

Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8453

File No. Transfer 3300 ✓

March 20, 1980

Mountain Title Company
P.O. Box 59
Roseburg, Oregon 97470

Dear Sirs:

For land sales involving surface water rights for irrigation purposes, the statutes require a copy of the water right certificate be given the purchasers. This need not be a certified copy.


When a water right certificate is issued it is appurtenant to the land described in the certificate regardless of changes in ownership.

As long as the same diversion point is used for the irrigation of both parcels, the one certificate will suffice as evidence of the right. Statutes do not provide for reissuance of certificates for lands which are subdivided.

Enclosed you will find a copy of certificate recorded at page 45932, Volume 38, State Record of Water Right Certificates, along with our receipt number 16510 covering the copying fee of \$1.00 you submitted.

While in most cases the right described by the certificate will be valid, you are cautioned that the right or any part thereof may be lost through intentional abandonment or forfeited by five successive years of non-use. Our records will not show that any portion of a right has been lost until a cancellation proceeding has been completed.

Sincerely,


Stephen C. Brown
Water Rights Engineer

SCB:jmt

cc: Luoma, Kelley, & Wolke
Attn: Mr. Luoma

Enclosures

GEORGE LUOMA
DONALD S. KELLEY
WILLIAM C. WOLKE
KAREN MAYS

LAW OFFICES
LUOMA, KELLEY & WOLKE
SUITE 206 PROFESSIONAL CENTER
POST OFFICE BOX 1608
ROSEBURG, OREGON 97470

TELEPHONE 672-5544
AREA CODE 503

RECEIVED
MAR 12 1980
WATER RESOURCES DEPT
SALEM, OREGON

March 7, 1980

Water Resources Department
555 N. E. 13th
Salem, Oregon 97301

RE: S. K. McGAUGHEY & MARJORIE McGAUGHEY, HUSBAND AND WIFE, SALE
TO ROBERT N. OLSON AND CANDACE OLSON, HUSBAND AND WIFE

Gentlemen:

On the above, I submit and advise:

1. A photocopy of the Mountain Title Co. preliminary report which identifies the property being sold.
2. A photocopy of Certificate of Water Right, Recorder's #78-14363, which covers the subject property, or at least a portion of the same.
3. As you know, under the law which became effective in January of 1980, whenever property subject to a water right is sold your office is to be notified and the seller furnishes the buyer with a certified copy.
4. Please issue a certified copy and send it directly to the attention of Mountain Title Co., which will be acting as the closing agent for this transaction. Our check for \$1.00 is enclosed to cover the cost of the certified copy.
5. If anything else is required please correspond directly with Mountain Title Company, since they will be handling subsequent work on the above in connection with whatever is necessary to close the transaction.

Very truly yours,

LUOMA, KELLEY & WOLKE


George Luoma

GL/mn (Enclosure)

cc: Mountain Title Co., P. O. Box 59, Roseburg, Oregon 97470 (Order #19831
Mr. & Mrs. S. K. McGaughey, 73-443 Boxthorne Lane, Palm Desert,
Calif. 92260
Mr. & Mrs. Robert N. Olson, 1780 S. E. Douglas, Roseburg, Or. 97470
Elizabeth Guiley, 560 Harvest Lane, Roseburg, Oregon 97470

P.S. (SEE PAGE 2)

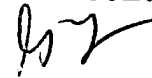
March 7, 1980

P.S. As you can see, the Certificate of Water Right is dated June 22, 1978 and runs in favor of Donald R. Guiley and Marjorie McGaughey. Since that time the total property owned by Donald R. Guiley and Marjorie McGaughey has been divided so that Marjorie and S. K. McGaughey own a portion of it and the widow of Donald R. Guiley (being Elizabeth Guiley) owns the remainder.

A sketch of the property is enclosed. Parcel 1 is the part owned by McGaugheys and Parcel 2 is the part owned by Guiley.

Since the Certificate of Water Right is intended to be for the benefit of both of said parcels, please communicate with Mountain Title Co. with respect to the division of the rights granted under said Water Certificate so that both parcels can benefit to the extent that the whole parcel was intended to benefit from this Water Certificate. Send a copy of your correspondence to me.

G.L.



RECEIVED
MAR 12 1980
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAR 12 1980

503-673-1146 - 1115 SE DOUGLAS - ROSEBURG, OREGON 97470

WATER RESOURCES DEPT
SALEM, OREGON

MOUNTAIN TITLE COMPANY

Supplemental
Order No. 1983-D

PRELIMINARY REPORT FOR McGAUGHEY/OLSON
Standard Coverage Policy

MOUNTAIN TITLE COMPANY
P.O. Box 59
Roseburg, Oregon 97470

Owners	\$	_____
Purchasers	44,500.00	\$ 205.00
Loan Policy	\$	_____
A L T. A. Pol.	\$	_____

We are prepared to issue title insurance (SAFECO) in the form and amount shown above insuring title to the land hereinafter described:

See attached Exhibit "A"

showing the title February 12, 1980 at 8:00 o'clock A.M. vested of record in

MARJORIE McGAUGHEY and S. K. McGAUGHEY, tenants by the entirety

Subject to the printed exceptions, exclusions and stipulations which are part of said policy, and to the following:

1. The assesement roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads or highways.
3. An easement created by instrument. including the terms and provisions thereof.
Dated: June 28, 1932
Recorded: June 28, 1932 in Book 94, Recorder's No. 86630, Records of Douglas County, Oregon
In Favor Of: The California Oregon Power Company
For: transmission and distribution of electricity.
Affects: a portion of said property

Continued...

Preliminary Report
Order 1983-D
Page Two

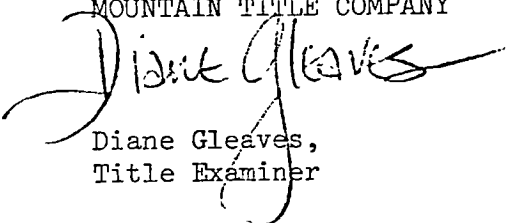
4. Subject to a non-exclusive access easement along the Westerly 19 feet of the above described parcel, as shown on minor land partition recorded September 3, 1975, Map No. 58-2
5. Reciprocal easements, including the terms and provisions thereof by and between Ralph Neil Christian and Beverly Jean Christian, husband and wife and H.B. Kruse and Alice Kruse, husband and wife and Don Guiley and Marjorie McGaughey, recorded November 6, 1975, Book 585, Page 511, Records of Douglas County, Oregon.

NOTE: Taxes for the fiscal year 1979-80.
Total: \$11.78
Account No.: 43494.03 Code: 4.02 Map No.: 26-6-33B TL 3400

NOTE: We find no judgments or United States Internal Revenue liens against Robert N. Olson or Candace Olson.

-End of Report-

Very truly yours
MOUNTAIN TITLE COMPANY


Diane Gleaves,
Title Examiner

DG:bl

cc: Ramberg Realty
Luoma, Kelley & Wolke
Escrow-Barbara

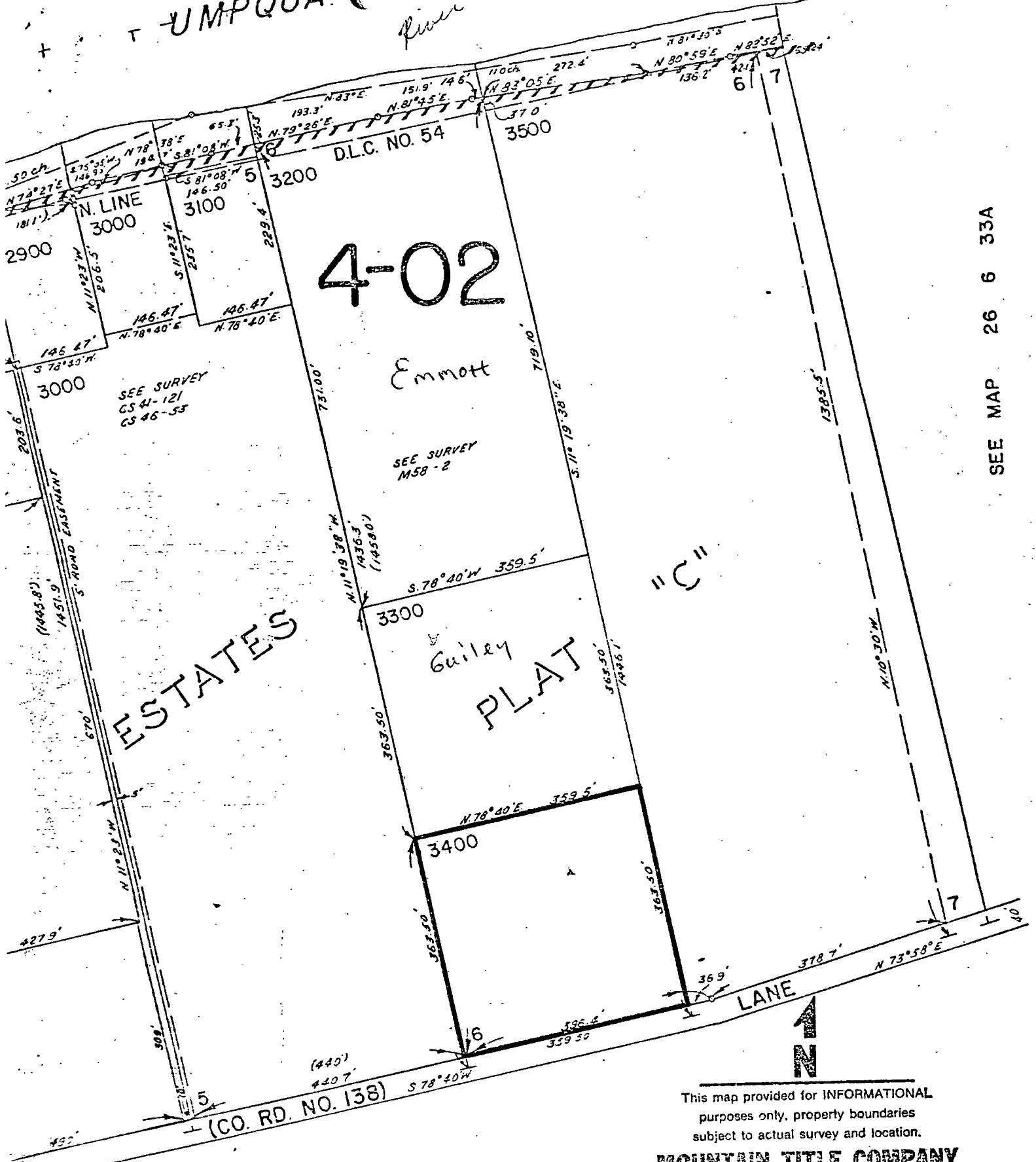
EXHIBIT

The following described property in Lot 6, PLAT "C" of the NORTH CURRY ESTATES in Section 33, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon:

Beginning at the Southwest corner of said Lot 6; thence North $11^{\circ} 19' 38''$ West along the Westerly line of said Lot 6 363.5 feet to a $5/8$ inch iron rod; thence North $78^{\circ} 40'$ East 359.5 feet to a $5/8$ inch iron rod on the Westerly line of the Allen and Marian J. Lee property as described in Instrument No. 71-4328 of Douglas County Records; thence South $11^{\circ} 19' 38''$ East along the Westerly line of said Lee property 363.5 feet to a point on the Southerly line of said Lot 6; thence South $78^{\circ} 40'$ West along the Southerly line of said Lot 6 359.5 feet to the point of beginning, containing 3.00 acres, more or less.

EXCEPT that portion of the above described parcel being in County Road 138.

UMPQUA River



ESTATES

4-02

Emmott

Guiley PLAT

LANE

SEE MAP 26 6 33

SEE MAP 26 6 33A

This map provided for INFORMATIONAL purposes only, property boundaries subject to actual survey and location.

MOUNTAIN TITLE COMPANY
S.33 T.26 R.6B

1" = 200'

#1983

73-14263

STATE OF OREGON

BOOK 685 PAGE 118

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD R. GUILLEY & MARJORIE MCGAUGHEY

of 560 Harvest Lane, Roseburg, State of Oregon, 97470, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Umpqua River

a tributary of Umpqua River for the purpose of the irrigation of 5.5 acres

under Permit No. 13694 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 May 12, 1939

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 0.069 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Thomas Brown DLC 54, Section 33, T. 26 S., R. 6 W., W. M., 1030 feet South and 1390 feet West from the N $\frac{1}{4}$ Corner, Section 33

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

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

5.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
As projected within Thomas Brown DLC 54
Section 33
T. 26 S., R. 6 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered on February 27, 1976 and together with certificate of water right recorded on page 43562, Volume 35, State Record of Water Right Certificates supersedes certificate of water right recorded on page 13780, Volume 12, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed this date. June 22, 1978

James E. Leman
Water Resources Director

**CERTIFICATE OF
WATER RIGHT**

STATE OF OREGON
to

STATE OF OREGON,)
County of) ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume
of Record of Water Right Certificates, at
page on the day
of, 19.....

County Clerk

BOOK 685
PAGE 119

STATE OF OREGON) ss.
COUNTY OF DOUGLAS)
L. DOBBS L. WILDSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DATE:
JUL 25 PM 2 14

WILLIAM DOUGLAS COUNTY CLERK
BY *Michael Dief*
DEPUTY
NO. 78-14366 FILE 274
DOUGLAS COUNTY OFFICIAL RECORDS

MINOR LAND PLAT
 IN LOT 6, PLAT "C", ~~NORTH~~ NORTH CURRY
 SEC. 33, T 26 S, R 6 W. W.M.
 SCALE 1"=200'

- Monuments found
 - 5/8" iron rods set.
- Base bearing taken from No. R/W line Co. Rd 138

