PORTLAND, OR 97229  
 A WELL IN THE BRONSON CREEK BASIN  
 for NURSERY OPERATIONS ON 8.6 ACRES.  
 200.0 GALLONS PER MINUTE  
 SE 1/4 SW 1/4 Section 21 T 1 N R 1 W WM.

## RESERVOIRS

## CLACKAMAS

R 70935 ROY MOORE  
 MOORE, ELAINE  
 \* 22329 S CLEAR CREEK RD ESTACADA, OR 97023  
 STEEPLECHASE RESERVOIR AND STORE THE WATERS OF AN UNNAMED STREAM,  
 A TRIBUTARY OF CLEAR CREEK, TO BE APPROPRIATED UNDER APPLICATION 70936  
 for NURSERY OPERATIONS ON 69.8 ACRES.  
 8.4 ACRE-FEET  
 NW 1/4 NW 1/4 Section 25 T 3 S R 3 E WM.

\* WITHIN OR ABOVE A STATE SCENIC WATERWAY

## CLACKAMAS

R 70938 WILLAMETTE VALLEY COUNTRY CLUB  
 PO BOX 988 CANBY, OR 97013  
 FIVE RESERVOIRS AND STORE THE WATERS OF WILLAMETTE RIVER, A  
 TRIBUTARY OF COLUMBIA RIVER  
 for IRRIGATION AND AESTHETICS.

9.02 ACRE-FEET

SE 1/4	SE 1/4	Section 21	T	3	S	R	1	E	WM.
SW 1/4	SW 1/4	Section 22	T	3	S	R	1	E	WM.
SE 1/4	NE 1/4	Section 28	T	3	S	R	1	E	WM.
NE 1/4	SE 1/4	Section 28	T	3	S	R	1	E	WM.

## SURFACE WATER

-----  
BAKER

70940 PATRICIA WILSON  
 4819 ALSEA HIGHWAY WALDPOR, OR 97394  
 AN UNNAMED SPRING, A TRIBUTARY OF SPRING GROVE GULCH  
 for STOCK WATER FOR 100 PAIRS OF CATTLE.  
 1.0 CUBIC FOOT PER SECOND  
 NE 1/4 NE 1/4 Section 24 T 9 S R 39 E WM.

## CLACKAMAS

70936 ROY MOORE  
 \* MOORE, ELAINE  
 22329 S CLEAR CREEK RD ESTACADA, OR 97023  
 AN UNNAMED STREAM, CLEAR  
 CREEK AND STEEPLECHASE RESERVOIR, CONSTRUCTED UNDER APPLICATION  
 R-70935, TRIBUTARIES OF CLACKAMAS RIVER  
 for SUPPLEMENTAL NURSERY OPERATIONS ON 69.8 ACRES.  
 275.0 GALLONS PER MINUTE,  
 BEING 25.0 GPM FROM UNNAMED STREAM, 250.0 GPM FROM CLEAR CREEK AND  
 8.4 ACRE-FEET STORED WATER ONLY FROM STEEPLECHASE RESERVOIR  
 NW 1/4 NW 1/4 Section 25 T 3 S R 3 E WM.  
 SW 1/4 NW 1/4 Section 25 T 3 S R 3 E WM.  
 SW 1/4 NW 1/4 Section 25 T 3 S R 3 E WM.

\* WITHIN OR ABOVE A STATE SCENIC WATERWAY

## CLACKAMAS

70937 WAPANITIA IMPROVEMENT DIST; GROSSMAN, RONALD S  
 \* 900 SW 5TH AVE STE 2500 PORTLAND, OR 97204-1268  
 AN UNNAMED SPRING, A TRIBUTARY OF SALMON RIVER  
 for DOMESTIC USE FOR 34 FAMILIES INCLUDING IRRIGATION  
 OF UP TO ONE-HALF ACRE NON-COMMERCIAL LAWN AND GARDEN.  
 0.10 CUBIC FOOT PER SECOND  
 NW 1/4 NW 1/4 Section 5 T 4 S R 9 E WM.

## DOUGLAS

70934 JUAN MORNARICH  
 DIAMOND LAKE RV PARK DIAMOND LAKE, OR 97331  
 AN UNNAMED STREAM, A TRIBUTARY OF LITTLE RIVER  
 for DOMESTIC USE FOR ONE FAMILY INCLUDING  
 IRRIGATION OF LAWN AND GARDEN NOT TO EXCEED ONE-HALF ACRE.  
 0.01 CUBIC FOOT PER SECOND  
 SW 1/4 NE 1/4 Section 3 T 27 S R 2 W WM.

## DOUGLAS

70941 THEO HICKS  
 233 JACKSON CREEK RD TILLER, OR 97484  
 JACKSON CREEK, A TRIBUTARY OF SOUTH UMPQUA RIVER  
 for DOMESTIC USE FOR ONE FAMILY INCLUDING IRRIGATION  
 OF LAWN AND NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE.  
 0.01 CUBIC FOOT PER SECOND  
 SW 1/4 NW 1/4 Section 18 T 30 S R 1 W WM.

## LAKE

70939 ELMER HANSCAM  
 HANSCAM, EMMA S  
 HC 60 BOX 1953 LAKEVIEW, OR 97630  
 AN UNNAMED SPRING, A TRIBUTARY OF QUARTZ CREEK  
 for DOMESTIC USE FOR ONE FAMILY INCLUDING IRRIGATION  
 OF ONE-HALF ACRE NON-COMMERCIAL GARDEN.  
 0.1 CUBIC FOOT PER SECOND  
 SW 1/4 SE 1/4 Section 27 T 37 S R 16 E WM.

\* WITHIN OR ABOVE A STATE SCENIC WATERWAY



The following surface water registrations were filed in the office of the Water Resources Director during the week of September 14, 1990 to September 20, 1990. By law, all water within the state belongs to the public (ORS 537.110). Persons who began using water prior to February 24, 1909, or who have a federal reserved water claim may register that claim as a vested water right. These persons may receive an approved order of registration from the Director which entitles them to appropriate the water until the right is finally determined by a court.

Persons, agencies or other interested parties are invited to provide comments on the following registrations. Comments should address whether the claim contains:

1. a wrong priority date,
2. a wrong quantity of water,
3. a wrong area of use,
4. a use that has been forfeited by five or more consecutive years of non-use less than fifteen years ago, or
5. a use that has been intentionally abandoned.

Comments on these registrations should be directed to the Adjudications Section of the Department at the above address, and must be received within 30 days from the date of this notice.

HARNEY CO.

SWR-23 LYNN DEGUIRE  
 HC-73 162 BUCHANAN ROAD, BURNS OR 97720  
 TWO SPRINGS, TRIBUTARY TO WARM SPRINGS CREEK FOR  
 IRRIGATION AND STOCK.  
 5.12 CFS, TOTAL OF 204.1 ACRES  
 NE 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NE 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SW 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 SE 1/4 NW 1/4 SECTION 5, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 SE 1/4 NE 1/4 SECTION 6, T 27 S, R 29 E, W.M.  
 NE 1/4 NW 1/4 SECTION 2, T 27 S, R 29 E, W.M.  
 NE 1/4 NE 1/4 SECTION 2, T 27 S, R 29 E, W.M.

HARNEY CO.

SWR-24 WILLIAM AND RUTH MOSER  
 BOX 14, DENIO NV 89404  
 DENIO CREEK, TRIBUTARY OF PUEBLO SLOUGH FOR IRRIGATION.  
 2.68 CFS, TOTAL OF 107.1 ACRES ALL IN NEVADA  
 TRACT 37 SECTIONS 3 & 4, T 47 N, R 30 E, M.D.M.



STATE OF OREGON

INTEROFFICE MEMO

TO: Watermaster #10

FROM: Adjudication Section

SUBJECT: Surface Water Registration

DATE: November 28, 1990

Enclosed are registrations (SWR-23 & SWR-24) that have been filed on pre-1909 surface water uses in your area.

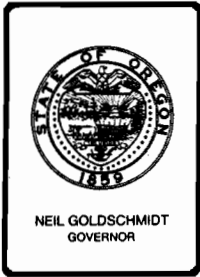
Please comment on the validity of the claims especially as it might relate to:

- priority date,
- quality of water,
- place of use, and
- continuous use without five or more consecutive years of non-use within the past 15 years.

Thank you for your assistance.

tle

0666



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 28, 1990

Lynn Deguire  
HC-73 162 Buchanan Rd  
Burns OR 97720

Dear Lynn:

This will acknowledge your Registration Statement Claiming a Right to Appropriate Surface Water. Accompanying the Registration Statement were a map, a copy of the homestead certificate and a copy of a notice of a water right. The fees in the amount of \$505 were also received for which our receipt numbered 69356 is enclosed. Your Registration Statement has been accepted and numbered SWR-23.

In the near future we will review the claim and either file it as submitted or return it for completion. We will keep you advised regardless.

If you wish to file a registration statement claiming a pre-1909 right to appropriate water from the house spring for domestic use, a \$200 fee would need to accompany the claim, supporting map and documents.

Sincerely,

Wayne J Overcash  
Senior Water Right Specialist

WJO:t1e

enclosure

0699

Mr. Orcash:

Thank you for your time & explanation's. It was my oversight, not intention to exclude payment but please find the stated amount enclosed.

The two springs are not tributaries of Silver Creek and were not previously. Unless someone changes downstream flow they will remain so.

Also my pasture surrounds the flow of Spring #1 and my cows drink and graze it's entire length on my property including where it flows through my corrals! Do I need to pay again for this?

And also what is charge for filling on my house spring.

Sorry for extra hassle, and thanks for your time.

Dyan DeGina.

NOV 24 1991

WATER RESOURCES DIV.  
SALT LAKE COUNTY



M. A. PALMER & SONS, INC.  
ENGINEERING & SURVEYING

Chris Palmer, P.E., P.L.S.  
Cork Palmer, P.E., P.L.S.

RECEIVED

254 N. Alder  
P.O. Box 61  
Burns, Oregon 97720

NOV 26 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

Phone 573-6451

NOV - 5 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

Oct 3, 1990

Lynn Deguire  
HC-73 162 Buchanan Road  
Burns, OR 97720

RE: Vested water right application in Sections 5 and 6,  
T 27 S, R 29 E, WM.

Dear Lynn,

Enclosed is the application, 2 copies of the map and vested water right instruction form. Complete the application, particularly items 4, 10 and 11. Sign the application before a notary and mail the application, one copy of the map and \$ 305 fee to:

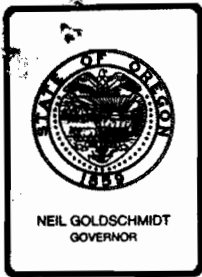
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

If you have any questions please call.

Thank you,

CHRIS

Chris Palmer, PE  
M.A. PALMER & SONS, Inc



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 7, 1990

Lynn Deguire  
3-D Ranches  
HC 73-162 Buchanan Rd  
Burns, OR 97720

Your registration statement claiming a right to appropriate 5.12 cubic foot per second from two springs, being 0.02 cfs for stockwater and 5.1 cfs for irrigation of 204.5 acres was not accompanied with the required fees and does not contain sufficient information so could not be filed.

The registration statement, supporting map, letter to you from Chris Palmer, and other supporting documents you submitted are enclosed.

The claim for irrigation use requires the fee of \$305 based on the 204.5 acres and the stock water use requires the fee of \$200. Therefore, a total of \$505 should be submitted with your registration statement.

You will need to complete Item 4 by stating the date (year) you wish to claim the water right was initiated instead of merely noting before 1901. If different dates are involved, a separate registration statement will need to be submitted for each date.

The map to support the application will need to be further completed by showing and designating the location of the stock watering facilities. The place of use for stock watering will also need to be given in Item 7 of the registration statement. If there is insufficient space, you may refer to a separate sheet containing the required information.

According to maps we have of the area, the two springs appear to be tributaries of South Warm Springs Creek which flows into Harney Lake. Is so, Item 1 should be corrected. If the springs are tributaries of Silver Creek, we would not be able to accept the registration. The adjudication of rights prior to 1909 for the Silver Creek basin was completed several years ago.

Lynn Deguire  
November 7, 1990  
Page two

In regard to your comment relative to the spring under the house, the courts have held that if the waters of a spring do not flow in a well-defined natural channel and off the property upon which they arise the waters are not subject to appropriation and belong to the owner of the property. However, it is sometimes advisable to file, even though the waters are presently totally contained on the property. Flow characteristics or a change of property boundaries may change the status.

If you have any questions, please contact the Applications & Permits Section at 378-3066.

Sincerely,

WAYNE J. OVERCASH  
Water Rights Specialist

WJO

Enclosures

cc: Chris T. Palmer, CWRE

Nov 1-90

PREPARED BY

DATE

RECEIVED

Dear Sirs:

Since Oct 10-90 I have spent many hours going through Harney Co. records. I can't find exact proof that you probably require. I also can't find anybody else claiming my spring so I guess if you deny my older right. If this is the case it may help you save time if I tell you I intend on a claim of a 1990 right and will remit the difference in price upon request. But, I will continue to pursue the older right.

Included here please find some claim info on other waters for reclaiming a couple 40's and original deed for 4 other 40's for land and appurtenances thereof, except for canal on North boundary which the refuge uses and I wish no claim on except for the two watering places or structures on my property which they do not oppose.

Thank you  
John D. Nelson



RECEIVED

NOV 5 1900

THE UNITED STATES OF AMERICA. WATER RESOURCES DEPT. SALEM, OREGON

Homestead Certificate No. 588 } Application 538

To all to Whom these Presents shall Come—GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Burns Oregon whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles S. Johnson has been established and duly consummated, in conformity to law, for the

Lots numbered one, two, three and four of Section five in Township twenty seven South of Range twenty nine East of Willamette Meridian in Oregon, containing one hundred and forty five acres and eighty four hundredths of an acre.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said

Charles S. Johnson the tract of land above described:

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Charles S. Johnson and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom; should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States

IN TESTIMONY WHEREOF, I, William McKimley President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty fourth day of February, in the year of our Lord one thousand ~~one~~ hundred and ~~one~~ hundred and twenty fourth States the one hundred and twenty fourth



BY THE PRESIDENT: William McKimley

By J. M. McKeon Secretary.

Recorded, Vol. 105 Page 177 b. W. Brush Recorder of the General Land Office.

Filed for Record at 3 o'clock P. M., May 25 A. D. 1900, and recorded at the request of

By F. S. Rider Deputy.

H. Richardson County Clerk

Notice of Water Right , I.N.Hughet Appropriator.

NOV 5 1904  
WATER RESOURCES DEPT.  
SALEM, OREGON

NOV - 5 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon )  
(ss  
County of Harney )

To all whom these presents may concern, be it known, that I I.N.Hughet in said County and State, do hereby publish and declair, as a legal notice to all the World,

1. that I have a legal right to the use, possession and control of and claim -Four Hundred Miners inches (under six inch presur) of the waters of Warm Spring Creek in said County and State, for irrigating and other purposes.

2. that the special purpose of which said water is intended to be used, and the place of intended use is to irrigate and reclaim the following tracts of land in Harney County Oregon, to-wit. S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 8. SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 9, all in Township 27 S. R. 29 E. W. M.

3 That he intends taking said water out of, and diverting it from said Warm Spring Creek, by means of a ditch and reservoir which said ditch is 48 inches wide by 36 inches deep, in size and carries or conducts 400 miners inches under six inch pressure of water from said creek, said ditch taps and diverts the water from said Warm Spring Creek at a point upon its west bank about 14.80 chains north west of corner common to Section 4, 5, 8. and 9. Township 27 S. R. 29 E. W. M in said County and State. thence running, or to run, to and upon said land, (and through said land, if having so desire, to any requisite point of final discharge).

4. that appropriated and took said water on the day of A. D. 190- by means of said

5. that the name of the appropriator of said water is I. N. Hughet

6. That I also claim said ditch and the right of way thereof, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by me in appropriating and in using said water.

7. that I also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch, or said appurtenances, in part or whole, at any time. claiming the same, all and singular, under any and all laws, national and State. and the rulings and decisions thereunder in the matter of water rights.

Together with all and singular, the heraditaments and appurtenances thereunto belong ing or appurtaining, or to accrue to the same.

Witness my hand at Burns Oregon, this 12<sup>th</sup> day of Sept. 1904.

I. N. Hughet

State of Oregon )  
(ss  
County of Harney )

I. Hughet having first been duly sworn, depose and says that he is of lawful age and is the apropiator and claiment of the water and water right mentioned in the foregoing notice and statement of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claiment that he knows the contents of said notice and statement foregoing, and that the mater and things therein stated are true.

I. N. Hughet

Subscribed and sworn to before me, this 12<sup>th</sup> day of Sept. A. D. 1904

(Seal)

M. L. Lewis  
Notaty Public for Oregon

Original Endorsed. - Received for Record Sept. 12<sup>th</sup> A. D. 1904. II. A. M.

Sam Mothershead, County Clerk.

By J. O. Cawfield, Deputy.

SURFACE WATER REGISTRATION STATEMENT CHECK LIST

1. Date Stamped In ✓
2. Receipt ✓
3. Payment Entered and Signed *WJ*
4. *WJ* Acknowledgement Letter
5. Enter on Water Right Records
  - A. Stream Index *WJ*
  - B. Plat Cards *WJ*
6. Review
  - A. Form
  - B. Map
  - C. Exhibits
7. Records Check
  - A. Conflicting Rights
  - B. Confirming or Conflicting Evidence
8. Letter of Correction, Completion or Acceptance
9. Enter on PARADOX
10. Accepted as OK by WRD

0308j

Add P to Ack ltr.

(SWR 23)

If you wish to file a registration statement claiming a <sup>pre 1989</sup> right to appropriate water from the house spring for domestic use, a \$200 fee would be needed to occupy the claim, ~~the~~ supporting maps and documents.