



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 12, 2010

Tax Lot 201
Frank M. Hendrickson & Delilah S. Knight
3460 Rice Valley Road
Oakland, OR 97462

Tax Lot 500
Joseph P. Kanui
30779 State Highway 38
Scottsburg, OR 97473

Tax Lots 200, 204
Mike Mast and James Mast
401 Sunny Ridge Lane
Reedsport, OR 97467

Tax Lots 203
Bruce Wiegman
16211 Inverurie Road
Lake Oswego, OR 97035

RE: Status of Surface Water Registration 423 (SWR 423)

Dear Landowners:

An endorsed Surface Water Registration Statement for a Pre-1909 Vested Water Right Claim was submitted on December 31, 1992 by George and Yvonne Parrish for the entirety of the Job Hatfield Donation Land Claim (DLC No. 41), and was designated by OWRD as Surface Water Registration (SWR) 423. The original claim has subsequently been subdivided into separate parcels. A tax lot map for Douglas County shows that the above parties own land appurtenant to SWR 423.

OWRD records show that the following amendments have been completed for SWR 423:

Tax Lot 500: Amendment of ownership on May 10, 2004 from Roger Skelton to Joseph Kanui

Tax Lot 201: Amendment of ownership from James Mast and Mike Mast to Frank Hendrickson and Delilah Knight; Amendment of character of use from livestock watering to domestic use, both on January 7, 2005



Tax Lot 203: Amendment of ownership on June 18, 2010 from James and Mike Mast to Bruce Wiegman

Tax Lots 200& 204:

Amendments of ownership have not been received for these tax lots, OWRD records still show them under the names of George and Yvonne Parrish.

Oregon Revised Statute 539.240(7) provides that once an endorsed Surface Water Registration Statement has been entered into OWRD's records, the registrant is "entitled to continue to appropriate the surface water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement."

Item 8 of the endorsed Statement and Proof of Claim states that "... Until Mr. Parrish bought the ranch in 1970, the ranch had been owned only by two different families, the Hatfield family and the Burchard family. Occupation and operation of the ranch, including water usage for the stock and for *one* residence and the 0.5 acres irrigation of garden has been continuous". [Emphasis added]. The pre-1909 use of water for one household only is consistent with the water use registration map prepared by a Certified Water Rights Examiner which notes the location of a single pre-1909 (1854) residence.

Thus, for SWR 423, the "extent of and manner disclosed in the recorded registration statement" is consistent with the use of water from two springs for one household with irrigation of 0.5 acres of garden (domestic expanded), and livestock watering for 250 cattle at the location of the claimed place of use - the stockbarn. Because the 1854 residence is no longer occupied, use of domestic water with irrigation of 0.5 acre of lawn and garden is authorized at the location of the single residence that was the next oldest (compared to the 1854 residence) at the time the registration statement was filed in 1992. In accordance with OAR 690-28-055 the livestock watering use was subsequently amended to domestic use for one household.

In recent months, OWRD has received several affidavits for SWR 423 regarding use of water on parcels appurtenant to SWR 423. After a careful review of the entire record of SWR 423, OWRD has concluded that the current use of water by 4 households is an impermissible expansion of the use of water under this Statement and Proof of Claim.

Consequently, two of the four residences currently using water under SWR 423 need to obtain authorization apart from SWR 423 to use water. Two options are outlined below:

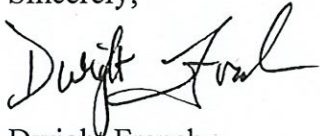
- (1) Apply for a new water right subject to the Umpqua Basin Program for human consumption.

- (2) Exempt uses – those which do not require a water right. For example, ground water for single or group domestic purposes not exceeding 15,000 gallons per day; or natural springs that, under natural conditions, does not form a natural channel and flow off the property where it originates at any time of the year.

For your convenience I have included (1) a booklet explaining water rights in Oregon, (2) the Oregon Revised Statutes pertaining to pre-1909 water use (ORS 539), (3) the Oregon Administrative Rules pertaining to Surface Water Registrations and the Adjudication Process (OAR 690-028) , and (4) a copy the Umpqua Basin Program (OAR 690-516-0005). To obtain an application for a new water right, please contact the Salem Office at 503-986-0900, or access them online at http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#water_right.

And finally, any matters of easements currently used or needed in the future to convey water across property lines are a civil matter, and are not under the jurisdiction of OWRD.

Sincerely,



Dwight French
Administrator
Water Rights and Adjudications Division

Enclosures

Cc: File SWR 423
Dave Williams, WaterMaster District 15



Oregon

Theodore R. Kulongoski, Governor

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

June 21, 2010

Bruce Wiegman
16211 Inverurie Road
Lake Oswego, OR 97035

Re: Ownership Amendment to Surface Water Registration Statement 423

Dear Mr. Wiegman:

OWRD is in receipt of your June 18, 2010 request for amendment of ownership and your June 9, 2010 statement of water use for Surface Water Registration 423 (SWR 423).

Pursuant to OAR 690-28-055(4), the amendment to the registration statement has been included as part of the record for SWR 423. Please be advised that no amendment to a registration statement shall be construed as final or conclusive until it is determined under an adjudication proceeding under ORS 539.101 to 539.240.

Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,

Ann Reece
Adjudication Specialist

Cc: David Williams, District 15 Watermaster

Ann Reece

From: BB Wiegman [bwiegman@jeffnet.org]
Sent: Friday, June 18, 2010 9:28 AM
To: Ann Reece
Cc: B&B Wiegman; Bonnie Wiegman
Subject: RE: SWR 423 Ownership Amendment
Attachments: Water Board Ltr 4.doc; WC Deed.pdf
inverurie road • Lake oswego, Or • 97035
: 503-636-0784 • E-mail bwiegman@jeffnet.org

BRUCE WIEGMAN

June 18, 2010

RECEIVED
JUN 21 2010
WATER RESOURCES DEPT
SALEM, OREGON

Ms. Anne Reese
Water Resources Department
725 Summer Street NE
Salem, OR 97301

Re: Surface Water Registration 423

Dear Ms. Anne Reese,

I thought that I had stated that we, and the owners before us, have used the water from the spring in the northwest corner of our property (a copy of the deed is attached) since the early 1990s. Obviously, I did not communicate that clearly and apologize for not doing so.

I have spoken with Ivonne Parrish (her husband, George, owned the property since the 1960s, I believe) and Mike Mast (he owned the property for 2 or 3 years before we bought it from him). All together, there is somewhere between 20 and 75 years of continuous ownership there. During that time (in particular, since the early 1990s) that spring has been used to supply water to the house located on my land, per the attached deed. Such usage was and is, I believe, in accordance with the terms and conditions of the registration.

I would appreciate the Water Resources Department's amending the original registration statement to so show – or, as I am not certain of the exact terminology, to be amended for ownership.

If you need anything further, please let me know.

Sincerely,

Bruce Wiegman

PS I have attached a copy of this letter as the formatting is better - in case you want to print a copy.

6/21/2010

First American Title Insurance Company
Commercial Title Division
P.O. Box 1325
Seaside, OR 97138

Grantor's Name and Address
 Grantor's Name and Address
 Agent recording, return to (Name, Address, Zip):
 (Until requested otherwise, send all tax statements to (Name, Address, Zip):
 Bruce E. Wiegman and Bonnie D Wiegman
 67645 East Bay Road
 North Bend, OR 97459

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-026661



\$21.00

DEED-WD Cntsl Stmtls RECORDINGDESK
\$5.00 \$11.00 \$5.00
09/30/2003 02:30:10 PM

is. _____
ent was _____
orded in _____
reception _____

Witness my hand and seal of County affixed.

NAME _____ TITLE _____
By _____, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that James Mast and Mike Mast

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by Bruce E. Wiegman and Bonnie D. Wiegman, tenants by the entirety, hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in DOUGLAS County, State of Oregon, described as follows, to-wit:
 Parcel 1 of Land Partition No. 2003-0058, as recorded in "Record of Partition Plats", Records of Douglas County, Oregon, Recorder's No. 2003-19911.
 TOGETHER WITH a 25 foot Access and Utility Easement as set forth on Land Partition No. 2003-0058.
 RESERVING UNTO THE GRANTOR, THEIR HEIRS AND ASSIGNS THE FOLLOWING:
 An Easement across the Easterly 20.00 feet of Parcel 1 for the construction and maintenance of a waterline in favor of Parcel 2, Douglas County Recorder's No. 2003-19911.
 Grantor also reserves the right to use the Road and Drainfield easements as depicted on the Partition Plat #2003-0058 A & B recorded in the Douglas County Clerk's Office, Recorder's No. 2003-19911.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
 And grantor hereby covenants to and with 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 (if no exceptions, so state): 2003-2004 taxes, a lien not yet payable, the property has been specially assessed as Forest Land, and easements of record, and that

grantor will warrant and forever defend the 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 \$ 165,000.00. However, the actual consideration consists of or includes other property or value given or promised which is [] the whole [] part of the (indicate which) consideration. (The sentence between the symbols [] if not applicable, should be deleted. See ORS 30.030.)

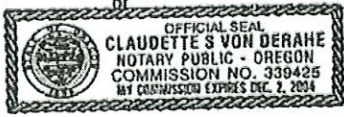
In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on September 23, 2003; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Signature of James Mast and Mike Mast
September 23, 2003

STATE OF OREGON, County of Douglas) ss.
 This instrument was acknowledged before me on September 23, 2003,
 by James Mast and Mike Mast.
 This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____



Signature of Notary Public
Notary Public for Oregon
My commission expires _____

RECEIVED

JUN 21 2010

END OF DOCUMENT

WATER RESOURCES DEPT
SALEM, OREGON

16211 INVERURIE ROAD • LAKE OSWEGO, OR • 97035
PHONE 503-636-0784 • E-MAIL bwiegman@jeffnet.org

BRUCE WIEGMAN

June 18, 2010

Ms. Anne Reese
Water Resources Department
725 Summer Street NE
Salem, OR 97301

Re: Surface Water Registration 423

Dear Ms. Anne Reese,

I thought that I had stated that we, and the owners before us, have used the water from the spring in the northwest corner of our property (a copy of the deed is attached) since the early 1990s. Obviously, I did not communicate that clearly and apologize for not doing so.

I have spoken with Ivonne Parrish (her husband, George, owned the property since the 1960s, I believe) and Mike Mast (he owned the property for 2 or 3 years before we bought it from him). All together, there is somewhere between 20 and 75 years of continuous ownership there. During that time (in particular, since the early 1990s) that spring has been used to supply water to the house located on my land, per the attached deed. Such usage was and is, I believe, in accordance with the terms and conditions of the registration.

I would appreciate the Water Resources Department's amending the original registration statement to so show – or, as I am not certain of the exact terminology, to be amended for ownership.

If you need anything further, please let me know.

Sincerely,

Bruce Wiegman

RECEIVED
JUN 21 2010
WATER RESOURCES DEPT
SALEM, OREGON

Ann Reece

From: Ann Reece *A Reece* 6-9-2010
Sent: Wednesday, June 09, 2010 3:31 PM
To: 'bwiegman@jeffnet.org'
Cc: Dwight French; Dave Williams
Subject: RE: SWR 423 Ownership Amendment
Attachments: SWR 423_Letter 2-5-5010.pdf

Bruce Weigman
 16211 Inverurie Road
 Lake Oswego, Or 97035

June 9, 2010

Mr. Weigman:

I have received your six color photographs and your statement of water use for SWR 423. To complete the ownership amendment process I need your formal statement (e-mail is fine) requesting to have the ownership changed from the prior owner to yourself and specifying for which parcel of land the ownership change pertains, as lands appurtenant to SWR 423 has been subdivided into at least 5 parcels. Please attach a copy of your deed.

I also want to address your statement that "We are allowing Mike Hendrickson and his wife to use the spring for water for their and their friends' travel trailers because you told me that we should allow them to use the spring until the claim is adjudicated. . ." To clarify, I have stated that use of water under a SWR registration may continue as claimed until the claim has been adjudicated, and that a question of easements is a civil matter. If you have any questions about what was claimed and what water uses are allowed under SWR 423 I recommend contacting your local Watermaster, Dave Williams at (541-440-4255). I have attached a copy of the letter sent to you last February from Dwight French, the Division Administrator, which addressed these same items.

Sincerely,

Ann Reece

Ann Reece
Water Rights Division - Adjudications
OR. Water Resources Dept.
 725 Summer St. NE Suite A
 Salem, OR 97301

Direct Line: 503-986-0827
 Fax: 503-986-0901
 Email: reeceal@wrds.state.or.us

From: BB Wiegman [mailto:bwiegman@jeffnet.org]
Sent: Wednesday, June 09, 2010 8:18 AM
To: bwiegman@jeffnet.org; Ann Reece
Subject: RE: SWR 423 Ownership Amendment

inverurie road • Lake Oswego, Or • 97035

6/9/2010

Phone 503-636-0784 • E-mail bwiegman@jeffnet.org

BRUCE WIEGMAN

June 9, 2010

Ms. Anne Reese
Water Resources Department
725 Summer Street NE
Salem, OR 97301

Re: Surface Water Registration 423

Dear Ms. Anne Reese,

I am finally writing (emailing) you concerning the use of our spring referenced in the above SWR 423. There are affidavits, I believe, which relate to the fact that the spring was redone in 1990. In particular, I refer to the affidavit of Ivonne Parrish. She relates that the water from the spring went to our house and nowhere else. This was true before the spring was redone and after it was redone.

Currently, we are using the spring as the sole water source for our house – as have the Masts and the Parrishes who were the owners before the Masts. We are allowing Mike Hendrickson and his wife to use the spring for water for their and their friends' travel trailers because you told me that we should allow them to use the spring until the claim is adjudicated although, as they have no easement across our property or other property that they cross, why is a mystery to me. On the other hand, as they are neighbors, if they asked to use the overflow or some other reasonable request, we would have gladly allowed it.

In any event, we are still using the spring as stated in earlier documents. All past users agree that there is only enough water for one household and, in fact, we have run out of water on a number of occasions.

I have attached some photos of the spring, pumphouse and water lines. Some of the photos will come in a later email due to file size restrictions. I will explain the photos.

Buried Water Tank This is the concrete tank into which spring water flows. It is buried and, in the photo, is hardly visible. Normally, we keep the top clean but we have been away from the place for a while and the top was not cleaned.

Old Water Tank This is the old tank which is at the same level as the new one but ten yards to the west.

6/9/2010

Overflow Pipe This 3" pipe is shown with a good, Spring season overflow. In Summer, the overflow slows to a trickle and, at times, stops altogether.

Water Shutoff This is the shutoff for the water and is 15 or 20 feet south of the tank and is sunk in the ground to prevent freezing.

Water line to house This shows – if you can see the depression in the ground – where the line goes from the shutoff to the pump house and on to the house.

Pump house This shows the pump house with the door open.

Hopefully, this is all you need to establish our usage. If you need more, please let me know.

Sincerely,

Bruce Wiegman

PS Please acknowledge receipt of this email. Thank you.

On Wed 17/02/10 10:07 AM , "Ann Reece" reeceal@wrd.state.or.us sent:
There is no hurry.

Ann Reece
Water Rights Division
OR. Water Resources Dept.
725 Summer St. NE Suite A
Salem, OR 97301

Direct Line: 503-986-0827
Fax: 503-986-0901
Email: reeceal@wrd.state.or.us

From: BB Wiegman [mailto:bwiegman@jeffnet.org]
Sent: Wednesday, February 17, 2010 9:38 AM
To: Ann Reece
Subject: Re: SWR 423 Ownership Amendment

Ann,

Thanks. I'll get some stuff put together. Is there any reason for me to hurry and get something in or can I wait until I go back down there and can take some photos, etc.

Bruce & Bonnie Wiegman

6/9/2010

On Wed 17/02/10 5:30 PM , Ann Reece reeceal@wrd.state.or.us sent:

Bruce,

There is no requirement for documentation of water use to be in the form of an affidavit. Documentation can be in the form of a written statement(s) as to source, rate and use of water; pictures; etc.

Ann

Ann Reece
Water Rights Division
OR. Water Resources Dept.
725 Summer St. NE Suite A
Salem, OR 97301

Direct Line: **503-986-0827**
Fax: 503-986-0901
Email: reeceal@wrd.state.or.us

From: BB Wiegman [mailto:bwiegman@jeffnet.org]
Sent: Wednesday, February 17, 2010 9:19 AM
To: Ann Reece
Subject: Re: address test

Ann,

Worked perfectly. It took me a while to respond as I finally got in touch with Ivonne Parrish, the owner of the land before the Masts.

Thanks and take care.

Bruce

On Wed 17/02/10 4:53 PM , Ann Reece reeceal@wrd.state.or.us sent:

Bruce,
Just making sure I have your correct e-mail address.
Ann

Ann Reece
Water Rights Division
OR. Water Resources Dept.
725 Summer St. NE Suite A
Salem, OR 97301

Direct Line: **503-986-0827**

Fax: 503-986-0901

Email: reeceal@wrд.state.or.us



rec'd via email and printed
JPG caption: "WC Buried Water Tank"
- this note added by A. Reece 6/9/2010

From Bruce Wiegman

RECEIVED

JUN 09 2010

WATER RESOURCES DEPT
SALEM, OREGON



rec'd via e-mail and printed
-JPG caption: "WC Old Water tank"
- this note added by A. Reece
6/9/2010

From Bruce Wiegman

RECEIVED

JUN 09 2010

**WATER RESOURCES DEPT
SALEM, OREGON**



rec'd via email and printed
.JPG caption: "WC overflow Pipe"
- this note added by A. Reese
6/9/2010

From Bruce Wiegman

RECEIVED
JUN 09 2010
WATER RESOURCES DEPT
SALEM, OREGON



rec'd via email and printed
-JPG caption: "WC Water Shut off"
- this note added by A. Reece
6/9/2010

From Bruce Wiegman

RECEIVED

JUN 09 2010

WATER RESOURCES DEPT
SALEM, OREGON



rec'd via email and printed
-JPG caption: "WC Water line to house from shut off"
-this note added by A. Reece
6/9/2010

From Bruce Wiegman

RECEIVED
JUN 09 2010
WATER RESOURCES DEPT
SALEM, OREGON



rec'd via email and printed
-JPG caption: "WC Pumphouse"
-this note added by A. Reece
6/9/2010
From Bruce Wiegman

RECEIVED

JUN 09 2010

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 5, 2010

Bruce Wiegman
16211 Inverurie Road
Lake Oswego, OR 97035

Re: Surface Water Registration (SWR) 423

Dear Mr. Wiegman:

The Department has received your cover letter along with the Affidavits of Mr. Mike Mast and Mrs. Heather Seeley. Pursuant to OAR 690-28-055(4), these documents have been placed in the file for SWR 423. Please be advised that no amendment to a registration statement shall be construed as final or conclusive until it is determined under an adjudication proceeding under ORS 539.101 to 539.240.

The SWR claim 423 was originally made by George and Yvonne Parrish for the entirety of the Job Hatfield Donation Land Claim (DLC) No. 41 for use of water from two springs for domestic use including watering of garden and livestock watering, and livestock watering directly from the Umpqua River from two points of diversion. It appears the DLC No.41 has subsequently been subdivided into at least five parcels (Parcel 1 / TL 203– Wiegman; Parcel 2 / TL 500 – Kanui; Parcel 2 / TL 204 – Mast; Parcel 3 / TL 200– Mast; and TL 201 / the parcel between the highway and the Umpqua River – Hendrickson/Knight). To date, only two of the parcels have been amended for ownership (from the Parrish's), being those owned by Kanui and by Hendrickson/Knight.

Although a copy of your deed was included with the Affidavit of Mike Mast, we need to receive your amendment in ownership to your portion of SWR 423 in writing as specified below. OAR 690-28-0955(1) states (emphasis added):

When any amendment in ownership, point of diversion, place of use, or type of use is necessary within a right defined by a registration statement, then the amendment shall be submitted in writing to the Department. The request shall include documentation that the water has been used over the past five years in accordance with the terms and conditions of the registration.

Please direct amendments in ownership to Attn: Ann Reece, Adjudications, Water Resources Department, 725 Summer Street NE, Salem, OR 97301.

During the time that Mr. Mast owned TL 201, the parcel between the highway and the Umpqua River, the Department did not receive any request to diminish that portion of the SWR claim that specifies water from Spring 1 is conveyed to and utilized on TL 201, or any request for that matter to diminish any portion of the SWR claim. The record does



not show Mr. Mast has ever sent in an amendment in ownership on any of the parcels he owns or has owned in the past. Thus, to date, our records show that there has been no diminishment to the original claim as presented in sworn statements by the original claimants. Thus, until the SWR claim is decided upon in a formal adjudication proceeding, all parties may continue to use water as set forth in the original SWR. If you have some particular questions about how water may be utilized and distributed under this registration statement, I suggest contacting your local Watermaster, Dave Williams. He is stationed in Roseburg, and his phone number is 541-440-4255.

Any question of easements used to convey water across property lines is a civil matter, and is not under the jurisdiction of OWRD.

Please do not hesitate to contact me if you should need any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Dwight French". The signature is written in a cursive style with a large, sweeping flourish at the end.

Dwight French
Water Rights and Adjudications Administrator

Cc: Ann Reece, Adjudication Specialist
Dave Williams, District 15 Watermaster

16211 INVERURIE ROAD • LAKE OSWEGO, OR • 97035
PHONE 503-636-0784 • E-MAIL bwigman@jeffnet.org

BRUCE WIEGMAN

January 29, 2010

Ms. Anne Reese
Water Resources Department
725 Summer Street NE
Salem, OR 97301

Re: Surface Water Registration 423

Dear Ms. Anne Reese,

Enclosed are the Affidavits of Mr. Mike Mast, and Mrs. Heather Seeley, his daughter. Mr. Mast is the person who sold the properties to both Frank M. Hendrickson & Delilah S. Knight and to my wife & I.

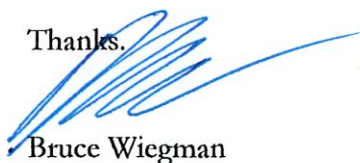
In Mr. Mast's affidavit, he tells what he clearly told Hendrickson & Knight before, during, and after the sale of land to them with respect to the water right they are claiming (to the spring on my land) and what they are attempting to do now.

In her affidavit, Mrs. Seeley, who ended up with a parcel of property that Hendrickson & Knight traded with Mike Mast and his brother, relates what Ms. Knight told her with respect to Ms. Knight's knowledge that she (& Mr. Hendrickson, presumably) knew that they did not have the water right (to the spring on my land) that they are now claiming.

I thought that this would be of interest to you with respect to the claimed water right.

My questions are: What should my wife and I do now to ensure that Hendrickson and Knight are not able to use something now to establish a water right when they did not have one prior? Should we stop being 'nice' and refuse them access to our water so they will use another source?

Thanks,



Bruce Wiegman

RECEIVED
FEB 01 2010
WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

RECEIVED

FEB 01 2010

WATER RESOURCES DEPT
SALEM, OREGON

I, Mike Mast, being first duly sworn do say and depose:

- a. I am the Mike Mast who, along with my brother, James Mast, transferred the land shown on the Warrantee Deed attached hereto and marked Attachment I to Bruce and Bonnie Wiegman which is dated September 23, 2003.
- b. I am the Mike Mast who, along with my brother, James Mast, transferred the land shown on the Warrantee Deed attached hereto and marked Attachment II to Frank M. Hendrickson and Delilah S. Knight which is dated October 21, 2003.
- c. The real estate transaction with Frank M. Hendrickson and Delilah S. Knight involved the trading of our land plus a cash payment in receipt of their land on the Smith River in Oregon. Their land included a water right. The land that we deeded to them did not include any water right not specifically on that specific land and that was explained to both Mr. Hendrickson and Ms. Knight numerous times.
- d. The land on the Smith River was deeded to my daughter, Heather Seeley, who dealt with Ms. Knight regarding the water right on that land.
- e. The Wiegmans were told that they had exclusive water rights to the spring on the land we deeded them that serves the house on their land. The spring does not have enough water to serve more than one house. They were told this and that they had exclusive rights to that spring. This spring is shown on the Final Partition (a copy of which is attached hereto) pertaining to that property and it is located on the Northwest corner of Parcel 1 – which is the land deeded to the Wiegmans. This was told to them numerous times before, during, and after the closing for this parcel.
- f. Similarly with Frank M. Hendrickson and Delilah S. Knight, water rights were discussed numerous times before and during closing of the land that was deeded to them. They were told that they did not have any right to the spring on the Wiegmans' land. Because they did not have any right to that spring, they were

not given any easement or right of access to that spring or across my remaining land or the Wiegman's land. In the Wiegman's deed, an easement is reserved to my brother and I in case we develop a spring above their land and need to access it. We knew that an easement should be given if a water right is included on someone else's property but purposely did not give them an access or easement because they did not have a water right.

- g. Frank M. Hendrickson and Delilah S. Knight received additional funds at the closing and Delilah S. Knight said that they could use those funds to drill a well on the land they were purchasing.
- h. We did address the issue of water rights on the Wiegman's land when we closed the transaction with Frank M. Hendrickson and Delilah S. Knight because we had already given the water right to the Wiegman's and, so, had nothing to give to Frank M. Hendrickson and Delilah S. Knight regarding water rights on the Wiegman's land and Frank M. Hendrickson and Delilah S. Knight knew that we had.
- i. Had we known that we had to do more at the time, we would have done so in order to make sure that the Wiegman's would not have a problem regarding their water right.

Dated this 22nd day of ~~November, 2009~~ January 2010

By *Mike Mast*
Mike Mast

SUBSCRIBED AND SWORN to in my presents this 22nd day of ~~November, 2009~~ January 2010



Jeannine Dodge
Notary Public of Oregon
My Commission Expires: May 1, 2011

STATE OF: OREGON
COUNTY OF: DOUGLAS

RECEIVED
FEB 01 2010
WATER RESOURCES DEPT
SALEM, OREGON

First American Title Insurance Company
Commercial Title Division
P.O. Box 1326
Seaside, OR 97138

Grantor's Name and Address
 Grantor's Name and Address
 Address recording, return to (Name, Address, Zip):
 (Until requested otherwise, send all tax statements to (Name, Address, Zip):
 Bruce E Wiegman and Bonnie D Wiegman
 67645 East Bay Road
 North Bend, OR 97459

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-026661



\$21.00

09/30/2003 02:30:10 PM

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

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that James Mast and Mike Mast

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by Bruce E. Wiegman and Bonnie D. Wiegman, tenants by the entirety, hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in DOUGLAS County, State of Oregon, described as follows, to-wit:
 Parcel 1 of Land Partition No. 2003-0058, as recorded in "Record of Partition Plats", Records of Douglas County, Oregon, Recorder's No. 2003-1991.
 TOGETHER WITH a 25 foot Access and Utility Easement as set forth on Land Partition No. 2003-0058.
 RESERVING UNTO THE GRANTOR, THEIR HEIRS AND ASSIGNS THE FOLLOWING:
 An Easement across the Easterly 20.00 feet of Parcel 1 for the construction and maintenance of a waterline in favor of Parcel 2, Douglas County Recorder's No. 2003-19911.
 Grantor also reserves the right to use the Road and Drainfield easements as depicted on the Partition Plat #2003-0058 A & B recorded in the Douglas County Clerk's Office, Recorder's No. 2003-19911.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
 And grantor hereby covenants to and with 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 (if no exceptions, so state): 2003-2004 taxes, a lien not yet payable, the property has been specially assessed as Forest Land, and easements of record

and that grantor will warrant and forever defend the 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 \$ 165,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration.

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

In witness whereof, the grantor has executed this instrument on September 23, 2003; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Signature of James Mast and Mike Mast

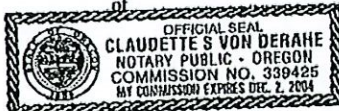
STATE OF OREGON, County of Douglas ss.

This instrument was acknowledged before me on September 23, 2003

by James Mast and Mike Mast

This instrument was acknowledged before me on

by _____
as _____
of _____



Signature of Notary
Notary Public for Oregon
My commission expires

RECEIVED

FEB 01 2010

WATER RESOURCES DEPT
SALEM, OREGON

END OF DOCUMENT

ATTACHMENT I

31-
First American Title Insurance Company
Commercial Title Division 279958CV
P.O. Box 1325
Roseburg, OR 97470



After recording return to:
Frank M. Hendrickson
3460 Rice Valley Road
Oakland, OR 97462

Until a change is requested all tax statements
shall be sent to the following address:
Frank M. Hendrickson
3460 Rice Valley Road
Oakland, OR 97462

File No.: 7391-279958 (cv)
Date: October 20, 2003

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-029027



\$31.00

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

10/23/2003 02:37:44 PM
RECORDINGDESK

STATUTORY WARRANTY DEED

James Mast and Mike Mast, Grantor, conveys and warrants to **Frank M. Hendrickson and Delilah S. Knight**, as tenants by the entirety, 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. The property has been specially zoned or classified for Farm use; the rights of the public and governmental bodies in and to that portion of the property lying below the ordinary high water mark of the Umpqua River; restricted access; restrictive covenant for resource management; and easements, 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 **\$50,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED

FEB 01 2010

WATER RESOURCES DEPT
SALEM, OREGON

ATTACHMENT II

J Mast
James Mast

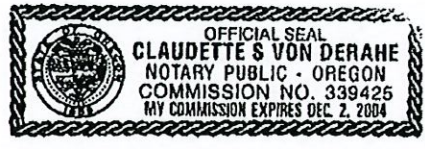
Mike Mast
Mike Mast

STATE OF Oregon)
)ss.
County of Douglas)

This instrument was acknowledged before me on this 21st day of October, 2003
by James Mast and Mike Mast.

Claudette S Von Derahe

Notary Public for Oregon
My commission expires:



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FEB 01 2010
WATER RESOURCES DEPT
SALEM, OREGON

ATTACHMENT II

APN: R45260

Statutory Warranty Deed
- continued

File No.: 7391-279958 (cv)
Date: 10/20/2003

EXHIBIT A

LEGAL DESCRIPTION:

All that portion of the Job Hatfield Donation Land Claim No. 41, Notification No. 625, lying in Section 16, Township 22 South, Range 9 West of the Willamette Meridian, Douglas County, Oregon.

EXCEPTING THERFROM the following: Beginning on the section line between Sections 16 and 17, Township 22 South, Range 9 West of the Willamette Meridian, Douglas County, Oregon, 26.38 chains South of the Northeast corner of Section 17 and 14.76 chains South of the North line of Donation Land Claim No. 40 in Sections 16 and 17, being a point on the South side of the right of way of Highway No. 38, a cedar stake from which a white oak 24 inches in diameter bears North 3° East 7.5 feet and marked RSBT; thence South on section line 16.90 chains to the low water mark of the North bank of the Umpqua River; thence following said low water mark, upstream, South 65° and East 6.89 chains; thence North 15.00 chains, more or less, to the Highway No. 38; thence following along South side of same in a Northwesterly direction to the place of beginning.

ALSO EXCEPTING THERFROM that portion lying Northerly of the Southerly line of State Highway No. 38, also known as Umpqua Highway.

END OF DOCUMENT

Page 3 of 3

RECEIVED

FEB 01 2010

**WATER RESOURCES DEPT
SALEM, OREGON**

ATTACHMENT II

FILED
 Date: 7-5-2007 By: JLC
 This survey consists of:
 Map: M153-44
 Narrative:
 Corner Pkt:
 DOUGLAS COUNTY
 SURVEYOR

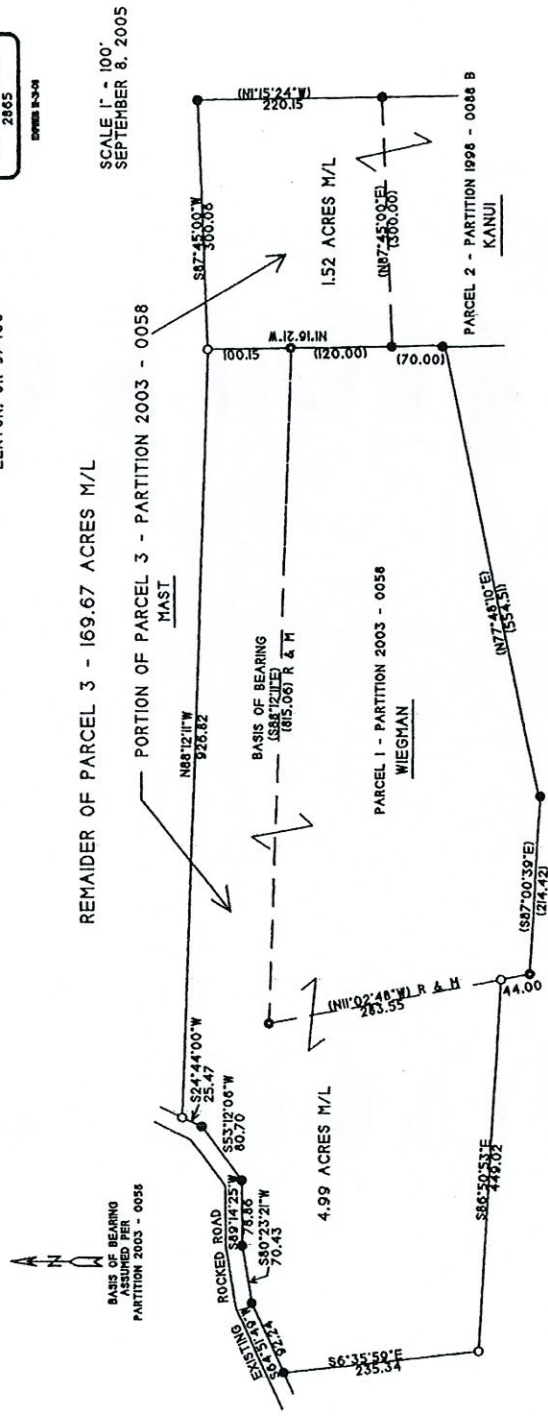
PROPOSED PROPERTY SURVEY
 LOCATED IN N1/2, SECTION 16
 T22S, R9W, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

PREPARED FOR:
 MIKE & JAMES MAST
 401 SUNNY RIDGE LANE
 REEDSPORT, OR 97467

BRUCE & BONNIE WIEGMAN
 P.O. BOX 545
 ELKTON, OR 97436

JOSEPH KANUI
 30779 STATE HWY 38
 ELKTON, OR 97436

PREPARED BY:
 MULKINS & RAMBO, LLC
 P.O. BOX 809
 NORTH BEND, OR 97459



SCALE 1" = 100'
 SEPTEMBER 8, 2005

NOTE: THIS PLAT ORIGINALLY WAS FOR A PROPERTY LINE ADJUSTMENT. THE WIEGMANS TEMPORARILY LEFT THE STATE FOR WORK PURPOSES AND PLAN TO CONTINUE WITH THE ADJUSTMENT PROCESS WHEN THEY RETURN. THIS PLAT REPLACES THE PLAT ALREADY SUBMITTED TO THE SURVEYOR'S OFFICE.

NARRATIVE
 THE PURPOSE OF THIS SURVEY WAS SET THE CORNERS AS SHOWN FOR THE PREPARATION OF PROPERTY LINE ADJUSTMENT DEEDS. CONTROL FOR THIS SURVEY WAS BASED ON PARCELS 0056, 0058, 0086 B FOR THE KANUI PARCEL. CALCULATED POSITIONS ALONG THE KANUI PARCEL FOR THE ADJUSTMENT DEEDS. THE CORNER POSITIONS ALONG THE EXISTING ROCKED ROAD WERE NOT SET AT THE OWNERS REQUEST. THE FIELD WORK WAS PERFORMED ON SEPTEMBER 2, 2005.

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FEB 01 2010

WATER RESOURCES DEPT
 SALEM, OREGON

FINAL PARTITION

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

RECEIVED

FEB 01 2010

WATER RESOURCES DEPT
SALEM, OREGON

I, Heather Seeley, being first duly sworn do say and depose:

- a. I am the Heather Seeley who, along with my husband, is an owner of the land on the Smith River in Oregon that my father, Mike Mast, and my uncle, James Mast, received in a real estate trade with Frank M. Hendrickson and Delilah S. Knight. The date that they received the land was around October 21, 2003.
- b. Their real estate transaction with Frank M. Hendrickson and Delilah S. Knight involved the trading of their land on the Umpqua River in Oregon plus a cash payment and their receipt of the Hendrickson/Knight land on the Smith River in Oregon. The Hendrickson/Knight land included a water right.
- c. After my husband and I were deeded the land on the Smith River, we wanted to transfer the existing water right from Hendrickson/Knight to us.
- d. In order to conveniently transfer the water right from Hendrickson/Knight to my husband and me, I needed one of their signatures on a water right transfer document.
- e. I spoke with Ms. Knight about having her sign the transfer document.
- f. During that conversation, I asked her if she would sign the transfer document. She told me that she would not sign the transfer document until "you get me a water right" on the Wiegman's property for her land (on the Umpqua River land that she and Mr. Hendrickson received from my father and my uncle). This was after she and Mr. Hendrickson were deeded the land on the Umpqua River. She acknowledged that she and Mr. Hendrickson knew that they did not have a water right on the Wiegman's property.
- g. I told her that I would have to talk to my father, Mike Mast, about the water right and get back to her. She insisted that, if I didn't get her that water right to her property (on the Umpqua River that she received from my father and uncle), she would not sign the transfer document that would officially transfer my water right

on the property that I and my husband owned which did have a water right that was part of our purchase of the property.

- h. My father, Mike Mast, told me that she did not have a water right on the Wiegman property and that she knew it. He said that I should not get involved with her issue.
- i. My husband and I were convinced that she would not cooperate so we then transferred the water right by another, less convenient method that did not require her or Mr. Hendrickson's signature.

Dated this 25th day of January, 2010

By *Heather Seeley*
Heather Seeley

SUBSCRIBED AND SWORN to in my presents this 25th day of January, 2010



Jeannine Dodge
Notary Public of Oregon
My Commission Expires: May 1, 2011
STATE OF: OREGON
COUNTY OF: DOUGLAS

RECEIVED
FEB 01 2010
WATER RESOURCES DEPT
SALEM, OREGON

16211 INVERURIE ROAD • LAKE OSWEGO, OR • 97035
PHONE 503-636-0784 • E-MAIL bwiegman@jeffnet.org

BRUCE WIEGMAN

September 15, 2009

Water Resources Department
725 Summer Street NE
Salem, OR 97301

Re: Surface Water Registration 423

Dear Ms. Anne Reese,

Enclosed is the Affidavit of Mrs. Ivonne Parrish who, with her husband, George Parrish, owned the subject property for many years. They sold it in the late 90s or early 2000s to Mike and James Mast who sold it to my wife and me.

George, unfortunately, is mentally unable to remember any information regarding the property or the springs on it.

Her references in the Affidavit to Spring 1 and Spring 2 relate to the Water Resources Department's document entitled "Surface Water registration Statement Pre-1909 Vested Water Right Claim" that was filled out and sent to you. You have it in your SWR 423 file.

If you would be good enough to call me after you have received and reviewed this Affidavit, I would appreciate it. My number is shown above.

Thank you,


Bruce Wiegman

RECEIVED

SEP 16 2009

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Douglas)

I, Ivonne Parrish, first being duly sworn do say and depose:

1. I am the Ivonne Parrish that is listed as a Registrant of the attached Surface Water Registration Statement Pre-1909 Vested Water Right Claim.
2. Many of the waterlines drawn on the attached documents are in err.
3. My husband, George Parrish, and I developed the spring shown as Spring No. 1 on the attached document in 1990.
4. My husband, George Parrish, is mentally unable to relate the truth about the status of the water sources, pipelines and actual uses of the water at the time we filed for the Water Right Claim or, in fact, at any other time.
5. We hired Arlie Toy to do the actual work.
6. The waterline from that spring went directly to our double wide mobile home and stopped. It went nowhere else.
7. Spring No. 1's waterline did not go to the Barn across the road. It did not go to the "0.5 ac. irr." shown on the map nor was it attached to the waterline from Spring No. 2.
8. There is not and was not from 1988 onward a garden or any irrigation or waterline to the spot by the 1854 residence shown as "0.5 ac. irr.". The only garden was east of that old house by the other two residences shown and that garden, the old house and those two residences all got their water from Spring No. 2 with NO additional water from Spring No. 1.
9. In 1988, I saw a white pipe south of Spring No. 1, over the bank. It was broken. My husband said that it used to go to the Barn across the highway but that it hadn't been used in years. The white pipe gathered water in the open "creek" as the spring had not been developed.
10. Without a doubt, I can say that Spring No. 1 never was used to bring water to the Barn across the highway after 1988 and probably from years prior.

RECEIVED
SEP 16 2009
WATER RESOURCES DEPT
SALEM, OREGON

11. We, my husband and I, were the sole users of the water from Spring No. 1 from 1988 until we sold the land to James and Mike Mast.

Dated the 25th day of April, 2005.

By *Ivonne Parrish*
Mrs. Ivonne Parrish

SUBSCRIBED AND SWORN to in my presence this 25th day of April, 2005

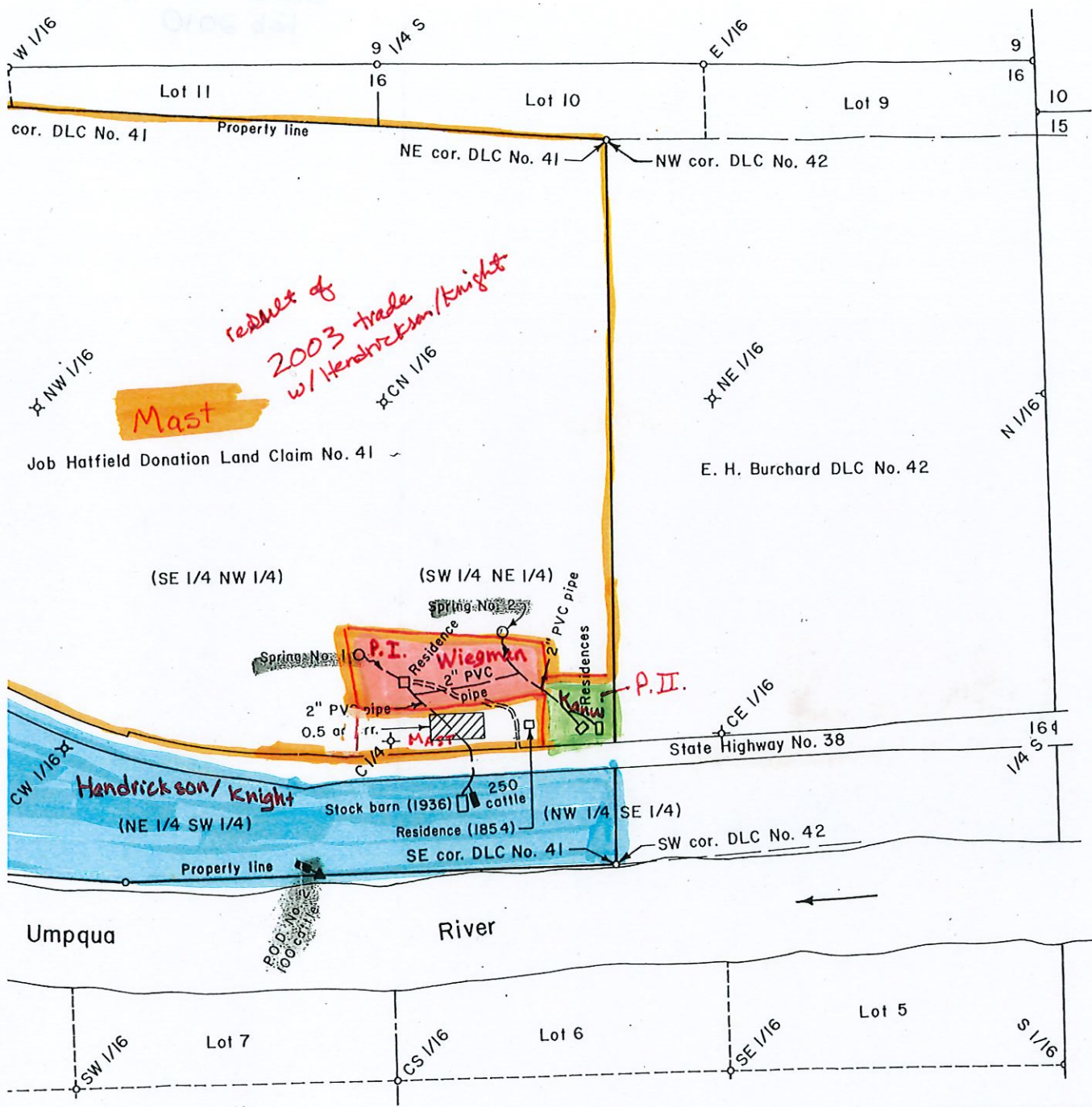


Anne Huntington
Notary Public of Oregon
My Commission Expires: 6-10-2008

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SEP 16 2009

WATER RESOURCES DEPT
SALEM, OREGON

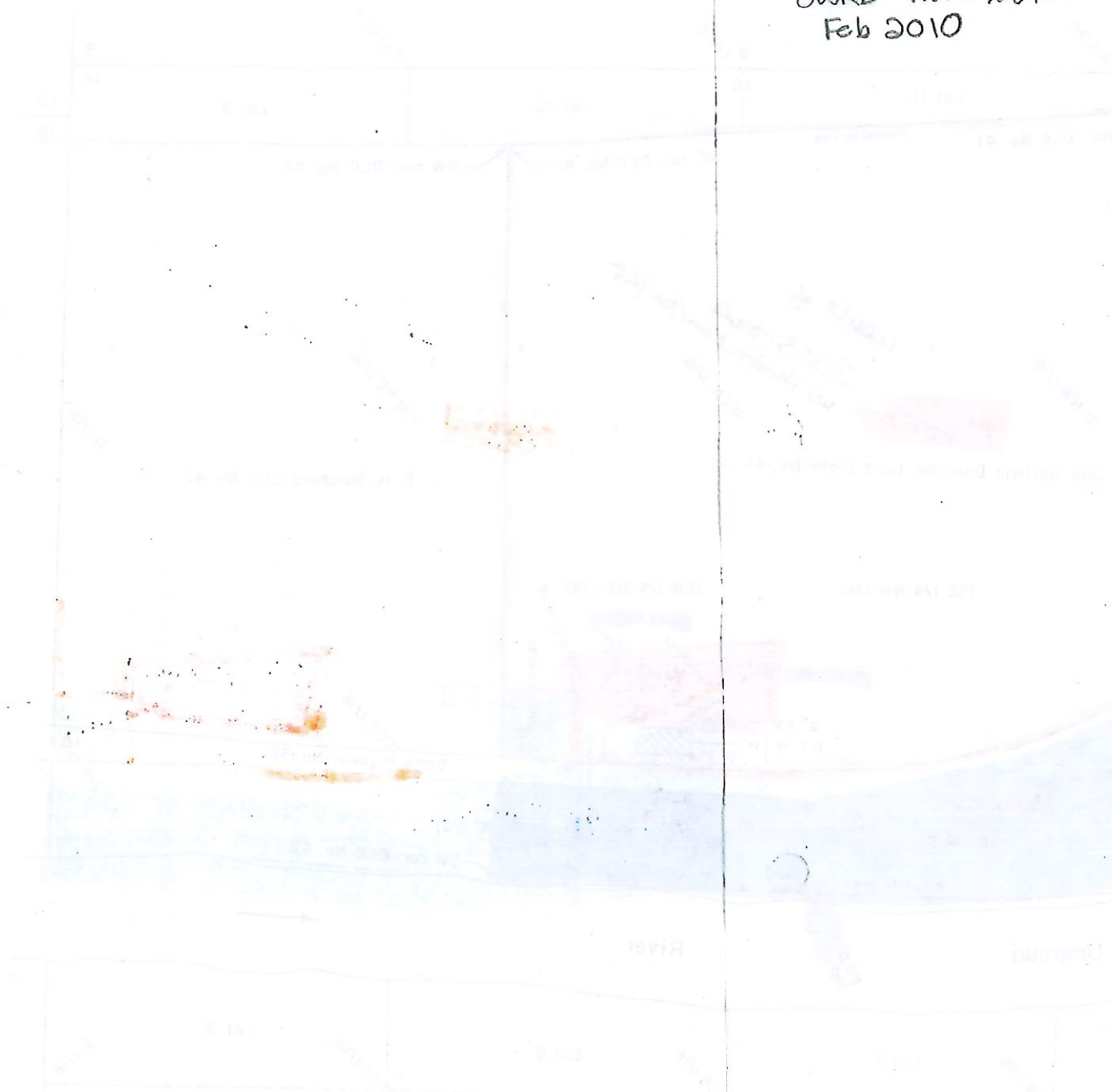


Scale: 1" = 40'

Certified Water I #118 V
 Bruce A
 Bruce A.
 Nov. 19
 STATE OF

WATER USE REGISTRATION MAP FOR

OWRD Work Notes
Feb 2010



WATER DIVISION MAP FOR

STATE OF OREGON

WATER RESOURCES DEPARTMENT RECEIVED

RECEIPT # 95725

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

OVER THE COUNTER

RECEIVED FROM: George Parish
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-7633 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ 400.00
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.019	\$
_____	LANDOWNER'S PERMIT	\$	842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # 95725

DATED: 12/31/92

BY: C. Engel

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME Umpqua # 16 UNADJUDICATED AREA ? OK DWF
RECEIPT # 95725 S W R NUMBER 423
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION SC9V

FORM REVIEW

- _____ blanks filled in
- _____ signed
- _____ date received stamped

MAP REVIEW

- source and trib
- diversion point location
- conveyances (pipes, ditch, etc.) 2 POD's 1 & 2 ? Direct or ?
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- _____ disclaimer
- _____ date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

December 10, 1993


SHANER ENGINEERING
PO BOX 1430
ROSEBURG OR 97470

RE: SWR-423

Dear Mr Shaner,

This will acknowledge the receipt of information to support the pre-1909 vested water right claim in the name of GEORGE & YVONNE PARRISH. I have added the information to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WIS\C\4\SWR-0423.003



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

November 18, 1993

WATER
RESOURCES
DEPARTMENT

SHANER ENGINEERING
PO BOX 1430
ROSEBURG OR 97470

RE: SWR-423 (George & Yvonne Parrish)

Dear Bruce,

I have reviewed the map and report sent in support of the pre-1909 vested water right claim by the Parrish's. I have one question. On the map you show P.O.D. 1 and P.O.D. 2 with stock watering trough's. In your report you say, "Watering directly from the Umpqua River." I need to know which it actually is.

If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WAS\C\ASWR-0423.002



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

March 30, 1993

GEORGE D PARRISH & YVONNE PARRISH
PO BOX 700
ELKTON OR 97436

Dear GEORGE & YVONNE PARRISH,

This will acknowledge that your Surface Water Registration Statement in the name of GEORGE D PARRISH & YVONNE PARRISH has been received by our office. The fees in the amount of \$400.00 have been received and our receipt was written. Your registration statement has been numbered SWR-423.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Dwight French
Adjudication Section

J:\WP51\SWR\CLAIMANT\SWR-0423.001



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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

April 7, 2005

Bruce Wiegman
PO Box 567
Elkton, OR 97436


Re: Surface Water Registration 423

Dear Mr. Wiegman:

Pursuant to our phone conversation of April 5, 2005, enclosed please find copies of the Affidavits filed for Surface Water Registration 423.

Please do not hesitate to contact us if we may be of further assistance.

Sincerely,


Teri Hranac
Adjudications Specialist

Enclosure

Wiegman phone 541 587-4204



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 13, 2005

Frank M. Hendrickson & Delilah S. Knight
3460 Rice Valley Road
Oakland, OR 97462

Re: Surface Water Registration Statement 423 (SWR-423)

Dear Mr. Hendrickson & Ms. Knight:

We received your letter on January 7, 2005, amending the ownership and changing a portion of the use to include domestic use on a portion of SWR-423. This amendment will be placed in the SWR-423 file. The amendment will also be published in Oregon Water Resources Department's Public Notice on January 19, 2005. Your documentation did not include a copy of the map we sent you indicating the location of the domestic use. In the future, you may be required to submit a map prepared by a Certified Water Rights Examiner identifying the location of the domestic use.

I am forwarding a copy of this letter along with your letter to Dave Williams, Watermaster for District 15. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

Teri Hranac
Adjudication Specialist

cc: Dave Williams

Gerry Clark
Water Rights Section

RE: Surface Water Registration (SWR) File #423

Gerry Clark

In 1999 we had an agreement with Mike Mast to exchange properties.

Mike Mast told us about the Spring water rights. we replaced the water line to the barn. We have been using this water since 1999.

We want to change the water to domestic use also, because we have an R.V. site.

Thank you
Aunt Helen (owner)
Delilah & Krug (owner)

Gerry -

Did they move POD?
map sent w/ letter.

Please check this & let me know if changes.

Thanks,

[Signature]

1/11/05
7:50 am
No

RECEIVED

ED

05

ES DEPT
30N

RECEIVED

JAN 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

31
First American Title Insurance Company
Commercial Title Division 279958 CV
P.O. Box 1325
Roseburg, OR 97470



After recording return to:
Frank M. Hendrickson
3460 Rice Valley Road
Oakland, OR 97462

Until a change is requested all tax statements
shall be sent to the following address:
Frank M. Hendrickson
3460 Rice Valley Road
Oakland, OR 97462

File No.: 7391-279958 (cv)
Date: October 20, 2003

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-029027



\$31.00

DEED-WD Cnt=1 Stn=18 10/23/2003 02:37:44 PM
\$15.00 \$11.00 \$5.00 RECORDINGDESK

STATUTORY WARRANTY DEED

James Mast and Mike Mast, Grantor, conveys and warrants to **Frank M. Hendrickson and Delilah S. Knight, as tenants by the entirety**, 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. The property has been specially zoned or classified for Farm use; the rights of the public and governmental bodies in and to that portion of the property lying below the ordinary high water mark of the Umpqua River; restricted access; restrictive covenant for resource management; and easements, 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 **\$50,000.00**. (Here comply with requirements of ORS 93.030)


JAN 07 2005

WATER RESOURCES DEPT
SALEM, OREGON

APN: R45260

Statutory Warranty Deed
- continued

File No.: 7391-279958 (cv)
Date: 10/20/2003



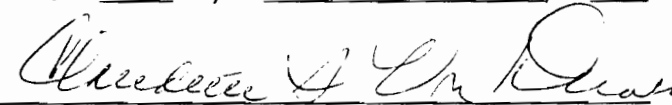
James Mast



Mike Mast

STATE OF Oregon).
)ss.
County of Douglas)

This instrument was acknowledged before me on this 25th day of October, 2003
by **James Mast and Mike Mast**.



Notary Public for Oregon
My commission expires:

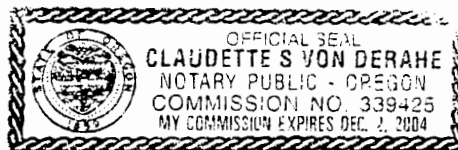


EXHIBIT A

LEGAL DESCRIPTION:

All that portion of the Job Hatfield Donation Land Claim No. 41, Notification No. 625, lying in Section 16, Township 22 South, Range 9 West of the Willamette Meridian, Douglas County, Oregon.

EXCEPTING THERFROM the following: Beginning on the section line between Sections 16 and 17, Township 22 South, Range 9 West of the Willamette Meridian, Douglas County, Oregon, 26.38 chains South of the Northeast corner of Section 17 and 14.76 chains South of the North line of Donation Land Claim No. 40 in Sections 16 and 17, being a point on the South side of the right of way of Highway No. 38, a cedar stake from which a white oak 24 inches in diameter bears North 3° East 7.5 feet and marked RSBT; thence South on section line 16.90 chains to the low water mark of the North bank of the Umpqua River; thence following said low water mark, upstream, South 65° and East 6.89 chains; thence North 15.00 chains, more or less, to the Highway No. 38; thence following along South side of same in a Northwesterly direction to the place of beginning.

ALSO EXCEPTING THERFROM that portion lying Northerly of the Southerly line of State Highway No. 38, also known as Umpqua Highway.

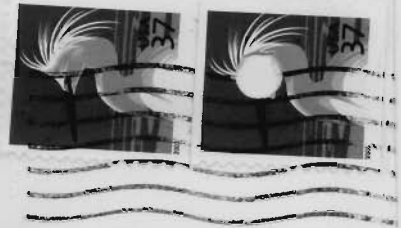
END OF DOCUMENT

RECEIVED

JAN 07 2005

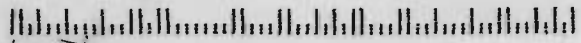
**WATER RESOURCES DEPT
SALEM, OREGON**

Grant M. Hendrickson
3460 Rice Valley Rd
Oakland, OR 97462



Oregon Water Resources Department
Water Rights/Adjud. Division
725 Summer ST NE Suite A
Salem, Oregon 97301-1271

ATTN: (624) (271) (271)
Water Resource Department



1. 11. 11

541-459-5433

New Owner of
South Portion of
Property

Mike Hendrickson
3460 Rice Valley Rd
Oakland OR 97462

① Copy of file

② Info on Amend.

- Don Henry

Mark location of Domestic
use on map. May need
to have a new map at some
point in future



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

December 14, 2004

Mike Hendrickson
3460 Rice Valley Rd
Oakland, OR 97462

RE: Surface Water Registration (SWR) File # 423

Mr. Hendrickson,

Enclosed is a copy of the above referenced file and Division 28 Administrative Rules which describe the process for amending a Registration statement.

OAR 690-028-0055(1) describes the information required to be submitted when a SWR is amended. It states:

“When any amendment in ownership, point of diversion, place of use, or type of use is necessary within a right defined by a registration statement then the amendment shall be submitted in writing to the Department. The request shall include documentation that the water has been used over the past five years in accordance with the terms and conditions of the registration. The request shall state the reasons for the change.”


In addition to the information above, indicate on the map the location of the domestic use. In the future, you may be required to submit a map prepared by a Certified Water Rights Examiner identifying the location of the domestic use.

We also discussed associating your name with the file. Provide a copy of the deed showing the ownership transfer to you and the legal description of your property, typically referred to as “Exhibit A” in the deed.

The Department is currently involved in the adjudication of the Klamath River where 728 claims were filed and over 5600 contests have been received against either the claim or the Department’s preliminary finding. With limited staff, it is impossible to project a time when the adjudication of the sources involved in this registration will commence.

Should you have any additional questions, please feel free to contact me at 503-986-0811 or Teri Hranac in our Adjudication Section at 503-986-0826.

Sincerely,



Gerry Clark
Water Rights Specialist

cc: file
Watermaster #15

Oregon

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1271

ADDRESS SERVICE REQUESTED

- MOVED. LEFT NO ADDRESS
- FORWARDED ORDER EXP. NOT KNOWN
- UNCLAIMED REFUSED
- NO SUCH STREET
- NO SUCH NUMBER
- INSUFFICIENT ADDRESS



Joseph F. Kanui
30779 State Highway 38
Elkton, OR 97436

PRESORTED
FIRST CLASS

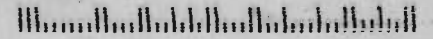


RECEIVED

MAY 14 2004

WATER RESOURCES DEPT
SALEM OREGON

~~ELKTON, OR 97436~~



Oregon

WATER RESOURCES

DEPARTMENT

Water Rights/Adjud. Division

725 Summer St. NE, Suite A

Salem, Oregon 97301-1271

503.986.0826

FAX: 503.986.0901

www.wrd.state.or.us

Teri.K.Hranac@wrd.state.or.us

Teri Hranac

Adjudications Specialist

Adjudications Section





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 11, 2004

Joseph P. Kanui
30779 State Highway 38
Elkton, OR 97436

Re: Surface Water Registration Statement # 423

Dear Mr. Kanui:

We are in receipt of the Assignment for Surface Water Registration 423. The updated ownership information has been placed in the file for Surface Water Registration 423.

Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,

Teri Hranac
Adjudications Specialist

Enclosure

cc: Roger Skelton

RECEIVED
MAY 10 2004
WATER RESOURCES DEPT
SALEM, OREGON

ASSIGNMENT

I, ROGER SKELTON, of _____,

37685 Kimball Rd Dexter OR 97431
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

do hereby assign all my interest in and to my pre-1909 vested water right claim,
file number SWR 423 filed in the office of the Water Resources Director,
to:

Joseph P. Kanui
(NAME)

30779 State Highway 38 Elkton OR 97436
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

TELEPHONE NUMBER _____

WITNESS my hand this 6th day of May ~~19~~ 2004

Roger Skelton
Roger Skelton

SUBMIT TO:

OREGON WATER RESOURCES DEPT
725 SUMMER STREET NE, SUITE A
SALEM, OR 97301

WATER RESOURCES DEPT

NO FEE



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 11, 2004

Joseph P. Kanui
30779 State Highway 38
Elkton, OR 97436

Re: Surface Water Registration Statement # 423

Dear Mr. Kanui:

We are in receipt of the Assignment for Surface Water Registration 423. The updated ownership information has been placed in the file for Surface Water Registration 423.

Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,

Teri Hranac
Adjudications Specialist

Enclosure

cc: Roger Skelton

RECEIVED
MAY 10 2004
WATER RESOURCES DEPT
SALEM, OREGON

ASSIGNMENT

I, ROGER SKELTON, of _____, of

37685 Kimball Rd Dexter OR 97431
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

do hereby assign all my interest in and to my pre-1909 vested water right claim,
file number SWR 423 filed in the office of the Water Resources Director,

to:

Joseph P. Kanui
(NAME)

30779 State Highway 38 Elkton OR 97436
(MAILING ADDRESS) (CITY) (STATE) (ZIP)


TELEPHONE NUMBER _____

WITNESS my hand this 10th day of May ~~19~~ 2004

Roger Skelton
Roger Skelton

SUBMIT TO:
OREGON WATER RESOURCES DEPT
725 SUMMER STREET NE, SUITE A
SALEM, OR 97301

NO FEE

 **TICOR TITLE™**

P.O. Box 355
Reedsport, Oregon 97467-0355



GREETING
FROM
Far Far Away



OREGON WATER RESOURCES DEPT
725 SUMMER STREET NE SUITE A
SALEM OR 97301

97301+1266



Surface Water Registration Statement, Pre-1909
Vested Water Right Claim for
George D. & Yvonne Parrish in the Job Hatfield
D.L.C. No. 41, T29S, R5W, W.M., Douglas, County, Oregon

8. Remarks continued:

The George Parrish Ranch, some 230 acres, is entirely within the Job Hatfield Donation Land Claim No. 41 in Section 16, T22S, R9W, W.M., Douglas County, Oregon. The Donation Land Claim was patented to Job Hatfield in 1866, and has been a working stock ranch and farm every since. Until Mr. Parrish bought the ranch in 1970, the ranch had been owned only by two different families, the Hatfield family and the Burchard family. Occupation and operation of the ranch, including water usage for the stock and for one residence and 0.5 acre irrigation of garden has been continuous.

The original homestead residence, built in 1854, is still on the ranch (see map and pictures.) It is unoccupied but some thought has been applied to restoring it. The existing barn was built in 1936. (See map and pictures).

Water System for Stock Barn and Domestic

The water system is basically powered by gravity from two springs above the existing residence and barn and garden. (The only exception is a small pressurized system for the residence.)

Spring No. 1 The collection system was recently improved with geotextile fibre and 10 yards of crushed rock, with 4" perforated P.V.C. pipe inside this. The pipe connects to a 1,000 gallon concrete tank and thence through 2 inch P.V.C. to the residence, garden and stock barn. Minimum flow is 5 gallons per minute and maximum flow is 6 G.P.M.

Spring No. 2 Four inch perforated pipe feeds into a 750 gallon steel tank and thence to a tie through 2 inch P.V.C. pipe into the system from Spring No. 1 to the residence, stock barn and garden. This spring also feeds 2 other residences on the Parrish property. The spring area is fenced. Minimum flow is 3 gallons per minute and maximum flow is 4 gallons per minute.

Residence Pressure System A 1/2 Hp Gould pump and motor, electric 220 volt, 3450 R.P.M., type C by A. O. Smith Corp. Has a 40 gallon pressure tank, installed in small shed outside residence.

Cattle Watering Steel troughs by barn with float controls.

Irrigation System Two inch Hand Lines with Rainbird sprinklers.

P.O.D.'s No. 1 & 2: Watering directly from the Umpqua River.

PHONE: (503) 672-4074

OFFICE: 433 S.E. MAIN

FAX: (503) 673-7135

Shaner Engineering, Inc.

CIVIL ENGINEERING IN THE NORTHWEST

MAIL: P.O. BOX 1430 • ROSEBURG, OREGON 97470

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97331

Oregon Water Resources Dept.
3850 Portland Road, N.E.
Salem, Oregon 97310

re: Registration of Pre-1909
W.R. for George Parrish

Attention: Adjudication Section

Dear Sirs:

Enclosed is the application for Water Use Registration for Adjudication for George and Yvonne Parrish. Also enclosed are documents and a check.

Yours truly,

Bruce A. Shaner
Bruce A. Shaner,
C.W.R.E.

Encl: As above

cc: Parrish

HAND DELIVERED

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, George Donald Parrish, a citizen of the United States, residing at 30809 Oregon Highway No. 38, Elkton, Ore., being first duly sworn, on oath, depose and say:

I am now the age of 64 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1947.

I bought the ranch about 1970 from Gard Burchard, who inherited it from Maggie Burchard, who in turn inherited it from Job Hatfield, the original owner of the ranch property, i.e., the Job Hatfield Donation Land Claim No. 41, in T22S, R9W, W.M., Douglas County, Oregon. The ranch now occupies some 233 acres. I operated the ranch as a cattle ranch since the time I bought it until the present, either personally or through lessors. There has been someone living on the ranch and using the springs' water for their residence and 1/2 acre lawn and garden continuously since I bought it. I personally retired and moved onto the ranch in 1990.

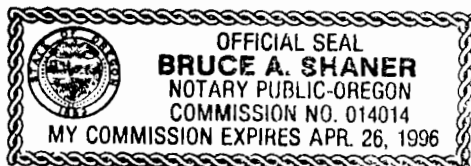
All the old timers of the area have told me that the ranch has been operated as a cattle ranch and the residence has been occupied continuously, with an irrigated lawn and garden.

The two springs near the present residence and the old homestead and barn have been used continuously to date for the residential water and one half acre lawn and garden and ranch livestock.

George Donald Parrish

SIGNED & SWORN to before me on this
7th day of December, 1992,

Bruce A Shaner
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Floyd V. Weatherly, a citizen of the United States, residing at 260 Weatherly Crk. Rd. Elkton OR, 97436. being first duly sworn, on oath, depose and say:

I am now the age of 74 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1946. I have known the owners and operators of the ranch listed below since 1926. They were relatives of mine. (FVW)
I have been acquainted these years with the owners and operators of the original homestead that now comprise the George Parrish ranch, which is the old Job Hatfield Donation Land Claim No. 41, in Township 22 South, Range 9 West, W.M., Douglas County, Oregon. The ranch lays about four miles east of Scottsburg on Oregon Highway No. 38. The ranch now comprises some 233 acres.

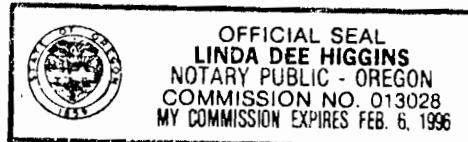
There are two springs located on the ranch near the residence and barn that have been used continuously for ranch and domestic purposes including irrigation of 1/2 acre lawn and garden, since the homesteading of the ranch about 1856.

Stock, mostly cattle, has been grown on the ranch throughout its history. The stock has used the above two springs.

Floyd V. Weatherly

SIGNED & SWORN to before me on this
28th day of December, 1992,

Linda Dee Higgins
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, CHARLES HENDERER, a citizen of the United States,
residing at ELKTON, OR.,
being first duly sworn, on oath, depose and say:

I am now the age of 73 years and have been a continuous
resident and inhabitant of Douglas County, Oregon since the
year 1919.

I have been acquainted these years with the owners
and operators of the original homestead that now comprise the
George Parrish ranch, which is the old Job Hatfield Donation
Land Claim No. 41, in Township 22 South, Range 9 West, W.M.,
Douglas County, Oregon. The ranch lays about four miles east of
Scottsburg on Oregon Highway No. 38. The ranch now comprises
some 233 acres.

There are two springs located on the ranch near the
residence and barn that have been used continuously for ranch
and domestic purposes including irrigation of 1/2 acre lawn
and garden, since the homesteading of the ranch about 1856.

Stock, mostly cattle, has been grown on the ranch
throughout its history. The stock has used the above two
springs.

Charles W. Henderer

SIGNED & SWORN to before me on this
28th day of December, 1992

Linda Dee Higgins
Notary Public for Oregon



A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, John R. Fryer, a citizen of the United States,
residing at 885 Vista Ct, Reedsport Oregon 97467,
being first duly sworn, on oath, depose and say:

I am now the age of 59 years and have been a continuous
resident and inhabitant of Douglas County, Oregon since the
year 1933. *I was raised in Scottsburg from 1933 to 1965 when I moved to Reedsport
& lived there since. J.R.F.*

I have been acquainted these years with the owners
and operators of the original homestead that now comprise the
George Parrish ranch, which is the old Job Hatfield Donation
Land Claim No. 41, in Township 22 South, Range 9 West, W.M.,
Douglas County, Oregon. The ranch lays about four miles east of
Scottsburg on Oregon Highway No. 38. The ranch now comprises
some 233 acres.

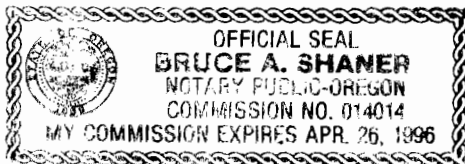
There are two springs located on the ranch near the
residence and barn that have been used continuously for ranch
and domestic purposes including irrigation of 1/2 acre lawn
and garden, since the homesteading of the ranch about 1856.

Stock, mostly cattle, has been grown on the ranch
throughout its history. The stock has used the above two
springs.

John R. Fryer

SIGNED & SWORN to before me on this
20th day of December, 1992,

Bruce A. Shaner
Notary Public for Oregon



KNOW ALL MEN BY THESE PRESENTS, That GEORGE DONALD PARRISH

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto GEORGE D. PARRISH and YVONNE PARRISH, husband and wife hereinafter called grantees, and unto grantees's heirs, successors and assigns all of 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 as follows, to-wit:

RECEIVED

DEC 3 1 1992

WATER RESOURCES DIVISION SALEM, OREGON

FILED IN THE CLERK'S OFFICE OF THE COUNTY OF DOUGLAS

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

IF SPACE INSUFFICIENT CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantor and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ love and affection.

However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols @, 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 11th day of June, 1990; 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.

George Donald Parrish

If the signer of this instrument is a corporation, use the form of acknowledgment opposite.

STATE OF OREGON, County of Douglas. The foregoing instrument was acknowledged before me this June 11, 1990 by George Donald Parrish

(OR 93.030)

STATE OF OREGON, County of. The foregoing instrument was acknowledged before me this, by president, and by secretary of

corporation, on behalf of the corporation.

Notary Public for Oregon My commission expires 7-2-92

Notary Public for Oregon My commission expires (SEAL) (If executed by a corporation, affix corporate seal)

Form with fields for GRANTOR'S NAME AND ADDRESS, GRANTEES NAME AND ADDRESS, NAME ADDRESS ZIP, and AS NOW OF RECORD.

Form with fields for STATE OF OREGON, County of, 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/title/instrument/microfilm/reception No. Record of Deeds of said county. Witness my hand and seal of County affixed. By Deputy

All that portion of the Job Hatfield Donation Land Claim No. 41, Notification No. 625, lying in Section 16, Township 22 South, Range 9 West of the Willamette Meridian.

EXCEPTING THEREFROM: Beginning on the section line between Sections 16 and 17, Township 22 South, Range 9 West of the Willamette Meridian, 26.38 chains South of the Northeast corner of Section 17 and 14.76 chains South of the North line of Donation Land Claim No. 40 in Sections 16 and 17, being a point on the South side of the Right of way of Highway No. 58, a cedar stake from which a white oak 24 inches in diameter bears North 3° East 7.5 feet and marked R S B T; thence South on section line 16.90 chains to the low water mark on the North bank of the Umpqua River; thence following said low water mark, upstream, South 65° East and 6.89 chains; thence North 15.00 chains, more or less, to the Highway No. 58; thence following along South side of same in a Northwesterly direction to the place of beginning.

ALSO EXCEPTING: Beginning at a 3/4 inch galvanized iron rod, which bears South 1741.1 feet to a 30 inch oak tree, and South 73° 15' East 373.7 feet, from the corner common to Sections 8, 9, 16 and 17, Township 22 South, Range 9 West of the Willamette Meridian; thence South 46° 09' West 50.0 feet to a 3/4 inch galvanized iron rod; thence North 43° 51' West 80.0 feet to a 3/4 inch galvanized iron rod; thence North 46° 09' East 50.0 feet to a 3/4 inch galvanized iron rod; thence South 43° 51' East 80.0 feet to the place of beginning, all being situated in Section 16, Township 22 South, Range 9 West of the Willamette Meridian.

ALSO EXCEPTING that property conveyed to the State of Oregon by deed, Recorder's No. 73-4437, Records of Douglas County, Oregon.

ORDER NO. 22786

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

1990 JUN 12 PM 1:24

GAY FIELDS
 DOUGLAS COUNTY CLERK
 IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

Alvin J. Burnett

30-90

90-07836

REAL ESTATE CONTRACT

THIS CONTRACT, Made this 20th day of August, 1971, between E. K. CARTER and BETTY CARTER, husband and wife, hereinafter called the sellers, and GEORGE PARRISH and BEUNA PARRISH, husband and wife, as tenants by the entirety, hereinafter called the buyers,

WITNESSETH: That in consideration of the stipulations herein contained and the payments to be made as hereinafter specified, the sellers hereby agree to sell to the buyers and the buyers agree to purchase from the sellers the following described real estate, situate in the County of Douglas, State of Oregon, to-wit:

Undivided one-half of an equity in land sales contract dated the 11th day of August, 1967, between Gard Burchard, an unmarried man, as seller, and George Parrish and Beuna Parrish, husband and wife, as buyers, covering real property in Douglas County, Oregon, described as follows, to-wit:

Job Hatfield D.L.C. #41, Notification No. 625, being a portion of Section 16, Township 22 South, Range 9 West, Willamette Meridian, in Douglas County, Oregon, containing 235 acres more or less.

EXCEPTING:

1. Roads, highways and the rights of the public therein.
2. Portion in Southwest corner thereof which has been sold and appears of record which is approximately 10 acres out of original 245 acres.
3. Subject to T. Hansen lease which expires January 1, 1972. (buyers to receive rent therefrom).

for the sum of FIFTEEN THOUSAND & no/100 DOLLARS (\$15,000.00) (hereinafter called the purchase price), on account of which THREE THOUSAND & no/100 DOLLARS (\$3,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the sellers); the buyers agree to pay the remainder of said purchase price (to-wit:\$12,000.00) to the order of the seller in ANNUAL payments of not less than ONE THOUSAND TWO HUNDRED & no/100 DOLLARS (\$1,200.00) each, payable on the 1st day of September each year hereafter beginning with the month of September, 1972, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of 5% per annum from September 1, 1971, until paid, interest to be paid annually and being included in the minimum annual payments above required.

The buyer shall be entitled to possession of said lands on September 1, 1971, and may retain such possession so long as he is not in default under the terms of this contract.

The buyer agrees that at all times he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens.

That he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due, and taxes on said premises for the current tax year shall be prorated between the parties hereto as of: September 1, 1971.

That at buyer's expense, he will insure and keep insured all buildings now or hereafter erected on said premises against loss or damage by fire (with extended coverage) in an amount not less than none in a company or companies satisfactory to the seller, with loss payable first to the seller and then to the buyer as their respective interests may appear and all policies of insurance to be delivered to the seller as soon as insured.

Now if the buyer shall fail to pay any such liens, costs, water rents, taxes, or charges or to procure and pay for such insurance, the seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the seller for buyer's breach of contract.

~~the seller agrees that he will, within _____ days from the date hereof, to furnish unto buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, less and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. Seller also agrees that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since said date placed, permitted or arising by, through or under seller, excepting, however, the said easements and restrictions and the taxes, municipal liens, water rents and public charges so assumed by the buyer and further excepting all liens and encumbrances created by the buyer or his assigns.~~

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option, after giving buyers 30 days written notice of default, and buyer failing to correct default within said notice period, shall have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and revert in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this contract and

such payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereof or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the buyer agrees to pay such sum as the trial court may adjudge reasonable as attorney fees to be allowed plaintiff in said suit or action and if an appeal is taken from any judgment or decree of such trial court, the buyer further promises to pay such sum as the appellate court shall adjudge reasonable as plaintiff's attorney's fees on such appeal.

In construing this contract, it is understood that the seller or the buyer may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have executed this instrument in duplicate.

E. K. Carter
E. K. Carter

George Parrish
George Parrish

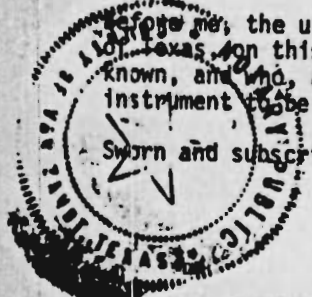
Betty Carter
Betty Carter

Beuna Parrish
Beuna Parrish

State of Oregon, County of Douglas SS.
Aug 20 AD. 1971
I, Walter J. Galt, Notary Public for the State of Oregon, do hereby certify that the foregoing instrument is the true and correct copy of the original instrument as the same appears from the records of my office.
Walter J. Galt
Notary Public for Oregon
STATE OF OREGON
Walter J. Galt
12/13/71

State of Oregon, County of Douglas SS.
AD. 19____
Personally appeared the above named _____
_____ and _____
and acknowledged the foregoing instrument to be voluntary act and deed, before me
Notary Public for Oregon

The State of Texas
County of Van Zandt



I, the undersigned, a Notary Public in and for the said County, State of Texas, on this day personally appeared Betty Carter, to me well known, and who, after being by me duly sworn, acknowledged the foregoing instrument to be her voluntary act and deed.

Sworn and subscribed before me, this 1 day of September 1971

Walter J. Galt
Notary Public in and for Van Zandt County, Texas

THIS CONTRACT, Made this 20th day of August, 1971, between
E. K. CARTER and BETTY CARTER, husband and wife, hereinafter
called the sellers, and GEORGE PARRISH and BEUNNA PARRISH, hus-
band and wife, as tenants by the entirety, hereinafter called
the buyers,

REAL ESTATE CONTRACT

476 PAGE 333

450 pk No. 71-12779
STATE OF OREGON }
COUNTY OF DOUGLAS }

G. D. Myltenbeck, County Clerk and ex-officio
Recorder of Deeds, do hereby certify that the within instrument was

filed SEP 16 1971 1:33 P M

476
330 BOOK OF RECORDS

G. D. Myltenbeck

County Clerk
My George Parrish
Recorder [Signature]

450 pk.
✓ George Parrish
P.O. Box 616
Elkton, Ore.
97436

and should acknowledge it to the effect that she executed the same freely and without fear or compulsion from anyone.

Witness my hand and Official Seal this the 26th day of June in the Certificate above written.

E. S. Hulse
Notary Public

Seal

Recorded June 26 1878

Job Hatfield OLC No. 41

F. L. Williams Co. Clerk

Job 10 pg. 102

Vol. 10, Page 102

United States
In
Job Hatfield

The United States of America. To all to whom these presents shall come greeting. Whereas there has been deposited in the General Land Office of the United States a certified to true and true copy and being two of the Register and Receiver Job Roseburn of the said county, appears that under the provisions of the act of Congress approved the 3rd day of September 1856 entitled "An act to create the Office of Surveyor General of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands" and the legislation supplemental thereto the claim of Job Hatfield of Washington County Oregon Notification No. 625 has been established to a Donation of One half Section or Three hundred and twenty acres of land, and that the same has been surveyed and designated as claim number forty one being parts of sections sixteen and seventeen in Township Twenty two South of Range Two West according to the Official plat of Survey returned to the General Land Office by the Surveyor General being bounded and described as follows to wit

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of Washington this Eleventh day of July
in the year of Our Lord One thousand
Eight hundred and Sixty six and of
the Independence of the United States the
Ninety first

(Seal) Before the President, Andrew Johnson
By Edw. D. Hill, Secretary
of the General Land Office

Recorded on page 271

Recorded June 26 1878 L. S. Williams C. Clk

<p>United States To E. H. Burchard</p>	<p>The United States of America. To all to whom these presents shall come greeting. Whereas there has been deposited in the General Land Office of the United States a certificate numbered Nine hundred and thirty five of the Register Review of, Roseburg Oregon, whereby it appears that under the provisions of the Act of Congress approved the 27 day of September 1850 entitled "An Act to Create the Office of Surveyor General of the public lands in Oregon, and to provide for the Survey and to make Donations to Settlers of the said public lands" and the legislation supplemental thereto, the claim of E. H. Burchard and his wife Mary Burchard of Clatsop County Oregon Notification No 632 has been established to a donation of One quarter Section or One hundred and sixty acres of land and that the same has been surveyed and designated as claim number Forty two being located in T. 11. N. 11. E.</p>
--	---

PHONE: (503) 672-4074

OFFICE: 433 S.E. MAIN

FAX: (503) 673-7135

Shaner Engineering, Inc.

CIVIL ENGINEERING IN THE NORTHWEST

MAIL: P.O. BOX 1430 • ROSEBURG, OREGON 97470

REC'D

DEC - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

December 4, 1993

Oregon Water Resources Dept.
3850 Portland Road, N.E.
Salem, Oregon 97310

re: SWR-423
(George & Yvonne
Parrish)

Attention: Don Knauer,
Adjudication Specialist

Dear Don:

In regard to the pre-1909 vested water right claim
by George and Yvonne Parrish (SWR-423), the P.O.D.'s No.
1 & 2 are for stock watering directly from the Umpqua River.

Yours truly,

Bruce A. Shaner
Bruce A. Shaner,
Certified Water Rights
Examiner

cc: Parrish

CERTIFIED RETURN RECEIPT

700 S. Oregon
WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM**

1. Name of Registrant: GEORGE D. PARRISH & YVONNE PARRISH
Mailing Address: P. O. Box 700, Elkton, Oregon 97436
Telephone No: 587-4224

2. Source of water: Springs & Umpqua River.
Tributary to: Umpqua River

3. Purpose(s) for which water is used: Stockwater & Domestic (expanded)
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: (Domestic = 0.5 acre)

4. Priority Date
a) Date of first use: 1866
b) Date water use development first initiated: 1865
c) Name of party who initiated development: Job Hatfield

5. Amount of water claimed: 0.03, in CFS or ~~GPM~~
(Water put to beneficial use)

6. Location of place of use:
Section 16 ~~Sections~~, Township 22S ~~N/S~~, Range 9W ~~E/W~~
_____ Sections, Township _____ N/S, Range _____ E/W.
(Attach additional pages if necessary)

7. Usual period of use: January 1 to December 31
month day month day

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WATER RESOURCES DEPT.
SALEM, OREGON

PARTIAL
ASSIGNMENT

I, George Zarnish - Granton, of
1109 Janis Rd. Rabig, Or 97470
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

do hereby assign all my interest in and to a portion of pre-1909 vested water right claim,
file number SWR-423 filed in the office of the Water Resources Director,
to:

ROGER SKELTON
(NAME)

37685 Kimball Rd. Dexter, Or 97431
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

TELEPHONE NUMBER 541-747-9932

WITNESS my hand this 29 day of Oct 29 2001 1901.

Yoon L. Stell
Paul C. Allen

SUBMIT TO:

Water Resources Director
Adjudication Section
Commerce Building
158 12th Street NE
Salem OR 97310

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WATER RESOURCES DEPT.
SALEM, OREGON

539.240 Claim to undetermined right to appropriate surface water; registration statement; contents; effect of failure to file; recognizing changes to right.

- (1) Any person, corporation or governmental agency claiming an undetermined vested right, federal reserved right or right derived from such rights to appropriate surface water under ORS 539.010 shall file in the office of the Water Resources Department, on or before December 31, 1992, a registration statement of the claim.
- (2) Upon request, the Water Resources Director shall make available a blank registration statement required under subsection (1) of this section. The claimant shall complete the registration statement by providing the information necessary for determination of the claimed vested or reserved right. The registration statement shall include at least the following:
- The name and mailing address of the claimant.
 - The claimed beneficial use of the water and the amount used.
 - The stream from which the water is diverted.
 - A map from a survey prepared by a water right examiner certified under ORS 537.798 showing:
 - The location of the point of diversion in reference to an established corner of the United States Public Lands Survey, within a platted and recorded subdivision, from an established lot corner of the subdivision.
 - The location of the place of use by quarter-quarter section of the United States Public Lands Survey. If the use is for irrigation, the number of acres irrigated within each quarter-quarter section.
 - The time of commencement of the claimed use of water.
 - The times of beginning and completion of any diversion and distribution works used to appropriate the claimed use of water and the water carrying capacity of such works, if known.
 - The location of the place of use by quarter-quarter section of the United States Public Lands Survey. If the use is for irrigation, the number of acres irrigated within each quarter-quarter section during the first year of use and during each subsequent year until the full amount of claimed use was accomplished.
 - The period of the year during which the claimed use of water is usually made.
- (3) The failure of any person, corporation or governmental agency to file a registration statement for an undetermined vested right or federal reserved right shall create a rebuttable presumption that the claim has been abandoned.
- (4) For good cause shown, any person who fails to file a registration statement within the period set forth in subsection (1) of this section may file within one year after December 31, 1992, a petition with the director requesting that the person be given an opportunity to rebut the presumption that the person has abandoned the claim. Upon the filing of such a petition, the director may schedule a hearing to take testimony and evidence on the date the water was applied to beneficial use or the director may accept sworn statements in writing in support of such petition. The director shall not deny a petition without first holding a contested case hearing. If it appears after hearing or from such sworn statements that the person has a use of water that would be subject to registration under this chapter, the director shall issue an order authorizing the person to file a registration statement as described under subsection (1) of this section. A person who files a petition under this subsection shall submit with the petition a fee, the amount of which shall be one and one-half times the amount the person would have submitted under ORS 539.081 with a timely registration statement.
- (5) The director shall accept for filing all registration statements described in subsections (1) and (4) of this section made in proper form when the statements are accompanied by the fees prescribed in ORS 539.081. The director shall indorse the date of receipt on each registration statement.
- (6) The director shall examine each registration statement to insure that the statement is complete and in proper form. If the director determines the information required under subsection (2) of this section is complete and in proper form, the director shall:
- Enter the indorsed statement in the record of the department;
 - Mail a copy of the indorsed statement to the person filing the registration statement; and
 - Include the person or the properly designated assignee of the person in any further proceeding to adjudicate the water rights represented by the indorsed registration statement.
- (7) Upon entry of the indorsed statement in the department's records, the registrant is entitled to continue to appropriate the surface water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement. However, the registrant shall not be entitled to the benefits of an existing water right of record under ORS 540.045.
- (8) No registration statement recorded under this section shall be construed as a final determination of any matter stated therein, nor shall the act of indorsement by the director constitute a determination of the validity of the matters contained in the registration statement. The right of the registrant to appropriate surface water under a recorded registration statement is subject to determination under ORS 539.010 to 539.240, and is not final or conclusive until so determined. A right to appropriate surface water under a recorded registration statement has a tentative priority from the date claimed in the indorsed registration statement.
- (9) Any indorsed registration statement may be assigned, subject to the conditions in the registration statement, but no such assignment will be binding, except upon the parties to the assignment, unless filed with the department.
- (10) Notwithstanding the filing deadline prescribed under subsection (1) of this section, and the late filing period allowed under subsection (4) of this section, if any person submitted, before December 31, 1994, a registration statement or other similar documentation claiming a right to appropriate surface water under ORS 539.010, the director shall examine the material submitted to determine if the documents filed would substantially comply with the requirements of subsection (2) of this section. If the

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WATER SALEM, OREGON
SALEM, OREGON

director determines that the documents substantially comply with the surface water registration filing requirements of subsection (2) of this section, the director may accept the registration. If the director determines that the documents filed under this subsection are incomplete or if additional information is required to comply with subsection (2) of this section, or fees required under ORS 539.081 have not been submitted, the director shall notify the claimant of the deficiency, setting a date certain for submittal of the information or fees. The time for submittal of additional information or fees shall be not less than 30 days nor more than 180 days after the director notifies the claimant of the deficiency. If the additional information or fees are not submitted on or before the date certain, the registration statement shall be considered void and shall be returned to the claimant.

(11) The director shall adopt by rule a process and standards for recognizing changes in the place of use, type of use or point of diversion of water uses registered pursuant to this section. [1987 c.541 s.5; 1989 c.691 s.14; 1993 c.157 s.4; 1995 c.365 s.7; 1999 c.860 s.1]

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