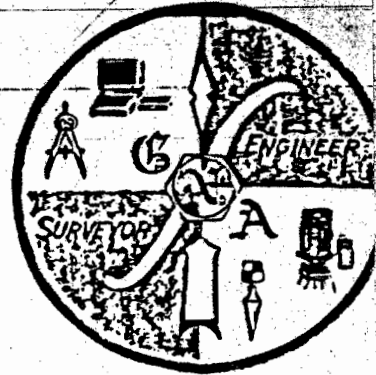


GASCHLER & CUMMINGS
CIVIL ENGINEERING / SURVEYING
P.O. BOX 412, 786 SUNSET DR., OREGON, OREGON 97944
503-889-2101



LETTER OF TRANSMITTAL

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

RECEIVED

DEC 11 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Attn: Don Knauer

Re: Your Letter Dated 10/16/91, Surface Water Registration #33
for Daniel Wegner

We are sending the following items:		DESCRIPTION
DATE	COPIES	
12/9/92	1	Registration Statement
12/9/92	1	W.R.E. Map - Mylar
12/9/92	1	Exhibits A & B
12/9/92	1	Land Use Information Form
12/9/92	1	Copy Warranty Deed
THESE ARE TRANSMITTED:		
☐ For your information	☐ For action specified below	☒ For review and comment
		☐ For your use
		☐ As requested

Remarks:

cc:

Submitted By

Albert Gaschler

Albert Gaschler, P.E., P.L.S.
W.R.E.

Exhibit - A -

RECORDED

DEC 11 1992

LULU M. SIMPSON,

Plaintiff,

vs.

JOE BANKOFIER, JUAN JACA, ROBERT WADE, and
ALICE D. BANKOFIER, ADMINISTRATRIX of the
estate of George E. Malkinson, deceased,

Defendants.)

Equity 4095 WATER RIGHTS DEPT.
DECREE. SALEM, OREGON

Now, on this 20th day of April, 1932, the above entitled matter coming on to be heard on application of the defendant, Joe Bankofier, for decree herein, and the Court having heretofore made and filed his findings of fact and conclusion of law herein, and is fully advised in the matter, now therefore,

IT IS CONSIDERED, ORDERED AND DECREED that the plaintiff, Lulu M. Simpson, be, and she is hereby awarded one-half of the waters of Ten Mile Creek, from the beginning of the spring run-off to May 1st, annually, with a priority of 1873; that she be and is hereby awarded all of the waters of Oregon Canyon Creek and Rock Creek, and of the springs which rise upon her premises, all of which waters may be applied by her to 600 acres on any part of the real property described as:

$E\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23;
 $\checkmark$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22;
 $\checkmark$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27;
 $\checkmark$ W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 26;
 $\checkmark$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35;
 $\checkmark$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;
 $E\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33,
 all in Township 40, south Range 42
 E. W. M.

NW $\frac{1}{4}$ of Section 2 and all of Section 3,
 in Township 41 south Range
 42 E. W. M.

It is further CONSIDERED, ORDERED AND DECREED that the defendant, Joe Bankofier be and he is hereby awarded one half of the waters of Ten Mile Creek from the beginning of the spring run off to May 1st annually, with a priority of 1873 and has acquired by adverse use and is hereby decreed all of the waters of said Ten Mile Creek to the extent of 3 acre ft. per acre from May 1st in each year until such time as the waters of said stream shall not reach defendants land, such waters to be applied to the irrigation of 400 acres on any part of the real property described as:

$E\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20;
 $\checkmark$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29;
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30;
 $\checkmark$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31,
 all in Township 40 south Range 43 E. W. M.

and/or the lands rising the estate of George E. Malkinson, deceased, described as:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29,
Township 40 south Range 43 E. W. M.

which lands are leased and operated by the defendant Bankofier, and

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the waters hereby awarded to the plaintiff, Simpson and the defendant Bankofier, shall be divided and measured in the channel of Ten Mile Creek, at or above the head of the Bankofier ditch by means of a suitable headgate or weir which the parties are hereby directed to install at their equal cost and expense, and if the parties shall not provide such measuring device, the water master of this district is directed to install the same at the equal expense of the plaintiff and the defendant, Bankofier, and,

It is FURTHER CONSIDERED, ORDERED AND DECREED that the defendant, Juan Jaca be and is hereby awarded the entire flow of all springs rising upon his premises, and a right in and to the flood and surplus waters of Ten Mile Creek, subsequent and inferior to the right of the plaintiff and the defendant, Joe Bankofier, with a priority of 1887, to be applied to the irrigation of 250 acres on any part of his real property described as the SW $\frac{1}{4}$ of Section 2, and the NW $\frac{1}{4}$ of Section 11, Township 41 South, Range 42 E. W. M., and

It is FURTHER CONSIDERED, ORDERED AND DECREED that the defendant, Robert Wade, be and is hereby awarded a right in and to the flood and surplus waters of Ten Mile Creek, to the extent of .38 cubic feet per second for the irrigation of 30 acres in Section 15, Township 40 south Range 43 E. W. M., with a priority of April 18, 1928, said right to be at all times subsequent and inferior to the rights of the plaintiff, and the defendants Bankofier and Jaca. Provided, however, that when the waters of Ten Mile Creek have so receded from natural causes that they do not reach the lands of the defendant, then the defendant Wade shall be entitled to all of the waters of said stream to the extent of .38 cubic feet per second for irrigation and domestic uses, and

It is FURTHER CONSIDERED, ORDERED AND DECREED that the duty of water hereunder shall be and is hereby fixed at 3 acre ft. per acre irrigated during one season, and no person affected hereby shall be permitted to use in excess of this amount of water under penalty of and for waste, and,

It is FURTHER CONSIDERED, ORDERED AND DECREED that each party hereto shall pay his or her own costs and disbursements.

Done and dated at Ontario, Oregon, this 20th day of April, 1932.

W. W. WOOD
Circuit Judge.

STATE OF OREGON }
County of Malheur }

Due service of the within decree is hereby admitted in Malheur County, Oregon, this 7th day of April, 1932, by receipt of a copy thereof.

W. E. LEES
One of the attorneys for
plaintiff.

Entered in this office April 21, 1932
Entered in this Journal April 22, 1932.

STATE OF OREGON, }
County of Malheur } ss.

I, H. S. Sackett, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of Decree has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree as the same appears on record in Circuit Court Book V, pages 520-521, at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 2nd day of February, 1939.

(SEAL OF THE CIRCUIT COURT)

H. S. Sackett Clerk
By _____ Deputy

STATE OF OREGON }
County of Marion } ss.

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Decree of the Circuit Court in re: Lulu M. Simpson, Plaintiff, vs. Joe Bankofier, et al, Defendants, is a full and correct copy of such decree as the same was received in this office and entered of record herein this 6th day of February, 1939.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 1939.

CHAS. E. STRICKLIN
State Engineer

RECEIVED

EXHIBIT -B-

DEC 11 1992

Item (7)

WATER RESOURCES DEPT.
SALEM, OREGON

<u>Twsp.</u>	<u>Range</u>	<u>Sec.</u>	<u>$\frac{1}{4}$ Sec.</u>	<u>No. Acres Irrigated</u>
40S	43E	31	SW NW	3.6
40S	43E	31	SE NW	22.8
40S	43E	31	NW SW	20.9
40S	43E	31	NW NE	25.6
40S	43E	31	NE NE	34.6
40S	43E	31	SW NE	23.6
40S	43E	30	SE SE	24.3
40S	43E	32	NW NW	6.9
40S	43E	29	SW SW	39.2
40S	43E	29	NW SW	18.9
40S	43E	29	NE SW	37.9
40S	43E	29	SE NW	25.4
40S	43E	29	SW NE	31.2
40S	43E	29	NW NE	31.7
40S	43E	20	SW SE	10.2
40S	43E	20	SE SE	29.8
40S	43E	20	NE SE	<u>13.4</u>
				400.0 Acres

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In
Addition to Classified Uses**

REC-1
DEC 1 1992

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

WATER RESOURCES DEPT.
SALEM, OR

Applicant's Name: Daniel & Marjorie Wagner
Address: Box 128
City: McDermott State: NV Zip: 89421 Day Phone: 503-522-8714

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>40-43-500</u>	<u>Exclusive Range Use</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Malheur

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 6-34 Malheur Co. Code. Go to section b) on reverse side.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
<u>None</u>				

I certify that the within instrument of writing was received for record on the 27 day of February, 1987 at 8:00 o'clock P.M. by DEBORAH R. DeLONG, County Clerk.

W. D. SHERBURN, also known as WILLIAM D. SHERBURN and DOROTHY C. SHERBURN, husband and wife,

300
400
Grantor's

convey and warrant to DANIEL P. WEGNER and MARJORIE R. WEGNER, husband and wife, as to an undivided one-half interest; TERRY D. WEGNER and PATTI J. WEGNER, husband and wife, as to an undivided one-half interest;

Grantee s, the following described real property free of encumbrances except as specifically set forth herein:
Land in Malheur County, Oregon, as follows:

DEC 11 1992

WATER DEPT.
SALMON, OREGON

In Twp. 39 S., R. 44 E.W.M.:
Sec. 19: E $\frac{1}{2}$ E $\frac{1}{2}$ 300
Sec. 20: W $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$ 300
Sec. 28: NW $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{2}$ 300
Sec. 29: All 300 - 400
Sec. 30: E $\frac{1}{2}$ NE $\frac{1}{2}$ 300

In Twp. 40 S., R. 43 E.W.M.:
Sec. 16: S $\frac{1}{2}$ S $\frac{1}{2}$ 500
Sec. 20: SE $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ 500
Sec. 21: W $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ NW $\frac{1}{2}$ 500
Sec. 29: W $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$ 500
Sec. 30: SE $\frac{1}{2}$ SE $\frac{1}{2}$ 500
Sec. 31: Lots 2, 3, N $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ 500

Ra 103

(continued on the reverse side hereof)
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY USES.

The consideration for this transfer is: Exchange of Real Property

Dated: February 26, 19 87

William D. Sherburn
Dorothy C. Sherburn

STATE OF OREGON,
County of Malheur

STATE OF OREGON,
County of

The foregoing instrument was acknowledged before me this 26 day of February, 19 87 by William D. Sherburn aka W. D. Sherburn and Dorothy C. Sherburn.

The foregoing instrument was acknowledged before me this _____ day of _____, 19 _____ by _____, of _____, an _____ corporation, on behalf of the corporation.

OFFICIAL SEAL

Melvin L. Walter
NOTARY PUBLIC OREGON
MY COMMISSION EXPIRES 11-27-87

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires _____

Until a change is requested, all tax statements shall be sent to:

MELVIN L. WALTER
ATTORNEY AT LAW
376 VAGUERO DR. - ISC3, 859-5067 or 859-2104
ONTARIO, OREGON 97014

After recording, return to:

DEC 11 1992

EXCEPTING THEREFROM highway right of way over
and across Lots 2 and 3.

WATER RESOURCES DEPT.
SALE OF LANDS DIVISION

Sec. 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Subject to the fact that the property has been zoned or classified for farm use and at anytime it is disqualified for such use it will be subject to additional taxes or penalties and interest, which shall be the obligation of the grantees.

Subject to rights of the public in and to existing County Road and Highway rights of way.

Subject to oil and gas lease from Dave Bankofier, et ux to J. D. Bodkins, recorded April 7, 1952, Book 22, Pages 45-6-7, Leases and Agreements.

Subject to mineral reserved by State Land Board, State of Oregon, as to a full interest therein, in Deed recorded Nov. 17, 1941 Book 53, Page 522. (Pertains to the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 16, Twp. 40 S., R. 43 EWM.)

Subject to mortgage in favor of Federal Land Bank of Spokane, recorded July 16, 1982, Instrument No. 82-105599, Mortgage Records, and the note secured thereby, the unpaid balance of which grantees hereby assume and agree to pay according to the terms thereof.

Subject to mortgages in favor of the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture:

- (1) recorded July 9, 1976, Instrument No. 18827,
- (2) recorded Sept. 2, 1977, Instrument No. 34056
- (3) recorded Feb. 25, 1980, Instrument No. 74054

Mortgage Records, Malheur County, Oregon (all of which mortgages have been subordinated and rendered inferior and subsequent to the mortgage in favor of the Federal Land Bank of Spokane) and the notes secured thereby, the unpaid balances of which the grantees hereby assume and agree to pay according to the terms thereof.

RECEIVED

MAY 23 1991

State of Oregon
WATER RESOURCES DEPARTMENTWATER RESOURCES DEPT.
SALEM, OREGON**REGISTRATION STATEMENT CLAIMING A RIGHT
TO APPROPRIATE SURFACE WATER**Registrant: DANIEL & MARJORIE WEGNERMailing address: Box 128

	Street		
<u>McDermitt</u>	<u>Nevada</u>	<u>89421</u>	<u>503-522-8714</u>
City or town	State	Zip	Phone

1. Sources of water Ten Mile CreekTributary to Quinn River2. Purpose(s) for which water is used Irrigation

(irrigation, power, mining, domestic, stock, etc.)

3. Amount of water used for beneficial purpose 80 Miners inches (2.0 c.f.s.)
(cubic feet per second)4. Date of the initiation of such water right 1873 See Exhibit -A-If the right to be claimed is described by permit, give the permit no. N/A, certificate no.
, and name it is in N/A5. Describe the appropriate water diversion and distribution system for both the original distribu-
tion system and any enlargements:

A) DITCH:

Material Dirt
(dirt, concrete, etc.)Top width 20'± Bottom width 6' Depth 4'±Grade or fall per 1000 feet N/A Capacity 6'±
(cubic feet per second)

B) PIPELINE:

Size at intake N/A Size and distance at changes N/ATotal fall between intake and place of use N/A Capacity N/A

(feet)

(cubic feet per second).

C) PUMP: N/A

Make _____ Type _____

No. _____ Intake size _____ Discharge size _____

Suction head _____ Discharge head _____

Rating: G.P.M. _____ R.P.M. _____ Pressure _____

D) MOTOR: N/A

Type _____ Make _____

H.P. Rating _____ R.P.M. _____

E) CONNECTION: N/A

Direct connected unit _____

If belt driven: Size of drive pulley _____ Driven pulley _____

F) DISTRIBUTION SYSTEM: N/A

Main line: Size _____ Length _____ Kind of pipe _____

Lateral lines: Size _____ Length _____ Kind of pipe _____

Size _____ Length _____ Kind of pipe _____

G) SPRINKLER HEADS: N/A

Make _____ Size of nozzles _____

Number of heads used _____ Capacity of each _____ G.P.M.

Operating pressure _____ lbs.

6. Area of land which your distribution system, as originally constructed, was intended to irrigate:

_____ 400 _____ acres

7. Location of the area irrigated, or place of use if other than for irrigation:.

County of _____

Township	Range	Section	1/4, 1/4 Section	No. of acres Irrigated
----------	-------	---------	------------------	---------------------------

See Exhibit -B-

TOTAL _____

8. Location of the point of diversion:

SE 1/4 SW 1/4, Section 16, T 40 N/S, R 43 E/W.

9. If the water use is for power, please state:

A) Gross Head N/A feet

B) Developed THP

C) Describe the type of water wheel or turbine and generator used: N/A

D) If there is a water power claim, please state the filing number: N/A

E) Is water returned to original source? N/A If so, where:

 1/4 1/4, Section , T N/S, R E/W.

10. When does the irrigation season begin and end, and if water is used for other purposes, during what months is it used? From the time of first spring run-off
until there is no more water in the creek.

11. Remarks: We are applying for 3 acres feet per year on water
that has been used on this land since 1873(See Exhibit -A-).
We were told when the place was purchased, that the lands
had bonafide rights. This filing is to perfect those rights.
Enclosed please find the following: 1) W.R.E. Map (4 copies)
2) Exhibit -A- 3) Exhibit -B- 4) Copy of Warranty Deed
5) Land Use Information Form

CERTIFIED WATER RIGHTS EXAMINER

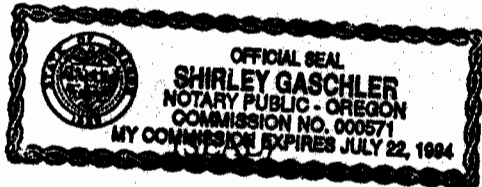
This registration statement must be accompanied by a map prepared by a licensed land surveyor or engineer.

State of Oregon)
County of MALHEUR) ss.

I, DANIEL & MARJORIE WEGNER, being first duly sworn, do hereby certify that I have read the Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Daniel & Marjorie Wegner
Signature of Registrant

Subscribed and sworn to before me this 17 day of May, 19 91



Shirley Gaschler
Notary Public

My commission expires: July 22, 1994

CERTIFICATE OF REGISTRATION

State of Oregon)
County of MAISON) ss.

This is to certify that the foregoing Registration Statement was received in the office of the Water Resources Director on the 23 day of MAY, 19 91, at _____ o'clock _____ M., and has been duly recorded in the office in Book No. _____ of Registration Statements on page no. _____.

Witness my hand this _____ day of _____, 19 _____.

Director

By: _____
Deputy

Fees paid: Irrigation: 400 acres, \$ 500-
Power: _____ H.P., \$ _____
Other Uses: _____, \$ _____

Receipt Number: 74488; TOTAL \$ 500-

Received: May 23, 19 91.

David E. Kramer
Water Resources Department

Exhibit - A -

LULU M. SIMPSON,

vs.

JOE BANKOFIER, JUAN JACA, ROBERT WADE, and
ALICE D. BANKOFIER, ADMINISTRATRIX of the
estate of George E. Malkinson, deceased,

Plaintiff,

Defendants.)

RECEIVED

Equity 4095

MAY 23 1991

DEPT. OF WATER RESOURCES DEPT.
SALEM, OREGON

Now, on this 20th day of April, 1932, the above entitled matter coming on to be heard on application of the defendant, Joe Bankofier, for decree herein, and the Court having heretofore made and filed his findings of fact and conclusionf of law herein, and is fully advised in the matter, now therefore,

IT IS CONSIDERED, ORDERED AND DECREED that the plaintiff, Lulu M. Simpson, be, and she is hereby awarded one-half of the waters of Ten Mile Creek, from the beginning of the spring run-off to May 1st, annually, with a priority of 1873; that she be and is hereby awarded all of the waters of Oregon Canyon Creek and Rock Creek, and of the springs which rise upon her premises, all of which waters may be applied by her to 600 acres on any part of the real property described as:

E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23;
✓ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22;
✓ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27;
✓ W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 26;
✓ W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35;
✓ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34;
E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33,
all in Township 40, south Range 42
E. W. M.

NW $\frac{1}{4}$ of Section 2 and all of Section 3,
in Township 41 south Range
42 E. W. M.

It is further CONSIDERED, ORDERED AND DECREED that the defendant, Joe Bankofier be and he is hereby awarded one half of the waters of Ten Mile Creek from the beginning of the spring run off to May 1st annually, with a priority of 1873 and has acquired by adverse use and is hereby decreed all of the waters of said Ten Mile Creek to the extent of 3 acre ft. per acre from May 1st in each year until such time as the waters of said stream shall not reach defendants land, such waters to be applied to the irrigation of 400 acres on any part of the real property described as:

E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; ✓
✓ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29;
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30;
✓ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31,
all in Township 40 south Range 43 E. W. M.

and/or the lands rising the estate of George E. Malkinson, deceased, described as:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29,
Township 40 south Range 43, E. W. M.

which lands are leased and operated by the defendant Bankofier, and

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the waters hereby awarded to the plaintiff, Simpson and the defendant Bankofier, shall be divided and measured in the channel of Ten Mile Creek, at or above the head of the Bankofier ditch by means of a suitable headgate or weir which the parties are hereby directed to install at their equal cost and expense, and if the parties shall not provide such measuring device, the water master of this district is directed to install the same at the equal expense of the plaintiff and the defendant, Bankofier, and,

It is FURTHER CONSIDERED, ORDERED AND DECREED that the defendant, Juan Jaca be and is hereby awarded the entire flow of all springs rising upon his premises, and a right in and to the flood and surplus waters of Ten Mile Creek, subsequent and inferior to the right of the plaintiff and the defendant, Joe Bankofier, with a priority of 1887, to be applied to the irrigation of 250 acres on any part of his real property described as the SW $\frac{1}{4}$ of Section 2, and the NW $\frac{1}{4}$ of Section 11, Township 41 South, Range 42 E. W. M., and

It is FURTHER CONSIDERED, ORDERED AND DECREED that the defendant, Robert Wade, be and is hereby awarded a right in and to the flood and surplus waters of Ten Mile Creek, to the extent of .38 cubic feet per second for the irrigation of 30 acres in Section 15, Township 40 south Range 43 E. W. M., with a priority of April 18, 1928, said right to be at all times subsequent and inferior to the rights of the plaintiff, and the defendants Bankofier and Jaca. Provided, however, that when the waters of Ten Mile Creek have so receded from natural causes that they do not reach the lands of the defendant, then the defendant Wade shall be entitled to all of the waters of said stream to the extent of .38 cubic feet per second for irrigation and domestic uses, and

It is FURTHER CONSIDERED, ORDERED AND DECREED that the duty of water hereunder shall be and is hereby fixed at 3 acre ft. per acre irrigated during one season, and no person affected hereby shall be permitted to use in excess of this amount of water under penalty of and for waste, and,

It is FURTHER CONSIDERED, ORDERED AND DECREED that each party hereto shall pay his or her own costs and disbursements.

Done and dated at Ontario, Oregon, this 20th day of April, 1932.

W. W. WOOD
Circuit Judge.

STATE OF OREGON }
County of Malheur }

Due service of the within decree is hereby admitted in Malheur County, Oregon, this 7th day of April, 1932, by receipt of a copy thereof.

W. E. LEES
One of the attorneys for
plaintiff.

Entered in this office April 21, 1932
Entered in this Journal April 22, 1932.

STATE OF OREGON, }
County of Malheur } ss.

I, H. S. Sackett, County Clerk and Clerk of the Circuit Court of the County and State aforesaid, do hereby certify that the foregoing copy of Decree has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree as the same appears on record in Circuit Court Book V, pages 520-521, at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 2nd day of February, 1939.

H. S. Sackett Clerk

(SEAL OF THE CIRCUIT COURT)

By _____ Deputy

STATE OF OREGON }
County of Marion } ss.

I, CHAS. E. STRICKLIN, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of Decree of the Circuit Court in re: Lulu M. Simpson, Plaintiff, vs. Joe Bankofier, et al, Defendants, is a full and correct copy of such decree as the same was received in this office and entered of record herein this 6th day of February, 1939.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 1939.

CHAS. E. STRICKLIN
State Engineer

Inst. No. 87-8982

I certify that the within instrument of writing was received for record on the 27 day of February, 1987 at 8:00 o'clock P.M. by Deborah R. DeLong, County Clerk

STATE OF OREGON

County of Malheur

WARRANTY DEED
W. D. SHERBURN, also known as WILLIAM D. SHERBURN and DOROTHY C. SHERBURN, husband and wife,

Grantors

convey and warrant to DANIEL P. WEGNER and MARJORIE R. WEGNER, husband and wife as to an undivided one-half interest; TERRY D. WEGNER and PATTI J. WEGNER, husband and wife, as to an undivided one-half interest;

Grantee s, the following described real property free of encumbrances except as specifically set forth herein:

Land in Malheur County, Oregon, as follows:

In Twp. 39 S., R. 44 E.W.M.:

Sec. 19: E $\frac{1}{2}$ E $\frac{1}{2}$ 300
Sec. 20: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{2}$ 300
Sec. 28: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{2}$ 300
Sec. 29: All 300 - 400
Sec. 30: E $\frac{1}{2}$ NE $\frac{1}{2}$ 300

In Twp. 40 S., R. 43 E.W.M.:

Sec. 16: S $\frac{1}{2}$ S $\frac{1}{2}$ 500
Sec. 20: SE $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ 500
Sec. 21: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$ 500
Sec. 29: W $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$ 500
Sec. 30: SE $\frac{1}{2}$ SE $\frac{1}{2}$ 500
Sec. 31: Lots 2, 3, N $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ 500

(continued on the reverse side hereof)
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY USES.

The consideration for this transfer is: Exchange of Real Property

Dated: February 26, 1987

William D. Sherburn Dorothy C. Sherburn
William D. Sherburn Dorothy C. Sherburn

STATE OF OREGON,

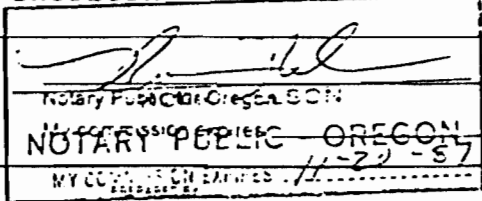
County of Malheur

ss.

The foregoing instrument was acknowledged before me this

26 day of February, 1987
by William D. Sherburn aka
W. D. Sherburn and Dorothy
C. Sherburn

OFFICIAL SEAL



MELVIN L. WALTER

ATTORNEY AT LAW

376 VAGUERO DR. - (503) 889-5067 or 889-2104
ONTARIO, OREGON 97144

STATE OF OREGON,

County of

ss.

The foregoing instrument was acknowledged before me this

_____ day of _____, 19____
by _____
_____, of _____
_____, an _____

corporation, on behalf of the corporation.

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires _____

Until a change is requested, all tax statements shall be sent to:

After recording, return to:

RECEIVED

MAR 23 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Ra 103

300
400
404
503

RECEIVED

EXHIBIT -B-

MAY 23 1991

Item (7)

WATER RESOURCES DEPT.
SALEM, OREGON

<u>Twsp.</u>	<u>Range</u>	<u>Sec.</u>	<u>$\frac{1}{4}$ Sec.</u>	<u>No. Acres Irrigated</u>
40S	43E	31	SW NW	3.6
40S	43E	31	SE NW	22.8
40S	43E	31	NW SW	20.9
40S	43E	31	NW NE	25.6
40S	43E	31	NE NE	34.6
40S	43E	31	SW NE	23.6
40S	43E	30	SE SE	24.3
40S	43E	32	NW NW	6.9
40S	43E	29	SW SW	39.2
40S	43E	29	NW SW	18.9
40S	43E	29	NE SW	37.9
40S	43E	29	SE NW	25.4
40S	43E	29	SW NE	31.2
40S	43E	29	NW NE	31.7
40S	43E	20	SW SE	10.2
40S	43E	20	SE SE	29.8
40S	43E	20	NE SE	13.4

400.0 Acres ✓

RECEIVED

MAY 23 1991

WATER RESOURCES DEPT.
SALEM, OREGON

EXCEPTING THEREFROM highway right of way
and across Lots 2 and 3.

Sec. 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Subject to the fact that the property has been zoned or classified for farm use and at anytime it is disqualified for such use it will be subject to additional taxes or penalties and interest, which shall be the obligation of the grantees.

Subject to rights of the public in and to existing County Road and Highway rights of way.

Subject to oil and gas lease from Dave Bankofier, et ux to J. D. Bodkins, recorded April 7, 1952, Book 22, Pages 45-6-7, Leases and Agreements.

Subject to mineral reserved by State Land Board, State of Oregon, as to a full interest therein, in Deed recorded Nov. 17, 1941 Book 53, Page 522. (Pertains to the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 16, Twp. 40 S., R. 43 EWM.)

Subject to mortgage in favor of Federal Land Bank of Spokane, recorded July 16, 1982, Instrument No. 82-105599, Mortgage Records, and the note secured thereby, the unpaid balance of which grantees hereby assume and agree to pay according to the terms thereof.

Subject to mortgages in favor of the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture:

(1) recorded July 9, 1976, Instrument No. 18827,

(2) recorded Sept. 2, 1977, Instrument No. 34056

(3) recorded Feb. 25, 1980, Instrument No. 74054

Mortgage Records, Malheur County, Oregon (all of which mortgages have been subordinated and rendered inferior and subsequent to the mortgage in favor of the Federal Land Bank of Spokane) and the notes secured thereby, the unpaid balances of which the grantees hereby assume and agree to pay according to the terms thereof.

RECEIVED
Information

May 21 1941

WATER RESOURCES DEPT.
SALEM, OREGON

City: McDermott State: NV Zip: 89421 Day Phone: 503-522-8714

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
40-43-500	Exclusive Range 66	☒	☒	☒

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): C-6 - H. Mollerberg Co. Code. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

[illegible]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION**

TO: Reed Marbut
FROM: Don Knauer

DATE: April 30, 1992

SUBJECT: Indorsement of SWR-33

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an 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: Daniel and Marjorie Wegner
ADDRESS: Box 128
McDermitt NV 89421

SOURCE: Ten Mile Creek a tributary of Quinn River.

USE: Irrigation.

PRIORITY DATE: 1873 and 1884 (see below)

AMOUNT OF WATER FOR EACH CLAIMED USE:

3 acre feet per acre per season.

DIVERSION POINT:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T. 40 S., R. 43 W., W.M.

PRIORITY DATE

PLACE OF USE

1873	13.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
	10.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
	29.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 20,
	31.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
1884	31.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
	25.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
	37.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
	18.9 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
	39.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 29,
	24.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 30,
	34.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
	Section 31,
	6.9 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
	Section 32,
	Township 40 S., Range 43 E., W.M.

PERIOD OF USE:

The irrigation season is March 1 to September 1.

NOTE: See Malheur County Circuit Court and Supreme Court of State of Oregon findings and decrees for further limits.

FILE C:\WP51\SWR\CLAIMENTS\SWR-0033.0IM

March 26, 1992

WATER
RESOURCES
DEPARTMENT

Daniel Wegner
Box 128
McDermitt NV 89421

re: SWR-33

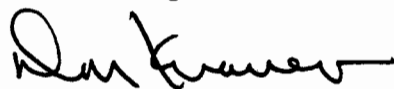
Dear Mr. Wegner,

This letter is for a record of our telephone conversation of March 24, 1992, for your surface water registration file. I called you after my review of the various court decrees and water right transfers involving the water of Ten Mile Creek. I found that the court had set the limits of your water right claim to a pre-1909 water use. The priority date and limits of use were described. The other water use of Ten Mile Creek was also described.

I had advised you on my visit to your property last fall that any claim to pre-1909 water use you want to include on your registration statement should be done as soon as possible. This was before my review of the various court decrees and it turns out that I don't think my advise was good.

My recommendation for endorsement of your claim will be according to the various court decrees. I would ask that you get your claim form and map to me as soon as possible.

Sincerely,



Don Knauer
Adjudication Specialist

(C:\W\SI\SWR-0033.003)



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

POD
POU
USE

Additional

Add'l POD

Transfer NO. 3917

County Malheur

Old Certificate NO. DEGREE

1. Name W. D. Sherburn
Address Box ~~125~~⁵⁵, McDermitt, Nevada 89421
2. Source of Supply Ten Mile Creek, Trib of _____
3. Use irrigation
4. Amount of Water 80 M.I. Priority Date 1873
5. Proposed ^{add'l} Point of Diversion (1) 1921.5 ft N & 577 ft W from the SE corner of Section 20, being within the NE & SE of Section 20;
(2) 571 ft S & 2391 ft W from the SE corner of Section 20,*
6. Completion Date 10-1-80
7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
* being within the NW & NE of Section 29, T40S, R43E, WM.				

Tom:

New diversion points not used.

Original point is the only authorized POD.

Does a certificate need to be issued?

Tom

41045-110 - 211X ADVERSE COMMENT 7/24/85 LNT

DIVERSIONS WITH SYSTEM UNDER T-3918 ONE
YEAR AFTER THAT, THE LAND UNDER PLOT G-8404
TURNED TO BE PRODUCTIVE ENOUGH THAT HE
DECIDED TO GO BACK AND ONLY USE THE
FLOOD IRRIGATION SYSTEM ON THIS LAND. HE
WISHES TO DROP THESE ADDITIONAL DIV. PT. (PUMP
DIV.) AND USE ONLY THE ORIGINAL DN.

Larry J. Old
WRB
7/24/85

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF W. D. SHERBURN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM TEN MILE CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3917

On March 30, 1978, an application was filed in the office of the Water Resources Director by W. D. Sherburn for approval of a change in point of diversion from Ten Mile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, entered June 30, 1933, a right was allowed in the name of Joe Bankofier for appropriation of 80 miners inches of water from Ten Mile Creek, with a priority date of 1873, for irrigation of lands in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29; S $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 40 South, Range 43 East, W.M. The authorized point of diversion for this right is located North 86 degrees 50 minutes East, 1632 feet from the Northeast Corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 40 South, Range 43 East, W.M. (North Ditch).

The applicant herein, owner of the lands above described in Section 20 and 29, proposes to establish additional points of diversion, without loss of priority, at two points located: (1) 1921.5 feet North and 577 feet West from the Southeast Corner of Section 20, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; and (2) 571 feet South and 2391 feet West from the Southeast Corner of Section 20, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 40 South, Range 43 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of May 31, June 7 and 14, 1978.

A protest by First National Bank of Nevada against approval of water right transfer application No. 3917 was filed in the office of the Water Resources Director on July 13, 1978.

Pursuant to notice of the Water Resources Director dated September 22, 1978, the matter of the application and the protest against it was brought to hearing before James W. Carver, Jr., Water Resources Department, on October 26, 1978, at Ontario, Oregon. The applicant was represented by William D. Cramer, Attorney at Law,

Burns, Oregon. The protestant was represented by Clifford Looney, Attorney at Law, Vale, Oregon, and by James A. Callahan, Attorney at Law, Winnemucca, Nevada.

The matter was disposed of by a stipulation between counsel that approval of the proposed changes in point of diversion be made subject to the following limitation:

"At any times when a division of water becomes necessary on Ten Mile Creek when the big squirt sprinkler of the applicant, with maximum capacity of 900 gallons per minute, is being used, the diversion at the point in Section 16, Township 40 South, Range 43 East, W.M., will be limited to 150 miners inches of water, and water diverted at that point will not be used to irrigate the lands with the 1873 water rights."

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No other objections having been filed and it appearing that the proposed changes in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional points of diversion of water from Ten Mile Creek, as described herein, without loss of priority, are approved, subject to the limitation:

"At any times when a division of water becomes necessary on Ten Mile Creek when the big squirt sprinkler of the applicant, with maximum capacity of 900 gallons per minute, is being used, the diversion at the point in Section 16, Township 40 South, Range 43 East, W.M., will be limited to 150 miners inches of water, and water diverted at that point will not be used to irrigate the lands with the 1873 water rights."

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

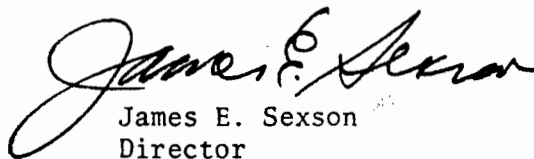
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

Dated at Salem, Oregon this 8th day of November, 1978.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF W. D. SHERBURN FOR APPROVAL OF)
CHANGES IN PLACE OF USE & POINT)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3918

On March 30, 1978, an application was filed in the office of the Water Resources Director by W. D. Sherburn for approval of changes in place of use and point of diversion of water from Ten Mile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, entered December 23, 1963, a right was established in the name of Alice D. Bankofier, which includes the use of water from Ten Mile Creek, with a date of priority of 1884, for irrigation of 7.58 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 40 South, Range 43 East, W.M. The authorized point of diversion for this right is located North 86 degrees 50 minutes East, 1632 feet from the Northeast Corner of Section 20, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 40 South, Range 43 East, W.M. (North Ditch).

The applicant herein, owner of the lands above described in Section 32, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 7.58 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 40 South, Range 43 East, W.M., by diversion of water from a point located 1994 feet South and 1126 feet East from the Northwest Corner of Section 21, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 40 South, Range 43 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of May 31, June 7 and 14, 1978.

A protest by the First National Bank of Nevada against approval of water right transfer application No. 3918 was filed in the office of the Water Resources Director on July 13, 1978, and was subsequently withdrawn by the protestant on October 26, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No other objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion of water from Ten Mile Creek, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

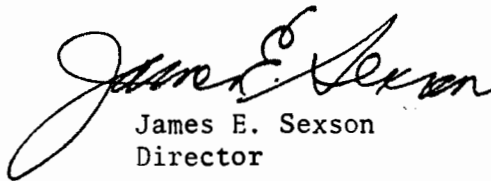
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

Dated at Salem, Oregon this 8th day of November, 1978.


James E. Sexson
Director

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

Tanner 8100

IN THE MATTER OF THE APPLICATION)
OF ALICE D. BANKOFIER AND DAVE)
BANKOFIER FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM TEN MILE CREEK.)

ORDER

APPROVING APPLICATION

On February 25, 1957, Alice D. Bankofier and Dave Bankofier filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Ten Mile Creek pursuant to the provisions of ORS 540.510 to 540.530.

By virtue of a Judgment on the Mandate made in the Circuit Court of the State of Oregon for Malheur County on the 30th day of June 1933, and entered on the 8th day of July 1933, in a suit and cause entitled Lulu M. Simpson, appellant-plaintiff, vs. Joe Bankofier et al, defendants, a water right was adjudicated to Joe Bankofier for the diversion and use of the waters of Ten Mile Creek for irrigation purposes in the quantity of 80 miner's inches with a priority of 1873 for the irrigation of lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 and S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 40 South, Range 43 East, W. M., and a further right for an undetermined quantity of water, with a priority of 1884 for the irrigation of lands in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 40 South, Range 43 East, W. M., said lands being mainly irrigated through two Bankofier ditches. The point of diversion of the north ditch is south 22 degrees 30 minutes east 2325 feet from the northeast corner of Section 20, and being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 40 South, Range 43 East, W. M., and the point of diversion of the south ditch is south 20 degrees 50 minutes west 6564 feet from the northeast corner of Section 20, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 40 South, Range 43 East, W. M.

The petitioners, Alice D. and Dave Bankofier, are the successors in interest to Joe Bankofier and propose to change the points of diversion upstream to a point which is located north 86 degrees 50 minutes east 1632 feet from the northeast corner of Section 20, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 40 South, Range 43 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Vale, Oregon on May 14, 1957, beginning at 10:00 o'clock a.m. The notice was published in the Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of March 21 and 28 and April 4, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Protest of Regina F. McCormick and Donnie A. Stephens objecting to the approval of the application of Alice D. Bankofier and Dave Bankofier was filed with the State Engineer on April 29, 1957, the bases of said objections being summarized as follows:

- a. That the change in point of diversion would result in diminishing the flow of numerous springs arising on objectors' land which are fed by the waters of Ten Mile Creek and would reduce the quantity of flood and surplus water of Ten Mile Creek to which objectors are entitled, thus injuriously affecting objectors' right.
- b. That the map accompanying the application indicates that applicants are irrigated 29 acres in Section 31, Township 40 South, Range 43 East, W. M., which land has no water right.
- c. That it appears from the application on file in this matter that the applicants propose to change the place of use of an undetermined quantity of water with a priority of 1884 for the irrigation of 179 acres of lands described in paragraph IV of said application.

Objectors allege that they and their predecessors in interest have had no notice of any proceeding in any court for the determination of the acreage under irrigation and the quantity of water to be appropriated to and used upon applicants' lands with a priority of 1884, and that the State Engineer has no jurisdiction to authorize a change in point of diversion of said waters before a determination thereof with notice to other appropriators.

A hearing was held by Mr. Geo. V. Naderman, a duly authorized representative of the State Engineer, beginning at 10:00 o'clock a.m., on May 14, 1957 in the circuit court room of the courthouse at Vale, Oregon, at which hearing the applicants, Alice D. Bankofier and Dave Bankofier and their attorney, Robert D. Lytle, and the objector, Regina F. McCormick and her attorney, Charles W. Swan, appeared and submitted evidence. Donnie A. Stephens, one of the objectors, did not appear.

During the course of the hearing (pages 59 and 60 of Transcript of Testimony), Mr. Lytle asked leave to amend paragraph VIII of the application, which amendment, in effect, would eliminate the change in the lower point of diversion, said paragraph VIII as amended to read as follows:

"That your petitioners desire to change said upstream point of diversion to a point of diversion out of said creek situate north 86 degrees 50 minutes east 1632 feet from the northeast corner of Section 20, Township 40 South, Range 43 East, W. M., which said proposed point of diversion is on lands owned by petitioners and is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, said township and range."

This proceeding does not involve a change in use of water, the irrigation of lands not having a water right or a determination of the acreage or quantity of water of the undetermined water right having a date of priority of 1884. The approval of the proposed change in point of diversion, if granted, would be subject to all the limitations and conditions contained in the decrees determining the rights of the parties involved in this proceeding. Therefore the only remaining issue to determine is whether or not the proposed change

in point of diversion, if approved, would result in diminishing the flow of the numerous springs arising on objectors' land and reduce the quantity of flood and surplus water of Ten Mile Creek to which objectors are entitled, thus injuriously affecting their rights.

The Decree in Equity dated April 20, 1932, in the matter of Lulu L. Simpson v. Joe Bankofier, et al, awarded Juan Jaca, predecessor in interest of Regina F. McCormick and Donnie A. Stephens, the objectors herein, the entire flow of all springs rising upon his premises, and a right in and to the flood and surplus waters of Ten Mile Creek, subsequent and inferior to the right of the plaintiff and the defendant, Joe Bankofier, with a priority of 1887, to be applied to the irrigation of 250 acres on any part of his real property described as the SW $\frac{1}{4}$ of Section 2 and NW $\frac{1}{4}$ of Section 11, Township 41 South, Range 42 East, W. 14. The contention of the objectors that to allow the change in point of diversion, as applied for by the applicants, would increase the loss by seepage through the new half-mile section of ditch and result in a diminution of the discharge of said springs and flood and surplus water of Ten Mile Creek and deprive protestants of the use of waters to which they are entitled by virtue of said Decree in Equity is not substantiated by the evidence.

Unrefuted testimony was presented that the discharge of said series of springs varied with the quantity of water flowing in the channel of Ten Mile Creek. Since the seepage water from the channel of Ten Mile Creek and from the irrigation ditches and irrigated lands of applicants remains confined to the narrow valley of Ten Mile Creek, it appears that the only loss which could affect the discharge of said springs or flood and surplus waters of Ten Mile Creek would be that by evaporation and transpiration. The State Engineer finds that such losses in the approximately one-half mile of the proposed new ditch would not be any greater than in the original channel of Ten Mile Creek between the old and new points of diversion.

It is the opinion of the State Engineer that the proposed change in point of diversion of water from Ten Mile Creek may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Ten Mile Creek, to-wit:

From a point located south 22 degrees 30 minutes east 2325 feet from the northeast corner of Section 20, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 40 South, Range 43 East, W. M.,

To a point to be located north 86 degrees 50 minutes east 1632 feet from the northeast corner of Section 20, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 40 South, Range 43 East, W. M.,

for the diversion of 80 miner's inches of water with a priority of 1873 for the irrigation of lands in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 and S $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 40 South, Range 43 East, W. M., and an undetermined quantity of water with a priority of 1884 for the irrigation of lands in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 40 South, Range 43 East, W. M., be and the same is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1958 or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon this 30th day of April 1958.

*Noted on Decree; page 2 of
Judgment on Mandate.*


LEWIS A. STANLEY
State Engineer

October 16, 1991

WATER
RESOURCES
DEPARTMENT

Daniel Wegner
Box 128
McDermitt NV 89421

Dear Mr. Wegner,

Following my visit to your property and my inspection of your water use under Surface Water Registration # 33, I am returning the form and maps to you. As we talked, you should return them to your CWRE for addition of the water use which began prior to 1909 on the property you are acquiring from the government.

Your diversion point is located within the NE NW section 21 and not as shown on the map in section 16. The map needs to be corrected. The source and conveyances need to be shown on the map. The disclaimer must be changed to reflect a claim and not an application for permit. The dimensions and capacity of the diversion point on the map would be welcomed. We need but one map on permanent quality paper.

I sent Mr. Gaschler a notice of public meetings I will be holding the week of Oct. 24, 1991. I have told him about a meeting we will hold in McDermitt on Nov. 19, 1991. I recommend you contact him as soon as possible in case he has any questions I might be able to answer.

Sincerely,



Don Knauer
Adjudication Specialist
A:SWR-0033.002



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

WATER RESOURCES DEPARTMENT

October 1, 1991

To: File SWR-33, Wegner, Daniel
From: Don Knauer
Subject: Field Inspection

Dwight French and I met with Dan Wegner on his property. We had visited the diversion point with Joe Maher, so did not do that with Wegner.

The map prepared by Albert Gaschler described the diversion point at the wrong location. I told Wegner I would return the map to him and he can contact Gaschler. There are other additions and corrections to be made on the map.

Wegner said he was buying the "corner" property from the BLM. This would fill in the gaps on the map. An example would be the NE 1/4 NE 1/4 section 29. He said this property had been irrigated all along the same as the deeded property. I suggested he have it added to his map and form to be included in his claim.

He uses the water to flood irrigate his hay and pasture. When stock are on the place they use the irrigation system for water.

We talked about the Ten Mile Creek Miscellaneous Decree.

He told us he is leasing the ranch above his from Benardo Alcorta. He wondered if this place should be covered by a registration statement. I told him we would contact Alcorta.

We should let Wegner know about any meetings we set up.

0857

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 74488

CHECK ENCLOSURES yes

CHECK BASIN MAP yes

UNADJUDICATED AREA ? YES

SURFACE WATER REGISTRATION NUMBER 33

ACKNOWLEDGEMENT LETTER yes

ENTER ON STREAM INDEX yes

CHECK QUADRANGLE MAP yes

CHECK GLO PLATS _____

FORM REVIEW

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

MAP REVIEW

- * ☐ diversion point location Quads show it in
- * ☐ conveyances (pipes, ditch, etc.) SEC 21 NOT 16
- ☒ place of use NONE SHOWN
- ☒ scale
- ☒ township, range, section
- ☒ north arrow
- ☒ CWRE stamp
- * ☐ disclaimer NOT FOR BENEFICIAL USE
- ☐ date survey was performed NOT SHOWN
- ☒ P.O.B. of survey ?
- * ☐ dimensions and capacity of diversion system NOT SHOWN
- ☐ "beneficial use" type title WORD W.R. MAP
- * ☐ "permanent-quality" paper NO - 4 COPIES

EXISTING WATER RIGHT RECORD CHECK yes

ENTER ON PLAT CARDS yes

A:SWRCHECK

4-26-91

CHECK MISC. DEGREE
10 MILE CREEK
CAREFULLY 888

BASIN 11
20/1/92



TO: Larry Powers

FROM: Adjudication Section

SUBJECT: Surface Water Registration

DATE: May 29, 1991

Enclosed is a registration that has been filed on pre-1909 surface water uses in your area. SWR #33

Please comment on the validity of the claim 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

May 28, 1991

WATER
RESOURCES
DEPARTMENT

Daniel and Marjorie Wegner
Box 128
McDermitt, Ore. 89421

Dear Mr. and Mrs. Wegner,

This will acknowledge your Registration Statement Claiming a Right to Appropriate Surface Water in the name of Daniel and Marjorie Wegner. The fees in the amount of \$500.00 have been received and our receipt # 74488 is enclosed. Your registration statement has been accepted and numbered SWR-33.

In the future we will review your form and either file it as submitted or return it for completion or correction.

Sincerely,



Don Knauer
Adjudication Specialist

enc

cc: Albert Gaschler

A:ALETTER



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
RECEIPT # 74488 3850 PORTLAND ROAD NE
SALEM, OR 97310
378-3739/378-8130 (FAX)

RECEIVED FROM: Daniel Wegner APPLICATION
BY: _____ PERMIT
TRANSFER

CASH: ☐ CHECK: # X 24-12 OTHER: (IDENTIFY) ☐ TOTAL REC'D \$ 500.00

01-00-0 WRD MISC CASH ACCT
842.010 ADJUDICATIONS \$ 500.00
831.087 PUBLICATIONS/MAPS \$
830.650 PARKING FEES Name/month \$
OTHER: (IDENTIFY) \$

02-00-0 FEDERAL FUNDS
OTHER: (IDENTIFY) \$

03-00-0 WRD OPERATING ACCT
MISCELLANEOUS:
840.001 COPY FEES \$
880.109 MISC REVENUE: (IDENTIFY) \$
520.000 OTHER (P-6): (IDENTIFY) \$
WATER RIGHTS:
842.001 SURFACE WATER EXAM FEE 842.002 RECORD FEE \$
842.003 GROUND WATER \$ 842.004 \$
842.005 TRANSFER \$ 842.006 \$
WELL CONSTRUCTION EXAM FEE LICENSE FEE
842.022 WELL DRILL CONSTRUCTOR \$ 842.023 \$
842.016 WELL DRILL OPERATOR \$ 842.019 \$
LANDOWNER'S PERMIT 842.024 \$

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

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

69001 SUSPENSE ACTIVITY LIC NUMBER
842.115 POWER LICENSE FEE(FW) \$
842.115 HYDRO LICENSE FEE(FW) \$
832.009 HYDRO EXAM FEE(GF) \$

RECEIPT # 74488 DATED: 5-24-91 BY: D Bushnell
Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal

RECEIVED

JUN 14 1991

WATER RESOURCES DEPT
SALEM, OREGON

INTEROFFICE MEMO
WATERMASTER DISTRICT # 9

TO: Adjudication Section DATE: June 10, 1991
FROM: Larry Powers
SUBJECT: Comments on adjudacation claim SWR # 33

Priority date, no comment as this must be proven in Court.

Quality of water, I have not done any water quality testing.

Place of use and continuous use within the past 15 years, I, am not familiar with place of use and can not comment on any 5 year of none use as I have only been the Watermaster for Dist. # 9 for 4 1/2 years.

Larry

The following surface water registrations were filed in the office of the Water Resources Director during the period of May 20, 1991 to May 24, 1991. 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.

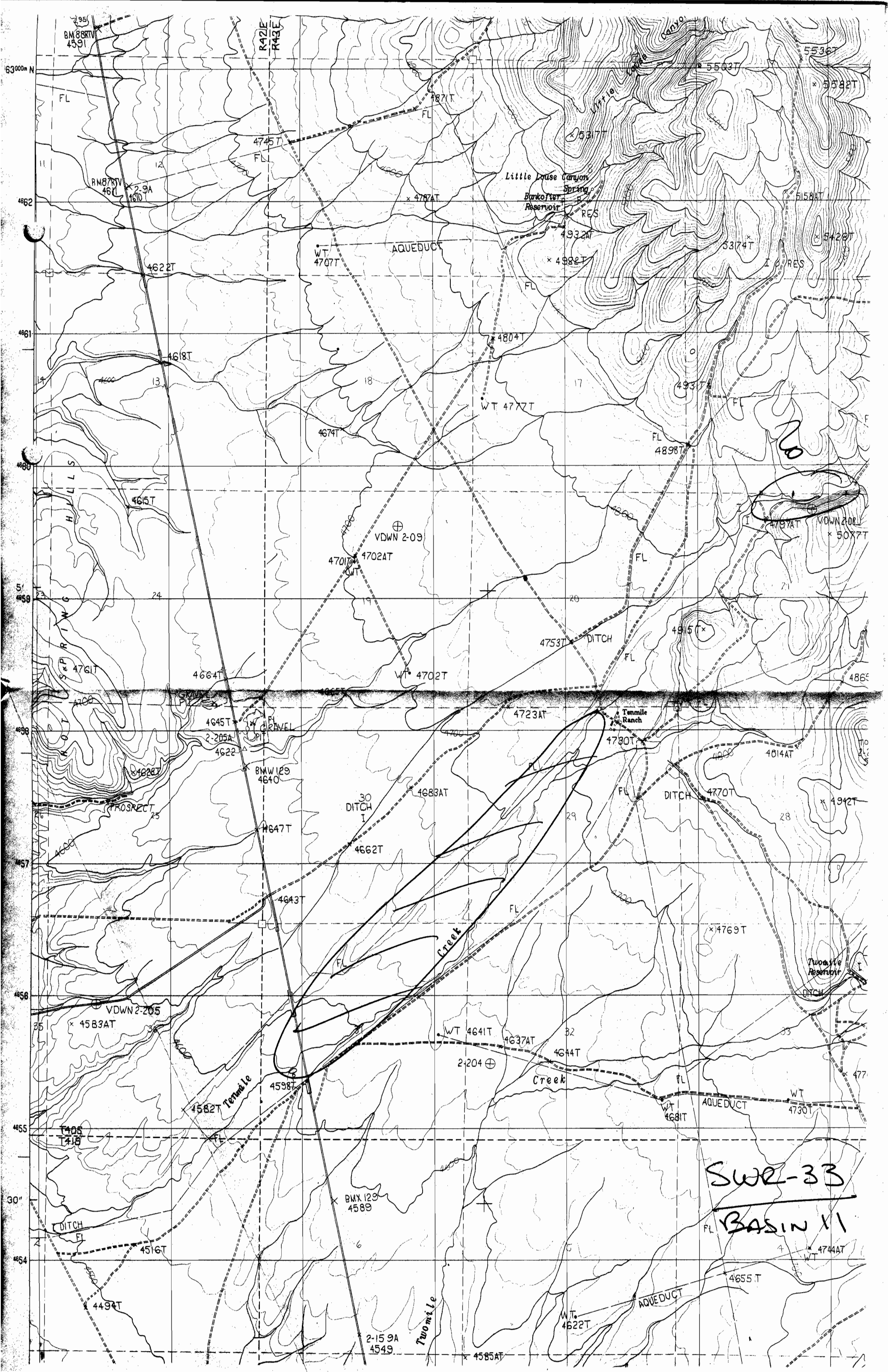
Comments on these registrations should be directed to the Adjudications Section of the Department at the above address, and must be received within 30 days from the date of this notice.

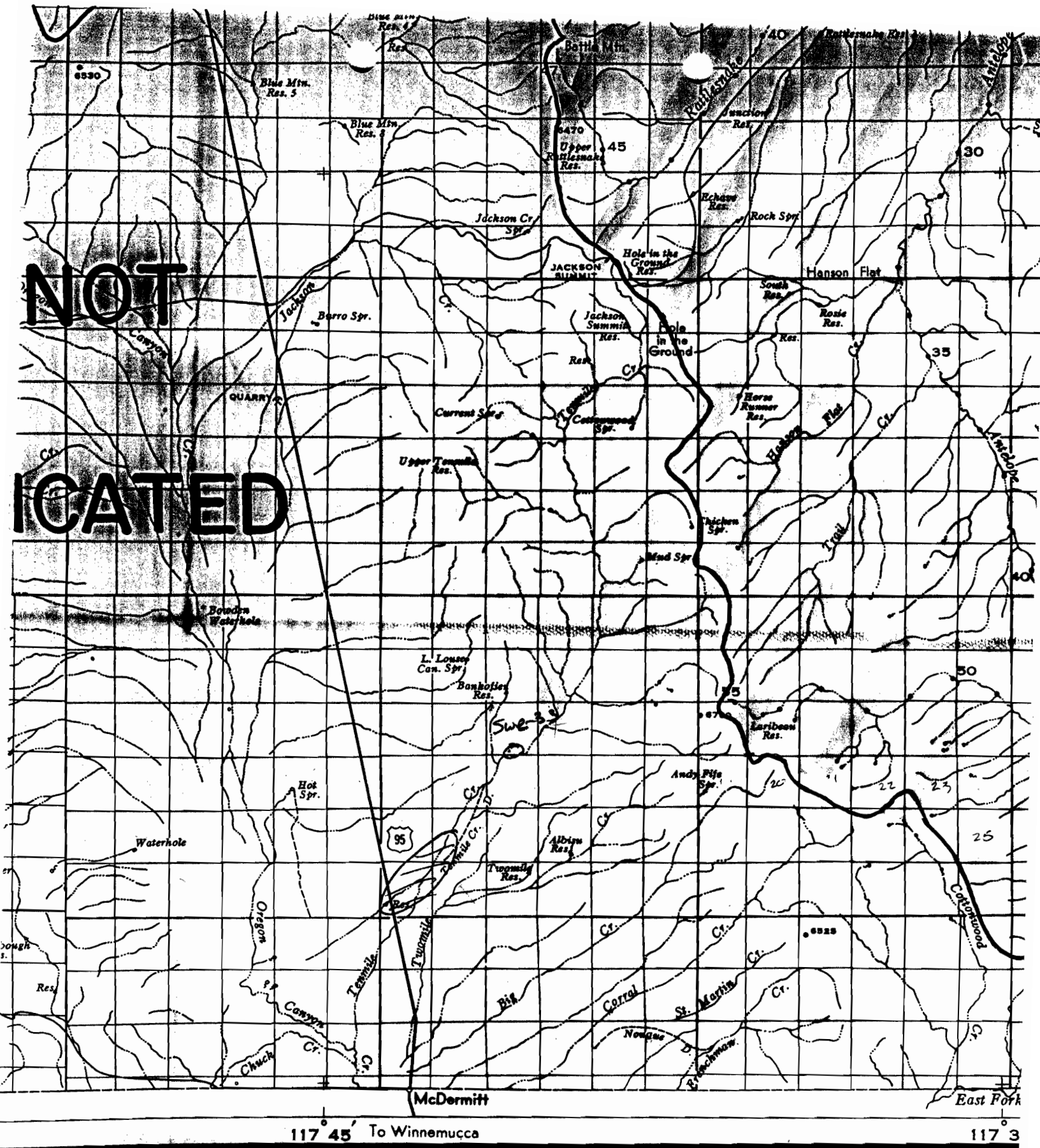
MALHEUR CO.

SWR 33

DANIEL & MARJORIE WEGNER, BOX 128, McDERMITT, NEVADA 89421, TEN MILE CREEK, TRIBUTARY OF QUINN RIVER FOR IRRIGATION. 2.0 CFS, TOTAL OF 400.0 ACRES, 1873.

SW 1/4 NW 1/4	SECTION 31, T 40 S, R 43 E, W.M.
SE 1/4 NW 1/4	SECTION 31, T 40 S, R 43 E, W.M.
NW 1/4 SW 1/4	SECTION 31, T 40 S, R 43 E, W.M.
NW 1/4 NE 1/4	SECTION 31, T 40 S, R 43 E, W.M.
NE 1/4 NE 1/4	SECTION 31, T 40 S, R 43 E, W.M.
SW 1/4 NE 1/4	SECTION 31, T 40 S, R 43 E, W.M.
SE 1/4 SE 1/4	SECTION 30, T 40 S, R 43 E, W.M.
NW 1/4 NW 1/4	SECTION 32, T 40 S, R 43 E, W.M.
SW 1/4 SW 1/4	SECTION 29, T 40 S, R 43 E, W.M.
NW 1/4 SW 1/4	SECTION 29, T 40 S, R 43 E, W.M.
NE 1/4 SW 1/4	SECTION 29, T 40 S, R 43 E, W.M.
SE 1/4 NW 1/4	SECTION 29, T 40 S, R 43 E, W.M.
SW 1/4 NE 1/4	SECTION 29, T 40 S, R 43 E, W.M.
NW 1/4 NE 1/4	SECTION 29, T 40 S, R 43 E, W.M.
SW 1/4 SE 1/4	SECTION 20, T 40 S, R 43 E, W.M.
SE 1/4 SE 1/4	SECTION 20, T 40 S, R 43 E, W.M.
NE 1/4 SE 1/4	SECTION 20, T 40 S, R 43 E, W.M.

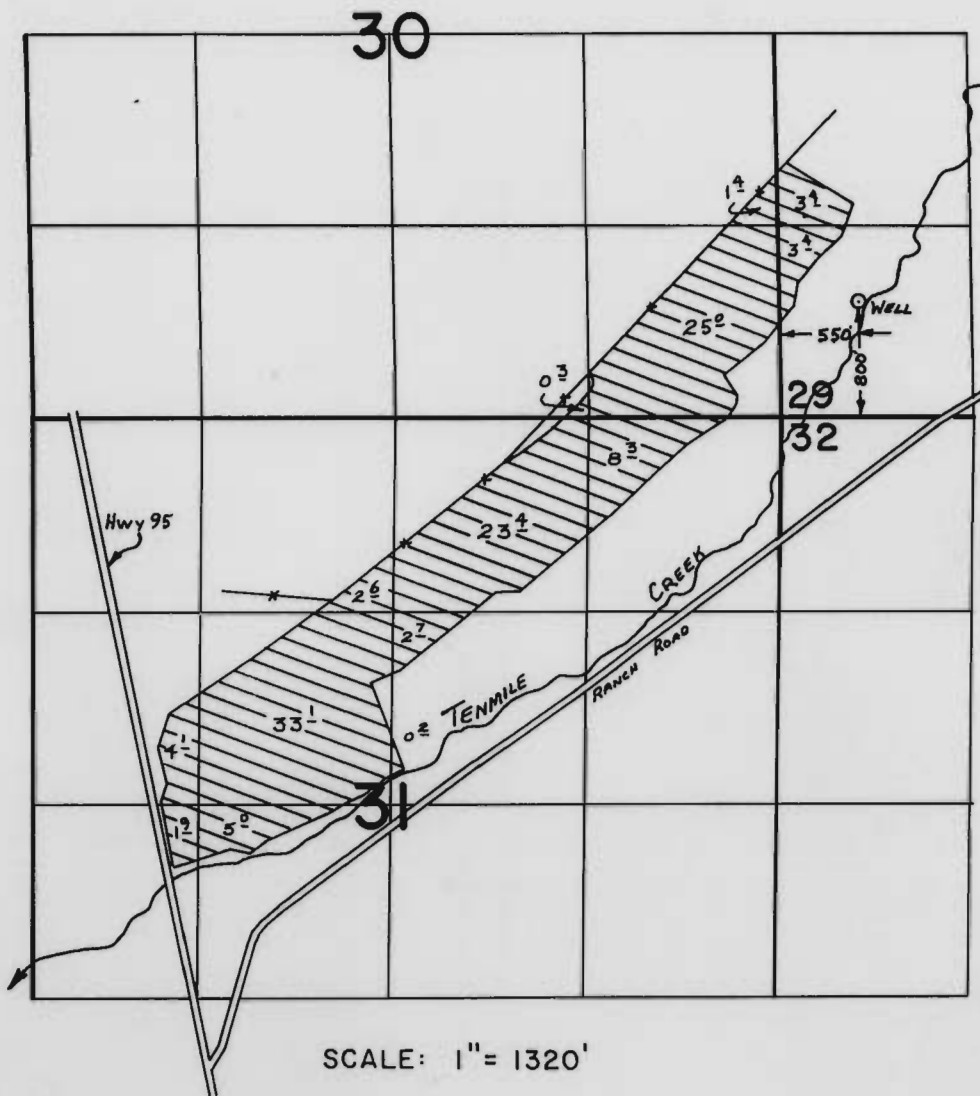




BASIN 11
Owyhee

SWR-33

T.40S.,R.43E.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-7432 Permit No. G-8404
IN NAME OF

DANIEL AND MARJORIE WEGNER

Surveyed July 25, 1985, by L. M. TOLL

TAX LOT No. 40-43-500
SEC. 20,29,30,31 and 32, Twsp. 40 S., R. 43 E., W.M..

Range 42 East
Range 43 East

25 30
36 31

5352.55
N00°00'00"E

36 31
1 6

N89°58'14"W 2341.16

31 32
6 5 Twsp. 40 South
Twsp. 41 South

SEE DEEDS OF COURT

POINT OF DIVERSION IS IN THE
SE1/4SW1/4 OF SEC. 16,
BEING N 3° 10' E 1632'
FROM THE SW COR. SEC. 16.

NE NW
HAWK SEC 21 &
SEE QUAD!

DISCLAIMER

RECEIVED

MAY 23 1991

I, ALBERT GASCHLER, HEREBY CERTIFY THAT THIS MAP WAS MADE
TO BE A PART OF THE APPLICATION FOR A PERMIT TO APPROPRIATE
SURFACE WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND
THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT
GUARANTEE LAND OWNERSHIP.

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION No.:

PERMIT No.:

EXISTING PERMITS: EQUITY DECREE 4095

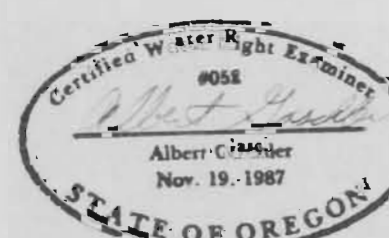
LEGEND

PROPERTY LINE

GOVERNMENT CORNER

EXISTING WATER RIGHT

SCALE: 1" = 660'



CLAIMING
BENEFICIAL
USE

WATER RIGHTS EXAMINERS MAP
FOR: DANIEL & MARJORIE WEGNER

GASCHLER & CUMMINGS
P.O. BOX 412 / 786 SUNSET DR., 889-2401, OREGON

CHECKED BY: AG	DRAWN BY: DKC	APPROVED BY: AG
DATE:	DRAWING No. 5790-C590	REVISED:
SHEET 5 OF 5	JOB No. WO-5790	WK WO-05 PG.3