



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

October 13, 2015

William H. Baquet, Jr.  
878 Monte Verde Drive  
Arcadia, California 91007

General Property Group LLC  
P.O. Box 8158  
Medford, Oregon 97501

James Bowman  
14389 East Evans Creek Road  
Rogue River, Oregon 97537

Laura Gerritsen  
13933 East Evans Creek Road  
Rogue River, Oregon 97537

Ruth Worth  
14375 East Evans Creek Road  
Rogue River, Oregon 97537

Randy and Gena Rice  
13933 East Evans Creek Road  
Rogue River, Oregon 97537

Bruce G. Buckmaster  
Jacqueline A. Buckmaster  
14095 East Evans Creek  
Rogue River, OR 97537

RE: Revised Notice of Proposed Partial Cancellation of water right evidenced by Certificate 44950

Two water rights for use of water from Evans Creek for irrigation are appurtenant to your tax lot, Certificates 40377 and 44950. The Buckmasters (owners of tax lot 103) filed affidavits stating that there had been no use of water under those certificates on your tax lot for a period of at least five years. The Water Resources Department sent you a Notice of Proposed Partial Cancellation of Water Rights by certified mail and regular mail on October 13, 2014. Each notice, and a subsequent corrected notice for Certificate 44950, contained an error in a quarter-quarter section listing. Unfortunately, no one caught this error until now. The notice has been revised to correct the error and is enclosed. In addition, the location of the acres proposed for cancellation has been revised. To comply with Oregon Revised Statute (ORS) 540.631, the revised notice provides an opportunity for the owners of property to which the right is appurtenant to protest. Please review the notice carefully and note the deadline for the filing of a protest.

Sincerely,

Patricia McCarty, Protest Program Coordinator  
503-986-0820

cc: Watermaster Dist. 13  
Jasbir Ralph  
Enc: Notice of Proposed Partial Cancellation  
Affidavits asserting non-use  
ORS 540.610 – 540.670  
Oregon Administrative Rules (OAR) 690-017





BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE PROPOSED ) 2<sup>nd</sup> REVISED  
PARTIAL CANCELLATION OF THE WATER ) NOTICE OF PROPOSED  
RIGHT EVIDENCED BY WATER RIGHT ) PARTIAL CANCELLATION OF  
CERTIFICATE 44950 FOR USE OF WATER ) WATER RIGHT  
FROM EVANS CREEK FOR IRRIGATION )  
OF 8.0 ACRES, JACKSON COUNTY, ) WRD Case No.: PC 01-14  
OREGON )

TO: Record Owners and/or Occupants:

Section 5, Tax Lot 104, T35S R3W, W.M.: William H. Baquet, Jr., 878 Monte Verde Drive, Arcadia, California 91007; James Bowman, 14389 East Evans Creek Road, Rogue River, Oregon 97537;

Section 5, Tax Lot 105, T35S R3W, W.M.: General Property Group LLC, P.O. Box 8158, Medford, Oregon 97501;

Section 5, Tax Lot 107, T35S R3W, W.M.: Laura Gerritsen, 13933 East Evans Creek Road, Rogue River, Oregon 97537; Randy and Gena Rice, 13933 East Evans Creek Road, Rogue River, Oregon 97537;

Section 5, Tax Lot 110, T35S R3W, W.M.: Ruth Worth, 14375 East Evans Creek Road, Rogue River, Oregon 97537.

**Notice**

Pursuant to the provisions of Oregon Revised Statutes (ORS) 183.415 and ORS 540.631, you are hereby notified as the owners of record of certain real property in Section 5, Township 35 South, Range 3 West, Willamette Meridian (W.M.), Jackson County, Oregon of the proposed partial cancellation of irrigation water rights evidenced by Certificate 44950 in the name of Leroy M. Sinsabaugh.

**Basis for Initiation of Proposed Cancellation Action**

It is asserted in affidavits filed with the Water Resources Department (Department) by Bruce B. Buckmaster and Jacqueline A. Buckmaster that a portion of the water right evidenced by Certificate 44950 has been forfeited due to non-use for irrigation for five years and seven months (May 2008 through January 2014), on the subject lands.

**Water right proposed to be canceled for non-use**

The water right for which cancellation is proposed is:

Water Right Certificate 44950, in the name of Leroy M. Sinsabaugh, authorizing the use of 0.25 cubic feet per second (cfs) from Evans Creek, tributary to the Rogue River for irrigation of 20.0 acres in the NE1/4NE1/4 and NW1/4 NE1/4 of Section 5, Township 35 South, Range 3 West, W.M. The point of diversion is located in the SW1/4 NE1/4, Section 5, Township 35 South, Range 3 West, W.M., 1625 feet South and 1805 feet West from NE Corner, Section 5. The priority date is December 1, 1923.

The portion of Water Right Certificate 44950 proposed to be canceled for non-use of water from Evans Creek, tributary to the Rogue River for irrigation is:

Twp	Rng	Mer	Sec	Q-Q	Acres
35 S	3 W	WM	5	NE NE	5.0
35 S	3 W	WM	5	NW NE	3.0
Total:					8.0

The priority date is December 1, 1923. A copy of said Certificate 44950, application map and tax lot map are attached. In addition, the affidavits asserting non-use are also enclosed.

**Applicable law**

Oregon water law provides that if any portion of a water right undergoes five or more successive years of non-use, that non-use creates a rebuttable presumption of forfeiture. Use made after a period of five successive years of non-use will not make the forfeited right valid again. ORS 540.610; ORS 540.631.

A presumption of forfeiture may be rebutted by evidence that you submit in a protest and request for hearing and by evidence you may submit in a contested case hearing. ORS 540.610; Oregon Administrative Rule (OAR) 690-017-0800.

Other applicable law includes ORS 540.610 through ORS 540.650, OAR Chapter 690 Division 17 (governing water right cancellation) ORS Chapter 183 and OAR 137-003-0501 through 0700.

**Notice of right to request a contested case hearing if you don't agree with the proposed cancellation asserted in this Notice**

The information before the Department, if not countered by other evidence, establishes at least five years of non-use of your water right. Five years of non-use creates a rebuttable presumption of forfeiture. This means that you have an opportunity to show either that water use has occurred during the subject five-year period or that one or more statutorily established reasons excusing non-use as stated in ORS 540.610 and OAR 690-017-0800 apply to you.

You have the right to a contested case hearing on the matters asserted in this Notice of Proposed Cancellation. If you do not agree with the matters asserted in this Notice you may file a protest and request for hearing setting forth the reasons why the water rights specified in this Notice should not be cancelled.

To request a contested case hearing, the legal owner or occupant must file a written request for hearing with the Oregon Water Resources Department within 60 days from the date of the mailing of this Notice. Any protest and request for hearing must be in writing and received with a \$700.00 protest filing fee in the office of the Water Resources Department, Attention Patricia McCarty, 725 NE Summer Street, Suite A, Salem, Oregon 97301-1266, by 5:00 p.m. on December 16, 2015. See ORS 536.050(1)(j)(authority for fee).

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing. You have the right to be represented by an attorney and to respond and present evidence and argument on all issues properly before the Administrative Law Judge.

**If you do not request a hearing**

If you do not request a hearing within 60 days of the date of the mailing of this Notice, or if you withdraw a hearing request, notify the Department or the Administrative Law Judge that you will not appear, or fail to appear at a scheduled hearing, the Department may issue a final order by default canceling your water right. ORS 540.641(1); OAR 137-003-0670. If the Department issues a final order by default, it designates its file on this matter as the record.

**Voluntary cancellation**

Holders of a water right **may also voluntarily relinquish** their water right by filing a notarized authorization to cancel with the Water Resources Department, Water Rights Section. ORS 540.621. If you decide to authorize voluntary cancellation of the water right or portion thereof appurtenant to your land, you do not need to file a protest. You should contact the Department or your local watermaster for the proper Cancel Authorization form.

Dated this 15<sup>th</sup> day of October 2015.



Dwight French, Administrator,  
Water Right Services Division for  
Thomas M. Byler, Director, Oregon Water Resources Department

## CERTIFICATE OF SERVICE

I certify that on October 15th, 2015, a copy of this 2<sup>nd</sup> Revised Notice of Proposed Partial Cancellation of Water Right 44950, with a copy of the Affidavits asserting non-use, a copy of Oregon Revised Statutes 540.610-540.670 and Oregon Administrative Rules Division 17, were served by certified mail, return receipt requested, and first class mail, postage prepaid upon the persons listed below:

William H. Baquet, Jr.  
878 Monte Verde Drive  
Arcadia, California 91007

James Bowman  
14389 East Evans Creek Road  
Rogue River, Oregon 97537

Ruth Worth  
14375 East Evans Creek Road  
Rogue River, Oregon 97537

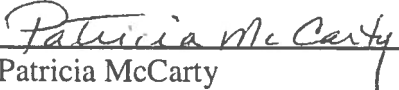
General Property Group LLC  
P.O. Box 8158  
Medford, Oregon 97501

Laura Gerritsen  
13933 East Evans Creek Road  
Rogue River, Oregon 97537

Randy and Gena Rice  
13933 East Evans Creek Road  
Rogue River, Oregon 97537

A copy of the above was also sent by first class mail, postage prepaid upon

Jasbir Ralph  
P.O. Box 630454  
Simi Valley, California, 93063

  
\_\_\_\_\_  
Patricia McCarty  
Water Resources Department

## STATE OF OREGON

COUNTY OF

JACKSON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** LEROY M. SINSABAUGH

of Rt. 1, Box 103, Rogue River, State of Oregon, 97537, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Evans Creek

a tributary of Rogue River for the purpose of irrigation of 20.0 acres

under Permit No. 6124 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 1, 1923 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.25 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 5, T. 35 S., R. 3 W., W. M., 1625 feet South and 1805 feet West from the NE Corner, Section 5

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

17.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
3.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 5  
T. 35 S., R. 3 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 40376, Volume 32, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 21, 1976, approving transfer application No. 3346.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 28, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 44950

STATE OF CONNECTICUT

WITNESSETH

ACTING GOVERNOR OF THE STATE

AND HIS EXECUTIVE COUNCIL

DO hereby certify that the following is a true and correct copy of the

act of the General Assembly, passed at the session of the same, held at the

City of Hartford, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State

at the City of Hartford, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Acting Governor

\_\_\_\_\_  
Secretary of State

\_\_\_\_\_  
Comptroller of the Treasury

\_\_\_\_\_  
Attorney General

\_\_\_\_\_  
Superior Court Judge

\_\_\_\_\_  
District Court Judge

\_\_\_\_\_  
Municipal Court Judge

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Recorder of Deeds

\_\_\_\_\_  
Register of Probate

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Municipal Assessor

\_\_\_\_\_  
Municipal Treasurer

\_\_\_\_\_  
Municipal Police Officer

\_\_\_\_\_  
Municipal Fire Marshal

\_\_\_\_\_  
Municipal Health Officer

\_\_\_\_\_  
Municipal Sanitary Officer

\_\_\_\_\_  
Municipal Engineer

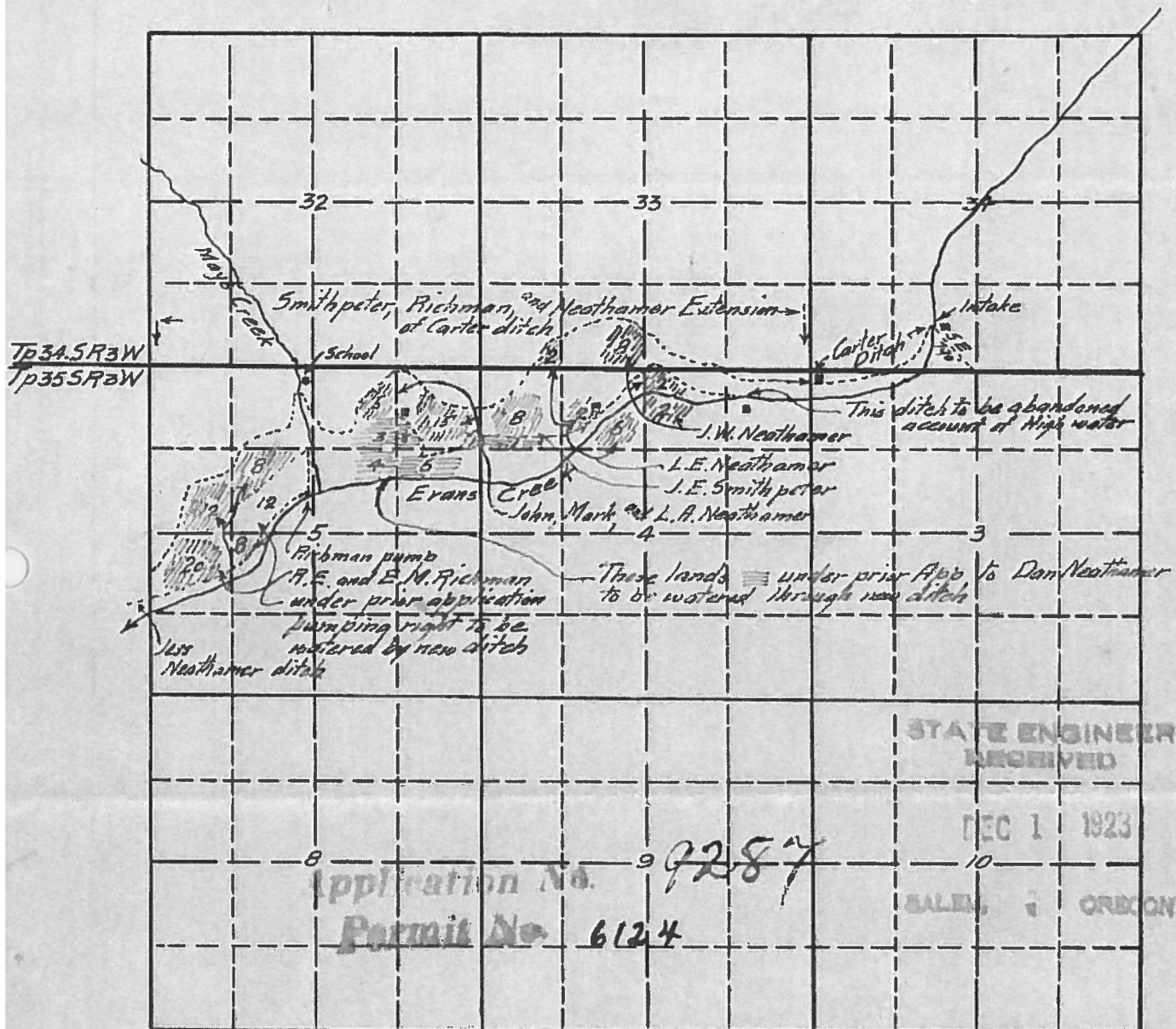
\_\_\_\_\_  
Municipal Surveyor



MAP

Accompanying application of J.W., L.E., JOHN, MARK, and L.A. Neathamer, J.E. Smithpeter, R.E and E.M. Richman of Rogue River, Jackson County, Oregon. for permit to the flood and surplus waters of Evans Creek, Jackson County, Oregon. for the purpose of irrigation.

November 27<sup>th</sup> 1923.



Lands under Permit 3987 }  
Certificate 3243 to  
D.E. Neathamer

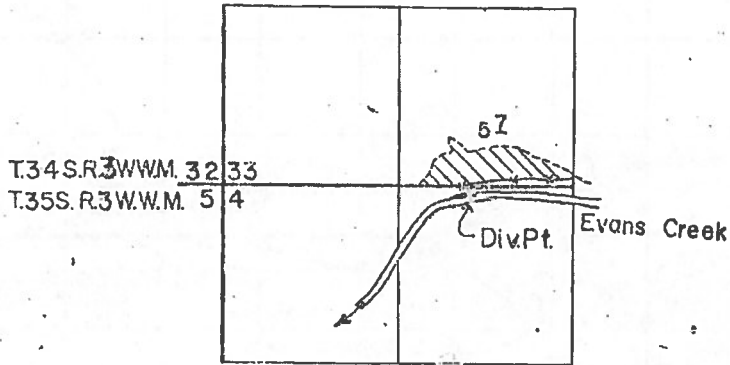
Lands under Permit 3312 }  
Certificate 3571 to  
E.M. Richman

Permission applied }  
for to convey water }  
to these lands by means of new }  
ditch under this applica }  
tion.

Map made from notes and measurements taken in the field by Mark Neathamer the same correctly showing the lands to be irrigated, together with streams and ditches in immediate vicinity. Compiled by.

Fred. N. Cummings. C.E.

T.34S. R.3.W.W.M.



Div. pt. is 30' S & 1875' E. from  
the SW. cor. of sec. 33

FINAL PROOF SURVEY  
UNDER

Trans. No. 2527  
Application No. .... Permit No. ....

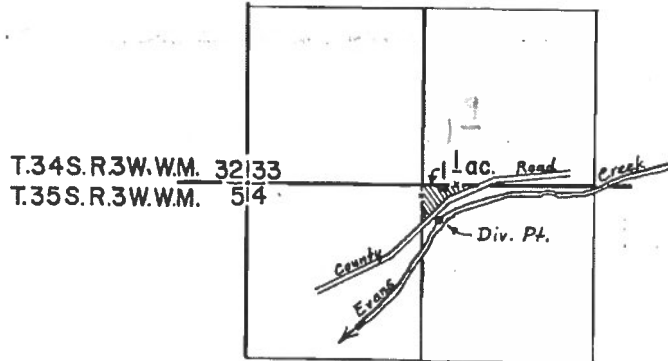
IN NAME OF

..... Elwyn L. & Betty M. Rowe .....

Surveyed Oct. 1..... 1972, by L. Crow .....

CERT. NO. 44076  
PRIORITY 12-1-13.

# T.35S. R.3W. W.M.



Div. Pt. is located 270' S. of 1460' E.  
from N.W. Cor. of Sec. 4

## FINAL PROOF SURVEY UNDER

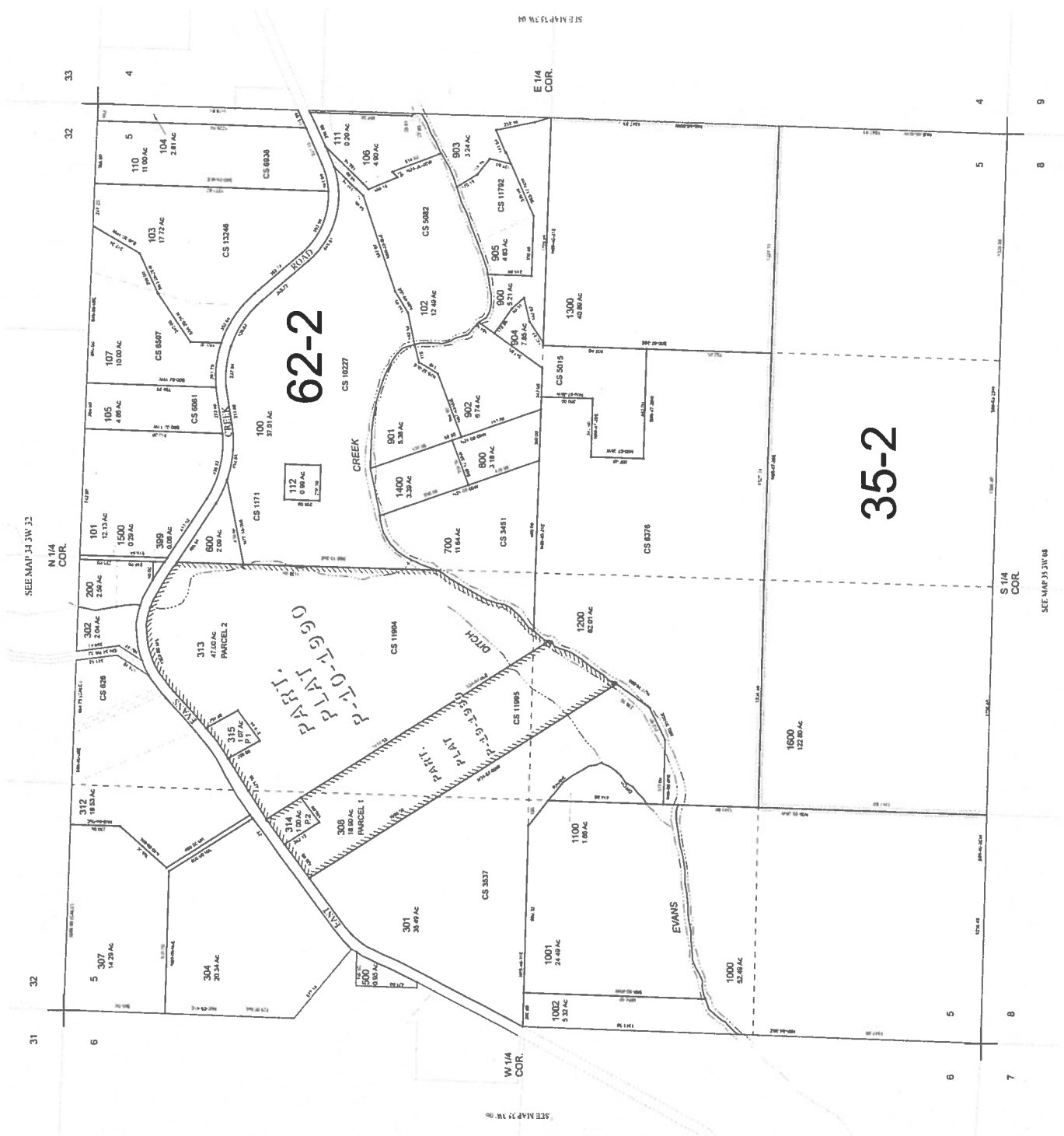
Trans. No. 2528  
 Application No. \_\_\_\_\_ Permit No. 6124  
 IN NAME OF  
 \_\_\_\_\_ Don A. Fowler \_\_\_\_\_

50907  
 Certificate No. 44128  
 Priority  
12-1-23

Surveyed Oct. 1, 1972, by L. Crow & D.C.H.



FOR ASSESSMENT AND  
TAXATION ONLY



- CANCELLED TAX LOT NUMBERS:
- 108
  - 1201
  - 300
  - 303
  - 305
  - 306
  - 309
  - 310
  - 311
  - 312
  - 906
  - 907

S-26

S-27



**OREGON WATER RESOURCES DEPARTMENT**  
**OREGON REVISED STATUTES Chapter 540**  
**Distribution of Water; Watermasters; Change in Use;**  
**Transfer or Forfeiture of Water Rights**

**FORFEITURE OF WATER RIGHTS**

- 540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities
- 540.612 Exemption from forfeiture
- 540.621 Cancellation of abandoned water right upon request of owner
- 540.631 Cancellation of forfeited water right; notice
- 540.641 Protest of cancellation; procedure
- 540.650 Issuance of new water right certificate for water rights not canceled
- 540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right
- 540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date

**FORFEITURE OF WATER RIGHTS**

**540.610 Use as measure of water right; forfeiture for nonuse; confirmation of rights of municipalities.** (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of the period of redemption provided for in ORS 18.964 while the land is held by the Department of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(L) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had



a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(n) The nonuse of a supplemental water right occurred during a period of time when the primary water right used in conjunction with that supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4; 2005 c.222 §1; 2005 c.542 §70; 2005 c.625 §70]

**540.612 Exemption from forfeiture.** If a district, as defined in ORS 540.505, petitions for a transfer as provided in ORS 540.574 no later than the end of the calendar year of the fifth year of nonuse under ORS 540.610 (1), the forfeiture provisions of ORS 540.610 shall not apply to the lands from which the water right is sought to be transferred pending approval of the district's petition. The time required for the processing of the petition, including any time required for hearings, appeals and completion of an authorized change, shall not be included when computing a five-year period of nonuse under the provisions of ORS 540.610 (1). [1991 c.957 §11]

**540.615** [1961 c.140 §1; 1987 c.339 §5; repealed by 1989 c.699 §4]

**540.620** [Repealed by 1955 c.671 §1]

**540.621 Cancellation of abandoned water right upon request of owner.** Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right. Effective upon the date of the entering of such order, the water which was the subject of use under the water right shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [1955 c.670 §1; 1979 c.67 §5; 1985 c.673 §96]

**540.630** [Repealed by 1955 c.671 §1]

**540.631 Cancellation of forfeited water right; notice.** Whenever it appears to the satisfaction of the Water Resources Commission upon the commission's own determination or upon evidence submitted to the commission by any person that a perfected and developed water right has been forfeited as provided in ORS 540.610 (1), and would not be rebutted under ORS 540.610 (2), the commission shall initiate proceedings for the cancellation of such water right by causing written notice of such initiation of proceedings to be given by registered or certified mail, return receipt requested, to the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands. The notice to the legal owner shall be addressed to the legal owner at the owner's last address of record in the office of the county assessor of the county in which the lands are located. The notice shall contain a complete description of the water right and of the lands to which the water right is appurtenant. The notice shall state that the legal owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation of the water right. [1955 c.670 §2; 1985 c.673 §97; 1989 c.699 §2; 1991 c.249 §53]

**540.640** [Repealed by 1955 c.671 §1]

**540.641 Protest of cancellation; procedure.** (1) If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right.

(2) If the legal owner or the occupant receiving notice as provided in ORS 540.631 files a protest against the proposed cancellation of the water right with the commission within the 60-day period prescribed in the notice, the commission shall fix a time and place for a hearing on the protest. The commission shall cause written notice of the hearing to be given at least 10 days prior to the hearing to the person protesting the cancellation of the water right and to any other person who in the opinion of the commission is an interested party to the proceeding. The hearing shall be held by the commission and shall be conducted under the provisions of ORS chapter 183 pertaining to contested cases. After the hearing the commission shall enter an order canceling the water right, canceling in part or modifying the water right, or declaring that the water right shall not be canceled or modified. [1955 c.670 §3; 1975 c.581 §26c; 1983 c.807 §3; 1985 c.673 §98]

**540.650 Issuance of new water right certificate for water rights not canceled.** If the order of the Water Resources Commission or the final decree on the appeal therefrom under

ORS 540.641 cancels in part or modifies the water right, that portion of the water right not canceled or continued as modified shall be reaffirmed by a new water right certificate issued by the commission. Such certificate shall be of the same character as that described in ORS 539.140. The certificate shall be recorded and transmitted to the owner of the water right as provided in ORS 539.140. [1955 c.670 §4; 1979 c.67 §6; 1985 c.673 §99]

**540.660 Affidavit of watermaster that circumstances prevent use of water right in accordance with terms of certificate; procedures for cancellation of right.** (1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised according to the terms and conditions of the water right certificate issued under ORS 537.250 or 539.140, such as the land to which the water right is appurtenant is covered by an impermeable surface, or the diversion mechanism used to appropriate water under a water right is no longer operable, the watermaster shall file an affidavit with the Water Resources Director. The affidavit shall state that to the best of the watermaster's knowledge, there is no physical way the water may be applied to a beneficial use in accordance with the terms and conditions of the water right certificate.

(2) If the watermaster files an affidavit under subsection (1) of this section each year for five consecutive years, the affidavits shall constitute prima facie evidence that the water has not been applied to a beneficial use for five years and the Water Resources Commission shall initiate proceedings under ORS 540.631 to cancel the water right.

(3) The Water Resources Department shall provide notice of the affidavit filed with the Water Resources Director under subsection (1) of this section. The department shall provide such notice in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner.

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100.

(c) If the land is within the boundaries of an irrigation district, the department shall mail a copy of the affidavit to the irrigation district.

(4) As used in this section, "record owner" means the person shown as the owner of the land in the county deed records established under ORS chapter 93. [1987 c.339 §1]

**540.670 Effect of cancellation of primary water right on supplemental right; change from supplemental to primary right; priority date.** (1) The cancellation of a primary water right for nonuse under ORS 540.641 shall not also cancel a supplemental water right unless the supplemental water right also has not been used beneficially for five or more years.

(2) If the Water Resources Commission cancels a primary water right under ORS 540.641 the commission may issue a new water right certificate changing the supplemental water right to

a primary right if the commission finds that the change would not result in injury to existing water rights.

(3) A supplemental right changed to a primary right under subsection (2) of this section shall retain the priority date of the supplemental right. [1987 c.339 §2]

**OREGON WATER RESOURCES DEPARTMENT**  
**DIVISION 17**  
**CANCELLATION OF PERFECTED WATER RIGHTS**

**690-017-0005**

**Introduction**

These rules define the process the Water Resources Department will follow when cancelling a perfected water right. The action to cancel the perfected water right can be initiated as the result of a request by the record owner of the land to which the water right is appurtenant, or as the result of a request to determine the validity of a water right which may be forfeited due to five successive years of non-use.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

**690-017-0010**

**Definitions**

- (1) "Affidavit" means a declaration upon oath, in writing, signed by the party and sworn to before a notary public.
- (2) "Affiant" means the individual completing, swearing to and signing an affidavit.
- (3) "Bankruptcy" means proceedings under federal bankruptcy statutes to relieve a debtor (the bankrupt) from insurmountable debt. The commencement of a bankruptcy action occurs with the date a petition for relief is filed by a debtor or creditor to the bankruptcy court.
- (4) "Cancellation" means the action taken by the Director, the Commission, or the courts to abolish all or part of a permit or certificate of water right.
- (5) "Deed-in-Lieu" means a deed tendered by the record owner to prevent the creditor from asserting a legal right to recover payment of a debt through a foreclosure action.

---

- (6) "District" has the meaning of the term as defined in ORS 540.505
- (7) "Foreclosure" means a proceeding in or out of court to extinguish all right, title and interest of the record owner(s) of property in order to sell or repossess the property to satisfy a lien

against it. A foreclosure action begins on the date presentation of the official demand for payment is made to the debtor by the creditor by certified mail.

(8) "Forfeiture" means the loss of a water right caused by the failure of the appropriator or record owner of the right to use the water for five successive years.

(9) "Judicial Action" means a suit, injunction, or litigation filed with or allowed by the courts.

(10) "Natural Disaster" means an act of God, such as flooding or erosion, which occurred with such magnitude that it either prohibited or severely limited the ability to use the water.

(11) "Perfected Water Right" means a water right which has been confirmed by the issuance of a certificate of water right or by a court decree.

(12) "Presumption of Forfeiture" means a conclusion established by statute that a water right, in whole or in part, is forfeited by nonuse of the right for five successive years.

(13) "Principal Farm Operator" means the record owner, including a lessee to whom the right of possession of agricultural property has been granted by the lessor for a specified period of time in return for a consideration.

(14) "Rebuttable Presumption" means a presumption which, by statute, may be overcome by evidence sufficient to explain or disprove the presumption.

(15) "Record Owner" means the person shown as the owner of the land in the county deed records established under ORS Chapter 93.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

## **690-017-0100**

### **Cancellation Authorized by Record Owner**

(1) Perfected water rights shall be cancelled by order of the Director in accordance with the provisions of ORS 540.621 when so requested by notarized affidavit of the record owner of the land to which the water right in question is appurtenant.

(2) The affidavit shall contain, at a minimum, the following:

(a) A statement that the affiant is the record owner of the lands associated with the water right in question;

(b) The certificate number of the water right;

(c) A statement that the affiant has abandoned any and all interest in and to all or a specified portion of the water right;

(d) Where only part of the right has been abandoned, a description of the specific place of use by quarter-quarter section and acres on which the right has been abandoned, with information sufficient to determine the lands on which the right is not to be cancelled; and

(e) A request that all or part of the certificate be cancelled.

(f) A statement of whether, to the best of the affiant's knowledge, the subject water right is within the boundaries of a district or federal reclamation project.

(3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, provide the district and the United States Bureau of Reclamation notice of the water right cancellation request.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

## **690-017-0200**

### **Watermaster Affidavit of Inability to Appropriately or Beneficially Use Water**

(1) If a watermaster has reason to believe that circumstances exist that prevent a water right from being exercised, including but not limited to, the lands being covered by an impermeable surface or the diversion mechanism used to appropriate the water is no longer operable, the watermaster shall file an affidavit with the Water Resources Director.

(2) The affidavit shall state:

(a) The date and time the land or diversion mechanism or other evidence was inspected by the watermaster;

(b) The names of all record owners of the land where the water right is appurtenant and the owners' address as it appears in the county assessors' records; and

(c) The watermaster's findings during the inspection that indicate the water right cannot be exercised.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

### **690-017-0300**

#### **Notice of Watermaster Affidavit to Record Owner**

(1) The Water Resources Department shall notify each record owner of the land described by an affidavit submitted by a watermaster under ORS 540.660 in the following manner:

(a) If there are 25 or fewer record owners of the land, the department shall mail a copy of the affidavit to each record owner;

(b) If there are more than 25 record owners, the department shall provide general notice by publication according to the procedures established in ORS 193.010 to 193.100; and

(c) If the land is within the boundaries of an irrigation district, the Department shall mail a copy of the affidavit to the irrigation district.

(2) The record owner named in an affidavit shall be given the option of voluntarily relinquishing the water right or portion thereof, continuing to be the subject of the filing of such affidavits each year for a period of five successive years, or of applying the water to the use authorized by the certificate.

(3) If the watermaster files an affidavit each year for five successive years, the Water Resources Department shall initiate proceedings under ORS 540.631 to cancel the water right.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

### **690-017-0400**

#### **Cancellation Initiated by Department**

(1) The Department shall initiate proceedings to cancel a perfected water right, as provided in ORS 540.631 and these rules, whenever it appears that a right has been forfeited as provided in 540.610. The decision to initiate cancellation proceedings shall be based on evidence submitted to the Department, by any person, that alleges five or more years of nonuse so as to create a



presumption of forfeiture, and from which evidence it further appears the presumption of forfeiture would not likely be rebutted under OAR 690-017-0800(2)(a), (d) or (e).

(2) Where the evidence submitted to the Department is in the form of affidavits, notarized affidavits from two individuals shall be required. An affidavit shall contain the following:

- (a) Name, address and telephone number of affiant;
- (b) Page number of the certificate in question as recorded in the State Record of Water Right Certificates, name of the person to whom the certificate was issued, and priority date of the certificate;
- (c) Township, range, quarter-quarter section and number of acres to which the certificate in question is appurtenant;
- (d) The use for which the water right was issued;
- (e) The source of water to be used as provided in the certificate;
- (f) A statement of the affiant's knowledge of the lands described in the certificate in question, and an explanation of how the affiant gained this knowledge;
- (g) A statement that the affiant knows with certainty that no water from the allowed source has been used for the authorized use on the lands, or a portion of the lands, the portion being accurately described, under the provisions of the water right within a period of five or more successive years, and the beginning and ending years of the period of nonuse. Where possible, beginning and ending months should also be given;
- (h) A statement that the affiant believes the allegation of nonuse will not be rebutted under any of the grounds for rebuttal set out in ORS 540.610;
- (i) A copy of the county tax plat map illustrating the lands to which the subject water right is appurtenant, and if applicable, the location of the portion of the water right asserted to have been forfeited;
- (j) The affiant's agreement to testify in a hearing before the Water Resources Department if necessary;
- (k) To the best of the affiant's knowledge, a statement of whether the subject water right is within the boundaries of a district or federal reclamation project; and
- (l) Proof that the affidavit(s) have been served upon the legal owner of the lands to which the water right is appurtenant and to the occupant of such lands.

(3) Based on the best information available to the Department, if the subject water right is within the boundaries of a district or federal reclamation project, the Department shall provide notice of

receipt of affidavits submitted under this rule, as applicable, to the district and the United States Bureau of Reclamation at least 90 days prior to initiating a cancellation proceeding.

(4) Where the evidence submitted is solely from Department personnel, such evidence shall be submitted in the form of an affidavit and contain all information described in section (2) of this rule. In addition, the affidavit shall be supported by stream or canal gaging records, water or electric meter readings, static level measurements, system capacity calculations, a summary of field investigations, photos, maps, or other relevant data covering each year of the period of alleged nonuse.

(5) The Department shall initiate proceedings to cancel a water right under ORS 540.631 within 180 days of receiving the evidence required under sections (1) and (2) of this rule.

(6) The Department shall notify the record owner of the land to which a perfected water right is appurtenant that it intends to cancel all or a portion of the water right. The occupant of affected lands, if other than the owner, shall also be notified. If the subject water right is within the boundaries of a district or federal reclamation project, the Department shall, as applicable, mail a copy of the cancellation notice to the district and the United States Bureau of Reclamation. Notice shall be sent to the record owner of the land or occupant by certified mail, return receipt requested. The notice to the record owner shall be addressed to the owner at the owner's last address or record in the office of the county assessor of the county in which the lands are located. The notice shall contain the following:

(a) A description of the water right and the land to which the water right is appurtenant;

(b) A statement that the information before the Director creates a rebuttal presumption of forfeiture;

(c) A statement that the record owner or the occupant has a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation either by asserting that the water right has been used, or by making rebuttal in the manner and on the grounds provided in OAR 690-017-0600 and 690-017-0800;

(d) Notice that if the record owner intends to rebut the presumption of forfeiture, the protest shall include a statement of the grounds for rebuttal relied upon, and shall be accompanied by appropriate supporting documentation; and

(e) A statement that, following receipt of a protest against the proposed cancellation and determination that the presumption of forfeiture has not been rebutted, a contested case hearing will be scheduled.

Stat. Auth.: ORS 536.025 & 536.027

Stats. Implemented: ORS 540.610-540.670

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90; WRD 7-2004, f. & cert. ef. 11-5-04

## **690-017-0500**

### **Cancellation Not Protested**

If the record owner or occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water within the 60-day period prescribed in the notice, the Water Resources Department shall enter an order cancelling the water right as provided in ORS 540.641.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

## **690-017-0600**

### **Protest of Cancellation/Statement of Intent to Rebut Presumption of Forfeiture**

(1) A protest submitted to the Water Resources Department by the record owner or occupant of the land on which a cancellation of a perfected water right is proposed shall include the following:

(a) A written statement citing the reasons the record owner or occupant believes the water right has not been forfeited by nonuse; and

(b) The statutory fee for filing the protest.

(2)(a) Where the record owner or occupant intends to rebut the presumption of forfeiture by claiming one or more of the grounds for rebuttal established in ORS 540.610(2) and as further defined in OAR 690-017-0800, grounds claimed for rebuttal shall be stated in the protest;

(b) Where applicable, documentary evidence in support of the rebuttal as described in OAR 690-017-0800(3) shall be submitted with the protest.

(3)(a) On receipt of a protest claiming rebuttal and supporting documentary evidence, a determination shall be made whether the presumption of forfeiture has been rebutted;

(b) Where rebuttal is found to have been made, the matter shall be closed and no further action taken to cancel the water right;

(c) Where it is determined that the presumption of forfeiture has not been rebutted, the Department shall initiate proceedings to cancel the right as provided in OAR 690-017-0700.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

### **690-017-0700**

#### **Cancellation Hearing**

- (1) If the Department receives a protest to the proposed cancellation of a water right within the prescribed 60-day period, a hearing on the protest shall be scheduled. The protestant shall be given not less than ten days notice of the hearing time and place.
- (2) The hearing shall be held by the Department's Hearings Referee, and shall be conducted under the provisions of ORS 183.310 to 183.550 pertaining to contested cases.
- (3) In contested case hearings where the initial determination was made that the presumption of forfeiture had not been rebutted, the owner may offer additional evidence in support of rebuttal.
- (4) After the hearing the Hearings Referee shall enter a proposed order:
  - (a) Cancelling the water right;
  - (b) Cancelling in part or modifying the water right; or
  - (c) Declaring that the water right shall not be cancelled or modified.
- (5) If no exceptions or objections to the proposed order are filed within the time allowed, the Hearings Referee shall issue a final order.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

### **690-017-0800**

#### **Grounds for and Manner of Rebutting a Presumption of Forfeiture**

- (1) Any record owner or occupant rebutting a presumption of forfeiture for nonuse of water under ORS 540.610(2), as provided in these rules, shall provide evidence that rebuts the presumption of forfeiture.
- (2) A presumption of forfeiture may be rebutted by showing one or more of the following:

- (a) The water right is for reasonable and usual municipal use of water;
  - (b) A finding of forfeiture would impair the rights of cities and towns to the use of water, whether acquired by appropriation or purchase, or previously recognized by legislative act, or which may be acquired in the future;
  - (c) The owner of the property was unable to use the water due to economic hardship as defined in section (3) of this rule;
  - (d) The period of nonuse occurred during a period of time within which land was withdrawn from use under the Federal Soil Bank Program or the Federal Conservation Reserve Program;
  - (e) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted or cancellation proceedings were initiated under ORS 540.631, whichever occurs first; and
  - (f) The owner of the property to which the water right is appurtenant is unable to use the water because the use of water under the right is discontinued by an order of the Commission under ORS 537.775 (wasteful or defective wells).
- (3) An economic hardship exists only during the following periods of time:
- (a) During a bankruptcy action initiated by or for the record owner or principal farm operator;
  - (b) During a foreclosure of real or personal property of the record owner or principal farm operator. The foreclosure of personal property must directly affect the ability to use the water in question;
  - (c) During the redemption periods as provided in ORS 23.530 to 23.600;
  - (d) Three calendar years following the expiration of redemptions as provided in ORS 23.530 to 23.600; or, three years from the date of recording of a deed in lieu of foreclosure tendered by the record owner or principal farm operator in payment of debt owed; and
  - (e) The time during which judicial actions limit or prohibit the record owner's or principal farm operator's use of the water in question;
  - (f) The time during which a natural disaster would limit or prohibit the record owner's or principal farm operator's use of the water in question.
- (4) Documentation supporting rebuttal based on enrollment in a federal program, bankruptcy, foreclosure or foreclosure redemption, natural disaster, or the 15-year statute of limitations on cancellation as provided for in ORS 540.610(2) may include, but is not limited to, the following items:

- (a) The enrollment contract or agreement between the record owner, occupant, or principal farm operator and the appropriate federal jurisdiction;
- (b) Affidavits by knowledgeable parties such as employees administering the federal programs;
- (c) Court pleadings, filings or other legal documentation of bankruptcy or foreclosure;
- (d) Documents from financial, mortgage, lending or title institutions; and
- (e) Sworn statements by a watermaster, soil scientist, or in-surance claim adjuster.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537, & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

## **690-017-0900**

### **Time Period of Non-Use**

Where the rebutted nonuse occurs as an intervening period within an unrebutted period of nonuse totally five or more years, the remaining unrebutted years of nonuse will be treated as consecutive and cancellation will be initiated.

Stat. Auth.: ORS 183, ORS 339, ORS 536, ORS 537 & ORS 540

Stats. Implemented:

Hist.: WRD 12-1988, f. & cert. ef. 8-10-88; WRD 17-1990, f. & cert. ef. 9-27-90

TL 104  
WR 44950  
JB

(12)



## INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

04/11  
nstrcancel

RECEIVED BY OWRD

APR 04 2014

SALEM, OR







BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson )

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Jacqueline Ann Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

RECEIVED BY OWRD

Phone 541-582-1392, say that:

JUN 16 2014

SALEM, OR

2. Water Right Certificate number 44950  
issued to Ray Sinsbaugh authorizes use of water from (source) Evans Creek  
for (use) IRRIGATION  
under a priority date of Dec 1, 1923

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 104, in Township 35  
N/S, Range 3 W E/W, in the NE 1/4 NE 1/4, of  
Section(s) 5, Jackson County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived near to tl 104 since 2008  
My diversion point is the same. There  
is no irrigation facility or any irrigation  
to TL 104 since 2008 that I have seen.

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



ROYAL CANADIAN MOUNTED POLICE

COMMUNICATIONS SECTION

1000 JAMES ST. W. TORONTO, ONT. M6K 1K1

TO: [Illegible] FROM: [Illegible] SUBJECT: [Illegible]

DATE: [Illegible] TIME: [Illegible]

RE: [Illegible]

[Illegible text block]

[Illegible text block]

RECEIVED BY UNIT

DATE

NO. OF PAGES



6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty **that a portion of this water right has not been used for:**

IRRIGATION From MAY 2008 Through JANUARY 2014  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 1.0 Acres. TL 104

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. [Signature] (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. [Signature] (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



Faint, illegible text at the top of the page, possibly a header or title.

Several lines of faint, illegible text in the upper middle section.

Handwritten signature or name on the left side of the page.

Handwritten signature or name on the right side of the page.

Block of faint, illegible text in the middle section.

Block of faint, illegible text in the lower middle section.

Block of faint, illegible text in the lower section.

Block of faint, illegible text in the lower section.

Faint text centered at the bottom of the page.

Faint text centered at the bottom of the page.

Faint text centered at the bottom of the page.

PRINTED OR WRITTEN text at the bottom left.

PRINTED OR WRITTEN text at the bottom left.

PRINTED OR WRITTEN text at the bottom left.



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

*Jacqueline A. Backus*  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2014.



*Angell R Pittman*  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR





**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 10 Day of June, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: William H. Baguet Jr.  
Address: 878 Monte Verde Drive  
City, State, Zip: Arcadia, CA 91007

Name: James Bowman  
Address: 14389 East Evans Cr. E  
City, State, Zip: Rogue River, OR, 97537

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

[/s/ Signature]  
Title

*Reguline A. Palma*

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR



STATE OF TEXAS  
COUNTY OF [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

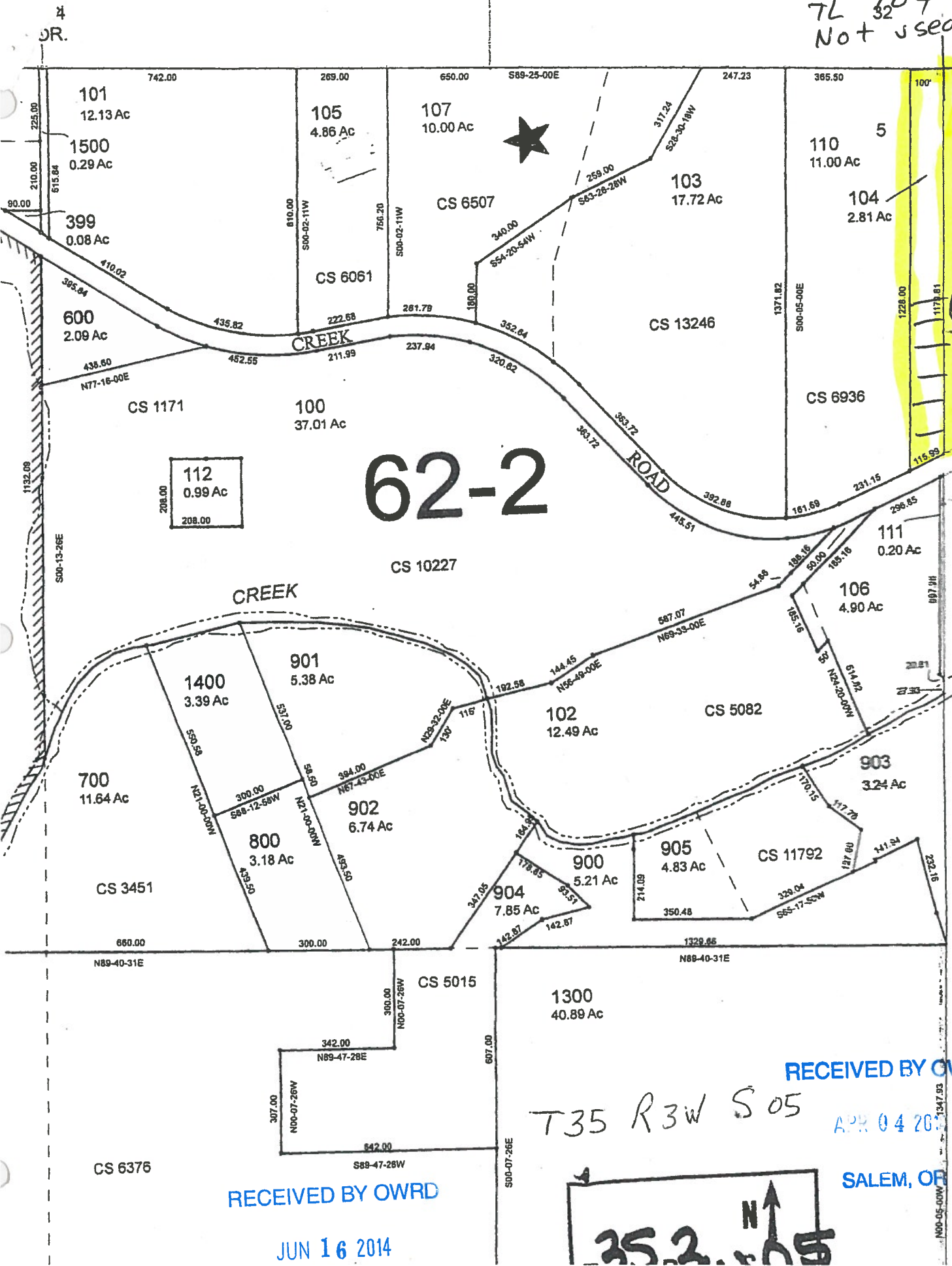
[illegible text]

[illegible text]

[illegible text]



1.0 Acres 12  
 TL 3204  
 Not used



62-2

RECEIVED BY OWRD

T35 R3W S05

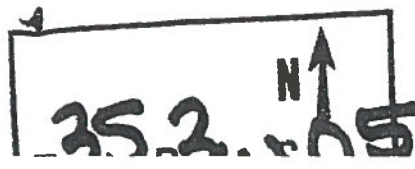
APR 04 2014

SALEM, OR

RECEIVED BY OWRD

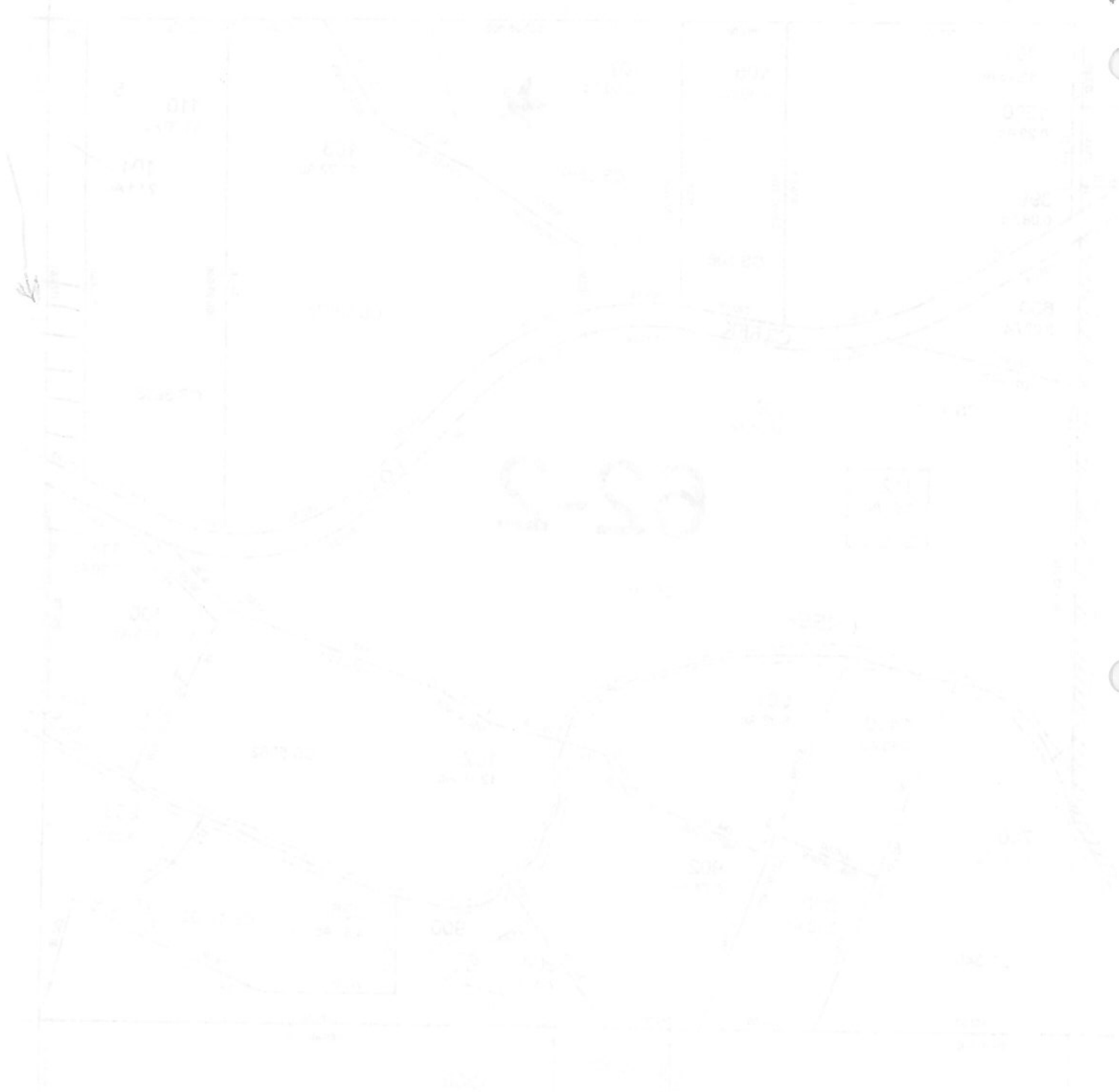
JUN 16 2014

SALEM, OR



1

1.0 HRS  
1.0 PM  
not used



RECEIVED BY GMP

3/11/08



RECEIVED BY GMP

JUN 14 2008

10:00 AM



T35 R3W S05

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



THE STATE OF OREGON

RECEIVED BY KWARD

MAY 18 1984

SALEM, OR

RECEIVED BY OW

MAY 18 1984

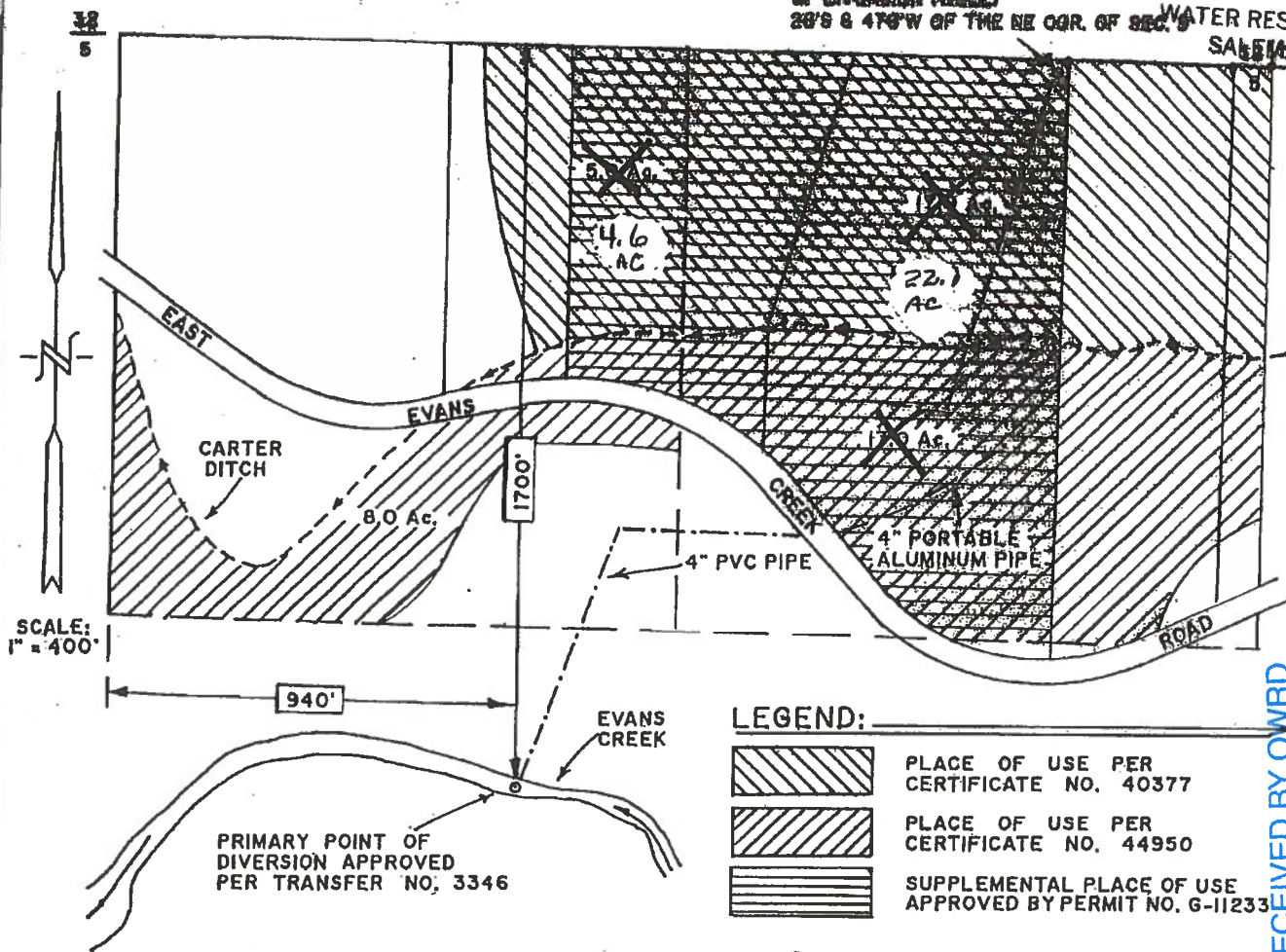
SALEM, OR

**RECEIVED**

**NE 1/2 NE 1/4 SECTION 5, T.35S., R.3W., W.M.**






**AUG - 4 1992**

WATER RESOURCES  
 SUPPLEMENTAL POINT OF DIVERSION PERMIT  
 28'S & 47'W OF THE NE COR. OF SEC. 5  
 SALEM, OREGON  
 4 T35S



SCALE: 1" = 400'

**LEGEND:**

-  PLACE OF USE PER CERTIFICATE NO. 40377
-  PLACE OF USE PER CERTIFICATE NO. 44950
-  SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233
-  POINT OF DIVERSION
-  FOUND PROPERTY CORNER

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

**ACRES TO RECEIVE SUPPLEMENTAL SUPPLY**

QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
<b>TOTAL</b>	<b>16.9 Ac.</b>	<b>9.8 Ac.</b>	<b>26.7 Ac.</b>

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM.

A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT.

SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979

PERMIT NO. G-11233

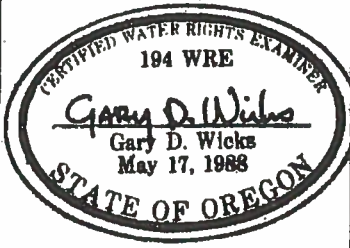
MAP MODIFIED BY WRD STAFF TO REFLECT ACRES PER TABLE. JWG 8-20-2007

PROJECT NO.  
142-90-120

DRAWING NO.  
38-8.5.11

DATE  
7-22-1992

SCALE  
1" = 400'



**PLAT OF CLAIM OF BENEFICIAL USE**

LOCATED IN  
 NE 1/2 NE 1/4 SECTION 5, T.35S., R.3W., W.M.  
 JACKSON COUNTY, OREGON

**RECEIVED BY OWRD**

**APR 04 2014**

PREPARED FOR:  
 ANTHONY L.S. EWALT  
 14095 E. EVANS CR. RD.  
 ROGUE RIVER, OREGON 97537  
 TEL. 582-4112

PREPARED BY:  
 GARY D. WICKS, P.E., P.L.S.  
 CIVIL ENGINEER & LAND SURVEYOR  
 982 S.E. "N" STREET  
 GRANTS PASS, OREGON 97526-3290  
 TEL. 479-3436

**SALEM, OR**



TL 104  
W/R 44950  
BMB

11



## INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271

04/11  
nstcancel

Page 1 of 5

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



INSTITUTION FOR CONTROLLING THE  
EFFECTIVE AND SAFE USE OF THE MARKET

Complete information on all of our services and systems can be  
found in our brochures, which are available in many languages.  
If you are interested in our services, please contact us by  
mail, telephone or fax. We will be glad to provide you with  
all the information you need. Our services are available in  
many countries and we have a large network of agents and  
partners around the world. We are also active in the  
development of new services and products. Our services are  
designed to meet the needs of our clients and to provide  
them with the highest quality of service. We are committed  
to the continuous improvement of our services and to the  
satisfaction of our clients. We are also committed to the  
protection of the environment and to the promotion of  
socially responsible business practices. We are a member  
of the International Chamber of Commerce (ICC) and the  
International Union of Pure and Applied Chemistry (IUPAC).  
We are also a member of the International Chamber of  
Commerce (ICC) and the International Union of Pure and  
Applied Chemistry (IUPAC). We are also a member of the  
International Chamber of Commerce (ICC) and the  
International Union of Pure and Applied Chemistry (IUPAC).

1997-1998  
158 Rue de la Loi  
1050 Brussels

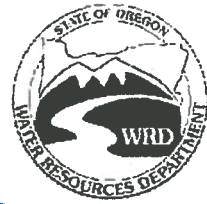
RECEIVED BY YOU

DATE

SIGNATURE

NAME





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson ) ss

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

1. I, Bruce Glen Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950,  
issued to Le Rog Sinsabaugh authorizes use of water from (source) Evans Creek  
for (use) IRRIGATION  
under a priority date of Dec. 1, 1923

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 104, in Township 35  
N/S, Range 3 W E/W, in the NE 1/4 NE 1/4, of  
Section(s) 5, Jackson, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:

I have lived next to TL 104 since 2008. My  
diversion point is the same. There is no  
irrigation facility or any irrigation to TL 104  
since 2008 that I have seen.

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



RECEIVED BY THE DIRECTOR OF THE BUREAU OF REVENUE

THE DIRECTOR OF THE BUREAU OF REVENUE  
WASHINGTON, D. C.

W. J. [unclear]  
[unclear]

Part of the [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

July 22-1917

[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

[unclear] [unclear] [unclear]

[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

RECEIVED BY THE DIRECTOR OF THE BUREAU OF REVENUE

10

10, 1917



6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that **a portion of this water right has not been used for:**

IRRIGATION From May 2008 Through January 2014  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 1.0 Acres. TL 104

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. BWB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. BWB (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRD  
JUN 16 2014  
SALEM, OR

RECEIVED BY OWRD  
APR 04 2014  
SALEM, OR



Faint, illegible text at the top of the page, possibly a header or title.

Second block of faint, illegible text.

Third block of faint, illegible text.

Fourth block of faint, illegible text.

Fifth block of faint, illegible text.

Sixth block of faint, illegible text.

Seventh block of faint, illegible text.

Eighth block of faint, illegible text.

Ninth block of faint, illegible text.

Tenth block of faint, illegible text.

RECEIVED BY OWRD  
MAY 15 2011  
MAY 15 2011

RECEIVED BY OWRD

MAY 15 2011

MAY 15 2011



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Bruce H. Buchmaster  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2 014.



Angell R Pittman  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR





**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 10 Day of June, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: William Baguet, Jr.  
Address: 878 Monte Verde Drive  
City, State, Zip: Arcadia, CA, 91007

Name: James Bowman  
Address: 14389 East Evans Ct. Rd  
City, State, Zip: Rogue River, OR  
97537

Name:  
Address:  
City, State, Zip:

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

Name:  
Address:  
City, State, Zip:

[/s/ Signature]  
Title

David S. Buckner



Faint, illegible text centered at the top of the page.

Line of faint, illegible text below the header.

Second line of faint, illegible text.

Third line of faint, illegible text.

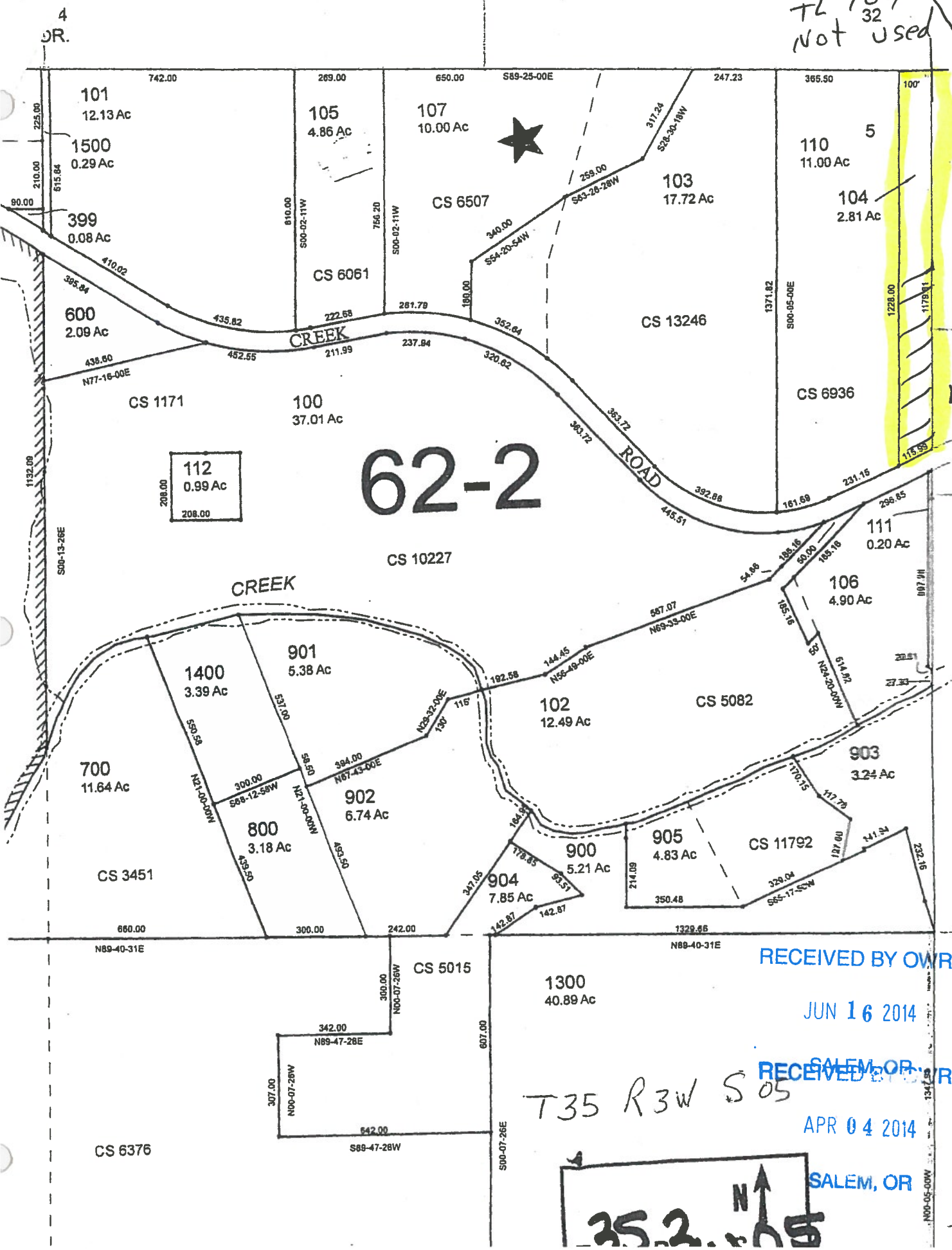
Fourth line of faint, illegible text.

Fifth line of faint, illegible text.

Final line of faint, illegible text at the bottom of the page.



1.0 Acres  
TL 104  
32  
Not used



# 62-2

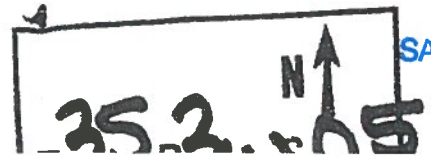
RECEIVED BY OWRD

JUN 16 2014

RECEIVED BY OWRD

APR 04 2014

T35 R3W S05



SALEM, OR

NOV-05-00N

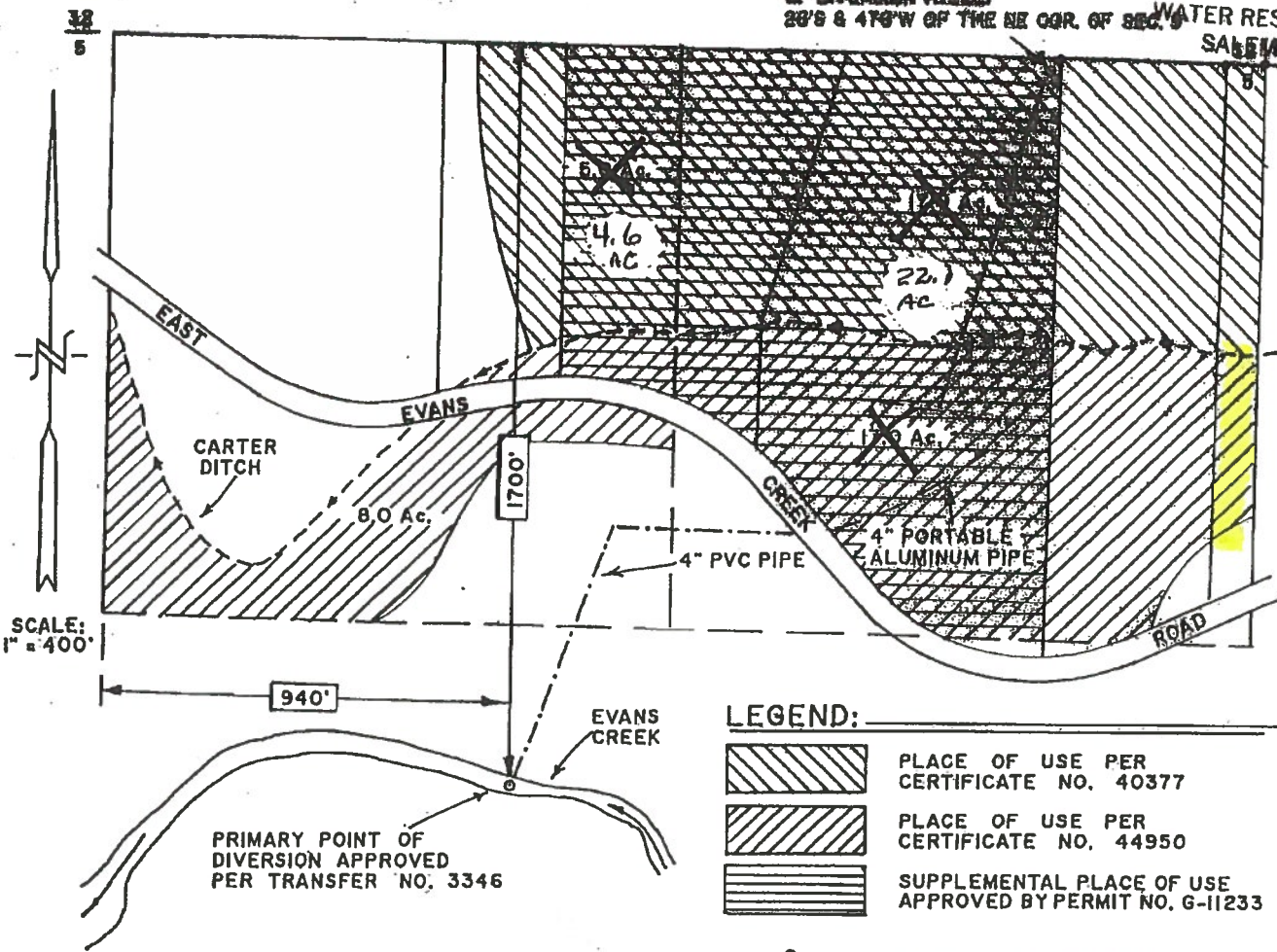


RECEIVED

NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.






AUG - 4 1992

SUPPLEMENTAL POINT OF DIVERSION (WELL) 20'S & 47'S W OF THE NE COR. OF SEC. 5 WATER RESOURCES DIVISION SALEM, OREGON



ACRES TO RECEIVE SUPPLEMENTAL SUPPLY

QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

- LEGEND:**
-  PLACE OF USE PER CERTIFICATE NO. 40377
  -  PLACE OF USE PER CERTIFICATE NO. 44950
  -  SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233
  -  POINT OF DIVERSION
  -  FOUND PROPERTY CORNER

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM.

A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT.

SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979  
 PERMIT NO. G-11233

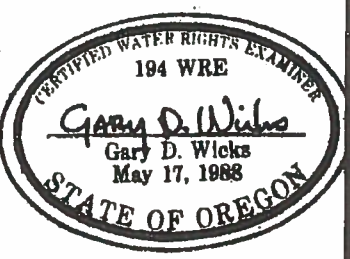
MAP MODIFIED BY WRD STAFF TO REFLECT ACRES PER TABLE. JW6 8-20-2007

PROJECT NO.  
142-90-120

DRAWING NO.  
38-8.5.11

DATE  
7-22-1992

SCALE  
1" = 400'



**PLAT OF CLAIM OF BENEFICIAL USE**

LOCATED IN  
 NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.  
 JACKSON COUNTY, OREGON

PREPARED FOR:  
 ANTHONY L.S. EWALT  
 14095 E. EVANS CR. RD.  
 ROGUE RIVER, OREGON 97537  
 TEL. 582-4112

PREPARED BY:  
 GARY D. WICKS, P.E., P.L.S.  
 CIVIL ENGINEER & LAND SURVEYOR  
 982 S.E. "N" STREET  
 GRANTS PASS, OREGON 97526-3290  
 TEL. 479-3436.

RECEIVED BY OWRD  
 APR 04 2014  
 SALEM, OR

RECEIVED BY OWRD  
JUN 16 2014  
SALEM, OR



T35 R3W S05

RECEIVED BY OWRD

JUN 16 2014

SALEM, OR

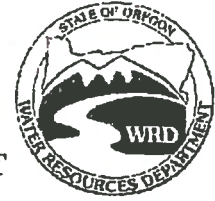
RECEIVED BY OWRD

APR 04 2014

SALEM, OR



76  
B  
50  
TL 105



### INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

Mail to: **Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271**

04/11  
nstcancel

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

RECEIVED BY UNIT

DATE

BY





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson ) ss

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Bruce Glen Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950,  
issued to LeRoy Sinsbaugh authorizes use of water from (source) Evans Creek  
for (use) IRRIGATION,  
under a priority date of Dec. 1, 1923

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 105, in Township 35  
N/S, Range 3 W E/W, in the NW 1/4 NE 1/4, of  
Section(s) 5, Jackson, OR County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived near TL 105 since 2008. My  
diversion point is the same. There is  
no irrigation facility or any irrigation  
to Th 105 since 2008 that I have seen.

RECEIVED BY OWRD RECEIVED BY OWRD  
Page 2 of 5

APR 04 2014

MAR 07 2014

RECEIVED BY OWRD

SALEM, OR

SALEM, OR

FEB 10 2014

SALEM, OR



BEFORE THE WATER RESOURCES DEPARTMENT

AFFIDAVIT ASSESSING  
NON-USE OF WATER RIGHT

State of Oregon

County of

County of Washington

1. I, James Lee Johnson  
 (Local Name)  
 of 1000 East Main Street  
 (Address)  
97000 (City) OR (State) 97000 (Zip Code)  
 Phone 503-555-1212 say that

2. Water Right Certificate number 1000  
 issued to James Lee Johnson authorizes use of water from any  
 for use any  
 under a priority date of 1900

3. The total number of acres described in the certificate is 1.0

4. The subject water right is located within Tax Lot(s) 1000 in Township 33S  
14 Range 3 East, in the W Meridian, of 14 of 1000  
 Section(s) 1000 County (Oregon) Washington

5. I am familiar with these lands and I am aware of the non-use of this water right because  
I have been on the land since 1900 and have never used the water right.  
I have never used the water right and I have never intended to do so.  
I have never used the water right and I have never intended to do so.  
I have never used the water right and I have never intended to do so.

AFFIDAVIT BY OWNER  
Page 1 of 3



6. I know from personal observation and state with certainty that the entire water right has not been used for:

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

IRRIGATION From May 2008 Through January 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 1/2 .05 Acres.  
BBB

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

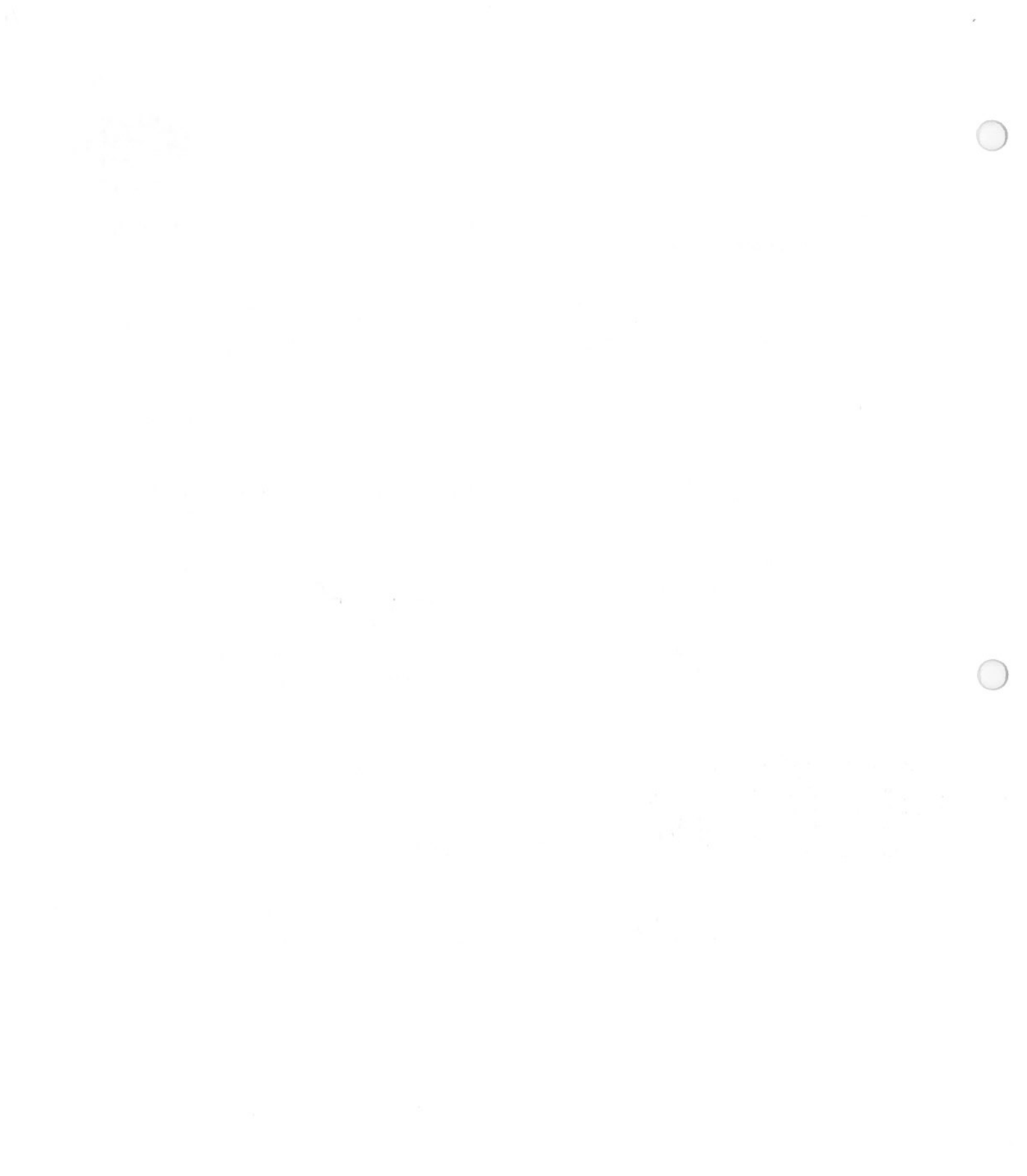
11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. BBB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. BBB (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

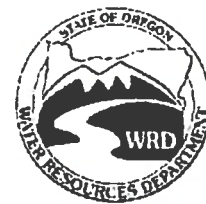


UNIVERSITY OF CALIFORNIA

LIBRARY

1975





Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Bruce G. Buckmaster  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2014.



Angell Pittman  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRD  
APR 04 2014  
SALEM, OR

10

100



1000

10000

100000

1000000





**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: Jasbir Ralph  
Address: PO Box 630454  
City, State, Zip: Simi Valley, CA  
93063

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

[/s/ Signature] Bruce G. Buckmaster  
Title

RECEIVED BY OWRD

APR 04 2014

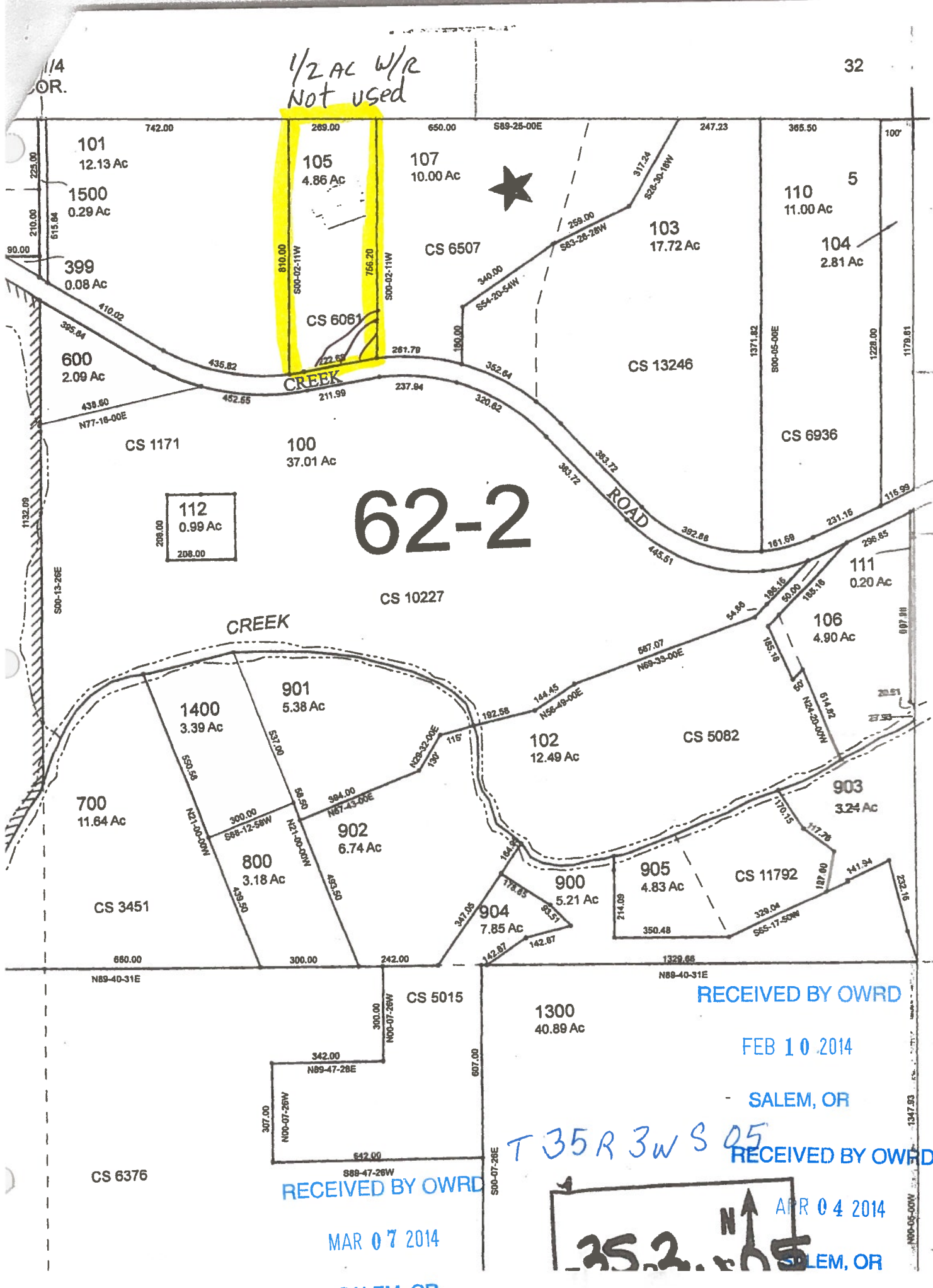
SALEM OR

GEOMETRIE (1981)

1981

1981





35

Map  
COR

172 37 1/2  
1400 7 3/4



05-2

172  
0.98 AC  
2000

CREEK



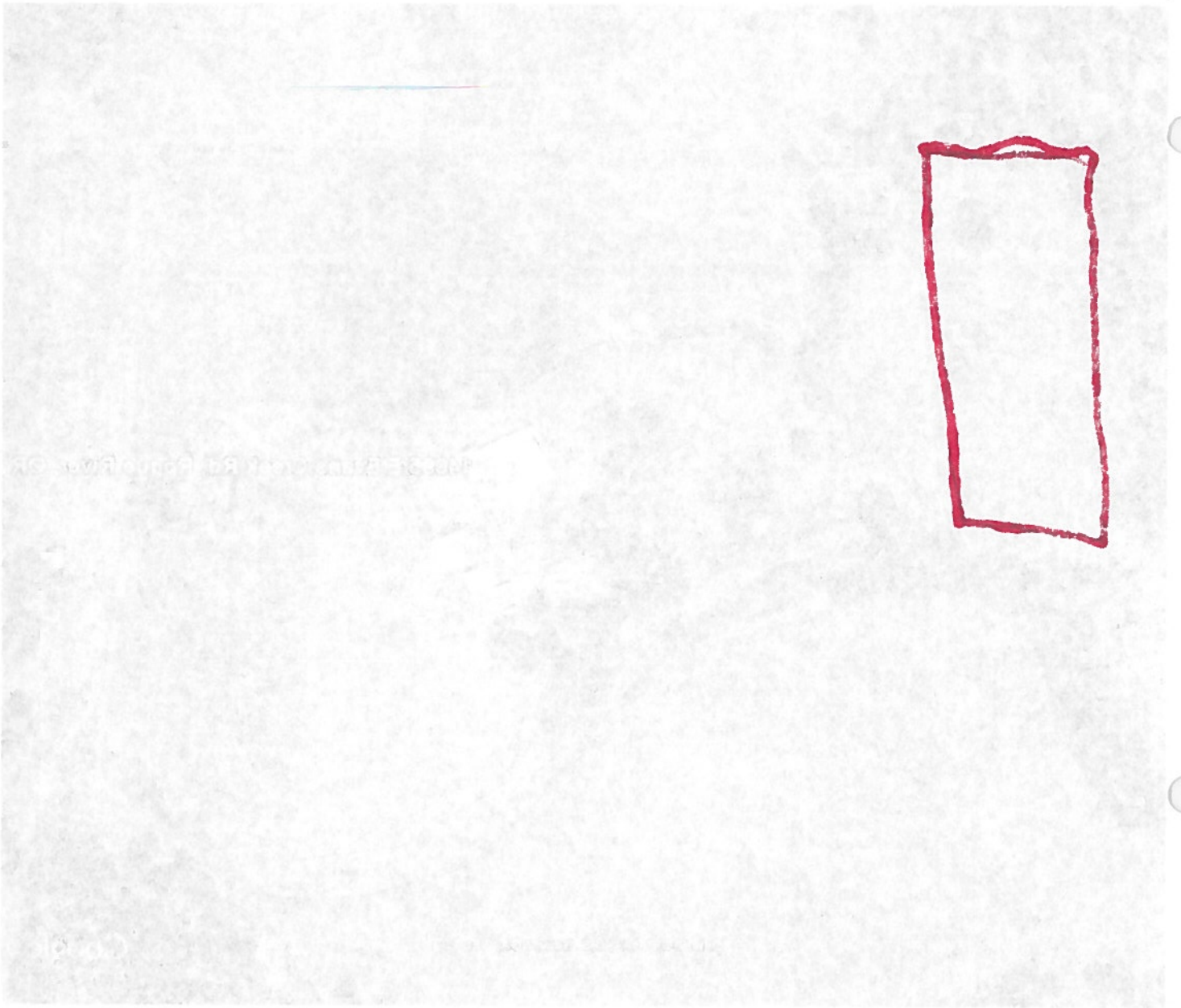
RECEIVED BY GARD



05 276



RECEIVED BY OWRD  
 RECEIVED BY OWRD  
 FEB 10 2014  
 MAR 07 2014 RECEIVED BY OWRD  
 SALEM, OR  
 APR 04 2014 SALEM, OR  
 SALEM, OR



RECEIVED BY OWRD  
OFFICE OF WORKERS' COMPENSATION  
AND SAFETY

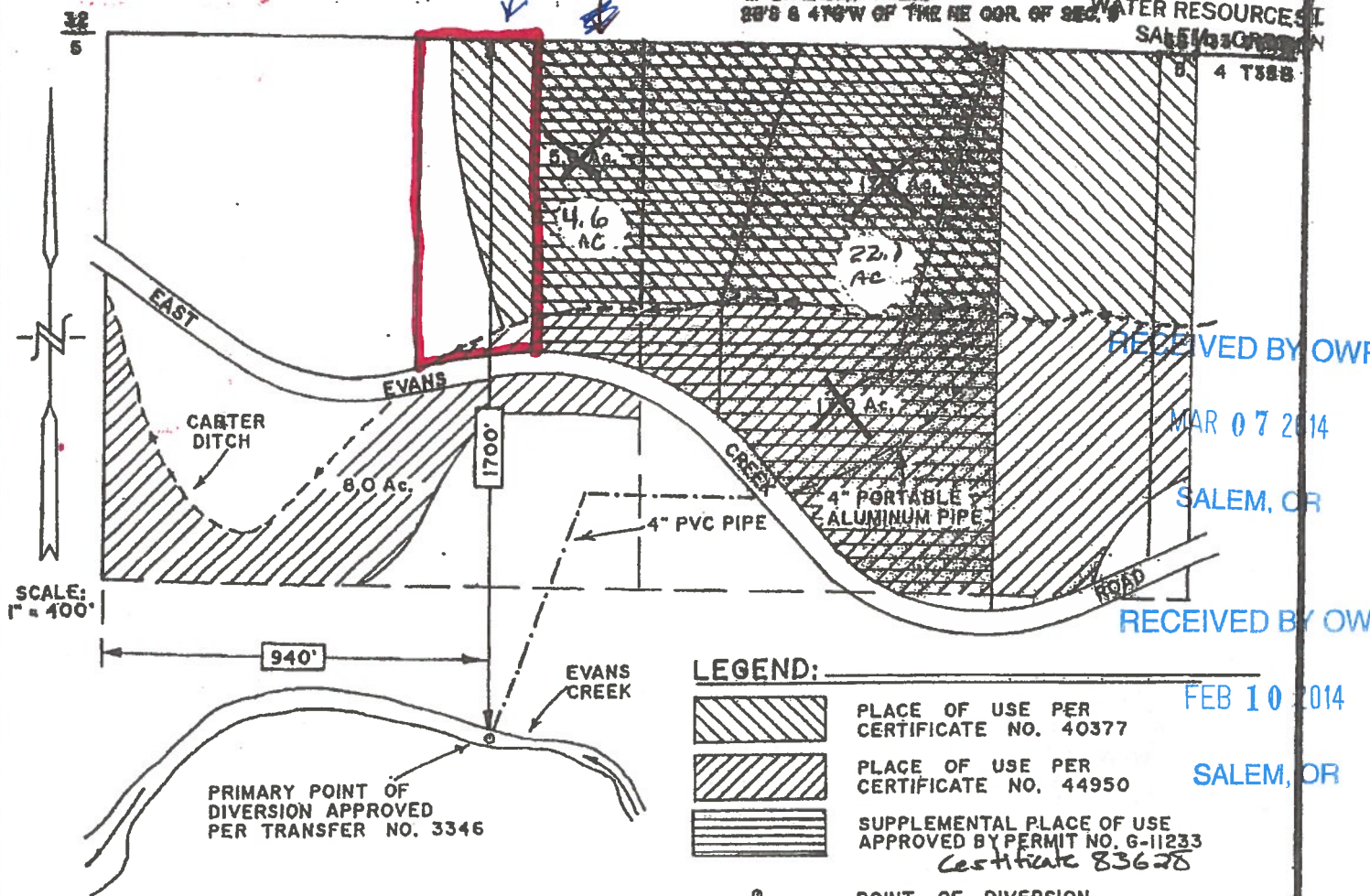
NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.

RECEIVED

AUG - 4 1992

SUPPLEMENTAL POINT OF DIVERSION (WELL) 20'S & 470'W OF THE NE COR. OF SEC. 5

WATER RESOURCES DIVISION  
SALE 5/13/92  
4 T588



RECEIVED BY OWF  
MAR 07 2014  
SALEM, OR  
RECEIVED BY OWI

LEGEND:

- PLACE OF USE PER CERTIFICATE NO. 40377
- PLACE OF USE PER CERTIFICATE NO. 44950
- SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233  
*Certificate 83628*
- o POINT OF DIVERSION
- FOUND PROPERTY CORNER

FEB 10 2014  
SALEM, OR

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY

QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM. A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT. SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979  
PERMIT NO. G-11233

MAP MODIFIED BY WRD STAFF TO REFLECT ACRES PER TABLE JW6 8-20-2007

PROJECT NO.  
142-90-120  
DRAWING NO.  
38-8.5.11  
DATE  
7-22-1992  
SCALE  
1" = 400'



PLAT OF CLAIM OF BENEFICIAL USE

LOCATED IN NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M. JACKSON COUNTY, OREGON

PREPARED FOR:

ANTHONY L.S. EWALT  
14095 E. EVANS CR. RD.  
ROGUE RIVER, OREGON 97537  
TEL. 582-4112

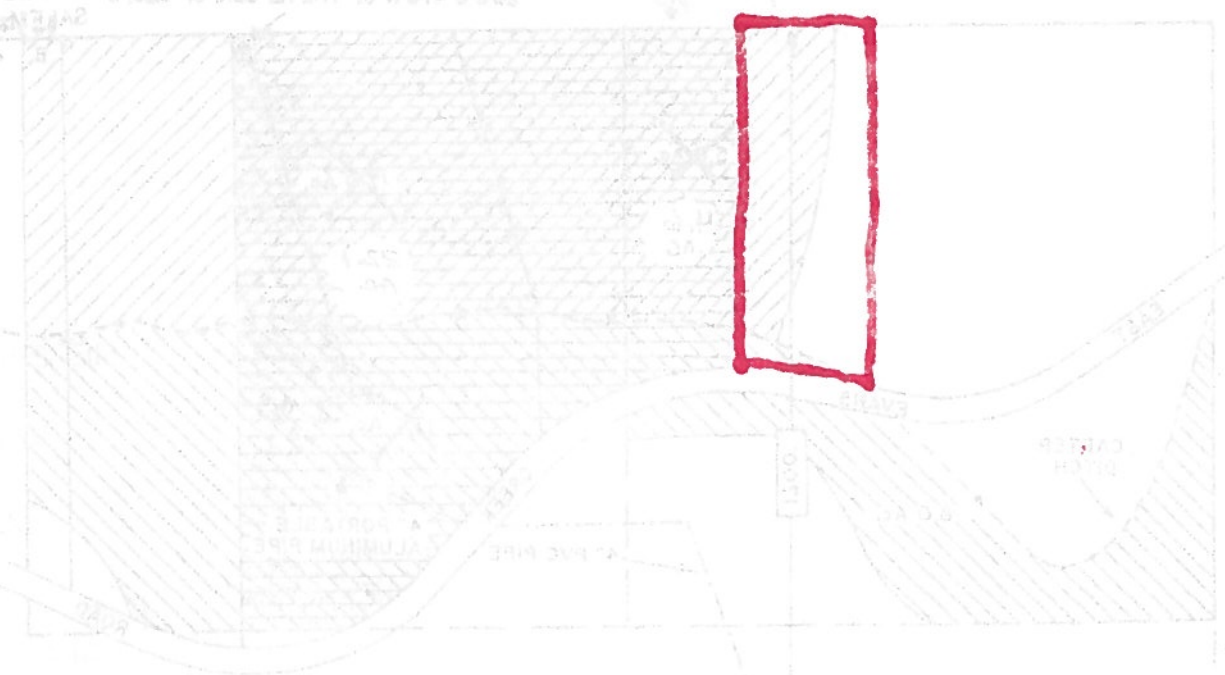
RECEIVED BY OWNED

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
CIVIL ENGINEER & LAND SURVEYOR  
1962 S.E. "N" STREET  
GRANTS PASS, OREGON 97528-3250  
TEL. 479-3436.

SALEM, OR

WYOMING SECTION 5, T.33S., R.3W., W.M. AUG - 1 1982

SEE A FLOW OF THE 1800 OF 2000 WATER RESOURCE...  
 SUPPLEMENTAL PERMIT...  
 1982



SCALE: 1" = 400'

LEGEND:

	PLACE OF USE PER CERTIFICATE NO. 4037
	PLACE OF USE PER CERTIFICATE NO. 4480
	SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. 6-1133



PER TRANSFER NO. 3348  
 DIVISION APPROVED  
 PRIMARY POINT OF

OWNER	ACRES TO RECEIVE SUPPLEMENTAL SUPPLY	COST	4480	TOTAL
WANE	10.9 AC.	9.5 AC.	9.5 AC.	19.4 AC.
WANE	4.0 AC.	0.0 AC.	0.0 AC.	4.0 AC.
TOTAL	14.9 AC.	9.5 AC.	9.5 AC.	24.4 AC.

OWNER'S LIST:  
 THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVISION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.  
 SUBJECT PROPERTY: TAX LOTS 103 AND 104 OF ASSESSOR'S MAP NO. 98-07-01.  
 A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT. A DISTANT 01-000 EDM. WERE MEASURED USING A WILD T-1500 THEODOLITE WITH THE TIES TO THE SUPPLEMENTAL POINT OF DIVISION FOUND PROPERTY CORNER.

APPLICATION NO. 6-1133  
 PERMIT NO. 6-1133

WAS APPLIED BY AND STAFF TO REQUEST 4480 PER TABLE 244 8-23-2007

CLAIM OF BENEFICIAL USE

PLAT OF  
 LOCATED IN  
 WYOMING SECTION 5, T.33S., R.3W., W.M.  
 JACKSON COUNTY, OREGON

PREPARED FOR: ANTHONY J. EWALT  
 1408 E. EVANS ST. SE.  
 ROGUE RIVER, OREGON 97137  
 TEL. 555-4115

RECEIVED BY: GARY D. WICKS, P.E., P.L.S.  
 CIVIL ENGINEER & LAND SURVEYOR  
 1985 S.W. 7TH STREET  
 GRANT PASS, OREGON 97524-8200  
 TEL. 478-2444

STATE OF OREGON  
 DEPARTMENT OF GEOLOGY  
 GARY D. WICKS  
 CIVIL ENGINEER  
 MAY 17 1982

PROJECT NO. 145-90-150  
 DRAWING NO. 38-8-11  
 DATE 7-22-1982  
 SCALE 1" = 400'

15  
J  
50  
TL 105



**INSTRUCTIONS FOR COMPLETING THE  
AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT**

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271

04/11  
nstcancel

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

REPRODUCTION

1998

1998





BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson )

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Jacqueline Ann Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950,  
issued to LeRoy Sinsbaugh authorizes use of water from (source) Evans Creek  
for (use) Irrigation  
under a priority date of Dec. 1, 1923

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 105, in Township 35  
N/S, Range 3 W E/W, in the NW 1/4 NE 1/4, of  
Section(s) 5, Jackson, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived near TL 105 since 2008, My  
diversion point is the same. There is  
no irrigation facility or any irrigation  
to TL 105 since 2008 that I have seen,

RECEIVED BY OWRD

Page 2 of 5

RECEIVED BY OWRD

APR 04 2014

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR

MAR 07 2014

SALEM, OR

SALEM, OR



REPORT OF THE BOARD OF TAXATION

STATE OF TEXAS  
COMMISSIONERS OF TAXATION

REPORT FOR THE YEAR  
ENDING DECEMBER 31, 1917

The Board of Taxation was organized on the 1st day of January, 1917, and has since that time been engaged in the study and investigation of the various tax laws of this State, with a view to their simplification and the improvement of the methods of their collection.

The Board has held numerous public hearings and has received many suggestions from the general public, and has endeavored to give due consideration to all of them. It has also held several conferences with the various State departments, and has endeavored to coordinate the work of the different agencies.

The Board has also held several conferences with the various State departments, and has endeavored to coordinate the work of the different agencies.

The Board has also held several conferences with the various State departments, and has endeavored to coordinate the work of the different agencies.

The Board has also held several conferences with the various State departments, and has endeavored to coordinate the work of the different agencies.

RECEIVED BY WITNESSES

1918  
SALVADO

1918  
SALVADO



6. I know from personal observation and state with certainty that the entire water right has not been used for:

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

IRrigation From May 2008 Through January 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 0.5 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes \_\_\_\_\_ No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. JB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. JB (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRD

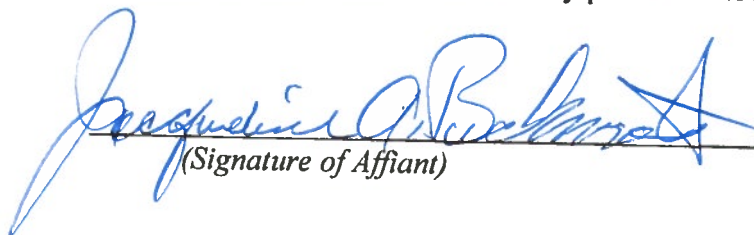
APR 04 2014

SALEM, OR

RECEIVED BY BANK  
DATE: 1/14/14  
1/14/14



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2014.



  
\_\_\_\_\_  
(Notary Public of Oregon)

My Commission Expires NOV 5, 2015

(SEAL)

RECEIVED BY OWRD

APR 04 2014

SALEM, OR



UNIVERSITY OF CALIFORNIA  
LIBRARY  
DIVERSITY



**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: Jasbir Ralph  
Address: PO Box 630454  
City, State, Zip: Simi Valley, CA, 93063

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

[/s/ Signature]  
Title

Jasbir A. Ralph

RECEIVED BY OWRD

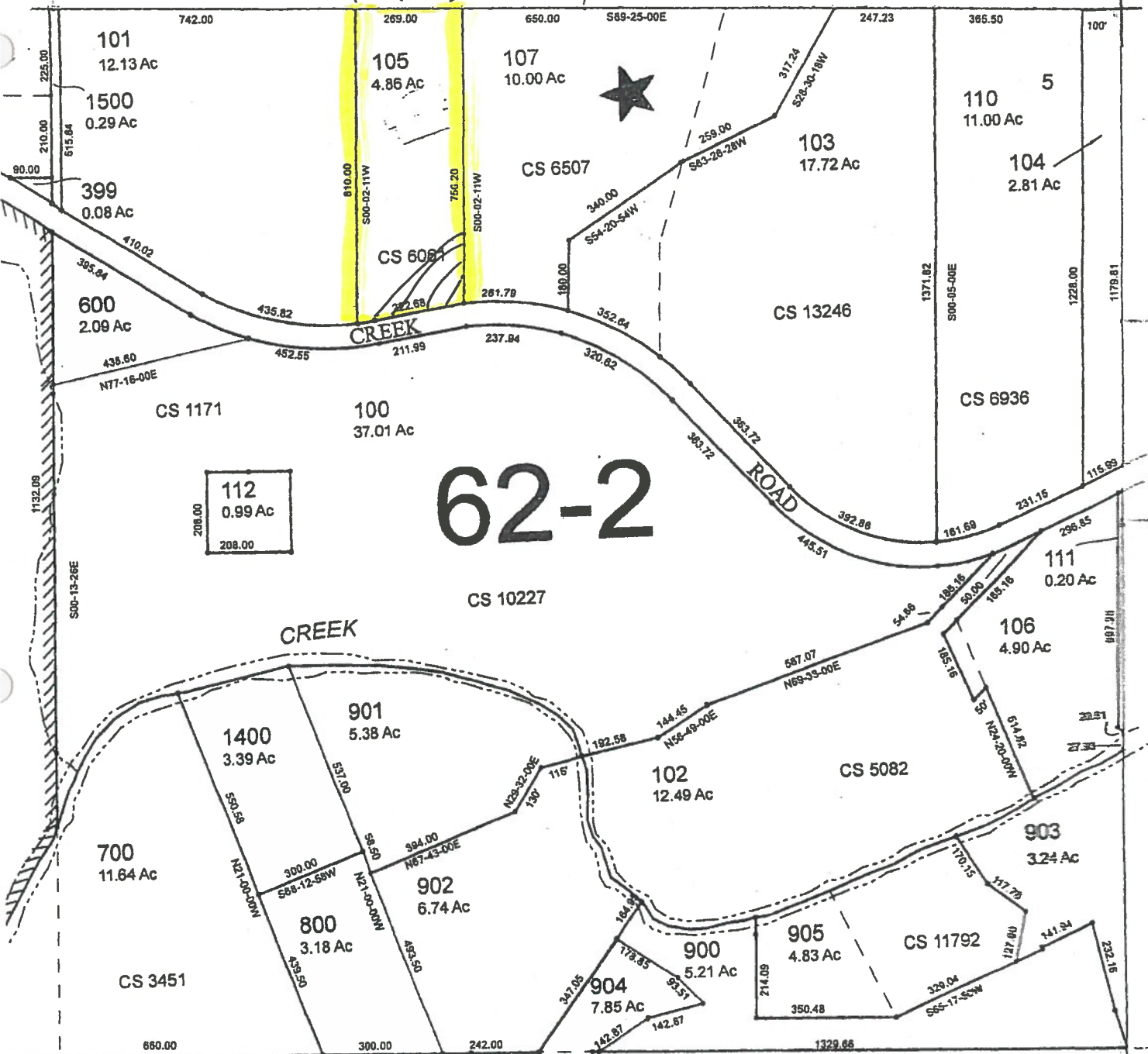
APR 04 2014

SALEM, OR





1/2 AC W/R  
Not used



# 62-2

RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

CS 6376

RECEIVED BY OWR

FEB 10 2014

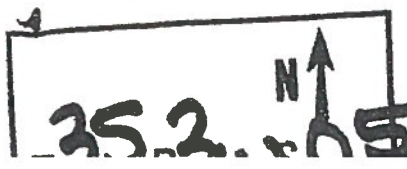
SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

T35 R3W S05



30-3-17  
Dinner

200

30-3-17  
Dinner



T35 R3W S05

RECEIVED BY OWRD RECEIVED BY OWRD

APR 04 2014

MAR 07 2014

SALEM, OR

SALEM, OR

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR



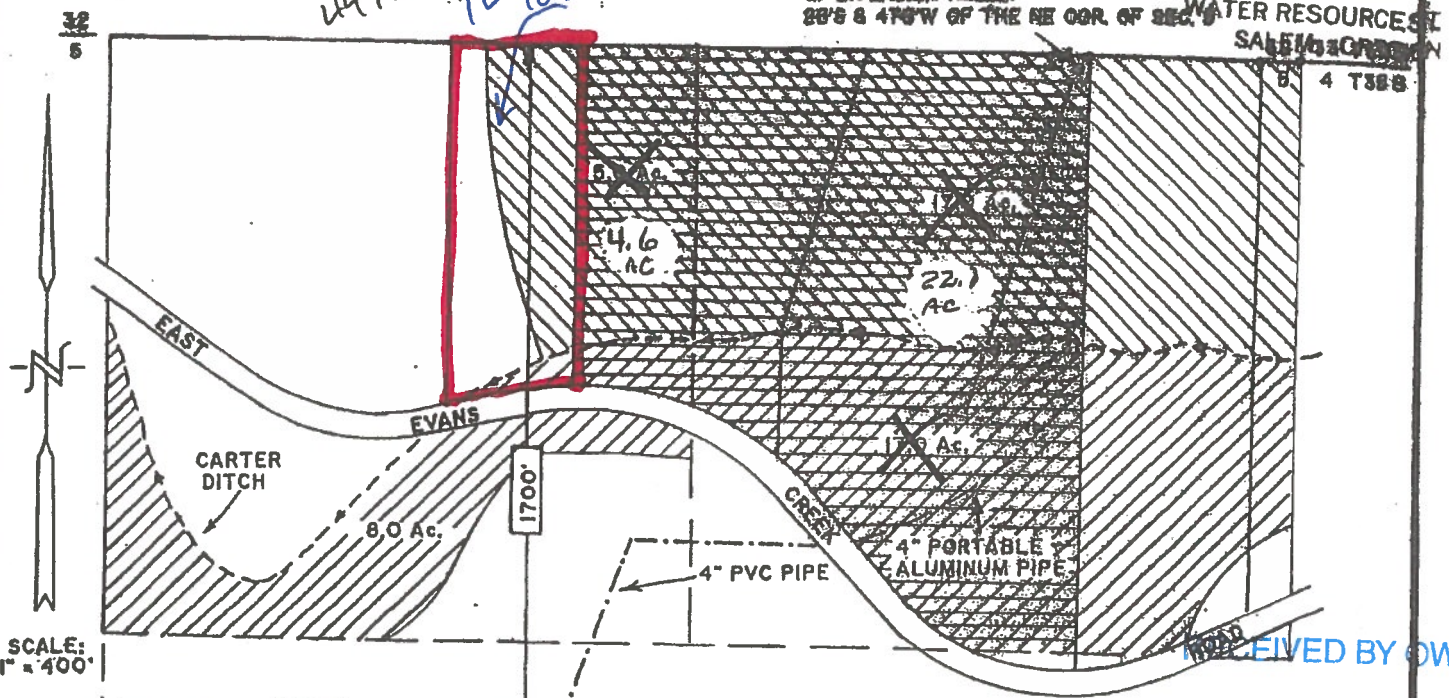
RECEIVED

NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.

AUG - 4 1992

SUPPLEMENTAL POINT OF DIVERSION (WELL) 28'S & 47'W OF THE NE COR. OF SEC. 5 WATER RESOURCES SALEM, OREGON

44950 TL 105



RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

PRIMARY POINT OF DIVERSION APPROVED PER TRANSFER NO. 3346

LEGEND:

- PLACE OF USE PER CERTIFICATE NO. 40377
- PLACE OF USE PER CERTIFICATE NO. 44950
- SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233 Certificate 83628
- POINT OF DIVERSION
- FOUND PROPERTY CORNER

FEB 10 2014

SALEM, OR

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY			
QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM1. A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT. SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

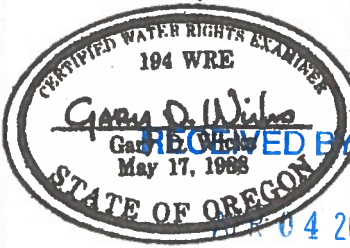
THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979

PERMIT NO. G-11233

MAP MODIFIED BY WRD STAFF TO REFLECT ACRES PER TABLE JW6 8-20-2007

PROJECT NO. 142-90-120  
DRAWING NO. 38-8.5.11  
DATE 7-22-1992  
SCALE 1" = 400'



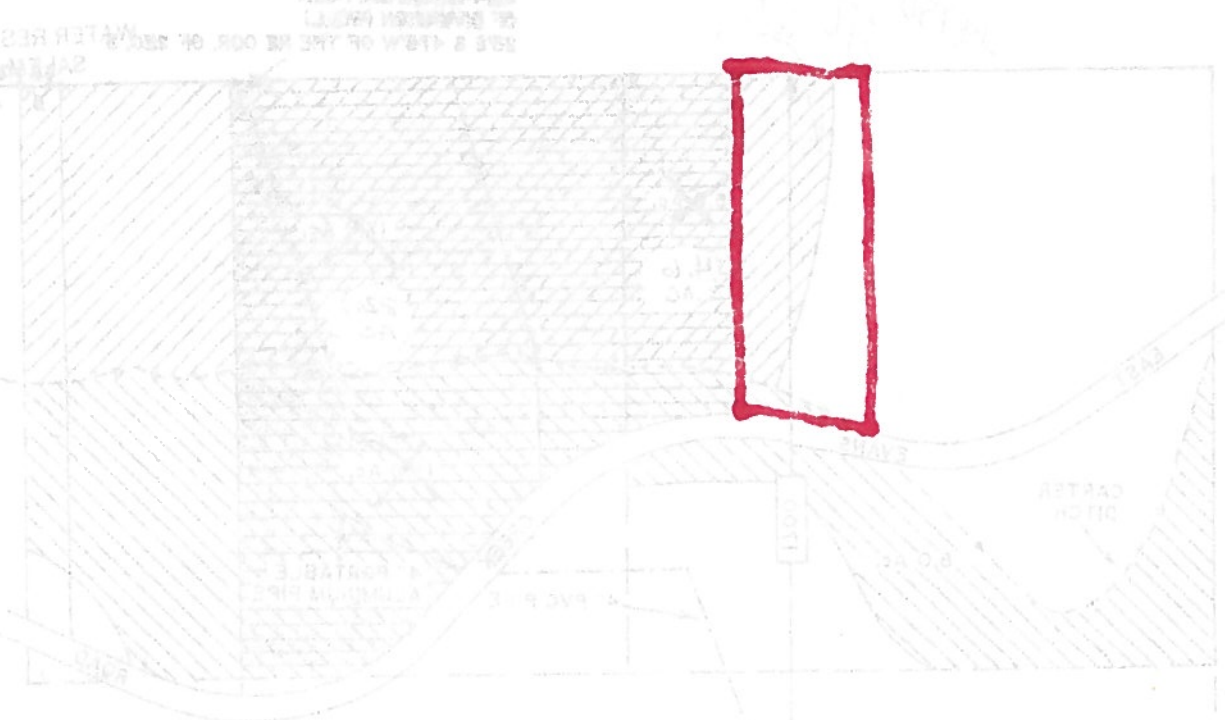
PLAT OF CLAIM OF BENEFICIAL USE LOCATED IN NI/2NE1/4 SECTION 5, T.35S. R.3W., W.M. JACKSON COUNTY, OREGON

PREPARED FOR: ANTHONY L.S. EWALT 14095 E. EVANS CR. RD. ROGUE RIVER, OREGON 97537 TEL. 502-4112

PREPARED BY: GARY D. WICKS, P.E., P.L.S. CIVIL ENGINEER & LAND SURVEYOR 962 S.E. "N" STREET GRANTS PASS, OREGON 97526-3280 TEL. 479-3436.

SALEM, OR

INSMELVA SECTION 8, T.35S, R.3W, W.M. AUG - 1982



LEGEND:

	PLACE OF USE PER CERTIFICATE NO. 40377
	PLACE OF USE PER CERTIFICATE NO. 44950
	SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. 0-41523

AGRES TO RECEIVE SUPPLEMENTAL SUPPLY

TRACT	40377	44950	TOTAL
WEST	10.9 AC.	0.2 AC.	11.1 AC.
WEST	4.0 AC.	0.2 AC.	4.2 AC.
TOTAL	14.9 AC.	0.4 AC.	15.3 AC.

POINT OF DIVERSION \* FOUND PROPERTY CORNER

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD-T-1800 THEODOLITE WITH A DISTANCE OF 1000 FEET.

A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAN. SUBJECT PROPERTY TAX LOTS 103 AND 104 OF ASSESSOR'S MAP NO. 28-24-2.

THIS PLAN WAS PREPARED FOR THE PURPOSE OF LOCATING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. 0-41523  
 PERMIT NO. 0-41523

AND APPLIED BY AND STATE TO ACCEPT ASSETS PER TABLE 2048 8-20-1982

CLAIM OF BENEFICIAL USE  
 PLAT OF  
 JACKSON COUNTY OREGON  
 INSMELVA SECTION 8, T.35S, R.3W, W.M.

PREPARED BY:  
 GARY D. WICKS, P.E., P.L.S.  
 CIVIL ENGINEER & LAND SURVEYOR  
 905 E. 7TH STREET  
 GRANTS PASS, OREGON 97620-2390  
 TEL. 429-2922

PREPARED FOR:  
 ANTHONY L.J. SWARTZ  
 1408 E. EVANS CR. RD.  
 ROSE RIVER, OREGON 97138  
 TEL. 262-4118



PROJECT NO. 14S-20-150  
 DRAWING NO. 20-8-211  
 DATE 7-22-1982  
 SCALE 1" = 400'

2  
J  
50  
TL 107



### INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
 725 NE Summer Street Suite A  
 Salem, OR 97301-1271

04/11  
 nstcancel

RECEIVED BY OWRD

APR 04 2014

SALEM, OR







BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon ) AFFIDAVIT ASSERTING
County of Jackson ) ss NON-USE OF WATER RIGHT

1. I, Jacqueline Ann Buckmaster
of 14095 East Evans Creek Road
Rogue River, Oregon, 97537

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950
issued to Le Roy Sinsabaugh authorizes use of water from (source) Evans Creek
for (use) IRRIGATION
under a priority date of Dec. 1, 1923

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 107, in Township 35
N/S, Range 3W E/W, in the NW and NE 1/4 NE 1/4, of
Section(s) 5, Jackson, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived next door since 2008. My diversion
point is the same. There is no irrigation
facility to TL 107 or any irrigation since
2008 that I have seen

RECEIVED BY OWRD RECEIVED BY OWRD

MAR 07 2014 APR 04 2014 FEB 10 2014
SALEM, OR SALEM, OR SALEM, OR



*[The page contains extremely faint, illegible text that appears to be bleed-through from the reverse side of the paper. The text is scattered across the page and is not readable.]*





6. I know from personal observation and state with certainty that the entire water right has not been used for:

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

IRRIGATION From May 2008 Through January 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 2.5 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. [Signature] (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. [Signature] (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWR

APR 04 2014

SALEM, OR

REMOVED

10/1/01

10/1/01



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Josephine A. Budman  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2014.



Angell Pittman  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRI

APR 04 2014

SALEM, OR



11/11/2011  
 11/11/2011  
 11/11/2011





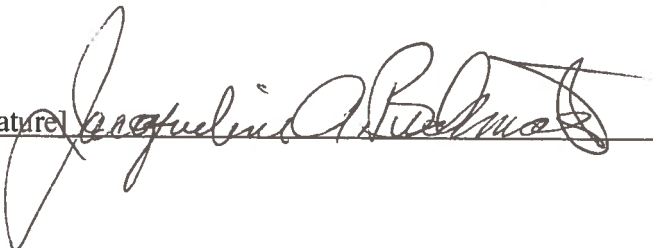
**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: <u>Laura Gerritsen</u>	Name:
Address: <u>13933 East Evans Crk. Rd.</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>975377</u>	

Name: <u>Randy + Gena Rice</u>	Name:
Address: <u>13933 East Evans Crk. Rd.</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>97537</u>	

[/s/ Signature]   
 Title \_\_\_\_\_

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

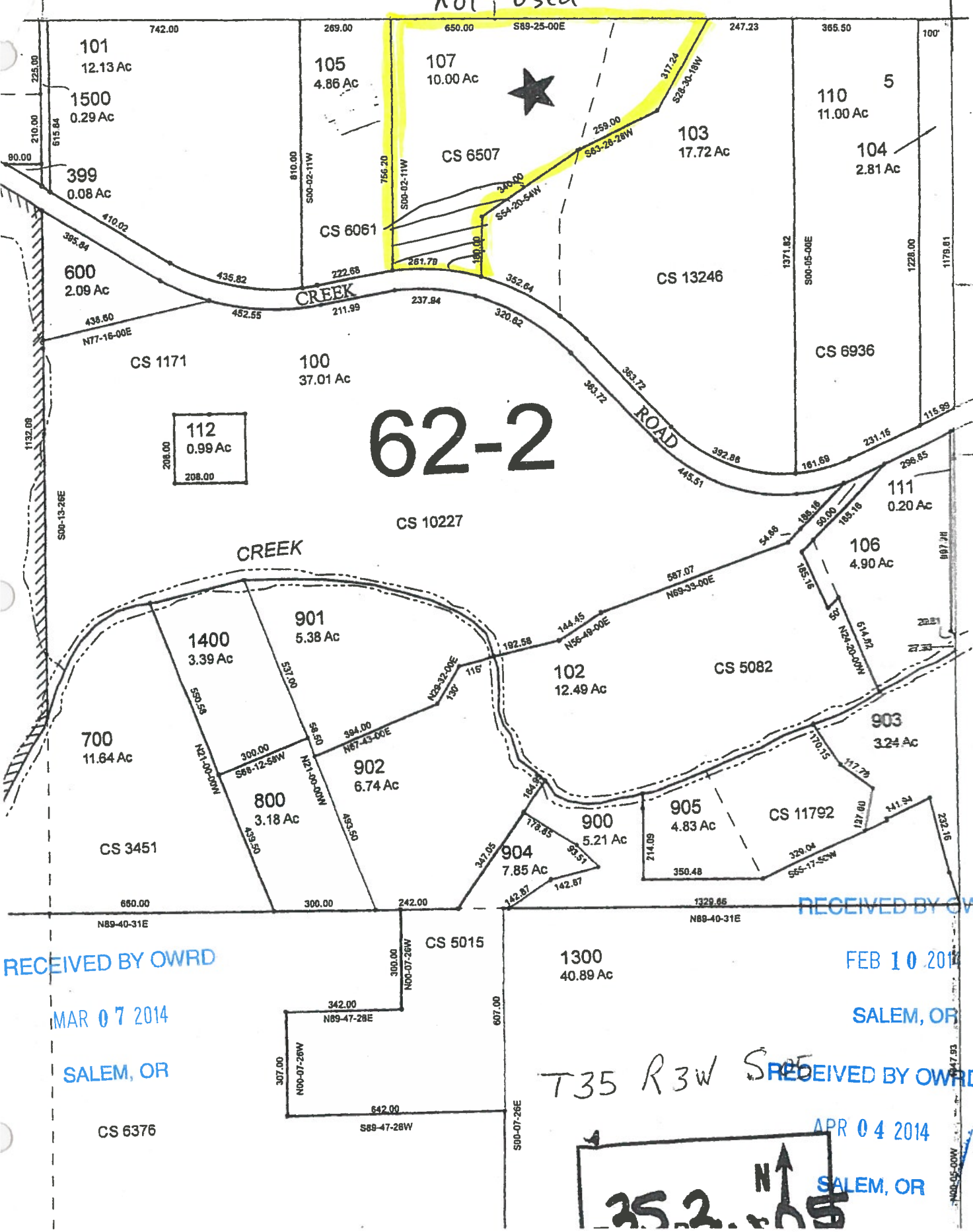
RECEIVED

NOV 19 1964

LIBRARY



2.5 acres w/r  
NOT used



# 62-2

RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

CS 6376

RECEIVED BY OWRD

FEB 10 2014

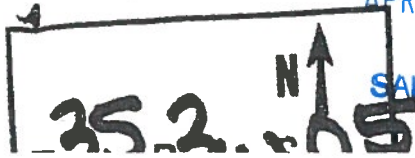
SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

T35 R3W S5E



MAP 50-00W

300000  
1000000



1000000

1000000

2000000

1000000



T35 R3W S05

RECEIVED BY OWRD

APR 04 2014

RECEIVED BY OWRD

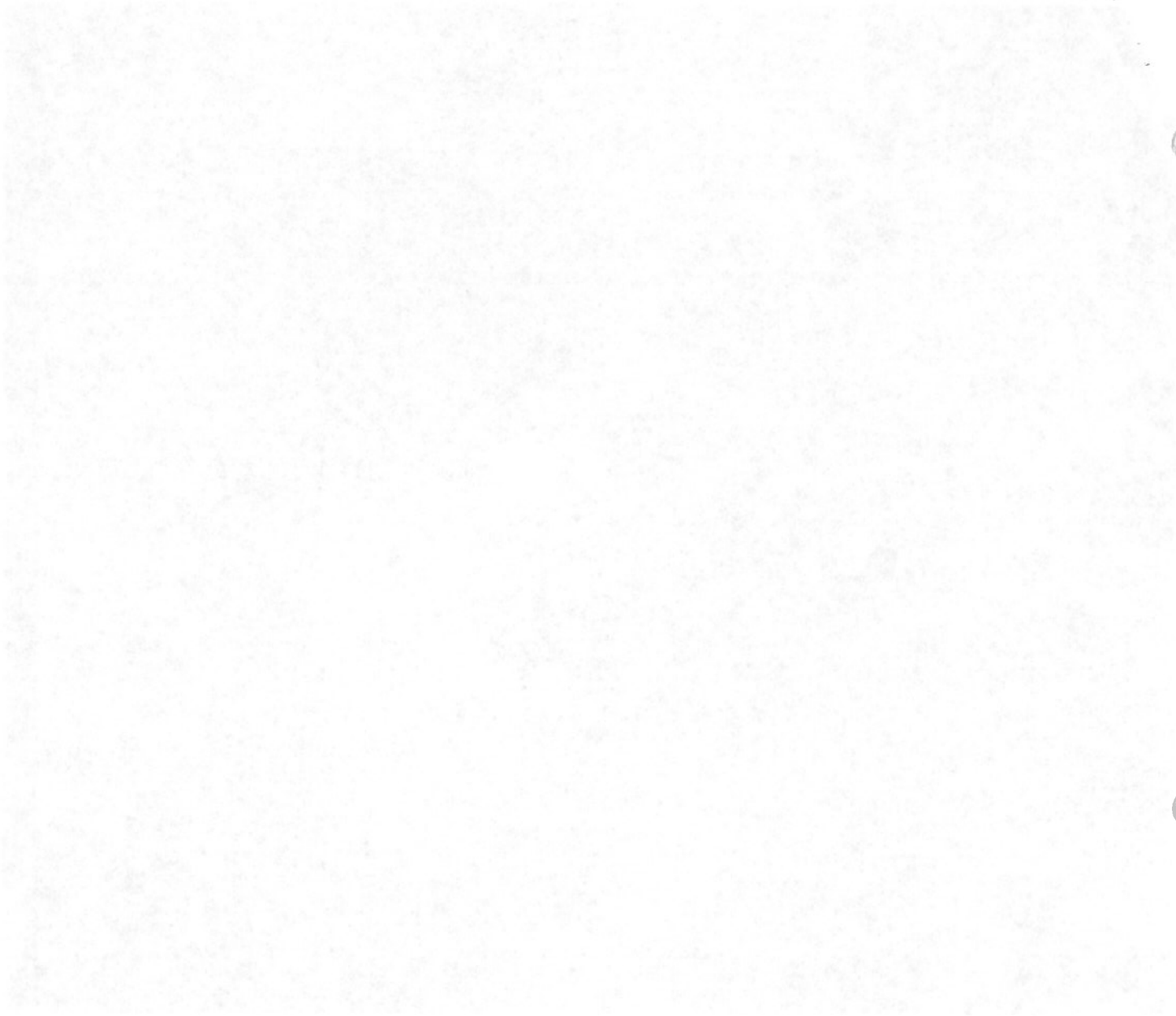
MAR 07 2014

SALEM, OR

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR



1999-2000

1998-1999

1997-1998

1996-1997

1995-1996

1994-1995

1993-1994

1992-1993

1991-1992

1/2 NE 1/4 SECTION 5, T.35S., R.3W., W.M.

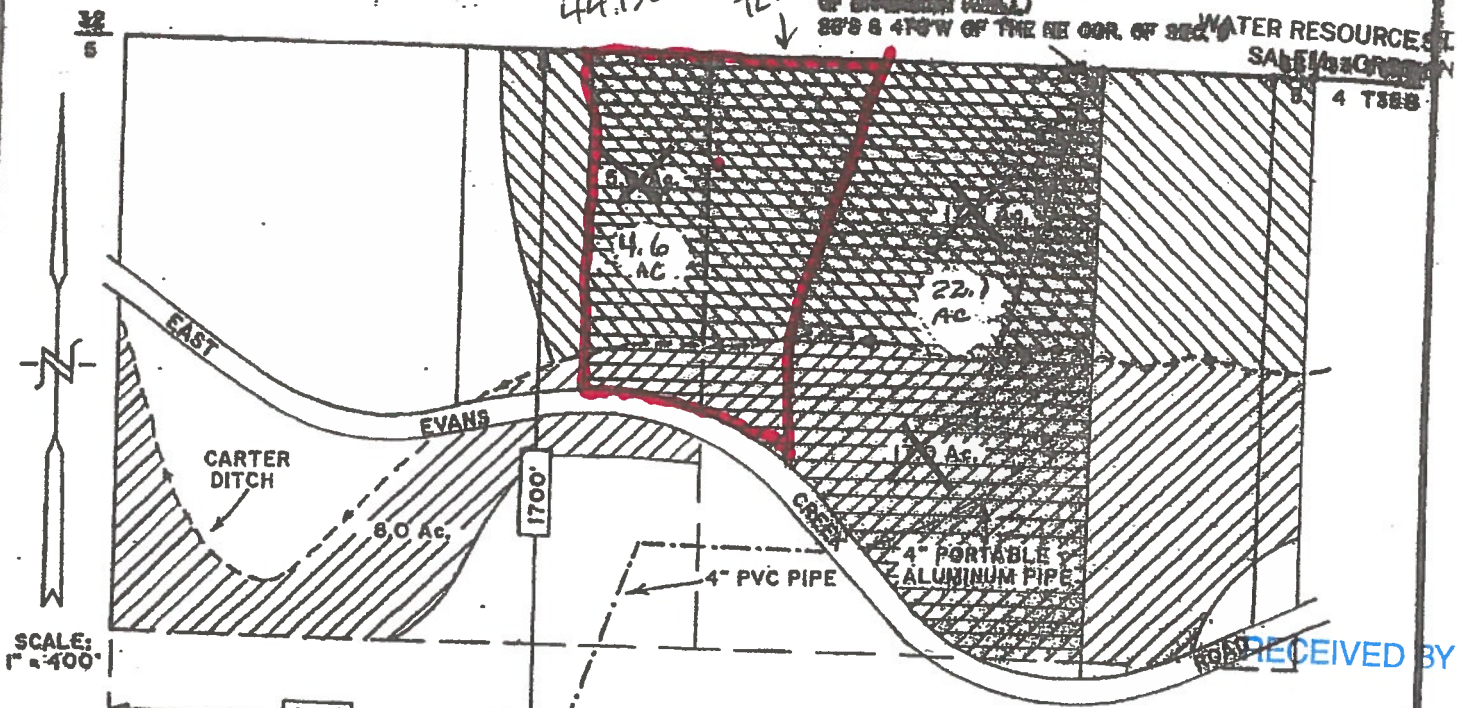
RECEIVED BY OW

AUG - 4 1992

44950

TL107

SUPPLEMENTAL POINT OF DIVERSION (PERMITS) 20'S & 41'S W OF THE NE COR. OF SEC. 5 WATER RESOURCES SALMON RIVER 4 T35S



SCALE: 1" = 400'

RECEIVED BY OW

FEB 10 2014

RECEIVED BY OW

SALEM, OR

MAR 07 2014

PRIMARY POINT OF DIVERSION APPROVED PER TRANSFER NO. 3346

SALEM, OR

LEGEND:

- PLACE OF USE PER CERTIFICATE NO. 40377
- PLACE OF USE PER CERTIFICATE NO. 44950
- SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233 Certificate 83678
- POINT OF DIVERSION
- FOUND PROPERTY CORNER

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY			
QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
<b>TOTAL</b>	<b>16.9 Ac.</b>	<b>9.8 Ac.</b>	<b>26.7 Ac.</b>

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM.

A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT. SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979

PERMIT NO. G-11233

MAP MODIFIED BY WRD STAFF TO REFLECT ACRES PER TABLE SW6 8-20-2007

PROJECT NO. 142-90-120  
DRAWING NO. 38-8.5.11  
DATE: 7-22-1992  
SCALE 1" = 400'



PLAT OF CLAIM OF BENEFICIAL USE LOCATED IN 1/2 NE 1/4 SECTION 5 T.35S R.3W., W.M. JACKSON COUNTY, OREGON

RECEIVED BY OW

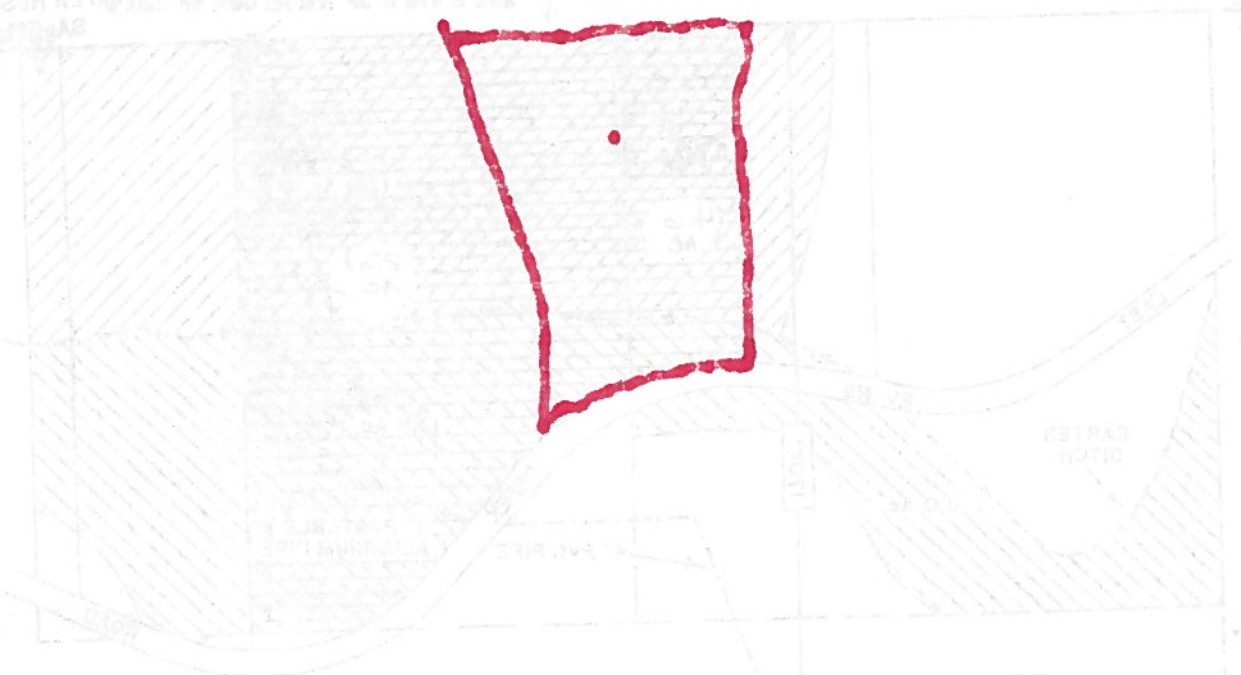
PREPARED FOR: ANTHONY L.S. EWALT 14085 E. EVANS CR. RD. ROGUE RIVER, OREGON 97537 TEL. 502-4112

PREPARED BY: GARY D. WICKS, P.E., P.L.S. CIVIL ENGINEER & LAND SURVEYOR 962 S.E. "N" STREET GRANTS PASS, OREGON 97528-3250 TEL. 479-3436

APR 04 2014

SALEM, OR

MINNEVA SECTION 8, T.38S., R.3W., W.M. AUG - 1 1981



**LEGEND:**

- [Hatched pattern] PLACE OF USE PER CERTIFICATE NO. 40377
- [Hatched pattern] PLACE OF USE PER CERTIFICATE NO. 44330
- [Hatched pattern] SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11873

AGREED TO RECEIVE SUPPLEMENTAL SUPPLY

GRAIN	1977	1978	TOTAL
WHEAT	15.2 AC	0.2 AC	15.4 AC
WHEAT	1.0 AC	0.8 AC	1.8 AC
TOTAL	16.2 AC	1.0 AC	17.2 AC

APPLICATION NO. G-11873  
 PERMIT NO. G-11873

POINT OF DIVERSION  
 FOUND PROPERTY CORNER  
 THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD-THEODOLITE WITH A DISTANT SIGHTING (DMI).  
 A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAN.  
 SUBJECT PROPERTY TAX LOTS 100 AND 101 OF ASSessor's MAP NO. 27-2W-3  
 THIS PLAN WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION OR OTHER TIES TO BE SET TO PROVIDE EVIDENCE OF LOCATION OF PROPERTY BOUNDARIES.

CLAIM OF BENEFICIAL USE  
 RECEIVED



NS-20-150  
 DRAWING NO. 38-B-211  
 DATE 11-22-1981  
 SCALE 1" = 100'

PREPARED BY:  
 GARY D. WICK, P.E., P.L.S.  
 CIVIL ENGINEER & LAND SURVEYOR  
 902 S.E. 9TH STREET  
 GRANT'S PASS, OREGON 97526-2820  
 TEL. 475-2444

PREPARED FOR:  
 ANTHONY L.R. SWART  
 MOSE & EVANS P.C. INC.  
 10000 RIVER OREGON STREET  
 TEL. 905-4115

4  
B  
50  
TL 107



### INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271

04/11  
nstcancel

RECEIVED BY OWRI

APR 04 2014

SALEM, OR







BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon ) AFFIDAVIT ASSERTING
) ss NON-USE OF WATER RIGHT
County of Jackson )

1. I, Bruce Glen Buckmaster
(Legal Name)
of 14095 East Evans Creek Road
(Address)
Rogue River, Oregon, 97537
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950
issued to Leroy Sinsabaugh authorizes use of water from (source) Evans Creek
for (use) Irrigation
under a priority date of Dec. 1, 1923.

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within Tax Lot(s) 107, in Township 35
N/S, Range 3 W E/W, in the 1/4, of
Section(s) 5, Jackson County Oregon.

RECEIVED BY OWRD

APR 04 2014

5. I am familiar with these lands and I am aware of the non-use of this water right because:
I have lived next door since 2008. My diversion point is the same. There is no irrigation facility to TL 107 or any irrigation since 2008 that I have seen.

SALEM, OR

Page 2 of 5. RECEIVED BY OWRD

RECEIVED BY OWRD

FEB 10 2014

MAR 07 2014

SALEM, OR

SALEM, OR



REPORT THE WATER RESOURCES DEPARTMENT

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

State of Oregon )  
County of )  
)

1. I, John A. ...  
(Legal Name)  
of ... ..  
Address:  
City: ... .. County: ... .. Zip Code: ... ..  
Phone: ... ..

2. Water Right Certificate number ... ..  
issued to ... .. authorizes use of water from source ... ..  
for use ... ..  
under a priority date of ... ..

3. The total number of acres described in the certificate is ... ..

4. The subject water right is located within Tax Lots ... .. in Township ... ..  
N/S Range ... .. E/W in the ... .. of ... ..  
Sections ... .. County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
... ..  
... ..  
... ..  
... ..

RECEIVED - W. R. ...



6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that **a portion of this water right has not been used for:**

IRRIGATION From MAY 2008 Through JANUARY 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 2.5 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. BBB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. BBB (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRI

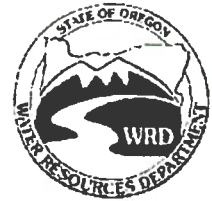
APR 04 2014

SALEM, OR

THE UNIVERSITY OF

WISCONSIN

MADISON, WISCONSIN



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Bruce H. Buckmaster  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2 014.



Angell Pittman  
(Notary Public of Oregon)

My Commission Expires Nov. 5, 2015

(SEAL)

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

DEPARTMENT OF

...

...



**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: <u>Laura Gerritsen</u>	Name:
Address: <u>13933 East Evans Creek Rd.</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>97537</u>	

Name: <u>Randy &amp; Gena Rice</u>	Name:
Address: <u>13933 East Evans Crk. Rd.</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>97537</u>	

[/s/ Signature] Bruce A. Buckmaster  
 Title

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

CHWCH-13-0000

10/1/00

10/1/00





RECEIVED BY OWRD

APR 04 2014

SALEM, OR

RECEIVED BY OWRD

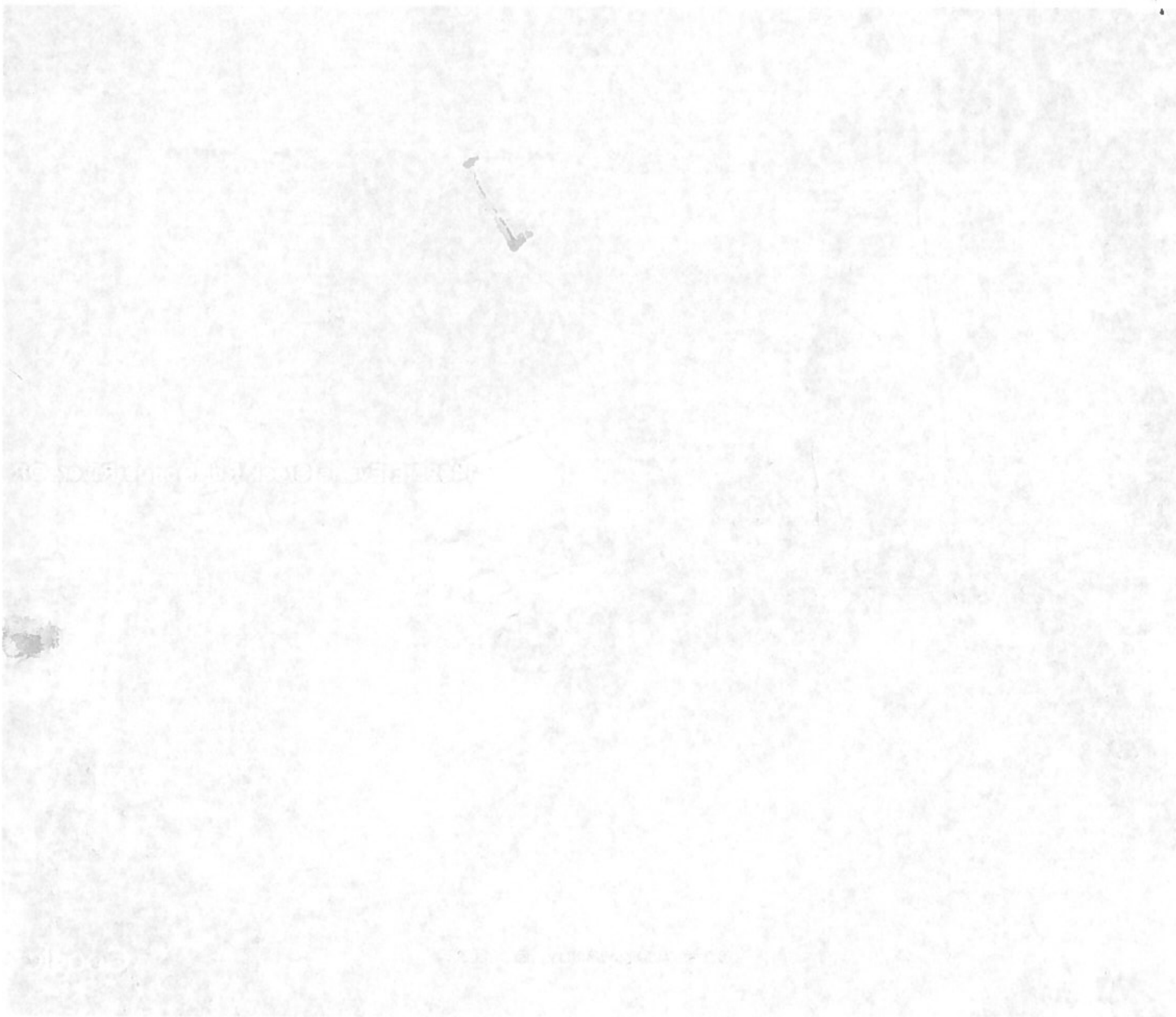
MAR 07 2014

SALEM, OR

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR



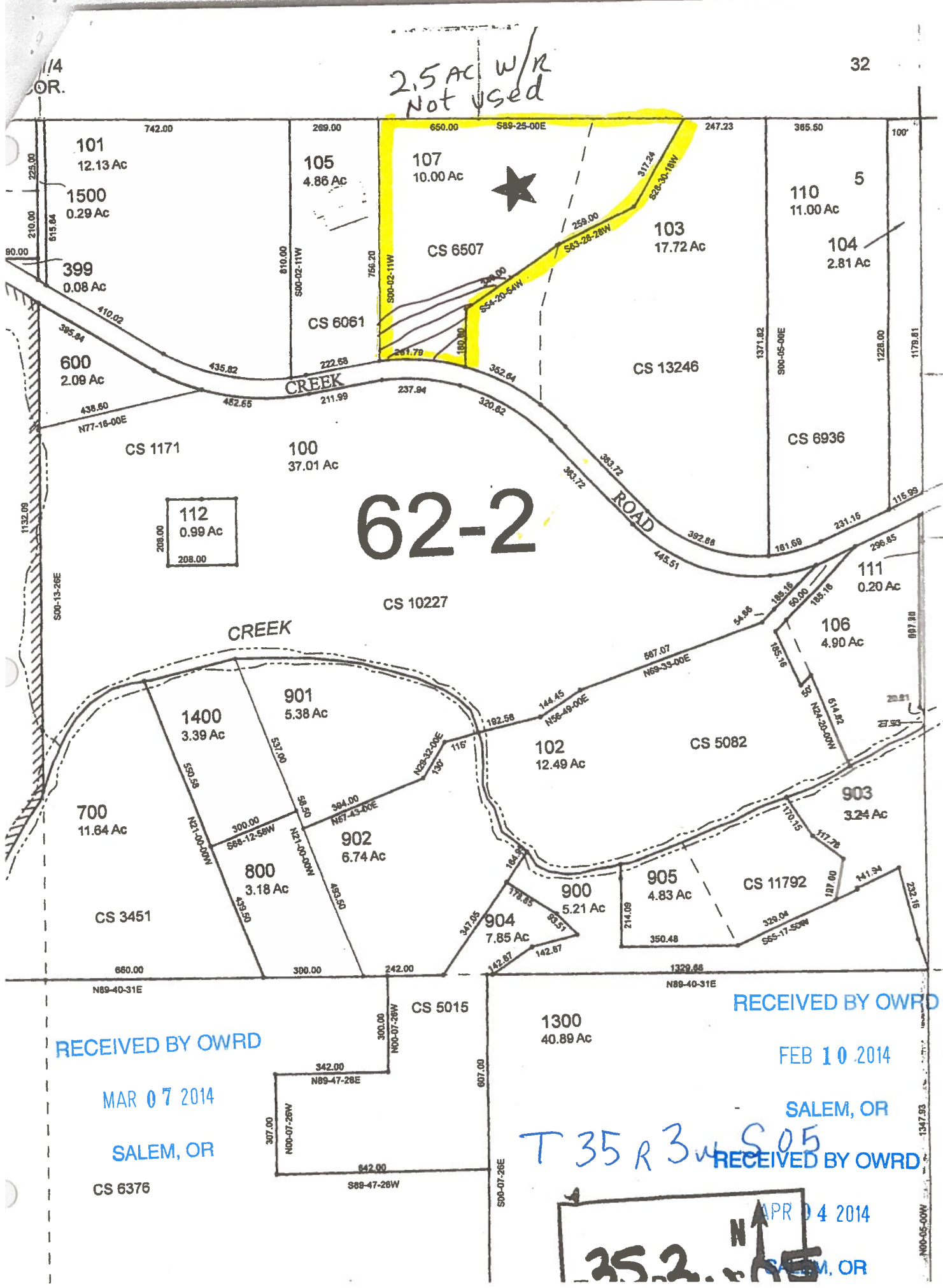
RECEIVED BY MRD

10/14/98

10/14/98



2.5 AC w/r  
Not used



# 62-2

RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

CS 6376

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR

RECEIVED BY OWRD

T 35 R 3 W S 05

APR 04 2014

SALEM, OR

35.2

N ↑

NE

1347.93

1179.81

1179.81

1179.81

1179.81



RECEIVED

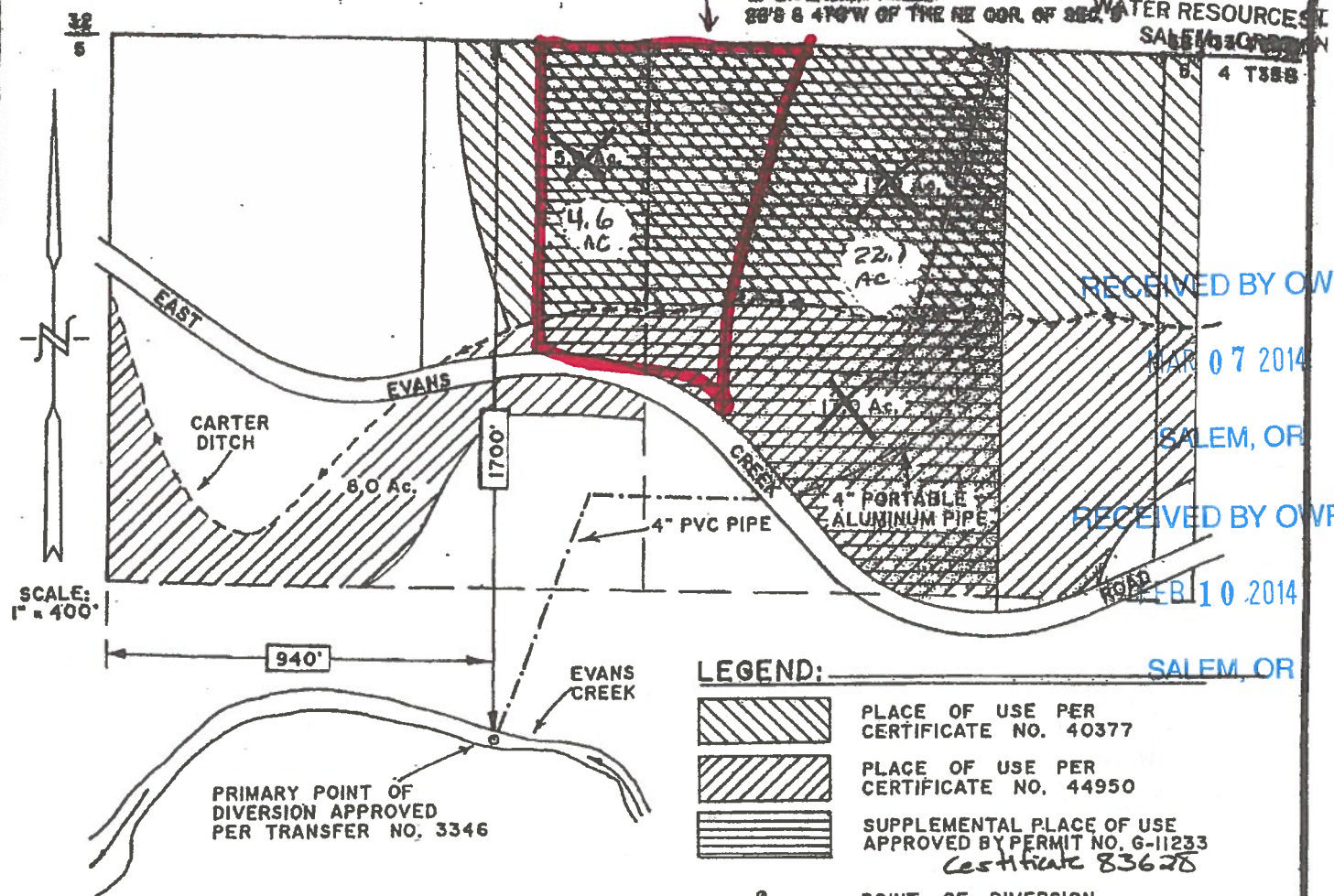
NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.

AUG - 4 1992

TL 107

SUPPLEMENTAL POINT OF DIVERSION (WELL) 80'S & 470' W OF THE NE COR. OF SEC 5

WATER RESOURCES SALEM, OREGON



RECEIVED BY OWRD  
 MAR 07 2014  
 SALEM, OR  
 RECEIVED BY OWRD  
 FEB 10 2014  
 SALEM, OR

LEGEND:

- PLACE OF USE PER CERTIFICATE NO. 40377
- PLACE OF USE PER CERTIFICATE NO. 44950
- SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233  
Certificate 83628
- POINT OF DIVERSION
- FOUND PROPERTY CORNER

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY			
QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM1.  
 A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT.  
 SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979

PERMIT NO. G-11233

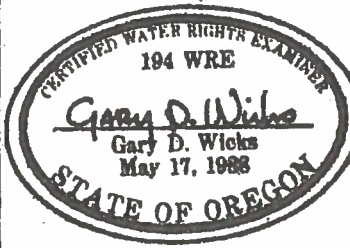
MAP MODIFIED BY OWRD STAFF TO REFLECT ACRES PER TABLE JW6 8-20-2007

PROJECT NO.  
142-90-120

DRAWING NO.  
38-8.5.11

DATE  
7-22-1992

SCALE  
1" = 400'



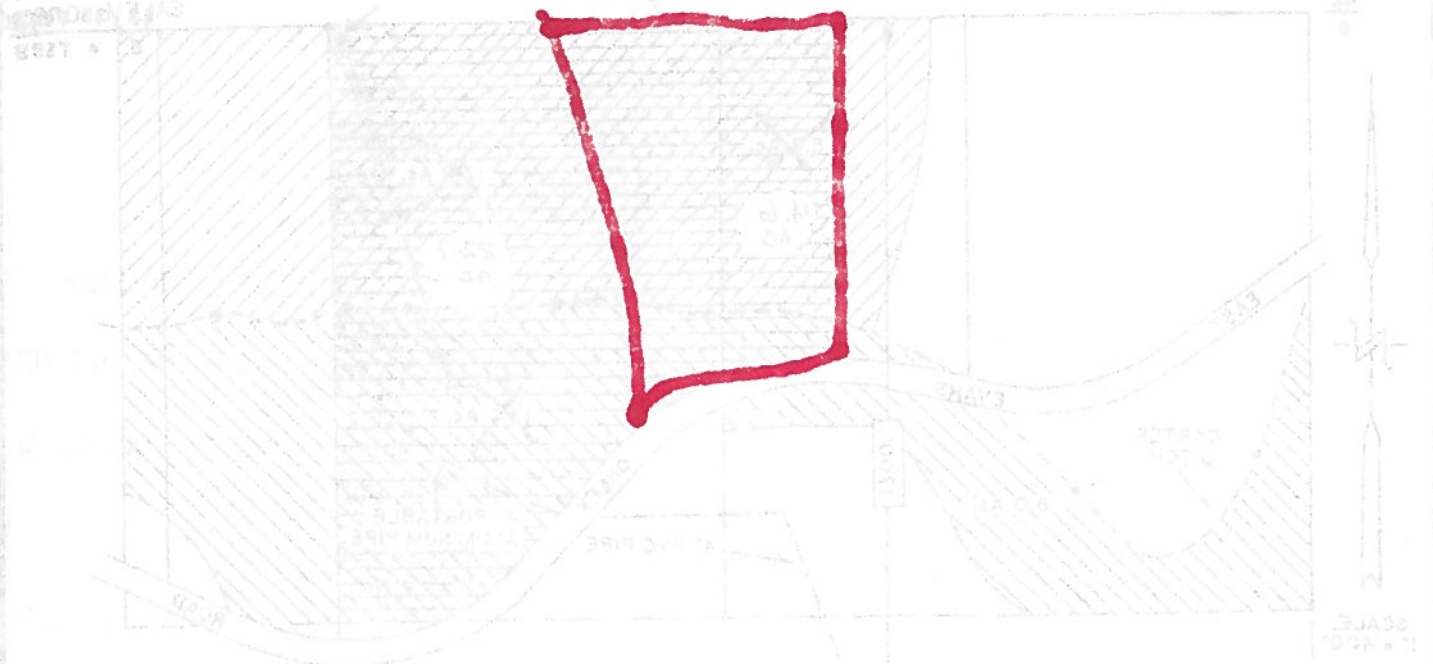
PLAT OF CLAIM OF BENEFICIAL USE  
 LOCATED IN NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M. JACKSON COUNTY, OREGON

PREPARED FOR:  
 ANTHONY L.S. EWALT  
 14095 E. EVANS CR. RD.  
 ROGUE RIVER, OREGON 97537  
 TEL. 502-4112

PREPARED BY:  
 GARY D. WICKS, P.E.  
 CIVIL ENGINEER & LAND SURVEYOR  
 982 S.E. "N" STREET  
 GRANTS PASS, OREGON 97528-3290  
 TEL. 479-3436.

RECEIVED BY OWRD  
 APR 04 2014  
 SALEM, OR

WATER RESOURCES DIVISION  
 AUG - 1 1988  
 W.M. AUG - 1 1988  
 SECTION 5, T.35S., R.3W., W.M.



**LEGEND:**  
 PLACE OF USE PER CERTIFICATE NO. 40377  
 PLACE OF USE PER CERTIFICATE NO. 40353  
 SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. 6-11533  
 POINT OF DIVERSION  
 FOUND PROPERTY CORNER

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD-T-1000 THEODOLITE WITH A DISTOMAT DI-1000 EDM.  
 A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT.  
 SUBJECT PROPERTY TAX LOTS 104 AND 107 OF ASSESSOR'S MAP NO. 35-2W-5.  
 THE PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



AGRES TO RECEIVE SUPPLEMENTAL SUPPLY

TRACT	ACREAGE	ACRES	TOTAL
WHE	12.9 AC.	9.5 AC.	22.4 AC.
WHE	4.0 AC.	0.0 AC.	4.0 AC.
TOTAL	16.9 AC.	9.5 AC.	26.4 AC.

MADE AND FILED BY AND STATE TO BE FILED AS PER TABLE 206 § 20-2007

PERMIT NO. 6-11533  
 APPLICATION NO. 6-11973

**CLAIM OF BENEFICIAL USE**  
 PLAT OF  
 JACKSON COUNTY OREGON  
 SECTION 5, T.35S., R.3W., W.M.  
 LOCATED IN

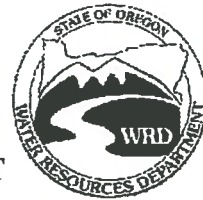
PREPARED FOR: **ANTHONY L. SWART**  
 HORS E EVANS OR RD,  
 HOVE RIVER, OREGON 97037  
 TEL. 598-4112

PREPARED BY: **GARY D. WICKS, P.E., P.L.S.**  
 CIVIL ENGINEER & LAND SURVEYOR  
 305 E.W. STREET  
 GRANTS PASS, OREGON 97626-3500  
 TEL. 475-2438

STATE OF OREGON  
 GARY D. WICKS  
 206 11 1988

PROJECT NO. 145-90-150  
 DRAWING NO. 38-B-211  
 DATE 7-22-1988  
 SCALE 1" = 400'

INSTRUCTIONS FOR COMPLETING THE  
AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT



9  
5  
50  
TL 110

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
725 NE Summer Street Suite A  
Salem, OR 97301-1271

04/11  
nstcancel

01/15/11  
11:51 AM



RECEIVED BY BOARD

11/15/11

11:51 AM



TL 110  
WR 44950  
JB

9



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson ) ss

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Jacqueline ANN Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950  
issued to Leroy Singabaugh authorizes use of water from (source) Evans Creek  
for (use) IRRIGATION  
under a priority date of Dec 1, 1923

3. The total number of acres described in the certificate is 20.0.

4. The subject water right is located within Tax Lot(s) 110, in Township 35  
N/S, Range 3 W E/W, in the NE 1/4 NE 1/4, of  
Section(s) 5, Jackson, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived next to TL 110 since 2008  
my diversion point is the same. There is  
no irrigation facility or any irrigation to  
TL 110 since 2008 that I have seen.

RECEIVED BY OWRD

RECEIVED BY OWRD

RECEIVED BY OWRD

MAR 07 2014

APR 04 2014

FEB 10 2014

SALEM, OR

SALEM, OR

SALEM, OR





6. I know from personal observation and state with certainty that the entire water right has not been used for:

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that a portion of this water right has not been used for:

IRRIGATION From May 2008 Through January 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the portion of the water right which has not been exercised, totaling 4.0 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. [Signature] (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. [Signature] (Initial to indicate you have read this statement and understand your responsibilities).

RECEIVED BY OWRD

APR 04 2014

SALEM, OR





Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Jacqueline A. Budman  
(Signature of Affiant)

Sworn to and subscribed before me this 1st Day of April, 2014.



Angell Pittman  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRD

APR 04 2014

SALEM, OR





**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: <u>Ruth Worth</u>	Name:
Address: <u>14375 East Evans Creek Rd.</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>97537</u>	

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

[/s/ Signature] Jeaneline A. Belmont  
Title

RECEIVED BY OWRD

APR 04 2014

SALEM, OR







T35 R3W S05

RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

RECEIVED BY OWRD

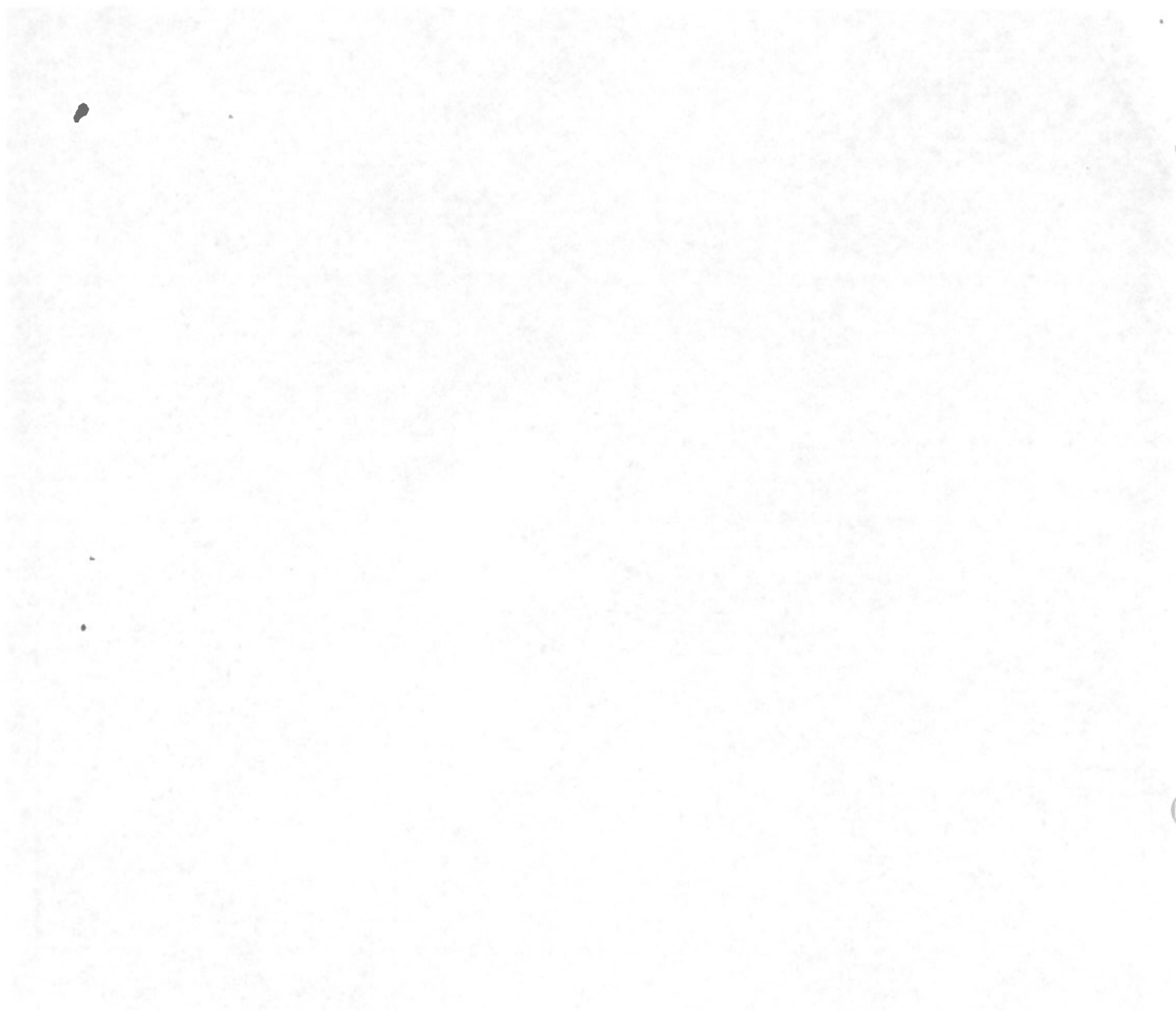
APR 04 2014

SALEM, OR

RECEIVED BY OWRD

FEB 10 2014

SALEM, OR



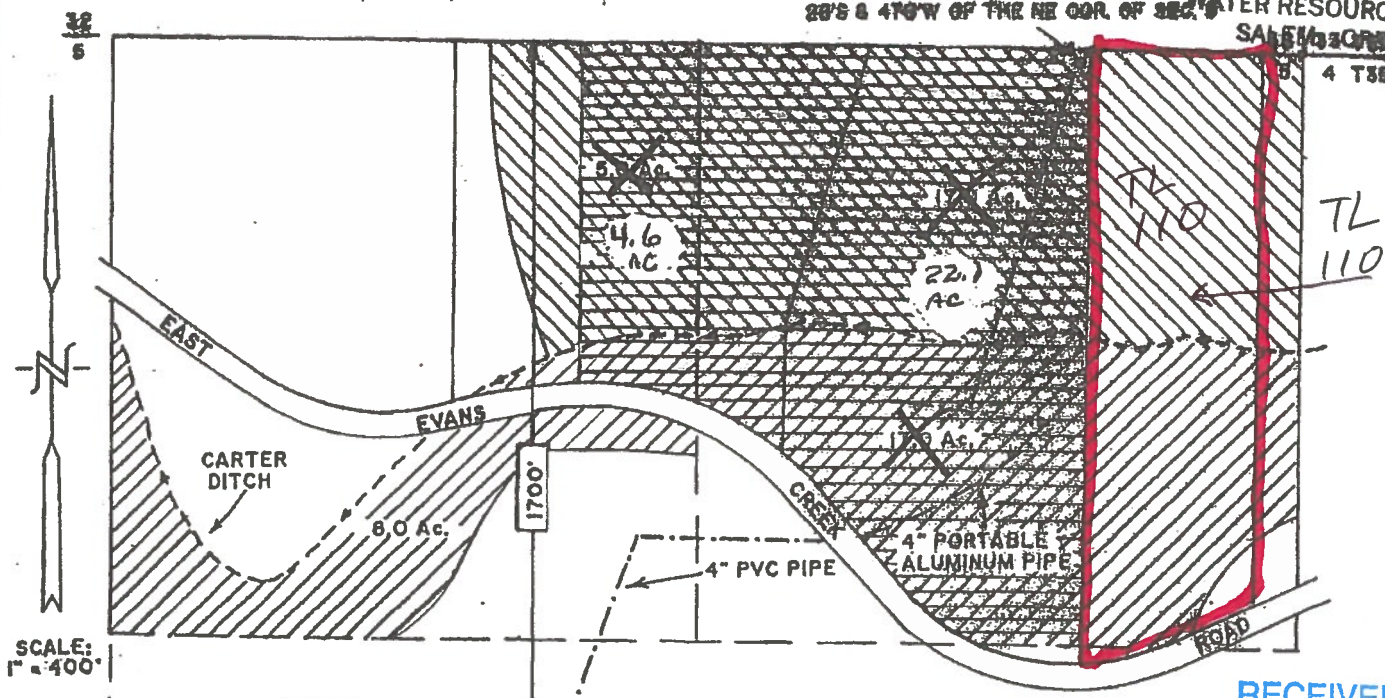
Page 1 of 1

Page 1 of 1

NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.

RECEIVED  
AUG - 4 1992

SUPPLEMENTAL POINT OF DIVERSION (WELL)  
20'S & 410'W OF THE NE COR. OF SEC. 5  
WATER RESOURCES  
SALEM, OREGON  
4 T35S



SCALE: 1" = 400'

RECEIVED BY OW

RECEIVED BY OW

FEB 10 2014

MAR 07 2014

SALEM, OR

SALEM, OR

PRIMARY POINT OF DIVERSION APPROVED PER TRANSFER NO. 3346

LEGEND:

- PLACE OF USE PER CERTIFICATE NO. 40377
- PLACE OF USE PER CERTIFICATE NO. 44950
- SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233 Certificate 83678
- POINT OF DIVERSION
- FOUND PROPERTY CORNER

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY			
QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM. A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT. SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. G-11979

PERMIT NO. G-11233

MAP MODIFIED BY WCD STAFF TO REFLECT ACRES PER TABLE. JW6 8-20-2007

PROJECT NO.  
142-90-120

DRAWING NO.  
38-8.5.11

DATE  
7-22-1992

SCALE  
1" = 400'



PLAT OF CLAIM OF BENEFICIAL USE

LOCATED IN NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M. JACKSON COUNTY, OREGON

RECEIVED BY OW

APR 04 2014

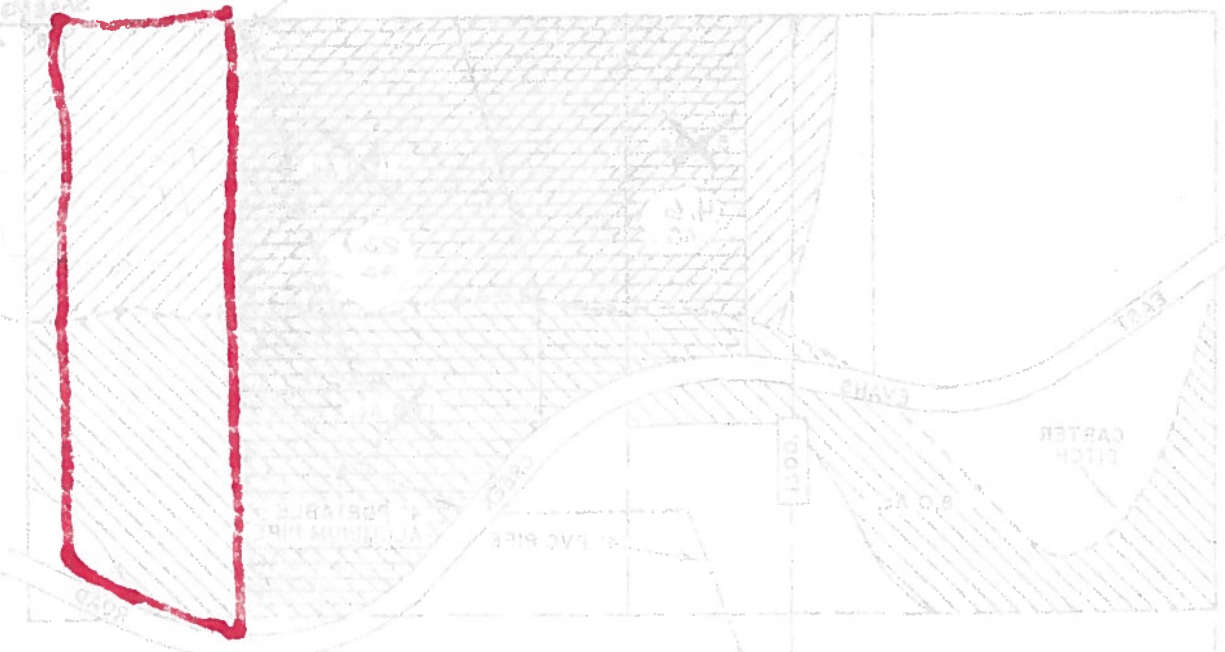
SALEM, OR

PREPARED FOR:  
ANTHONY L.S. EWALT  
14095 E. EVANS CR. RD.  
ROGUE RIVER, OREGON 97537  
TEL. 582-4112

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
CIVIL ENGINEER & LAND SURVEYOR  
982 S.E. "N" STREET  
GRANTS PASS, OREGON 97526-3250  
TEL. 479-3436.

MUSNEY SECTION 5, T.33S., R.3W., W.M. AUG - 4 1932

WATER RESOURCES  
 DIVISION  
 2025 S. 4TH ST. OREGON 97331



SCALE: 1" = 400'

LEGEND:

[Hatched pattern]	PLACE OF USE PER CERTIFICATE NO. 4037
[Hatched pattern]	PLACE OF USE PER CERTIFICATE NO. 4430
[Hatched pattern]	SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. 0-11533



AGRES TO RECEIVE SUPPLEMENTAL SUPPLY

GYROTH	4037	4430	TOTAL
WME	15.8 AC.	0.5 AC.	16.3 AC.
HWB	4.0 AC.	0.8 AC.	4.8 AC.
TOTAL	19.8 AC.	1.3 AC.	21.1 AC.

POINT OF DIVERSION  
 FOUND PROPERTY CORNER  
 THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1500 THEODOLITE WITH A DISTOMAT DI-1000 EDM.  
 A THREE PAGE SITE REPORT ACCOMPANYING THIS PLAT, SUBJECT PROPERTY TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 30-5W-2.  
 THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

APPLICATION NO. 0-11579  
 PERMIT NO. 0-11533

PLAT OF BENEFICIAL USE

CLAIM OF BENEFICIAL USE

LOCATED IN MUSNEY SECTION 5, T.33S. R.3W., W.M. JACKSON COUNTY, OREGON

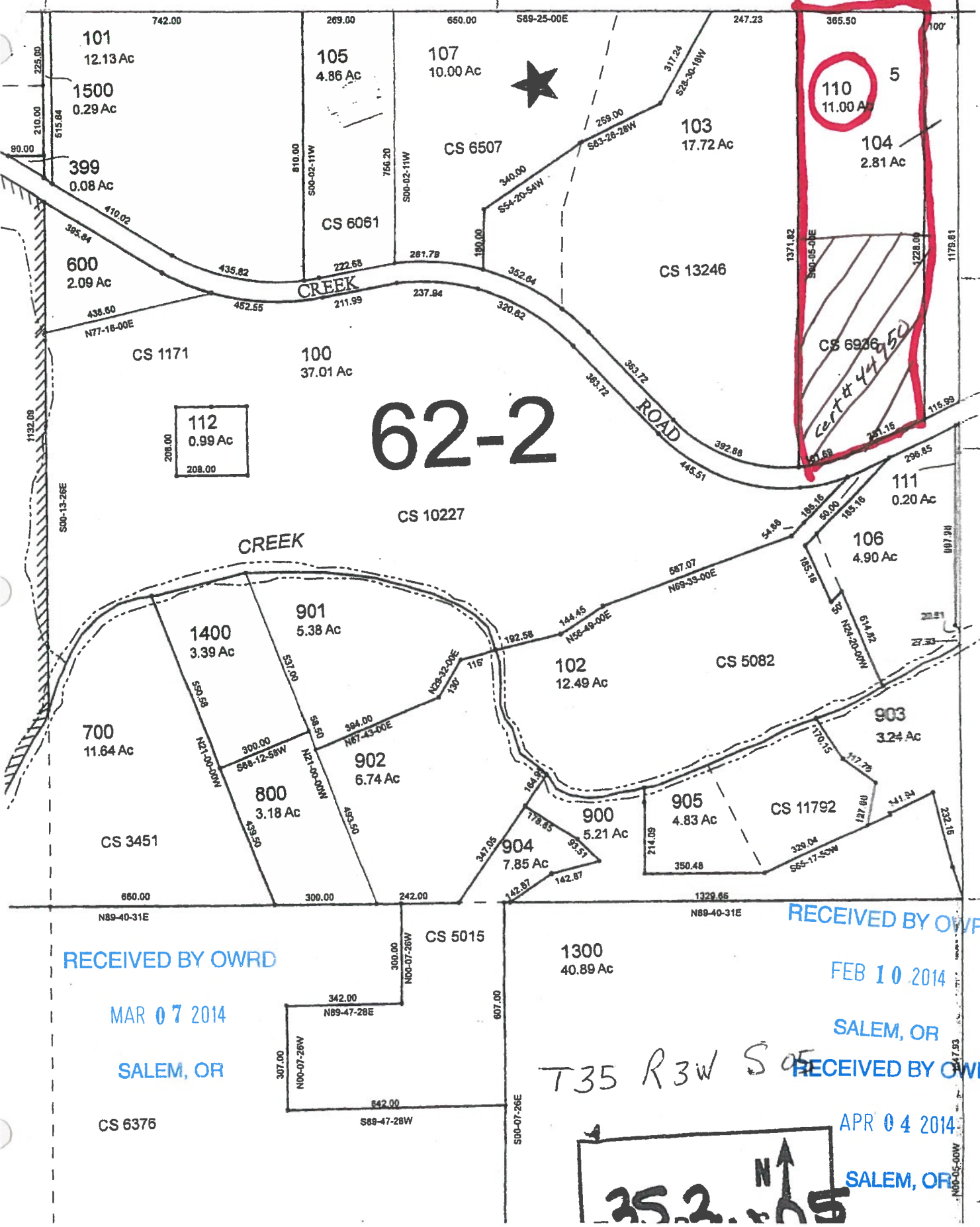
PREPARED FOR: ANTHONY L. SWALT, 14025 E. EVANS CR. RD., HOUSTON RIVER, OREGON 97027, TEL. 533-4415

PREPARED BY: GARY D. WICKS, P.E., P.L.S., CIVIL ENGINEER & LAND SURVEYOR, 922 S.E. W. STREET, GRANTS PASS, OREGON 97526-2500, TEL. 432-2428

STATE OF OREGON  
 GARY D. WICKS  
 May 27, 1988  
 194 WRE

PROJECT NO. MS-90-150  
 DRAWING NO. 38-8-11  
 DATE 7-22-1992  
 SCALE 1" = 400'

4.0 AC w/R 32  
Not used 9



# 62-2

RECEIVED BY OWRD

RECEIVED BY OWRD

FEB 10 2014

MAR 07 2014

SALEM, OR

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

T35 R3W S05

35.2 05

N ↑

MAP 05-05-017,93



RECEIVED BY: [illegible]

DATE: [illegible]

BY: [illegible]

[illegible signature or name]

10  
B  
50  
7L 110



### INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT ASSERTING NON-USE OF A WATER RIGHT

1. Complete information regarding legal name, address and telephone number.
2. Complete information regarding the water right certificate number, the name of the person(s) to whom the water right certificate was issued, the source of water, the use of water and the priority date of the water right.
3. List the total number of acres noted on the certificate, if applicable.
4. Identify the current tax lot number(s), Township, Range, Section(s), Quarter-Quarter Section(s) and County.
5. Explain your knowledge regarding the alleged non-use.
6. If the **entire water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
7. Illustrate on the appropriate county tax plat map, the lands to which the water right in question is appurtenant.
8. If only a **portion of the water right has been forfeit** due to non-use, indicate the use and the alleged period of non-use by month and year.
9. Show the portion of the water right that has not been exercised on the appropriate tax plat map.
10. Indicate whether the subject water right is within the boundaries of an irrigation district or federal reclamation project.
11. Initial to show that you have read these laws (ORS 650.610(2) and OAR 690-17-0800).
12. Initial to show that you have read this statement and understand your responsibilities as proponent of this cancellation.
  - ▶ Sign the affidavit and have it notarized.
  - ▶ Complete Proof of Service Form which indicates you have served a copy this affidavit upon the legal land owner and occupant of the lands to which the water right is appurtenant.

**Mail to:** Water Resources Department  
 725 NE Summer Street Suite A  
 Salem, OR 97301-1271

04/11  
 nstcancel

RECEIVED BY OWRD  
 APR 04 2014  
 SALEM, OR





TL 110  
WR 44950  
BWB



BEFORE THE WATER RESOURCES DEPARTMENT

State of Oregon )  
County of Jackson ) ss

AFFIDAVIT ASSERTING  
NON-USE OF WATER RIGHT

1. I, Bruce Glen Buckmaster  
(Legal Name)  
of 14095 East Evans Creek Road  
(Address)  
Rogue River, Oregon, 97537  
(City) (State) (Zip Code)

Phone (541) 582-1392, say that:

2. Water Right Certificate number 44950  
issued to Leroy Sinsbaugh authorizes use of water from (source) Evans Creek  
for (use) IRRIGATION  
under a priority date of Dec 1, 1923

3. The total number of acres described in the certificate is 20.0

4. The subject water right is located within TL 110 Lot(s) 110, in Township 35  
N/S, Range 3 W E/W, in the NE 1/4, of  
Section(s) 5, Jackson, County Oregon.

5. I am familiar with these lands and I am aware of the non-use of this water right because:  
I have lived next to TL 110 since 2008. My  
diversion point is the same. There is no  
irrigation facility or any irrigation to TL 110  
since 2008 that I have seen.

RECEIVED BY OWRD 2 of 5

RECEIVED BY OWRD

RECEIVED BY OWRD

APR 04 2014

MAR 07 2014

FEB 10 2014

SALEM, OR

SALEM, OR

SALEM, OR





6. I know from personal observation and state with certainty that **the entire water right has not been used for:**

\_\_\_\_\_ From \_\_\_\_\_ Through \_\_\_\_\_  
(Use) (Month and year) (Month and year)

7. I have illustrated on the attached tax lot map the lands to which the water right in question is appurtenant.

8. I know from personal observation and state with certainty that **a portion of this water right has not been used for:**

IRRIGATION From May 2008 Through January 2014.  
(Use) (Month and year) (Month and year)

9. I have illustrated on the attached tax lot map, the location of the **portion of the water right which has not been exercised**, totaling 4.0 Acres.

10. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? \_\_\_\_\_ Yes NO No. If Yes: (Name of Irrigation District or Federal Reclamation Project)  
\_\_\_\_\_

11. I have read the provision of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules Chapter 690, Division 17 and believe the presumption of forfeiture for five or more consecutive years of non-use may not be rebutted by the holder(s) of this water right. BBB (Initial to indicate you have read these laws)

12. I am willing to testify in a Contested Case Hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use issue. BBB (Initial to indicate you have read this statement and understand your responsibilities).



Handwritten text at the bottom left, including the words "Date" and "Page".



Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Bruce G. Buckmaster  
(Signature of Affiant)

Sworn to and subscribed before me this 1<sup>st</sup> Day of April, 2014.



Angell R Pittman  
(Notary Public of Oregon)

My Commission Expires Nov 5, 2015

(SEAL)

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

10/10/10  
10/10/10  
10/10/10



**CERTIFICATE OF SERVICE  
AFFIDAVIT ASSERTING NON USE**

OAR 690-17-0400 requires that an affiant provide proof that affidavit asserting non-use has been served upon the legal land owner and occupant of the lands to which the water right is appurtenant.

I certify that on 4 Day of April, 2014, I served the attached Affidavit Asserting Non Use of Water Right by mailing in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

Name: <u>Ruth Worth</u>	Name:
Address: <u>14375 East Evans Creek Rd</u>	Address:
City, State, Zip: <u>Rogue River, Oregon</u>	City, State, Zip:
<u>97537</u>	

Name:  
Address:  
City, State, Zip:

Name:  
Address:  
City, State, Zip:

[/s/ Signature] Bruce S. Buckmaster  
Title

RECEIVED BY OWRD

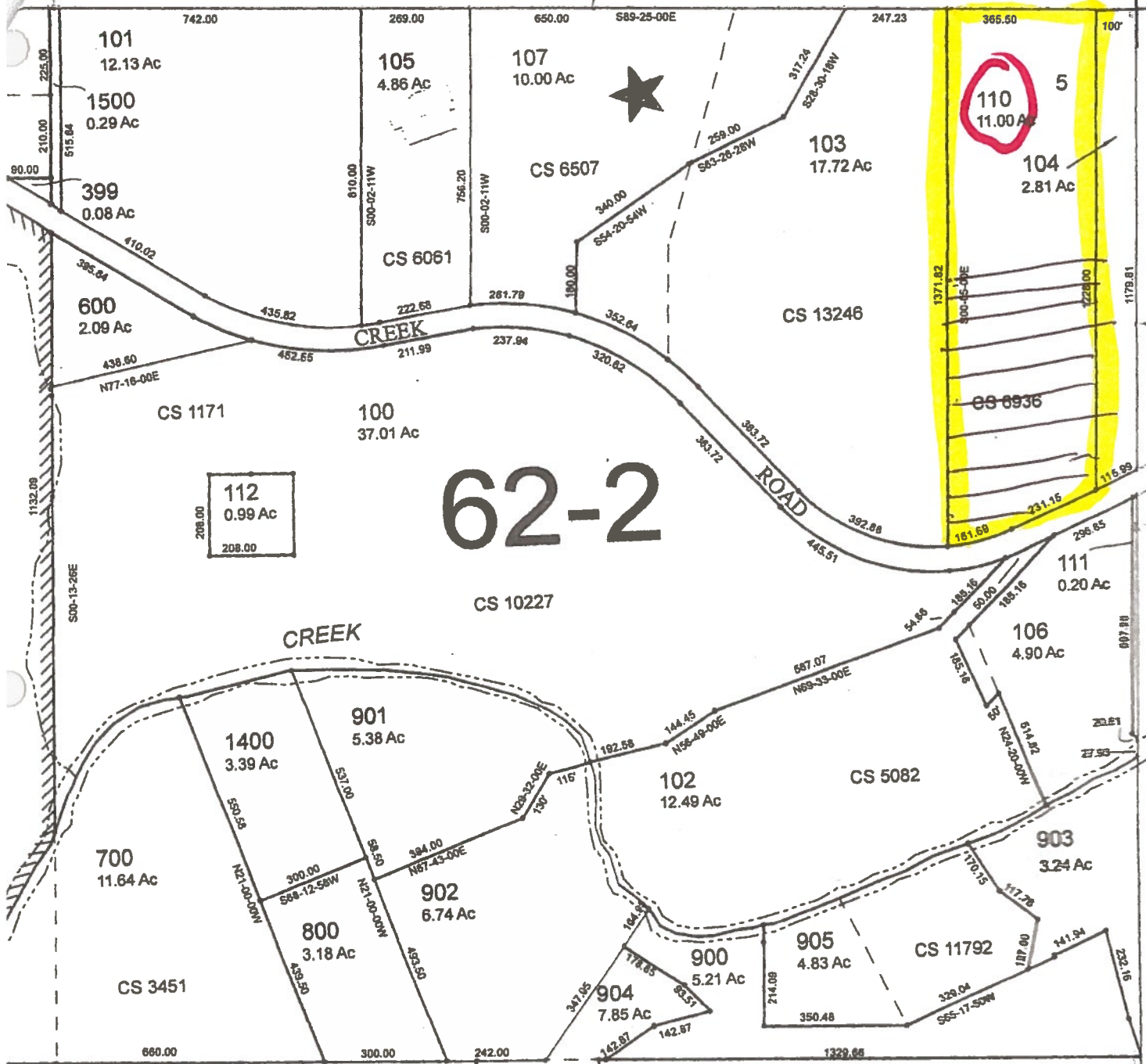
APR 04 2014

SALEM, OR

1000-10000  
1000-10000  
1000-10000



4.0 ~~acres~~ ac not used  
10



RECEIVED BY OWRD

FEB 10 2014

SALEM, OR

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

RECEIVED BY OWRD

MAR 07 2014

SALEM, OR

CS 6376

T 35 R 3W S 05



7

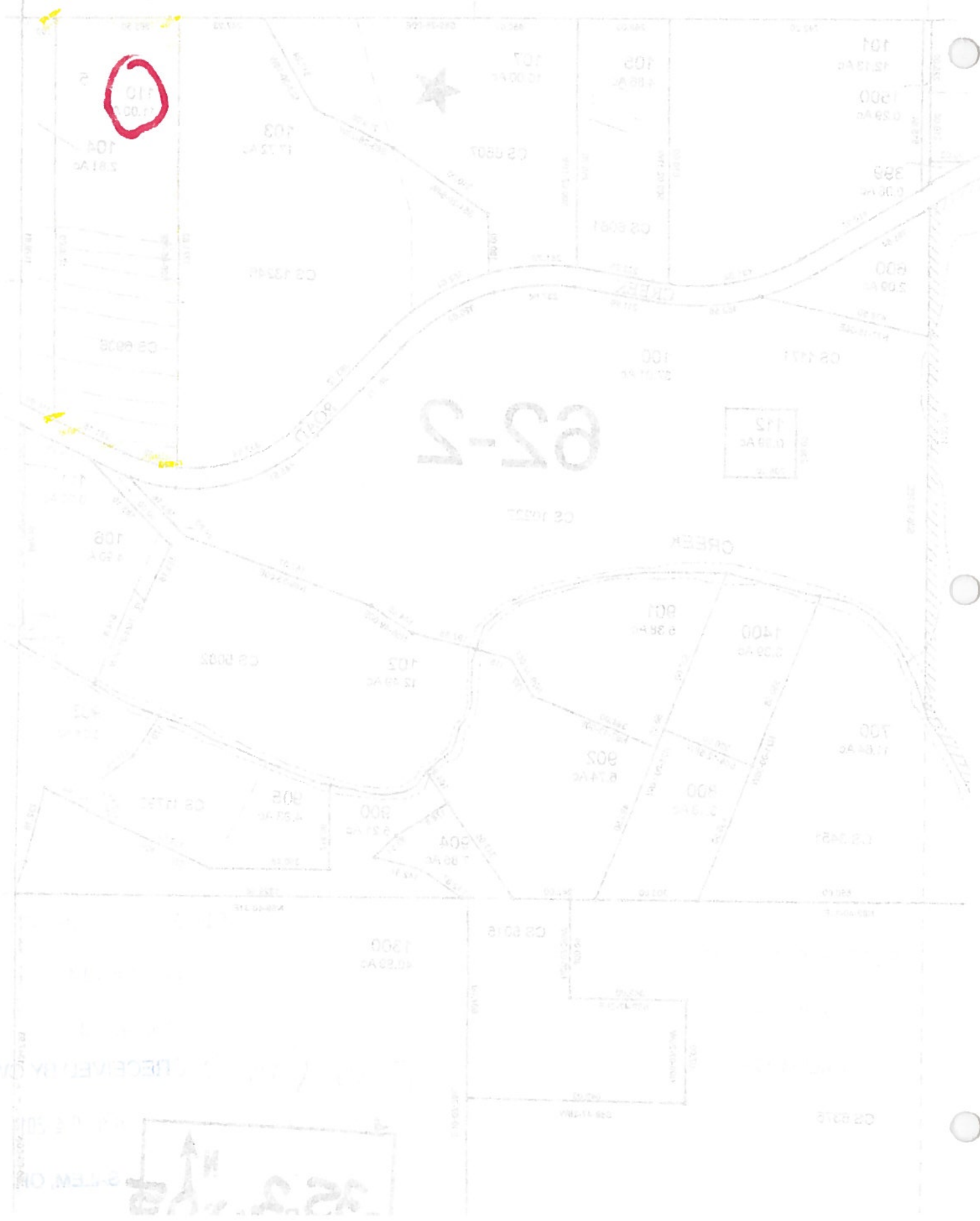
M  
OR

110  
11.00 AC

62-2

142  
0.38 AC

RECEIVED BY  
2-15-01  
110  
11.00 AC





RECEIVED BY OWRD

APR 04 2014

SALEM, OR  
RECEIVED BY OWRD

RECEIVED BY OWRD

FEB 10 2014

MAR 07 2014

SALEM, OR

SALEM, OR



NI/2NE1/4 SECTION 5, T.35S., R.3W., W.M.

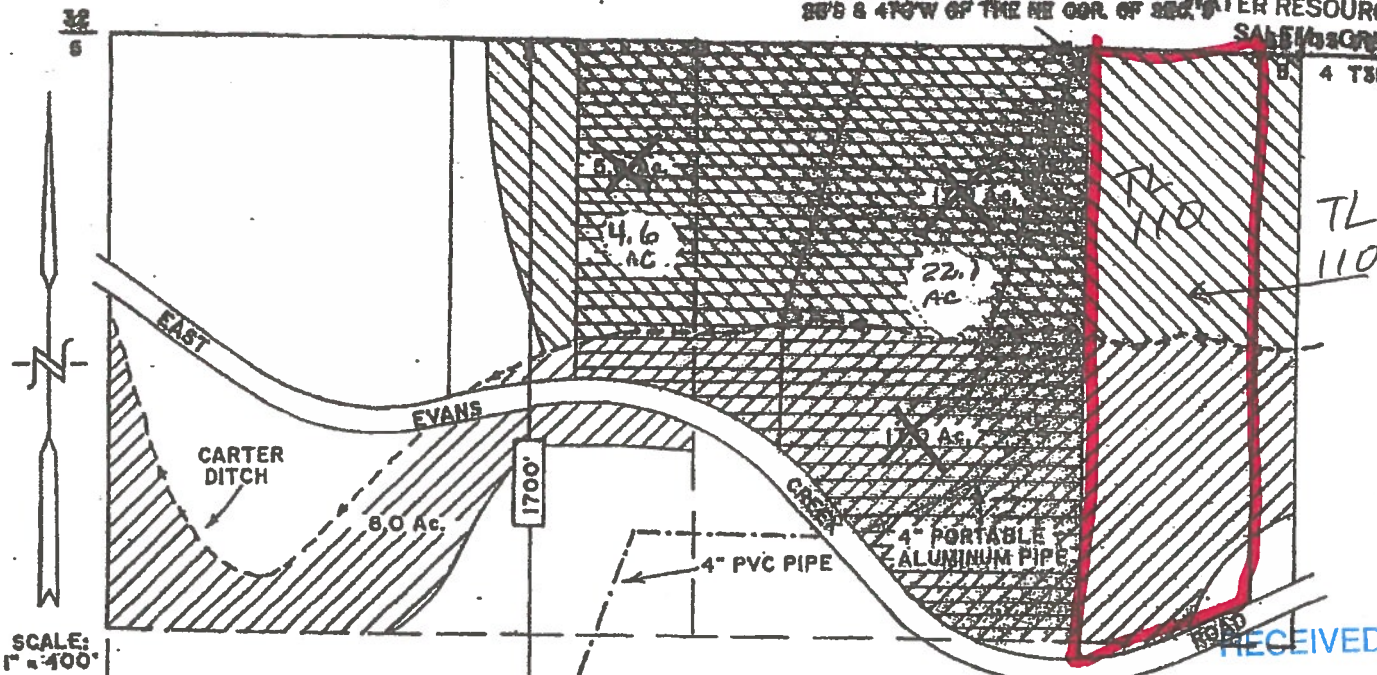
RECEIVED

AUG - 4 1992

SUPPLEMENTAL POINT OF DIVERSION (WELL)

28'S & 47'W OF THE NE COR. OF SEC. 5

WATER RESOURCES DIVISION  
SALEM, OREGON



SCALE: 1" = 400'



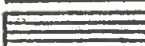


RECEIVED BY OWRD  
MAR 07 2014  
SALEM, OR

RECEIVED BY OWF

FEB 10 2014

SALEM, OR

LEGEND:

-  PLACE OF USE PER CERTIFICATE NO. 40377
-  PLACE OF USE PER CERTIFICATE NO. 44950
-  SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. G-11233  
*Certificate 83678*
-  POINT OF DIVERSION
-  FOUND PROPERTY CORNER

ACRES TO RECEIVE SUPPLEMENTAL SUPPLY			
QTR/QTR	40377	44950	TOTAL
NENE	12.9 Ac.	9.2 Ac.	22.1 Ac.
NWNE	4.0 Ac.	0.6 Ac.	4.6 Ac.
TOTAL	16.9 Ac.	9.8 Ac.	26.7 Ac.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVERSION WERE MEASURED USING A WILD T-1600 THEOMAT WITH A DISTOMAT DI-1000 EDM1.  
A THREE PAGE SITE REPORT ACCOMPANIES THIS PLAT.  
SUBJECT PROPERTY: TAX LOTS 103 AND 107 OF ASSESSOR'S MAP NO. 35-3W-5.

THIS PLAT WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE SUPPLEMENTAL POINT OF DIVERSION ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

RECEIVED BY OWRD  
APR 25 2004

APPLICATION NO. G-11979

PERMIT NO. G-11233

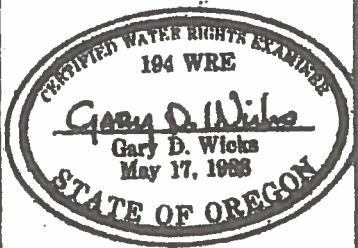
MAP MODIFIED BY OWRD STAFF TO REFLECT ACRES PER TABLE JW6

PROJECT NO.  
142-90-120

DRAWING NO.  
38-8.5.11

DATE  
7-22-1992

SCALE  
1" = 400'



PLAT OF CLAIM OF BENEFICIAL USE

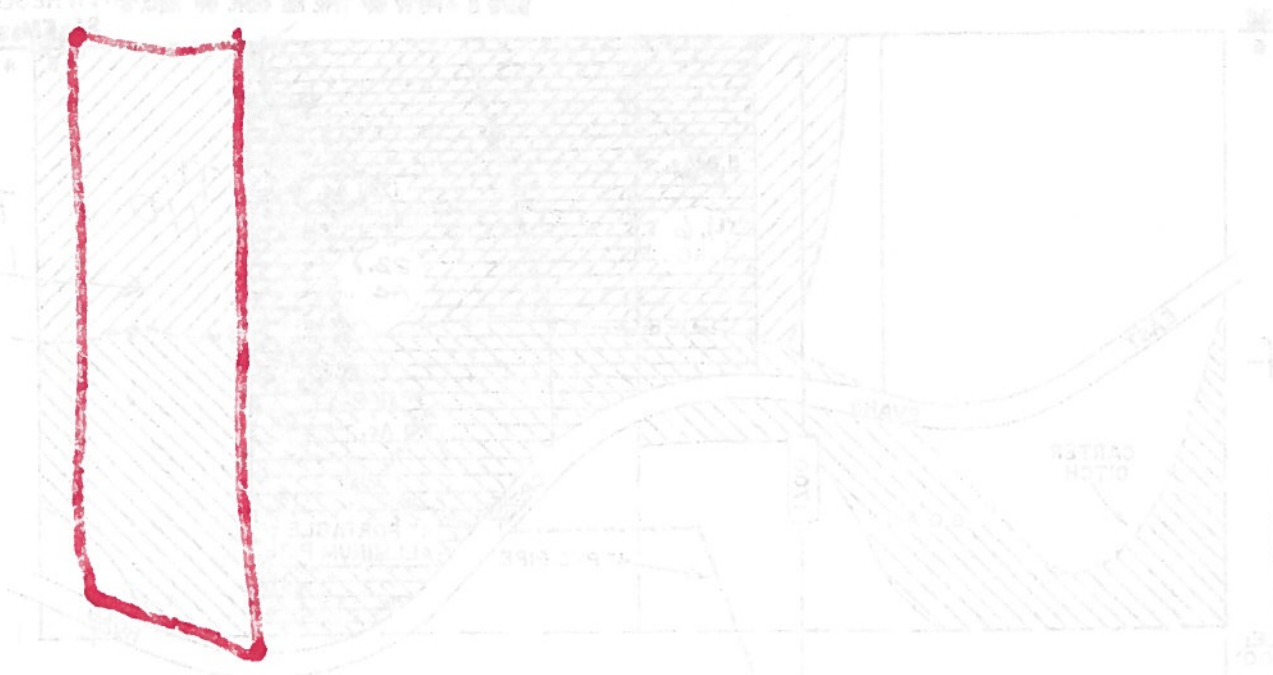
APR 04 2014

LOCATED IN NI/2NE1/4 SECTION 5, T.35S. R.3W., SALEM, OR JACKSON COUNTY, OREGON

PREPARED FOR:  
ANTHONY L.S. EWALT  
14095 E. EVANS CR. RD.  
ROGUE RIVER, OREGON 97537  
TEL. 502-4112

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
CIVIL ENGINEER & LAND SURVEYOR  
962 S.E. "N" STREET  
GRANTS PASS, OREGON 97526-3290  
TEL. 479-3436.

WYOMING SECTION 5, T.38S, R.3W, W.M. 4-1-1928



**LEGEND:**

- [Hatched pattern] PLACE OF USE PER CERTIFICATE NO. 40377
- [Hatched pattern] PLACE OF USE PER CERTIFICATE NO. 44330
- [Hatched pattern] SUPPLEMENTAL PLACE OF USE APPROVED BY PERMIT NO. 6-11378
- [Dashed line] POINT OF DIVISION
- [Dotted line] BOUND PROPERTY CORNER

PRIMARY POINT OF DIVISION APPROVED PER TAPCHER NO. 3743

TRACTS	ACREAGE	ACREAGE	ACREAGE	TOTAL
WEME	12.5 AC.	3.2 AC.	20.0 AC.	35.7 AC.
WEME	1.0 AC.	0.2 AC.	1.2 AC.	2.2 AC.
TOTAL	13.5 AC.	3.4 AC.	21.2 AC.	26.9 AC.

THE TIES TO THE SUPPLEMENTAL POINT OF DIVISION WERE MEASURED USING A WILD-T-RON THEODOLITE WITH A DISTANCE OF 1000 FEET. A THREE-PLATE SITE REPORT ACCOMPANIES THIS PLAN. SUBJECT PROPERTY TAX LOTS 103 AND 104 OF SECTION 5, T.38S, R.3W, W.M. 4-1-1928.

APPLICATION NO. 6-11378

PERMIT NO. 6-11378

CLAIM OF BENEFICIAL USE

LOCATED IN WYOMING SECTION 5, T.38S, R.3W, W.M. 4-1-1928

PREPARED FOR: GARY D. WICKS, P.E., P.L.S. CIVIL ENGINEER & LAND SURVEYOR 102 S.E. 11TH STREET GRANVILLE, OREGON 97123-1230



PROJECT NO. MS-20-150  
DRAWING NO. 30-2-11  
DATE 11-22-1993  
SCALE 1" = 400'