

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

TO: Reed Marbut
FROM: Don Knauer

DATE: May 18, 1992

SUBJECT: Indorsement of SWR-36

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: Elmira A. Robinson
ADDRESS: 1177 Days Creek Cutoff RD.
Myrtle Creek OR 97547

SOURCE: South Myrtle Creek a tributary of Myrtle Creek.

USE: Stockwater.

PRIORITY DATE: Nov. 17, 1903

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.01 CFS for stockwater.

DIVERSION POINT:

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

PLACE OF USE:

Stockwater SW $\frac{1}{4}$ SE $\frac{1}{4}$
Stockwater SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27,
Township 29 S., Range 5 W., W.M.

PERIOD OF USE:

Stockwatering allowed all year.

FILE C:\WP51\SWR\CLAIMANTS\SWR-0036.0IM

TO: FILE SWR-36

August 13, 1991

FROM: DON KNAUER

CONTACT:

BY: DON KNAUER & DWIGHT FRENCH

Mrs. Robinson was not at home on the day we made the inspection.

The only question was about the diversion point location. It appears the CWRE, W.J. Ruppert, used the final proof survey map for Application 50905, Permit 38433 for his basis. He showed the diversion point on his map as being #2 from the final proof map. He listed the distances on his map as being #1 from the final proof survey map.

Our inspection found only one diversion point and it appears to be the one listed as #1 on the final proof map.

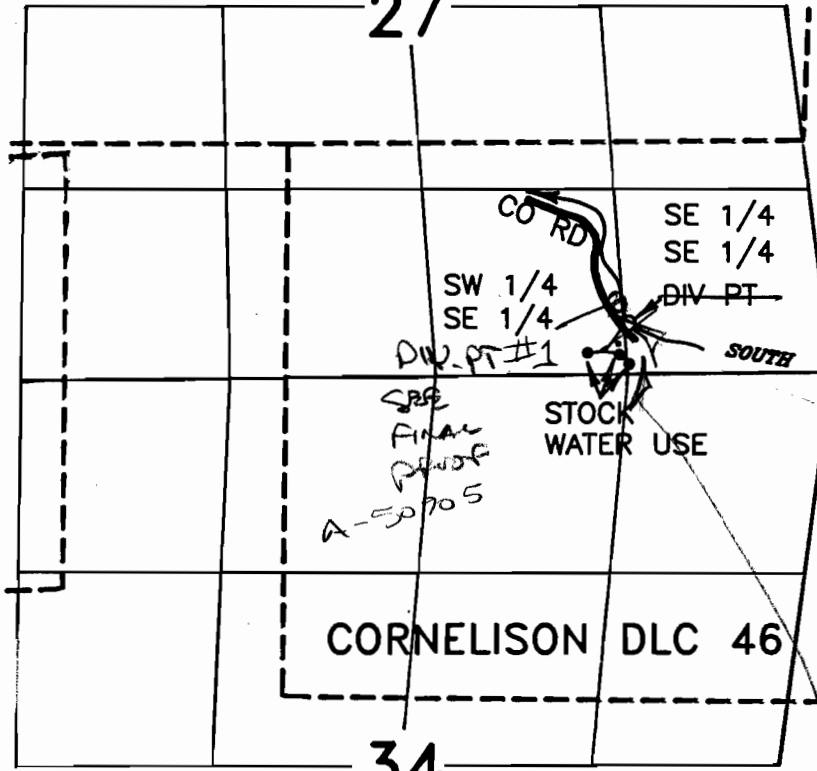
There is a pump with an electric motor at the diversion point and livestock near the barn.

NOTE: Return map to Ruppert for correction.

SWR-0036.001

T29S R5W WM

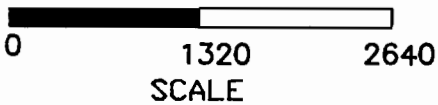
27



SCALES

350' N & 1400' W

MAP BASED ON FINAL PROOF SURVEY FOR PERMIT No. 38433



PRESENT DIVERSION POINT
 PER PERMIT 38433
 480 FT. N. & 1500 FT. W. FROM
 THE SE CORNER OF SECTION 27

Handwritten notes:
 Shows where
 TIES
 TIBS GOOD
 DIV PT
 LOCATED
 W/...

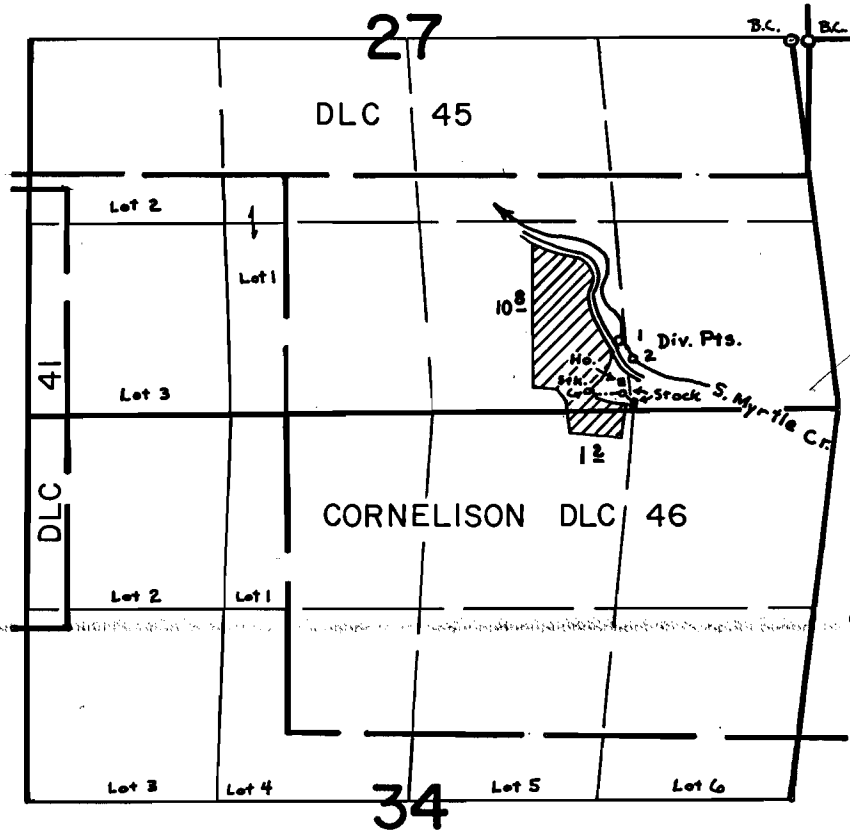
SURVEY FOR VESTED RIGHT IN NAME OF *Elmira A. Robinson*

DATE NOVEMBER 25, 1990

BY: WILLIAM J. RUPPERT
 P.O. BOX 1564
 MYRTLE CREEK, OR 97457

Handwritten signature: William J. Ruppert

T.29S. R.5W. W.M.



MAY WANT
TO CHECK
COUNTY BOOKS
FOR WAY OUT

Div. Pts. Located:
1- 480' N x 1500' W
2- 350' N x 1400' W
Both from the SE cor.
of Sec. 27

SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. 50905 Permit No. 38433
IN NAME OF
BASIL ROBINSON

Surveyed March 17 1978, by D. Sparks

has started to pump... that the... haven't irrigated all the... applied on, they said they have irrigated approx 7 or 8 acres, & need more time on there

Info: Mr. Robinson

Div. Pt. Pumps directly from deep hole in S. Myrtle. Mr. Robinson said that he sometimes has to clean gravel out of hole & sometimes beavers make a dam.

Pump:

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

SE 1/4		SW 1/4		NW 1/4		NE 1/4		Sec	Range	Twp
NE 1/4	SW 1/4	NE 1/4	SW 1/4	NE 1/4	SW 1/4	NE 1/4	SW 1/4	25	W 25	S 25
Pipe										
Head:										

Verne - report not complete May 19, 1976
 on extent of use

Dom? Yes.
 Stock? Yes.

Premature B marked on form but report does not indicate whether or not they have all equip. & facilities completed to use the water for all three uses to the full extent intended.
 Lacks pipe to reach all lands.
 M.B.

Priority date 1-30-74
 Amount of water 20
 Time limit to begin construction 10-1-75
 Time limit to complete construction 10-1-77
 Time limit to completely apply water 10-1-78
 1/25
 1/25

July 31, 1991

Elmira A. Robinson
1177 Days Creek Cutoff RD.
Myrtle Creek, OR 97547

RE: Surface Water Registration

Dear Elmira A. Robinson:

We are meeting with all of the Surface Water Registration claimants in the Roseburg-Coquille area the week of August 12 - 16. Unfortunately our schedules will not afford us the opportunity to meet with you in person. However, we would still like to look at your property while we are in the area. I'm not sure when we will be at your place. My best guess at this time is either late Tuesday afternoon or possibly on Wednesday.

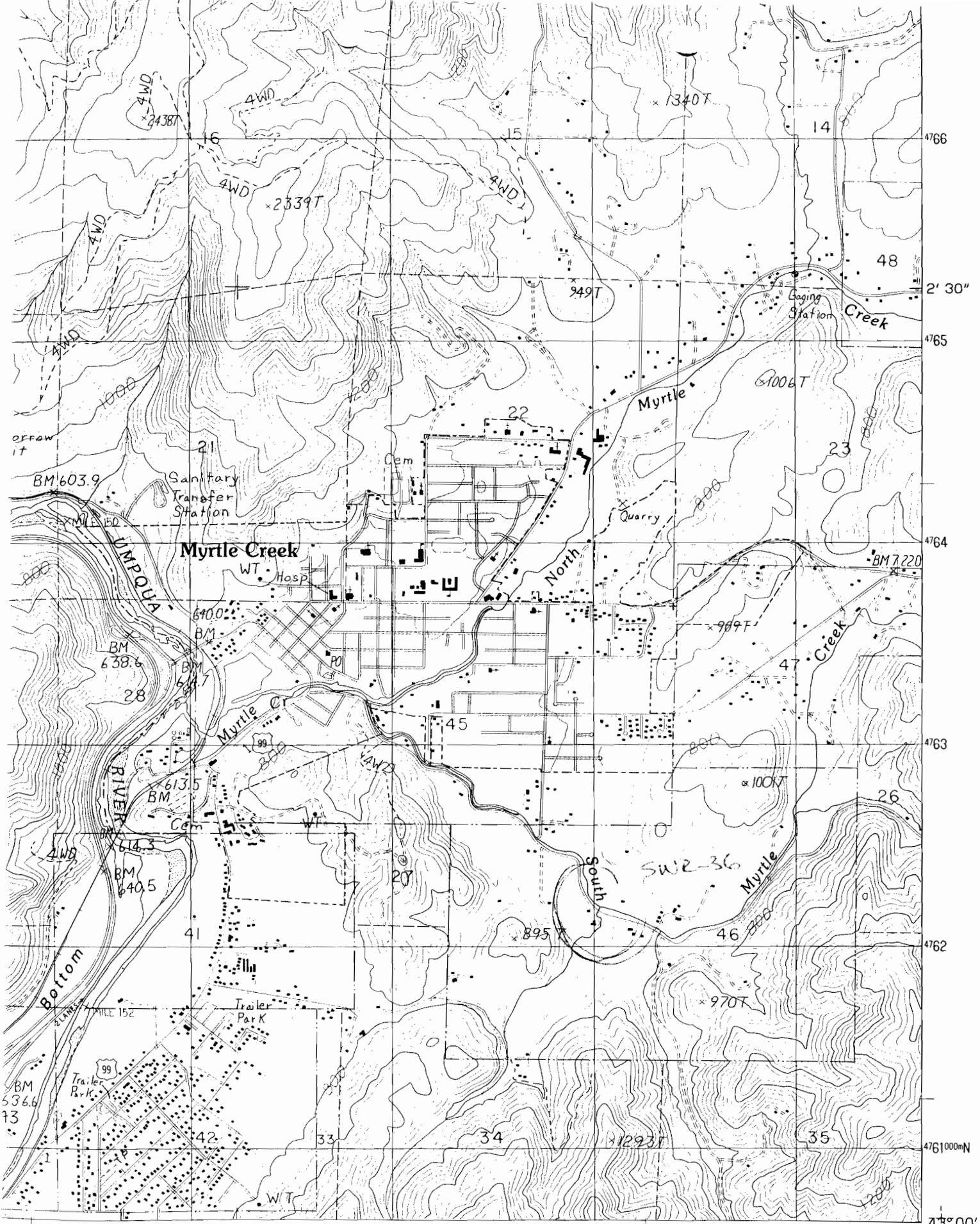
As I discussed with you on the phone, there are a couple things on your form that may need some clarification.

If this arrangement will be a problem please contact me to see if we can try to work something out. I can be reached in Salem 378-3739. If I am unavailable, please ask for Don Knauer.

Hope you enjoy your vacation!

Sincerely,

Dwight French
Adjudications Section



INTERIOR—GEOLOGICAL SURVEY RESTON, VIRGINIA—1987



ROAD LEGEND

Improved Road.....



STATE OF OREGON

INTEROFFICE MEMO

TO: Gary Ball

FROM: Adjudication Section

SUBJECT: Surface Water Registration

July 19, 1991
DATE:

Enclosed is a registration that has been filed on pre-1909 surface water uses in your area. SWR #36

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

July 17, 1991

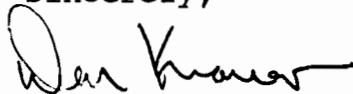
WATER
RESOURCES
DEPARTMENT

Elmira A. Robinson
1177 Days Creek Cutoff Road
Myrtle Creek OR 97547

Dear Ms. Robinson,

We have received your registration statement claiming a right to the use of surface water from South Myrtle Creek along with the supporting information and map. Your registration statement has been numbered # SWR-36. I am sending receipt # 76406 for your payment of \$ 200.00. In the near future your form and map will be reviewed. If there are any problems or questions I will contact you.

Sincerely,

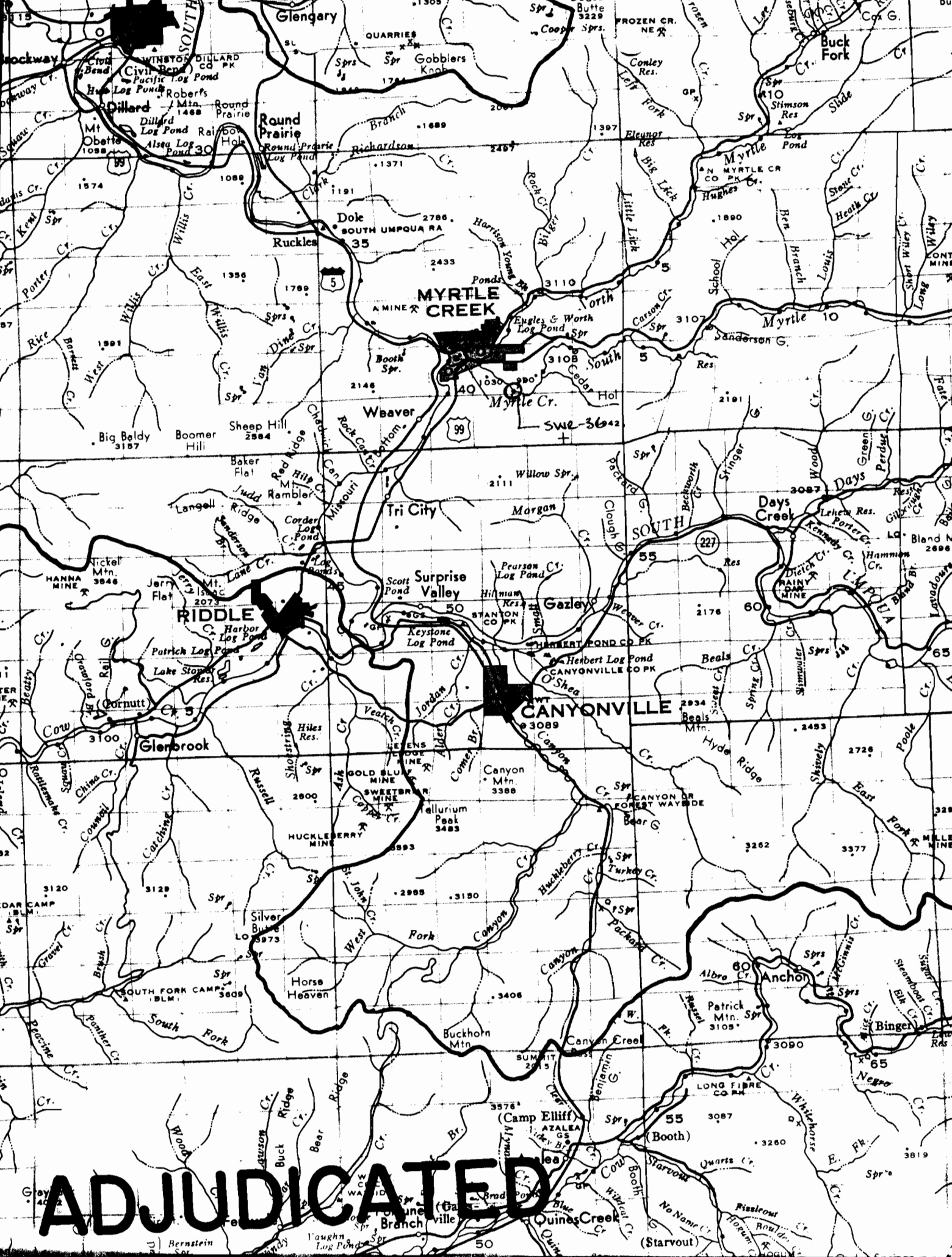


Don Knauer
Adjudication Specialist

enc



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



ADJUDICATED

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

RECEIPT # **76406**

RECEIVED FROM: Elmira Robinson APPLICATION

BY: _____ PERMIT

TRANSFER

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 20000

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>20000</u>
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 \$
842.003	GROUND WATER	EXAM FEE 842.004 \$
842.005	TRANSFER	EXAM FEE 842.006 \$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE 842.023 \$
842.016	WELL DRILL OPERATOR	EXAM FEE 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 # **76406** DATED: 7-15-91 BY: K. Uchawa

REPORT FOR CLAIM OF VESTED WATER RIGHT

NAME: Elmira A. Robinson
1177 Days Creek Cutoff Road
Myrtle Creek, OR 97417

INFORMATION: Mrs. Robinson.

SOURCE OF WATER: South Myrtle Creek, a tributary of Myrtle Creek.

DIVERSION POINT: The present diversion point is identical to diversion point #1 per Certificate 51766.

Pipe: A 4" irrigation pipe crosses under the county road. On the south side of the road the 3/4" stock water pipe is connected to the irrigation pipe and serves stock water as shown on the accompanying map which is identical to the places of use per Certificate 51766.

USES: Stock water. Fifteen to thirty head of stock watered on this property. About 15 head were observed during the time of the inspection.

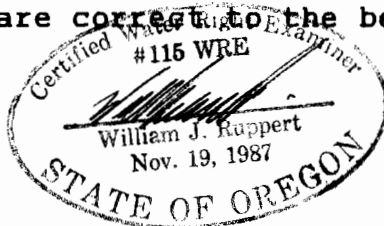
LIFT: Lift is from 15 to 25 feet.

PUMP AND MOTOR: A 10 hp motor and irrigation pump supplies water concurrently with the stock water use or the following pump is used alone for stock water only. Sears submersible, 1.5 Hp , model 390-28007, with 1.5" discharge.

RATE CALCULATION: Given a 25 foot lift and a 20 foot head loss in 650 feet of 3/4" plastic pipe. Only 0.05 theoretical HP is needed to satisfy the claim. The present system easily meets this requirement.

SURVEY TIE: The map is based entirely on the final proof survey for Basil Robinson, Permit 38433, dated March 17, 1978.

CERTIFICATION: By William J. Ruppert, Certified Water Right Examiner No. 115. The survey and inspection of the use as found to be claimed under this vested right was completed by me on November 25, 1990, and the facts contained in this report and the accompanying map are correct to the best of my knowledge.



I, Elmira Robinson, agree to the findings of the Certified Water Right Examiner and do submit this site report and map as my Claim of Beneficial Use of a Vested Water Right.

Elmira A. Robinson

1-12-91 Date

AFFIDAVIT

90-07326

STATE OF OREGON
COUNTY OF DOUGLAS

}
} ss.

BOOK 1106 : 458

I, Minola Strong, on oath depose and say that I am the widow of Charles A. Strong, and that Charles A. Strong and I purchased the following described real property on or about November 17, 1903:

DESCRIPTION: All that part of the following described real property lying south of the center of South Myrtle Creek, to-wit: Beginning at a point 23 chains East of the N.W. corner of Joseph Cornelison D.L.C. No. 46, Twp. 29 S., Range 5 W. of the W.M., Oregon; thence East 20.11 chains; thence South 57.75 chains; thence West 20.11 chains; thence North 57.75 chains to the point of beginning, EXCEPTING THE FOLLOWING: Beginning at a point which bears East 1518.0 feet and South 1380.9 feet from the N.W. corner of the Joseph Cornelison D.L.C. No. 46, Twp. 29 S., Range 5 W. of the W.M., Douglas County, Oregon, thence East 207 feet, thence North 975 feet to the center line of South Myrtle Creek; thence North 55° 53' West 214.4 feet along said center line, thence South 80.8 feet, thence West 20.2 feet, thence South 1020.9 feet to the place of beginning, all situated in Joseph Cornelison D.L.C. No. 46, said Twp. and Range. ALSO EXCEPTING; That part sold by Frank E. Burr and Opal Burr, husband and wife, to Kay A. Norton and Edna A. Norton, husband and wife, as evidenced by deed recorded in Vol. 120, page 228 of the Deed Records of Douglas County, Oregon, more particularly described as follows, to-wit: Beginning at a point which is the N. W. corner of a certain piece of property deeded by Thomas Epping Fate and Edith M. Epping Fate, under date of Dec. 3, 1915, to Frank E. Burr and Opal Burr and recorded in Douglas County Records in Vol. 116, Page 342, Filing No. 46489; thence South to the South line of the County Road, thence South 30 feet, thence East 20 feet, thence North 30 feet to the South line of County Road, thence North to the center of South Myrtle Creek, thence West 20 feet to the point of beginning, all in Sec. 27, Twp. 29 S., Range 5 West, W. M., Douglas County, Oregon. EXCEPTING therefrom the County Road crossing same.

We were in possession of the above-described property, including that property described in the exceptions in the above legal description, until the year 1937. During the time we owned the property we diverted water from South Myrtle Creek for watering stock, which consisted of an average of 15 dairy cattle, including calves and heifers. In 1906 or 1907 we constructed a prune dryer and we diverted water from South Myrtle Creek for the dryer in season up until we sold the property.

This affidavit is being made at the request of Basil Robinson and his wife, Elmira A. Robinson, and it is the intent of this affidavit to show that the property described above has had use of the waters of South Myrtle Creek from 1903 to the present time.

Minola Strong
Minola Strong

ACKNOWLEDGEMENT



Subscribed and sworn before me this ²⁴ 24th day of October, 1961.

[Signature]
Notary Public for Oregon

My commission expires Feb. 23, 1963

STATE OF OREGON)
COUNTY OF DOUGLAS, ss.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1960 JUN -1 PM 12: 52

GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

[Signature]
Deputy

10⁰⁰ PR

90-0732G

HANDED

I hereby certify this copy to be a
true, full and correct copy of the
original now on record in my office.
GAY FIELDS,
DOUGLAS COUNTY CLERK

By

[Signature]
Deputy

Date

7-12-91

KNOW ALL MEN BY THESE PRESENTS, That EDGAR N. MCCARLEY and AVA L. MCCARLEY, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by BASIL ROBINSON and ELMIRA A. ROBINSON, husband and wife,

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

That certain real property more particularly described in Exhibit "A" attached hereto and made a part hereof as if fully written herein

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances as of December 5, 1960

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$16,500.00 However the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which):

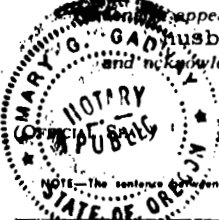
In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this April day of April 1971

Edgar N. McCarley
Ava L. McCarley

STATE OF OREGON, County of Douglas) ss. April 1971
Edgar N. McCarley and Ava L. McCarley,

husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Notary Public for Oregon
My commission expires 7-7-72



NOTE-The sentence between the symbols (), if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session

WARRANTY DEED

EDGAR N. MCCARLEY
AVA L. MCCARLEY
TO
BASIL ROBINSON
ELMIRA A. ROBINSON

AFTER RECORDING RETURN TO
Laird ()

STATE OF OREGON, } ss.

County of
I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book on page Record of Deeds of said County. Witness my hand and seal of County affixed.

DO NOT USE THIS SPACE, RESERVED FOR RECORDING REL IN COURTS WHERE USED.

No.
RIGHTS COUNTY TITLE COMPANY
600 S. E. MAIN ST.
PORTLAND, OREGON

By Title.
Deputy

JUL 25 1971

RECORDED IN BOOK 454 PAGE 785

All that part of the following described real property lying South of the center of South Myrtle Creek, to-wit: Beginning at a point 23 chains East of the Northwest corner of Joseph Cornelison Donation Land Claim No. 46, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence East 20.11 chains; thence South 57.75 chains; thence West 20.11 chains; thence North 57.75 chains to the point of beginning. Excepting the following: Beginning at a point which bears East 1518.0 feet and South 1380.9 feet from the Northwest corner of the Joseph Cornelison Donation Land Claim No. 46, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence East 207 feet; thence North 975 feet to the center line of South Myrtle Creek; thence North 55° 53' West 214.4 feet along said center line; thence South 80.8 feet; thence West 20.2 feet; thence South 1020.9 feet to the place of beginning, all situated in the Joseph Cornelison Donation Land Claim No. 46, said Township and Range. Also excepting: That part sold by Frank E. Burr and Opal Burr, husband and wife, to Ray A. Norton and Edna A. Norton, husband and wife, as evidenced by deed recorded in Volume 120, Page 228, Deed Records of Douglas County, Oregon, more particularly described as follows, to-wit: Beginning at a point which is the Northwest corner of a certain piece of property deeded by Thomas Fate and Edith M. Epping Fate, under date of December 3, 1945, to Frank E. Burr and Opal Burr and recorded in Douglas County Records in Volume 116, Page 342, Filing No. 46489; thence South to the South line of the County Road; thence South 30 feet; thence East 20 feet; thence North 30 feet to the South line of County Road; thence North to the center of South Myrtle Creek; thence West 20 feet to the point of beginning, all in Section 27, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. Excepting therefrom the County Road crossing same.

300/fe 71-4493

STATE OF OREGON }
COUNTY OF DOUGLAS }

I, G. D. Myllenbeck, County Clerk and ex-officio Recorder of Conveyances, in and for said County, do hereby certify that the within instrument was

filed APR 19 1971 4:03 P M
and recorded in Volume 264
at Page 784 of BOOK OF RECORDS
Records of Douglas County, Oregon

G. D. Myllenbeck County Clerk
Margie Weeman Deputy

EXHIBIT "A"

INDEX MC

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 76406

CHECK ENCLOSURES DEK

CHECK BASIN MAP DEK

UNADJUDICATED AREA ? YES

SURFACE WATER REGISTRATION NUMBER 36

ACKNOWLEDGEMENT LETTER DEK

ENTER ON STREAM INDEX DEK

CHECK QUADRANGLE MAP DEK

CHECK GLO PLATS DEK (may want to check county plats for section layout)

Basin 16

Umpqua

FORM REVIEW

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

MAP REVIEW

- diversion point location ← WRONG LOCATION
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer → NEEDS THIS
- date survey was performed
- P.O.B. of survey → (2)
- ~~on report~~ dimensions and capacity of diversion system → (2)
- "beneficial use" type title
- "permanent-quality" paper

EXISTING WATER RIGHT RECORD CHECK _____

ENTER ON PLAT CARDS DEK

2 BACK FROM LOCATION
17th 15th Aug

A: SWRCHECK

4-26-91

to 24th Sept. 1

look for...