

4228 Morton

Name David L. & Charlotte A. Morton

4228

DESCRIPTION OF WATER RIGHT

By _____

Address 4850 Buckhorn Road
Roseburg, OR 97470Name of stream North Fork Deer CreekTrib. of _____ County of Douglas

Use _____

Quantity of water _____ No. of acres 6²

Name of ditch _____

Date of priority Feb 4, 1918In name of G.A. Lindbloom

_____ Adjudication, Vol. _____, page _____

App. No. 5970 Per. No. 3732 Cert. No. 3399

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-25-79</u>	<u>110-</u>	<u>11125</u>
TOTAL . . .		
	Cert. Fee	
<u>The News Review \$52.92 pd 12-29-80 ck # 4489</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>12-29-80</u>	<u>12⁰²</u>	<u>4490</u>

Exam 20
POU 10
POD 13
+5
POW 52.92
97.92

Change in POU, PODDate filed May 25, 1979Date of hearing Dec. 23, 1980Place of hearing RoseburgDate of order 2-9-81 Vol. 34, page 271Date for application of water 10-1-82Proof mailed NOV 30 1999

Proof received _____

Certificate issued Aug. 5, 81 Vol. 44, page 50127
50128

Surveyed 7/12/84

FEB 28 2000

76437

OK Cert

REMARKS

SEE T-4633 & T-4639

W.R.I.S.

Assembled 2-22-85 by SK

Entered _____ by _____

Verified _____ by _____

INDEX CARDS

Name

Stream

Pt. of Div.

Calendar

CHECKED TO RECORD:

Twp. & Rgn.

Decree-vault

Decree-safe

Cert. of W/R

Per. Folder

Cm Index

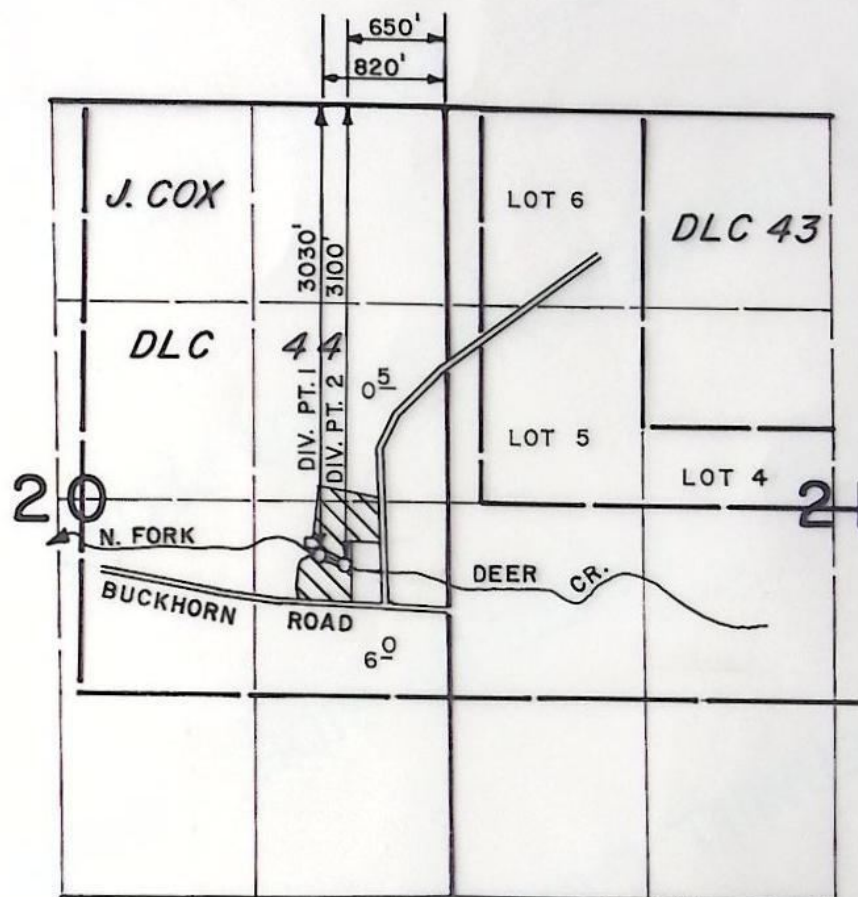
Cm. Ref.

Power Claim

Abstracts

425

T. 27 S., R. 4 W., W.M.



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER NUMBER 4228

Application No. Permit No.

IN NAME OF

DAVID L. & CHARLETTE A. MORTON

Surveyed JULY 12, 1984, by L. E. CASHION



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 2, 2001

David & Regina McMaster
206 Strader Road
Roseburg, OR. 97470

With regard to the Water Right Ownership Update and the associated water rights:

<u>Application #</u>	<u>Permit #</u>	<u>Certificate #</u>
T - 4228	S - 3732	76437

The Water Resources Department has reviewed and accepted the Water Right Ownership letter/form you submitted. A copy of this confirmation letter has been placed in the corresponding application, permit, certificate file in the Water Rights section of our department, along with a copy of the Water Right Ownership letter/form you submitted.

I have enclosed a copy of the certificated water right as it appears in our electronic data base. Since this right has gone to certificate, the person who was owner of record at the time the permit went to certificate is reflected as the owner. This should not concern you, since the paper file where all documentation pertaining to this right reflects you as the current owners. Please keep these documents with others that pertain to your property for future reference.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,

R. Craig Kohanek
Technical Services Division

C: W/R Application File

Use this form to tie well logs to WRIS points of diversions

WRIS Logids Data:

Log ID	Application	Permit	Certificate	pod	Status	TTC	RRC	S QQ Q
1	T 4228	S 3732	76437	1	V	27.00 S /	4.00 W -	20 NE SE
Basin num 16		Cert_date 2/28/2000	Permit Well Names					
source_type ST		supersedes 3399	Owner					
Logid Comments		Date Correlated	Correlated By					

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment
-	-	-	-	-	-
-	-	-	-	-	-

WRIS aquifer data:

Owners Well Names	unit_at_max_depth	Well Log Exists	No Well Log	BFS = Basin Fill Sediments
Aquifer Comments	primary_aquifer			BOR = Boring Lava
	confirmed_by			SAR = Sardine Fm.
	max_depth			CRB = Columbia River Basalt
				BCU = Basement Confining Units
				UN = Unknown
				? = Uncertain (add to above codes)
9999 if no available info				

WRIS pt_of_div data; Shows all uses listed for this pod in the pt.of.div file; POD file last updated from WRIS 07/28/2000.

WRIS Owner	DAVID L MORTON	MORTON, CHARLOTTE A
Street	4850 BUCKHORN RD	Stream1_name N FK DEER CR
City/state/zip	ROSEBURG OR 97470	Stream2_name DEER CR
Legal_desc	3030 FEET SOUTH & 820 FEET WEST FROM NE CORNER, SECTION 20	
basin num	16	
riv_mile	0	
priority use cat pas status	rate / div_units	duty / limit / other_limits
02/04/1918 IR 3 P V	.081 C	

Use this form to tie well logs to WRIS points of diversions

WRIS Logids Data:

Log ID	Application	Permit	Certificate	pod	Status	TTC	RRC	S	QQ	Q
1	T 4228	S 3732	76437	2	V	27.00 S /	4.00 W -	20	NE	SE
Basin num	16	Cert_date	2/28/2000	Permit Well Names						
source_type	ST	supersedes	3399	Owner						
Logid Comments		Date Correlated		Correlated By						

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment
-	-	-	-	-	-
-	-	-	-	-	-

WRIS aquifer data:

Owners Well Names	unit_at_max_depth	Well Log No	BFS = Basin Fill Sediments
Aquifer Comments	primary_aquifer	Exists Well Log	BOR = Boring Lava
	confirmed_by		SAR = Sardine Fm.
	max_depth		CRB = Columbia River Basalt
			BCU = Basement Confining Units
			UN = Unknown
			? = Uncertain (add to above codes)
9999 if no available info			

WRIS pt_of_div data; Shows all uses listed for this pod in the pt.of.div file; POD file last updated from WRIS 07/28/2000.

WRIS Owner	DAVID L MORTON	MORTON, CHARLOTTE A
Street	4850 BUCKHORN RD	Stream1_name N FK DEER CR
City/state/zip	ROSEBURG OR 97470	Stream2_name DEER CR
Legal_desc	31.00 FEET SOUTH & 65.0 FEET WEST FROM NE CORNER, SECTION 20	basin num 16
		riv_mile 0
priority use	cat pas status	rate / div_units
02/04/1918 IR	3 A V	.081 C
duty / limit / other_limits		

**Oregon Water Resources Department
Water Right Ownership Update Form**

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 any 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 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 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 378-8455.

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

Property Seller Information:

RECEIVED

MAR 01 2001

**WATER RESOURCES DEPT.
SALEM, OREGON**

Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____

Property Buyer Information:

Name: David & Regina McMaster
Street Address: 206 Stradan Rd
City: Roseburg State: OR Zip: 97470
Phone: 541 672-4374

Property Description (attach additional pages if necessary):

County: Douglas Township: T27S Range: 4W Section: 20 DA
Tax lot number(s): 1400

Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

ONLY THAT PORTION OF THE RIGHT NORTH OF THE
NORTH FORK OF DEER CREEK IS ON OUR
PROPERTY (APPROX. 4.5 ACRES)

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

Application #: _____ Permit #: 3732 Certificate #: 76437

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

Name of individual completing this form: _____ Signature: _____
Phone: _____ Date: _____

Place
Postage
Here

Oregon Water Resources Department
Technical Services - Ownership
158 12th Street, NE
Salem, Oregon 97301

W\W#15

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. AND CHARLOTTE A. MORTON
4850 BUCKHORN ROAD
ROSEBURG, OREGON 97470

confirms the right to use the waters of NORTH DEER CREEK, a tributary of SOUTH UMPQUA RIVER, for IRRIGATION OF 6.5 ACRES.

This right was perfected under Permit 3732. The date of priority is FEBRUARY 4, 1918. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.081 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SE 1/4, AS PROJECTED WITHIN J. COX DLC 44, SECTION 20, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.; 3030 FEET SOUTH AND 820 FEET WEST FROM THE NE CORNER OF SECTION 20; AND

NE 1/4 SE 1/4, AS PROJECTED WITHIN J. COX DLC 44, SECTION 20, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.; 3100 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 20.

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

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

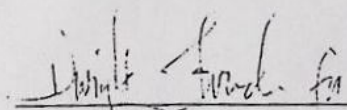
SE 1/4 NE 1/4 0.5 ACRE
NE 1/4 SE 1/4 6.0 ACRES
BOTH AS PROJECTED WITHIN J. COX DLC 44
SECTION 20
TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered FEBRUARY 9, 1981, and together with Certificates 50127, 50128, Transfer No.'s T-4633 and T-4639, supersedes Certificate 3399, State Record of Water Right Certificates.

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.

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

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76437.

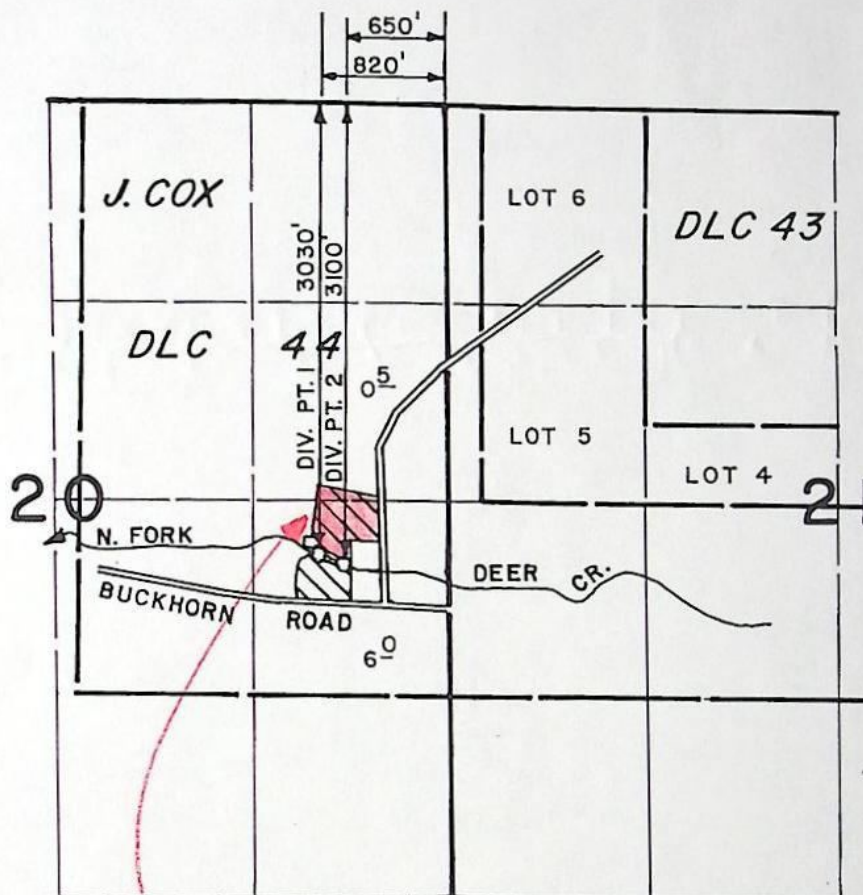
T-4228.SB

RECEIVED

MAR 01 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T. 27 S., R. 4 W., W.M.



TAX LOT 1400

SCALE: 4" = 1 MILE

FINAL PROOF SURVEY

UNDER

TRANSFER NUMBER 4228

Application No. Permit No.
IN NAME OF

DAVID L. & CHARLETTE A. MORTON

Surveyed JULY 12, 1984, by L. E. CASHION....

RECEIVED

MAR 01 2001

WATER RESOURCES DEPT.
SALEM, OREGON

OK

88-16467

WARRANTY DEED

BOOK 1040 PAGE 118

KNOW ALL MEN BY THESE PRESENTS, That Randy S. McKinney hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by David McMaster and Regina Lee McMaster, 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:

SEE EXHIBIT "A" ATTACHED HERETO

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except 1988-89 taxes, taxes have been deferred pursuant to ORS 308.370 to 308.403(Farm land), rights of way and easement of record

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 65,000.00

However, the above consideration shall not be deemed to include any taxes, liens, or other charges which may be levied against the property, and the grantor shall be responsible for the payment of the same. (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of November, 1988; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

Randy S. McKinney

STATE OF OREGON, }
County of Douglas } ss.
Nov. 7, 1988

Personally appeared the above named Randy S. McKinney

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: 8-30-89

STATE OF OREGON, County of _____, 19____

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

_____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: _____ (If executed by a corporation, affix corporate seal)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

David McMaster and Regina Lee McMaster
206 Strader Rd.
Roseburg, OR 97470
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:
same as above

COMMERCIAL TITLE CO.
P.O. BOX 1325
ROSEBURG, OREGON 97470
NAME, ADDRESS, ZIP

STATE OF OREGON, }
County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By _____ Deputy

SPACE RESERVED FOR RECORDER'S USE

MAR 01 2001

WATER RESOURCES DEPT. SALEM, OREGON

EXHIBIT "A"

That portion of the following described real property lying Northerly of the center line of Deer Creek: BEGINNING at a U bar in the North right of way line of the Buckhorn County Road No. 17, from which the Southwest corner of the James Cox D. L. C. No. 44 bears North 88° 28' 30" West 120 feet, South 0° 57' West 651.6 feet and North 89° 08' 30" West 1342.6 feet; thence South 88° 28' 30" East 176.4 feet and South 86° 30' East 412.7 feet along the North right of way line of the said County Road No. 17 to a 3/4" iron pipe at its intersection with the West right of way line of the Strader County Road No. 136; thence North 2° 55' West 704.2 feet along the West right of way line of said Road No. 136 to a 3/4" iron pipe at its intersection with the South boundary of the property conveyed to Shelby Matthews as described in Book 84, Page 97, Deed Records of Douglas County, Oregon; thence North 78° 28' West 672.7 feet along the South boundary of said Matthews property to a 3/4 inch iron pipe at the Northeast corner of the property conveyed to Harvey Wm. and Ethel May Chrisler, as described in Volume 101, Page 137, Deed Records of Douglas County, Oregon; thence South 0° 57' West 341.8 feet to a half inch iron pipe at the Northwest corner of the property conveyed to Willie Ralph Mills and described in Volume 193, Recorder's No. 122637 of said Deed Records; thence South 88° 28' 30" East 120 feet along the North boundary of said Mills property to a half inch iron pipe at the Northeast corner thereof; thence South 0° 57' West 463 feet along the East boundary of said Mills property to the place of beginning, in Section 20, Township 27 South, Range 4 West, W. M., Douglas County, Oregon. EXCEPT parcels to Douglas E. Morberg, et ux, by Recorder's No. 73-12907 and Paul E. Wise, et ux, by Recorder's No. 76-1891, records of Douglas County, Oregon.

Tax Card No. 8463.38 & 8463.39

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1988 NOV -9 PM 2:09

DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY

[Signature]
DEPUTY
FEE *[Signature]*

88-16467

RECEIVED

MAR 01 2001

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CARL L. and SONJA K. MASON

of 4837 Buckhorn Road, 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 Deer Creek

a tributary of South Umpqua River for the purpose of irrigation of 0.3 acre

under Permit No. 3732 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 4, 1918 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 0.003 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T27S, R4W, WM

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,

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:

0.3 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within James Cox DLC 44
Section 20
Township 27 South, Range 4 West, WM

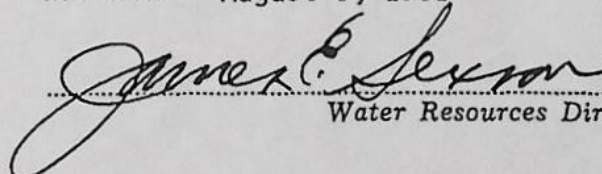
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 3399, Volume 4, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director approving Transfer Applications 4228, 4633 and 4639, and correctly describing the place of use.

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.

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. August 5, 1981


Water Resources Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLIFFORD and ALICE MARIE COUNTS and
ARNOLD R. and OPAL G. COUNTS

of 1449 Reservoir Street, 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 Deer Creek

a tributary of South Umpqua River for the purpose of
irrigation of 9.3 acres

under Permit No. 3732 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 4, 1918

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
0.12 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

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-eighth 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:

1.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within James Cox DLC 44
7.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within James Cox DLC 44

Section 20
Township 27 South, Range 4 West, WM

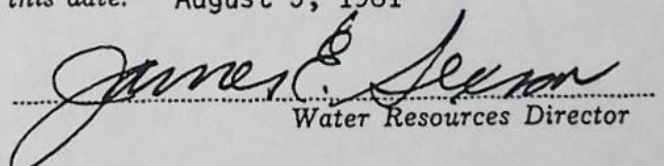
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 3399, Volume 4, State Record of Water Right
Certificates, NOT modified by the provisions of orders of the Water Resources
Director approving Transfer Applications 4228, 4633, and 4639, and correctly
describing the place of use.

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.

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. August 5, 1981


Water Resources Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. AND CHARLOTTE A. MORTON
4850 BUCKHORN ROAD
ROSEBURG, OREGON 97470

confirms the right to use the waters of NORTH DEER CREEK, a tributary of SOUTH UMPQUA RIVER, for IRRIGATION OF 6.5 ACRES.

This right was perfected under Permit 3732. The date of priority is FEBRUARY 4, 1918. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.081 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SE 1/4, AS PROJECTED WITHIN J. COX DLC 44, SECTION 20, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.; 3030 FEET SOUTH AND 820 FEET WEST FROM THE NE CORNER OF SECTION 20; AND

NE 1/4 SE 1/4, AS PROJECTED WITHIN J. COX DLC 44, SECTION 20, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.; 3100 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 20.

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

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

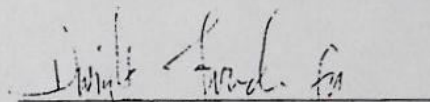
SE 1/4 NE 1/4 0.5 ACRE
NE 1/4 SE 1/4 6.0 ACRES
BOTH AS PROJECTED WITHIN J. COX DLC 44
SECTION 20
TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered FEBRUARY 9, 1981, and together with Certificates 50127, 50128, Transfer No.'s T-4633 and T-4639, supersedes Certificate 3399, State Record of Water Right Certificates.

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.

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

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76437.

T-4228.SB

RIGHT FOR CHANGE
RECEIVED

Add'l POD

Transfer No. 4228

County Douglas

Old Certificate No. 3399

WATER RESOURCES DEPT.
SALEM, OREGON

1. Name David L. & Charlotte A. Morton

Address 4850 Buckhorn Rd

Roseburg, OR 97470

2. Source of Water N. F. Deer Creek Trib of S. Umpqua R

3. Use irrigation

4. Amount of Water 0.29 cfs

5. Priority Date Feb 4, 1918 3030 S 820 3100

6. Proposed Point of Diversion (1) ²²⁴⁰ 2270 Ft N ⁸³⁰ 800 Ft W; (2) ²¹⁹⁰ 2190 Ft N ³ 670 Ft W, both from ^{NE} SE Corner, Section 20, both within

NE 1/4 SE 1/4, Section 20, T27S, R4W, WM AND WITHIN COX D.L.C. #44

7. Completion Date 10-1-82

8. Place of Use:

[illegible]

T-422B

RECEIVED

DEC 16 1986

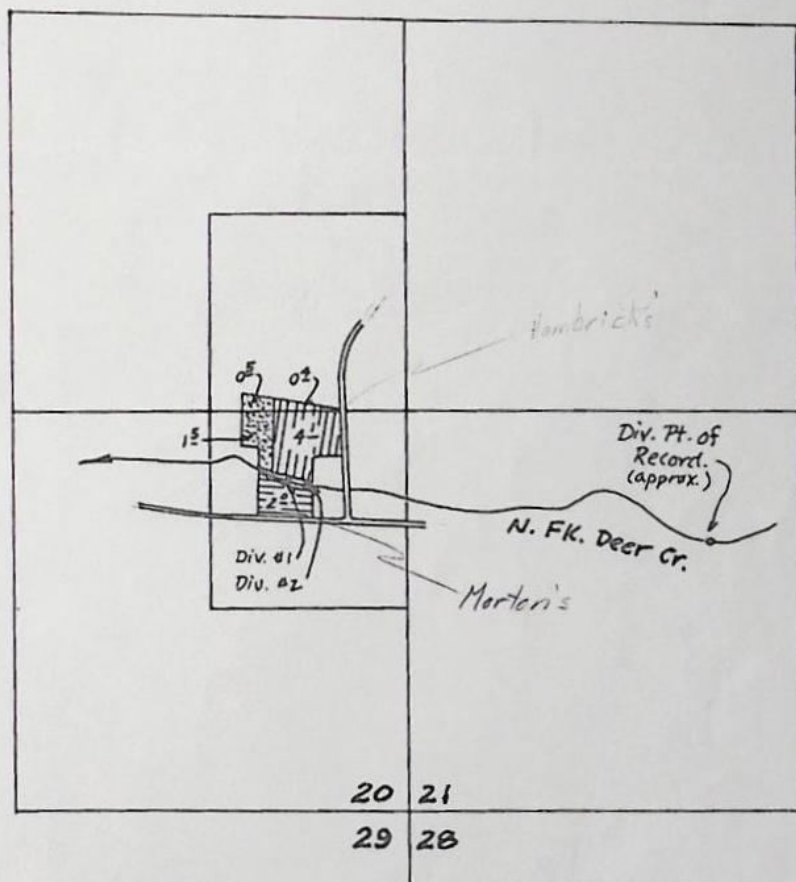
WATER RESOURCES DEPT.
SALEM, OREGON

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MAY 25 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T.27S. R.4W. W.M.



Scale: 4" = 1 mile



Transfer from



Transfer to and change Div. Pt. (#1)



Change in Div. Pt. only (#2)

Proposed Div. #1 - 2220' N and 800' W }
Proposed Div. #2 - 2180' N. and 670' W. } from SE cor. Sec. 20

L

Info: Property north of creek has been sold to Wallace Hambrick. He uses POD #2. Property south of creek still owned by Nortons. Mrs Norton and her teenage son indicate pump location (POD #1), pipe and POU motor property south of creek.

SOURCE: N. Fork of Deer Creek

Use: irrigation of lawn & garden

Dir Pt: directly out of creek

Pump: Sta-Rite 1HP motor @ 3450 RPM / CDD pump 1 1/4" x 1"
POD #1

Pipe: 1" main line PVC ~50' underground, rest is visible in yard

1/2" PVC and garden hose laterals

Pipe is currently lying out in yard and full coverage is provided

Heads: 4 max @ one time

2 small plastic RB

1 5/32" RB

1 3/32" RB

1 garden sprinkler

soaker hose

} seen on property

Photo: 41019-378 285 P

Lift: 30' max

Remarks: Norton sold property north of Creek. Above information applies to acreage south of creek. Property is well cared for. Majority of irrigation is on western 2/3 of property.

Info on northern property (POD #2)

Pump: F&W 2HP motor @ 3450 RPM; CDD pump 2" x 1 1/2"

Lift: 20'

Pipe: 350' of 3" ϕ PVC mainline underground
600' of 2" ϕ alum. laterals

Heads: 7 5/32" RB @ one time (per Hambrick)

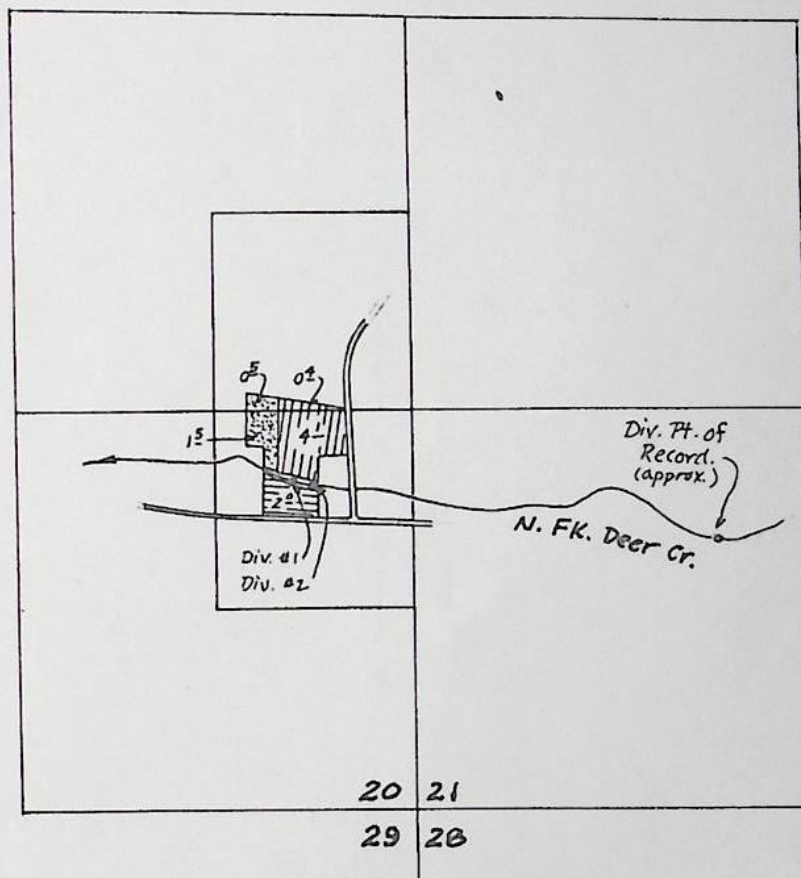
Dir Pt: directly out of creek

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MAY 25 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T. 27S. R. 4W. W.M.



Scale: 4" = 1 mile



Transfer from



Transfer to and change Div. Pt. (#1)

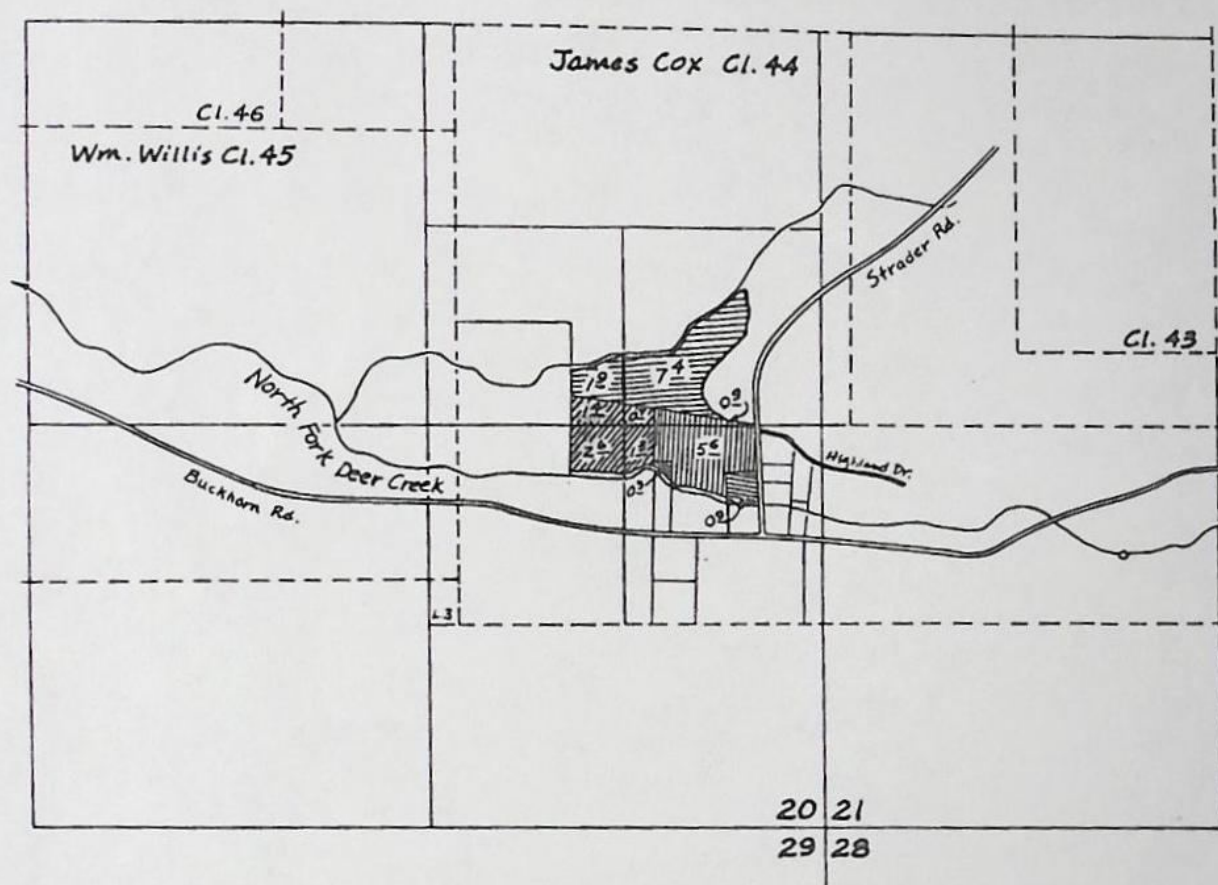


Change in Div. Pt. only (#2)

Proposed Div. #1 - 2220' N and 800' W }
Proposed Div. #2 - 2180' N. and 670' W. } from SE cor. Sec. 20

T.27S. R.4W. W.M.






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JUL 1950
WATER RESOURCES DEPT
WASHINGTON, D.C.



Scale: 4" = 1 mile

Application No. 5970

Tax Acct. No's.

- | | | |
|---|------------------|------------|
|  | 8461-00 | (Brumbach) |
|  | 8463-04 1/2 - 40 | |
|  | 8463-38 1/2 - 39 | |
|  | 8463-34 1/2 - 37 | |
|  | 8454-00 | |

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
DAVID L. AND CHARLOTTE A. MORTON)
FOR APPROVAL OF CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 4228

On May 25, 1979, an application was filed in the office of the Water Resources Director by David L. and Charlotte A. Morton, for approval of changes in place of use and point of diversion of water from North Fork Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3399, Volume 4, State Record of Water Right Certificates, in the name of G.A. Lindblom, describes a right for use of not to exceed 0.29 cubic foot per second from North Fork Deer Creek, under a priority date of February 4, 1918, for irrigation of a certain 23.0 acres within S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 20, Township 27 South, Range 4 West, WM.

The authorized point of diversion is located near the center of the NE 1/4 SW 1/4 of Section 21, Township 27 South, Range 4 West, WM.

The applicants herein, together with Joseph W. Brumbach, Paul E. and Joan M. Wise, Carl L. and Sonja K. Mason, and Clifford W., Alice, Arnold R. and Opal G. Counts, being owners of record of the place of use of water in question, have submitted affidavits stating that the certificate does not correctly describe the actual place of use, and request the certificate be corrected to describe the place of use as being 1.4 acres in SW 1/4 NE 1/4, 0.7 acre in SE 1/4 NE 1/4, 1.3 acres in NE 1/4 SE 1/4, 2.6 acres in NW 1/4 SE 1/4 (Brumbach); 0.3 acre in NE 1/4 SE 1/4 (Mason); 0.9 acre in SE 1/4 NE 1/4, 5.6 acres in NE 1/4 SE 1/4 (Morton); 0.9 acre in NE 1/4 SE 1/4 (Wise); and 1.9 acres in SW 1/4 NE 1/4 and 7.4 acres in SE 1/4 NE 1/4 (Counts), Section 20, Township 27 South, Range 4 West, WM.

The applicants further propose to sever the right from 0.9 acre in SE 1/4 NE 1/4 and 5.6 acres in NE 1/4 SE 1/4 and, without loss of priority, to irrigate in lieu thereof a certain 0.4 acre in SE 1/4 NE 1/4 and 6.1 acres in NE 1/4 SE 1/4 from two points located 1) 2,220 feet North and 800 feet West and 2) 2,180 feet North and 670 feet West, both from Southeast Corner of Section 20, both within NE 1/4 SE 1/4, Section 20, Township 27 South, Range 4 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of November 3, 10 and 17, 1980.

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

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

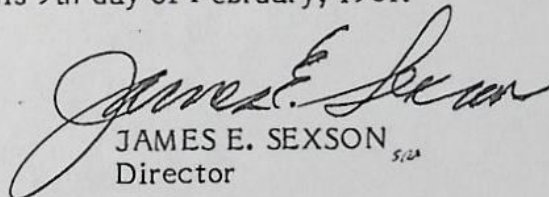
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1982.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

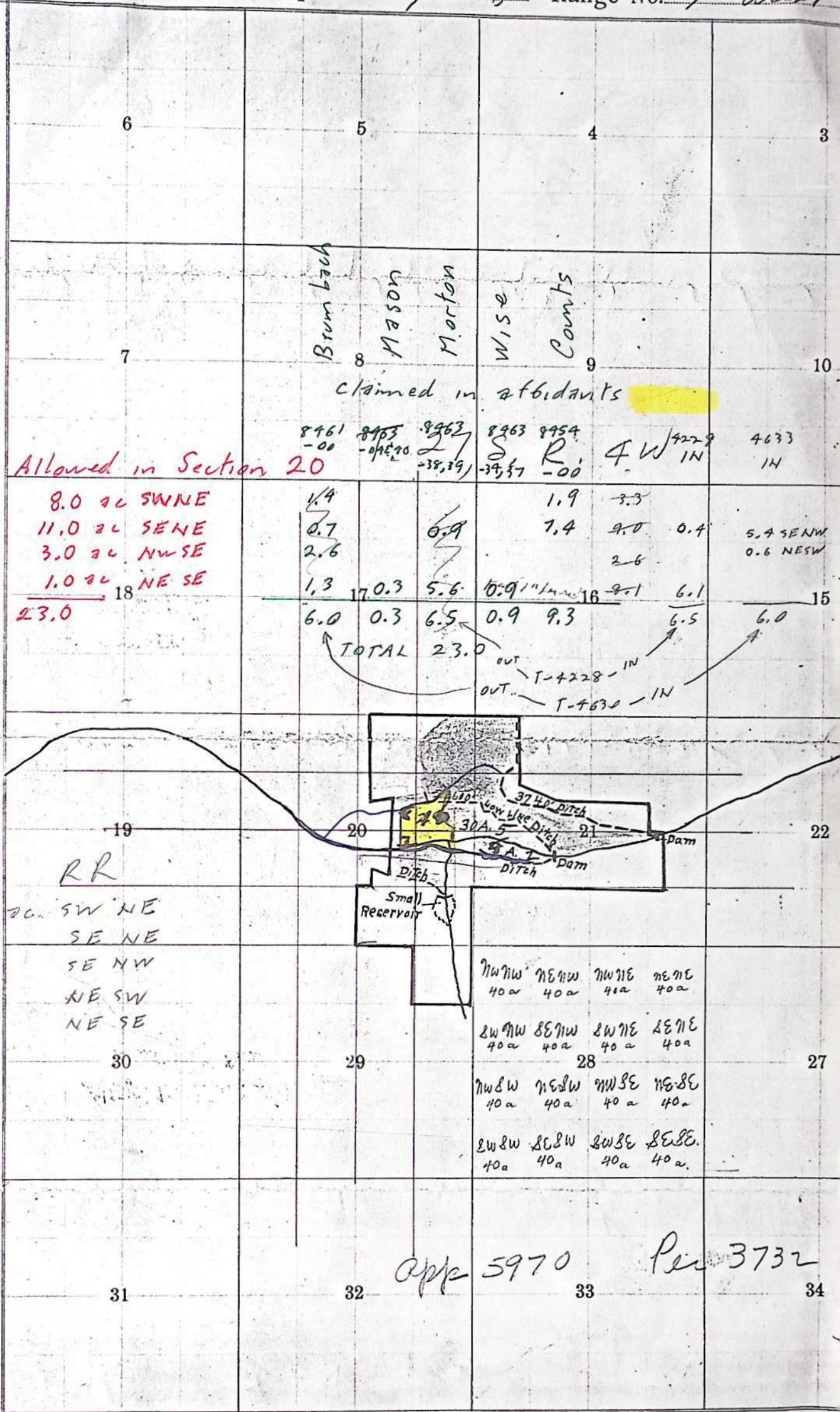
It is FURTHER ORDERED that the certificate recorded at page 3399, Volume 4, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued correctly describing the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources 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 9th day of February, 1981.


JAMES E. SEXSON
Director



Township No. 27 S Range No. 4 West



T-4228

RECEIVED

MAY 25 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, DAVID L. & CHARLOTTE A MORTON

(Name of applicant)

of 4850 BUCKHORN ROAD

(Mailing address)

ROSEBURG,

(City)

State of OREGON97470

(Zip Code)

672-0945

(Phone number)

do hereby make application for change

IN POINT OF DIVERSION, & TRANSFER OF WATER RIGHT

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? G.A. Lindbloom

(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 3732 Number of certificate 3399

App. # 5970

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 N. Fork Deer Cr.5. What is the date of priority of your water right? Feb. 4, 1918

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 $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 Tp. 27S R. 4W 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 #1-2220' N. & 800' W#2-2180' N

(N. or S.)

and 670' ft. W

(E. or W.)

from the SE corner of Sec. 20 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 Tp. 27S R. 4W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Douglas. 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
27S	4W	20	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9
27S	4W	20	NE $\frac{1}{4}$ SB $\frac{1}{4}$	5.6

(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
27S	4W	20	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4
27S	4W	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.1

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are TO ALLOW PUMPING DIRECTLY OUT OF CREEK AND TO IRRIGATE PROPERTIES ON BOTH SIDES OF CREEK.

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 _____

THIS APPLICATION PREPARED BY:

GR Ball

FROM INFORMATION FURNISHED BY
THE APPLICANT.

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, DAVID L. & CHARLOTTE A. MORTON, the applicants 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 _____ day of _____, 19____.

[Signature]

(Name of applicant)

Subscribed and sworn to before me this 23 day of May, 1979.

Charlotte A. Morton

[Notarial Seal]



Joan D. Harvey

NOTARY PUBLIC FOR OREGON

My commission expires 9/1/82

January 26, 1994

WATER
RESOURCES
DEPARTMENT

Douglas Morberg
124 Strader Road
Roseburg, OR 97470

REFERENCE: Transfer 6771

We began the examination of your transfer application.

The water right you are requesting to transfer is involved in an earlier water right transfer, 4228. A new water right certificate for the earlier transfer still needs to be issued before we may complete processing your transfer request.

I have asked our Certification Section to process the certificate. However, they have been directed to work on new water right applications. It may be sometime yet before they will be able to issue the new certificate.

In the meantime, there are some problems with your transfer application that need correction.

According to information provided by our local Watermaster's office, the land the water right is coming from is owned by David and Regina McMaster. We need a copy of the current deed for the land the water right is coming from. We also need notarized statements from all owners listed on the deed giving permission for the transfer.

Once the new water right certificate is issued, the transfer application will need to be amended to include the new certificate number, the correct diversion point location, and the county.

We will withhold further action on your transfer application until the confirming certificate for transfer 4228 is issued. At that time we will return your transfer application for amendment. In the meantime you may wish to get the deed copy and permission statements.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Douglas Morberg
REFERENCE: Transfer 6771
January 26, 1994

Page 2

If you have any questions, please call the Water Rights Section,
(503) 378-3739.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

cc: M. John Youngquist
Gary Ball, Watermaster
Maurice E. Farr, CWRE



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NOV 18 1988

WATER RESOURCES DEPT.
SALEM, OREGON

Department of Veterans' Affairs

OREGON VETERANS' BUILDING, 700 SUMMER STREET NE., SALEM, OREGON 97310-1201

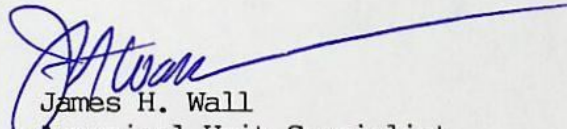
November 17, 1988

Oregon Department of Water Resources
3850 Portland Road N. E.
Salem, OR 97310

DVA Ref. file: P-32277
WRD Ref. file: Application T4228

This account is now paid-in-full and the Department of Veterans' Affairs no longer has any interest in the status of the water rights.

Thank you,


James H. Wall
Appraisal Unit Specialist
373-2190

gs

OREGON



Department of Veterans' Affairs

NOTICE OF INTEREST IN WATER RIGHT

TO: Director of Water Resources
3850 Portland Road N.E.
Salem, Oregon 97310

DATE SENT TO
WATER RESOURCES

FEB 21 1986

DATE RETURNED
TO DVA

DATE REC'D BY WATER RESOURCES

RECEIVED

FEB 21 1986

WATER RESOURCES DEPT.
SALEM, OREGON

This is to notify you of an interest in the following described water right:

LOAN NUMBER P32277	FIELD OFFICE Roseburg	COUNTY Douglas	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) Hambrick, Wallace L.			
MAILING ADDRESS			

COMMENTS

PROPERTY AND WATER RIGHT INFORMATION

TOWNSHIP

27 S

RANGE

4 W

SECTION

20

APPLICATION NUMBER:

T 4228

PERMIT

NUMBER:

ACRES:

STATUS:

**4.5 Ac
Survey No**

CERTIFICATE

NUMBER:

ACRES:

IRRIGATION
DISTRICT

NUMBER:

DOMESTIC
WATER

NUMBER:

COMMENTS

2-25-86**DM**

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:



Legal Descriptions



Plat Maps



Please return copy to ODVA



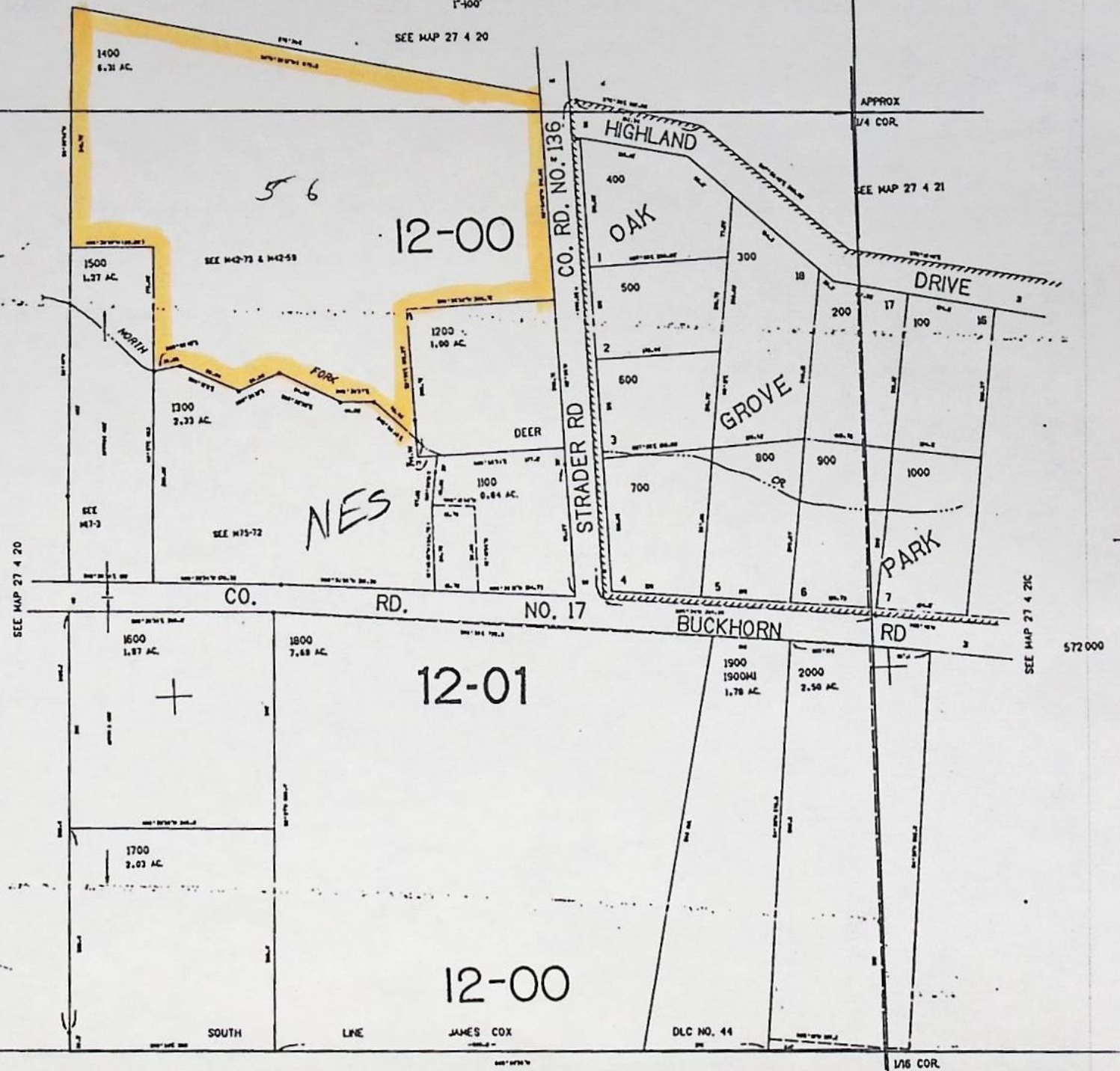
NE1/4 SE1/4 SEC. 20 T.27S. R.4W. W.M.
DOUGLAS COUNTY

27 4 20DA

SCALE 1:8600



SCALE 1:2400



SEE MAP 27 4 20

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NOV 8 1982

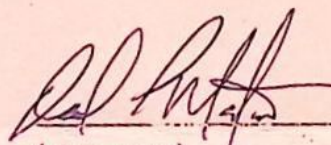
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
place of use of water
point of diversion of water
use heretofore made of water

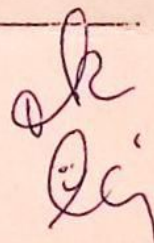
Under the Terms of TRANSFER APPLICATION 4228

I, DAVID L MORTON, 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 SEPT 15, 1982

11/3/82
(date)


(signature)

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



Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being first duly sworn, depose and say that I am the Office Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the

Notice of Water Right Transfer

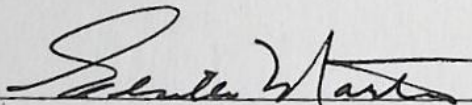
Application NO 4228

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues:

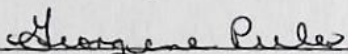
November 3, 10, 17, 1980

The fee actually charged by such newspaper for such publication is \$ 52.92



Subscribed and sworn to before me this 17th day of

November, 1980


Notary Public of Oregon

My Commission expires 26 day of June, 1984

**NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4228**

On May 25, 1979, an application was filed in the office of the Water Resources Director by David L. & Charlotte A. Morton, for approval of changes in place of use & point of diversion of water from N. Fk. Deer Cr., pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3399, Vol. 4, State Record of Water Right Certificates, in the name of G.A. Lindblom, describes a right for use of not to exceed 0.29 cubic foot per second from N. Fk. Deer Cr., under a priority date of February 4, 1918, for irrigation of a certain 23.0 ac within S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 20, T27S, R4W, WM.

The authorized point of diversion is located near the center of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 21, T27S, R4W, WM.

The applicants propose to change the place of use for 2.0 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 20; and to change from the aforesaid point of diversion to obtain water for these 2.0 ac, plus another 4.5 ac within the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$, from 2 points located (1) 2220 ft N & 800 ft W, and (2) 2180 ft N & 670 ft W, both from SE Corner, Sec 20, both within NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 20, T27S, R4W, WM.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Tuesday, December 23, 1980, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at 4850 Buckhorn Rd, Roseburg, OR 97470; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon, this 28th day of October, 1980.

James E. Sexson,
Director
Inv. #6903, Pub. Dates: Nov. 3, 10, 17, 1980.

OK
SRA

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NOV 18 1980

WATER RESOURCES DEPT
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 31, 1979

David L. & Charlotte A. Morton
4850 Buckhorn Road
Roseburg, Oregon 97470

RE: File No. T-4228

Dear Mr. and Mrs. Morton:

Your water right transfer application for approval of changes in place of use and point of diversion of water from North Fork Deer Creek, together with supporting data and payment of fees in the amount of \$110, was received May 25, 1979. Our receipt No. 11125 is enclosed.

By copy of this letter, we are asking the watermaster for his report regarding the proposed change.

When examination of the application and supporting data has been completed, you will be advised of any matters requiring your further attention prior to preparing the notice for publication.

Please refer any correspondence to file No. T-4228.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

cc: M. John Youngquist, Watermaster

JOHN: the acreage listed in item #8 is not in agreement with the acreage as described in the certificate 3399. If Mr. & Mrs. Morton wish to claim that the water right as presently described in the certificate is in error, it will be necessary to follow the procedure as stated in the interoffice memo dated Dec. 22, 1978, to all watermasters relative to 'Correction of Water Right Records'. I believe this application was one mentioned during a telephone discussion I had with Gary Ball May 24, 1979. Incidentally, there appears to be an overlap at the proposed place of use with the right described by certificate 39976 (permit #33809).

WJO



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 6-11, 1979FROM: ** M. John Youngquist, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4228IN THE NAME OF David L. & Charlotte A. Morton

RECEIVED
JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed changes in place of use & point of diversion from No. Fk. Deer
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right. Cr.

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? Yes

(yes or no)

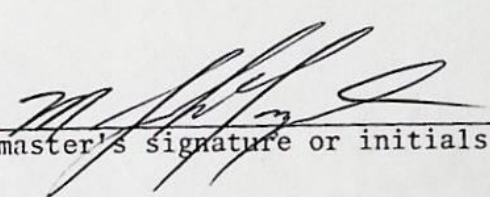
In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

 (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 _____

**


Watermaster's signature or initials

7-9-79

File: 5970 T-4228

Proof of appropriation under permit 3732 was by affidavit of the land owner. The affidavit looks clear enough but the map showing irrigated area is extremely vague. I believe correction of the records to ^{show} the location of the lands irrigated as defined in Gary Ball's map is most desirable. To accomplish this - we will need an affidavit from each owner of the lands involved, including the owner of ~~the~~ ^{any} tract of land which presently appears to have a right for irrigation but is not actually irrigated.

I recommend that Gary Ball secure the necessary affidavits and when all is in order, a draft of the ~~correction~~ proposed correction certificate be discussed with the Director.

Newt

SCHEDULE A

Date May 3, 1977

At 8:00 A.M.

RECEIVED

MAY 25 1979

WATER RESOURCES DEPT.
SALEM, OREGON

INSURED

SCHEDULE B

DAVID L. MORTON and CHARLOTTE A. MORTON

This policy does not insure against loss or damage to insured property caused by fire, explosion, riot or all of which.

The estate or interest referred to herein is, at the date hereof, vested in

David L. Morton and Charlotte A. Morton as tenants by the entirety

The land referred to in this policy is described as

Beginning at a U bar in the north right of way line of the Buckhorn County Road No. 17, from which the southwest corner of the James Cox Donation Land Claim No. 44 bears North 88°28'30" West 120 feet, South 0°57' West 651.6 feet and North 89°08'30" West 1342.6 feet; thence South 88°28'30" East 176.4 feet and South 86°30' East 412.7 feet along the north right of way line of the said County Road No. 17 to a 3/4 inch iron pipe at its intersection with the west right of way line of the Strader County Road No. 136; thence North 2°55' West 704.2 feet along the west right of way line of said road 136 feet to a 3/4 inch iron pipe at its intersection with the south boundary of the property conveyed to Shelby Matthews as described in Volume 84, Page 97 of the Deed Records of Douglas County, Oregon; thence North 78°28' West 672.7 feet along the south boundary of said Matthews property to a 3/4 inch iron pipe at the Northeast corner of the property conveyed to Harvey Wm. and Ethel May Chrisler, as described in Volume 101, Page 137 of the Deed Records; thence South 0°57' West 341.8 feet to a half inch iron pipe at the Northwest corner of the property conveyed to Willie Ralph Mills and described in Volume 193, Recorder's No. 122637 of said Deed Records; thence South 88°28'30" East 120 feet along the north boundary of said Mills property to a half inch iron pipe at the Northeast corner thereof; thence South 0°57' West 463 feet along the east boundary of said Mills property to the place of beginning, in Section 20, Township 27 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT parcels to Douglas E. Morberg, et ux, by Recorder's No. 73-12907, and Paul E. Wise, et ux, by Recorder's No. 76-1891, records of Douglas County, Oregon.

AFFIDAVIT

RECEIVED

SEP 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
) ss.
County of Douglas)

We, Clifford W., Alice, Arnold R., & Opal G. Counts,
being first duly sworn, depose and say that we are the legal
owners of the lands described in the attached legal description
and the water right appurtenant thereto, which is a portion of
the water right evidenced by Certificate of Water Right No. 3399;
namely, for the irrigation of 1.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and
7.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within James Cox DLC No. 44,
Section 20, Township 27 South, Range 4 West W.M. Inasmuch as said
Certificate does not accurately locate these lands, we hereby
request the Water Resources Director to correct the Certificate
so that it will correctly describe the place of use.

IN WITNESS WHEREOF, we have set our hands this 23
day of September, 1979.

Clifford W. Counts
Alice Counts
Arnold R. Counts
Opal G. Counts

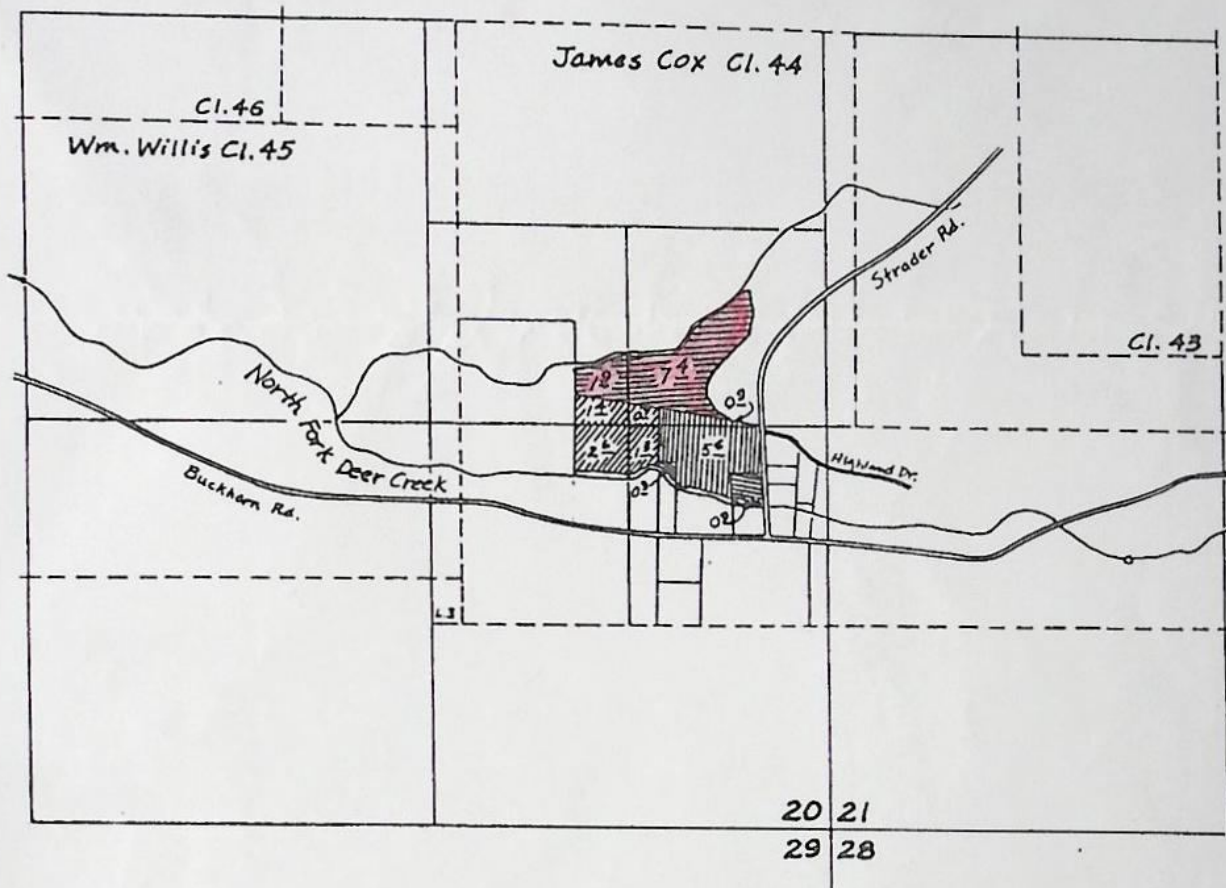
Subscribed and sworn to before me this 23 day of
September, 1979.

Nancy J. Jarvis
Notary Public of Oregon

My Commission expires 3-27-81








T. 27 S. R. 4 W. W.M.



Scale: $4'' = 1 \text{ mile}$

Application No. 5970

Tax Acct. No's.

 8461-00
 8463-04 $\frac{1}{2}$ - 40
 8463-5B $\frac{1}{2}$ - 39
 8463-34 $\frac{1}{2}$ - 37
 8454-00 (Counts)

RECEIVED
SEP 26 1980
WATER RESOURCES DEPT
SALEM, OREGON

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS That HARRY D. MATTHEWS and MARGARET MATTHEWS, husband and wife; and FRANCES M. WALKER, daughter and sole legatee of Dennis Matthews, deceased, and LESTER WALKER, her husband; the said Harry D. Matthews and Dennis Matthews being the sole and only heirs at law of Shelby B. Matthews, deceased; hereinafter called Grantors, hereby remise, release and quit claim unto CLIFFORD COUNTS and ALICE MARIE COUNTS, husband and wife, Grantees, an undivided one-half interest, and unto ARNOLD COUNTS, also known as ARNOLD R. COUNTS, and OPAL G. COUNTS, husband and wife, Grantees, an undivided one-half interest, and unto said Grantees heirs, successors and assigns all of the Grantors' rights, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Douglas, State of Oregon, described on Exhibit A attached hereto and by this reference made a part hereof.

To have and to hold the same unto the said Grantees and Grantees' heirs, successors and assigns forever.

WITNESS GRANTORS' hands and seals this 22 day of April, 1970

Harry D. Matthews
Harry D. Matthews

Frances M. Walker
Frances M. Walker

Margaret Matthews
Margaret Matthews

Lester Walker
Lester Walker

STATE OF Washington)
County of Walla Walla) ss.

On this 22 day of April, 1970, personally appeared before me the above-named Harry D. Matthews and Margaret Matthews, husband and wife, and acknowledged the foregoing instrument as their voluntary act and deed.

Robert M. Wainwright
Notary Public for
My Commission Expires:

March 12, 1972

STATE OF OREGON)
County of Douglas) ss.

On this 22nd day of APRIL, 1970, personally appeared before me the above-named Frances M. Walker and Lester Walker, her husband, and acknowledged the foregoing instrument as their voluntary act and deed.

William S. Carlson
Notary Public for Oregon
My Commission Expires: Aug. 29, 1972

RECEIVED

SEP 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

All that part of the following described property lying northerly of the County Road crossing said property; The Northeast quarter of the Northeast quarter (NE1/4NE1/4) of Section 21, Township 27 South of Range 4 West, W.M., Douglas County, Oregon.

Also beginning at the center of Section 21 in Township 27 South, Range 4 West, Douglas County, Oregon; thence East 175.9 feet to the Northeast corner of the James Cox Claim No. 44; thence South 211.9 feet to center line of county road; thence along center line of county road South 84° 54' West to the center line of Section 21; thence North to the beginning.

Beginning at the quarter section post between Sections 16 and 21, Township 27 South, Range 4 West, W.M.; thence East on said Section line, between said Sections, 117 rods; thence North 24 rods; thence West 117 rods; thence South 18 rods to place of beginning.

Also Lot 1, Section 21. Also Lot 2, Section 21. Also that part of the following described premises lying North and West of the center line of the Fall Creek County Road, as now located in Township 27 South, Range 4 West, W.M., Between the West line of Lot 3 of Section 21 and the East line of the Northwest quarter of Section 22, to-wit: Lot 3 and the Northeast quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter of Section 21, and the Northwest quarter of Section 22 (excepting however from the last described tract a piece or parcel of land conveyed by C. H. Oden, et ux to C. V. Oden, the deed for which is recorded in Volume 63 Deed Records, Page 32). Said center line of said County Road being particularly described as follows, to-wit:

Beginning at a point in the West line of Lot 3, Section 21, Township 27 South, Range 4 West, 16.99 chains South from the Northwest corner thereof; thence North 71° 30' East 4.50 chains; thence North 66° 10' East 6.50 chains; thence North 59° 15' East 3.50 chains; thence North 65° 30' East 5.00 chains; thence North 03° 00' East 8.00 chains; thence North 81° 00' East 2.75 chains; thence North 26° 30' East 4.95 chains; thence North 15° 00' West 4.16 chains; thence North 49° 40' East 5.64 chains; thence North 54° 20' East 4.00 chains; thence North 51° 45' East 10.50 chains; thence North 58° 30' East 5.00 chains; thence North 53° 30' East 3.00 chains; thence North 57° 00' East 5.25 chains; thence North 03° 40' East 5.05 chains; thence North 64° 40' East 16.70 chains to a point in the east line of the Northwest quarter of Section 22, Township 27 South, Range 4 West, 12.12 chains South from the quarter section post between Sections 15 and 22, all in Township 27 South, Range 4 West, W.M., in Douglas County, Oregon.

RECEIVED

SEP 26 1980

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

RECEIVED
JUN 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

We, Joseph W. Brumbach,

being first duly sworn, depose and say that we are the legal owners of the lands described in the attached legal description and the water right appurtenant thereto, which is a portion of the water right evidenced by Certificate of Water Right No. 3399; namely, for the irrigation of 1.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.6 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 1.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within James Cox DLC No. 44, Section 20, Township 27 South, Range 4 West W.M. Inasmuch as said Certificate does not accurately locate these lands, we hereby request the Water Resources Director to correct the Certificate so that it will correctly describe the place of use.

IN WITNESS WHEREOF, we have set our hands this 21
day of January, 1980.

Joseph W. Brumbach

Subscribed and sworn to before me this 21st day of
January, 1980.

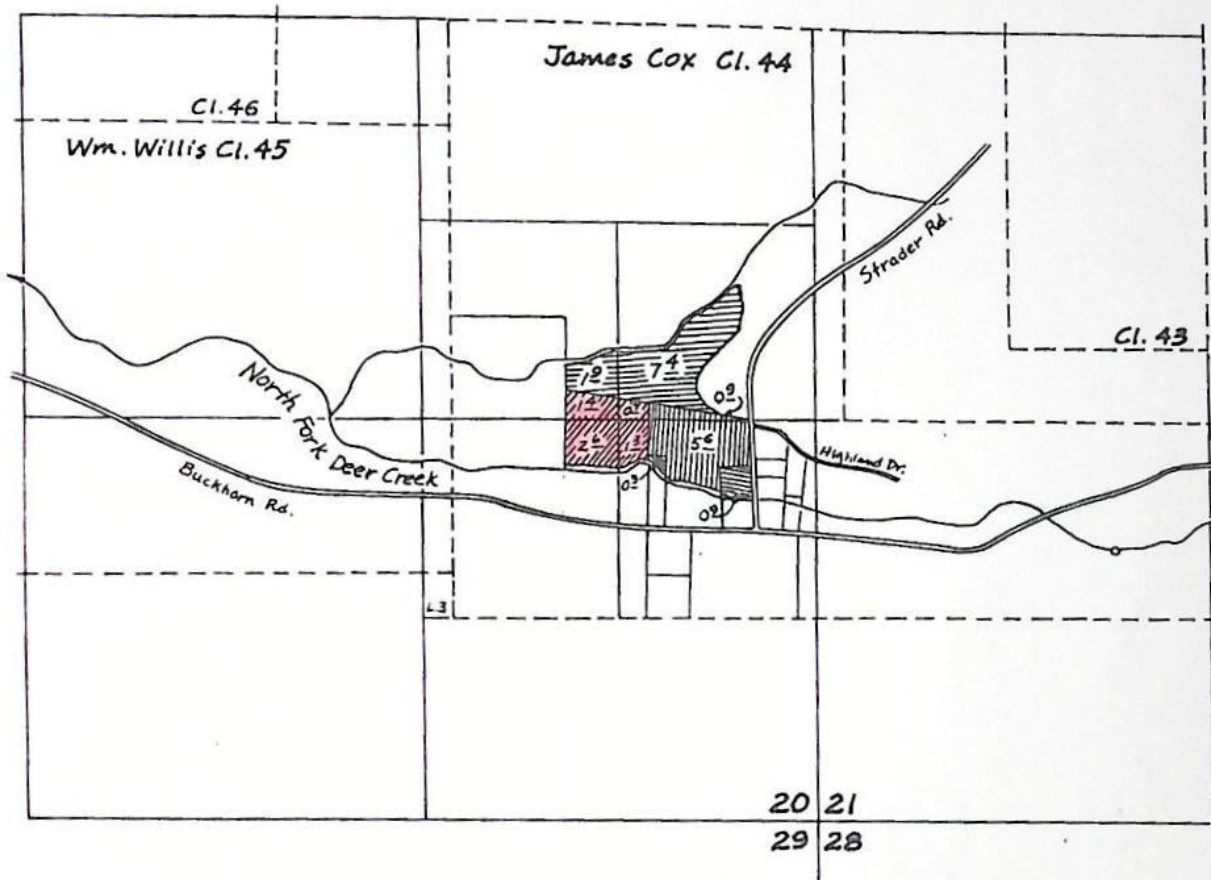
Elaine Youngquist
Notary Public of Oregon

My Commission expires 8-4-82



T.27S. R.4W. W.M.






RECEIVED
JUN 5 1980
WATER RESOURCES DEPT
SALEM, OREGON



Scale: 4" = 1 mile

Application No. 5970

Tax Acct. No's.

-  8461-00 (Brumbach)
-  8463-04 1/2 - 40
-  8463-38 1/2 - 39
-  8463-34 1/2 - 37
-  8454-00

KNOW ALL MEN BY THESE PRESENTS, That: JOHN ARTHUR OLSON and MABLE A. OLSON, husband and wife, Grantors, in consideration of Ten Dollars (\$10.00) and other valuable consideration, to them paid by J. W. BRUMBACH and LEE BRUMBACH, husband and wife, Grantees, do hereby grant, bargain, sell and convey unto the said Grantees, 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:

BEGINNING at the southeast corner of the Wm. A. Willis D. L. C. No. 45 in Section 20, T 27 S R 4 W. W. M., on the West boundary of the James Cox D. L. C. No. 44, in said township and range; thence North 169.2 feet along the west boundary of said D. L. C. No. 44 to the southwest corner of the tract of land sold to S. W. Leake and recorded in Vol. 68 Page 546 of the Deed Records of Douglas County, Oregon; thence S. 77° 55' E. 807.8 feet to the southeast corner of the above mentioned tract; thence No. 0° 46' E. 1256.9 feet along the east boundary of the above mentioned tract to a corner in the south boundary of the tract of land sold to Shelby Mathews and recorded in Vol. 84, Page 97 of the Deed Records of Douglas County, Oregon; thence S. 78° 25' E. 571.7 feet along the south boundary of the said Mathews' tract; thence S. 0° 46' W. 1429.1 feet to the south boundary of the afore-said D. L. C. No. 44; thence West 1347.5 feet along the said D. L. C. line to the southwest corner thereof; thence North 282 feet along the west boundary of said D. L. C. No. 44 to the place of beginning, in the said James Cox D. L. C. No. 44 and in Section 20, Township 27 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

ALSO the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 20, Township 27 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

ALSO the following:

Beginning on the North line of the abandoned Deer Creek road 2.57 chains North from the Southeast corner of the Wm. Willis Donation Land Claim No. 45, Township 27 South, Range 4 West of the Willamette Meridian, (said beginning point being shown in County Clerk's Deed Records in Vol. 68, Page 546, as being 2.54 chains North of said Donation Land Claim corner) thence North 300.4 feet on the line between the Wm. Willis and the James Cox Donation Land Claims, to a 1/2 inch pipe at a fence



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JUN 5 1980
WATER RESOURCES DEPT
SALAS, OREGON

corner; thence S. 89° 39' W. 100.0 feet along a fence line to a 3/4 inch pipe at a fence corner; thence N. 0° 34' W. 46.8 feet along fence line to a 3/4 inch pipe on the South right-of-way line of the County Road No. 17, at a fence line; thence continuing N. 0° 34' W. 20.0 feet to the center of said road; thence following along the center line of said road N. 89° 54' W. 435.0 feet to a point; thence N. 0° 04' W. 36.0 feet to a 20 inch white oak tree at a fence corner; thence continuing N. 0° 04' W. 235.9 feet to a 3/4 inch pipe; thence S. 85° 26' E. 636.5 feet to a 3/4 inch pipe; thence S. 84° 35' E. 270.3 feet to a 3/4 inch pipe; thence S. 77° 38' E. 143.3 feet to a 3/4 inch pipe; thence S. 89° 31' E. 283.0 feet to a 3/4 inch pipe at a fence line; thence S. 0° 16' E. 680.2 feet along fence line to a 3/4 inch pipe at the North line of said abandoned Deer Creek Road; thence, following along fence line on North side said abandoned road N. 79° 11' W. 806.5 feet to the place of beginning (the last course being shown in County Clerk's Records in Vol. 68, Page 546, as being S. 79° E. 12.2 chains or 805.2 feet); all the above being situated in the Wm. Willis and the James Cox Donation Land Claim and in Section 20, Township 27 South, Range 4 West of the Willamette Meridian, Douglas County, Oregon.

TO HAVE AND TO HOLD the above described and granted premises unto the said Grantees, their heirs and assigns forever.

And they the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises, free and clear of all encumbrances, excepting roads and highways and the rights of the public therein, if any, and also excepting the right of the Grantors, their heirs or assigns, to log and remove merchantable timber from the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 20, Township 27 S, Range 4 West, Willamette Meridian, at any time on or before October 7, 1957, and that they will and their 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 seals this 11th day of May, 1957.

John Arthur Olson (Seal)

Mable A. Olson (Seal)



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED
JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

TO: Wayne Overcash

DATE: June 12, 1979

FROM: Gary L. Ball, Assistant Watermaster
District 15 *GLB*

SUBJECT: Error in Application No. 5970 (also Transfer Application No. 4228)

On or about May 1, 1979 Mr. David Morton contacted our office to determine what water rights were appurtenant to his land on North Fork Deer Creek. Upon examination of the records, we found that Application No. 5970 covered lands in his vicinity, but there were no maps available to show how much of the right belonged to him.

On May 11, I began constructing a map of the area using photos BTR-3HH-212 and BTR-3HH-275, County Surveyor's records, and County Assessor's records. That afternoon, Don Henry and I made a field inspection of the vicinity to determine the probable locations of the original ditch and the lands it irrigated. We found no evidence of the ditch, but determined from the lay of the land that it must have followed Highland Drive at the base of the hill in an easterly direction across Strader Road, and curved northward around the hill. The lands it probably irrigated are shown on the enclosed map. The westerly boundary of those lands is a fence line which corresponds remarkably well with the property line shown on the original application map. The northerly boundary is an unnamed tributary of North Fork Deer Creek.

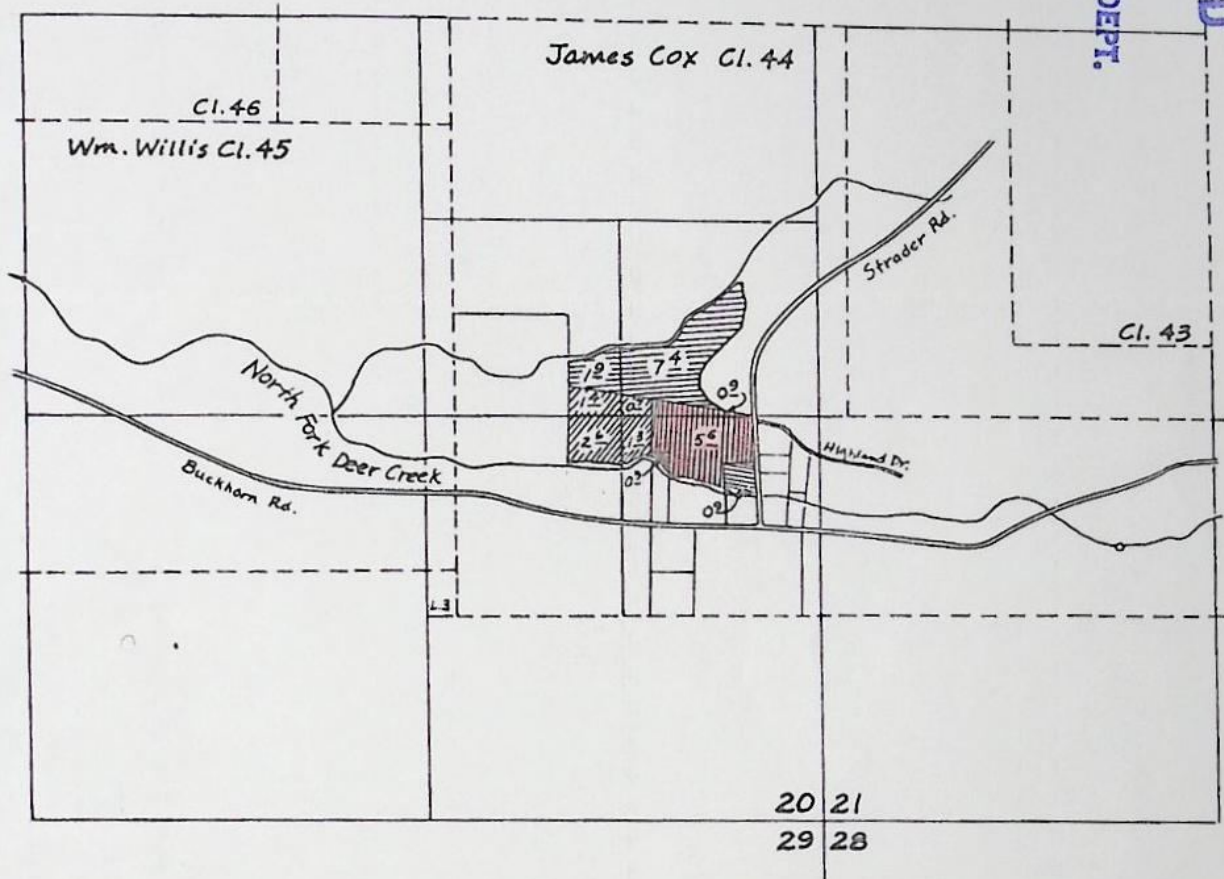
Enclosed also please find an affidavit from Mr. Morton as required by the December 22, 1978 memo. I will be contacting the other landowners involved in the next month or so to obtain their approval of the proposed changes in the record, unless you think it should be handled through Salem. All property lines in the area are shown on my map and a list of owners is provided for your convenience. You will note that Permit No. 33809 is appurtenant to Tax Acct. No.'s 8463-04 & 8463-40.

List of Tax Account Numbers
Covered Under Permit No. 3732

8454-00	Counts, Clifford; Alice M., Arnold R., Opal G. 1449 Reservoir St., Roseburg	
8461-00	Brumbach, Joseph W. Idleyld Rt. Box 500, Roseburg	
8463-04, -40	Mason, Carl & Sonja 4837 Buckhorn Rd., Roseburg	
8463-34, -37	Wise, Paul & Joan Marie Idleyld Rt. Box 507A, Roseburg	
8463-38, -39	Morton, David L. & Charlotte A. Idleyld Rt. Box 525, Roseburg	672-0945 Home 672-5506 Work

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JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

T.27S. R.4W. W.M.



Scale : 4" = 1 mile

Application No. 5970

Tax Acct. No's.



8461-00



8463-04 1/2 - 40



8463-38 1/2 - 39



8463-34 1/2 - 37



8454-00

AFFIDAVIT

RECEIVED
JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
) ss.
County of Douglas)

I, David L. Morton, being first duly sworn, depose and say that I am the legal owner of the lands as described in the attached legal description and the water right appurtenant thereto, which is a portion of the water right as evidenced by Water Right Certificate Number 3399, State Record of Water Right Certificates; under date of priority of February 4, 1918; namely, for the irrigation of 5.6 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.9 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 27 South, Range 4 West W.M. Inasmuch as Certificate Number 3399 calls for the irrigation of only 1 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20, I hereby request the Water Resources Director to correct the record.

IN WITNESS WHEREOF, I have set my hand this ~~JUNE~~ 13TH
day of JUNE, 1979.

David L. Morton

Subscribed and sworn to before me this 13th
day of June, 1979.

Garyl Ball
Notary Public of Oregon

My Commission expires 8/20/82



Order No. 51953

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JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

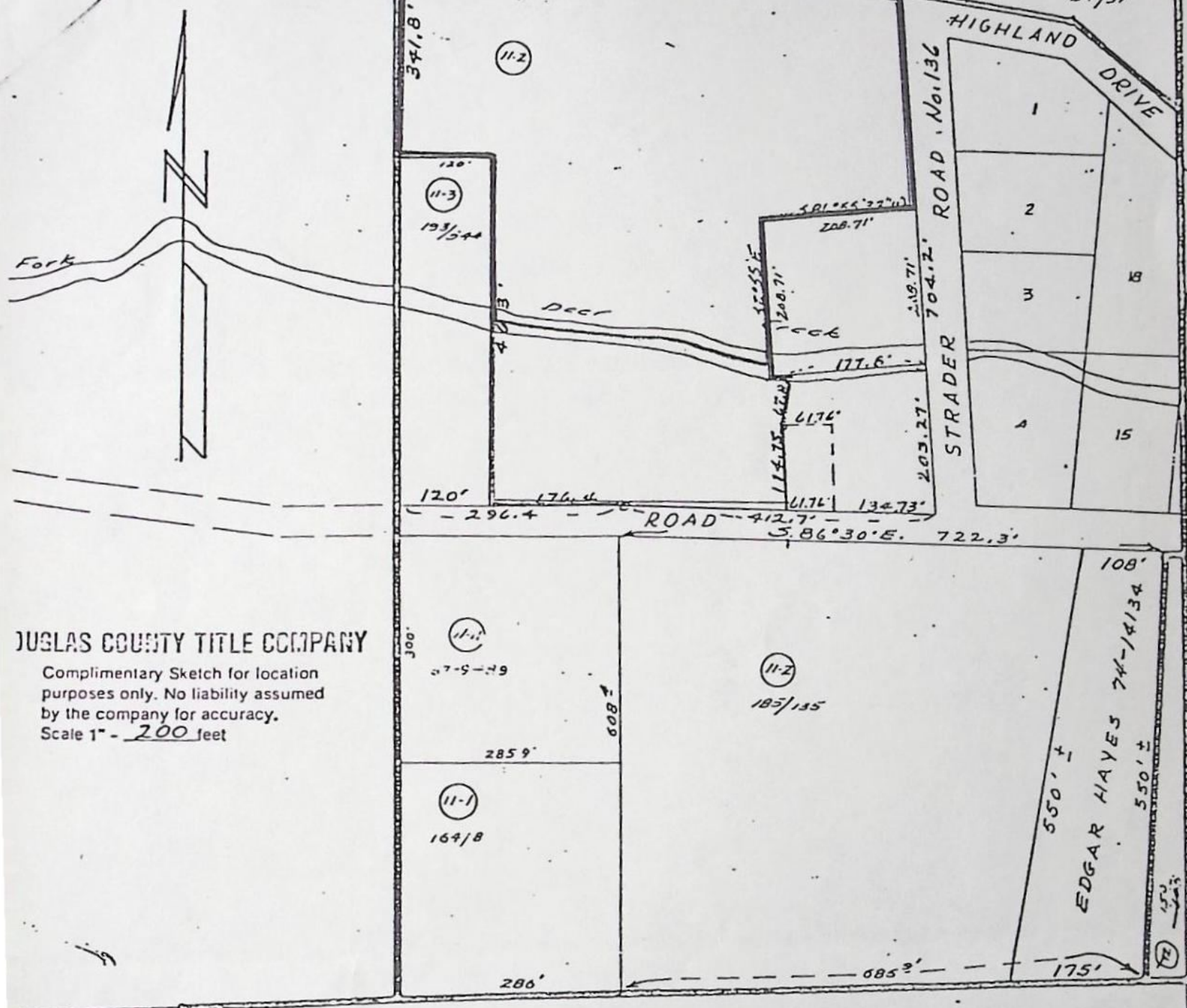
EXHIBIT "A"

That portion of the following described real property lying Northerly of the centerline of Deer Creek:

Beginning at a U bar in the north right of way line of the Buckhorn County Road No. 17, from which the southwest corner of the James Cox Donation Land Claim No. 44, bears North 88° 28' 30" West 120 feet, South 0° 57' West 651.6 feet and North 89° 08' 30" West 1342.6 feet; thence South 88° 28' 30" East 176.4 feet and South 86° 30' East 412.7 feet along the north right of way line of the said County Road No. 17 to a 3/4 inch iron pipe at its intersection with the west right of way line of the Strader County Road No. 136; thence North 2° 55' West 704.2 feet along the west right of way line of said road 136 feet to a 3/4 inch iron pipe at its intersection with the south boundary of the property conveyed to Shelby Matthews as described in Volume 84, Page 97, Deed Records of Douglas County, Oregon; thence North 78° 28' West 672.7 feet along the south boundary of said Matthews property to a 3/4 inch iron pipe at the Northeast corner of the property conveyed to Harvey Wm. and Ethel May Chrisler, as described in Volume 101, Page 137, Deed Records of Douglas County, Oregon, thence South 0° 57' West 341.8 feet to a half inch iron pipe at the Northwest corner of the property conveyed to Willie Ralph Mills and described in Volume 193, Recorder's No. 122637 of said Deed Records; thence South 88° 28' 30" East 120 feet along the north boundary of said Mills property to a half inch iron pipe at the Northeast corner thereof; thence South 0° 57' West 463 feet along the east boundary of said Mills property to the place of beginning, in Section 20, Township 27 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

EXCEPT parcels to Douglas E. Morberg, et ux, by Recorder's No. 73-12907, and Paul E. Wise, et ux, by Recorder's No. 76-1891, Records of Douglas County, Oregon.

SE 1/4 SEC 20



JUGLAS COUNTY TITLE COMPANY

Complimentary Sketch for location purposes only. No liability assumed by the company for accuracy. Scale 1" = 200 feet

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JUN 14 1979

WATER RESOURCES DEPT.
SALEM, OREGON

10
62E/601

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

RECEIVED
JUN 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

We, Paul E. Wise & Joan M. Wise,

being first duly sworn, depose and say that we are the legal owners of the lands described in the attached legal description and the water right appurtenant thereto, which is a portion of the water right evidenced by Certificate of Water Right No. 3399; namely, for the irrigation of 0.9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within James Cox DLC No. 44, Section 20, Township 27 South, Range 4 West W.M. Inasmuch as said Certificate does not accurately locate these lands, we hereby request the Water Resources Director to correct the Certificate so that it will correctly describe the place of use.

IN WITNESS WHEREOF, we have set our hands this 17
day of Dec., 1979.

Paul E. Wise
Joan M. Wise

Subscribed and sworn to before me this 17th day of
December, 1979.

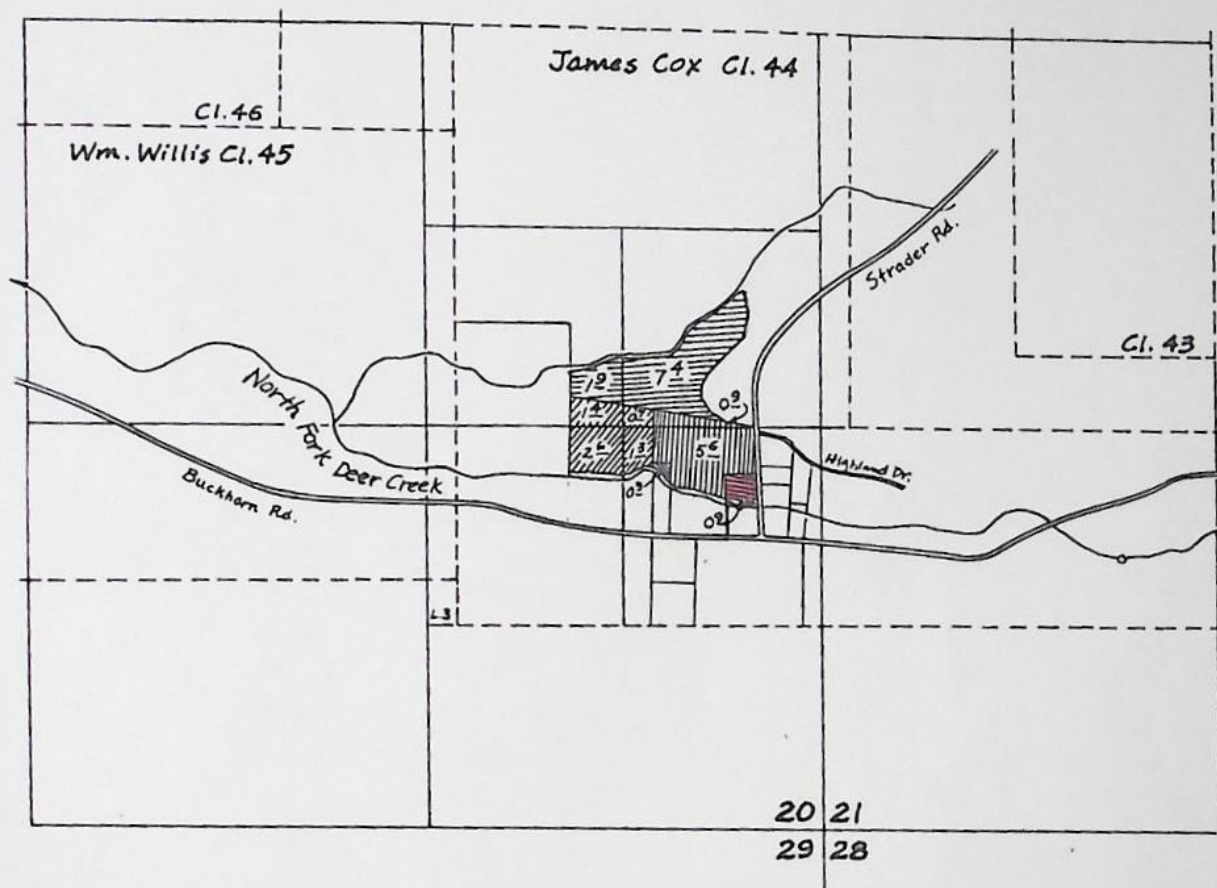
Gary L. Ball
Notary Public of Oregon

My Commission expires Aug. 20, 1982



T.27S. R.4W. W.M.

RECEIVED
JUN 5 1980
WATER RESOURCES DEPT
SALEM, OREGON



Scale: 4" = 1 mile

Application No. 5970

Tax Acct. No's.



8461-00



8463-04 1/2 - 40



8463-38 1/2 - 39



8463-34 1/2 - 37 (Wise)



8454-00

1957, 10

KNOW ALL MEN BY THESE PRESENTS, That

Edwin E. & Edith E. Wilton, hereinafter called the grantor, for the consideration hereinafter stated,
to grantor paid by *Paul Emory Wise & Joan Marie Wise*, 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, sit-
uated in the County of _____ and State of Oregon, described as follows, to-wit:

A parcel of land lying in Section 20, Township 27 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, said parcel being described as follows: Beginning at a point on the westerly line of Strader Road in the above said Section 20, said point being also the Northeast corner of that property conveyed to D. E. Morberg in Instrument No. 73-12907 in the Deed Records of Douglas County, Oregon, said point being also in the center of North Deer Creek from which point the Southwest corner of Donation Land Claim No. 44, in the above said Township and Range, bears South 2° 55' East 181.27 feet and South 73° 50' 42" West 2145.90 feet; thence running along said westerly line of Strader Road North 2° 55' West 208.71 feet to a point; thence leaving said westerly line and running South 86° 55' 33" West, parallel with the North line of the above said Morberg property, 208.71 feet to a point; thence South 2° 55' East 208.71 feet to the center line of the above said North Deer Creek; thence Easterly along the aforementioned center line to the Northwest corner of the above mentioned Morberg property; thence continuing along said center line, along the North line of the aforementioned Morberg property, North 86° 55' 33" East 177.8 feet to the point of beginning.

RECEIVED
JUN 5 1960
WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

RECEIVED
JUN 5 1980
WATER RESOURCES DEPT
SELEM. OREGON

We, CARL L & SONJA K MASON

being first duly sworn, depose and say that we are the legal owners of the lands described in the attached legal description and the water right appurtenant thereto, which is a portion of the water right evidenced by Certificate of Water Right No. 3399; namely, for the irrigation of 0.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within James Cox DLC No. 44, Section 20, Township 27 S., Range 4 West W.M. Inasmuch as said Certificate does not accurately locate these lands, we hereby request the Water Resources Director to correct the Certificate so that it will correctly describe the place of use.

IN WITNESS WHEREOF, we have set our hands this 19th day of December, 1979.

Carl L. Mason
Sonja K. Mason

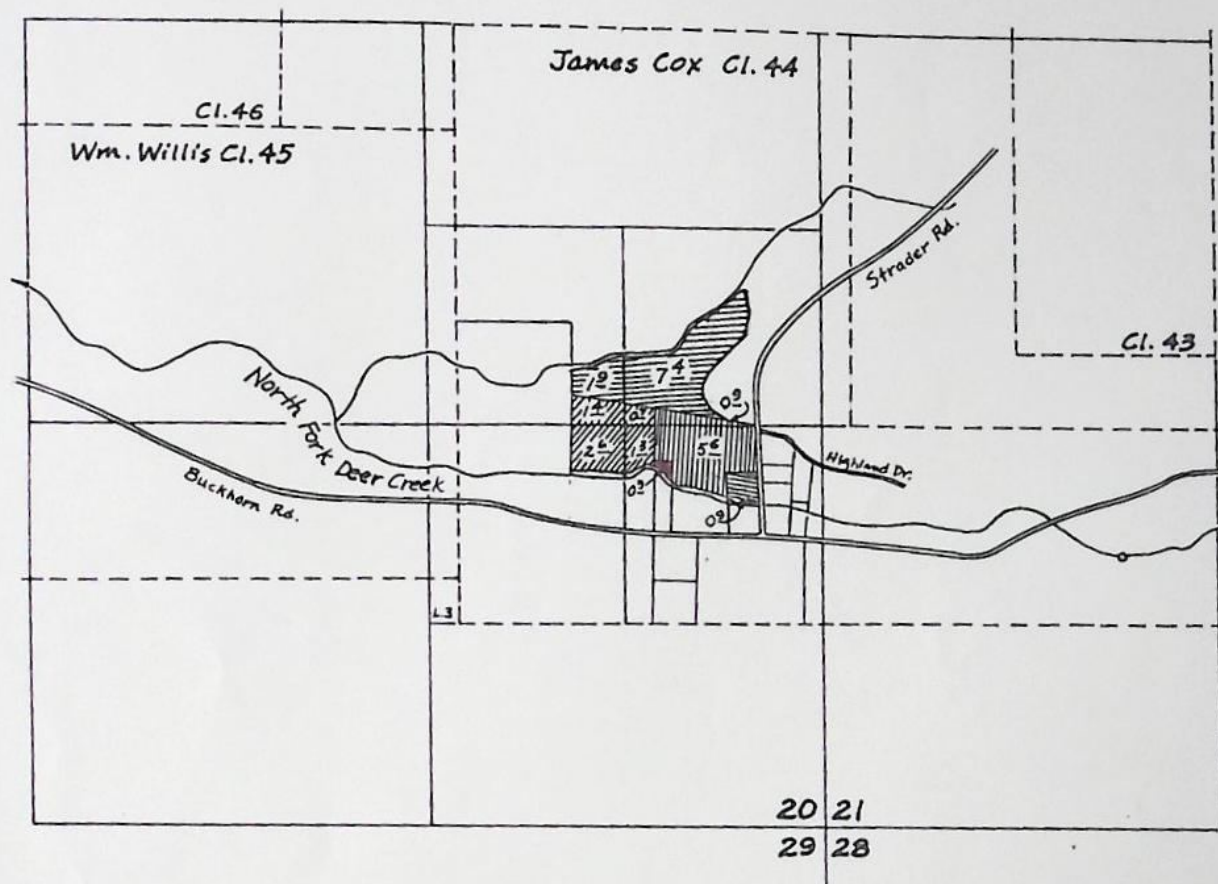
Subscribed and sworn to before me this 19th day of December, 1979.

Gary L. Ball
Notary Public of Oregon

My Commission expires 8/20/82



T.27S. R.4W. W.M.



Scale: 4" = 1 mile

Application No. 5970

Tax Acct. Nos.



8461-00



8463-04 $\frac{1}{2}$ - 40 (Mason)



8463-38 $\frac{1}{2}$ - 39



8463-34 $\frac{1}{2}$ - 37



8454-00

RECEIVED

JUN 5 1980

WATER RESOURCES DEPT
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That Robert L. Hellemn and Lorene Hellemn, husband and wife,

in consideration of Ten and No/100ths-----, hereinafter called the grantor, (\$10.00)-----Dollars

to grantor paid by Carl Mason and Sonja Mason

, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas, State of Oregon, described as follows, to-wit: Beginning at a point on the East line of the property deeded to Harvey Wm. Chrisler and Ethel May Chrisler as recorded in Vol. 101, Deed Records of Douglas County, said point being South 89° 8 1/2' East 1342.6 feet and North 0° 57' East 651.6 feet from the Southwest corner of Donation Claim No. 44 in Township 27 South, Range 4 West, Willamette Meridian, said point also being on the Northerly boundary of the County Road known as Buckhorn road; thence South 88° 28' 30" East along said Northerly line 120 feet to the line of the lands described in that certain contract between G.A. Lindbloom, et ux, and John Wilcox, et ux, Recorder's No. 112773, Deed Records of Douglas County, Oregon; thence North 0° 57' East 463 feet along the line of said land to an interior corner thereof, North 88° 28' 30" West along said line 120 feet to the East line of said Chrisler property; thence South 0° 57' West along said East line 463 feet to place of beginning, Douglas County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 24 day of January, 1967.

RECEIVED

JUN 5 1980

WATER RESOURCES DEPT
SALEM, OREGON

Robert L. Hellemn (SEAL)

Lorene Hellemn (SEAL)

(SEAL)

(SEAL)

Georgia

STATE OF OREGON, County of DE HALL) ss. 24 JAN 1967

Personally appeared the above named Robert L. Hellemn and Lorene Hellemn, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed

Before me:

John W. Dylke

Notary Public for Georgia

My commission expires 21 Dec 67

