

4059

Name Eugene & Claire L. Davis

By _____

Address So. Myrtle Rt. Box 177Myrtle Creek, OR 97457Change in POUDate filed Sept. 29, 1978

Date of hearing _____

Place of hearing _____

Date of order 1-16-79 Vol. 31, page 577Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued MAR 30 1979 Vol. 40, page 47701
DEC 4 1984 47 52526
6790

DESCRIPTION OF WATER RIGHT

Name of stream South Myrtle CreekTrib. of _____ County of DouglasUse irrigationQuantity of water _____ No. of acres 0⁶

Name of ditch _____

Date of priority Nov. 27, 1943In name of George Gates

_____ Adjudication, Vol. _____, page _____

App. No. 20060 Per. No. 15633 Cert. No. 16706

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-29-78</u>	<u>45-</u>	<u>6436</u>
TOTAL . . .		
<u>9-29-78</u>	<u>\$2</u> Cert. Fee	<u>6436</u>

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

BY 2000 Refund 15.00
POU 1000
cert fee 200
32.00

REMARKS

W.R.I.S.

Assembled 4-7-85 by SP

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
Name	<u>lg</u>	<u> </u>
Stream	<u>lg</u>	<u> </u>
Pt. of Div.	<u>lg</u>	<u> </u>
Calendar	<u>lg</u>	<u> </u>
CHECKED TO RECORD		
Twp. & Rge.	<u>lg</u>	<u> </u>
Decree-vault	<u>lg</u>	<u> </u>
Decree-safe	<u>lg</u>	<u> </u>
Cert. of W/R	<u>lg</u>	<u> </u>
Per. Folder	<u>lg</u>	<u> </u>
Chaindex	<u>lg</u>	<u> </u>
Cross Ref.	<u>lg</u>	<u> </u>
Power Claim	<u>lg</u>	<u> </u>
Abstracts	<u>lg</u>	<u> </u>

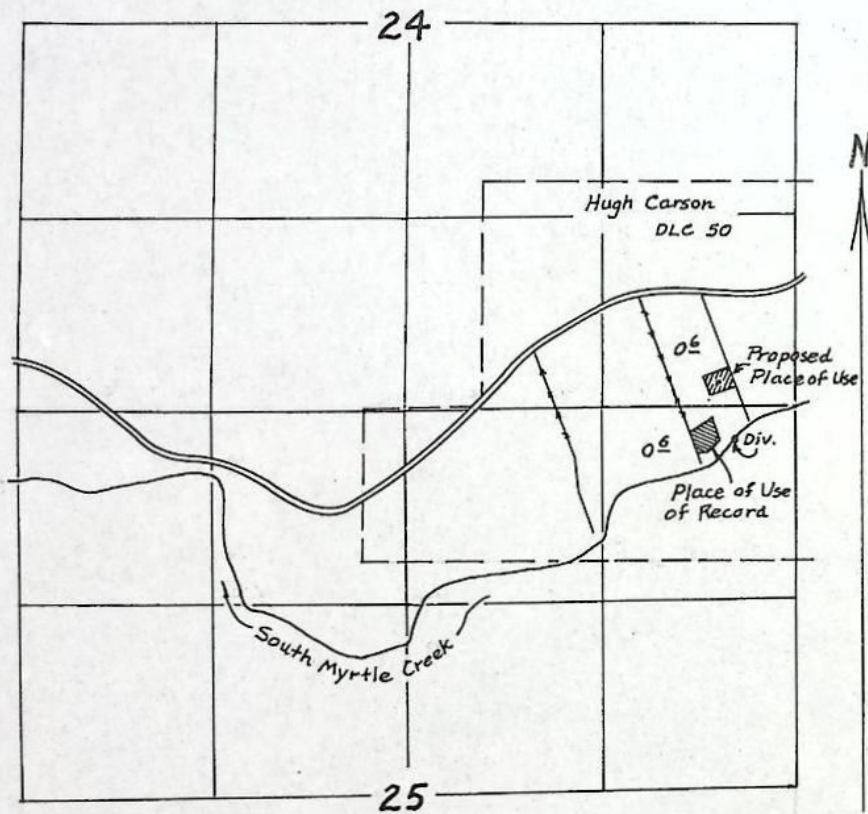
T-4059

RECEIVED

DEC 18 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T. 29 S. R. 5 W. W.M.



Scale: 4" = 1 mile.



WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
ATTN: WATER RIGHTS
725 SUMMER STREET NE, SUITE A
SALEM OREGON 97301-1271

RECEIVED

FEB 16 2005

NOTICE TO SELLERS & BUYERS:

WATER RESOURCES DEPT
SALEM, OREGON

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate 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 a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate 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 a long 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 503-986-0900.

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

Property Seller Information:

Applicant: Ray Osborne
First Last
Mailing address: 3463 South Myrtle
City Myrtle Creek State Oregon Zip 97457
Phone: 541-863-4348
Home Work Other

Property Buyer Information:

Applicant: Herman + Jean Streckler
First Last
 Mailing address: P.O. Box 291
 City Azalea State Oregon Zip 97410
 Phone: 541-837-3505
Home Work Other

Property Description (attach additional pages if necessary):

County: Douglas Township: 29 S Range: 05 W Section: 25
Tax lot number(s): R 60998, R 61033

X **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 #: 20060 Permit #: 15633 Certificate #: 116706
Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Terry Strecker Signature: Terry Strecker

Phone: 541 837-3505 Date: 1-13-2005



After recording return to:
Herman and Jean Strecker 1993 Trust
528 Mountainside Ct
Mesquite, NV 89027

Until a change is requested all tax statements
shall be sent to the following address:
Herman and Jean Strecker 1993 Trust
528 Mountainside Ct
Mesquite, NV 89027

File No.: 7391-487763 (jt)
Date: December 20, 2004

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2005-000238

THIS



\$31.00

00095886200500002380030034

01/05/2005 10:26:44 AM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$15.00 \$11.00 \$5.00

STATUTORY WARRANTY DEED

Ray Ralph Osborne, Grantor, conveys and warrants to **Herman Strecker and Jean Strecker, Trustees of the Herman and Jean Strecker 1993 Trust**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$215,900.00**. (Here comply with requirements of ORS 93.030)

Dated this 21 day of December, 2004.

Page 1 of 3

First American Title Insurance Company
Commercial Title Division
P.O. Box 1325
Roseburg, OR 97470
487763 jt

RECEIVED

FEB 16 2005

WATER RESOURCES DEPT
SALEM, OREGON

Ray Ralph Osborne

Ray Ralph Osborne

STATE OF Oregon)
County of Douglas)ss.
)

This instrument was acknowledged before me on this 21 day of Dec, 2004
by **Ray Ralph Osborne**.



Jeanne Taylor

Notary Public for Oregon
My commission expires:

RECEIVED

FEB 16 2005

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

LEGAL DESCRIPTION:

A portion of that land described in Instrument number 2004-025667 of the Douglas County Clerk deed records. Said portion also being located in the Southeast quarter of Section 24 and the Northeast quarter of Section 25 of Township 29 South, Range 5 West, W.M., Douglas County, Oregon, being more particularly described as follows:

All of that portion of said instrument number 2004-025667 lying Northerly and Westerly of the centerline of South Myrtle Creek.

Excepting that part of said portion of land lying within the right of way boundary of South Myrtle Road (County Road No. 18)

END OF DOCUMENT

RECEIVED

FEB 16 2005

WATER RESOURCES DEPT
SALEM, OREGON



WATER RIGHT OWNERSHIP UPDATE FORM

RECEIVED

JAN 19 2005

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate 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 a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate 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 a long 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 503-986-0900.

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

Property Seller Information:

Applicant: Ray Osborne
First Last
Mailing address: 3466 South Myrtle
City Myrtle Creek State Oregon Zip 97457
Phone: _____
Home Work Other

Property Buyer Information:

Applicant: Theodore H / Fern S. Uren
First Last
 Mailing address: 355 Maranatha Lane
 City Myrtle Creek State Oregon Zip 97457
 Phone: 541-863-5183
Home Work Other

Property Description (attach additional pages if necessary):

County: Douglas Township: 29 S Range: 5 W Section: 25
Tax lot number(s): 100

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 #: T-4059
20060 Permit #: 15633 Certificate #: 47721
 Will all the lands associated with this water right be owned by the buyer? Yes ☐ No ☒

Name of individual completing this form: _____ Signature: Theodore H. Ures

Rev. 11/6/03

Phone: 863-5183 Date: 1-18-05



After recording return to:
Theodore H. Uren and Fern S. Uren
355 Maranatha Lane
Myrtle Creek, OR 97457

Until a change is requested all tax statements
shall be sent to the following address:
Theodore H. Uren and Fern S. Uren
355 Maranatha Lane
Myrtle Creek, OR 97457

File No.: 7391-487740 (se)
Date: December 17, 2004

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2004-030949



\$26.00

TH

00094721200400309490020026

12/22/2004 03:55:26 PM

DEED-WD Cnt=1 Stn=18 RECORDINGDESK
\$10.00 \$11.00 \$5.00

STATUTORY WARRANTY DEED

Ray Ralph Osborne, Grantor, conveys and warrants to **Theodore H. Uren and Fern S. Uren as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

A portion of that land described in instrument number 2004-025667 of the Douglas County Clerk deed records. Said portion also being located in the Northeast quarter of Section 25 of Township 29 South, Range 5 West, W.M., Douglas County, Oregon, being more particularly described as follows:

All of that portion of said instrument number 2004-025667 lying Southerly and Easterly of the centerline of South Myrtle Creek.

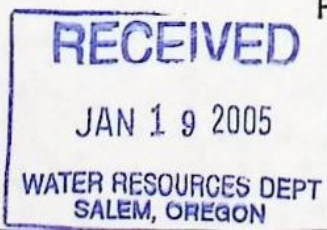
This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Consideration is \$84,800.00

Page 1 of 2



First American Title Insurance Company
Commercial Title Division
P.O. Box 1325
Roseburg, OR 97470
487740 jt

The true consideration for this conveyance is **\$84,800.00**. (Here comply with requirements of ORS 93.030)

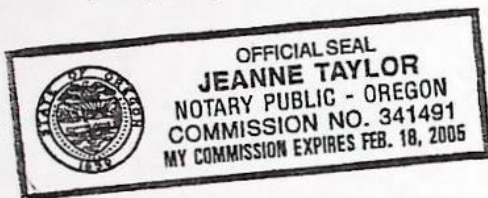
Dated this 21 day of Dec, 2004.

Ray Ralph Osborne

Ray Ralph Osborne

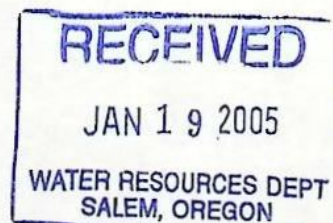
STATE OF Oregon)
County of Douglas)ss.
)

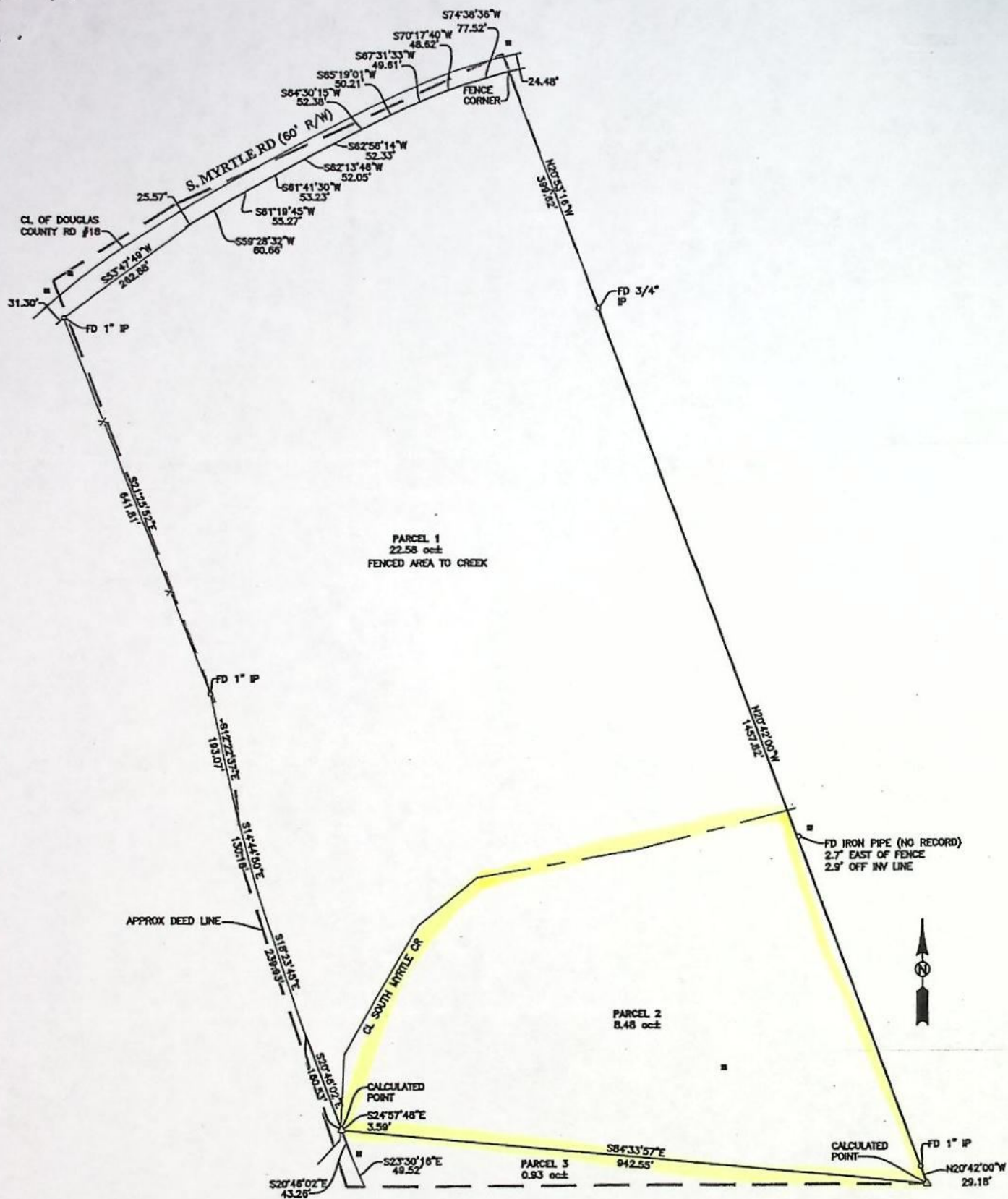
This instrument was acknowledged before me on this 21 day of Dec, 2004
by **Ray Ralph Osborne**.



Jeanne Taylor

Notary Public for Oregon
My commission expires:





RECEIVED

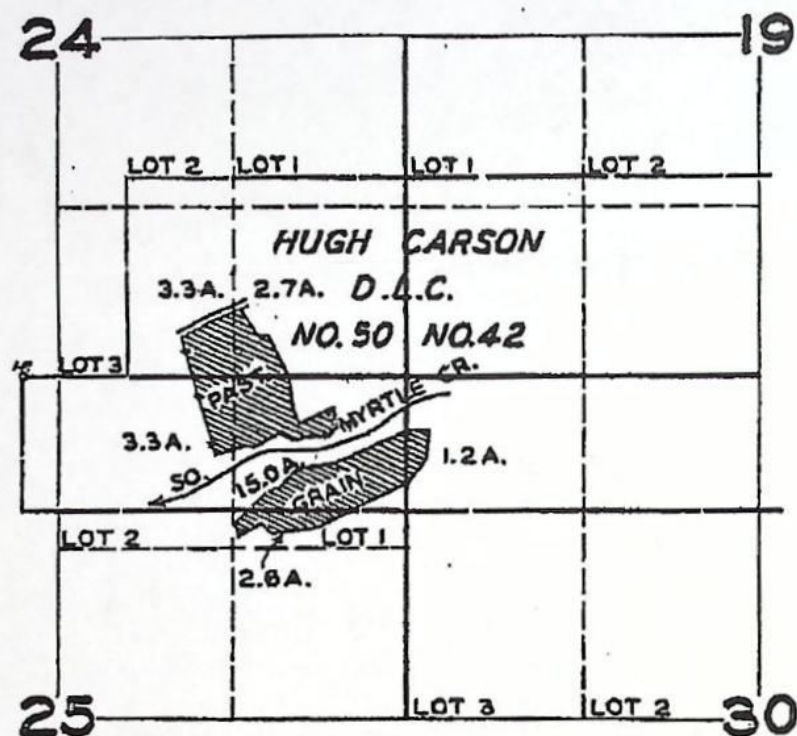
JAN 19 2005

WATER RESOURCES DEPT
SALEM, OREGON

i.e.
ENGINEERING

741 SE Jackson Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392

PROJECT NO. 1957-02

T.29S.R.4&5W.W.M.**FINAL PROOF SURVEY
UNDER**Application No. 20080 Permit No. 15633

IN NAME OF

GEORGE GATESSurveyed JUNE 4, 1947 by JAS. E. BUNNELL

1947-C

RECEIVED

JAN 19 2005

WATER RESOURCES DEPT
SALEM, OREGON

'79-07202

STATE OF OREGON

COUNTY OF

DOUGLAS

VOL 716 PAGE 439

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE GATES

of Myrtle Creek, State of Oregon, 97457, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Myrtle Creek

a tributary of South Umpqua River for the purpose of irrigation of 26.4 acres

under Permit No. 15633 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 November 27, 1943

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 0.33 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Hugh Carson DLC 50, Section 25, T. 29 S., R. 5 W., W. M.

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:

SEE NEXT PAGE

2.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
2.7 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
both as projected within Hugh Carson DLC 50
Section 24

14.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
both as projected within Hugh Carson DLC 50
2.6 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 25
T. 29 S., R. 5 W., W. M.

1.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
as projected within Hugh Carson DLC 42
Section 30
T. 29 S., R. 4 W., W. M.

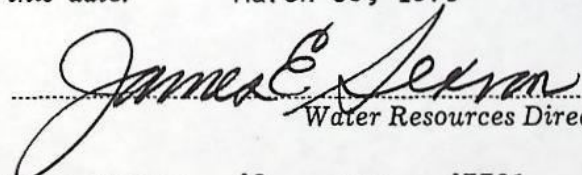
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16706, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 16, 1979, approving transfer application No. 4059.

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

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

WITNESS the signature of the Water Resources Director, affixed

this date. March 30, 1979


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

SP*32957-690

79-07202

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

I, DORIS L. WADSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1979 MAY 3 PM 1 21

BY Doris L. Wadsworth
DEPUTY
NO. _____ FEE 2.00
DOUGLAS COUNTY OFFICIAL RECORDS

VOL 716 PAGE 441

S, MYRTLE CR.

WIR T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000040591 PERMIT NO. 015633 CERTIF. NO. 0052526 NAME: EUGENE & CLAIRE DAVIS
ORIG. NO. 1000200601 PREV. NO. 1000200601 SUPER. NO.
ADDRESS: S, MYRTLE RT, BOX 177
CITY/STATE/ZIP/COUNTY: MYRTLE CREEK, OR 97457 10
STREAM-ID 16 1250 0900 0350 020 RIV. MI. WM. DIST. 15 W.R. TYPE SA STATUS V

CANCEL YEAR-->	CONSTR. COMPLT--> 06 08 1979	YR. LAST USED-->	---	NEXT ACTION DUE-->	---
PRIORITY--> 11 27 1973	PUT TO USE--> 06 08 1979	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION--> 09 29 1978	SURVEYED--> 11 08 1979	EXAM. FEE-->	20.00	RECORDING FEE-->	25.00
PERMIT ISSUE--> 01 16 1979	CONCURRENCE--> 11 08 1979	CYCLE STATUS-->	---	REPORTED FLAG-->	---
CONSTR. STRT.--> 01 16 1979	CERTIFIED--> 12 04 1984	CORRES. INIT.-->	---	CORRES. DATE-->	---

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID RIV. MI. RATE STATUS S OR P
2905 050W 25 A A 16 1250 0900 0350 020 0.008 V P

** REMARKS; - - - - -
** DATED-->

** CHANGES POV PART OF C-16706.
** RR C-47701.

** - - - - -

** - - - - -

** - - - - -

** - - - - -

** - - - - -

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P
2905 050W 24 D A 10 1R 100 0.60 V P

47701

W.R.I.S.

Assembled 7-7-85 by JN

Entered by

Verified by

: POD
 POU
 USE
Add'1 POD

Transfer NO. 4059

County Douglas

Old Certificate NO. 16706

1. Name Eugene & Claire Davis
Address S. Myrtle Route., Box 177 Myrtle Creek, OR 97457
2. Source of Supply South Myrtle Creek, Trib of Myrtle Creek
3. Use irrigation of 0⁶ acres.
4. Amount of Water 0.008 cfs. Priority Date December 27, 1943
5. Proposed Point of Diversion _____

6. Completion Date October 1, 1980
7. Place of Use:

[illegible]

$$\frac{0.6}{80} = 0.008 \text{ c.f.s.}$$

Info: Mrs. Davis said the land applied on has been irrigated from South Myrtle Creek.

Div: Pumps direct from creek

Pump & Motor: A.O. Smith $1\frac{1}{2}$ hp @ 3450 rpm
Could CDD 2" x $1\frac{1}{2}$ "

Pipe: ~~300'~~ 300' 2" plastic
200' $5/8$ " garden hose

Heads: 2 RB 40 $3/16$ " x 0
+
1 minor $5/32$ "
~~3~~ oscillating lawn sprinkler
3 max -
1 minor max on land applied on
or
1 oscillating lawn sprinkler max on land applied on

Lift: + 20' to + 25'

use: Irrigation of lawn & garden

tie: Inspection

Steve Donaldson
11-8-79 FE

$$\frac{(1.5)(6.6)}{20 + 127.0} = 0.067 \text{ c.f.s.}$$

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF EUGENE & CLAIRE L. DAVIS FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4059

On September 29, 1978, an application was filed in the office of the Water Resources Director by Eugene and Claire L. Davis for approval of a change in place of use of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16706, Volume 13, State Record of Water Right Certificates, in the name of George Gates, describes a right which includes the use of not to exceed 0.007 cubic foot per second from South Myrtle Creek for irrigation of 0.6 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 29 South, Range 5 West, W.M., with a date of priority of November 27, 1943.

The authorized point of diversion of record for said right is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 29 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.6 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 29 South, Range 5 West, W.M.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

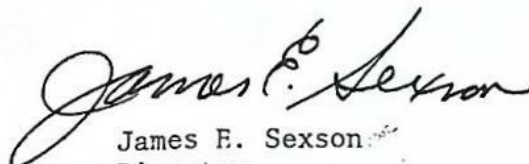
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to George Gates and recorded at page 16706, Volume 13, State Record of Water Right

131 7377

Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 16th day of January, 1979.


James E. Sexson
Director

T-4059

RECEIVED

SEP 29 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Eugene Davis and Claire L. Davis
(Name of applicant)
 of So. Myrtle RT. Box 177, Myrtle Creek
(Mailing address) (City)
 State of Oregon, 97457, 863-3995, do hereby make application for change
(Zip Code) (Phone number)
in place of use.
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? George Gates
(If not, give name)

2. Was your water right determined by Decree of Court? no If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? yes If so, give number
(Yes or No)
 of permit 15633 Number of certificate 16706
A# 20060

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is South Myrtle Creek

5. What is the date of priority of your water right? November 27, 1943

6. The authorized point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
 corner of being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 Tp. 29S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Douglas The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
 corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of The name of the ditch to be used is

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
29S	5W	25	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
29S	5W	25 24	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.6

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are To irrigate lawn and garden near house

15. Construction work will be completed on or before October 1, 1979

16. The water will be completely applied to the proposed use on or before October 1, 1980

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Eugene Davis Claire L. Davis, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 21st day of September, 1978.

Eugene Davis Claire L. Davis
(Name of applicant)

Subscribed and sworn to before me this 21st day of September, 1978.

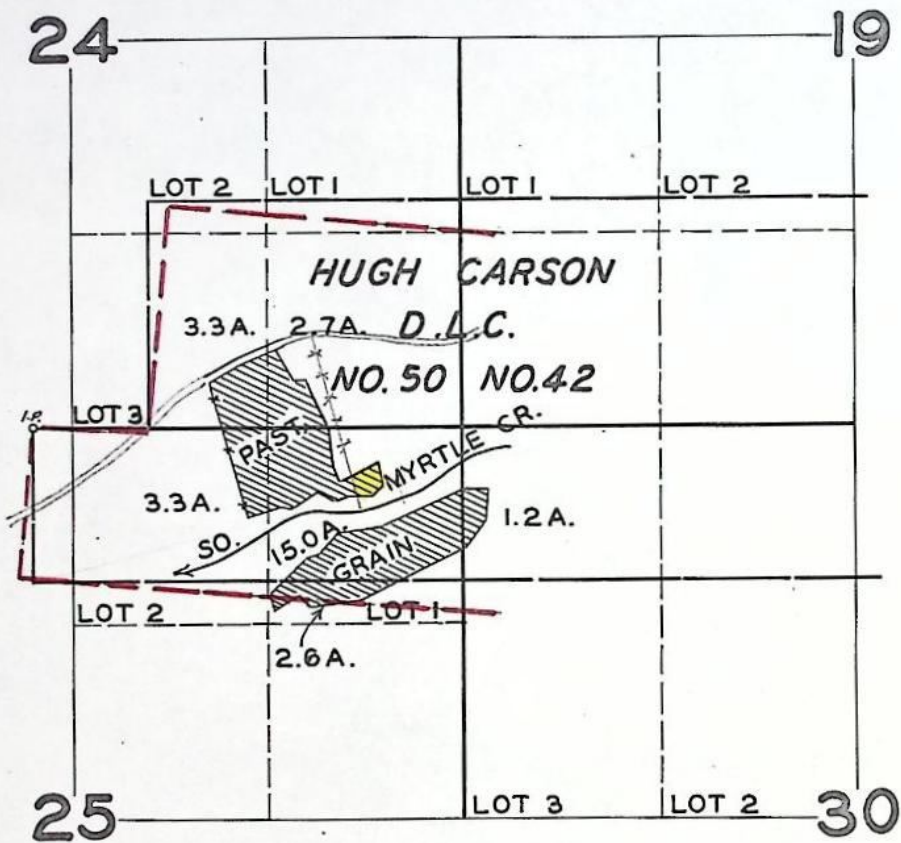
[Notarial Seal]

Samuel H. Danneberg
NOTARY PUBLIC FOR OREGON

My commission expires 3-12-80

T.29S.R.4&5W.W.M.

See: Gary L. Ball's memo
received Dec 18, 1978



FINAL PROOF SURVEY
UNDER

Application No. 20060 Permit No. 15633
IN NAME OF
GEORGE GATES

Surveyed JUNE 4 1947, by JAS. E. BUNNELL

Permit 220
was
N 25° 55' E
200',
from SW corner
D.L. 4050

RECEIVED

JUN 8 1979

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from South Myrtle Creek

PURSUANT TO TRANSFER APPLICATION NO. 4059

I, Claire L. Davis, hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving said water right transfer application was accomplished by May 31, 1979.

June 7-1979
Date

Claire L. Davis
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK.
Ley



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

DEC 18 1978

WATER RESOURCES DEPT.

SALEM, OREGON

TO: Wayne Overcash

DATE: December 11, 1978

FROM: Gary L. Ball, Assistant Watermaster *GRB*

SUBJECT: Davis Transfer on Application #20060

Enclosed please find two maps on file with the Douglas County Surveyor along with legal descriptions of properties in the area. The Davis' will not sign a statement acknowledging an error in their legal description. However, on the basis of the evidence enclosed, I'm sure we can get the transfer issued.

The error in the Davis description is the tie "South 20.5 chains North 40° E 8.2 chains", perpetuated by deed. You will notice that the Osborne description, minus that tie, describes exactly those lands shown on M 10-12. You will also notice that the Davis description is tied to M 10-12 as well. The Woodford tie "N 16° 39' W 1181.59 feet" is correct as far as I can tell, and the only reason it was not used in the descriptions was to make them consistent with Recorder's No. 206638 and who knows how many other descriptions.

However, when the Inge description was prepared, it was done correctly, without attempting to be consistent with the erroneous tie. We see the Inge description is tied to M 19-59 which, by the way, is seen to be consistent with M 10-12 via the ties from the North NW corner of DLC 50 to the NW corner of the Davis property. Also, we see that the Inge and Davis descriptions coincide along their common boundary via the bearing and distance N 20° 42' W 857.4 feet.

Thus, with the evidence thus far presented and the fact that all properties involved are south of the (continuous) South Myrtle Road, there should be no question as to the location of the Davis property. Any further correspondence regarding the erroneous legal description should be addressed to the Davis' or their title insurance agent, Clifford E. Pepple of Douglas County Title Company, 629 S.E. Main Street, Roseburg, Oregon, phone 672-3388.

Also, please find a revised application map correctly locating survey corners in the area as per the 1958 dependent resurvey and partial subdivision of Section 25 by B.L.M. The map was constructed by drafting the resurvey, marking prominent land features on the surveyed lines through examination of the field notes, and fitting the result to a 1972 State Forestry photo. (The North NW and West NW corners of DLC 50 were located by using ties from M 10-12.)

You will note the discrepancy in orientation between the revised map and the final proof survey. This problem is rectified when the maps are rotated about the West NW corner of DLC 50 until the westerly fence lines coincide.

GLB/gf
Enclosures

Vol. 230 pg. 58

DEC 18 1978

WATER RESOURCES DEPT.

SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That
 Ruth L. Rae, husband and wife,

Jack Guy Rae and

in consideration of

Grantee
 Dollars,

to them paid by

and wife, OSBORNE

do hereby grant, bargain, sell and convey unto the said grantee, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

except () just 1110-12

Beginning at a point in the center of the County City, which is 20.40 chains South and North 21° 00' East 792.0 feet to a point; thence South 21° 00' East 792.0 feet to a point; thence South 15° 00' East 52.0 feet to a point on the South line of said Donation Land Claim; thence East along said Donation Land Claim line 930.24 feet to a point; thence North 20° 42' West 1487.0 feet to an iron pin; thence continuing North 20° 42' West 410.79 feet to a 3/4 inch by 30 inch iron pipe on the right of way fence line of the county road; thence continuing North 20° 42' West 11.0 feet to a point on the centerline of the county road; thence along said center line as follows: South 60° 04' West 577.11 feet; thence South 58° 05' West 225.57 feet to the place of beginning and containing 32.60 acres, more or less.

To Have and to Hold the above described and granted premises unto the said grantee and their heirs and assigns forever.

And We the grantors do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances,

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seal this 21 day of January, 1954.

STATE OF OREGON,

County of Douglas

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jack Guy Rae and Ruth L. Rae, husband and wife,

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first above written.

Notary Public for Oregon

My Commission expires

WARRANTY DEED

Jack G. Rae, et al

STATE OF OREGON,

County of Douglas
 I certify that the within instru

RECEIVED

DEC 18 1976

DAVIS

76-17028

WATER RESOURCES DEPT.

689-975

FORM No. 433—WARRANTY DEED.
1967/50

KNOW ALL MEN BY THESE PRESENTS, That Mervin W. Fay and Cleo R. Fay, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Eugene Davis and Cleo L. Davis, husband and wife

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

Legal attached:

BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD NO. 18 RELOCATION AS DISCLOSED BY RECORDER'S NO. 206638, DOUGLAS COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 20.50 CHAINS, NORTH 40° EAST 8.20 CHAINS, NORTH 58° 05' EAST 225.57 FEET AND NORTH 66° 04' EAST 577.11 FEET FROM THE NORTHWEST CORNER OF THE HUGH CARSON DONATION LAND CLAIM NO. 50, T 29 S, R 5W, W4, DOUGLAS COUNTY, OREGON, THENCE SOUTH 20° 42' EAST 32.1 FEET TO A POINT ON THE SOUTHERLY R/W LINE OF SAID COUNTY ROAD TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID R/W AND RUNNING S20° 42'E 1230.0 FEET TO A POINT ON THE RIGHT BANK OF SOUTH MYRTLE CREEK, THENCE CONTINUING S20° 42'E 50.0 FT TO THE CENTER LINE OF SOUTH MYRTLE CREEK, THENCE UPSTREAM N38° 42'E 463.73 FT ALONG THE SAID CENTER LINE OF CREEK, THENCE LEAVING SAID CENTER LINE AND RUNNING N20° 42'W 35.0 FT TO A POINT ON THE SAID RIGHT BANK, THENCE CONTINUING N20° 42'W 857.4 FT TO A POINT ON THE SAID SOUTHERLY R/W OF COUNTY ROAD, THENCE N89° 55'W 426.93 FT ALONG SAID R/W TO THE POINT OF BEGINNING;

CONTAINING 10.0 ACRES MORE OR LESS AND ALL BEING SITUATED IN SW 1/4 SEC. 24 AND NE 1/4 SEC. 25 OF T29S R5W W. M. DOUGLAS COUNTY, OREGON, AND ALL BEING A PART OF THOSE LANDS MORE FULLY DESCRIBED IN VOL. 139 PAGE 248 DEED RECORDS OF THE CLERK OF DOUGLAS COUNTY;

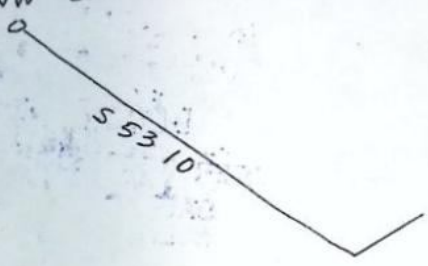
SUBJECT TO: A ROAD EASEMENT, RUNNING ADJACENT AND PARALLEL TO THE WESTERLY BOUNDARY OF THE ABOVE-DESCRIBED PARCEL, FOR INGRESS AND EGRESS TO SAID COUNTY ROAD NO. 18

Tied from M 10-12

Same as Inge

N NW cor DLC 50

S 53 10



RECEIVED

DEC 18 1978

WATER RESOURCES DEPT.
SALEM, OREGON

(75-12821)
INGE.

EXHIBIT "A"

Tie from
M19-59

BOOK 580 PAGE 990

Beginning at a point on the Southerly right of way of county road No. 18, which bears South 73° 11' East 2300.00 feet, South 54° 01' West 195.26 feet, South 77° 37' 30" West 130.47 feet, South 87° 11' 30" West 239.48 feet, and North 89° 55' West 183.40 feet from the Northwest corner Hugh Carson D. L. C. No. 50; thence along said right of way South 89° 55' East 134.74 feet, thence leaving said right of way South 20° 42' East 842.09 feet to the center of South Myrtle creek thence along center of creek South 70° 53' 30" West 126.02 feet to a point which bears South 20° 42' East 35.0 feet from an iron pipe on the high bank of said creek, thence leaving said creek and running North 20° 42' West 35.0 feet to the said iron pipe, thence continuing North 20° 42' West 857.4 feet to the point of beginning, all being situated in Sections 24 and 25, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

Same
as DW15.

Said property is subject to: The rights of the public in and to that portion of the above property lying within the limits of roads.

600pl 75-12821
STATE OF OREGON }
COUNTY OF DOUGLAS } ss.
I, Doris L. Wadsworth, County Clerk and ex-officio Recorder of Douglas County, Oregon, in and for said County, do hereby certify that the within instrument was
filed SEP 9 - 1975 4:01 P.M.
and recorded in Volume 580
at Page 989 of BOOK OF RECORDS
Records of Douglas County, Oregon.
DORIS L. WADSWORTH
County Clerk
Margie Weseman
Deputy
Indexed SW

BIK

RECEIVED

DEC 18 1978

WATER RESOURCES DEPT.
SALEM, OREGON

61-10996

434 639

FORM NO. 1007/80

1007/80

KNOW ALL MEN BY THESE PRESENTS, That Marvin W. Fay and Glen B. Fay, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated to grantor paid by John Bik and Jane E. Bik, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining situated in the County of Douglas and State of Oregon, described as follows, to-wit:

Legal attached:

Beginning at a 1" iron pipe on the Southerly R/W line of County Road #18, said point being the NW corner of that tract more fully described in Recorder's No. 342150 deed records of Douglas County, said point also bears S73°-11'E 2300.0 ft. from the NW corner of the Hugh Carson D.L.C. No. 50 T29S R5W W.M. Douglas County, Oregon;

thence leaving said County Road and running S6°-46'E 670.0 ft. along the Westerly boundary of said tract to the 1" iron pipe of the Southwesterly corner thereof, thence N83°-14'E 95.0 ft. along the Southerly boundary of said tract to a point in the centerline of South Myrtle Creek, thence S24°-44'-30"W 181.80 ft. along the center of Creek to a point which bears S6°-46'E 155.0 ft. from the aforementioned S1' corner of said tract, thence continuing along the center of Creek N70°-50'-30"W 518.36 ft. to a point which bears S20°-42'E 35.0 ft. from an iron pipe on the high bank of said Creek, thence leaving said Creek and running N20°-42'W 35.0 ft. to the said iron pipe, thence continuing N20°-42'W 857.4 ft. to a point on the said Southerly R/W of County Road, thence running along the said County Road S89°-55'E 183.40 ft. and N87°-11'-30"E 239.48 ft. and N77°-37'-30"E 130.47 ft. and N54°-01'E 95.25 ft. to the point of beginning.

Containing 11.51 acres more or less, and all being situated in Sec. 19 of T29S R4W W.M. and in Secs. 24 and 25 of T29S R5W W.M. Douglas County, Oregon.

Excepting: (Inge)

Beginning at a point on the Southerly right of way of County Road No. 18, which bears S73° 11'E 2300.0 feet, S54° 01'W 195.26 feet, S77° 37' 30"W 130.47 feet, S87° 11' 30"W 239.48 feet, and N89° 55'W 183.40 feet from the N.W. Corner Hugh Carson DLC No. 50; thence along said right of way S89° 55'E 134.74 feet; thence leaving said right of way S20° 42'E 848.04 feet to the center of South Myrtle Creek; thence along the center of creek S70° 53' 30"W 126.02 feet to a point which bears S20° 42'E 35.0 feet from an iron pipe on the high bank of said creek; thence leaving said creek and running N20° 42'W 35.0 feet to the said iron pipe; thence continuing N20° 42'W 857.4 feet to the point of beginning.

Containing 2.51 acres more or less and all being situated in Secs. 24 and 25, T29S, R5W, W.M., Douglas County, Oregon.



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Oct. 5, 1978.FROM: ** M. John Youngquist, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4059IN THE NAME OF Eugene & Claire L. Davis**RECEIVED**

OCT 6 1978

WATER RESOURCES DEPT!
SALEM, OREGON

In my opinion the proposed change in place of use from South Myrtle Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NO
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** *M. John Youngquist*
Watermaster's signature or initials

KNOW ALL MEN BY THESE PRESENTS, That Marvin W. Fay and Cleo R. Fay, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Eugene Davis and Claire L. Davis, husband and wife

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

Legal attached:

RECEIVED
OCT 11 1978
WATER RESOURCES DEPT.
SALEM, OREGON

BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD NO. 18 RELOCATION AS DISCLOSED BY RECORDER'S NO. 206638, DOUGLAS COUNTY DEED RECORDS, SAID POINT BEARS SOUTH 20.50 CHAINS, NORTH 40° EAST 8.20 CHAINS, NORTH 58° 05' EAST 225.57 FEET AND NORTH 66° 04' EAST 577.11 FEET FROM THE NORTHWEST CORNER OF THE HUGH CARSON DONATION LAND CLAIM NO. 50, T 29 S, R 5 W, W. M., DOUGLAS COUNTY, OREGON, THENCE SOUTH 20° 42' EAST 32.1 FEET TO A POINT ON THE SOUTHERLY R/W LINE OF SAID COUNTY ROAD TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID R/W AND RUNNING S20° 42'E 1230.0 FEET TO A POINT ON THE RIGHT BANK OF SOUTH MYRTLE CREEK, THENCE CONTINUING S20° 42'E 50.0 FT TO THE CENTER LINE OF SOUTH MYRTLE CREEK, THENCE UPSTREAM N38° 42'E 463.73 FT ALONG THE SAID CENTER LINE OF CREEK, THENCE LEAVING SAID CENTER LINE AND RUNNING N20° 42'W 35.0 FT TO A POINT ON THE SAID RIGHT BANK, THENCE CONTINUING N20° 42'W 857.4 FT TO A POINT ON THE SAID SOUTHERLY R/W OF COUNTY ROAD, THENCE N89° 55'W 526.93 FT ALONG SAID R/W TO THE POINT OF BEGINNING;

SEAL
CONTAINING 10.0 ACRES MORE OR LESS AND ALL BEING SITUATED IN SW 1/4 SEC. 24 AND NE 1/4 SEC. 25 OF T29S R5W W. M. DOUGLAS COUNTY, OREGON, AND ALL BEING A PART OF THOSE LANDS MORE FULLY DESCRIBED IN VOL. 139 PAGE 248 DEED RECORDS OF THE CLERK OF DOUGLAS COUNTY;

SUBJECT TO: A ROAD EASEMENT, RUNNING ADJACENT AND PARALLEL TO THE WESTERLY BOUNDARY OF THE ABOVE-DESCRIBED PARCEL, FOR INGRESS AND EGRESS TO SAID COUNTY ROAD NO. 18

WITNESS grantor's hand this 1st day of July, 1969

Marvin W. Fay
Cleo R. Fay

STATE OF OREGON, County of Douglas) ss.
Personally appeared the above named Marvin W. Fay and Cleo R. Fay, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

NOTARY PUBLIC
(OFFICIAL SEAL)

Before me: Lloyd B. Ruckelshaus
Notary Public for Oregon
My commission expires Feb. 22, 1973

NOTE—The sentence between the symbols (), if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

STATE OF OREGON) ss. STATE OF OREGON,) ss.
COUNTY OF DOUGLAS)
I, DORIS L. WADSWORTH, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY OF SEP 5 PM 2 11 at o'clock M., and recorded in book on page of Record of Deeds of said County. Witness my hand and seal of County affixed.

AFTER RECORDING RETURN TO
Janes:
Eugene Davis
S. Myrtle Rt Box 177
Myrtle Creek, Or
97457

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK
BY: Maryel Seal
78-17028
FEE 4.50
DOUGLAS COUNTY OFFICIAL RECORDS
Title.
Deputy.
HANDED

FILED
RECEIVED

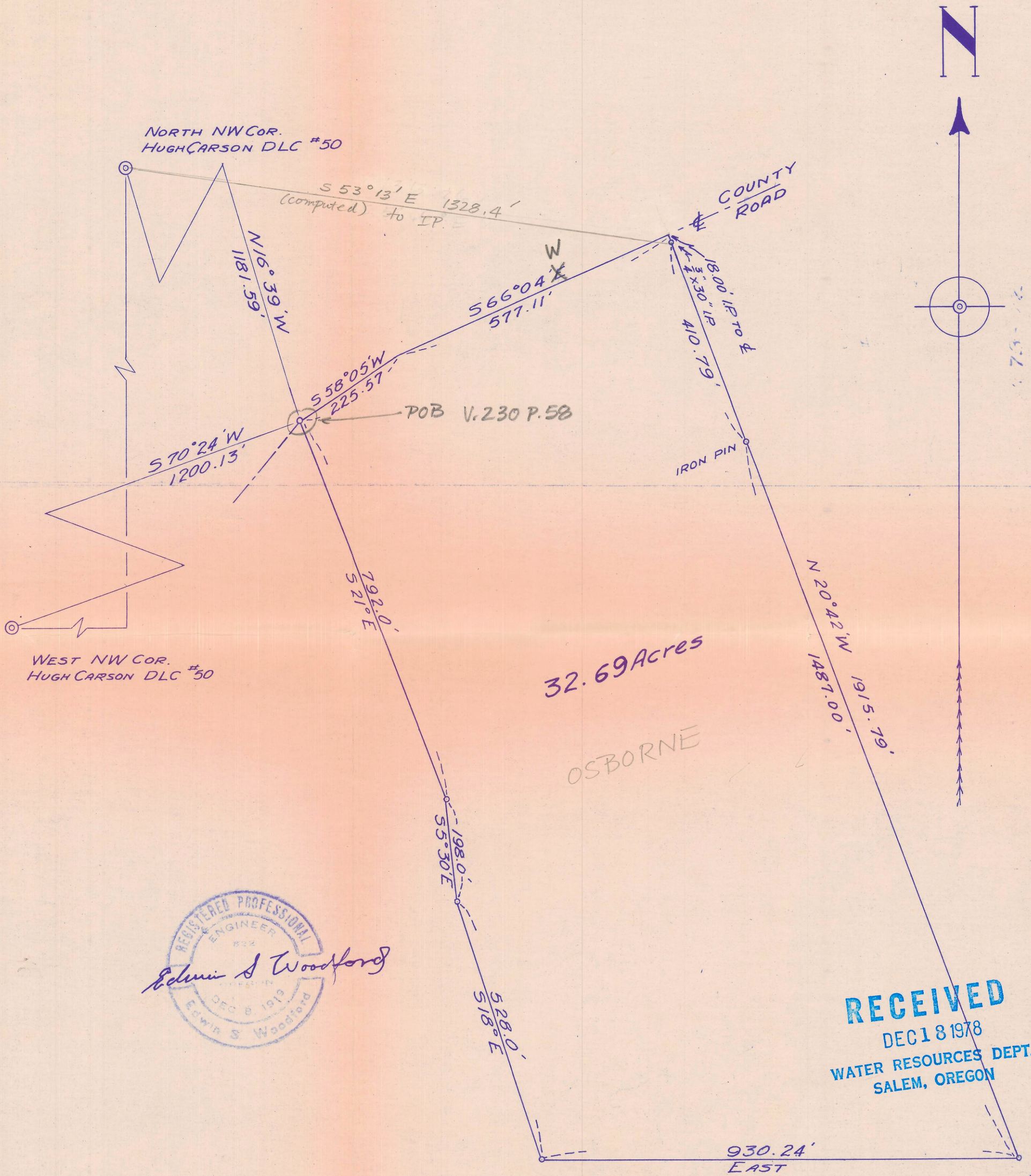
MAP

OF

PORTION OF H. CARSON DLC #50
T29S, R5W, W.M.

PREPARED FOR G. GATES
SEPTEMBER 1947

SCALE $\sim$ 1-inch = 200 ft.



COUNTY SURVEYOR
DOUGLAS COUNTY, ORE.

40A

PORTION OF H. CARSON DLC #50
T29S, R5W, W.M.
PREPARED FOR G. GATES
MARCH 1950
SCALE ~ 1-inch = 200 ft.

