

but Canceled Sp. Or. V 36, page 545
Entered 10-29-82

Mark Records:

<input type="checkbox"/>	Index Cards	<input type="checkbox"/>	Str. Index map
<input type="checkbox"/>	Decree/Vault V	<input type="checkbox"/>	Str. Index list
<input type="checkbox"/>	Decree/safe P	<input type="checkbox"/>	Name Chaindex
<input checked="" type="checkbox"/>	Certificate	<input checked="" type="checkbox"/>	X Ref. Chaindex
<input checked="" type="checkbox"/>	Plat Cards	<input checked="" type="checkbox"/>	Permit File

Orders to:

<input checked="" type="checkbox"/>	Order Book	<input type="checkbox"/>	Adj. Folder
<input checked="" type="checkbox"/>	Watermaster	<input checked="" type="checkbox"/>	Permit Folder
<input checked="" type="checkbox"/>	Party Submitting	<input type="checkbox"/>	Transfer File
<input checked="" type="checkbox"/>	Affidavit	<input checked="" type="checkbox"/>	Watermaster Div

Form C

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 described 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, when all of the water has been applied.

Application No. R-33543

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Jess Roberts, the holder of Permit No. R-2332

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 31 day of May, 1960

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of May, 1960

Jess Roberts
(Signature of Applicant)

Box 430, Lakeview, Oregon
(Address)

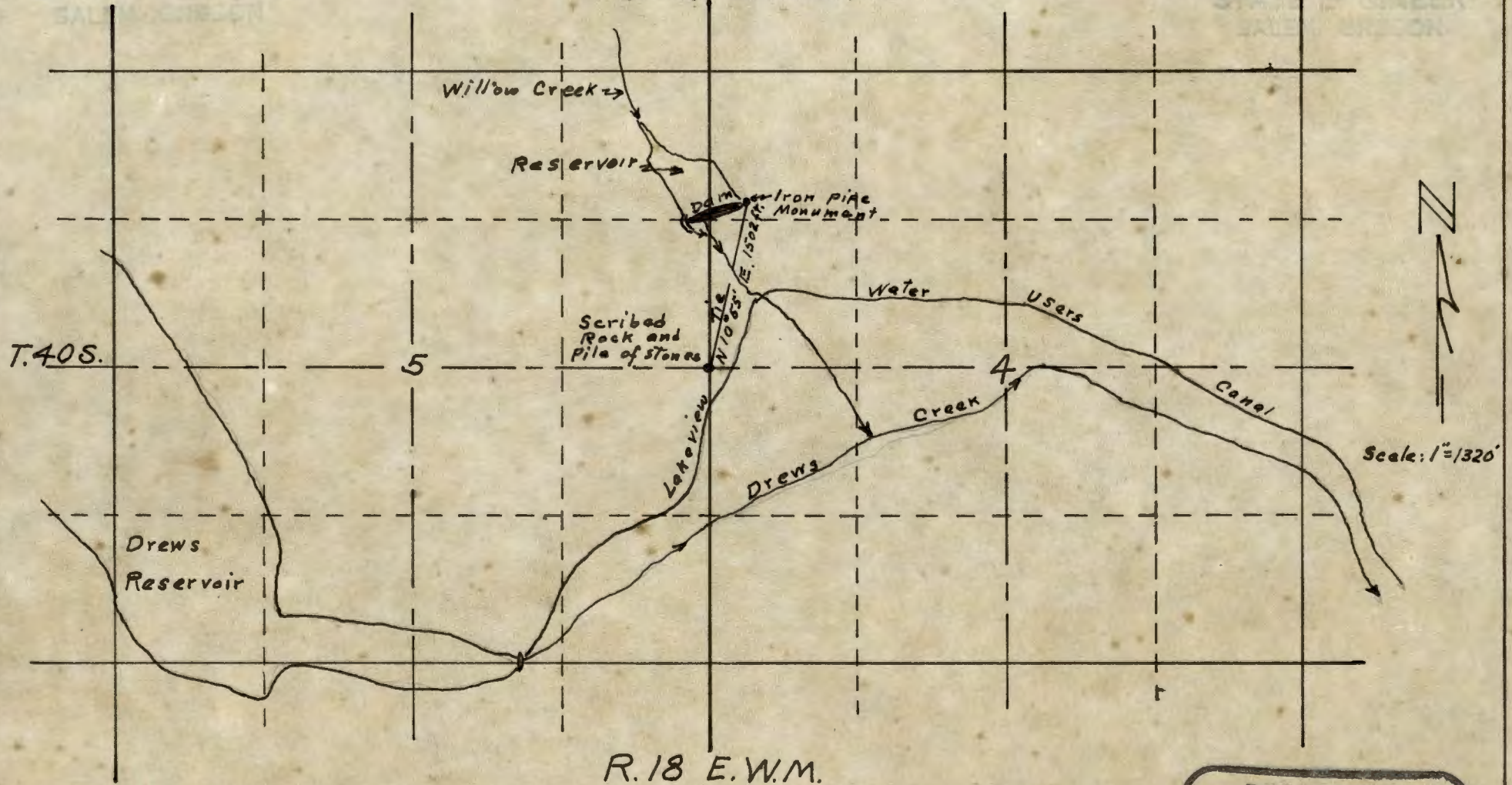
RECEIVED
JUN 1 1960
STATE ENGINEER
OREGON

Lakeview Water Users Association Inc. notified 2-8-60

RECEIVED
JAN 15 1960
STATE ENGINEER
SALMON DIVISION

MAP TO ACCOMPANY
THE WATER RIGHT APPLICATION OF
JESS ROBERTS

RECEIVED
JAN 16 1960
STATE ENGINEER
SALMON DIVISION



I, Hubert J. Oliver, of Lakeview, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on October 31, 1959.

Hubert J. Oliver

Application No. R-33545 & 33635
Permit No. R-2332 & 26617

REGISTERED
OREGON
LAND SURVEYOR
Hubert J. Oliver
MAY 6, 1955
HUBERT J. OLIVER
349



WATER RIGHT OWNERSHIP UPDATE FORM 51344

STATE OF OREGON
WATER RESOURCES DEPT
158 12TH STREET N.E.
SALEM OREGON 97301-4172

RECEIVED
JUL 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

App. R-33545

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for along time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-378-8455.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Applicant: JESS ROBERTS TRUST
First Last

Mailing address: _____

City LAKEVIEW State OR Zip 97630

Phone: 541-947-2196 - TRUSTEES
Home Work Other

Property Buyer Information:

Applicant: PETER GEMM
First Last

Mailing address: 625 SAN LUIS RD.

City BERKELEY State CA. Zip 94707

Phone: 510-525-6364
Home Work Other

Property Description (attach additional pages if necessary):

County: LAKE Township: 40S Range: 18E Section: 2,3,4,5

Tax lot number(s): 1200

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: R-54866 R-8508 66232
53274 Permit #: 47069 Certificate #: 66231

Will all the lands associated with this water right be owned by the buyer? Yes No

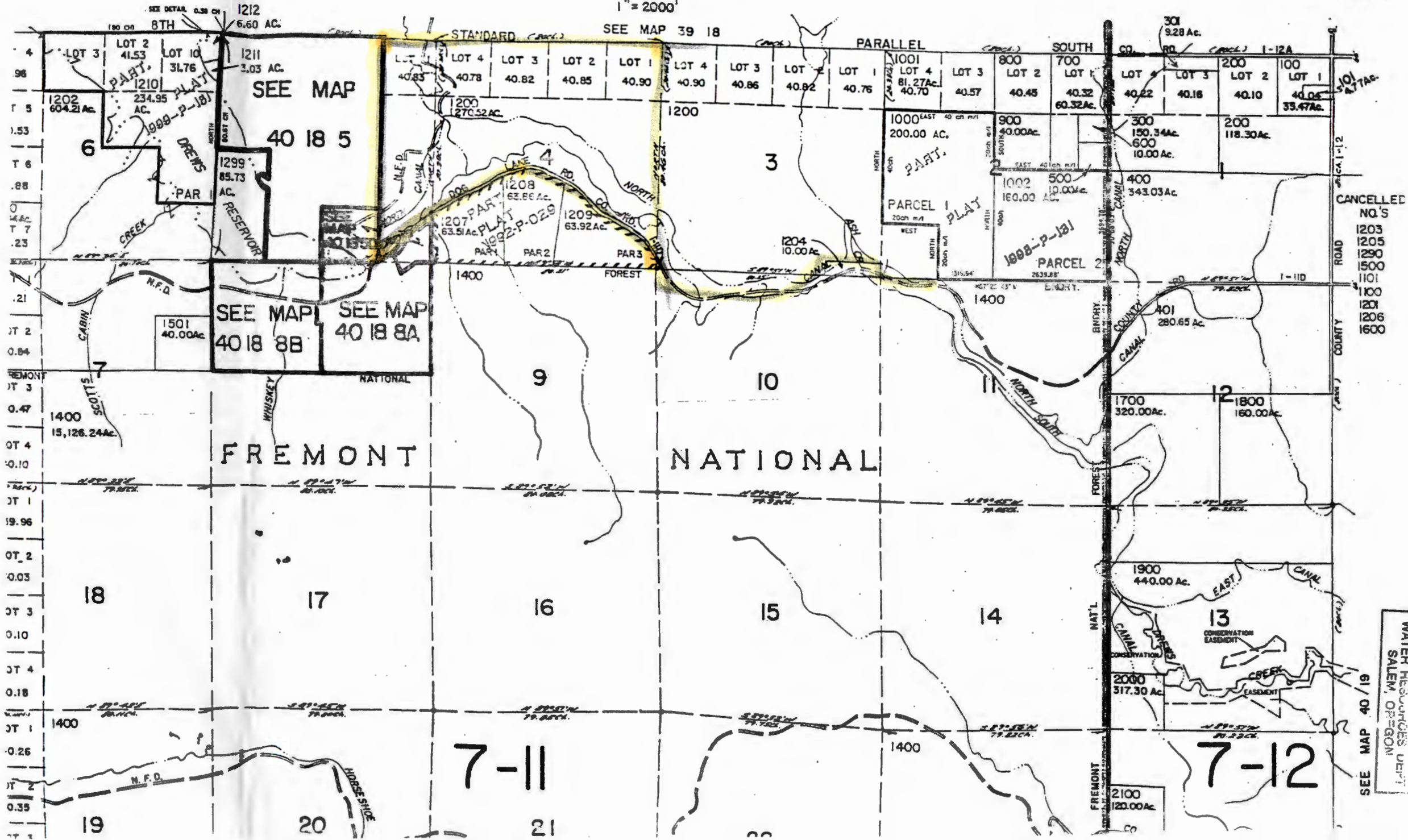
Name of individual completing this form: ANDY WATLEY Signature: [Signature]

Phone: 947-2161 Date: 7/6/05

T.40S. R.18E. W.M.
LAKE COUNTY

1" = 2000'

SEE MAP 39 18



CANCELLED NOS
 1203
 1205
 1290
 1500
 1101
 1100
 1201
 1206
 1600

RECEIVED
 JUL 07 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

SEE MAP 40 19

RECEIVED

JUL 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JESS ROBERTS

of Lakeview, State of Oregon 97630, has made

proof to the satisfaction of the Water Resources Director, of a right to store the waters of Willow Creek, tributary of Drews Creek, appropriated under Permit 26617

for the purposes of
stock water and recreation purposes
under Reservoir Permit No. R-2332, and that said right to store said waters has been
perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed
dates from January 15, 1960

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 18.5 acre-feet

The reservoir is located in

NW 1/4 NW 1/4
Section 4

NE 1/4 NE 1/4
Section 5

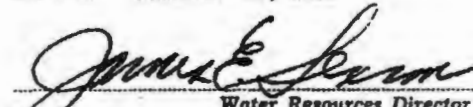
Township 40 South, Range 18 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on October 29, 1982.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed

this date. December 28, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51344

RECEIVED
JUL 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JESS ROBERTS

of Lakeview, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willow Creek and reservoir constructed under Application number R-33545, Permit number R-2332, a tributary of Drews Creek for the purpose of stock water and maintenance of recreation pond

under Permit No. 26617 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 17, 1960,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second, being 0.03 c.f.s. from creek and reservoir for stock, and 0.10 c.f.s. from creek for maintenance of pond,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NE 1/4, Section 4, T. 40 S., R. 18 E., W. H.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

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

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

Recreation and Stock
NW 1/4 NW 1/4
Section 4
NE 1/4 NE 1/4
Section 5
T. 40 S., R. 18 E., W. H.

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

WITNESS the signature of the State Engineer, affixed this date. June 5, 1963.

CHRIS L. WHEELER
State Engineer

RECEIVED

JUL 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JESS ROBERTS
HC 60, BOX 2600
LAKEVIEW, OREGON 97630

confirms the right to use the waters of WILLOW CREEK RESERVOIR
CONSTRUCTED UNDER PERMIT R-8508, a tributary of DREWS CREEK, for the
purpose of IRRIGATION OF 12.6 ACRES.

This right has been perfected under Permit 47069. The date of priority
is JUNE 20, 1975. This right is limited to NOT MORE THAN 37.5 ACRE-FEET
STORED WATER ONLY or its equivalent in case of rotation, measured at the
point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 5, T 40 S, R 18 E, W.M.; 1280 FEET
SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 5.

The amount of water used for irrigation under this right, 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 2.5 acre-feet for each acre irrigated during the
irrigation season of each year from storage.

This right shall conform to any reasonable rotation system ordered by
the proper state officer.

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

SW 1/4 NE 1/4 0.3 ACRE
SE 1/4 NW 1/4 12.3 ACRES
SECTION 4
TOWNSHIP 40 SOUTH, RANGE 18 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. This right is
subject to minimum flows established by the Water Resources Commission
with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed
JUNE 28, 1991.

/s/ WILLIAM H. YOUNG
William H. Young

Recorded in State Record of Water Right Certificates numbered 66231.

53274.LMT

RECEIVED

JUL 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JESS ROBERTS
HC 60, BOX 2600
LAKEVIEW, OREGON 97630

confirms the right to store the waters of WILLOW CREEK, a tributary of DREWS CREEK, in WILLOW CREEK RESERVOIR, appropriated under Permit 47069, for the purpose of IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-8508. The date of priority is SEPTEMBER 18, 1975. The amount of water entitled to be stored each year under this right is not more than 37.5 acre-feet.

The reservoir is located as follows:

NW 1/4 NW 1/4, SECTION 4, AND NE 1/4, NE 1/4, SECTION 5, T 40 S, R 18 E, W.M.

NW 1/4 NW 1/4
SECTION 4
NE 1/4 NE 1/4
SECTION 5
TOWNSHIP 40 SOUTH, RANGE 18 EAST, W.M.

THE DAM IS TO BE OPERATED AND MAINTAINED IN ACCORDANCE TO THE APPROVED PLANS AND SPECIFICATIONS.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

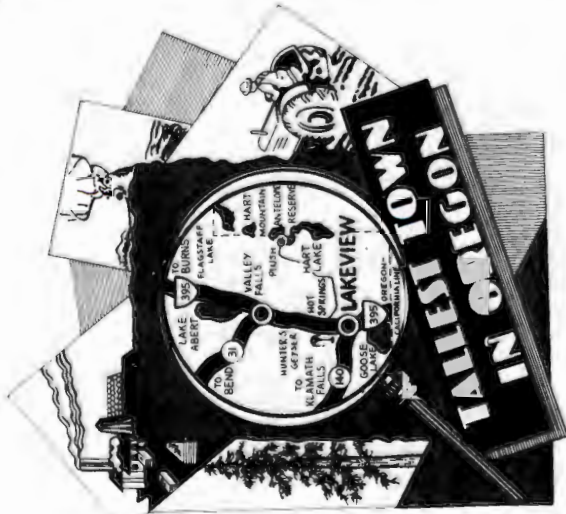
WITNESS the signature of the Water Resources Director, affixed JUNE 28, 1991.

/s/ WILLIAM H. YOUNG
William H. Young

Recorded in State Record of Water Right Certificates numbered 66232.

R-54866.LMT

Favell-Litley Corporation
Real Estate • Insurance • Ranching
Timber Lands • Geothermal Properties
P.O. Box 1071 Lakeview, Oregon 97630



STATE OF OREGON
WATER RESOURCES DEPT.
158 12th STREET N.E.
SALEM ORE. 97301-4172

RECEIVED

JUL 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JESS ROBERTS

of Lakeview, State of Oregon 97630, has made

proof to the satisfaction of the Water Resources Director, of a right to store the waters of Willow Creek, tributary of Drews Creek, appropriated under Permit 26617

for the purposes of stock water and recreation purposes under Reservoir Permit No. R-2332, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 15, 1960

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 18.5 acre-feet

The reservoir is located in

NW 1/4 NW 1/4
Section 4

NE 1/4 NE 1/4
Section 5

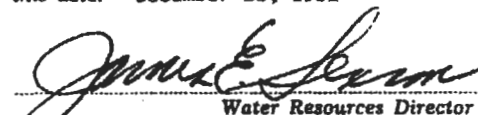
Township 40 South, Range 18 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on October 29, 1982.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed

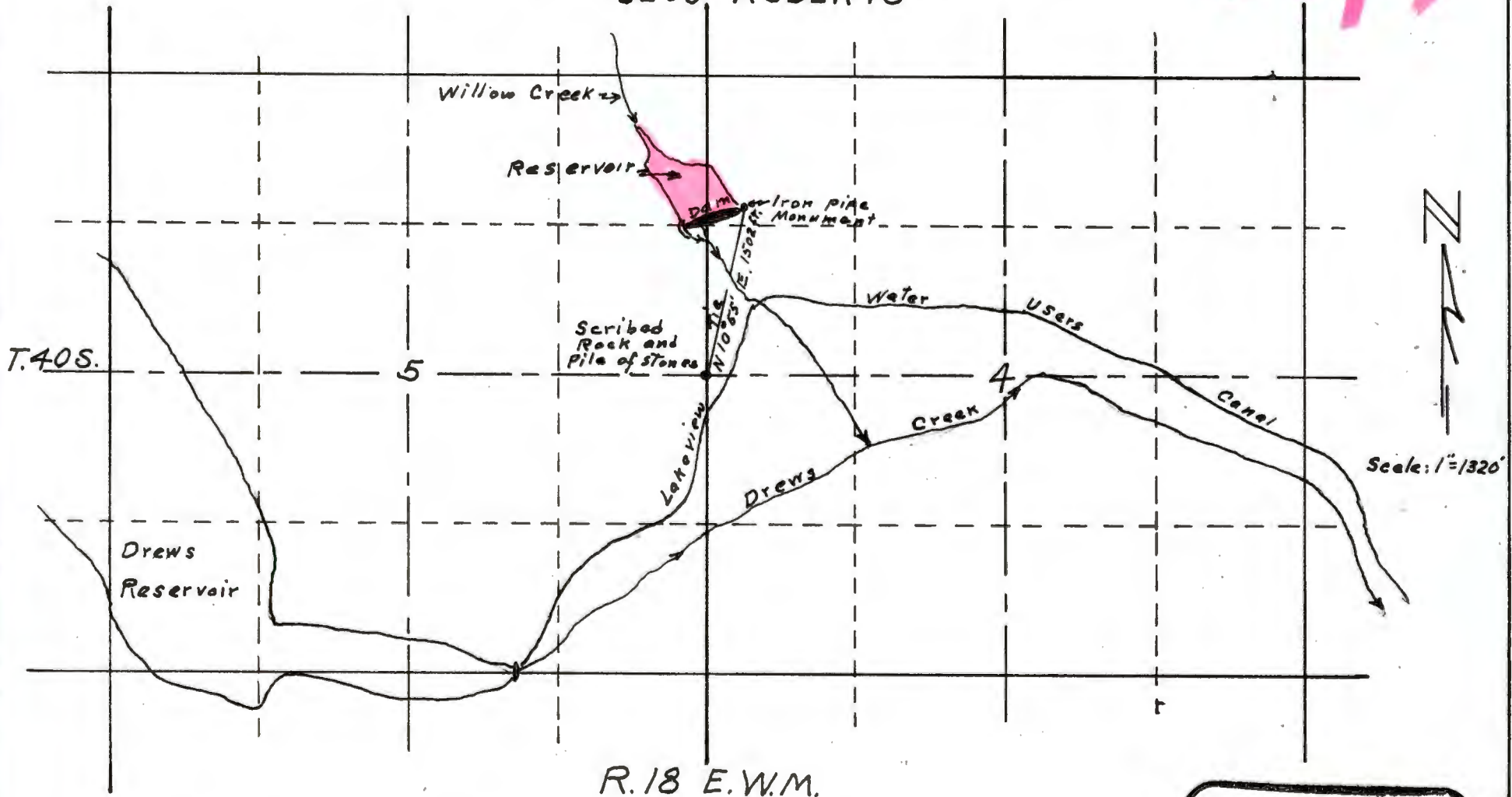
this date. December 28, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51344

MAP TO ACCOMPANY
THE WATER RIGHT APPLICATION OF
JESS ROBERTS

COPY



R. 18 E.W.M.

I, Hubert J. Oliver, of Lakeview, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on October 31, 1959.

Hubert J. Oliver

Application No. R-33545 & 33635
Permit No. R-2332 & 26617

REGISTERED
OREGON
LAND SURVEYOR

Hubert J. Oliver

MAY 6, 1955
HUBERT J. OLIVER
349

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JESS ROBERTS

of Idaville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of Willow Creek, tributary of Cross Creek, appropriated under Application number 33635, Permit number 26617,

for the purposes of stock water and recreation purposes under Reservoir Permit No. R-2332 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 15, 1960,

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 18.5 ~~56.0~~ acre feet.

The reservoir is located in

N 1/2 E 1/2
Section 4
E 1/2 E 1/2
Section 5
T. 40 S., R. 10 E., W. N.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on 10-29, 1982.

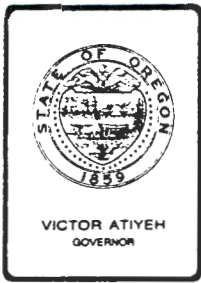
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

this date. JUNE 1993

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 30972

51344



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

October 29, 1982

Jess Roberts
Route 6, Box 2600
Lakeview, Oregon 97630

Dear Mr. Roberts:

REFERENCE: File R-33545

Enclosed is a copy of the Water Resources Director's order entered October 29, 1982, canceling a part of the water right evidenced by the certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, as authorized by your affidavit.

Our records have been changed and the part of the water right evidenced by the certificate will be of no further force or effect.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj
cc: Dennis R. Glender, Watermaster

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LAKE COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF JESS ROBERTS)

ORDER

On October 19, 1982, Jess Roberts submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, in the name of Jess Roberts, and is for the use of not to exceed 37.5 acre-feet of water from Willow Creek, with a date of priority of January 15, 1960, for storage for recreation and stock water in Willow Creek Reservoir, located in NW 1/4 NW 1/4, Section 4 and NE 1/4 NE 1/4, Section 5, Township 40 South, Range 18 East, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 30972, Volume 23, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 29th day of October, 1982.


JAMES E. SEXSON, ^{Dir}
Director

3259B

RECEIVED

OCT 19 1982

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
)§
COUNTY OF LAKE)

2600

I, Jess Roberts, of Route 6, Box 474, Lakeview, Oregon 97630, being first duly sworn, depose and say that I am the legal owner of the land and the water right that is appurtenant thereto, it being a portion of Certificate 30972, in the name of Jess Roberts, under date of priority of January 15, 1960, for the use of 37.5 acre-feet of water from Willow Creek stored in Willow Creek Reservoir for recreation and stock water in NW 1/4 NW 1/4 of Section 4 and NE 1/4 NE 1/4 of Section 5, Township 40 South, Range 15 East, WM; that I have abandoned any and all interest in this water right and request the said right be canceled that is appurtenant to my land.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of October, 1982.

Jess Roberts

Subscribed and sworn to before me this 18th day of October, 1982.

Linda Perry
Notary Public for Oregon

02-18-86
My Commission Expires

RECEIVED
OUT 1915
WATER RESOURCES DEPT
SALT LAKE CITY

Faint, illegible text, possibly bleed-through from the reverse side of the page.



Faint, illegible handwritten or stamped text at the bottom right of the page.

Jess Roberts
RT 6 Box 2600
Lakeview, Oregon
97630



Water Resources Dept.
Mill Creek office Park
555 13th St N.E.
Salem, Oregon 97310

A F F I D A V I T

STATE OF OREGON)
County of Lake) ss.

(I), ~~(we)~~ Jess Roberts, being first duly sworn, depose and say that (I am), ~~(we are)~~ the owner~~s~~ of a water right and the land to which it is appurtenant, which is ~~for the use of not to exceed~~ 37.5 acre feet ^{to store} cubic feet of water per second from a reservoir ~~located within the NW 1/4 NW 1/4, Section 4, & the NE 1/4 NE 1/4 Section 5, T. 40S., R. 18E., W.M. as constructed under permit R-2332 for Irrigation~~

under a priority date of Jan. 15, 1960, as evidenced by the certificate recorded at Page 30972, Volume 23, State Record of Water Right Certificates; that (I), ~~(we)~~ have abandoned any and all interests in and to said water right and request same be canceled.

IN WITNESS WHEREOF, (I), ~~(we)~~ have hereunto set (my), ~~(our)~~ hand~~s~~ this _____ day of _____, 1977.

Subscribed and sworn to before me this _____ day of _____, 1977.

Notary Public for Oregon

My commission expires _____

28 March 1960
Lewis A. Stanley
STATE ENGINEER
Max Rogers
ASSISTANT

RECEIVED
MAR 28 1960
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

In the Matter of APPLICATION NO.) Application No. R-33545
R-33545 OF JESS ROBERTS, LAKEVIEW,)
OREGON, and LAKEVIEW WATER USERS, INC.) S T I P U L A T I O N

Come now Jess Roberts, applicant under reservoir application No. R-33545, and Lakeview Water Users, Inc., and hereby stipulate and agree as follows:

It is hereby stipulated and agreed by and between the parties hereto that Lakeview Water Users, Inc. has heretofore made application for certain storage permits and for the right to irrigate certain lands in Goose Lake Valley; and the parties further hereby stipulate that such rights for the storage and irrigation of lands have been granted by the Circuit Court of the State of Oregon for Lake County in a certain cause entitled "In the Matter of the Determination of the Relative Rights to the use of the Waters of Drews Creek, Antelope Creek, Cottonwood Creek, Thomas Creek, and Cogswell Creek, and their Tributaries, Tributaries of Goose Lake.", and the final order of modification being dated May 15, 1923.

It is further stipulated and agreed that the rights of Lakeview Water Users, Inc., herein referred to, are prior in time and superior in right to the rights of said Jess Roberts, and that any permit which shall be issued to the said Jess Roberts under application No. R-33545 shall provide that the rights thereunder accruing to the said Jess Roberts shall be interior in time and right to the rights of Lakeview Water Users, Inc. hereinbefore referred to; and that the Lakeview Water Users, Inc. shall be entitled to thereafter control and use any waters, surplus or waste from their system located in Goose Lake Valley, which at any time hereafter may flow into the reservoir applied for under application No. R-33545.

Jess Roberts
Jess Roberts

LAKEVIEW WATER USERS, INC.

By Ervin A. Branson
By Paul M. Angeles

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

Application No. R-33545

APPLICATION

In the Matter of APPLICATION NO. R-33545 OF JESSE ROBERTS, LAKEVIEW, OREGON, and LAKEVIEW WATER USERS, INC.

Comes now Jesse Roberts, applicant under reservoir application No. R-33545, and Lakeview Water Users, Inc., and hereby stipulate and agree as follows:

It is hereby stipulated and agreed by and between the parties hereto that Lakeview Water Users, Inc. has heretofore made application for certain storage permits and for the right to divert certain lands in Goose Lake Valley; and the parties further stipulate that such rights for the storage and irrigation of lands have been granted by the Circuit Court of the State of Oregon for Lake County in a certain cause entitled "In the Matter of the Determination of the Relative Rights to the use of the Waters of Drews Creek, Antelope Creek, Cottonwood Creek, Thomas Creek, and Cogswell Creek, and their Tributaries, Tributaries of Goose Lake," and the final order of modification being dated May 15, 1933.

It is further stipulated and agreed that the rights of Lakeview Water Users, Inc., herein referred to, are prior in time and superior in right to the rights of said Jesse Roberts, and that any permit which shall be issued to the said Jesse Roberts under application No. R-33545 shall be void that the rights thereunder accruing to the said Jesse Roberts shall be inferior in time and right to the rights of Lakeview Water Users, Inc. heretofore referred to; and that the Lakeview Water Users, Inc. shall be entitled to thereafter control and use any waters, springs or waste from their system located in Goose Lake Valley, which at any time hereafter may flow into the reservoir applied for under application No. R-33545.

Jesse Roberts

LAKEVIEW WATER USERS, INC.

STATE OF OREGON, 15
County of Marion

I certify that the within was received by me on the 25th day of March 1960 at 8:00 o'clock a.m., and was recorded in Miscellaneous Records, Vol. 4 page 219

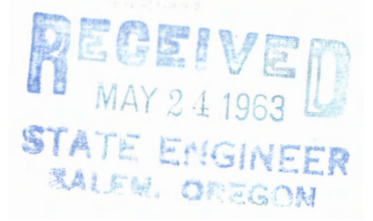
Louis A. Stanley
State Engineer

THOMAS H. COOK
ATTORNEY AT LAW
LAKEVIEW, OREGON

STATE OF OREGON

COUNTY OF LAKE

Proof of Appropriation of Water



JESS ROBERTS

of Lakeview, State of Oregon, has

constructed a reservoir to store the waters of

Willow Creek, tributary of Drews Creek, appropriated under Application number 33635, Permit number 26617,

for the purposes of

stock water and recreation purposes

under Reservoir Permit No. R-2332 of the State Engineer, and that the storage of said waters has been completed within the terms of said Permit; that the priority of the right dates from January 15, 1960,

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 56.0 acre feet.

The reservoir is located in

NW 1/4 NW 1/4
Section 4
NE 1/4 NE 1/4
Section 5
T. 40 S., R. 18 E., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May,

1963

Jess Roberts

Abstract of Permit No. R-2332

Application No. **R-33545**

Certificate No.

Name **Jess Roberts**
 Address **Lakeview**
Oregon

Source of water supply **Willow Creek, trib. of Drown Creek, to be appropriated under application No. 33635, permit No. 26617.**

Use **Construct reservoir and store water from Willow Creek for stock water and recreation.**

Point of diversion **NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 40 S., R. 18 E., W.M., in the county of Lake.**

Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
							RESERVOIR LOCATED											
40 S	18 E	4																
40 S	18 E	5																

Priority date **January 15, 1960**

Amount of water **56.0 acre feet**

Time limit to begin construction **May 13, 1961**

Time limit to complete construction **10/1/62** extended to extended to

Time limit to completely apply water extended to extended to

Remarks:

Pic. No Good

Permit No. R-2332



Application No. R-33545

County Lake

Proof of Appropriation of Water

- 1. Name Jess Roberts 2. Address Lakeview, Oregon
- 3. Source of supply Willow Creek
Tributary of Drews Creek
- 4. Amount of water 56.0 a.f. ✓ 5. Priority date January 15, 1960 ✓
- 6. Use stock water and recreation appro. Appl # 33635, Per. # 26617 ✓
- 7. Location of point of diversion Sec., Twp., Range, W. M.
(Legal Subdivision)
- 8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

*1961-C
9/15/62
Tom Langer*

*not deposited
9-15-62*

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
Willamette Meridian				
40 S	18 E	5 4	NE 1/4 NE 1/4 ✓ NW 1/4 NW 1/4 ✓	

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

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

19.....

.....

Length - 1962-C 560 ft
crest 30' wide

Height = 21.3 - 30' down

12.1 - 30' up (to present water level)

Outlet located 1962-C no pipe showing

Control hand wheel on top of dam

Spillway located around right end of dam dirt channel
down to bed rock (ssin to limestone) Falls approx 8' in 200'

then 18' in 30' crest 7' below dam crest

crest 10' wide width = 10' side slope 1-2 horiz

O.K. 56 AC. FT.

~~A.M. Pelosa~~

I made a survey on Per # R-2332 on 9/14/62

Thomas R. Lauer
Field Engineer



○
heap of
straw
& stone

1

North



XXXXXXXXXXXXX
XXXXXXXXXXXXX
JAMES E. SEXSON
Director

July 31, 1975

53274
R-33545
33635

Jess Roberts
Rt. 6 Box 474
Lakeview, OR 97630

Dear Sir:

Your application for a permit to appropriate 56.0 acre feet of water from a reservoir for the irrigation of 15.0 acres was received along with the map prepared on tracing paper and fees of \$25.00.

The application has been filed as No. 53274.

Since your existing rights evidenced by the certificates of water right recorded at Pages 30973 and 30972 only provide for the storage and use of water for stock and recreation purposes, it will be necessary for you to either cancel all or a portion of the existing rights and reapply for the storage and use of water for irrigation purposes or apply for a change in character of use for that portion of the existing rights you intend to use for irrigation purposes.

Your new application filed as No. 53274 should only list in Item No. 2 the acre feet of water you wish to appropriate from the reservoir for irrigation purposes.

I am enclosing an application for a storage permit which you may complete if you wish to cancel a portion of the existing rights and reapply for the storage of water for irrigation purposes. I am also enclosing an application for transfer of water right which you may complete if you wish to apply for a change of character of use for the existing rights.

I am returning your application No. 53274 and map for completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before September 30, 1975.

Very truly yours,

Wayne J. Overcash
Assistant

WJ:db
Encl: Receipt No. 47837

R-33545
33635

May 24, 1963

Jess Roberts
Box 430
Lakeview, Oregon

Dear Mr. Roberts:

This will acknowledge receipt of the signed proofs of the proposed certificates in connection with your permits numbered R-2332 and 26617.

If you will now submit the certificate recording fees in the amount of \$2.00, we will proceed toward the issuance of the confirming certificates.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jp

251 FINANCE BUILDING
170 12TH STREET, S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. R-33545
33635

June 6, 1960

Jess Roberts
Lakewood,
Oregon

Dear Mr. Roberts:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. s. R-2332 and 26617.

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,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 128

vaf

THEODORE R. CONN

ATTORNEY-AT-LAW
PHONE WHITEHALL 7-2196
19 G. STREET SOUTH
BOX 351
LAKEVIEW, OREGON

May 31, 1960

Hon. Lewis A. Stanley
State Engineer
Salem, Oregon

RECEIVED
JUN 1 1960
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

Enclosed herewith find Form C completed by Jess Roberts relative to Application No. R-33545, Permit No. R-2332.

This shows completion of the reservoir, and the same is now ready for your inspection.

Very truly yours,

Theodore R. Conn

THEODORE R. CONN

TRC:ag
enclosure

R-33545
33635

May 23, 1960

Jess Roberts
Lakewood, Oregon

Dear Sir:

R-33545, Permit No. R-2332; Application
No. 33635, Permit No. 26617 with blueprints.

R-33545
33635

May 4, 1960

Mr. Theodore R. Conn
Attorney at Law
Box 351
Lakeview, Oregon

Dear Mr. Conn:

This will acknowledge your letter of April 25 authorizing the amending of application No. 33635 in the name of Jess Roberts by the insertion of "5.0 second feet" under item 2.

Mr. Roberts' applications numbered R-33545 and 33635 will be considered by the State Engineer for approval by issuance of permits with the next scheduled group.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

R-33545
33635

April 19, 1960

Mr. Theodore R. Conn
Attorney at Law
Box 351
Lakeview, Oregon

Dear Mr. Conn:

This will acknowledge receipt of your letter of April 14, transmitting returned application No. 33635 in the name of Jess Roberts.

In a re-examination of the application, it is noted that you have not indicated the quantity of water Mr. Roberts desires to appropriate from Willow Creek for the purpose of maintaining the reservoir. If you will specify the amount and will so authorize, I will be glad to amend the application in this matter for you.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

April 7, 1960

Mr. Theodore R. Conn
Attorney at Law
Lakeview, Oregon

Dear Mr. Conn:

Upon re-examination of application No. 33635 prior to consideration for approval by the State Engineer, it is noted that items 1 and 2 refer only to the storage capacity of the Willow Creek Reservoir as a source of appropriation.

Since Mr. Roberts proposes to use the reservoir for recreational purposes it would appear that he may wish to amend this application to include the appropriation of water from Willow Creek for the purpose of maintaining the reservoir for recreational use.

With reference to item 3, we would appreciate it if you would indicate the approximate quantity of water Mr. Roberts feels would be necessary for stock watering purposes.

The application No. 33635 is enclosed herewith being endorsed so that in order to retain its present date of priority, it must be returned to this office on or before June 7, 1960.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosure
cc - Mr. Jess Roberts

R-33547-8
R-33695-7
R-33545
33635

March 29, 1960

Mr. Theodore R. Conn
Attorney at Law
P. O. Box 351
Lakeview, Oregon

Dear Mr. Conn:

This will acknowledge your letter of March 26 transmitting protests by the Lakeview Water Users, Inc. against the approval of applications numbered R-33696 and 33697 and R-33695 and 33697 in the name of Mike Deely, and your check in the amount of \$4 for which our receipt No. 24811 is enclosed. The protests were filed as provided by law on March 28, 1960.

This will also acknowledge the receipt of a stipulation in the matter of application No. R-33545 in the name of Jess Roberts, and a stipulation in the matter of application No. R-33547 in the name of Clyde Fardmore.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosure

R-33545
33635

March 2, 1960

Theodore R. Conn
Attorney at Law
19 G Street South
Lakeview, Oregon

Dear Mr. Conn:

This will acknowledge receipt of your letter dated February 16, 1960, submitting an application in the name of Jess Roberts for a permit to appropriate 56 acre feet of water from Willow Creek Reservoir to be constructed under application R-33545 for stock water and recreation uses and fees in the sum of \$20.00 for which our receipt numbered 24397 is enclosed.

The application which has been examined and filed under file numbered 33635 appears to be in satisfactory form. Applications numbered R-33545 and 33636 will now be placed in line for approval by issuance of a permit with the next group.

With reference to your question regarding the fees required, the fees submitted are in the correct amount. The fees required are a \$10.00 examination fee and a \$10.00 recording fee for the first cubic foot of water per second or a fraction thereof when the water is used for any purpose other than irrigation.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:skh

Enc. 1

February 8, 1960

Theodore R. Conn
Attorney at Law
19 G Street South
Lakeview, Oregon

Dear Mr. Conn:

This will acknowledge receipt of your letter dated January 14, 1960, submitting two applications in the name of Jess Roberts, one for a permit to construct Willow Creek Reservoir and store 56 acre feet of water therein from Willow Creek for stock water and recreation purposes and one for a permit to appropriate an unspecified amount of water from Willow Creek for stock water and recreation, an engineering report, plans and drawings for the construction of the reservoir and fees in the sum of \$15.00 for which our receipt numbered 24107 is enclosed.

The reservoir application has been examined and filed as provided by law under file numbered R-33545. The secondary application has not been filed as the State Engineer is required by law to collect a \$10.00 examination fee before an application to appropriate water for any purpose may be filed. The fees submitted were insufficient for the filing of both applications. The fees necessary to the secondary application are a \$10.00 examination fee and a \$10.00 recording fee providing the amount of water to be appropriated does not exceed one cubic foot of water per second.

Before the secondary application is re-submitted it should be completed as follows.

- Item 1: It appears that the secondary application was intended to appropriate the water to be stored in Willow Creek Reservoir. If this is true the reservoir must be named as a source of appropriation.
- Item 2: The amount of water which the applicant intends to apply to beneficial use must be specified. If the appropriation is to be from the stored water in the reservoir only, the capacity of the reservoir in acre feet may be indicated as the amount of water to be appropriated.

February 8, 1960

Item 8: Item 8 must be completed to show the Township, Range, Section and 1/16th of the Section in which the water will be used.

Remarks: Please enter in the remarks section a brief description of the recreational use and facilities that will be used in connection therewith and indicate the number of livestock to be supplied water under this appropriation and the manner in which the water will be made available to them.

Mr. Robert's secondary application is returned for completion.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Walter N. Perry, Assistant

WNP:skh

Enc. 2

cc: Jess Roberts

THEODORE R. CONN

ATTORNEY-AT-LAW
PHONE WHITEHALL 7-2233
19 G. STREET SOUTH
BOX 351
LAKEVIEW, OREGON

January 14, 1960

MILLERS FALLS
ERASE

RECEIVED
JAN 15 1960
STATE ENGINEER
SALEM, OREGON

State Engineer
Salem, Oregon

Dear Sir:

I am enclosing herewith the following:

(1) Applications of Jess Roberts to Appropriate Waters and for permit to construct a reservoir, together with map and my check in the amount of \$15.00 covering fees.

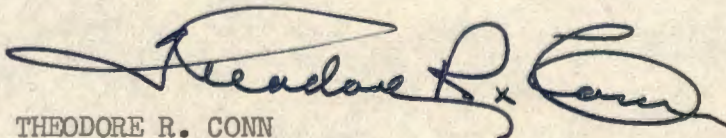
(2) Applications of Clyde Fenimore to Appropriate Water and for permit to construct reservoir, together with map and Mr. Fenimore's check in the amount of \$24.50 covering the fees as we compute them.

(3) Report, plans and drawings for the Jess Roberts' and Andy Hill' dams.

Mr. Hill's applications will be forwarded to you as soon as he calls at the office and signs the same.

The plans and drawings for the Clyde Fenimore dam are not yet completed. They will be forwarded to you as soon as they are available.

Very truly yours,



THEODORE R. CONN

FR
Encls.