

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE: May 21, 1992

SUBJECT: Indorsement of SWR-38

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: John and Jean Berry
ADDRESS: P.O. Box 457
Canyonville OR 97417

SOURCE: Canyon Creek a tributary of South Umpqua River.

USE: Irrigation.

PRIORITY DATE: September 1866

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.02 CFS for irrigation of 1.5 acres.

DIVERSION POINT:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 30 S., R. 5 W., W.M.

PLACE OF USE:

1.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34,
Township 30 S., Range 5 W., W.M.

PERIOD OF USE:

The irrigation season is May 1 to September 30.

FILE C:\WP51\SWR\CLAIMANTS\SWR-0038.0IM

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 77016
CHECK ENCLOSURES Dec
CHECK BASIN MAP Dec
UNADJUDICATED AREA ? yes
SURFACE WATER REGISTRATION NUMBER 38
ACKNOWLEDGEMENT LETTER Dec
ENTER ON STREAM INDEX Dec
CHECK QUADRANGLE MAP Dec
CHECK GLO PLATS _____

Public Notice out 2

Basin 16

Unupqua

FORM REVIEW

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

QUESTION ABOUT
ACRES & Q
VER 3 & #7 & MAP

MAP REVIEW

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

EXISTING WATER RIGHT RECORD CHECK _____

ENTER ON PLAT CARDS _____

A:SWRCHECK

4-26-91

WANTS TO ADD ANOTHER
POINT OF DIVERSION TO
USE PLAT CARDS
- OUT

TO: FILE SWR-38

AUGUST 14, 1991

FROM: DON KNAUER

CONTACT: JOHN & JEAN BERRY

BY: DON KNAUER & DWIGHT FRENCH

We met with the Berry's and her mother Ada Place. They explained their water use. Mrs. Berry made two corrections to their form. She said the CWRE had filled it out for them.

Mr. Berry asked about adding a point of diversion near their property from Canyon Creek. This would be used when any conflict arose between them and the City of Canyonville. He said there generally is a time each summer and fall when the diversion point they share with the City causes them a problem. With low water the heavy city use dries them up. He would like to be able to pump at those times from the creek near his property. He said it wouldn't affect any other water users. Then the rest of the irrigation season he would use the ditch system as has always been done.

CC: Ada O. Place file, SWR-39

SWR-0038.002

TOWNSHIP 30S RANGE 5W W. M. CARD #1 SECTION 34

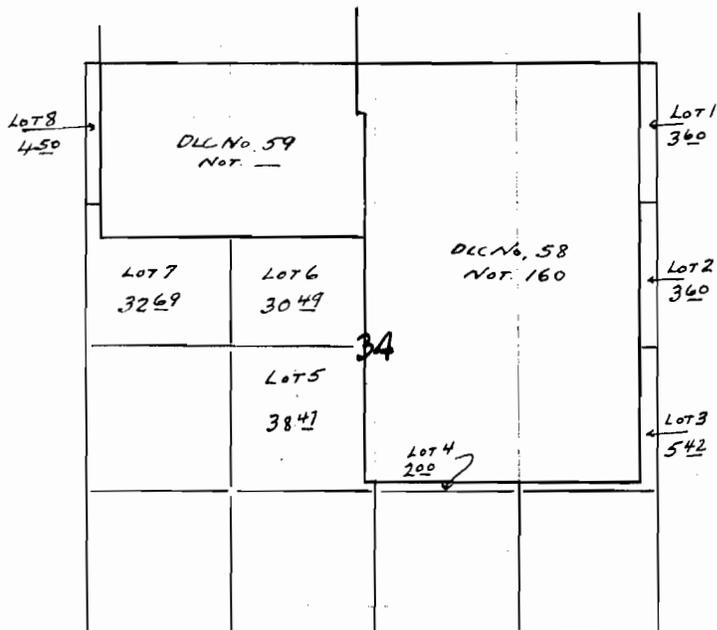
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1				Lot 2				Lots				Lot 3 Lot 4						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
																	1060 503 761	
																	6719 4191 3252	
																	7568 4810 3902	
																	12904 9597 9586	
																	14676 10661 10811	
																	21616 16985 16812	
																	23053 21909 23205	
																	6R2818 6R2659	
																	41980 3172 CANCELED	
																	42053 3194 CANCELED	
																	46212 34528	
																	46924 35103	

Dumas He Supplies

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 30S RANGE 5W W. M. CARD #2 SECTION 34

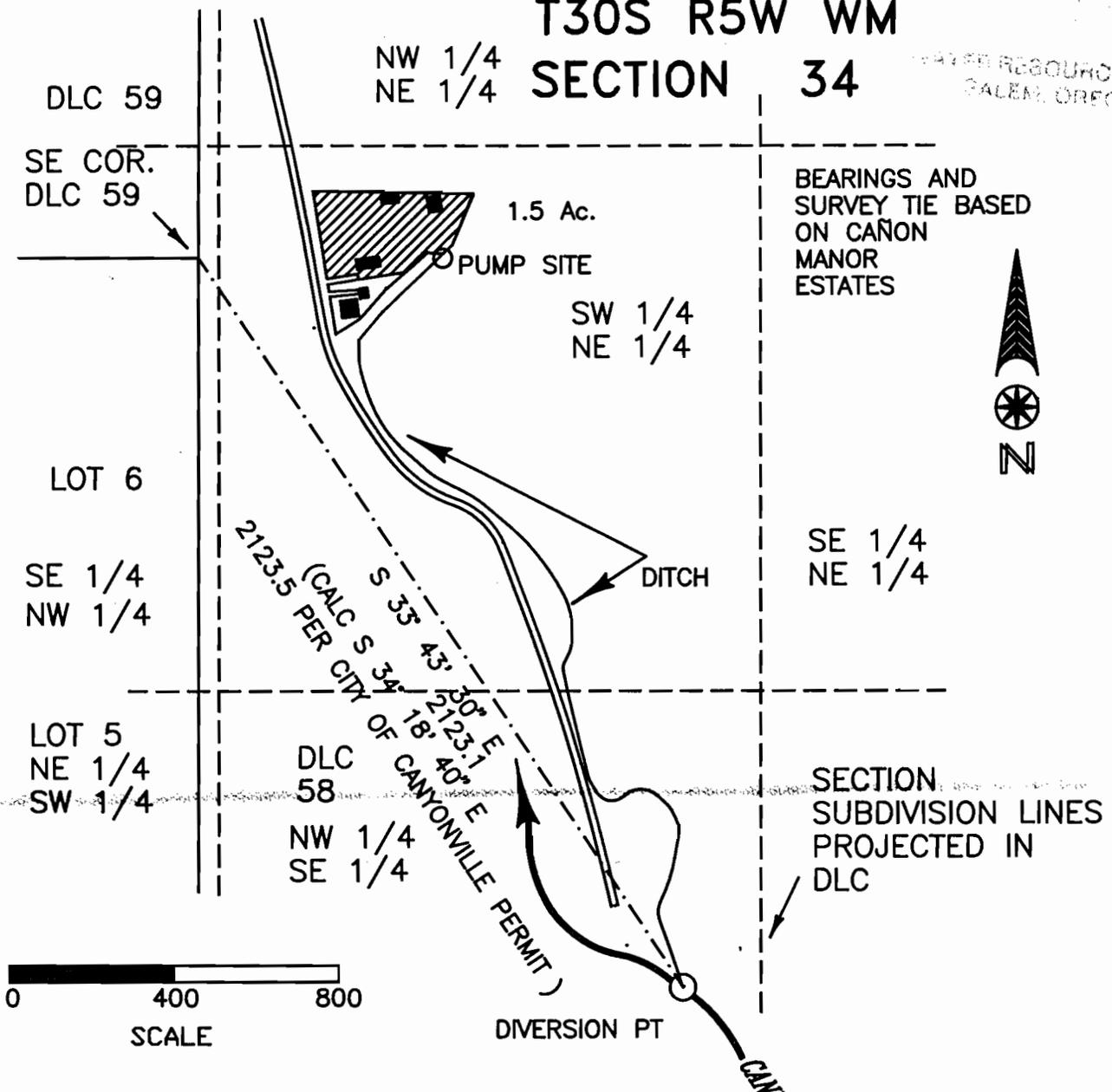
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
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ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
MUN				MUN								MUN				56739	43119	
MUNICIPAL																T-4260	(C-15621)	52541
MUNICIPAL																T-4258	(C-48132)	52545
MUNICIPAL																T-4259	(C-78393)	52543
MUNICIPAL																T-4212	(C-7819)	52542
MUN												MUN				61248	46155	4
																T-5572	(C-3302)	53614 52972
																T-5572	(C-3302)	57357
																T-5634	(C-52111)	
																69164	50867	
																SWR-38		
																SWR-39		



RECEIVED

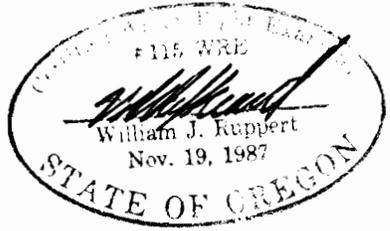
T30S R5W WM SECTION 34

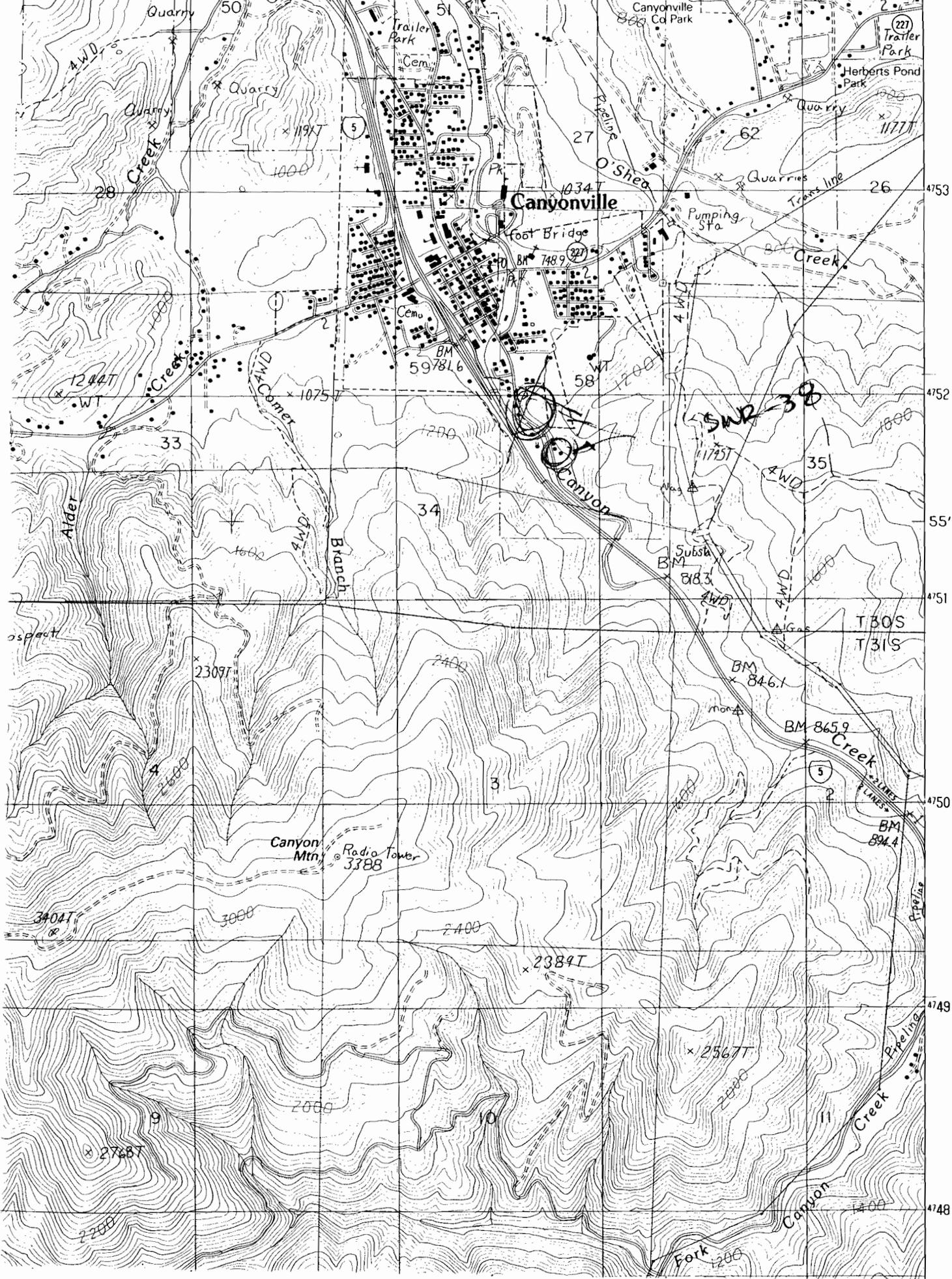
WATER RESOURCES DEPT
SALEM, OREGON



SURVEY OF CLAIM FOR VESTED WATER RIGHT IN NAME OF *JOHN AND JEAN BERRY*

DATE JANUARY 1990
 BY: WILLIAM J. RUPPERT
 P.O. BOX 1564
 MYRTLE CREEK, OR 97457





Quarry

Trailer Park

Canyonville

Trailer Park

Canyonville

Canyon

Canyon Mtn

Radio Tower

Creek

Creek

Fork

50

51

27

2

28

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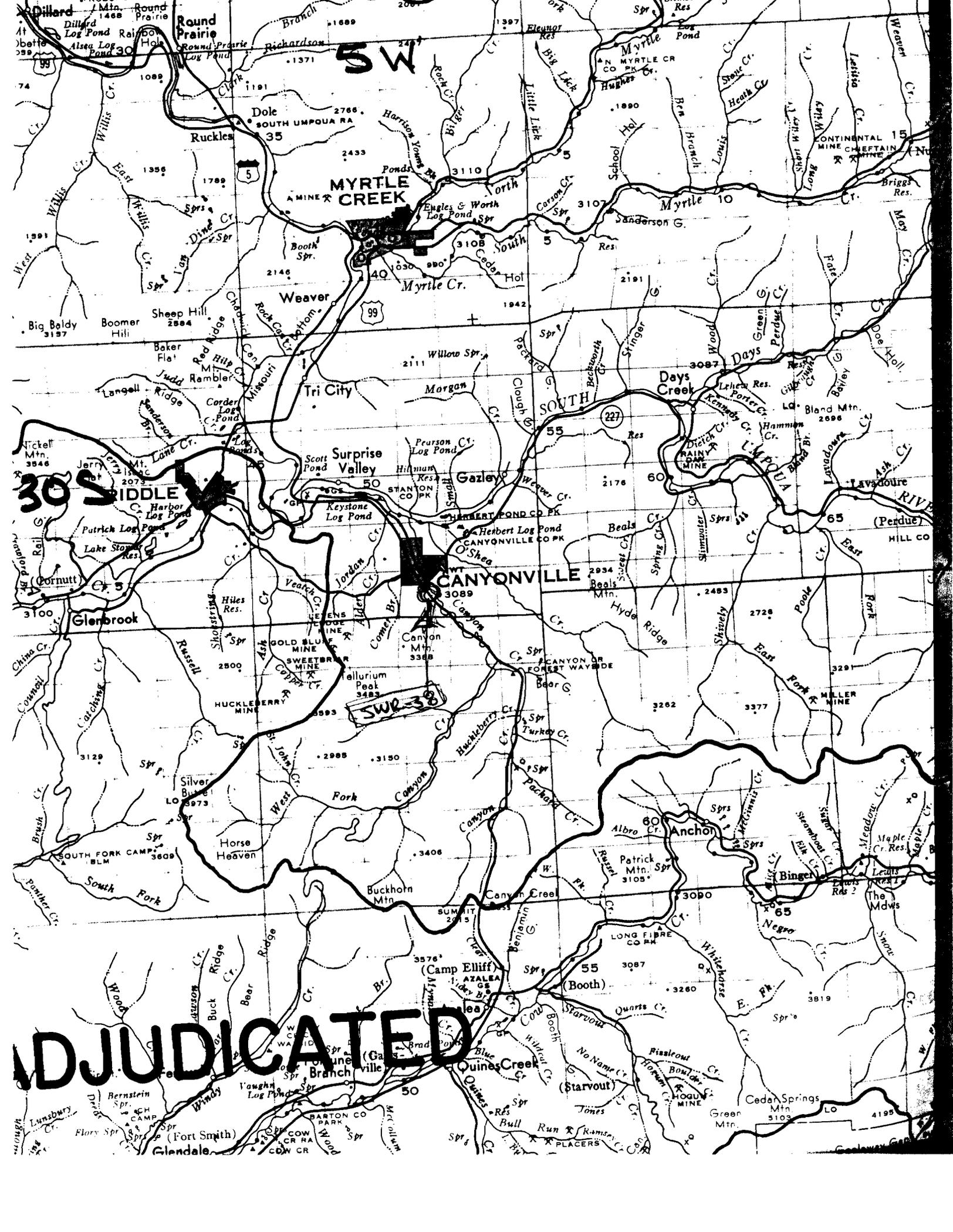
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ADJUDICATED

SW-38

August 1, 1991

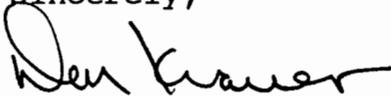
John and Jean Berry
P.O. Box 457
Canyonville OR 97417

Dear Mr. and Mrs. Berry,

This will acknowledge your Registration Statement Claiming a Right to Appropriate Surface Water in the name of John and Jean Berry. The fees in the amount of \$30.00 have been received and our receipt # 77016 is enclosed. Your registration statement has been accepted and numbered SWR-38.

There are two very minor questions about your form. During the week of August 12 thru August 16, I will be in the Roseburg area. Though we have a very full schedule, I am hopeful I can stop by your home and finalize your claim. This would be during the day on wednesday, thursday or friday morning. I can't say for sure when it might be because of the other appointments. I will try to contact you with as much notice as possible.

Sincerely,



Don Knauer
Adjudication Specialist

enc

cc: William J. Ruppert

A:SWR-38



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

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

RECEIPT # **77016**

RECEIVED FROM: <u>John & Jean Berry</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>96-505</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>30.00</u>
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01-00-0 WRD MISC CASH ACCT		
842.010	ADJUDICATIONS	\$ <u>30.00</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	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
842.016	WELL DRILL OPERATOR	\$
	LANDOWNER'S PERMIT	\$

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

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

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

RECEIPT # **77016** DATED: 7-31-91 BY: Vjs
 Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Roseburg District Office
777 NW Garden Valley Boulevard
Roseburg, Oregon 97470



IN REPLY TO: 2000

Jean Berry
P.O. Box 457
Canyonville OR 97417

RECEIVED

JUL 30 1991

Dear Ms. Berry:

WATER RESOURCES DEPT.
SALEM, OREGON

I have researched the land records of the Bureau of Land Management and found that your claim for water right in Section 34, T. 30 S., R. 5 W., W.M., is on Donation Land Claim No. 58. The patent for DLC No. 58 was granted on August 16, 1866. The patent number on the DLC is 1071.

If you need a copy of the patent, you will need to request it from our Portland office. The address is:

Bureau of Land Management
1300 N.E. 44th Avenue
P.O. Box 2965
Portland, Oregon 97208-2965

If you have any questions, please call me at 672-4491.

Sincerely,

Alan R. Wood
Area Manager
South Umpqua Resource Area

378-3066

May 16, 1990

Ada O. Place
John and Jean Berry
P.O. Box 457
Canyonville, OR 97417

Dear Mrs. Place and Mr. & Mrs. Berry:

I am returning your registration statements claiming a pre-1909 water right for two reasons.

First, we can issue only one registration for each ownership. If you want all three names on the 1.8 acres of land, we can issue as one registration. If you want to identify two parcels, please show the boundary between properties and tell us how many acres on each lot.

Second, you must claim a date when water was first put to use under Item 4. Perhaps you can contact the Bureau of Land Management and find out when this land went from federal ownership to a private land grant. A title search may tell you when the Couglar family bought and developed the land. Any other information you have about when the land was homesteaded will help in determining the priority date for this right.

If you have any questions, please contact us again.

Sincerely,

MARY S. GRAINEY, Manager
Adjudication Section

MSG:jt
Enclosures
0573j

May 7, 1990

I, Ada Place, was born in 1897 at Days Creek, Douglas County, Oregon. I have lived in this vicinity all my life and knew Bob and Helen Couglar. And knew they used the water from the ditch to irrigate their garden and fruit trees. I now own the Couglar place, and have used the water since 1975. This ditch that we use this water from was originally put in for the Gris Mill in the late 1800's. People all along the ditch used the water to irrigate their gardens.

RECEIVED

JUL 29 1990

WATER RESOURCES DEPT. SALEM, OREGON

Mrs. Bird Sullivan was an old lady who lived across the street from the Couglar place. She was a sister of Helen Couglar, and she told me when we bought the Couglar place in 1975 that they had used the water from the ditch to water their gardens since 1912. Mrs. Sullivan passed away several years ago.

In 1920, when old 99 Highway went through, a ditch company was formed of which I am a member. This ditch company has a water right. It is on record in Roseburg.

Ada O. Place
ADA O. PLACE

STATE OF OREGON,

County of DOUGLAS

ss.

FORM NO. 23 - ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 7th day of May, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ADA O. PLACE

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Nicky Rhea

Notary Public for Oregon.

My Commission expires 5/1/94

MAY 10 1990

WATER RESOURCES DEPT. SALEM, OREGON

MAY 16 1990

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUL 30 1991

WATER RESOURCES DEPT.
SALEM, OREGON

APRIL 25, 1990

I, Bess Briggs, was born in 1893 at Myrtle Creek in Douglas County and have lived my entire life here. I personally knew Bob and Helen Couglar, and knew they used the ditch for irrigation back in 1922 and before that date.

Bess W. Briggs

BESS W. BRIGGS

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Douglas

} ss.

BE IT REMEMBERED, That on this 25th day of April, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Bess Briggs

known to me to be the identical individual— described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Jane Z. Mitchell

Notary Public for Oregon.

My Commission expires 11-17-90

