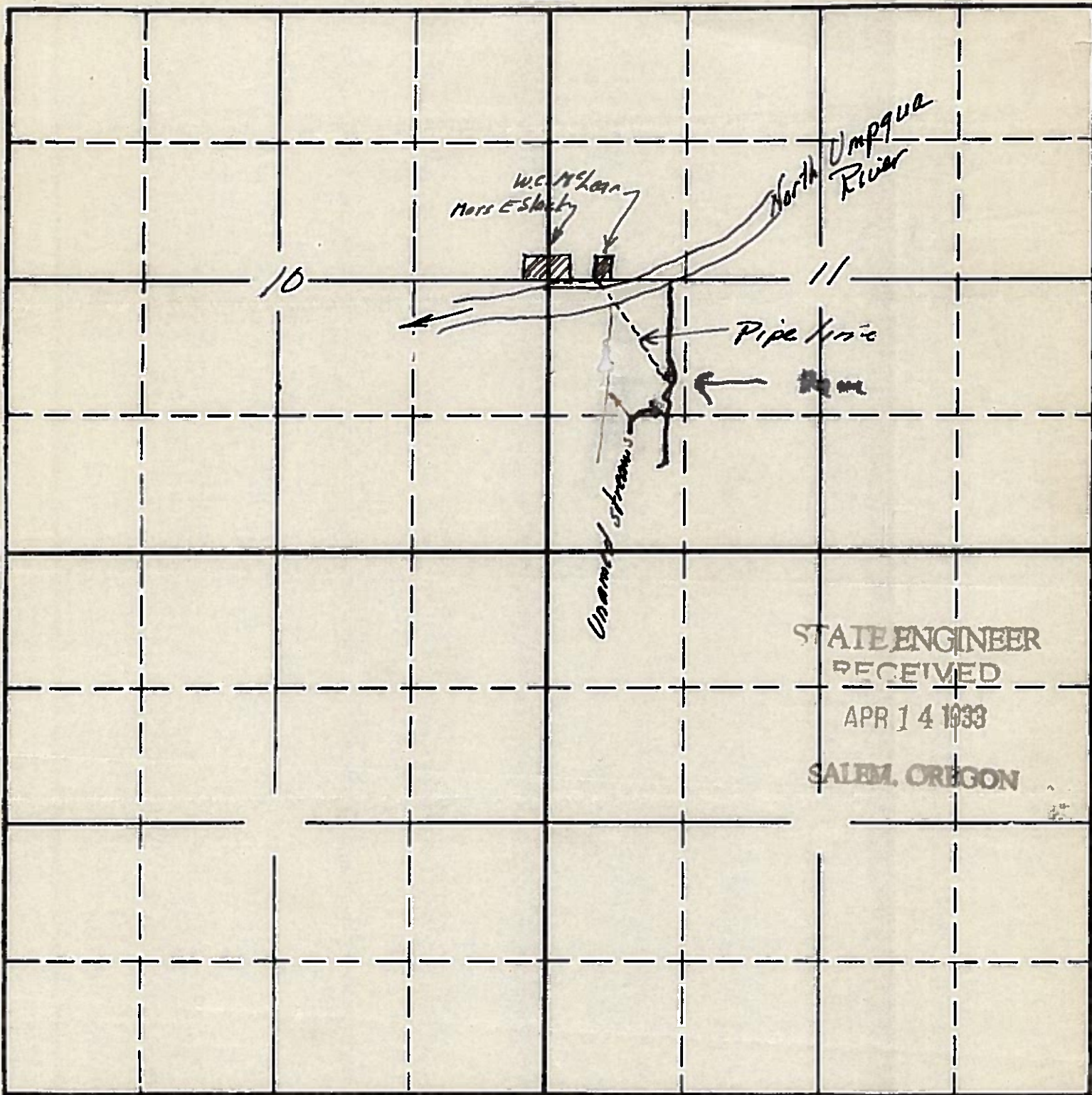


SECTION

TOWNSHIP 26 S, RANGE 3 W, W. M.

North

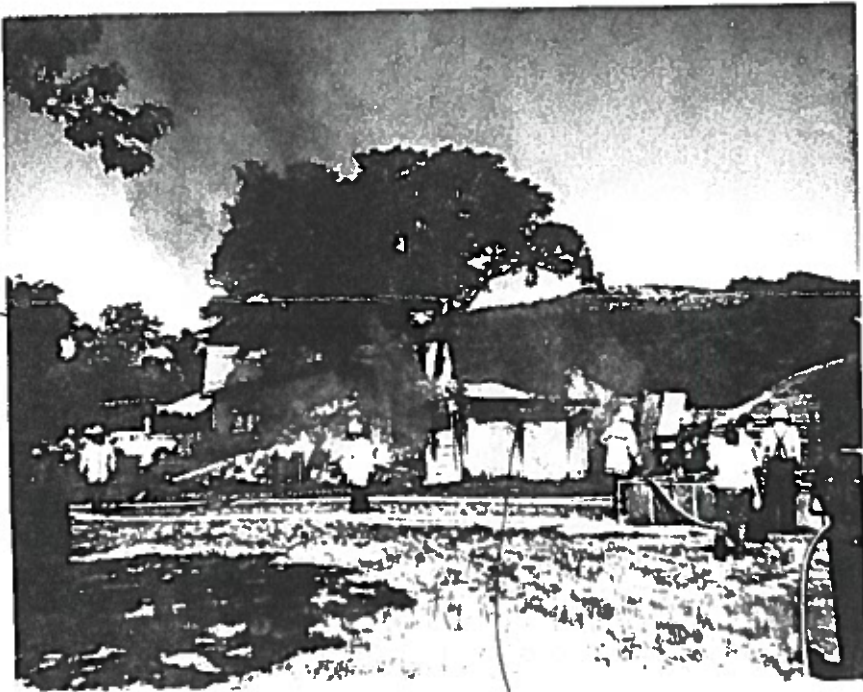


STATE ENGINEER  
 RECEIVED  
 APR 14 1933  
 SALEM, OREGON

South

APPLICATION No. 14901  
 PERMIT No. 10861

WE REMOVED  
into a  
Rental in 1976-77-



**RECEIVED**

JUL 15 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Oldest  
Builder  
when I  
bought

Water Resources Department

MEMO

July 15, 1996

TO: File S-14901

FROM: Michael Munks, WRIG

RE: Helbling-Curry Water Right Problem

Mr. and Mrs. Curry came into the Salem office today. They had concerns about some of the documents in file S-14901 and asked me to type a letter to the file based on our conversation.

They believe that there are errors on the map received October 20, 1995. In particular, what is labeled 'Slack house (burned),' was not the original Slack house. The building labeled 'garage' is actually the oldest building on the property. They believe this to be true because the concrete sidewalks which surrounded the original house now surround the 'garage.' Also, the original piping runs into the 'garage.'

When the Curry's moved onto the property in 1975, the 'Helbling house' was unlivable, and without running water. Mr. Curry installed the present plumbing in the 'Helbling house.' Additionally, when the Curry's moved onto the property, there was running water in both the 'garage' and the 'Curry house.' The Curry's have destroyed the 'garage' (see photo), and have replaced it with a newer building. The new building and the 'Curry house' have both been continuously using the water from the spring since 1975.

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** MARS E. SLACK and W. C. McLEAN  
of Glide, State of Oregon <sup>97443</sup>, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
a tributary of Unnamed stream for the purpose of  
North Umpqua River Domestic and garden irrigation  
under Permit No. 10861 of the State Engineer, 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 April 14, 1935;

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  
0.04 cubic foot per second measured at the point of diversion from the stream,

or its equivalent in case of rotation.  
The point of diversion is located in the NE<sub>1/4</sub>, Section 11, Township 26 South, Range  
3 West, W. E.

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 of one cubic foot per second  
per acre,

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:

PLACE OF USE:

SE<sub>1/4</sub>NE<sub>1/4</sub>, Section 10,  
SW<sub>1/4</sub>NW<sub>1/4</sub>, Section 11,  
Township 26 South, Range 3 West, W. E.

The right to the use of the water for the purposes aforesaid is restricted to the lands or  
place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of  
any federal power license issued in connection with this right, and after not less than two years'  
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have  
the right to take over the dams, plants and other structures and all appurtenances thereto which  
have been constructed for the purpose of devoting to beneficial use the water rights specified  
herein, upon condition that before taking possession the State or municipality shall pay not to  
exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable,  
serviceable and dependable property of the holder of this certificate, not taken over, as may be  
caused by the severance therefrom of the property taken in accordance with the provisions of section  
47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 31st day of May, 1935.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 11157

PERMIT No. 10861

11157

APPLICATION No. 14901

COUNTY Douglas

# PROOF OF APPROPRIATION OF WATER

1. Name Mrs E. Slack & W. C. McLean 2. Address Glide, Oregon

3. Source of supply Unnamed stream

Tributary of North Umpqua River

4. Amount of water 0.1 sec. 0.04 at the point of diversion from the stream, 5. Priority date April 14, 1933

6. Use domestic and irrigation garden irrigation

7. Location of point of diversion, NW 1/4 SW 1/4 Sec. 11, Twp. 26 S Range 3 W, W. M. (Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
26 S	3 W	10	SE 1/4 NE 1/4	X	
		11	SW 1/4 NW 1/4	X	0.04

This column must be filled in if water is used for irrigation

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 2 ft.; length on top, 4 ft.; length on bottom 3 1/2 ft.; material used and character of construction, Earth & timber

(b) Give description of headgate: Width, \_\_\_\_\_ ft.; depth, \_\_\_\_\_ ft.; material used and character of construction, \_\_\_\_\_

(c) Size of canal: Width on top (at waterline) \_\_\_\_\_ ft.; width on bottom, \_\_\_\_\_ ft.; depth of water, \_\_\_\_\_ ft.; grade, \_\_\_\_\_ ft. fall per 1,000 ft. Actual capacity, \_\_\_\_\_ sec.-ft. Give general description: \_\_\_\_\_

(d) Pipe line: Description of intake, 24' of 2" pipe to 900 gal wooden tank  
Length of pipe 1600 ft.; size at intake, 2 in.; size at 10 ft. from intake, 1 1/2 in.; size at place of use, 1 in. Difference in elevation between intake and place of use, 160 ft. Is grade uniform? Yes Actual capacity of pipe line, 0.04 sec.-ft. Give general description: Iron galvanized  
(Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, \_\_\_\_\_ Suction lift, \_\_\_\_\_ ft.; discharge lift, \_\_\_\_\_ ft. Type of motor used \_\_\_\_\_ Horse power rating, \_\_\_\_\_ H. P. Actual capacity of pump, \_\_\_\_\_ sec.-ft.

10. During what months is water beneficially used? All year

11. State character of soil \_\_\_\_\_ Kind of crops raised \_\_\_\_\_

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? Yes

13. If not, wherein is such map in error? \_\_\_\_\_

14. Domestic use: Give number of families actually using water at this time 2

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use \_\_\_\_\_

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Marion } ss.  
Marion E. Slack & W.C. McLean

I, \_\_\_\_\_, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 6<sup>th</sup> day

of April, 1935

W.C. McLean  
Marion E. Slack

Subscribed and sworn to before me this 6<sup>th</sup> day of April, 1935

[NOTARIAL SEAL]

J.P. G. [Signature]  
My commission expires April 12, 1935

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

Douglas } ss.

We, Roy M. Foster, and Roy C. Shockley,

of Idley Park, Oregon, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 10061; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Roy M. Foster  
Roy C. Shockley

Subscribed and sworn to before me this 9<sup>th</sup> day of April, 1935

[NOTARIAL SEAL]

Jane E. Sedler  
Notary Public for Oregon  
My commission expires April 12, 1935

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, \_\_\_\_\_, do hereby certify that I have made an inspection of the works described herein and in Permit No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of \_\_\_\_\_ (Quantity of water in second-feet or acre-feet) and I recommend the issuance of a water right certificate for this amount.

NOTE TO INSPECTORS: If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

\_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

County of \_\_\_\_\_ STATE OF OREGON

AFFIDAVIT OF WITNESSES

PROOF OF APPROPRIATION
Permit No.
Recording fee paid
Receipt No.

\_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

County of \_\_\_\_\_ STATE OF OREGON

AFFIDAVIT OF APPROPRIATOR



STATE OF OREGON  
COUNTY OF DOUGLAS  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MARS E. SLACK and W. C. McLEAN  
of Glade, State of Oregon 97443, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
a tributary of Unnamed stream for the purpose of  
North Umpqua River  
Domestic and garden irrigation  
under Permit No. 10861 of the State Engineer, 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 April 14, 1935;

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  
0.04 cubic foot per second measured at the point of diversion from the stream,

The point of diversion is located in the N $\frac{1}{2}$ W $\frac{1}{2}$ , Section 11, Township 26 South, Range  
3 West, W. U. or its equivalent in case of rotation.

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 of one cubic foot per second  
per acre,

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:

PLACE OF USE:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 11,  
Township 26 South, Range 3 West, W. U.

The right to the use of the water for the purposes aforesaid is restricted to the lands or  
place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of  
any federal power license issued in connection with this right, and after not less than two years'  
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have  
the right to take over the dams, plants and other structures and all appurtenances thereto which  
have been constructed for the purpose of devoting to beneficial use the water rights specified  
herein, upon condition that before taking possession the State or municipality shall pay not to  
exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable,  
serviceable and dependable property of the holder of this certificate, not taken over, as may be  
caused by the severance therefrom of the property taken in accordance with the provisions of section  
47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 21st day of May, 1935.

CHAS. E. STRICKLIN

State Engineer

October 31, 1995

TO: Steve Applegate, Administrator  
 FROM: Larry Nunn, Transfer Specialist  
 SUBJECT: Helbling-Curry Water Right Problem

Any forfeiture prior to 1945 is moot because of the changes to ORS 540.610 (statute of limitation).

The "Helbling house" was the garage for the Slack house. Normally domestic water is used in or around a garage as part of the household use of water. As the garage was remodeled into a dwelling, the domestic use of water continued, it could be argued, in the same location. That is, water was used in or around the garage and is still being used in the same location.

If we can accept the continued use in the garage argument, then the "Helbling house" has a valid claim to use of water under this right. If we cannot accept that argument, then the Slack portion of the right is forfeited.

The "Curry house" clearly has no claim. It is a new location, and would have required a transfer 45 to 50 years ago.

10/31

To: Al Cook )  
 Gary Ball ) *Cover memo only*

I think Larry's argument holds together fairly well in this case. We have stated in the past that, if a new house is built to replace the original & the location is close, that no transfer is req'd. (Don't ask me to define "close" other than it must not change the data on the certificate & the watermaster must be able to identify the right & location).

As you point out, I think we can argue that both houses must apply — that the Slack portion is forfeited. You might speak w/ Uersha before making that call — which would require we proceed w/ cancellation.

CC: Larry Nunn; Uersha; File 14901

Steve A.



STATE OF OREGON

INTEROFFICE MEMO

**RECEIVED**

TO: Al Cook, SW Region Manager

OCT 20 1995  
DATE

10/16/95

FROM: Gary Ball, Watermaster *MB*

WATER RESOURCES DEPT.  
SALEM, OREGON

SUBJECT: Helbling - Curry Water Right Problem -- A# 14901, P# 10861, C# 11157

Enclosed you will find copies of the abstract of the certificate, the application map, the proof of appropriation, and a map I have prepared based on an assessor's map.

Mr. Helbling has contacted our office at least twice asking that we determine to which parcel the Slack portion of the water right is appurtenant. (The location of the McLean portion is known.) As a result, I have conducted an investigation which has led me to certain conclusions, but not to a final determination of his request. At this point, I am seeking advice as to a course of action which the parties can pursue to resolve the matter or a final determination.

In 1945, Mr. Slack sold TL's 400, 402, and 500 to Sid & Mildred Comfort (V. 117, P. 90). Luckily, the Comfort's still reside in the County, and I discussed the property with Mrs. Comfort last week. According to her, when they purchased the property, the only building on the property was a garage in the location of what I have labelled as the "Helbling house" on my map. The original house had burned. They converted the garage into a house in that location and built a garage/shed in the location of what I have labelled "Garage". She stated that the location of the original house was between the garage and the house and that there was a concrete walk around the location of the original house. Water was used from the source described in the water right continuously in the Helbling house while they owned the property. The Comforts did not live in the house later, but used it as a rental. In 1965, they sold the property to the Moorhead's.

I inspected the property on 10/13 and discussed the matter with Mrs. Curry. They purchased the property from the Moorhead's in 1975, and at that time, the three buildings were present on the property, and water was being used at both house locations. They used the Helbling house as a rental and subsequently divided the property, and sold TL 500 (1988?). They continue to own TL's 400 and 402, and Mr. Helbling is the contract purchaser of TL 500. He has the property for sale. Water from the same source has continued to serve both locations until the present. Remnants of the concrete walk still remain as I have shown, on both sides of the fence separating TL's 400 and 500. There are remnants of a large concrete pad under the fence, just north of the concrete walk, which may have been a porch. I have deduced that the original house probably was on the property line as shown on the map, based on the location of the concrete walk and Mrs. Comfort's information.

It is tempting to conclude that the water right is appurtenant to the Helbling house, since it was the original replacement house for the Slack house. Furthermore, it is located in the SE1/4 of the NE1/4, as the certificate indicates. However, when the Moorhead's built the Curry house, I would have to believe that if asked, they would have claimed the house was a replacement for the Comfort (Helbling) house. Also in question is the use of water in Comfort house during the period of time the Moorhead's owned the property.

In general, I am not aware of any policy regarding replacement houses. In cases where the replacement house has been close to the same location, I have been advised in the past : "No problem". However, I have my doubts at this point. It may be better for us to conclude that the water right is appurtenant to the Slack house location and no other. It would then be necessary for both Helbling and Curry to file new applications, since it could be argued that the original right is no longer valid. It is doubtful we could get voluntary cancellations from the parties involved, however. Both claim the right.

Another possible option would be to conclude that the right is appurtenant to both houses and allow a transfer application to be filed splitting the Slack portion of the right between the two parties. This would probably be viewed as an expansion of the right, however, since the proof indicates only two families were served by the right, not three. This would be a bad precedent as well, since Mr. Helbling has constructed holding tanks on both TL's 500 and 600 with a buried line connecting the two tanks.

Again, I think that the preferred solution is that neither has the right and both must file. However, I would question whether we could cancel the right for failure to use in the proper location.

cc: Steve Applegate  
Weisha Mize

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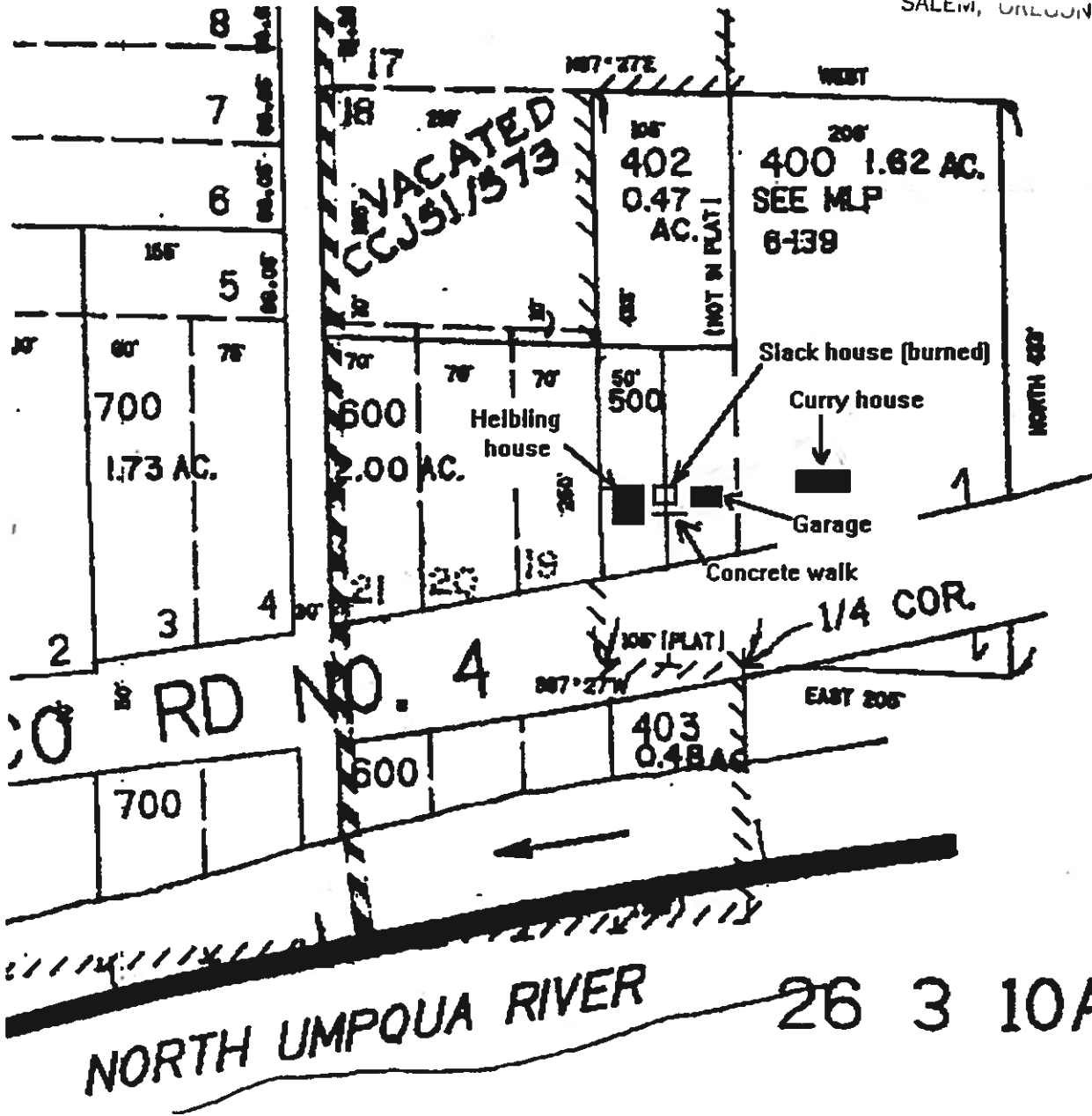
**OCT 20 1995**

WATER DIVISION  
SALEM, OREGON

RECEIVED

OCT 20 1995

WAL  
SALEM, OREGON



# Abstract of Permit No. 10861

Application No. 14901

Certificate No. ~~1157~~ **1157** ~~VED~~

Name Mars E. Slack and W. C. McLean

OCT 20 1995

Address Glide, Oregon

WATER RESOURCES DEPT.  
SALEM, OREGON

Source of water supply Unnamed stream, trib. North Umpqua River.

Use Domestic and garden irrigation.

Point of diversion is located 900 ft. S. and 1200 ft. E. from the  $\frac{1}{4}$ -sec. cor. bet. Secs. 10 and 11, T. 26 S., R. 5 W.W.M., being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 11.

Number of acres

**DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE**

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
26S	3W	10				X												
		11						X										

Priority date April 14, 1935 ✓

Amount of water 0.04 c.f.s. measured at the point of diversion from the stream

Time limit to begin construction

Time limit to complete construction extended to extended to

Time limit to completely apply water extended to extended to

Remarks:

94/587

SECTION

112

10001

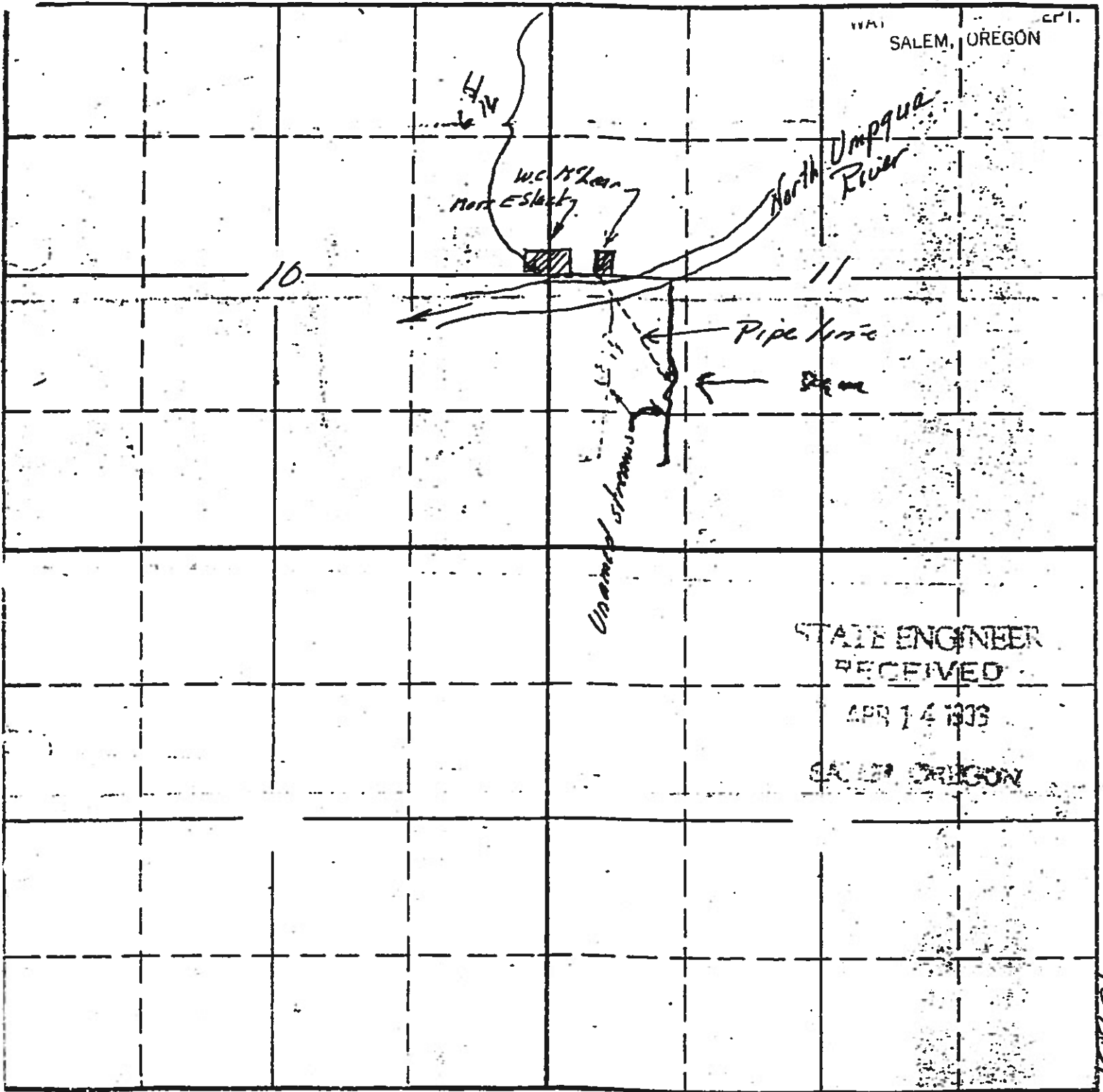
TOWNSHIP 26 S, RANGE 3 W, W. M.

RECEIVED

4 1/2

North

OCT 20 1995



South

APPLICATION No. 14901  
PERMIT No. 10861

East  
10861

1157

PERMIT NO. 10861

APPLICATION NO. 14901

COUNTY Douglas

# PROOF OF APPROPRIATION OF WATER

OCT 20 1995

1. Name Mara E. Slack & W. C. McLean 2. Address Glide, Oregon  
SALEM, OREGON

3. Source of supply Unnamed stream  
Tributary of North Umpqua River

4. Amount of water 0.04 cfs at the point of diversion from the stream, 0.1 sec. 1/4 measure 5. Priority date April 14, 1953

6. Use domestic and irrigation garden irrigation

7. Location of point of diversion, NW 1/4 SE 1/4 Sec. 11, Twp. 26 S, Range 5 W, W. M. (Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
26 S	5 W	10	SE 1/4 NE 1/4	X	
		11	SW 1/4 NW 1/4	X	

(Attach separate sheet if necessary)

This column must be filled in if water is used for irrigation



DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 2 ft.; length on top, 4 ft.; length on bottom 3 1/2 ft.; material used and character of construction, Earth & timber

RECEIVED

(b) Give description of headgate: Width, \_\_\_\_\_ ft.; depth, \_\_\_\_\_ ft.; material used and character of construction, \_\_\_\_\_

OCT 8 1905

WAIL... SALEM, OREGON

(c) Size of canal: Width on top (at waterline) \_\_\_\_\_ ft.; width on bottom, \_\_\_\_\_ ft.; depth of water, \_\_\_\_\_ ft.; grade, \_\_\_\_\_ ft. fall per 1,000 ft. Actual capacity, \_\_\_\_\_ sec.-ft. Give general description: \_\_\_\_\_

(d) Pipe line: Description of intake, 24' of 2" pipe to 400 gal wooden tank  
Length of pipe, 1600 ft.; size at intake, 2 in.; size at 10 ft. from intake, 1 1/2 in.; size at place of use, 1 in. Difference in elevation between intake and place of use, 160 ft. Is grade uniform? Yes Actual capacity of pipe line, 0.04 sec.-ft. Give general description: Iron galvanized  
(Material: Steel, wrought, cast iron, wood pipe, etc.)

(e) Pumping plant: Give size and type of pump, \_\_\_\_\_ Suction lift, \_\_\_\_\_ ft.; discharge lift, \_\_\_\_\_ ft. Type of motor used \_\_\_\_\_ Horse power rating, \_\_\_\_\_ H. P. Actual capacity of pump, \_\_\_\_\_ sec.-ft.

10. During what months is water beneficially used? All year

11. State character of soil \_\_\_\_\_ Kind of crops raised \_\_\_\_\_

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? Yes

13. If not, wherein is such map in error? \_\_\_\_\_

14. Domestic use: Give number of families actually using water at this time 2

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use \_\_\_\_\_

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Marion } ss.

OCT 20 1995

I, Mrs E. Slack & W.C. [unclear], being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water, that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, 1935

Subscribed and sworn to before me this 6th day of April, 1935

[NOTARIAL SEAL]

My commission expires April 12, 1935

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Douglas } ss.

We, Roy M. Foster and Roy C. Shockey

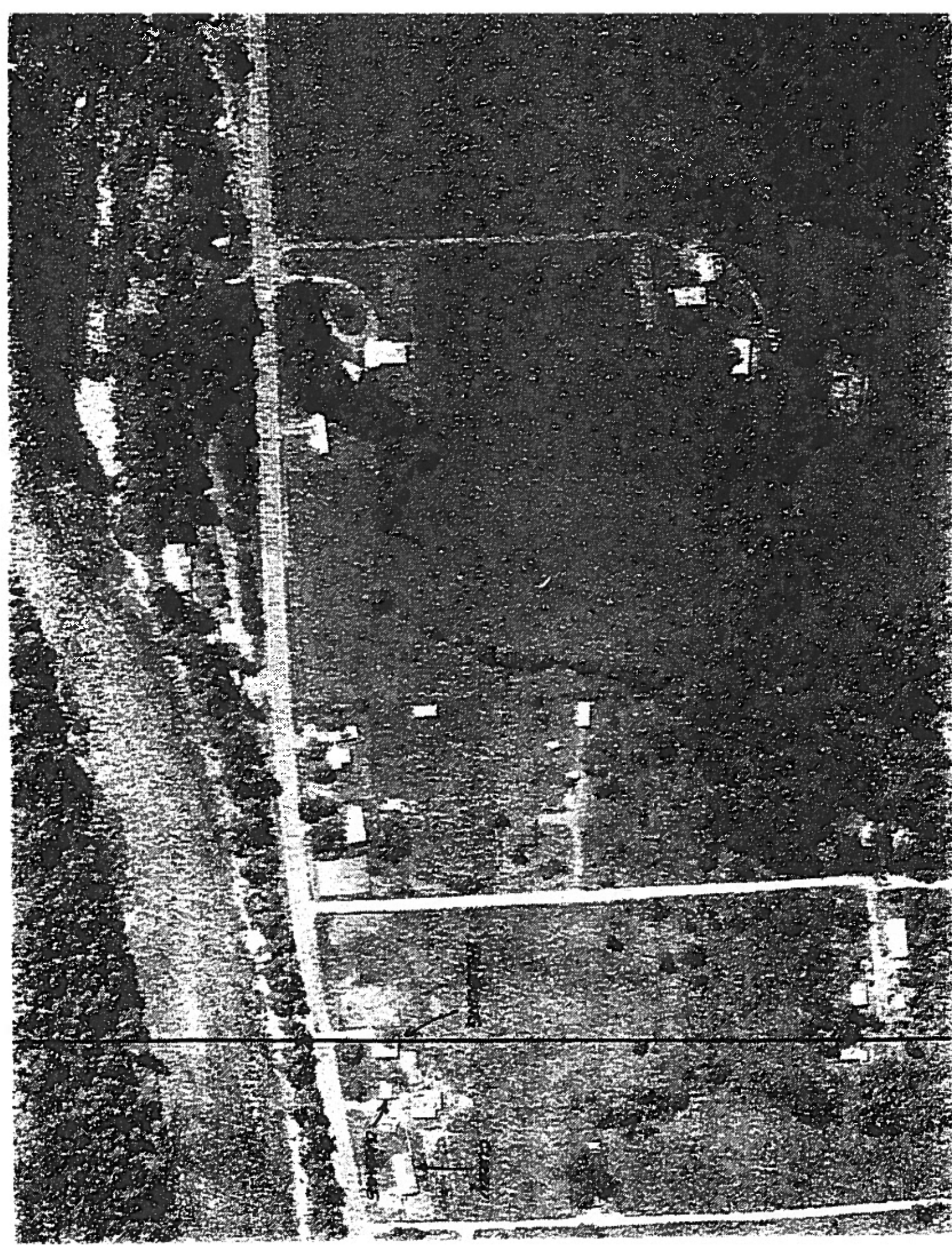
of Daly Rd Park, Oregon, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to

proof of appropriation of water under Permit No. 10861; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this 9th day of April, 1935

[NOTARIAL SEAL]

My commission expires April 12, 1935



November 13, 1995

Gary Helbling  
315 Mistletoe Lane  
Roseburg, OR 97470

WATER  
RESOURCES  
DEPARTMENT

Reference: File 14901 - - Mars E. Slack

Watermaster  
District 15

Dear Mr. Helbling:

I have made the report of my findings to the Water Rights Division in Salem, and they have determined that the above referenced right may be a valid right to use water in the existing house on your property. There is doubt in this determination since the location of your house is not the same as the original Slack house. It is conceivable that it could be determined that the water right is invalid since the water has not been used in the precise location of the original Slack house. If affidavits were filed by two unrelated parties claiming water was not used at that precise location for the last five years, the matter would be determined through a contested case hearing. What gives you more standing than Curry in this matter is the fact that your house was originally Slack's garage and that it was the first replacement house.

One thing is certain, though. Even though you may have a valid right to use water on your property, it is limited to domestic use for one family at the existing location. A field inspection revealed that you have apparently constructed a pipeline from the holding tank serving your existing house to another holding tank on adjoining property.

In order to lawfully use water from the unnamed stream across the river at this new location, it is necessary for you to obtain a new water right permit or a limited license. I have enclosed applications for your use if desired. The permit would ripen into a permanent water right, but the limited license is only valid for one year, and could not be renewed beyond five successive years. The limited license could be approved in as little as 14 days after the date of mailing of the weekly public notice of applications. It would not establish a priority on the water, but would allow you to legally use the water. Issuance of a permit could take considerably longer, conceivably as late as 4/29/97 for issuance of the final order. If your new house will be constructed prior to that date, I would recommend that you do both, filing the limited license in a timely manner as to avoid unlawful use.

For your information, I have enclosed a copy of my correspondence to Mr. and Mrs. Curry in this matter. If I can provide further information, please contact me.

Yours truly,



Gary L. Ball  
Watermaster, District 15



cc: Al Cook, SW Region Manager  
Steve Applegate, Water Rights Division

Rm 306 Courthouse  
Roseburg, OR 97470-1719  
(503) 440-4255  
FAX (503) 440-6264

June 15, 1933.

Messrs E. Slack & W. C. McLean,  
Glide,  
Oregon.

Gentlemen:

Herewith you will find Application No. 14901, being  
Permit No. 10861, together with blueprint.

The application has been approved and recorded in  
this office.

May 3, 1933

Mr. Mars E. Slack &  
Mr. W. C. McLean

Glide, Oregon

Gentlemen:

This will acknowledge receipt of your application for permit to appropriate 0.1 second-foot of water from two unnamed streams for irrigation and domestic purposes, together with your remittance in the sum of \$9.50 as fees. Receipt No. 16076 is inclosed.

The application has been filed, given No. 14901 and is being returned for additional information.

It is stated under Item 1 that the source of the proposed appropriation is two unnamed streams, however, under Item 4, the diversion from only one stream is shown and the map only indicates a diversion from one stream. If water is to be appropriated from both unnamed streams the point of diversion from each should be shown and the quantity that is to be diverted from each source should be shown under Item 2, as well as the total amount to be diverted from both. There is a balance of fees due in the sum of \$5.00 for recording for domestic use, which must be paid before the application can be approved.

The application has been endorsed so that it will retain its priority if resubmitted within 30 days or on or before June 3.

Very truly yours

CHAS. E. STRICKLIN  
State Engineer

By V. S. Bovalle,  
Asst't.

VSB EL

# MINOR LAND PARTITION IN SECTIONS 10 & 11, T.26S.R.3W.W.M.

JANUARY 1976

SCALE: 1"=100'

RECEIVED

JUL 15 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

PARTITIONER:

LEGAL OWNER:

NUMBER OF LOTS

WATER SUPPLY:

SEWAGE:

MAP PREPARED BY

DESCRIPTIONS:

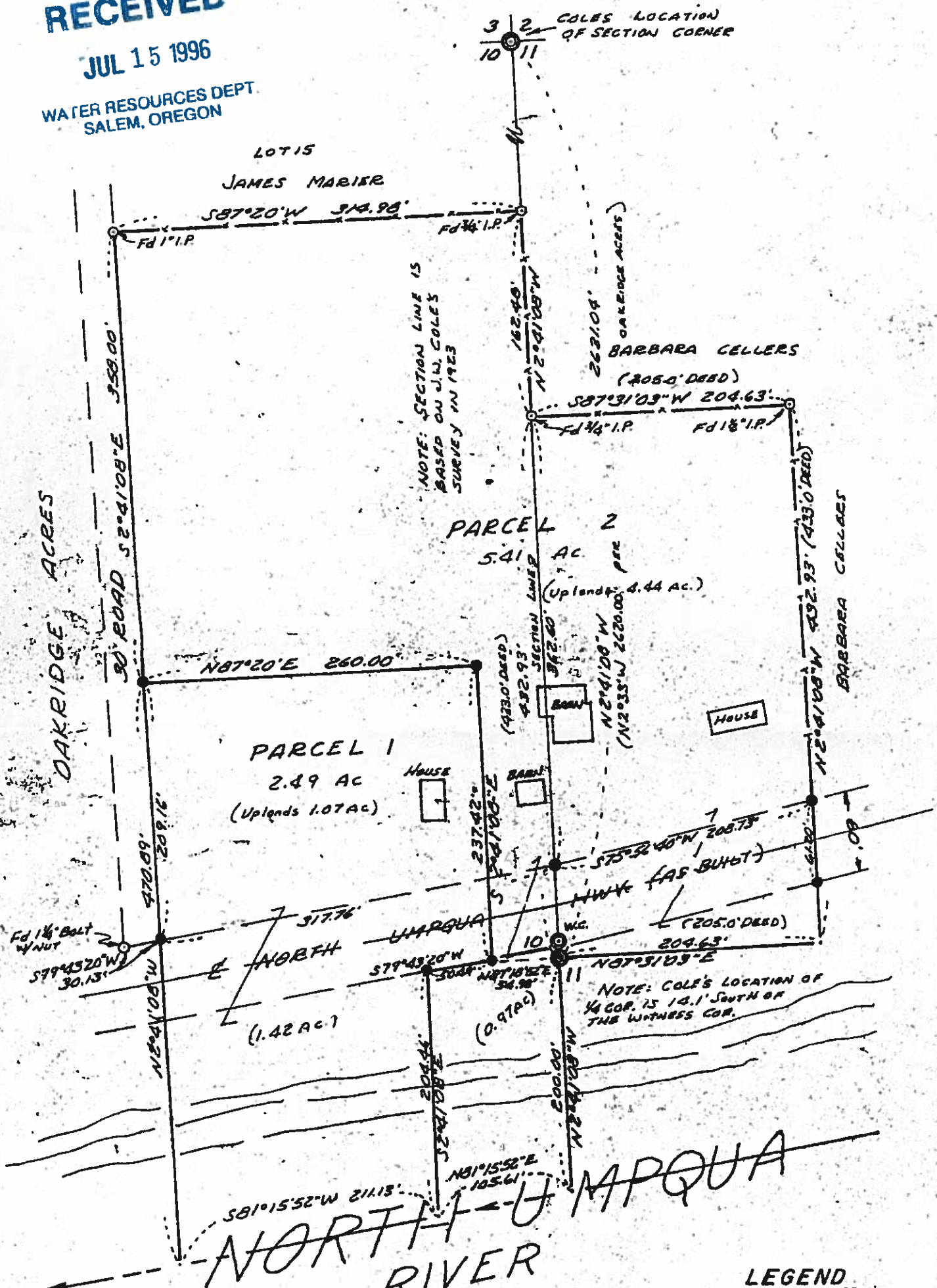
**PARCEL #1**  
Beginning  
River, from wh  
26 South, Rang  
along said Sou  
said Southerly  
the North Umpe  
feet to a poin  
iron rod; then  
237.42 feet to  
South, Range 3

EXCEPT Right c

**PARCEL #2**  
Beginning  
26 South, Rang  
along the Bark  
iron pipe and  
162.48 feet to  
S 87°20' W a/c  
iron pipe; the  
iron rod; then  
237.42 feet to  
Highway; then  
1/2" iron rod;  
to a point in  
said river cer  
41'08" W 200.0

EXCEPT Right c

APPROVALS:



BASED ON RM2-69

(NOT TO SCALE)

### LEGEND

- — Set 1/2" iron rod
- — Denotes point found—as noted
- ⊙ — Found Brass cap

IRON ROD  
WITNESS  
SOUNDING  
BASED ON RM2-69  
(SEE RM2-69)  
IRON ROD  
STATE OF OREGON  
COUNTY OF CLATSOP  
I, J. P. [Name]  
Notary Public  
at [Location]  
County of Douglas, Oregon  
DOES hereby certify that the foregoing is a true and correct copy of the original as filed in my office on [Date] at [Time] of the day of [Month] 1976.

Map File M59-8