

Assigned
 Name Franke Bros.
 By Mitchell
 Address Dayville, Oregon 97825

Application No. 37728
 Permit No. 28123
 Certificate No. 86628

FEES PAID

Date	Amount
6/13/62	\$40.85
	B. P. Fee
	\$1 Cert. Fee

Stream Index, Page No. 6-RRF

FEES REFUND

Date | Amount

Date filed June 13, 1962
 Priority June 13, 1962
 Action suspended until Survey 2/77

ASSIGNMENTS

Returned to applicant
 Date of approval September 5, 1962

Date	To Whom	Address	Vol
3-19-69	Gilbert, Dalke & Franke, Inc.	Rt. 1, Box 311, Ausville, Ore.	
9-28-77	Try Cr. Ranch Inc. C/o Dick Elliot	Town & Country Realty Box 587 Bend, OR 97701	
9/3/85	ROBERT J. VANIER TRI-CREEK RANCH 1st	P.O. Box 326 DAYVILLE OR 97825	

CONSTRUCTION

Date for beginning September 5, 1963
 Date for completion October 1, 1964
 Extended to 10-1-66 10-1-67 10-1-68
10-1-70
 Date for application of water October 1, 1965
 Extended to 10-1-66 10-1-67 10-1-68
10-1-70

REMARKS

10.16 c.f.s. from Rock Creek and Birch Creek (John Day River) for irrigation supplemental irrigation of 406.4 acres.
 (Subject to S.W.R.B. Policy Statement)

PROSECUTION OF WORK

Form "A" filed Started
 Form "B" filed March 13, 1970
 Form "C" filed March 13, 1970

FINAL PROOF

Blank mailed
 Proof received
 Date certificate issued 11/5/2010

OCT 19 1962 CARD FOR R
 NOV 1 1962 CARD FOR B.O.

Recheck 8-12-80
 Again 5-11-84

W.P.I.S.	
Assembled <u>5-7-89</u> by <u>Joy</u>	
Entered _____ by _____	
Verified _____ by _____	

NOTICE OF COMPLETION OF CONSTRUCTION

RECEIVED
MAR 1 3 1970
STATE ENGINEER
SALEM, OREGON

I, _____, the holder of Permit No. 28123
to appropriate _____ public waters of the state of Oregon, completed the construction of the works described
therein on the _____ day of _____, 19 69

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you
should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19 _____

Gilbert Dalke & Franke Inc. At 1, Box 311 Aumsville Ore.
(Signature of Applicant) (Address)
By *Carol Gilbert Sec.*
Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

3M-8-64

Form C

RECEIVED
MAR 1 3 1970
STATE ENGINEER
SALEM, OREGON

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to
which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that
Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection
and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land de-
scribed in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.
Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 37728

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, _____, the holder of Permit No. 28123
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the _____ day of _____, 19 69

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19 _____

Gilbert Dalke & Franke Inc. At 1, Box 311 Aumsville Ore.
(Signature of Applicant) (Address)
By *Carol Gilbert Sec.*

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT J. VANIER, JR.
PO BOX 326
DAYVILLE OR 97825

confirms the right to use the waters of ROCK CREEK AND BIRCH CREEK for PRIMARY OF 203.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 2.4 ACRES.

This right was perfected under Permit S-28123. The date of priority is JUNE 13, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.06 CUBIC FEET PER SECOND (CFS), BEING 2.20 CFS FROM ROCK CREEK AND 2.94 CFS FROM BIRCH CREEK, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7	12 S	25 E	WM	14	SE SW	730 FEET NORTH & 1420 FEET EAST FROM SW CORNER, SECTION 14
8	12 S	25 E	WM	14	SW SE	850 FEET NORTH & 3380 FEET EAST FROM SW CORNER, SECTION 14
9	12 S	25 E	WM	14	SE SE	200 FEET NORTH & 470 FEET WEST FROM SE CORNER, SECTION 14
6	12 S	25 E	WM	15	SE SE	300 FEET NORTH & 410 FEET WEST FROM SW CORNER, SECTION 14
5	12 S	25 E	WM	21	NE NE	270 FEET SOUTH & 680 FEET WEST FROM NE CORNER, SECTION 21
4	12 S	25 E	WM	23	SW NW	140 FEET NORTH & 720 FEET EAST FROM W1/4 CORNER, SECTION 23
3	12 S	25 E	WM	23	NW SW	410 FEET SOUTH & 710 FEET EAST FROM W1/4 CORNER, SECTION 23
2	12 S	25 E	WM	27	NE SE	250 FEET SOUTH & 870 FEET WEST FROM E1/4 CORNER, SECTION 27
1	12 S	25 E	WM	27	SW SE	1800 FEET SOUTH & 1510 FEET WEST FROM E1/4 CORNER, SECTION 27

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued NOV 05 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

Date Mailed: November 5, 2010

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-37728

Permit: S-28123

Certificate: 86628

Permit/Certificate Holder:

ROBERT J. VANIER, JR. ✓
PO BOX 326
DAYVILLE OR 97825

<p>Copies Mailed</p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p>on: <u>11/5/2010</u> (DATE)</p>

Copies of Final Certificate to be sent to:

1. Watermaster District 4, Eric W. Julsrud (include copy of map)
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

- 1.

Mailing List for Certificate

Scheduled Mailing Date:

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Permit: S-28123

Certificate: *****

Permit/Certificate Holder:

ROBERT J. VANIER, JR. ✓
PO BOX 326
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<p align="center">Copies Mailed</p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p align="center">JUL 30 2010</p> <p>on: _____ (DATE)</p>
--

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3. Water Availability
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5. File ✓

Other persons to receive copies: (include map):

- 1.

*Print copies of map (2)
Scan map & save*



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DATE MAILED: JUL 30 2010

NOTICE

Reference: Permit S-28123 Application S-37728

Enclosed is a proposed certificate of water right and a map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a Final Proof Survey and Inspection, performed by the Department.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate or map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate or map.

If you agree with the proposed certificate and map, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811 or Jerry Gainey at 503-986-0812.

Sincerely,

Dwight French
Administrator
Water Rights Division

STATE OF OREGON
 COUNTY OF WHEELER
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT J. VANIER, JR.
 PO BOX 326
 DAYVILLE OR 97825

confirms the right to use the waters of ROCK CREEK AND BIRCH CREEK for PRIMARY OF 203.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 2.4 ACRES.

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4	12 S	25 E	WM	23	SW NW	140 FEET NORTH & 720 FEET EAST FROM W1/4 CORNER, SECTION 23
3	12 S	25 E	WM	23	NW SW	410 FEET SOUTH & 710 FEET EAST FROM W1/4 CORNER, SECTION 23
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1	12 S	25 E	WM	27	SW SE	1800 FEET SOUTH & 1510 FEET WEST FROM E1/4 CORNER, SECTION 27

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86628

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued _____

PROPOSED

Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

To Appropriate the Public Waters of the State of Oregon

I, Franko Bros. of Dayville, Oreg. State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Rock Creek and Birch Creek, a tributary of John Day River

2. The amount of water which the applicant intends to apply to beneficial use is 10.16 cubic feet per second. being Rock Creek primary, 3.80 cfs; Birch Cr. primary, 4.30 cfs; Rock Creek supplemental, 1.40 cfs; Birch Cr. suppl., 0.66 cfs.

**3. The use to which the water is to be applied is Irrigation

4. The point of diversion is located See under "Remarks" ft. and ft. from the corner of

being within the of Sec. Tp. R., W. M., in the county of

5. The to be in length, terminating in the of Sec. Tp. R., W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam Temporary diversion dams feet, length on top feet, length at bottom feet; material to be used and character of construction

(b) Description of headgate

(c) If water is to be pumped give general description 2 1/2 inch pump (100 mm) 20 hp elec motor 2 1/2 inch pump (320 mm) 25 hp gas motor 1000' 3 inch pipe and 4000' 1 inch pipe

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

App'l. 37728
28123

PRIMARY FROM ROCK CREEK

12 S	25 E	15	SE SW	10
			SW SE	15
SE SE	2			
14			NW SW	8
			NE SW	1
			SW SW	9
			SE SW	2
			SE SE	20
			SW SW	4
			NE NE	19
13			NW NE	16
			NE NW	5
24			NW NW	6
			NE NE	2
22			NW NE	10
			NE NW	10
			NW NW	1
			SE NW	3
			SW NE	1
			NE SW	2

SUPPLEMENTAL FROM ROCK CREEK

12 S	25 E	14	SE SW	13.6
			SW SE	22.3
23			SE SE	3.0
			NE NE	16.0
			NW NE	1.1
			<u>56.0</u>	

PRIMARY FROM BIRCH CREEK

12 S	25 E	14	SE SW	5
			NW NW	4
24			SW NW	4
			NE NE	6
23			NW NE	7
			NW NW	10
			SW NW	30
			SE NW	2
			NE SW	10
			SW SW	5
22			NE NE	5
			SE NE	15
			NE SE	5
25			NW NW	10
27			NE NE	10
			NE SE	3
			NW SE	2
			SW SE	19
			SE SE	20
			<u>172</u>	

SUPPLEMENTAL FROM BIRCH CREEK

24			NE NW	6.7
			NW NW	16.7
			<u>23.4</u>	

10. (a) To supply the city of

(Name of) County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$, 10,000.00

12. Construction work will begin on or before started

13. Construction work will be completed on or before July 1964

14. The water will be completely applied to the proposed use on or before July 1955

Franko Brothers
(Signature of applicant)
By Clara Franko Partner

Remarks:

- Diversion No. 1 (SW-SW Sec. 24) 1100' E and 1000' N of SW cor. of Sec. 34
 - " 2 (NE-SW Sec. 34) 1320' E and 1800' N of SW cor. of Sec. 34
 - " 3 (NE-NE Sec. 27) 700' W and 1300' S of NE cor. of Sec. 27
 - " 4 (NE-NE Sec. 27) 150' S and 50' W of NE cor. of Sec. 27
 - " 5 (SW-SW Sec. 23) 1300' N and 200' E of NE cor. of Sec. 27
 - " 6 (SW-SW Sec. 23) 2600' N and 700' E of NE cor. Sec. 27
 - " 7 (NE-NE Sec. 23) 1150' E and 200' S of NE cor. Sec. 23
 - " 8 (NE-NE Sec. 21) 1400' S and 900' W of NW cor. Sec. 22
 - " 9 (NE-NE Sec. 22) 700' West of NE cor. Sec. 22
 - " 10 (SE-SE Sec. 15) 250' W and 350' N of NE cor. Sec. 22
 - " 11 (SW-SW Sec. 11) 700' E and 1000' N of SW cor. Sec. 11
 - " 12 (NE-NE Sec. 23) 100' S and 150' W of NE cor. Sec. 23
 - " 13 (SE-SW Sec. 11) 350' N and 1100' E of SW cor. Sec. 11
- all within T. 12 S., R. 25 E.W.1.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By ASSISTANT

STATEMENT

I, Robert J. Vanier as holder of A-37728, P-28123, state that I have reviewed a preliminary copy of the final proof survey map of this permit as on record in the Watermaster's office in Canyon City, and agree that it is a true and accurate representation of the method of irrigation at the time I purchased this ranch in 1979. Since that time I have made several improvements and now am irrigating additional land. The attached applications update and describe the systems I propose.

I authorize cancelation of the excess acreage on Permit 28123 in compliance with the 1976 Final Proof Survey. I also request a re-survey of the acreage found in that survey to be in compliance with these new applications and to resolve an overlap of Birch Creek irrigation in Section 23, so that I may have the full 59.0 acres of 1872 right, with all additional irrigated land from this source under the 1962 permit (28123)

x Robert J. Vanier

T-5700 Δ POU & PDD C-25513

Probably received Sep 3, 85 with other papers.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
CANYON CITY FIELD OFFICE

INTEROFFICE MEMO
575-0119
February 1, 1991

RECEIVED

FEB - 5 1991

WATER RESOURCES DEPT.
SALEM, OREGON

TO: Steve Applegate *Take*

FROM: Jerry Rodgers
WM #4

*Frankie
Cross*

SUBJECT: A-37728 P-28123

It would be helpful if the certificate could be issued on this file. Enforcement actions that will require transfers have been on hold a number of years pending certificate issuance.

At least 3 field surveys have been made on this old permit. Any help in speeding up processing would be appreciated.

Franko Bros.

Dayville, Oregon

POINT OF DIVERSION:

~~Diversion No. 1: 1000' N. and 1100' E.; #2 - 1800' N. and 1320' E., both from the SW corner of Section 14; #3 - 1300' S. and 700' W.; #4 - 150' S. and 50' W.; #5 - 1300' N. and 200' E.; #6 - 2800' N. and 700' E., all from the NE corner of Section 27; #7 - 200' N. and 1450' E.; #8 - 400' S. and 900' W., both from the NE corner of Sections 23 and 22, respectively; #9 - 700' due west from the NE corner of Section 22; #10 - 350' N. and 250' W. from the NE corner of Section 22; #11 - 1000' N. and 700' E. from the SW corner of Section 14; #12 - 100' S. and 150' W. from the NE corner of Section 23; #13 - 350' N. and 1400' E. from the SW corner of Section 14;~~

~~being within -~~

~~#1 - NE1/4, Section 14; #2 - NE1/4, Section 14; #3 - NE1/4, Section 27; #4 - NE1/4, Section 27; #5 - SW1/4, Section 23; #6 - SW1/4, Section 23; #7 - NE1/4, Section 23; #8 - NE1/4, Section 21; #9 - NE1/4, Section 22; #10 - SE1/4, Section 15; #11 - SW1/4, Section 14; #12 - NE1/4, Section 23; #13 - SE1/4, Section 14;~~

all within T. 12 S., R. 25 E., W.M., in the county of Grant,

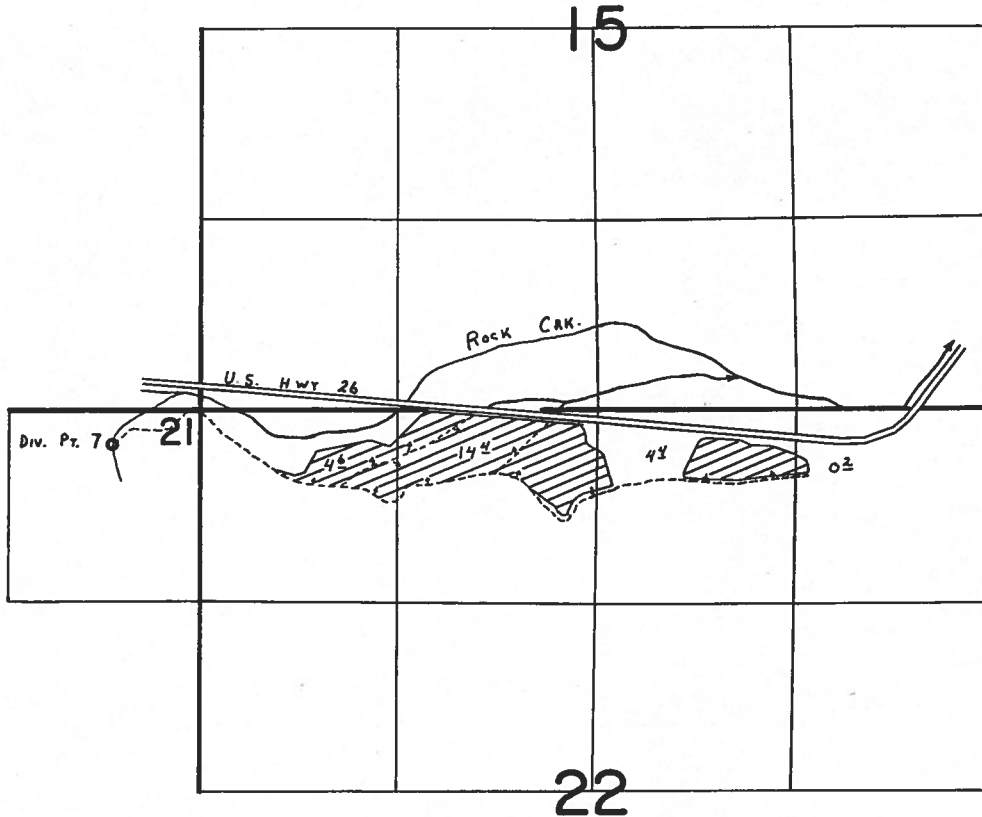
Wheeler

Point of Diversion: #1-1800'S & 150'W, #2-260'S & 900'W from E 1/4 C Sec. 27; #3-420'S & 740'E from W 1/4 cor. Sec 23; #4-300'N & 400'W from SE cor Sec. 15; #5-60'N & 1180'E from SW cor. Sec. 14; #6-200'N & 460'W from SE cor Sec. 14; #7-230'S & 600'W. from N.E. Cor. Sec 21

being within:

- #1 SW 1/4 SE 1/4 Sec 27
- #2 NE 1/4 SE 1/4 Sec 27
- #3 NW 1/4 SW 1/4 Sec 23
- #4 SE 1/4 SE 1/4 Sec 15
- #5 SW 1/4 SW 1/4 Sec 14
- #6 SE 1/4 SE 1/4 Sec 14
- #7 NE 1/4 NE 1/4 Sec 21

T.12S. R25E. W.M.



Div. Pt. 7 Loc: 230'S. & 600'W. fr. N.E. Cor. SEC. 21.

FINAL PROOF SURVEY
UNDER

Application No. 37728. Permit No. 28123.....
IN NAME OF

TRY CREEK RANCH, INC.....

Surveyed July 25, 1979, by C. L. HUGHES.....

MEMO

TO: FILE 37728

FROM: SG

DATE: 7-14, 2010

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED FINAL certificate should be prepared and mailed to the permit holder consistent with:

The Permit

The FPS

As described in the permit but as clarified by the FPS

As described in the PERMIT and FPS but as further specified below:

NOTE: This checklist is be used for applications filed with the Department prior to July 9, 1987 and the Department is responsible for the completion of a survey or inspection.

S:\groups\wr\certs\Resource Center\Forms_Checklists_Mailing Instructions\WRD-SURVEY-INSPECT-CHECKLIST.doc

Jerry Gainey

From: Myrna OLeary [olearymyrna@gmail.com]

Sent: Wednesday, July 14, 2010 1:31 PM

To: Jerry Gainey

Subject: Re: Property Ownership

Tax lots 400, 401, 402, 403, and 2200 all belong to Robert J. Vanier Jr.

PO Box 326
Dayville, Or 97825

Tax Lot 1900 is BLM

Myrna OLeary
Wheeler County
Deputy Assessor

On Wed, Jul 14, 2010 at 12:38 PM, Jerry Gainey <gaineyjw@wrд.state.or.us> wrote:

Hi,

I work for the Oregon Water Resources Department and need to know the ownership and address of owners of property indicated below.

WHEELER COUNTY MAP 12S25E & INDIE X

SECTION 14: TAX LOTS 401 & 402

SECTION 15: TAX LOT 400

SECTION 22: TAX LOT 400

SECTION 23: TAX LOT 401

SECTION 24: TAX LOTS 403 & 1900

SECTION 27: TAX LOT 2200

The information we have on the above property is in the name of try creek ranch inc.

Any assistance will be greatly appreciated.

Thanks

7/14/2010

ROCK		BIRCH
		5.1
0.7		
5.3		
1.6		
3		
0.1		
		6.5
4.1		
		1.4
14.1		
5.3		
		13.3
		30.3
		2.9
		1.6
0.6		
8		
10.5		
11.7		
18.4		
5.6		
0.6		
		9.6
		20.4
		1.5
		16.2
		6.6
		2.4
89.6		112.7

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Permit: S 28123 *		6/13/1962	IRRIGATION																									
Additional Info: TRY GREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123																												

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

No IR

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	QQ
Select Permit: S 28123 * Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123		6/13/1962	IRRIGATION													1	8	9	7					20
Select Cert: 25513 OR * Additional Info: KATE MCDONALD Decree: JOHN DAY RIVER (F) Cert: 25513		12/31/1872	IRRIGATION																					
Select Cert: 25514 OR * Additional Info: KATE MCDONALD Decree: JOHN DAY RIVER (F) Cert: 25514		12/31/1885	IRRIGATION																					
Select Permit: S 28123 * Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123		6/13/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																					

Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Handwritten notes in yellow highlight boxes:
 Row 1: 5.5, 5.3, 1.6, 2.4
 Row 2: 13.6, 22.3, 3
 Row 3: 2
 Row 4: 2, 0.4, 13.6, 22.3, 3

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	SE	SE	SE	QQ	
Select Permit: S 28123 *		6/13/1962	IRRIGATION																									
Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123																												

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

NO IR

Water Rights Platcard Report

Meridian: Willamette Township: 12 South Range: 25 East Section: 22 Records per Page: 100

Search [New Platcards Maps!](#)
[Learn about *](#) [Mapped by Type *](#) [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknwn	
							Q(160): NE	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SW	SW	SW	SW	SW	SW	SW	QQ	
Select Permit: S 28123 *		6/13/1962	IRRIGATION				7	10	4	15	10	4		3	2													
Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123								664.1	0	14	14.153			0	0													
Select Cert: 69338 OR *		1/1/1993	LIVESTOCK								*																	
Additional Info: CLINTON HARRIS App: R74908 Cert: 69338																												
Select Cert: 69338 OR *		1/1/1993	WILDLIFE								*																	
Additional Info: CLINTON HARRIS App: R74908 Cert: 69338																												

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE Unkown QQ	
Select Cert:25513 OR * Additional Info: KATE MCDONALD Decree: JOHN DAY RIVER (F) Cert: 25513		12/31/1872	IRRIGATION				16 4.1	
Select Permit:S 28123 * Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123		6/13/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				16 4.1 1.2 1.9	P P P 133.303 2.9 P P P P

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

↑
P
1.6

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ	
Select Permit: S 28123 *		6/13/1962	IRRIGATION					25	23			5	20	34	2		10	5							
Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123																									
Select Cert: 25514 OR *		12/31/1885	IRRIGATION									6.7	16.7												
Additional Info: KATE MCDONALD Decree: JOHN DAY RIVER (F) Cert: 25514																									
Select Permit: S 28123 *		6/13/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									6.7	16.7												
Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123																									

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report


Meridian: Township: South Range: East Section: Records per Page: Search

New Platcards Maps!
[Learn about](#) * [Mapped by Type](#) * [Mapped by Use](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ		
Select Permit: S 28123 *		6/13/1962	IRRIGATION				10															3	2	19	20
Additional Info: TRY CREEK RANCH INC., C/O DICK ELLIOTT App: S37728 Permit: S28123																									

Acreege Legend: 12.25 Regular acreege ~~12.25~~ Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended * Acreege is not specified

Oregon Water Resources Web Mapping Application (beta)


Active Layer: 16
Locate a place on the map ▶ Use Basic Map ▶ Help ▶ Links ▶

Map Contents

- OWRD Data
 - Rule Boundaries
 - Political Boundaries
 - Water Availability
 - Water Rights
 - Surface water
- Base Data
 - Political Boundaries
 - PLS
 - Roads
 - Surface water
 - Topography
- Imagery
 - Aerial Photography

Results



STATE OF OREGON

COUNTY OF *WHEELER*

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

*ROBERT J. VANIER
TRI-CREEK RANCH, INC.
PO Box 326
DAYVILLE, OR. 97825*

confirms the right to use the waters of *BIRCH CREEK A TRIBUTARY OF ROCK CREEK,*
~~tributary of~~ *AND ROCK CREEK, A TRIBUTARY OF THE JOHN DAY RIVER. FOR*
IRRIGATION OF 203.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 61.0 ACRES.

This right was perfected under Permit *28123* . The date of priority is
JUNE 13, 1962

. This right is limited to *6.62* CUBIC FOOT
PER SECOND, BEING *2.94 CFS FROM BIRCH CREEK AND 3.68 CUBIC FOOT*
PER SECOND FROM ROCK CREEK.

or its equivalent in case of rotation, measured at the point of
diversion from the source.

The points of diversion ^{*ARE*} ~~is~~ located as follows:

SEE ATTACHED.

The amount of water used for irrigation together with the amount secured
under any other right existing for the same lands, is limited to a
diversion of ONE-~~FORTH~~ *FORTH* of one cubic foot per second (or its
equivalent) and *4.0* acre-feet for each acre irrigated during the
irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is
as follows:

SEE ATTACHED.

*THE RIGHT ALLOWED HEREIN SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE
SUPPLY OF ANY PRIOR RIGHT EXISTING FOR THE SAME LAND.*

~~THE RIGHT~~

The right to the use of the water for the above purpose is restricted to
beneficial use on the lands or place of use described. The use
confirmed herein may be made only at times when sufficient water is
available to satisfy all prior rights, including rights for maintaining
instream flows.

~~DSM~~

PLACE OF USE

ROCK CREEK BIRCH CREEK ROCK CREEK BIRCH CREEK
 ——— PRIMARY ——— ——— SUPPLEMENTAL ———

SW 1/4 SW 1/4	0 ²	5.1		2 ⁰
SE 1/4 SW 1/4	5 ³	0.4	13.6	2.0
SW 1/4 SE 1/4	1 ⁶		22.3	
SE 1/4 SE 1/4	2 ⁴		3.0	

SECTION 14

NE 1/4 NE 1/4	0 ¹	6.5	16.5	
NW 1/4 NE 1/4	4 ¹			
SE 1/4 NE 1/4		1.4	1.4	
NE 1/4 NW 1/4	14 ¹			
NW 1/4 NW 1/4	5 ³			

SECTION 22

NE 1/4 NE 1/4	1 ²		16.0	
NW NE	1 ⁹		4.1	
NW NW		13.3		
SW NW		30 ³		
SE NW		2.9		
NW SW		1.6		

SECTION 23

NE NE	0 ⁶			
NW NE	8 ⁰			
SW NE	10 ⁵			
SE NE	11 ²			
NE NW	13 ⁴			
NW NW	6 ⁶			
SE NW	0 ⁶			

SECTION 24

SE NE		9 ⁶		
NE SE		20 ⁴		
NW SE		1 ⁵		
SW SE		16 ²		
SE SE		6 ⁶		

SECTION 27

TOWNSHIP 12 SOUTH RANGE 25 EAST W. M.

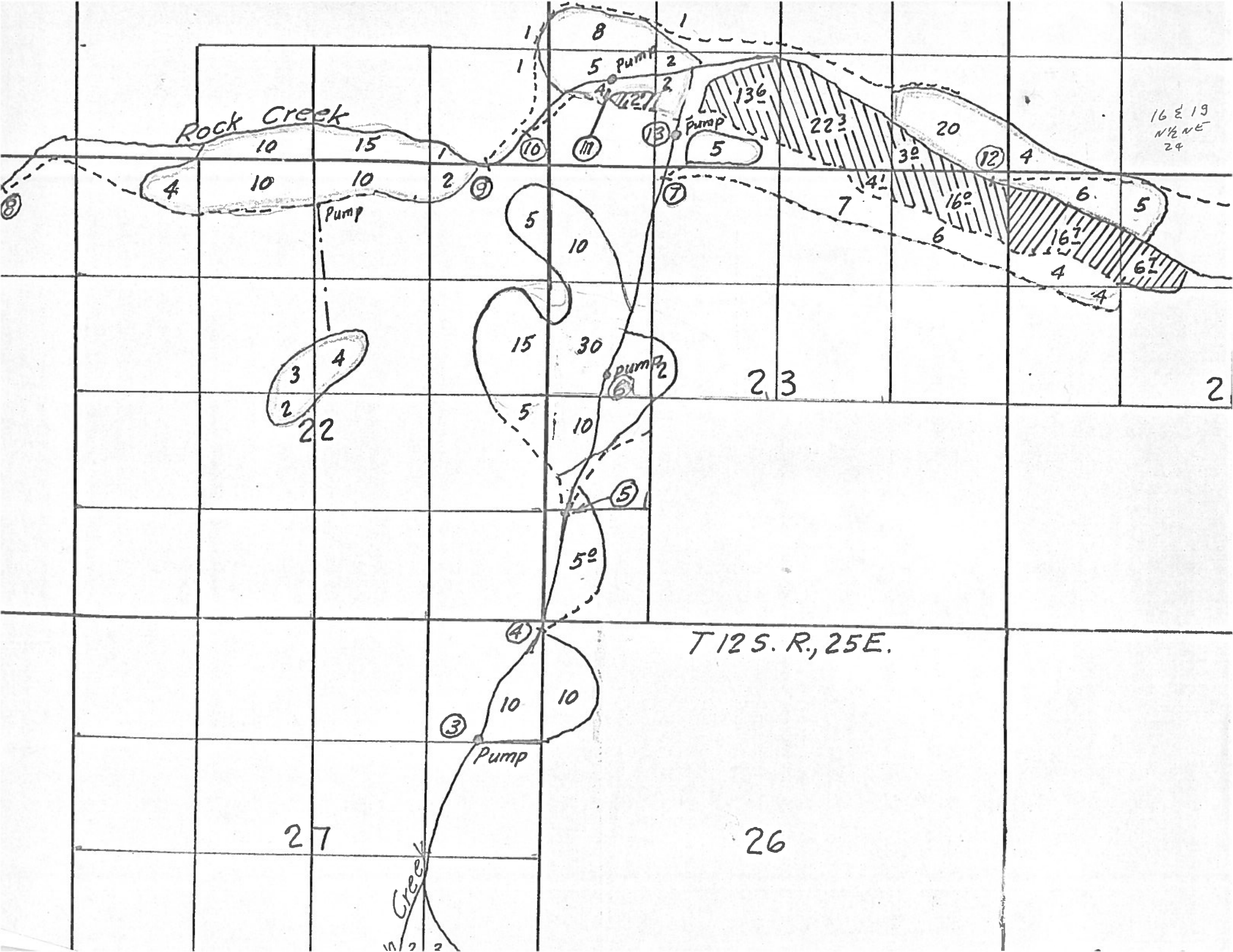
TOTAL TOTAL	88.1	363	115.8	59.0	2.9*	2.0
----------------	------	-----	-------	------	------	-----

POINT OF DIVERSION.

- # 1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ ↑ ↑
- # 2 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 27
- # 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ | |
- # 4 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 23
- # 5 - NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 21
- # 6 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 15
- # 7 - SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF ~~SECTION 14~~ }
- # 8 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF ~~SECTION 14~~ }
- # 9 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 14

T. 12 S. R. 25 E. W.M.

- # 1 - 1800 FEET SOUTH AND 1510 FEET WEST
- # 2 - 250 " " " 870 " "
- FROM E $\frac{1}{4}$ CORNER SECTION 27
- # 3 - 410 FEET SOUTH AND 710 FEET EAST
- # 4 - 140 " NORTH AND 720 " "
- FROM W $\frac{1}{4}$ CORNER SECTION 27
- # 5 - 270² FEET SOUTH AND 680 FEET WEST
- FROM NE CORNER SECTION 21
- # 6 - 300 FEET NORTH AND 410 FEET WEST
- # 7 - 730 " " " 1420 " EAST
- # 8 - 850 " " " 3380 " "
- FROM SW CORNER SECTION 14
- # 9 - 200 FEET NORTH AND 470 FEET EAST
- FROM SE CORNER SECTION 14



Abstract of Permit No. 28123

Application No. 37728

Certificate No.

RECEIVED
APR -1 1961
WATER RESOURCES DEPT
SALEM, OREGON

Name

Franke Bros.

Address

Dayville, Oregon

Source of water supply

Rock Creek and Birch Creek, trib. John Day River

Use

Irrigation and supplemental irrigation

Point of diversion

SEE ATTACHED SHEET

Number of acres

406.4

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 $\frac{1}{4}$	

SEE ATTACHED SHEET

Priority date

June 13, 1962

Amount of water

10.16 c.f.s., measured at the point of diversion;
being 5.28 c.f.s. from Rock Creek and 4.88 c.f.s. from Birch Creek.

Time limit to begin construction

September 5, 1963

Time limit to complete construction

10/1/64 extended to 10/1/67 extended to

Time limit to completely apply water 10/1/65 extended to 10/1/67 extended to 10/1/70
This appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent

Remarks: Payment for each acre irrigated & shall be further limited to a diversion of not to exceed 4 a.f. per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein; provided further that the right to use of water is limited to the period when the flow of the John Day R. is more than 30 c.f. at USGS Gage No. 14-0465 & more than 20 c.f.s. at USGS Gage No. 14-0480, & shall be subject to such reasonable rotation system as may be ordered by the proper state official

Rock Creek at Antone

Basin 6 Vol. 1

Abstract of Permit No. 22983

Application No. 29144

Certificate No. 37255

RECEIVED
APR -1 1951
WATER RESOURCES
SALEM, OREGON

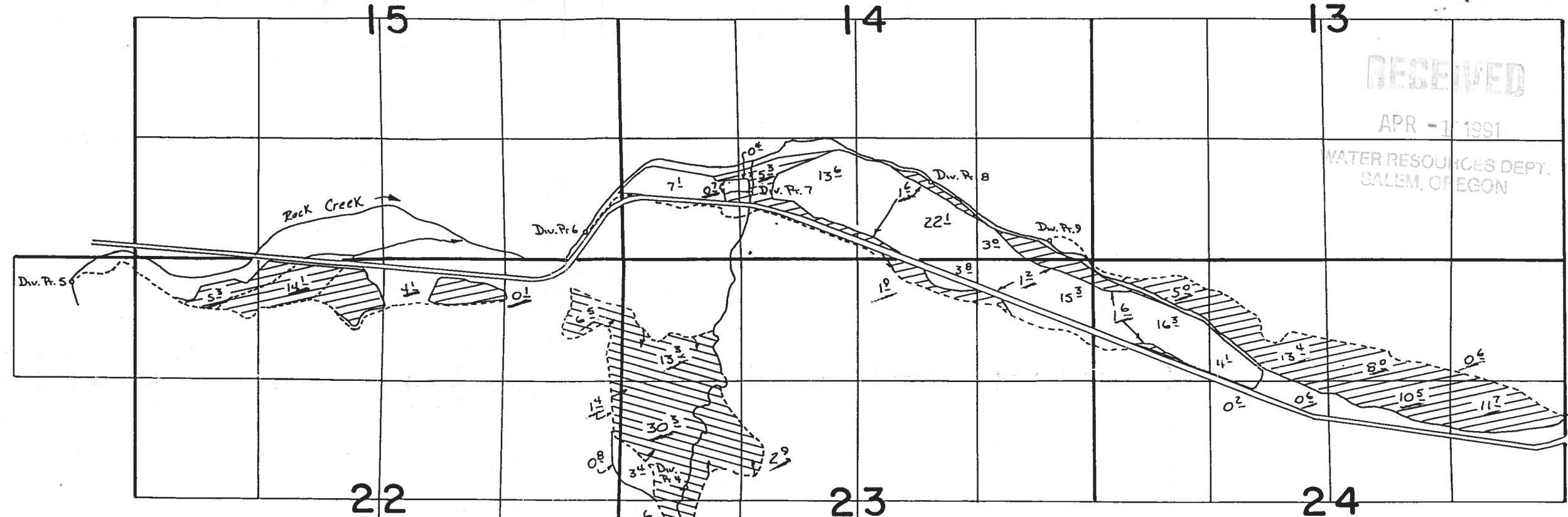
DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
13S	24E	14					PRIMARY /											
		23					1.9	2.0			0.1	0.7						
							SUPPLEMENTAL											
12S	24E	35	11.1	2.7	10.9	3.4					29.1	1.0	0.4	22.9		8.3	6.8	
		36				7.2									24.0		20.4 15.0	
13S	24E	2		Lot2 4.1				Lot4 2.8	17.4			31.5	24.7					
		3			11.3	4.1										4.6		
		11	2.0	9.3	10.4	2.0					5.8			13.6		12.7		
		12							18.1	7.1	38.8	4.8	0.1	8.4		2.1		
		14					7.1		3.3				9.4					
		23							14.5	3.4								

RECEIVED

APR -1 1991

WATER RESOURCES DEPT.
SALEM, OREGON



SCALE 1" = 1320'
PRELIMINARY
Subject to Revision

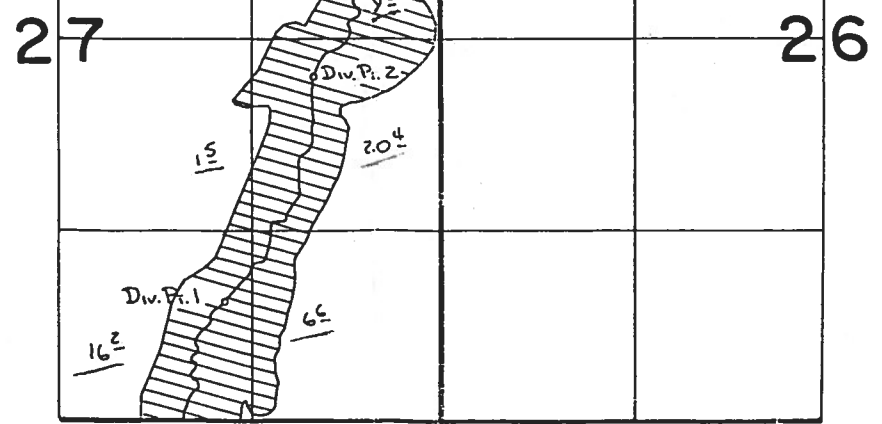
Div. Pts. Located:

1. 1800'S. & 1510'W. from E1/4 cor. SEC. 27
2. 250'S. & 870'W. from E1/4 cor. SEC. 27
3. 410'S. & 710'E. } from W1/4 cor. SEC. 23
4. 140'N. & 720'E. }
5. 270'S. & 680'W. from NE cor. SEC. 21
6. 300'N. & 410'W. }
7. 730'N. & 1420'E } from SW cor. SEC. 14
8. 850'N. & 3380'E. }
9. 200'N. & 470'E. from SE cor. SEC. 14

Rock Creek

Birch Creek

*PRELIMINARY
Subject to Revision*



FINAL PROOF SURVEY
UNDER

Application No. 37728 Permit No. 28123
IN NAME OF

Try Creek Ranch Inc.

Surveyed AUG. 20 1976, by D. NORBY
JULY 25 79 C.L. HUGHES
MAR. 18 86 V.L. CHURCH

STATE OF OREGON
COUNTY OF WHEELER
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT J. VANIER
TRI-CREEK RANCH, INC.
P.O. BOX 326
DAYVILLE, OREGON 97825

confirms the right to use the waters of BIRCH CREEK, a tributary of ROCK CREEK, AND ROCK CREEK, a tributary of THE JOHN DAY RIVER, for IRRIGATION OF 203.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 61.0 ACRES.

This right was perfected under Permit 28123. The date of priority is JUNE 13, 1962. This right is limited to 6.62 CUBIC FOOT PER SECOND, BEING 2.94 CFS FROM BIRCH CREEK AND 3.68 CFS FROM ROCK CREEK, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

(1) SW 1/4 SE 1/4; (2) NE 1/4 SE 1/4, SECTION 27; (3) NW 1/4 SW 1/4; (4) SW 1/4 NW 1/4, SECTION 23; (5) NE 1/4 NE 1/4, SECTION 21; (6) SE 1/4 SE 1/4, SECTION 15; (7) SE 1/4 SW 1/4; (8) SW 1/4 SE 1/4; (9) SE 1/4 SE 1/4, SECTION 14, ALL IN T 12 S, R 25 E, W.M.; (1) 1800 FEET SOUTH AND 1510 FEET WEST; (2) 250 FEET SOUTH AND 870 FEET WEST, BOTH FROM THE E 1/4 CORNER OF SECTION 27; (3) 410 FEET SOUTH AND 710 FEET EAST; (4) 140 FEET NORTH AND 720 FEET EAST, BOTH FROM THE W 1/4 CORNER OF SECTION 27; (5) 270 FEET SOUTH AND 680 FEET WEST FROM THE NE CORNER OF SECTION 21; (6) 300 FEET NORTH AND 410 FEET WEST; (7) 730 FEET NORTH AND 1420 FEET EAST; (8) 850 FEET NORTH AND 3380 FEET EAST, ALL FROM THE SW CORNER OF SECTION 14; (9) 200 FEET NORTH AND 470 FEET EAST FROM THE SE CORNER OF SECTION 14.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

SEE NEXT PAGE

	<i>88.1</i>	<u>PRIMARY</u>	<i>115.90</i>	<i>= 203.9</i>
	<u>ROCK CREEK</u>		<u>BIRCH CREEK</u>	
SW 1/4 SW 1/4	0.7 ACRE		5.1 ACRES	
SE 1/4 SW 1/4	5.3 ACRES		0.4 ACRE	
SW 1/4 SE 1/4	1.6 ACRES			
SE 1/4 SE 1/4	2.4 ACRES			
	SECTION 14			
NE 1/4 NE 1/4	0.1 ACRE		6.5 ACRES	
NW 1/4 NE 1/4	4.1 ACRES			
SE 1/4 NE 1/4			1.4 ACRES	
NE 1/4 NW 1/4	14.1 ACRES			
NW 1/4 NW 1/4	5.3 ACRES			
	SECTION 22			
NE 1/4 NE 1/4	1.2 ACRES			
NW 1/4 NE 1/4	1.9 ACRES			
NW 1/4 NW 1/4			13.3 ACRES	
SW 1/4 NW 1/4			30.3 ACRES	
SE 1/4 NW 1/4			2.9 ACRES	
NW 1/4 SW 1/4			1.6 ACRES	
	SECTION 23			
NE 1/4 NE 1/4	0.6 ACRE			
NW 1/4 NE 1/4	8.0 ACRES			
SW 1/4 NE 1/4	10.5 ACRES			
SE 1/4 NE 1/4	11.7 ACRES			
NE 1/4 NW 1/4	13.4 ACRES			
NW 1/4 NW 1/4	6.6 ACRES			
SE 1/4 NW 1/4	0.6 ACRE			
	SECTION 24			
SE 1/4 NE 1/4			9.6 ACRES	
NE 1/4 SE 1/4			20.4 ACRES	
NW 1/4 SE 1/4			1.5 ACRES	
SW 1/4 SE 1/4			16.2 ACRES	
SE 1/4 SE 1/4			6.6 ACRES	
	SECTION 27			
TOWNSHIP 12 SOUTH, RANGE 25 EAST, W.M.				

	<i>59.0</i>	<u>SUPPLEMENTAL</u>	<i>2.0</i>	<i>= 61.0</i>
	<u>ROCK CREEK</u>		<u>BIRCH CREEK</u>	
SW 1/4 SW 1/4			2.0 ACRES	
SE 1/4 SW 1/4	13.6 ACRES			
SW 1/4 SE 1/4	22.3 ACRES			
SE 1/4 SE 1/4	3.0 ACRES			
	SECTION 14			
NE 1/4 NE 1/4	16.0 ACRES			
NW 1/4 NE 1/4	4.1 ACRES			
	SECTION 23			
TOWNSHIP 12 SOUTH, RANGE 25 EAST, W.M.				

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.



STATE OF OREGON

INTEROFFICE MEMO

TO: Tom Shook

FROM: Jerry Rodgers
WM #4

SUBJECT: Attached P-28123

DATE: 9/21/83

RECEIVED
SEP 23 1983
WATER RESOURCES DEPT.
SALEM, OREGON

Can't do this survey. A new owner has completely changed the system and sources. I've talked with him recently and expect he'll file a new application on Rock Creek and a transfer on the old (1875) Birch Creek right. Should be in there before the fee increase.

This permit will be assigned into the new owners name.

As we discussed by phone this morning, I expect him to authorize cancelation of a portion of this permit and agree with the final proof survey on the rest. Maybe than a cert can be issued.

If you have any questions, give a call.

TOWNSHIP 125 RANGE 25E W. M.

SECTION 26

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
10°																37728	78123	8

10/21

TOWNSHIP 125 RANGE 25E W. M.

SECTION 27

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
10°																37728	78123	8
3° 5' 10" 20																		

LB/00/12

TOWNSHIP 125 RANGE 25E W. M.

SECTION 13

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
40												37728	78123	8				

TOWNSHIP 125 RANGE 25E W. M.

SECTION 14

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
13.6												25513						
2												25514						
10' 8" 9' 5"												37728	78123	8				
13.6												37728	78123	8				
3' 6" 4' 8" 13' 6"												68536	REJECT					

SECTION 15

TOWNSHIP 125 RANGE 25E W. M.

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
10' 1'												37728	78123	8				
2' 6" 4' 10"												68536	REJECT					

2/20/87

TOWNSHIP 12S RANGE 25E W. M.

SECTION 22

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																			
20° 9°	10°	4°	15°	10°	4°	3°	2°									37728	28123	8	
25	62	15 62															68536	REJECT	

TOWNSHIP 12S RANGE 25E W. M.

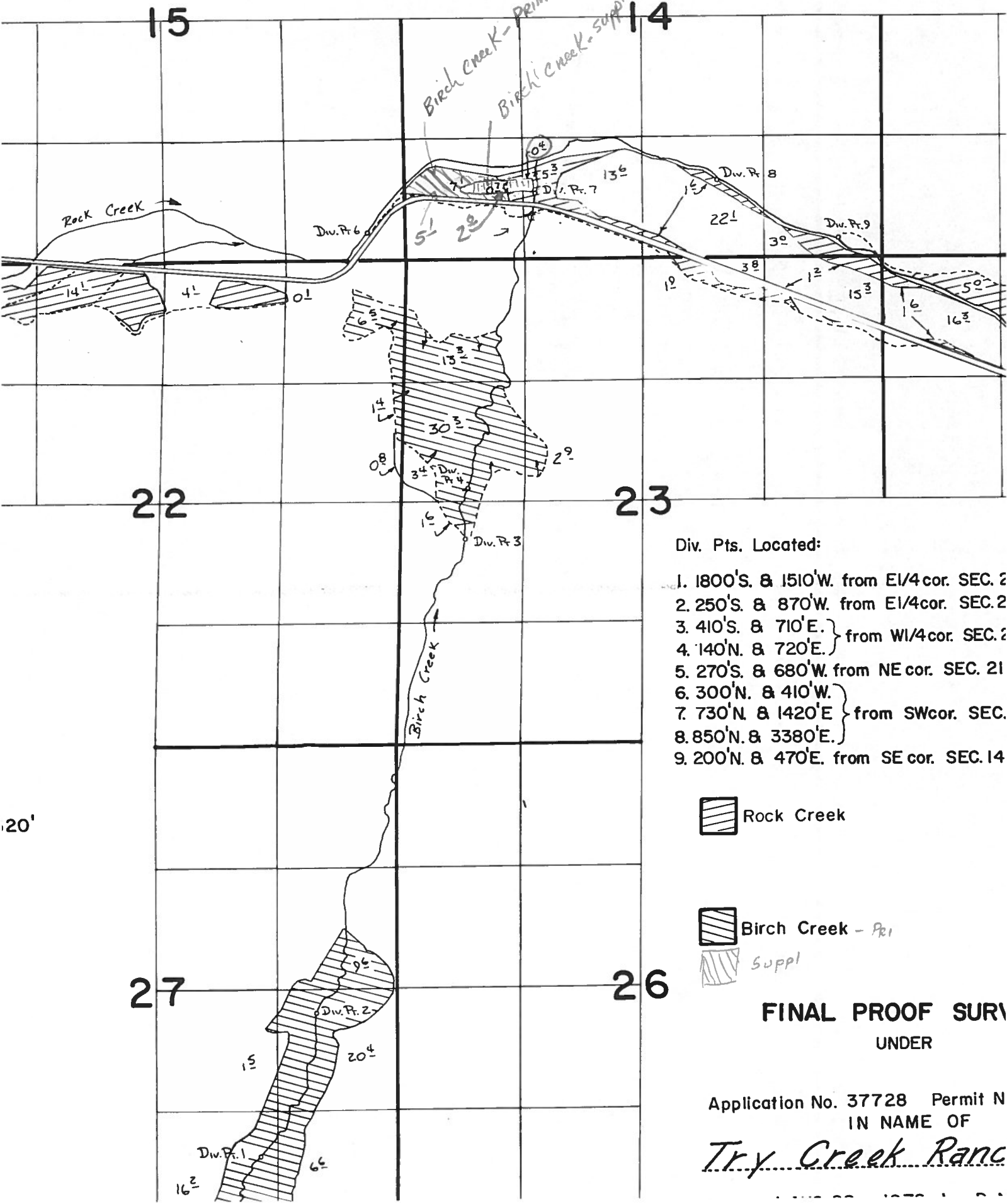
SECTION 23

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER					
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
16	4.1	Primary Birch Cr.														Findings, Vol. 10 Page 533		25513					
16	4.4															Decree, Vol. 5 Page 466	- suppl -	37728	28123	8			
6	7	10° 30° 2°				10° 5°															37728	28123	8
17	5.8															68536	REJECT						

TOWNSHIP <u>12S</u> RANGE <u>25E</u> W. M.																SECTION <u>24</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Findings, Vol. 10 Page 533																		25514
Decree, Vol. 5 Page 466																		
19° 16°																37728	28123	8
6.7 16.7																37728	28123	8
5° 4° 4°																		
6.7 16.7																68536	REJECT	
20																		

2/20/87

1/4 SHIP, 12 SOUTH, RANGE 25 EAST, W. M.



Div. Pts. Located:

- 1. 1800'S. & 1510'W. from E1/4 cor. SEC. 2
- 2. 250'S. & 870'W. from E1/4 cor. SEC. 2
- 3. 410'S. & 710'E. } from W1/4 cor. SEC. 2
- 4. 140'N. & 720'E. }
- 5. 270'S. & 680'W. from NE cor. SEC. 21
- 6. 300'N. & 410'W. }
- 7. 730'N. & 1420'E. } from SW cor. SEC. 21
- 8. 850'N. & 3380'E. }
- 9. 200'N. & 470'E. from SE cor. SEC. 14

 Rock Creek

 Birch Creek - Prt

 Suppl

FINAL PROOF SURV
UNDER

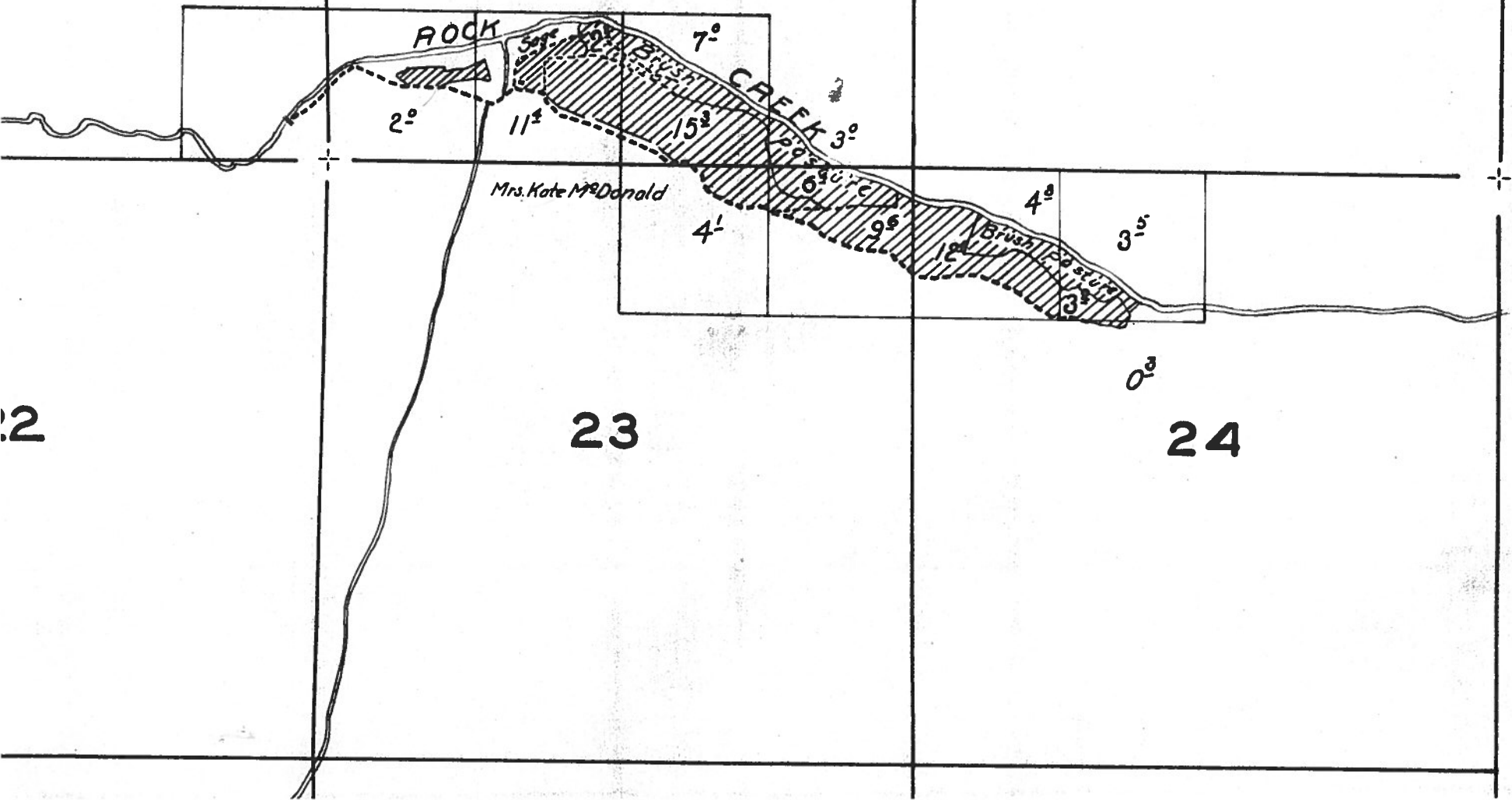
Application No. 37728 Permit N
IN NAME OF
Try Creek Ranc

15

14

13

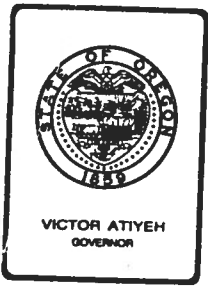
Surveyed July 7, 1925.



12

23

24



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

September 13, 1985

Mr. Dave Franke, President
Try Creek Ranch, Inc.,
Rt. 1, Box 166
Powell Butte OR 97753

REFERENCE: File Number 37728

Dear Mr. Franke:

Here is an assignment form as discussed with you on the telephone September 13, 1985. I have also enclosed the form signed by Mr. Elliot for your disposal.

It was my understanding that you would be willing to assign the permit to Mr. Vanier. If so, please verify the application and permit numbers, sign the form if correct and return it to us at your earliest convenience.

Thank you.

Sincerely,

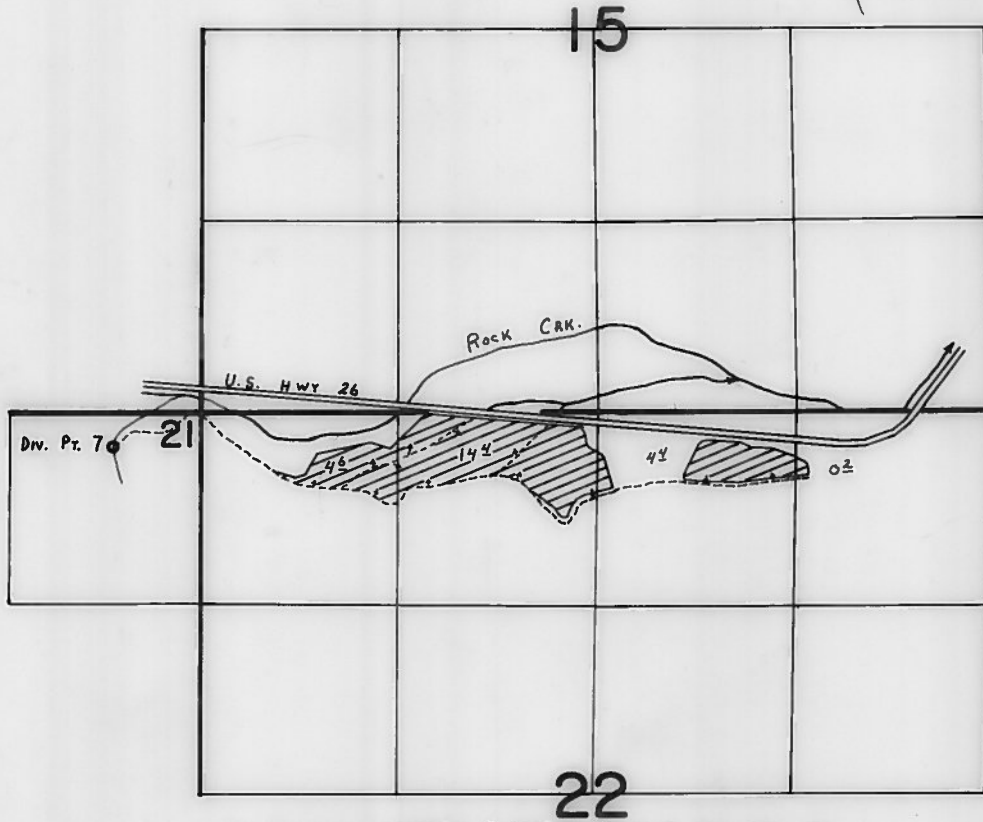
Thomas E. Shook
Senior Water Rights Examiner

TES/jw

Enclosure

T.12S. R25E. W.M.

*Redrafted
by VCC*



Div. Pt. 7 Loc: 230'S. & 600'W. fr. N.E. Cor. Sec. 21.

FINAL PROOF SURVEY
UNDER

Application No. 37.728.. Permit No. 28123.....
IN NAME OF

.....TRY CREEK RANCH, INC.....

Surveyed July...25... 19.79., by C.L. HUGHES...



STATE OF OREGON

INTEROFFICE MEMO

TO: *File*

DATE: *9/11/85*

FROM: *Tom S*

SUBJECT: *Assignment*

I called Dick Elliot to find out if he was an officer for Try Creek Ranch Inc. He said he was not an officer. He also suggested that I contact Vern Robertson 382-6226 (attorney) for more info. Mr. Robertson was not currently involved but offered the name of Dave Frankie, a principle of Try Cr., & phone # 619-247-8708. (Toll call) He was not in, so I left a message requesting he call me. I then tried Jerry Rodgers who suggested I contact Scott Vanier @ 987-2364. Scott said Robt makes the decisions & gave me # 415-785-2050 (office) to call. Robt. not in but he called me on 9/13 from 415-881-5937. (OVER)

61-125-1379



378-8508

File No. 37728

October 10, 1977

Try Creek Ranch Inc.
c/o Dick Elliot, Town & Country Rlty.
Box 587
Bend, OR 97701

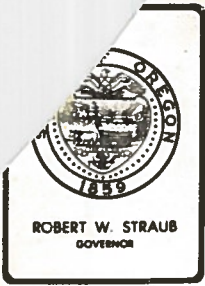
Dear Mr. Elliot,

The assignment of permit numbered 28123 from Gilbert, Dalke, and Franke Inc. to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original is enclosed along with our receipt numbered 64141 covering the recording fee of \$2.00 you submitted.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO/dw



Water Resources Department

1178 CHEMEKETA STREET N.E., SALEM, OREGON 97310 PHONE 378-3066

File 37728

May 2, 1977

Try Creek Ranch Inc.
Dayville, OR

Gentlemen:

Our field engineer who made the final proof survey for water right permit No. 28123 in the name of Gilbert, Dalke, and Franke, Inc. reports that you now own the property in connection with this permit. If our information is correct and Gilbert, Dalke, and Franke Inc. have no further interest in the property involved, you should obtain an assignment of the permit from them to you.

Enclosed is a form with the proper application and permit numbers entered for your use in obtaining the assignment. The assignment, when completed, should be submitted to this office along with \$2.00 for the statutory recording fee. We will then record the assignment and change our records accordingly to show you as the record holder of the permit.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:clb.

May 24, 1976

File 37728
44370
48716

Mr. Max Merrill
Attorney at Law
327 N. W. Greenwood
Bend, Oregon 97701

Dear Mr. Merrill:

In response to our discussion, enclosed are copies of certificates of water rights recorded on pages 25513 and 25514, State Record of Water Right Certificates, which were adjudicated to the property of the Tri-Creek Ranch, Inc. As perfected water rights which have been evidenced by certificates, they require no assignment of new ownerships with this office. They are subject to forfeiture, however, by failure to use the water for a period of five successive years as provided by ORS 540.610.

I have also enclosed copies of outstanding permits of this department, numbers 28123 and 33145, both of which are in the names of Gilbert, Dalke and Franke, Inc. Permit No. 28123 covers the use of the waters of Birch Creek and Rock Creek, and the report of complete application of water to beneficial use in accordance with the terms of the permit has been filed. However, this office has not been able to make the final proof survey preparatory to issuance of a certificate. I do have general knowledge that this permit has been essentially developed. However, it would be restricted to the lands which have actually been irrigated at the time of making final proof.

I am not familiar with the development of the use of water from Rattlesnake Creek under permit No. 33145 and no reports of completion of this project have been filed. It was set up for the purpose of making an inspection to the extent that any water had been used under the permit. If it has been so developed with use of water prior to October 1, 1971, a certificate could be issued covering the extent of the development which was made.

Mr. Max Merrill
May 24, 1976
Page 2

In addition, permit No. 36538 in the name of Spanish Peak Mining Co. authorized the appropriation of not to exceed 4.0 cubic feet per second of water (being 2.0 cfs from Birch Creek and 2.0 cfs from West Birch Creek), with a priority date of September 22, 1971, for mining purposes in the

SW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9

N $\frac{1}{2}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16

NE $\frac{1}{4}$ NE $\frac{1}{4}$
S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$, Section 17

W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 20, Township 13 South,
Range 25 East, W.M.

Under the terms of this permit, construction work was to have been completed on or before October 1, 1975, with complete application of water to beneficial use on or before October 1, 1976.

Since the permits have not been confirmed by issuance of certificates, an assignment over to the new owners and a recording of that assignment would be required.

Sincerely,

Chris L. Wheeler
Deputy Director

CLW:eh

Enclosures

MAX MERRILL
TERRENCE B. O'SULLIVAN

LAW OFFICES OF
MERRILL & O'SULLIVAN
327 N.W. GREENWOOD
BEND, OREGON 97701

AREA CODE 503
TELEPHONE 389-1770

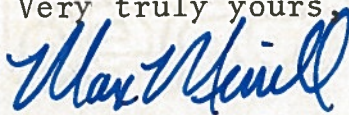
May 19, 1976

Mr. Chris Wheeler
1178 Chemeketa N.E.
Salem, Oregon 97310

Dear Mr. Wheeler:

Enclosed please find a copy of the title report on the
Franke-Tri-Creek Ranch matter.

Very truly yours,



Max Merrill

MM:ca

Enclosure

25350?

RECEIVED
MAY 2 11976
WATER RESOURCES DEPT
SALEM, OREGON

Gilliam County Title Insurance Co.

Wheeler County Title Insurance Co.

Affiliated with: Transamerica Title Insurance Co.

WM. A. BENNETT, President

TELEPHONE 384-3352

CONDON, OREGON 97823

February 20, 1976

RECEIVED
MAY 2 11976
WATER RESOURCES DEPT
SALEM, OREGON

Mr. Max Merrill, Attorney
327 N.W. Greenwood
Bend, Oregon 97701

Re: Tri-Creek Ranch, Inc. vs. Paul J. Miller
and Darlene R. Miller, husband and wife
Foreclosure Report - Letter No. 264

Dear Mr. Merrill:

I. LANDS CONCERNED:

IN THE COUNTY OF WHEELER AND STATE OF OREGON

Township 12 South, Range 24 East, W.M.:

- Section 1: Lots 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$ North of Highway 26
- 2: Lots 3 and 4; S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 3: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 12: That part of NE $\frac{1}{4}$ lying North and East of Highway 26

None

Township 12 South, Range 25 East, W.M.:

- Section 4: S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 5: SE $\frac{1}{4}$
- 6: Lots 6 and 7; SW $\frac{1}{4}$ SE $\frac{1}{4}$
- 7: Lots 2, 3 and 4; E $\frac{1}{2}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
- 8: E $\frac{1}{2}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$
- 9: All
- 10: All
- 14: S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$
- 15: All
- 16: All
- 17: All
- 22: N $\frac{1}{2}$ N $\frac{1}{2}$
- 23: All
- 24: N $\frac{1}{2}$ N $\frac{1}{2}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 25: All
- 27: All
- 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$

SE $\frac{1}{4}$ 10; SWSE 15; SE $\frac{1}{2}$ 2 P 28123

SESW 13.6; SWSE 22.3; SESE 3; 25513; SWSW 2 25584
NE $\frac{1}{2}$ SW 1; NWSW 8; SW $\frac{1}{4}$ 9; SESW 13.6; SWSE 22.3; SE $\frac{1}{2}$ 3
A 37728 P. 28123

NE $\frac{1}{2}$ 2-5; NW $\frac{1}{2}$ 10; SE $\frac{1}{4}$ 4; SE $\frac{1}{4}$ 15; NENW 10; NW $\frac{1}{4}$ 4; SE $\frac{1}{4}$ 3; P 28123
NE $\frac{1}{2}$ 16; NW $\frac{1}{2}$ 4; 25513; SW $\frac{1}{4}$ 8 NE $\frac{1}{2}$ 6; NW $\frac{1}{2}$ 7; NW $\frac{1}{2}$ 10; SWSW 30 SW $\frac{1}{4}$
NWSW 10; SWSW 5 P 28123
OK
NW $\frac{1}{2}$ 6.7; NW $\frac{1}{2}$ 16.7 25514; Supl plus NW $\frac{1}{2}$ 19; NW $\frac{1}{2}$ 16;
OK
NWSW 5; NW $\frac{1}{2}$ 6 + 4; SWNW 4 P 28123
P 44370 P 37145 B 40's.

NESE 3; NWSE 2; SWSE 19; SE $\frac{1}{2}$ 20 P 28123

February 20, 1976

Township 13 South, Range 25 East, W.M.:

Section 2: N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

9: S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW NE, NE SW, SW², SE W, NW SE Min 48176, P 36538

16: NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; Minis N $\frac{1}{2}$ SW, SE NW E $\frac{1}{2}$ SW

19: N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; excepting timber thereon

20: E $\frac{1}{2}$; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; excepting timber thereon Min W $\frac{1}{2}$ NW $\frac{1}{4}$

21: NE $\frac{1}{4}$; excepting timber thereon

II. A STATEMENT OF THE LIEN WHICH IS TO BE FORECLOSED:

Memorandum of Contract, between Tri-Creek Ranch, Inc., an Oregon corporation, Don Franke and Nesta Franke, husband and wife, and David Franke and Peggy Franke, husband and wife, vendors, and Paul J. Miller and Darlene R. Miller, husband and wife, vendee, notarized December 9th and 10th, 1975, and recorded January 28, 1976 as No. M-34-534, Deeds.

III. A STATEMENT OF LIENS AND INTERESTS SUBORDINATE TO THE CONTRACT TO BE FORECLOSED IS AS FOLLOWS:

None.

IV. A LIST OF THE PARTIES TO BE MADE DEFENDANT:

We can find no address of record for Paul J. Miller and Darlene R. Miller.

V. A LIST OF OTHER ENCUMBRANCES WHICH CANNOT BE EXTINGUISHED BY FORECLOSURE:

1. As to Township 12 South, Range 25 East, Sections 23, 25 and 27; as to Township 13 South, Range 25 East, Section 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$, there is a mineral reservation as follows: RESERVING AND EXCEPTING, however, to the Grantor (Eastern Oregon Land Company) its successors and assigns, the use of all the surface ground necessary to assess and for the purpose of exploring, developing or working of mines or valuable underground deposits, Minerals or Oil, of whatsoever name or nature; also, all the Gold, Silver, Copper, Iron or Minerals of whatsoever name or nature; and all the Coal, Mineral, Oils or Vegetable Oils, or Oils of any name or nature, or salt or saline springs, or springs of any name or nature, excepting water which is now known to exist or may hereafter be discovered in or upon, the said lands. Subject, however, to the condition; that the Grantor herein (Eastern Oregon Land Company) shall pay to the

February 20, 1976

surface owner proportionate rebate of the sale price for any lands recalled for Minerals, etc., value upon demand of recall.

2. As to lands in Township 13 South, Range 25 East only, reservation, Deed book 32, page 197, of an undivided 66 2/3 percent interest in all minerals, oils, oils and gasses being in, on, about, above or under said lands. Reservation is in favor of Milo Franke and Evelyn Franke, husband and wife, Clarence Franke and Lavern Franke, husband and wife.

3. As to lands in Township 12 South, Ranges 24 and 25, East, 66 2/3 percent of timber and mineral rights are owned by Donald Franke and David E. Franke, Deed M-34-429. These timber and mineral rights are subject to judgments as follows:

Debtor: Franke, Milo. Creditor: Grant Co. Collection Agency.
Face: \$710.78. Costs: \$28.80. Attorney fees: \$236.00. Entered: 8/6/69. This has been paid and we will obtain satisfaction.

b) Debtor: Franke, Milo and Clarence, dba Franke Bros. Creditor: Wheeler County. Face: \$ 7,576.76, less \$1,060.22, paid 8/24/70. Entered 9/2/69. personally

c) Debtor: Franke, Donald; Franke, Milo, and Franke, David, dba Primmell Franke Bros. Creditor: Bishop, Fred, dba Bishop Tire Shop. Face: \$515.26. Costs: \$76.30. Entered: 4/2/70.

d) Debtor: Franke, Milo and Evelyn. Creditor: Credit Bureaus Adjustment Dept., Inc. Face: \$414.32. Costs: \$38.30. Entered: 5/25/70.

e) Debtor: Franke, Milo W. and Evelyn. Creditor: Department of Revenue, Face: \$115.22. Entered: 12/4/70.

Debtor: Franke, Milo and Evelyn. Creditor: Department of Revenue. Face: \$2,078.10. Entered: 1/17/74.

g) Debtor: Franke, Milo and Evelyn. Creditor: U. S. Face: \$631.48. Entered: 3/25/74.

h) Debtor: Franke, Milo and Evelyn. Creditor: U. S. Face: \$547.35. Entered: 7/3/74.

i) Debtor: Franke, Milo and Evelyn. Creditor: U. S. Face: \$547.35. Entered: 7/9/74.

Call
Wheeler
Co.

1/3 OK
Tri-Creek
Ranch

7/6/73 2400

call
what is
this?

Satisfaction
of judgment → satisfied?
call

POZ
Mosgrove
call in
journal

2721.20

IRS
says NO
lien

February 20, 1976

4. Mortgage, including the terms and provisions thereof, given by Tri-Creek Ranch Inc., an Oregon corporation, to The Travelers Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, dated May 9, 1974 and recorded July 1, 1974, as No. M-24-64, Mortgages, to secure a loan of \$200,000.00.
5. Financing Statement: Debtor: Tri-Creek Ranch, Inc., Route 1, Box 1034 A, Bend, Oregon 97701; Creditor, First National Bank of Oregon, East Bend Branch, 844 NE 3rd Street, Bend, Oregon 97701; File No. 934, filed June 3, 1974, covers crops.
6. Conveyance of Mineral rights, including the terms and provisions thereof, given by Tri-Creek Ranch, Inc., an Oregon Corporation to Spanish Peaks Mining Company, also an Oregon corporation, dated July 10, 1974 and recorded August 5, 1974 as No. M-34-196, Deeds. This concerns only lands in Township 13 South, Range 25 East.
7. Mortgage, including the terms and provisions thereof, given by Tri-Creek Ranch, Inc., an Oregon corporation, to First National Bank of Oregon, dated January 7, 1975 and recorded January 14, 1975 as No. M-24-98, Mortgages, to secure a loan of \$360,836.00.
8. Mortgage, including the terms and provisions thereof, given by Tri-Creek Ranch, Inc., an Oregon corporation, to Fred Hanson, dated May 5, 1974 and recorded March 20, 1975 as No. M-24-109, Mortgages, to secure a loan of \$53,030.93.

VI. REAL PROPERTY TAXES:

1975-76, \$3,784.61

1975 Personal Property taxes a lien against Real, \$606.57.

Taxes subject to farm tax deferral.

You gave no balance as being due on the contract, therefore, liability under this letter is limited to \$6,000.00 and the fee is \$50.00.

Very truly yours,

WHEELER COUNTY TITLE INSURANCE CO.

By _____
Wm. A. Bennett, President

WAB/kam

Martin Derr Sec 34 R25 25E } page
Kate McDonald 14 & 23 & 24 } 103
Maps

G. Owens Sec 4 & 9 13 & 25E } page
West fork mining in NE SE SW 18 } 104

Otis Derr Mining East & West Forks
mining in Sec 9 by Mule Gulch SE SW, SW SE
irrig SW NE A. Andrews
J on to Sec 6 Paul Owens

Sec 5
Paul Owens
Info given to
Milo Franke by
Sec 4 G. Owens. Phone 987-2546

37538

48716-7

25976

5217 28123

37728

21158

Birch Creek Trib ^{of Birch Creek trib to} ~~Rock Creek~~ ^{Tributary to John Day River} ~~(Christone)~~

Certificate 25513 issued to Kate McDonald
Priority date 1872 from Birch Creek.

13.6 acres SE SW

22.3 SW SE

3.0 SE SE

section 14

16.0 NENE

4.1 NW NE

section 23

T12S, R25E, WM.

irrigation
1/40 cfs per acre to June 1
480 cfs per acre thereafter
1 ac ft ^{per acre} per calendar month to June 1
4 ac ft per acre during season Apr. 1 to Sept 30

Certificate 25082 issued to Martin M. Derr

Priority date 1886 from Birch Creek and Spring in SE 1/4 NW 1/4
section 36, T12S, R25E WM.

14.5 acres NW NE

5.6 SW NE

1.0 SE NW

section 34

T12S, R25E, WM.

Certificate 25081 issued to Estate of Ira O. and Lucinda E. Derr

Priority date 1897 from West Fork, Middle Fork and East Fork of
Birch Creek.

Mining in W 1/2 SE 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, section 7, T13S, R25E, WM
Restricted to use for mining purposes during the months of
April, May and June of each year.

Certificate 718 issued to Martin M. Derr
 Priority date September 11, 1909 from Birch Creek

25.0 acres NENE

12.0 NWNE

17.8 SENW

1.6 SWNE

4.0 NESW

74/100 of 1 cubic foot per sec.

60.4
21.1

Section 34

T12S, R25E, WM

Permit 28123 issued to Gilbert, Dalke & Franke, Inc

Priority date June 13, 1962 from Rock Creek and Birch Creek.

5.28 cfs from Rock Creek

4.88 cfs from Birch Creek.

Birch Creek

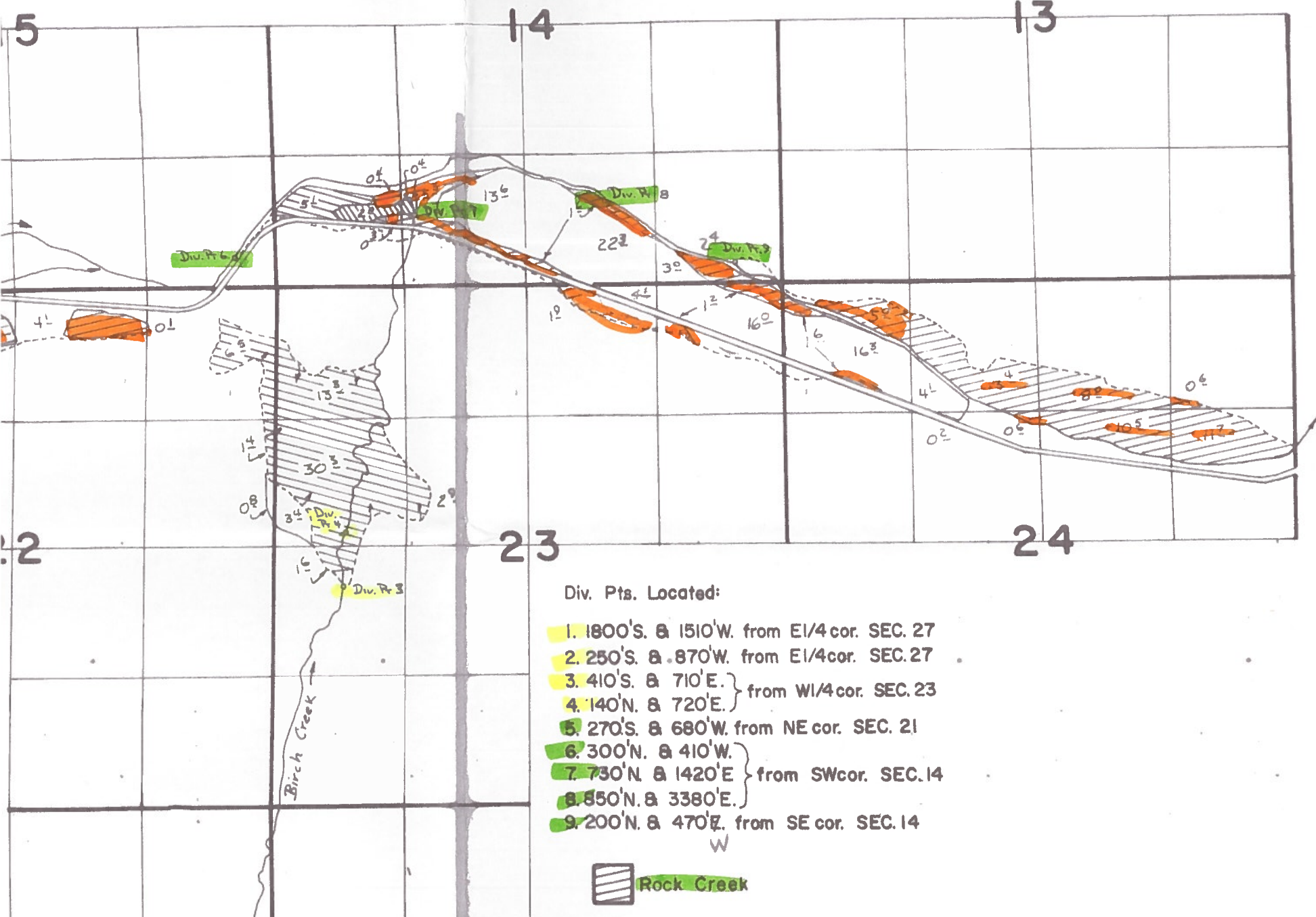
Priority

SESW	5 acres	Priority	Section 14	T12S, R25E	
	4	SESW	24	}	
	4	NW NW	24		
	4	SW NW	24		
	6	NENE	23		
	7	NW NE	}		
	10	NW NW			
	30	SW NW			
	2	SE NW			
	10	NW SW			
	5	SW SW			23
	5	NENE			22
	15	SE NE			22
	5	NE SE			22
	10	NW NW			26
	10	NENE	27		
	3	NE SE	}		
	2	NW SE			
	19	SW SE			
	20	SE SE			27
	<u>172</u>				
	0.7	NE NW	24		
	16.7	NW NW	24		
	<u>23.4</u>				

12 SOUTH,

RANGE 25 EAST,

W. M.



Div. Pts. Located:

- 1. 1800'S. & 1510'W. from E1/4 cor. SEC. 27
- 2. 250'S. & 870'W. from E1/4 cor. SEC. 27
- 3. 410'S. & 710'E. } from W1/4 cor. SEC. 23
- 4. 140'N. & 720'E. }
- 5. 270'S. & 680'W. from NE cor. SEC. 21
- 6. 300'N. & 410'W.
- 7. 730'N. & 1420'E } from SW cor. SEC. 14
- 8. 550'N. & 3380'E. }
- 9. 200'N. & 470'E. from SE cor. SEC. 14

W



Rock Creek

37728
44370

March 31, 1969

Gilbert, Dalke and Franke, Inc.
Route 1, Box 311
Aumsville, Oregon

Gentlemen:

Enclosed is the assignment of Permits numbered 28123 and 33145 from Franke Brothers to you. This has been recorded in the Records of the State Engineer, and our records have been changed accordingly.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:slv
Enclosure



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

REFER TO
FILE NO. 37728

March 16, 1970

Gilbert, Dalke & Franke, Inc.
Rt. 1, Box 311
Aumsville, Oregon

Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under permit No. 28123.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date.

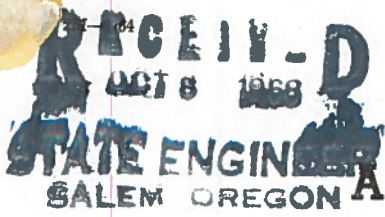
After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,

CHRIS L. WHEELER
State Engineer

Form 128 C
reo



Application No. 37728

Application for Extension of Time

To the State Engineer of Oregon:

I, Frank Brothers, of Mitchell

state of Oregon, am the owner and holder of Permit No. 28123, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before October 1, 1968, and complete application of water is required to be made on or before October 1, 1968.

I have heretofore done the following work described under said permit during the past year:

cleared and seeded approx 20 acres, rebuilt 1/2 mile of ditch destroyed by flood summer 65 est 1500 cost upper ditch, rebuilt 1/2 mile of lower ditch covered by 8' of rock debris. Purchased portable pump & Engine 2" pump

and did the following work prior to last year: Developed seeded and irrigated about 300 acres of land about 2/3 by ditch & 1/3 by pump and sprinkler 2 systems one with 35 sprinklers and 25 sprinklers on 2nd

costing \$8,000⁰⁰ excluding clearing, and I estimate the cost of completion to be \$1500⁰⁰

I have heretofore used water under said permit to the following extent: irrigated all but about 60 acres. From Birch & Rock Creek approx 300 irrig.

I am unable to {complete construction work / make complete application of water} within the required time, for the following reasons, to wit:

Flood damage of '64 & '65' including summer flood destroyed ditches and fields which have almost all been rebuilt. Some fields need to be reworked for good farming. Work delayed by major heart attack. 30 more acres would have been irrigated except for extreme drought of this summer

\$5.00 FEE PAID
REC. NO. 11730
DATE 10-8-68

(A fee of ~~\$2.00~~ for each permit involved must accompany this application.)
5.00

(OVER)

Extend to 70 (cons & app) 10-1-70

February 9, 1968

Franke Brothers
Dayville, Oregon

Gentlemen:

This will acknowledge your completed application for an extension of the time limits in which to complete construction and make complete application of water under the terms of your permit No. 28123 and your check in the amount of \$5.00 for which our receipt No. 6733 was returned to you in our letter of January 30, 1968.

The State Engineer is authorized to allow an extension of the time limits only upon a showing by the holder of the permit that reasonable diligence has been exercised toward completion of the project within the time limits allowed.

From the information given in your application, it is questionable whether sufficient diligence has been shown to justify the requested extension. However, you are being given the benefit of the doubt and the time limits to complete construction and make complete application of water are being extended to October 1, 1968 to allow you the opportunity to complete the appropriation.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

slh

RECEIVED
NOV 16 1967
STATE ENGINEER
SALEM, OREGON

Application for Extension of Time

To the State Engineer of Oregon:

I, Frank Brothers, of Dayville
state of Oregon, am the owner and holder of Permit No. 28123, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before Oct 1, 1967, and complete application of water is required to be
made on or before Oct 1, 1967.

I have heretofore done the following work described under said permit during the past year:

Had to reconstruct part of the ditch & head
ditch out of Rock Creek also constructed ditch from
Birch Creek that will put water on approx 25 acres
and did the following work prior to last year: also constructed another ditch
from Birch Creek and have been using water on
30 acres

costing \$ 2500⁰⁰, and I estimate the cost of completion to be \$ 1000⁰⁰

I have heretofore used water under said permit to the following extent:

I am unable to { complete construction work
make complete application of water } within the required time, for the following
(Strike out phrase not applicable)

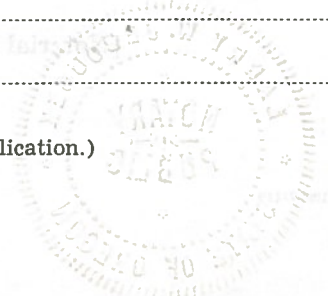
reasons, to wit: Because of flood damage + sickness

(If additional space is required, attach separate sheet)

\$5.00 FEE PAID
REC. NO. 6733
DATE 11-16-67

(A fee of ~~\$2.00~~ 5.00 for each permit involved must accompany this application.)

(OVER)



3010-1-68

January 30, 1968

Franke Bros.
Dayville, Oregon 97825

Gentlemen:

This will acknowledge receipt of an application for extension of time limits under permit No. 28123. This application is not complete in that the affidavit on the reverse side of the application has not been completed, so I am returning it to you so this may be done.

The time limit to complete construction and complete the use of water is October 1, 1967 so the application should be made for extension of the time limits to complete application of water as well as complete construction work. I am enclosing our receipt No. 6733 covering the fee of \$15.00 you submitted with the application.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:slh

Enclosures

60

37728

October 10, 1968

Franke Brothers
Mitchell, Oregon

Gentlemen:

This will acknowledge your application for an extension of the time limits in which to complete construction and make complete application of water under the terms of your permit No. 28123 and your check in the amount of \$5.00 for which our receipt No. 11730 was handed to you.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits to complete construction and make complete application of water are being extended to October 1, 1970.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

slh

RECEIVED
NOV 16 1967
STATE ENGINEER
SALEM, OREGON

Dayville Oregon
Nov. 14, 1967

Dear Chris

I am sorry we are so late getting this application for extension into your office. I was waiting for the S. C. S. man to get the application ready for ~~to~~ another application on some more land but found there will be a few more days delay on that so got busy on this this morning. I missed you and Chet the last time I was in the office. I haven't been able to do to much this year as I had a heart attack in May. also missed you + chet over here this fall

Sincerely
Clarence Franke

RECEIVED
NOV 10 1967
STATE ENGINEER
OREGON

Application for Extension of Time

To the State Engineer of Oregon:

I, Frank Brothers, of Dayville
state of Oregon, am the owner and holder of Permit No. 28123, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before Oct 1, 1967, and complete application of water is required to be
made on or before Oct 1, 1967.

I have heretofore done the following work described under said permit during the past year:

Had to reconstruct part of the ditch & head
ditch out of Rock Creek also constructed ditch from
Birch Creek that will put water on approx 25 acres
and did the following work prior to last year: also constructed another ditch
from Birch Creek and have been using water on
30 acres

costing \$ 2500⁰⁰ and I estimate the cost of completion to be \$ 1000⁰⁰

I have heretofore used water under said permit to the following extent: _____

I am unable to { complete construction work
make complete application of water } within the required time, for the following
(Strike out phrase not applicable)

reasons, to wit: Because of flood damage & sickness

(If additional space is required, attach separate sheet)

\$5.00 FEE PAID

(A fee of ~~\$2.00~~ for each permit involved must accompany this application.)

REC. NO. 6733

(OVER)

DATE 11-16-67

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }
{ ~~complete application of water~~ }
(Strike out phrase not applicable)

under said permit to

ect / 19⁶⁸.

Frankie Brothers
Clarence Frankie Partin

AFFIDAVIT OF APPLICANT

STATE OF
County of

} ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

....., 19.....

Subscribed and sworn to before me this day of, 19.....

[Notarial Seal]

Notary Public for Oregon

My commission expires

December 2, 1966

Franke Brothers
Dayville
Oregon

Gentlemen:

This will acknowledge your application for an extension of the time limits in which to complete construction and make complete application of water under the terms of your permit No. 28123, and your fees in the amount of \$2, for which our receipt No. 1401 was handed to you.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits to complete construction and make complete application of water are being extended to October 1, 1967.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

PY

Application for Extension of Time

To the State Engineer of Oregon:

I, Frank Brothers, of Dayville

state of Oregon, am the owner and holder of Permit No. 28123, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before 10-1, 1966, and complete application of water is required to be made on or before 10-1, 1966.

Proj #1 I have heretofore done the following work described under said permit during the ~~past~~ year:

Rebuild rock creek diversion ditch from Rock creek 4 days d 7 cat Proj #2 from Rock creek rebuild ditch 3 days with D7 cat. Flood August 1965

and did the following work prior to last year: *Built these same ditches that are reported above but were washed away with the flood.*

costing \$ 700⁰⁰, and I estimate the cost of completion to be \$ 2000⁶⁰ *60 acres sakere*

I have heretofore used water under said permit to the following extent: *on 100 acres*
80 acres Berch Creek.

I am unable to {complete construction work / make complete application of water} within the required time, for the following

(Strike out phrase not applicable)

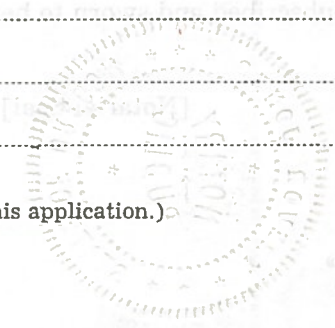
reasons, to wit: *Because of flood damage*

(If additional space is required, attach separate sheet)

(A fee of \$2.00 for each permit involved must accompany this application.)

(OVER)

\$2.00 FEE PAID
11-1-66
Rec # 1401



*BC
10-1-67
8*

October 7, 1966

Mr. Clarence Franke
Dayville
Oregon

Dear Mr. Franke:

Enclosed is a form which you may use to make application for extension of time in which to complete the project under your permit No. 28123.

You may mail in the completed application for extension with the \$2 filing fee, or bring it into the office when you are in Salem if that is more convenient.

Very truly yours,

CHRIS L. WHEELER
State Engineer

CLW:eh

enclosure

November 9, 1965

H. A. Dryer Company
Corbett Building
Portland, Oregon 97204

Attention: Donald A. Dryer

Gentlemen:

In reply to your letter dated October 28, 1965 requesting information as to water rights on certain described lands being noted as Orville K. Fisher land in Baker County, the enclosed copies of Certificates 1489, 2216 and 4316 denote the only rights of record for these lands.

Also your letter dated November 4, 1965 requesting information as to water rights on certain described lands being noted as Franke Brothers, Dayville, Oregon, the enclosed copies of certificates 25513, 25514, 25356 and Application 37728 denote the rights of record for these lands. Application 37728, permit 28123 in the name of Franke Brothers, is a permit only and the use of the water for irrigation and supplemental irrigation on these lands has not been confirmed by issuance of a certificate.

Also enclosed is the State Engineer's invoice to cover cost of these prints, being nine prints at thirty cents each or a total of \$2.70.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Marvin B. Bennett
Assistant

MBB:jb

Enclosures

H. A. DRYER COMPANY

REALTORS
CORBETT BUILDING
PORTLAND, OREGON 97204
228-0161

October 28, 1965

RECEIVED
NOV 5 1965
STATE ENGINEER
SALEM OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon

Dear Mr. Wheeler:

Would you please furnish us with a copy of the Water Rights which appertain to the enclosed legal description.

Thank you for your assistance.

Yours truly,

H. A. DRYER COMPANY



Secretary to
Donald A. Dryer

Encl.

Loan Correspondents for Connecticut Mutual Life Insurance Co.

LAND TITLE INSURANCE COMPANY

2043 MAIN STREET
BAKER, OREGON 97814
September 17, 1965

RECEIVED
NOV 5 1965
STATE ENGINEER
SALEM OREGON

Orville K. Fisher land.

RANCH ARB NO. 109.

Land in Baker County, Oregon, as follows:

In Twp. 7 S., R. 38 E., W.M.:

Sec. 3: All that portion of the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ lying West of *None*
the County Road right of way.

Sec. 4: All. *None*

Sec. 5: SE $\frac{1}{4}$.

Sec. 8: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$. *None*

Sec. 9: N $\frac{1}{2}$.

Sec. 16: W $\frac{1}{2}$ NW $\frac{1}{4}$.

Sec. 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$. *None*

In Twp. 7 S., R. 39 E., W.M.:

Sec. 20: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 21: All that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southwesterly
of the County Road right of way. *2216, 1489, 4316*
2216

H. A. DRYER COMPANY

REALTORS
CORBETT BUILDING
PORTLAND, OREGON 97204
CAPITOL B-0161

November 4, 1965

RECEIVED
NOV 5 1965
STATE ENGINEER
SALEM OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon

Dear Mr. Wheeler:

Would you please furnish us with a copy of the Water Rights which appertain to the enclosed legal description.

Thank you for your assistance.

Yours truly,

H. A. DRYER COMPANY



Secretary to
Donald A. Dryer

Encl.

Loan Correspondents for Connecticut Mutual Life Insurance Co.

XERO COPY

XERO COPY

XERO COPY

RECEIVED
NOV 5 1965
STATE ENGINEER
SALEM OREGON

FRANKE BROS.
Dayville, Oregon

Parcel 1

MacDonald Ranch

Township 12 South, Range 24 East, W.M.:

- Sec. 1: $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, part $SW\frac{1}{4}SW\frac{1}{4}$, None -
N. & E. of Hwy., Lots 3 & 4 None
- Sec. 12: Portion $NE\frac{1}{4}$ N. & E. of Hwy. None

Township 12 South, Range 25 East, W.M.:

- ✓ Sec. 4: $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$, $S\frac{1}{2}SW\frac{1}{4}$ None
- ✓ Sec. 5: $SE\frac{1}{4}$ None
- ✓ Sec. 6: $SW\frac{1}{4}SE\frac{1}{4}$, Lots 6 & 7 None
- ✓ Sec. 7: $E\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, Lots 2,3,4 None
- ✓ Sec. 8: $E\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$ None
- ✓ Sec. 9: All None
- ✓ Sec. 14: $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$ 25513, 25514, App. 1 37728
- ✓ Sec. 15: All 37728
- ✓ Sec. 16: All None
- ✓ Sec. 17: All None
- ✓ Sec. 22: $N\frac{1}{2}N\frac{1}{2}$ 37728
- ✓ Sec. 23: All 25513, 37728
- ✓ Sec. 24: $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$ 25514, 37728
- ✓ Sec. 25: All None
- ✓ Sec. 27: All 37728
- ✓ Sec. 36: $NW\frac{1}{4}NW\frac{1}{4}$ None

Certs.
25513
25514
App. 1s
37728

Township 13 South, Range 25 East, W.M.:

- ✓ Sec. 2: $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ None
- ✓ Sec. 9: $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$ None
- ✓ Sec. 16: $W\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$ None
- ✓ Sec. 19: $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ None
- ✓ Sec. 20: $E\frac{1}{2}$, $SW\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$ None
- ✓ Sec. 21: $NE\frac{1}{4}$ None

Mizer Tract

Township 12 South, Range 24 East, W.M.:

- Sec. 2: $S\frac{1}{2}N\frac{1}{2}$, Lots 3 & 4, $N\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ None
- Sec. 3: Lot 1 & $SE\frac{1}{4}NE\frac{1}{4}$ None

FRANKE BROS.
Dayville, Oregon

RECEIVED
NOV 5 1965
STATE ENGINEER
SALEM OREGON

Parcel 2

Smith Lands

Township 11 South, Range 23 East, W.M.:

Sec. 24: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ None

Township 11 South, Range 24 East, W.M.:

- ✓ Sec. 19: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ None -
- ✓ Sec. 20: All 25356
- ✓ Sec. 21: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ None -
- ✓ Sec. 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$ None -
- ✓ Sec. 26: SW $\frac{1}{4}$ SW $\frac{1}{4}$ None -
- ✓ Sec. 27: W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ None -
- ✓ Sec. 28: All None
- ✓ Sec. 29: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ 25356 -
- ✓ Sec. 33: E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ None -
- ✓ Sec. 34: All None
- ✓ Sec. 35: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ None -

Township 12 South, Range 24 East, W.M.:

- Sec. 2: Lots 1 & 2 None
- Sec. 3: Lots 2,3,4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ None -

Certificate 25356 only

July 22, 1965

Mr. Clarence Franke
Dayville
Oregon

Dear Mr. Franke:

Your application for extension of time to complete construction and make complete application of water under the terms of permit No. 28123 indicates reasonable diligence has been shown toward completion of the project. Therefore, the time limits are being extended to October 1, 1966.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

eh

Application for Extension of Time

To the State Engineer of Oregon:

I, Clarence Franke, of Dayville

state of Oregon, am the owner and holder of Permit No. 28123, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before Oct 1, 1964, and complete application of water is required to be made on or before Oct 1, 1965.

I have heretofore done the following work described under said permit during the past year:

18 acres of land put under irrigation & the necessary ditches put in to put water on the land

and did the following work prior to last year: this 18 acres was cleared prior to 1964 have pump & motor & part of pipe supplemental irrigation water is complete

costing \$....., and I estimate the cost of completion to be \$

I have heretofore used water under said permit to the following extent: 120 & supplemental

I am unable to { complete construction work / ~~make complete application of water~~ } within the required time, for the following reasons, to wit:

(Strike out phrase not applicable)

flood damage & too much work

(If additional space is required, attach separate sheet)

(A fee of \$2.00 for each permit involved must accompany this application.)

(OVER)

5972
250

B-10-1-66



July 7, 1965

Mr. Clarence Franke
P.O. Box 332
Dayville, Oregon

Dear Mr. Franke:

The date for beginning of construction under your permit numbered 28123 is September 5, 1962 and your application indicated the project was started. The date for completion of construction is October 1, 1964, and the date for complete application of water is October 1, 1965.

If you did not have the facilities constructed to make use of the water by October 1, 1964, you would need an extension of the time limits. I am enclosing the proper form for your use.

If you prefer you can complete the form in this office if it is convenient for you to come in as you mentioned in your letter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ/gcc

enclosure

70

RECEIVED
JUN 30 1965
STATE ENGINEER
SALEM OREGON

Dayville, Oregon.
June 28, 1965.

State Engineer,
516 Public Service Bldg.,
Salem, Oregon.

Dear Sir:

I am writing in regard to Application
No. 37728, Permit No. 28123 for water rights,
application made on June 13, 1962.

I wish to apply for an extension of
this permit as I believe we have to apply each
year from here on until the work is completed.
Would you please advise us if this is so.

If it is necessary for me to be in your
office, I plan to be in Salem on the weekend of
July 10th and 11th and could come a little earlier
so I could come in the office on Friday afternoon.

We hope to hear from you by return mail
on this matter.

Yours truly,

FRANKE BROS.

By: *Clarence Franke*

Clarence Franke
P. O. Box 332,
Dayville, Oregon.
97825

37728

June 20, 1962

Franke Bros.
Dayville,
Oregon

Gentlemen:

This will acknowledge receipt of your application for a permit to appropriate 10.16 cubic feet of water per second from Rock Creek and Birch Creek for the irrigation 406.4 acres, a tracing, and fees in the sum of \$40.85 for which our receipt numbered 34137 was handed to you.

The application, which has been examined and filed under application number 37728, appears to be in satisfactory form to be considered for approval by issuance of a permit with the next group.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Walter N. Perry, Assistant

WNP/gcj

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Mill Creek Office Park • 555 13th. Street N.E.
Salem, Oregon 97310

Robert J. Vander

Application Permit Transfer 37728

RECEIVED FROM _____
TOTAL REC'D. \$ 10.00 CASH CHECK MONEY ORDER

By _____

EXAMINATION FEES: RECORDING FEES:

Surface Water \$ _____
Ground Water \$ _____
Transfer \$ _____

MISCELLANEOUS FEES:

Copying
Certification
Misc. Recording \$ 10.00
Protest
Extension of time

ADJUDICATION FEE \$ _____

POWER LICENSE FEE \$ _____

HYDROELECTRIC LICENSE FEE . \$ _____

EXAM FEE \$ _____

WATER WELL CONSTRUCTOR

Exam Fee License Fee \$ _____

LANDOWNER'S WATER WELL PERMIT FEE \$ _____

ALL OTHER: \$ _____

SUSPENSE TOTAL \$ 10.00

BASIN MAPS \$ _____

QUADRANGLE ACCOUNT \$ _____

RECEIPT NO.

47379

Dated

9-3-85

By

C. Elward

6-13-62 P

Application No. 37728
Permit No. 28123

Name **Frankie Bros.**
Address **Dayville, Oregon Rt. 1, Box 311**
Assigned Gilbert, Dalke & Franke, Inc. Aumsville, Ore.

Assigned **ASSIGNED**

Beginning construction **September 5, 1963**
Completion of construction **October 1, 1964**
Extended to **10-1-66 10-1-70 10-1-70**
Complete application of water **October 1, 1965**
Extended to **10-1-66 10-1-70 10-1-70**

For proof Proof mailed (over)

DOV-4JJ-2/4/216
 8-20-76 DMN
 DOV-4JJ-216
 PTS-1979-7 7/25/79
 CCH

Abstract of Permit No. 29123

Try Creek Ranch In
 Dick Elliot
 Town & Country Real
 Box 587
 Bend OR 97701
 382-3333

Application No. 37728

Certificate No.

Assigned
Franko Bros.

ASSIGNED
 Gilbert, Dalke & Franke, Inc.
 Rt. 1, Box 311
 Aumsville, Oregon

Name

Address

Source of water supply

Use

Point of diversion

Number of acres

406.5

Milo Franke

Wheeler Co.

Sandy Veneer

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

125/25E

Mtn. Crk.

Ruquel ma

SEE ATTACHED SHEET

Priority date

June 13, 1962

494

Amount of water

being 5.28 c.f.s. from Rock Creek and 1.88 c.f.s. from Birch Creek.

Time limit to begin construction

September 5, 1963

Time limit to complete construction

~~10/1/64~~ extended to 10-1-70 extended to

Time limit to completely apply water ~~10/1/65~~ extended to 10-1-70 extended to

This appropriation shall be limited to 1/40th of one cubic foot per second or its equiv. Remarks: alent for each acre irrigated & shall be further limited to a diversion of not to exceed 4 a.f. per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein; provided further that the right to use of water is limited to the period when the flow of the John Day R. is more than 30 c.f. at USGS Gage No. 14-0465 & more than 20 c.f.s. at USGS Gage No. 14-0480, & shall be subject to such reasonable rotation system as may be ordered by the proper state off

Not Home
 8-8-74 LHN
 SEE NOTE
 65-75 AMPT

Basin 6 Voi.

Info: Don Franke - Mr. Franke said they irrigate all land they have rights (& permits) for. They use sprinkling & flood irrigation. Nobody Available to show lands - would like us to call ahead.

New Owner - Tri-Creek Ranch, Inc
Doyleville, Oregon
R.F. 1, Box 211
Amaville, Oregon

Gilbert, Dalke & Franke, Inc.
no longer in existence

8-8-74
LHM

DON FRANKE - IS TO BUSY TODAY (HAS APPOINTMENT WITH SOME OTHER NEXT WEEK HE IS MOVING CATTLE FROM

RECEIVED
SEP 25 1983
WATER RESOURCES DEPT.
SALEM, OR

IF POSSIBLE TRY TO NOTIFY HIM ABOUT
2 OC TIME AND WILL TRY TO BE FREE.
AUGUST - BEST MONTH FOR CONTACT.

66-74
LMT

INFO - Hired hand for new owners. (In the name of Fri-Creek Ranch, Inc.) He showed us every thing he had irr and all that he knew had been irr.

SOURCE - Birch Cr. & Rock Cr.

DIV. PT. - 2 S'ly ones on Birch Cr are pumping points and are direct. Other 2 on Birch Cr. and 2 on Rock cr. are small rock and dirt dams to get water into the ditches.

He has never done any of the sprinkling so he didn't know about the pumps used or pipe or sprinklers. We did see the power poles but there were no pumps there this date. All the rest except for the field furthest south is flooded.

DITCHES - Middle field - 1' bottom 2' top 1' deep
N'ly fields - 1 1/2' bottom 2 1/2' top 1' deep they have 18" concrete culverts running under the highway to irr the field between Hwy and Rock Cr.

CROP - Pasture

LIFT - FIELDS Average about 3% slope. from ditches

THE - Photos DOV - 4JJ - 214 & 216

David Norby
78
6-70-76



STATE OF OREGON

INTEROFFICE MEMO

TO: Tom Shook

FROM: Jerry Rodgers
WM #4

SUBJECT: Attached P-28123

DATE: 9/21/83

RECEIVED
SEP 23 1983
WATER RESOURCES DEPT.
SALEM, OR

Can't do this survey. A new owner has completely changed the system and sources. I've talked with him recently and expect he'll file a new application on Rock Creek and a transfer on the old (1875) Birch Creek right. Should be in there before the fee increase.

This permit will be assigned into the new owners name.

As we discussed by phone this morning, I expect him to authorize cancelation of a portion of this permit and agree with the final proof survey on the rest. Maybe than a cert can be issued.

If you have any questions, give a call.

*5/11/84 -
No new filings found this date, or assignments,
or transfers filed. Needs recheck of Hughes
& Worley surveys ASAP. JTB*

3
2
1
120

RECEIVED CHRIS -

SEP 23 1983

WATER RESOURCES DEPT.
SALEM, OREGON

MAKE APPT.
BY PHONE 1 WK
IN ADV. Jim

August 23, 1978

37728

28123

Tri-Creek Ranch Inc.

No one is living on place, The houses are vacant and there is no farm equipment around.

JSD

(Manager)

Info: Jerry Marshall. Land ~~is~~ ~~is~~ ~~is~~ South of rd. is irr in Sec 22. New owner is Sandy Vener. Not there now

Source: ~~A~~ ^{Rock Crk} ditch. Land is flood irr from a ditch along South side of land. ditch is 3'-4' wide & 1' deep.

A temporary ^{earth} dam is put across Rock crk and diverts water into ditch. Dam leaks so water from Rock Crk still flows down main channel.

Dam is 3' high, 2' wide crest and 8' wide base, & 30' long.

Use: Irr of pasture for stock.

Tie: PTS-1979-J tied to photo DOV-403-216. Also surveyed part of land ~~on~~ on this photo. Chris Hughes FE

7/25/79

Pumps on Birch crk - 4 pumps All use 4" suction

#1 - GE 15 HP @ 3500 RPM Cornell CDD 3x2 1/2

#2 - GE 7 1/2 HP @ 3500 RPM Cornell CDD 3x2 1/2

#3 - GE 15 HP @ 3500 RPM Cornell CDD 3x2 1/2

#4 - GE 10 HP @ 3500 RPM Cornell CDD 3 1/2 x 2 1/2

pipe - ~~25~~ ²⁵ 00' 3" Alum laterals 4" mainline - 600'

heads - ~~62~~ ⁶² RB 30; 9/64 x 0 Didn't know max.

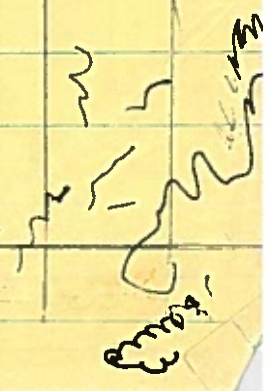
NOTE: Land N. of rd. is in weeds & rocks. There is one small pasture, but it is higher than crk & ditches. No power for pump

Rock Creek

Birch Creek

Section		Rock Creek		Birch Creek	
		Primary Fd.	Supplemental Fd.	Primary Fd.	Supplemental Fd.
14	SW 1/4 SW 1/4	0 ⁷	-	-	-
	SE 1/4 SW 1/4	5 ³	-	-	-
	SW 1/4 SE 1/4	1 ⁰	-	-	-
	SE 1/4 SE 1/4	3 ⁰	-	-	-
22	NE 1/4 NE 1/4	0 ¹	-	6 ⁵	-
	NW 1/4 NE 1/4	4 ¹	-	1 ⁴	-
	SE 1/4 NE 1/4	-	-	1 ⁴	-
	NE 1/4 NW 1/4	14 ¹	-	1 ¹	-
	NW 1/4 NW 1/4	5 ³	-	1 ¹	-
23	NE 1/4 NE 1/4	-	-	1 ²	-
	NW 1/4 NE 1/4	-	-	1 ⁹	-
	NW 1/4 NW 1/4	-	-	13 ³	-
	SW 1/4 NW 1/4	-	-	30 ³	-
	SE 1/4 NW 1/4	-	-	2 ⁹	-
	NW 1/4 SW 1/4	-	-	1 ⁶	-
24	NE 1/4 NE 1/4	0 ⁶	-	-	-
	NW 1/4 NE 1/4	8 ⁰	-	-	-
	SW 1/4 NE 1/4	10 ⁵	-	-	-
	SE 1/4 NE 1/4	11 ⁷	-	-	-
	NE 1/4 NW 1/4	13 ⁴	-	-	-
	NW 1/4 NW 1/4	5 ⁰	-	-	-
	SE 1/4 NW 1/4	0 ⁶	-	-	-
27	SE 1/4 NE 1/4	-	-	9 ⁶	-
	NE 1/4 SE 1/4	-	-	20 ⁴	-
	NW 1/4 SE 1/4	-	-	1 ⁵	-
	SW 1/4 SE 1/4	-	-	16 ³	-
	SE 1/4 SE 1/4	-	-	6 ⁶	-
Total		84 ⁰	-	113 ⁴	-

Primary 197⁴ - acres No Supplemental acres



Franks Bros.

Abstract of Permit No. 28123

Application No. 37728

Certificate No.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
12 S	25 E	13																
		14									*	*	*	*				*
											1.0	8.0	9.0	2.0				20
															x	x	x	x
															13.6		22.3	3.0
															+			
															5.0			
															*			*
		15													10		15	2.0
		22	*	*	*	*	*	*	*	*	*	*	*	*				
			2.0	10	4.0		10	4.0		3.0	2.0							
			+			+									+			
			5.0			15									5.0			
		23	x	x														
			16	4.1														
			+	+			+	+	+		+	+						
			6.0	7.0			10	30	2.0		10	5.0						
			*	*			*	*										
		24	19	16			5.0	6.0										
							+	+										
							4.0	4.0										
							6.7	16.7										
							+											
		26					10											
		27	+												+	+	+	+
			10												3.0	2.0	19	20

KEY:

- * indicates Primary from Rock Creek 152⁰ acres
- x indicates supplemental from Rock Creek 57⁰ acres
- + indicates primary from Birch Creek 172⁰ acres
- indicates supplemental from Birch Creek 23⁴

JK

2-20-87

Vern -

Your report does not mention land in sec. 27. Is it still irrigated? What about land in sec. 23, east of Birch Cr.? Is it still irrigated?

Your report says land east of Birch Cr. & north of road is not irrigated. What about land south of road. Is it irrigated from Birch Cr.?

Redraft this project; show land from sources as you found it in March '86. Combine the Norby & Hughes map into one new map.

New lands found irrigated from Birch Cr (on west side of creek) - show on map - as overacreage if not irrigated date.

JK

Steve - I think anything not shown by Mr Norby here would be an overacreage.

1. Yes
2. Not from birch creek in lands N 1/2 N 1/4 Sec 23 or any land east of Birch Cr. north of the road. We are not talking about land that is being irrigate from div pt 3.
3. no.

3.4.87

I included all the pumping point on the map, but some of these were put in after 10-1-70. Also I included some land that was irrigated after 10-1-70 I'm showing this as an overacreage.

Steve.

I've ^{not} shown Birch Cr. as suppl' on land east of ~~the~~ Birch Cr. ~~area~~ after they stated it is no longer used there. ~~likely, however~~ I think Salem needs to decide if it should be included. We can include if you think it is best.

Steve

I did ^(not) crosshatch Rock Cr. suppl' because of the above.

Ext
10-1-70

987-2481

Per. 28123

Info: Try Creek Ranch, Inc. P.O. Box 326 Dayville Oregon
New owner Sandy Vanier Talked to Scott Vanier running the ranch.

The survey done by Norby showed Div. Pt. 5 which dumps water into div. pt'd ditch then runs down the ditch.

Div. Pt. 5 which was for water Birch Creek. Div. Pt. 5 is no longer used. So they don't use Birch Creek on land east of Birch Creek, north of road.

They moved down Birch Creek about 600' to a pump site. This pump site irrigates land west of Birch Creek. everything east of Birch Cr. is irrigated from Rock.

The pump is GE 10HP @ 3500 RPM 3" x 2 1/2" CDD
1120' - 4" wheel line 280' - 3" head line RB 30's 9/6 4" x 0"

The second pump on Birch Creek is located in SW 1/4 NW 1/4 Sec 23. It irrigates the land west of Birch Creek. We have a Century 15HP @ 3500 RPM Ram O flow 3" x 2 1/2" CDD. 800' 4" Alum main line 1650' - 5" wheel line, 350' - 3" head line. We have RB 30's 9/6 4" x 0"

The third pump is on Rock Creek approx 2000 east of Birch Creek on Rock Creek. We have a GE 30HP @ 3520 RPM Berkeley 4" x 3" CDD. We run 3-1/4" - 5" wheel line from Birch Creek east. 6" 800' Alum.

March 13, 1986

Ken L. Clark

Water Rights Examiner

Tel DOU - 411-216

Info: Try Creek Ranch, Inc. P.O. Box 326 Dayville Oregon
 New owner Sandy Vanier Talked to Scott Vanier running the
 ranch.

The survey done by Norby showed Div. Pt. S which dumps
 water into div. pt'd ditch then runs down the ditch.

Div. Pt. S which was for water Birch Creek. Div. Pt. S
 is no longer used. So they don't use Birch Creek on land
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 east. 6" 800' Alum.

March 13, 1986


Vanier & Clark
 Water Rights Examiner
 TID DOU-4JJ-21C


TOWNSHIP, 12 SOUTH, RANGE 25 EAST, W. M.





 SCALE 1" = 1320'

- Div. Pts. Located:
1. 180' S. & 1510' W. from E1/4 cor. SEC. 27
 2. 250' S. & 870' W. from E1/4 cor. SEC. 27
 3. 410' S. & 710' E. } from W1/4 cor. SEC. 23
 4. 140' N. & 720' E. }
 5. 270' S. & 680' W. from NE cor. SEC. 21
 6. 300' N. & 410' W. }
 7. 730' N. & 1420' E. } from SW cor. SEC. 14
 8. 850' N. & 3380' E. }
 9. 200' N. & 470' W. from SE cor. SEC. 14

 Rock Creek

 Birch Creek - Primary

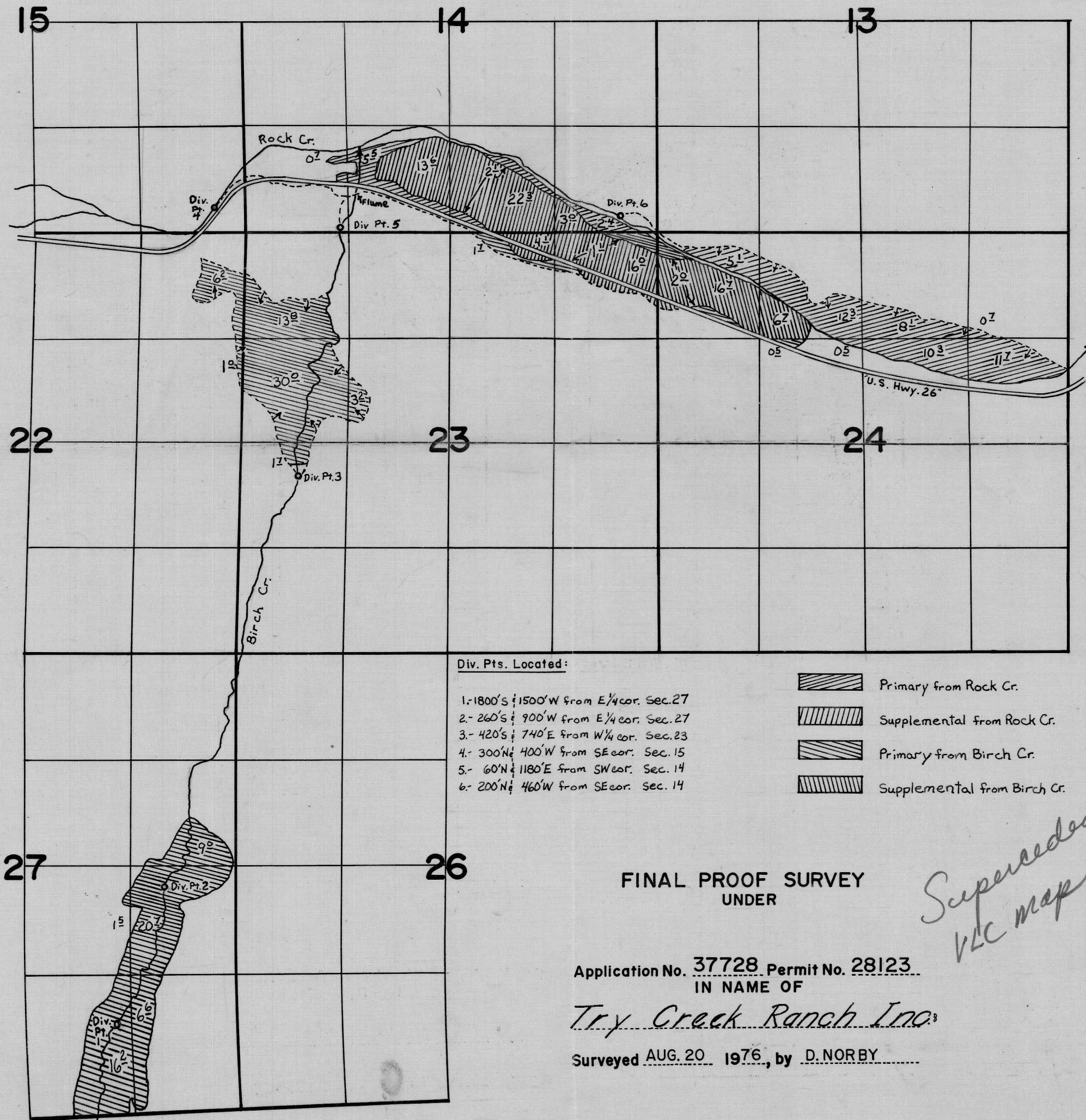
 Birch Creek - Suppl.

FINAL PROOF SURVEY
UNDER

Application No. 37728 Permit No. 28123
IN NAME OF





Try Creek Ranch Inc.

T.12S., R.25E., W.M.



Div. Pts. Located:

- 1.- 180' S; 1500' W from E 1/4 cor. Sec. 27
- 2.- 260' S; 900' W from E 1/4 cor. Sec. 27
- 3.- 420' S; 740' E from W 1/4 cor. Sec. 23
- 4.- 300' N; 400' W from SE cor. Sec. 15
- 5.- 60' N; 1180' E from SW cor. Sec. 14
- 6.- 200' N; 460' W from SE cor. Sec. 14

-  Primary from Rock Cr.
-  Supplemental from Rock Cr.
-  Primary from Birch Cr.
-  Supplemental from Birch Cr.

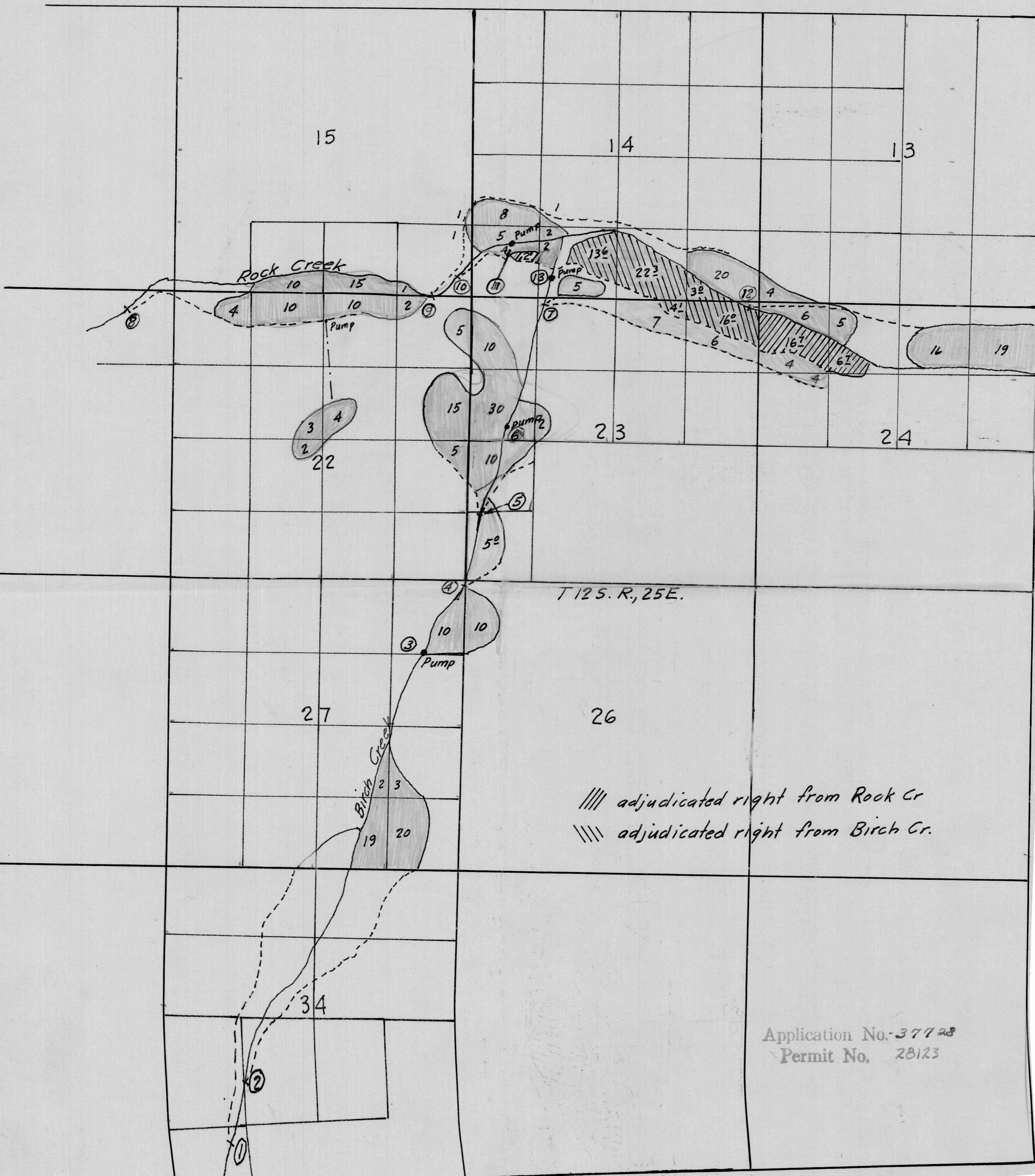
FINAL PROOF SURVEY
UNDER

Application No. 37728 Permit No. 28123
IN NAME OF

Try Creek Ranch Inc.

Surveyed AUG. 20 1976, by D. NORBY

*Superseded by
VLC map of 3/18/86*



T 12 S. R., 25 E.

//// adjudicated right from Rock Cr
 // // adjudicated right from Birch Cr.

Application No. 37728
 Permit No. 28123

See this irrigated

15

14

13

Rock Creek

Pump

NOT IRRIGATED:
ON HARRIS
RANCH
7/24/79
CLH

T 12 S. R. 25 E.

27

26

Birch Creek

Pump #2

//// adjudicated right from Rock Cr
//// adjudicated right from Birch Cr.

Application No. 37728
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