

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DEK NAME Unyqua # 16 UNADJUDICATED AREA ? YES
RECEIPT # 92398 S W R NUMBER 92
CHECK ENCLOSURES DEK PRELIMINARY DATA BASE ENTRY DEK
ACKNOWLEDGEMENT LETTER DEK ENTER ON STREAM INDEX DEK
CHECK QUADRANGLE MAP DEK CHECK GLO PLATS DEK 10-892
WATERMASTER CHECKLIST DEK 10-692 PUBLIC NOTICE PUBLICATION DEK 10-592

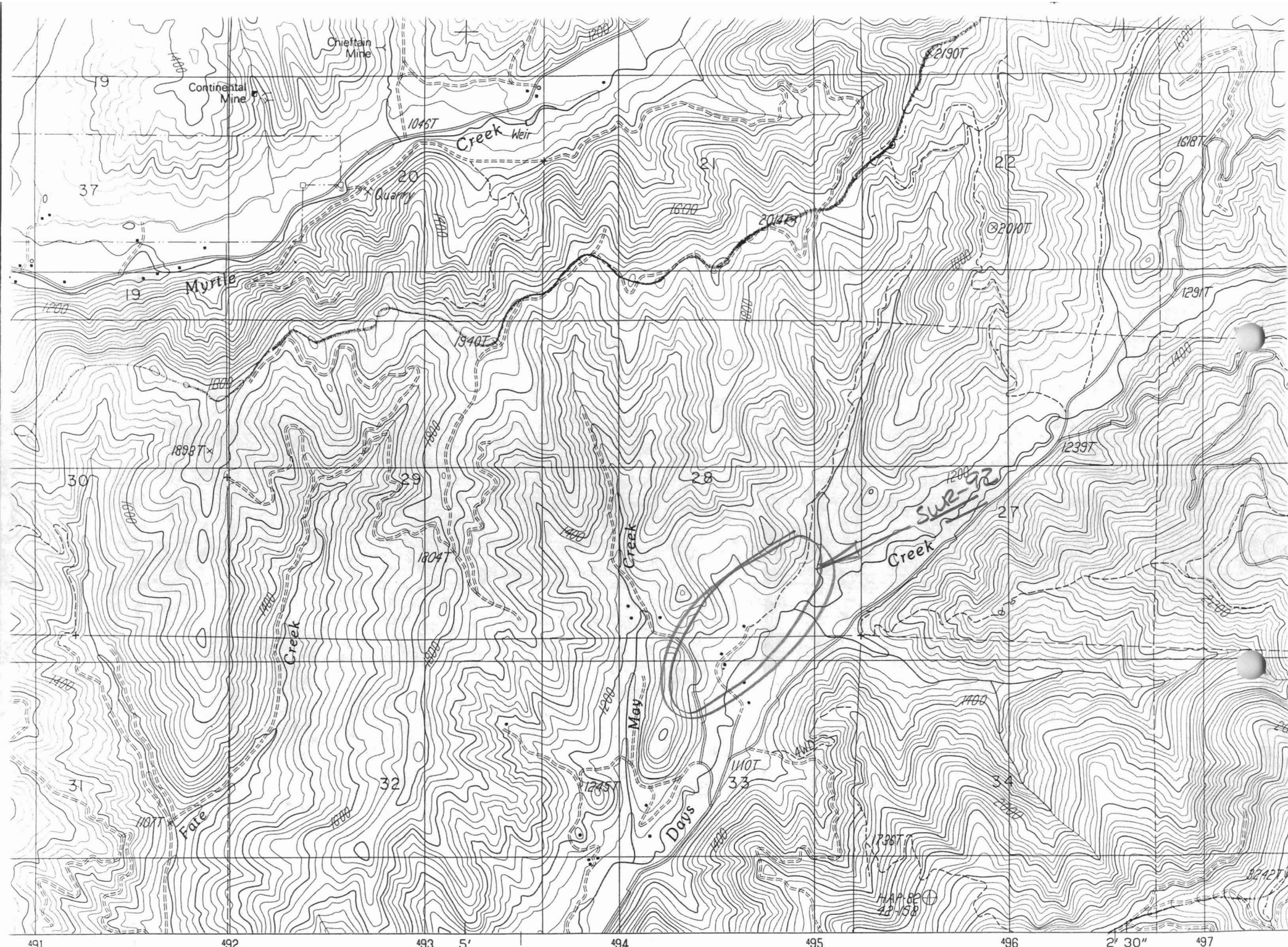
FORM REVIEW

blanks filled in
 signed
 date received stamped

MAP REVIEW

source and ^{NO.} trib
 diversion point locations
 conveyances (pipes, ditch, etc.)
 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 _____



491 492 493 5' 494 495 496 2' 30" 497

ED STATES GEOLOGICAL SURVEY
..... USGS, NOS/NOAA



SCALE 1:24 000

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1987

KILOMETERS

White Rock

Casey

INTERDEPARTMENT MEMO

TO: Watermaster District # 15
FROM: Adjudication Section
RE: Surface Water Registration

Enclosed is a copy of a Registration Statement and accompanying map that has been filed in your district. It has been numbered SWR #12.

We are gathering information about this claim to a pre-1909 water use and would like you to assist us by filing out the checklist below and including any comments that you think might be of significance.

(Yes or No)

- 1. Do you know anything about this water use? Yes
2. Have there been any distribution problems relating to this claim? No
3. Do you have reason to believe that the claimed priority date is not accurate? No
4. Does the quantity of water claimed look unreasonable for the uses named? No
5. Does the place of use look to be accurately depicted by the CWRE map enclosed? ?
6. Do you know if there has been a period of more than a five years of non-use? No
7. Should someone in our section contact you concerning this claim? Perhaps

If you answered yes to any of the above questions, please explain below on an additional sheet of paper. (attached)

Attach any memo's or correspondence that deal with this water use and return to the Adjudication Section at the address below.

Thank you for your assistance.

Sincerely,

[Signature]

Adjudication Section

Enclosures



STATE OF OREGON

INTEROFFICE MEMO

TO: Adjudication Section

DATE:

10/08/92

FROM: Gary Ball, Watermaster *gcb*

SUBJECT: SWR #92

The Watermaster's Office has recognized a claim to a pre-1909 water right for this property as long as I have been associated with the office (1977). From time to time, prior right distribution has been required on Days Creek and its tributaries, and use on this property has not been regulated.

However, the collective recollection of my assistants and myself would indicate that we have never seen irrigation occurring to the extent being claimed in this registration. We have never viewed the field to the north of the creek, but irrigation in the field south of the creek we recall as being lawn and garden irrigation.

This office has been operating a gaging station at the private bridge crossing the creek since 1984, and have therefore viewed the property south of the creek on a regular basis since that time.

August 18, 1967

Days Creek, Trib. South Umpqua River

Name: Frank Rachor Permit No. 5907
Days Creek,
Oregon

Problem: Frank Rachor is complaining about the lack of water.

Action: Berl Oar, accompanied me so we could convince Mr. Rachor there is no water available in the stream. We checked upstream and found only one diversion.

Mrs. Perdue and Mrs. Perkins (same ranch) were claiming a vested right on their gardens. They claim their right dates back to 1862. Mr. Racher also said that Perdue's had a reservoir. Berl and I found no signs of a reservoir. They had done some channel work in the stream, but this could not constitute a reservoir.

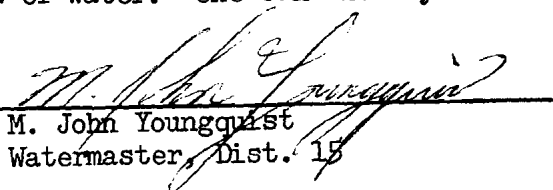
Mr. Rachor also stated that the Fate Ranch is using water from Days Creek. The owner, Mr. Kinder, claims a vested right from Fate Creek back to 1890 or 1900. He is channeling water from Fate Creek across the field in an open ditch to Days Creek. The water is dumped into Days Creek and runs down Days Creek into a diversion for pumping onto a lower field. The owners no longer flood irrigate and this is to facilitate their pumping plant. They were not using water from Days Creek. They took their water from Fate Creek channel.

Berl and I found no diversions using water from Days Creek with the exception of the Perdue's. There is a flow $\frac{1}{2}$ mile above Rachor; at this point it sinks into the gravel.

I told Mr. Rachor that, but I could not convince him that people above him were not using the water.

For my own information, I dug in the stream by Rachor's diversion. About 4" below the gravel there is a fair flow of water. One can visibly see the water flow at this point.

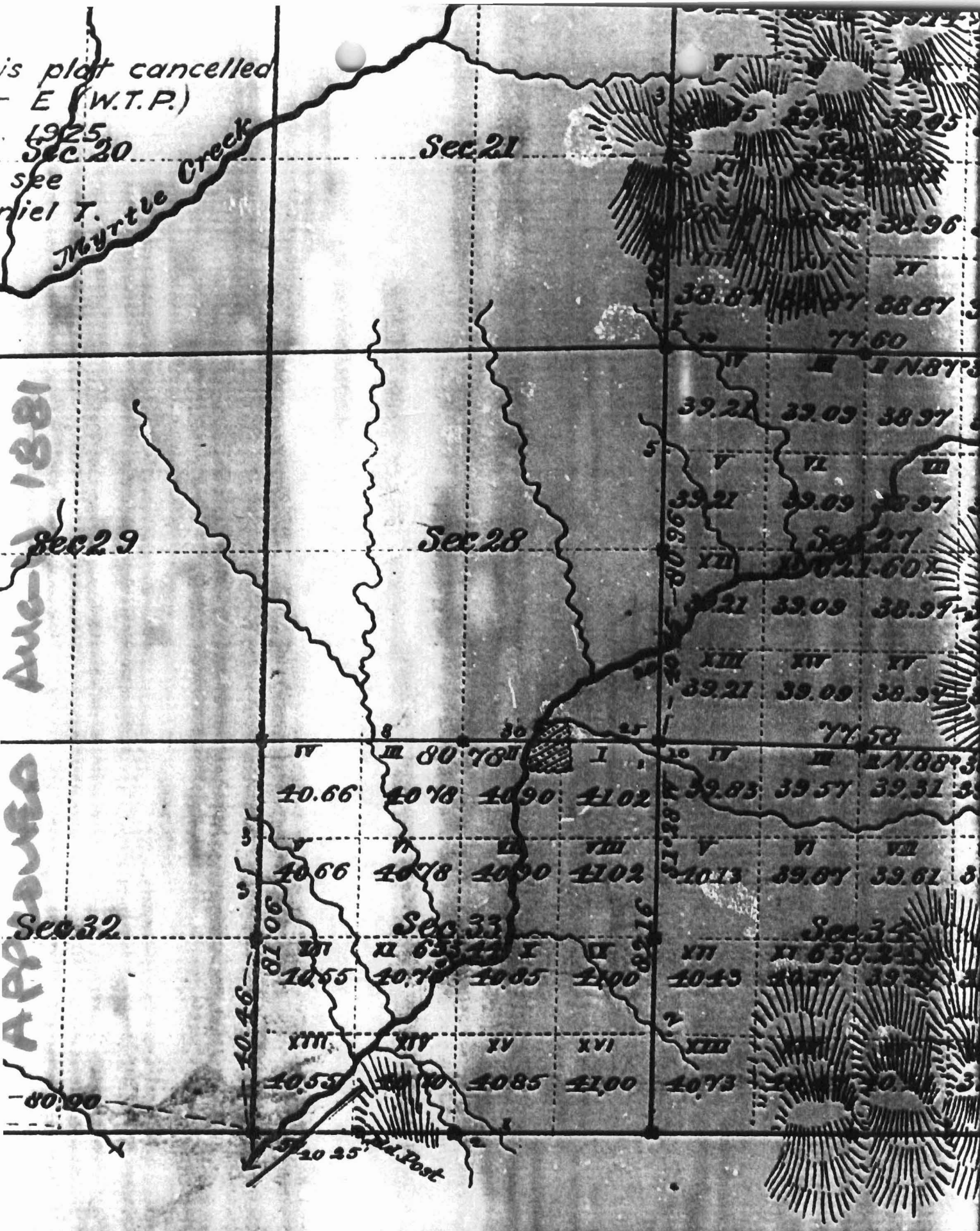
Signed


M. John Youngquist
Watermaster, Dist. 15

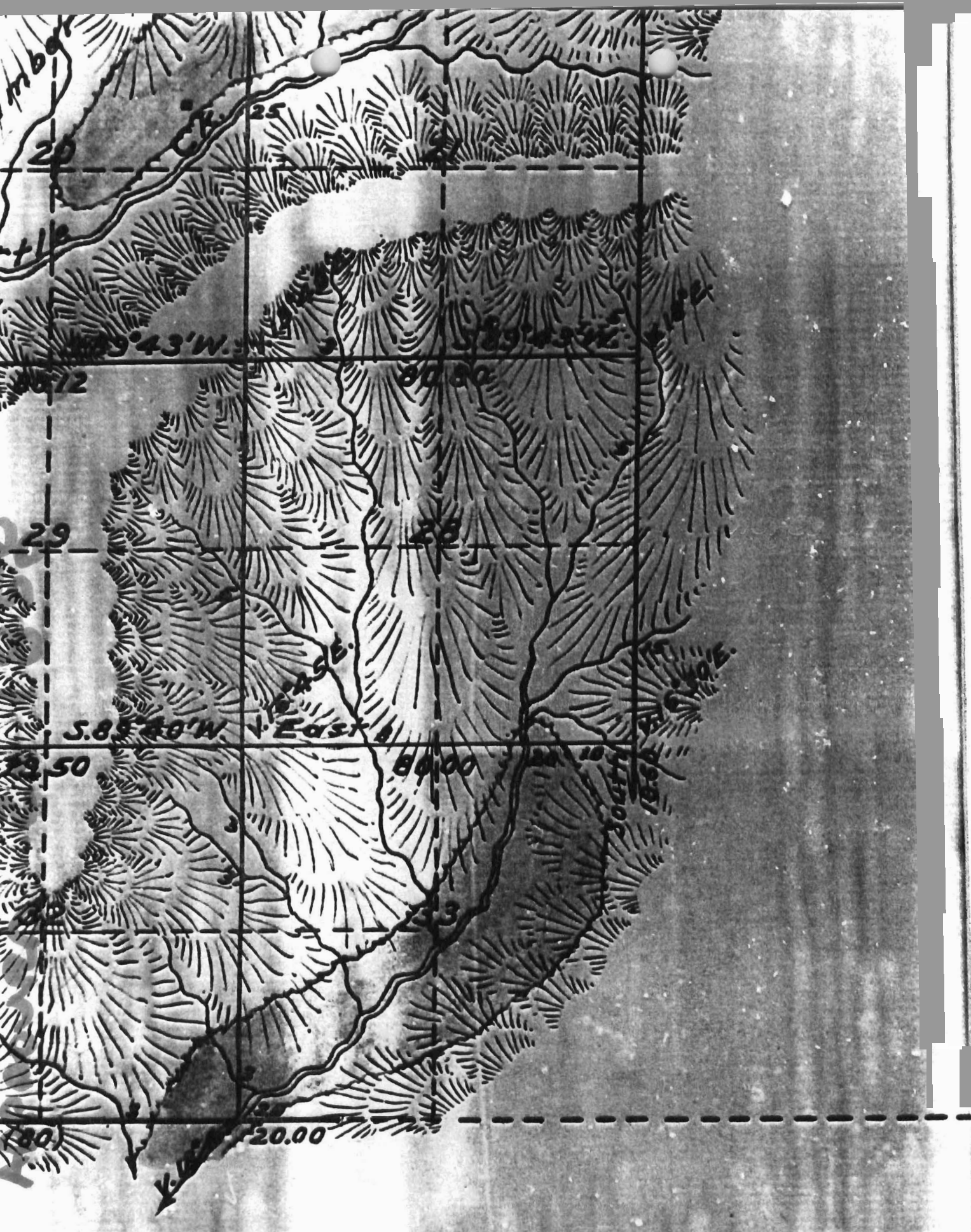
MJY:eb

is plat cancelled
 - E (W.T.P.)
 1925
 Sec 20
 see
 Niel T.

Approved
 Aug 1881



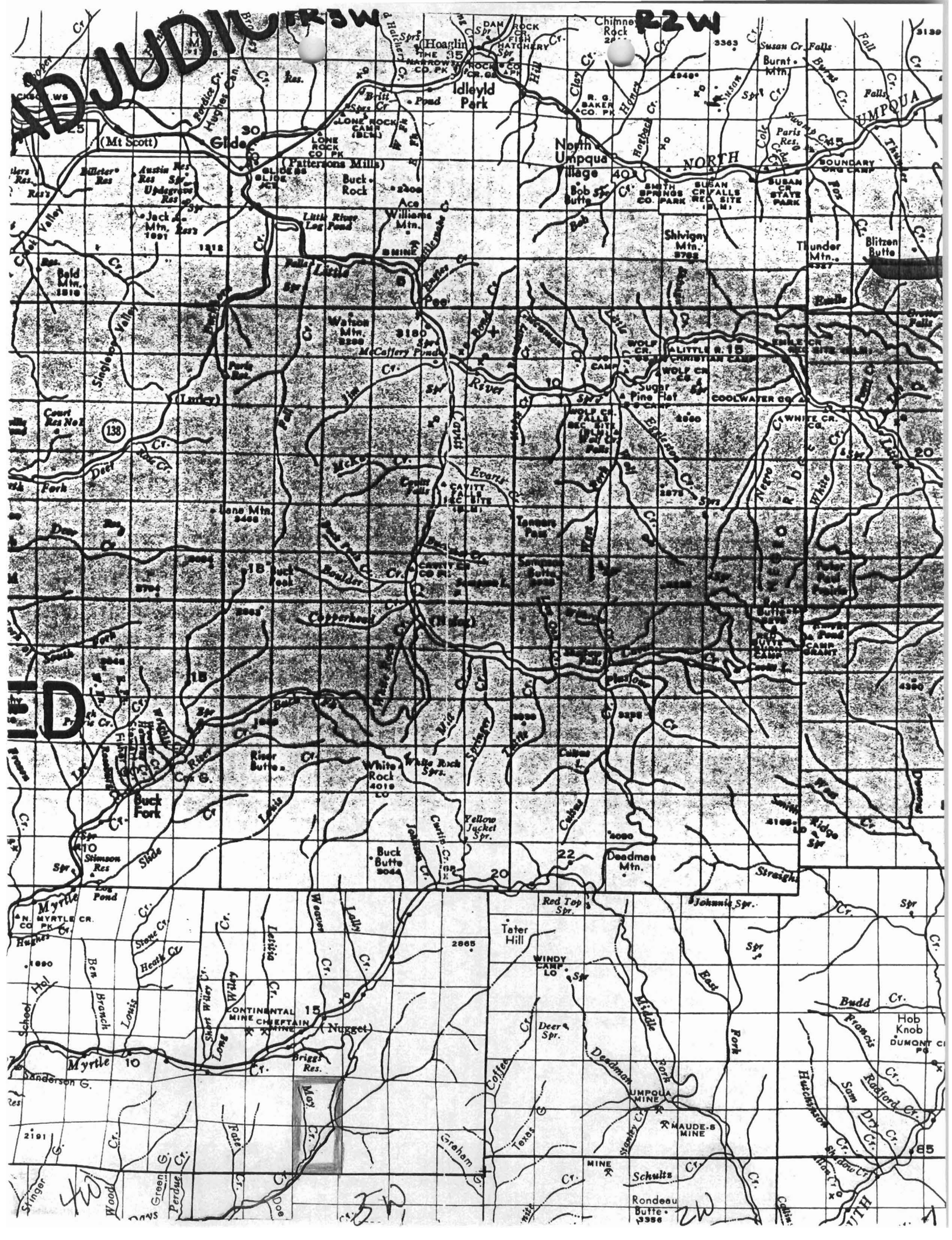
Surveyed.	Date of Contract.	Amount of Surveys.			When Surveyed.
		Miles.	Chains.	Links.	
brd	May 30. 1851				



% of Surveys

When Surveyed

The above
of Base No.



September 29, 1992

Dock and Lavina Perkins
6465 Days Creek Road
Days Creek OR 97429

RE: Surface Water Registration Statement

Dear Mr. Perkins,

This will acknowledge that your Surface Water Registration Statement in the name of Dock A. and Lavina H. Perkins has been received by our office. The fees in the amount of \$ 450.00 have been received and our receipt # 92398 is enclosed. Your registration statement has been numbered SWR-92.

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,



Don Knauer
Adjudication Specialist

enc

C:\W\S\C\SWR-0092.001



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

RECEIVED

SEP 24 1992

WATER RESOURCES DEPT
SALEM, OREGON

September 24, 1992

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

re: Pre-1909 Vested
Water Right Claim,
Dock A. & Lavina H.
Perkins

Attention: Donald E. Knauer,
Adjudication Section

Dear Mr. Knauer:

Enclosed is the Surface Water Registration
Statement of Pre-1909 Vested Water Right Claim for Dock A.
and Lavina H. Perkins. Also enclosed are accompanying
submittals, including:

1. Remarks (2 Pages)
2. Affidavits (6)
3. Deeds (2)
4. Pictures (6)
5. Abstract (partial)
6. Check, \$450.00
7. MAP, mylar original (separate mail)

Yours Truly,

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

Enclosures: As Above

cc: Perkins

CERTIFIED RETURN RECEIPT

September 29, 1992

WATER
RESOURCES
DEPARTMENT

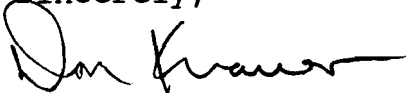
Shaner Engineering
PO Box 1430
Roseburg OR 97470

re:SWR-92 Dock and Lavina Perkins

Dear Bruce,

I received the registration statement and maps for the Perkins. I have enclosed a copy of our letter to them. In the future I will make a complete review and my recommendation to the Director.

Sincerely,



Don Knauer
Adjudication Specialist

enc

C:\W\S\C\SWR-0092.002



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

SHANER ENGINEERING, C.
 P. O. Box 1430
 ROSEBURG, OREGON 97470

LETTER OF TRANSMITTAL

Phone 672-4074

DATE <i>Sept, 25, 1992</i>	JOB NO.
ATTENTION	
RE:	
<i>Re 1909 W.R. Claim, Dack & Lavinia Perkins</i>	

TO *Oregon Water Resources Dept.*
Attention: Don Knauer
Adjudication Section

GENTLEMEN:

- WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION

RECEIVED
 SEP 25 1992
 WATER RESOURCES DEPT.
 SALEM, OREGON

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Don!
Under separate cover you will receive Application,
etc.
Here is mylar of map + 2 Prints.

COPY TO _____

SIGNED: *Bruce Shaner*

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIPT # **92398**

RECEIVED FROM: <u>Rock A. Perkins</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH: CHECK # 96-505 OTHER: (IDENTIFY) TOTAL REC'D \$ 450.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>450.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month _____	\$
_____	OTHER: (IDENTIFY) _____	\$

02-00-0 FEDERAL FUNDS

_____	OTHER: (IDENTIFY) _____	\$
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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	\$
842.003	GROUND WATER	\$
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
842.016	WELL DRILL OPERATOR	\$
	LANDOWNER'S PERMIT	\$

EXAM FEE	RECORD FEE
\$ _____	842.002 \$ _____
\$ _____	842.004 \$ _____
\$ _____	842.006 \$ _____
EXAM FEE	LICENSE FEE
\$ _____	842.023 \$ _____
\$ _____	842.019 \$ _____
	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	\$ _____
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07-00-0 HYDRO ACTIVITY

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

RECEIPT # **92398**

DATED: 9/29/92

BY: [Signature]

H. V. P.
BJ

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Hazel Violet Perdue, a citizen of the United States of America, residing at 6465 Days Creek Road, Days Creek, Oregon 97429, being first duly sworn, on oath, depose and say:

I am now the age of 82 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1911.

I married DANIEL PERDUE in 1926 and moved onto the DANIEL PERDUE Ranch at that time and have lived there since. We were renting, or leasing the ranch then; Daniel had been operating the ranch since about 1920. In 1931 we commenced buying the ranch. The property consists of some 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

Of my personal knowledge, I am and do state that in the year 1925 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for our household and domestic uses and purposes, including irrigation of our garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on our ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Gutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

After the death of my husband, DANIEL PERDUE in 1965, I and my daughter, Lavina H. Perkins and her husband Dock A. Perkins have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

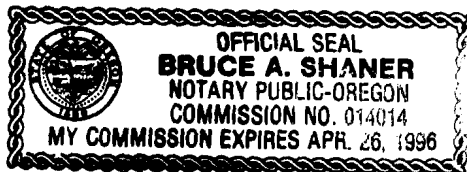
Further, it was common knowledge in the Days Creek Community at the time that the DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields about 1890 or earlier.



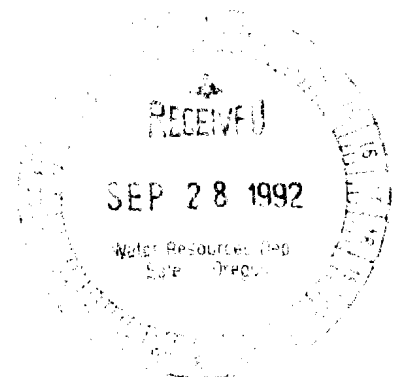
When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

Hazel Violet Perdue

SUBSCRIBED & SWORN to before me on this 7th
day of September, 1992, by Hazel Violet Perdue



Bruce A. Shaner



WAP
BAJ

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Dock Alonzo Perkins, a citizen of the United States of America, residing at 6465 Days Creek Road, Days Creek, Oregon 97429, being first duly sworn, on oath, depose and say:

I am now the age of 78 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1932.

I was well acquainted with DANIEL PERDUE from 1932 until his death in 1965. Said DANIEL PERDUE Ranch embraces some 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through his said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

Of my personal knowledge, I am and do state that in the year 1932 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for his household and domestic uses and purposes, including irrigation of his garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on his ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Gutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

After the death of DANIEL PERDUE in or about the year 1965, his widow, Hazel Perdue, and daughter Lavina H. Perkins (my wife) and I have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

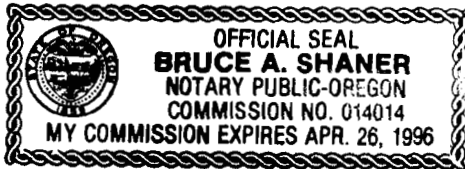
Further, it was common knowledge in the Days Creek Community at the time I first became acquainted with the Perdue Ranch that DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields, since about 1890



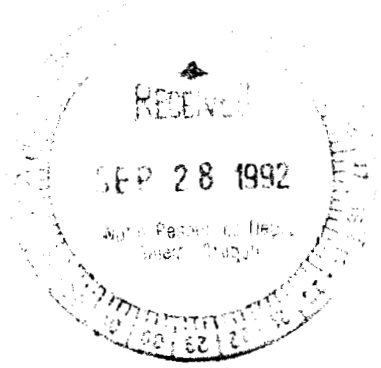
or earlier. When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

Mark A. Curbin

SIGNED & SWORN to before me on this 7th
day of September, 1992, by Dock Alonzo Perkins



Bruce A. Shaner



L. H. P.
DJ

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Lavina Hazel Perkins, a citizen of the United States of America, residing at 6465 Days Creek Road, Days Creek, Oregon 97429, 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 1928.

I was born to HAZEL AND DANIEL PERDUE here on the ranch and have lived here continuously since. Our family has owned the property since 1931 and resided thereon since 1926. Said property embraces some 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

Of my personal knowledge, I am and do state that in the year 1928 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for our household and domestic uses and purposes, including irrigation of our garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on our ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Gutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

After the death of DANIEL PERDUE in or about the year 1965, my mother, Hazel and I and my husband Dock A. Perkins have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

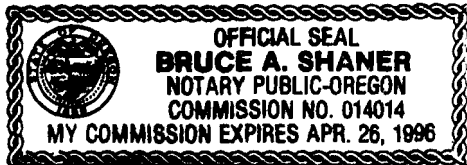
Further, it was common knowledge in the Days Creek Community at the time I grew up that the DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields, since about 1890 or earlier.



When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

Lavina Hazel Perkins

SIGNED & SWORN to before me on this 7th
day of September, 1992, by Lavina Hazel Perkins



Bruce A. Shaner





W. T. S.
BRJ

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Woodrow Thomas Stiltner, a citizen of the United States of America, residing at 1981 N.W. Oerding, Roseburg, Oregon 97470, 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.

At the age of 7 years, in 1926 my family and I moved to a ranch just downstream from the DANIEL PERDUE Ranch, where we lived for 3 to 4 years. I visited the DANIEL PERDUE Ranch regularly and assisted DANIEL PERDUE in running cattle and ranching as I grew up. Hazel Perdue, widow of Daniel Perdue, is my sister and I visited regularly. The DANIEL PURDUE Property consists of 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through his said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

Of my personal knowledge, I am and do state that in the year 1926 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for his household and domestic uses and purposes, including irrigation of his garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on his ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Cutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

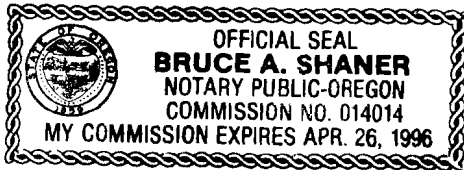
After the death of DANIEL PERDUE in or about the year 1965, his widow, Hazel Perdue, and daughter Lavina H. Perkins and son-in-law Dock A. Perkins, who inherited the DANIEL PERDUE ranch, have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

Further, it was common knowledge in the Days Creek Community at the time I first became acquainted with the Perdue Ranch that DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields, since about 1890

or earlier. When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

Woodrow Thomas Stiltner

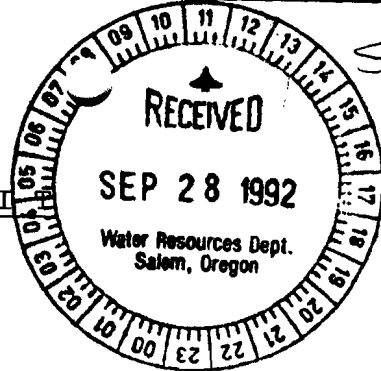
SIGNED & SWORN to before me on this 7th
day of September, 1992, by Woodrow Thomas Stiltner



Bruce A. Shaner



A F F I D A V I



STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Sandra Irene Stiltner, a citizen of the United States of America, residing at 1963 Lookingglass Road, Roseburg, Oregon 97470, being first duly sworn, on oath, depose and say:

I am now the age of 56 years and have been a continuous resident and inhabitant of Douglas County, Oregon since the year 1936.

At the age of 4 years, I and my family moved onto the DANIEL PERDUE Ranch, where we lived for 2 years, moving thence down the road about 2 miles to a neighboring ranch. I have visited the ranch regularly ever since. Said DANIEL PERDUE Ranch embraces some 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through his said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

Of my personal knowledge, I am and do state that in the year 1940 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for his household and domestic uses and purposes, including irrigation of his garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on his ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Gutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

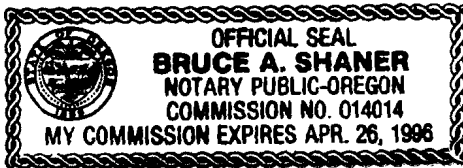
After the death of DANIEL PERDUE in or about the year 1965, his widow, Hazel Perdue, and daughter Lavina H. Perkins and son-in-law Dock A. Perkins, who inherited the DANIEL PERDUE ranch, have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

Further, it was common knowledge in the Days Creek Community at the time I first became acquainted with the Perdue Ranch that DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields, since about 1890

or earlier. When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

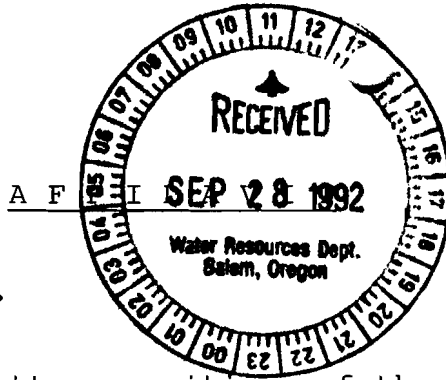
Sandra Irene Stiltner

SIGNED & SWORN to before me on this 7th
day of September, 1992, by Sandra Irene Stiltner



Bruce A. Shaner





E. R. J.
BAJ

STATE OF OREGON)
) ss.
COUNTY OF DOUGLAS)

I, Elmer R. Sutton, a citizen of the United States of America, residing at 743 Days Creek Road, Days Creek, Oregon 97429, 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 1918.

I was well acquainted with DANIEL PERDUE during his lifetime. He owned property and resided thereon, embracing 200 acres, more or less, situated in the SE $\frac{1}{4}$ of Section 28 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Township 29 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. Through his said property flows Gutches Creek and Days Creek, a tributary of the South Umpqua River.

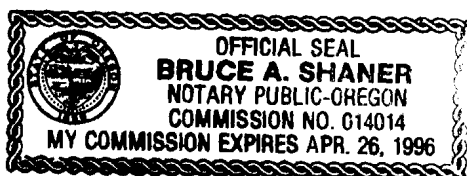
Of my personal knowledge, I am and do state that in the year 1923 I first observed DANIEL PERDUE diverting water from Days Creek and Gutches Creek for his household and domestic uses and purposes, including irrigation of his garden and lawn. To the best of my recollection, DANIEL PERDUE generally pastured on his ranch an average of 50 to 100 cattle and sometimes a flock of 200 sheep. In addition, he irrigated about 25 to 30 acres of pasture land and hay land from said Days Creek and Gutches Creek. Water from said creeks was diverted at three locations; one near the house on Days Creek and one about a thousand feet upstream from the house on Days Creek. Also about one half mile from the house water was diverted from Cutches Creek. I further state that DANIEL PERDUE'S use of the water was continuous and uninterrupted from the date I first observed his use thereof to the date of his death.

After the death of DANIEL PERDUE in or about the year 1965, his widow, Hazel Perdue, and daughter Lavina H. Perkins and son-in-law Dock A. Perkins, who inherited the DANIEL PERDUE ranch, have continued to divert and use water from said creeks at said diversion points in substantially the same manner and form as previously diverted and used by DANIEL PERDUE.

Further, it was common knowledge in the Days Creek Community at the time I first became acquainted with the Perdue Ranch that DANIEL PERDUE Ranch had been operated as a small ranch, including irrigation of the valley fields, since about 1890 or earlier. When DANIEL PERDUE moved onto the ranch as a renter, or lessor, about 1920 it was known as the "Chamberlain Ranch".

Elmer R. Sutton

SIGNED & SWORN to before me on this 7th
day of September, 1992, by Elmer R. Sutton.



Bruce A. Shaner



HAZEL VIOLET PERDUE, Grantor, conveys to DOCK ALANZO PERKINS and LAVINA HAZEL PERKINS, Grantees, that certain real property more particularly described in attached Exhibit "A" which by this reference is incorporated herein in full.

The true consideration for this conveyance is the transfer of Grantor's home to a daughter and son-in-law who resided in Grantor's home for at least two years and who provided care enabling the Grantor to reside at home rather than in a nursing home. 42 USC § 1396.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence. 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 existence of fire protection for structures.

DATED: October 28, 1991.

Hazel Violet Perdue
HAZEL VIOLET PERDUE

STATE OF OREGON)
) ss.
County of Douglas)

This instrument was acknowledged before me this 28th day of October, 1991, by Hazel Violet Perdue.

Susan E. Beck
Notary Public for Oregon
My Commission Expires: 5-20-95

Send All Tax Statements To:
Dock A. and Lavina H. Perkins
6465 Days Creek Road
Days Creek, OR 97429



After Recording, Return To:
Donald A. Dole, Attorney at Law
P.O. Box 1205
Roseburg, OR 97470

Dole, Caswell & Clark, P.C.
Attorneys at Law
810 SE Douglas - PO Box 1205
Roseburg, OR 97470
Phone: (503) 673-5541



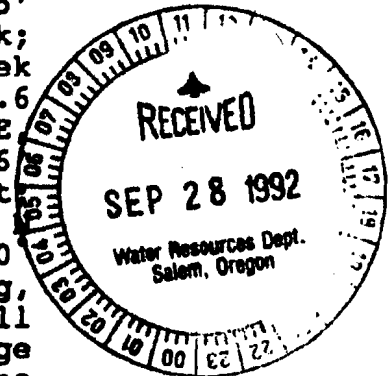
The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); The West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$); and The North Half of the North Half of the Southeast Quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$), North Half of the South Half of the North Half of the Southeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$), all of the above land lying and being in Section Twenty-Eight (28), Township Twenty-Nine (29) South, Range Three (3) West, Willamette Meridian;

ALSO, all of Lot Two (2), Section Thirty-three (33), Township Twenty-Nine (29) South, Range Three (3) West, W.M.

LESS PART sold to Dock Alanzo Perkins and Lavina Hazel Perkins and described as follows:

Dec/11/82

Beginning at a steel axle driven in the ground from which the 1/4 Section Corner between Section 28 and 33, Township 29 South Range 3 West of Willamette Meridian bears N 35° 21' W, 1261.2 feet; thence N 49° 15' E, 416.0 feet to an iron pipe; thence N 40° 45' W, 416.0 feet to an iron pipe; thence continuing N 40° 45' W, 46.0 feet to the left bank of Days Creek; thence following the left bank of Days Creek downstream as follows: S 61° 24' 30" W, 186.6 feet; S 10° 38' W, 34.5 feet; S 4° 41' E 139.1 feet; S 67° 23' W 131.3 feet; S 20° 26' E, 28.8 feet and S 37° 04' 30" E, 262.55 feet thence leaving the left bank of Days Creek 49° 15' E, 27.0 feet to a point; thence S 40° 47' E 119.1 feet to the place of beginning, and containing 4.34 acres, more or less, all lying in Section 33, Township 29 South, Range 3 West of Willamette Meridian in Douglas County, Oregon.



STATE OF OREGON |
COUNTY OF DOUGLAS | 88.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1991 OCT 29 PM 2:21

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

Alvin G. Bennett
DEPUTY

305
82
55°-P2

91-17055

HANDED

156619

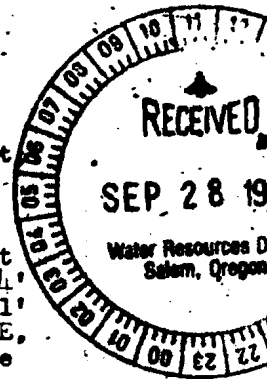
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Daniel Pardue and Hazel Violet Pardue, grantors, in consideration of Ten and no/100 Dollars, to them paid by Dock Alanzo Perkins and Lavina Hazel Perkins, grantees, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

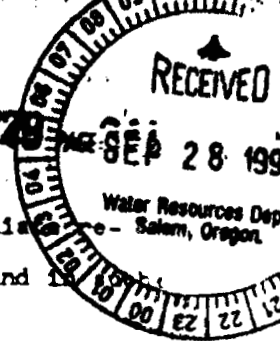
Beginning at a steel axle driven in the ground from which the 1/4 Section Corner between Section 28 and 33, Township 29 South, Range 3 West of Willamette Meridian bears N 35° 21' W, 1261.2 feet thence N 49° 15' E, 416.0 feet to an iron pipe; thence N 40° 45' W, 416.0 feet to an iron pipe; thence continuing N 40° 45' W, 46.0 feet to the left bank of Days Creek; thence following the left bank of Days Creek downstream as follows: S 61° 24' 30" W, 136.6 feet; S 10° 38' W, 34.5 feet; S 4° 41' E, 139.1 feet; S 67° 23' W 131.3 feet; S 20° 26' E, 28.8 feet and S 37° 04' 30" E, 262.55 feet; thence leaving the left bank of Days Creek N 49° 15' E, 27.0 feet to a point; thence S 40° 47' E 119.1 feet to the place of beginning, and containing 4.34 acres, more or less, all lying in Section 33, Township 29 South, Range 3 West of Willamette Meridian in Douglas County, Oregon.

This deed is made and accepted upon the following conditions subsequent, namely:

That grantees, their heirs, executors, administrators and assigns, will not, during the life of grantors, or either of them, sell, convey, assign, lease, mortgage, or in any way encumber said premises. The foregoing provisions are mutually accepted by grantees as conditions running with the land, and to the fulfillment of which grantees bind their heirs, assigns, executors and administrators. Said conditions upon which the title of the grantees to said premises so conveyed shall depend, and upon breach of said conditions, or any of them, the said premises shall revert to grantors, their heirs, assigns, executors and administrators,



15 130 430



each of whom respectively shall have the right of immediate entry upon said premises in the event of such breach, and in case, this conveyance shall be null and void.

Grantors, and each of them, except and reserve to themselves, their heirs, assigns, executors and administrators, full and free right and liberty at all times during their respective lifetimes the right to use, for any purpose whatsoever, any and all roads, ways, trails and passages, now in existence or afterward made, over and across the above described premises without any duty to maintain the same and without any charge whatsoever.

To Have and to Held the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS our hands and seals this 28th day of March, 1953.

Daniel Pardue (SEAL)
Hazel Violet Pardue (SEAL)

STATE OF OREGON,)
County of Douglas)

ss. On this 28th day of March, 1953,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Daniel Pardue and Hazel Violet Pardue who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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

James M. Curtis
Notary Public for Oregon

My Commission expires _____

Filed for record March 28 1953
at 9:25 P.M.

CHAS. LOEKNER, County Clerk,

5141

No. 86

ABSTRACT OF TITLE

TO LANDS SITUATED
IN DOUGLAS COUNTY

COMMERCIAL ABSTRACT Co., INC.

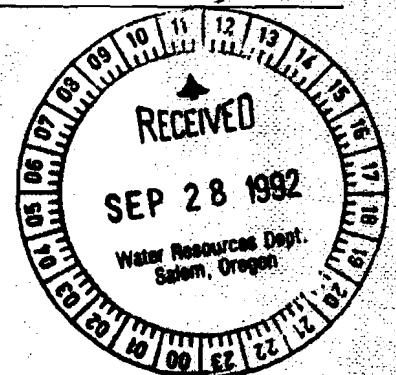
ROSEBURG, OREGON

Prepared For

Daniel Perdue

On

See Caption.



No. 5141.

ABSTRACT OF TITLE

To the following premises situated in Douglas County, Oregon, and more particularly described as follows:

The Southwest quarter of the Southeast quarter and the West half of the Southeast quarter of the Southeast quarter of Section twenty-eight (28) in Township twenty-nine (29) South of Range three (3) West of the Willamette Meridian. ALSO Lot number two (2) in Section thirty-three (33) in Township twenty-nine (29) South of Range three (3) West of the Willamette Meridian.



The Douglas Abstract Company

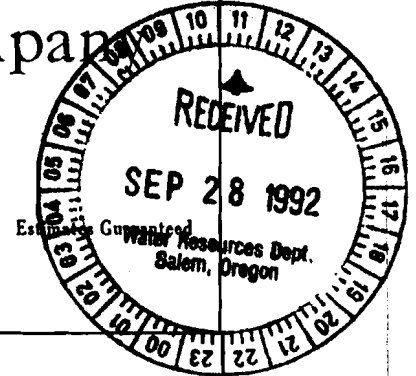
Timber Lands Bought and Sold

Abstracts of Title Furnished

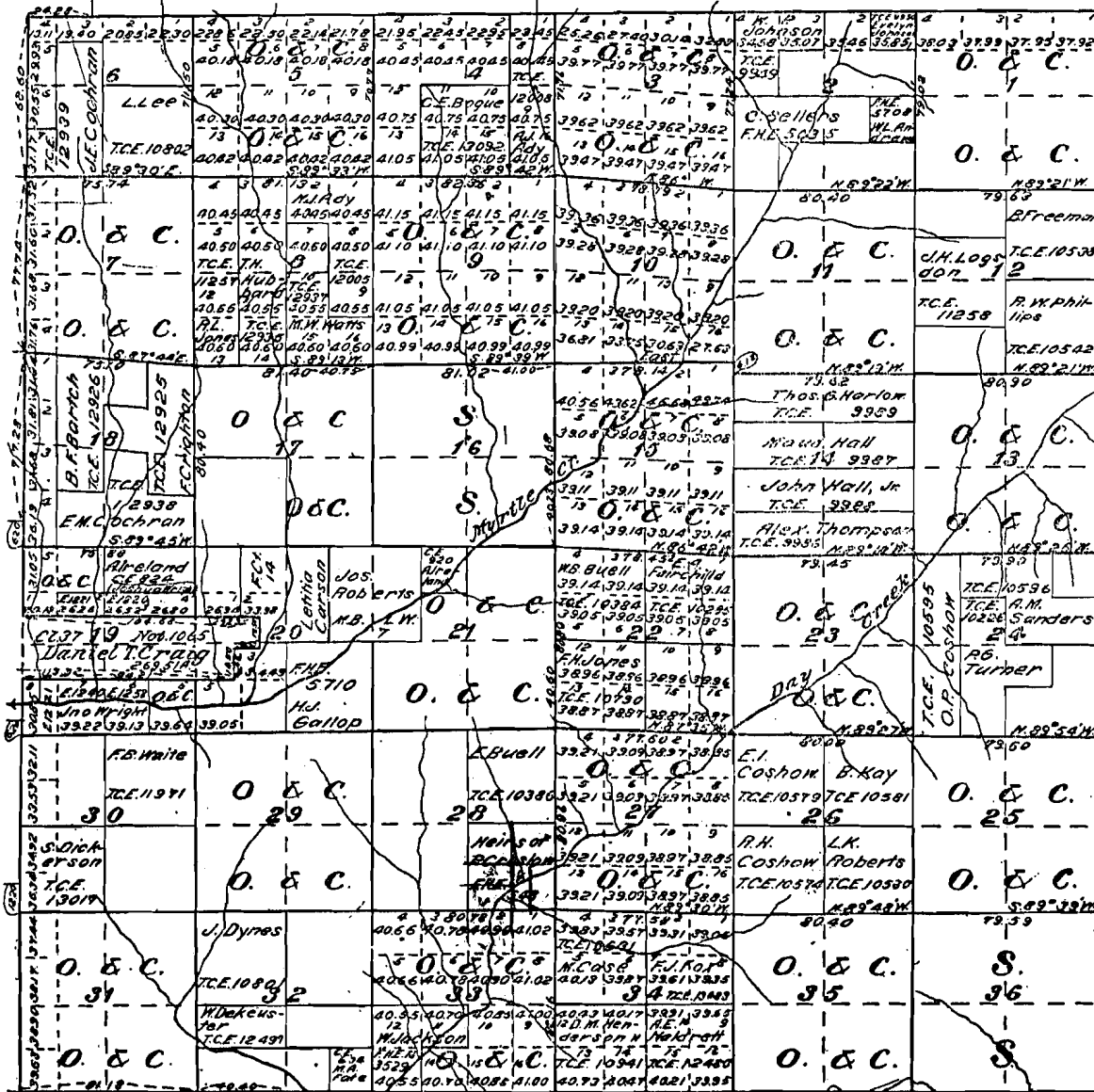
Reliable Cruises Furnished

Land Office Practice a Specialty

Roseburg, Oregon



Township No. 29 South, Range No. 3 West, of the Willamette Meridian.



UNITED STATES OF AMERICA,
Grantor.

To
Emerience Grosious, widow of
Peter Grosious, Decd,

Grantee.

No.
United States Patent.
Dated June 1, 1875.
Recorded October 27, 1879.
In Book 11 of Deeds, Page 94.
Seal of the G. L. O. Affixed.
Certificate No. 548

Issued by Authority of the Act of Congress of May 20, 1862
and the acts supplementary thereto.

Executed by the President, U S Grant

By the Secretary, S D Williamson,

By L K Lippincott,

Recorded Vol. 2

Page 391. Recorder of the General Land Office.

Description

For the South east quarter of Section twenty eight in township twenty nine South of Range three West in the district of lands subject to sale at Roseburg Oregon, containing one hundred and sixty acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General.

Subject to any vested and accrued water rights, etc.



UNITED STATES OF AMERICA,
Grantor.

To

Oregon and California Railroad
Company,

Grantee.

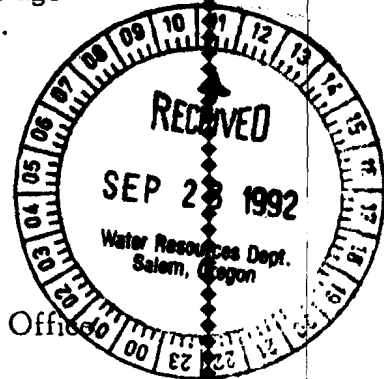
No.
United States Patent.
Dated Apr 27, 1895.
Recorded Dec 4, 1895.
In Book 33 of Deeds, Page 390
Seal of the G. L. O. Affixed.
Certificate No.

Issued by Authority of the Act of Congress of July 25, 1866
and the acts supplementary thereto.

Executed by the President, Grover Cleveland,

By the Secretary, M McKean,
By L Q C Lamar

Recorded Vol. 16 Page 67 Recorder of the General Land Office



Description

Whereas by the Act of Congress approved July 25th, 1866,
"to aid in the construction of a railroad and telegraph line from
Portland in Oregon; thence Southerly through the Willamette, Umpqua
and Rogue River Valleys to the Southern boundary of Oregon " authority
is given the Oregon and California Railroad Company of Oregon, a
corporation existing under the laws of the State " to construct a
railroad and telegraph line " under certain conditions and stipula-
tions as expressed in said Act and provision is made for granting
to the said company every alternate section of public land not
mineral, designated by odd numbers to the amount of twenty alter-
nate sections per mile (ten each side) of said Railroad line.

And Whereas official statements from the Secretary of the
Interior, have been filed in the General Land Office that Commission-
ers appointed by the President under the Provisions of the fourth
section of said Act of July 25th, 1866, have reported to him that
the said Oregon and California Railroad and Telegraph line, com-

mencing at a point in East Portland in the County of Multnomah, State of Oregon, and ending at a point on the boundary between the States of Oregon and California, where it joined the California and Oregon Railroad, a distance of three hundred and sixty miles, has been constructed and fully completed and equipped in the manner prescribed by said act, and that the same has been accepted by the President.

And whereas certain tracts of land have been listed by the duly authorized agent of the Oregon and California Railroad Company as shown by such agents original lists of sections approved by the local land officers and now on file in this office.

And whereas said tracts of land lie within the primary limits of said grant and are particularly described as follows, to-wit: South of Base Line and West of Willamette Meridian,

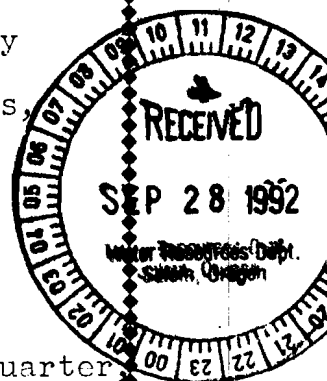
State of Oregon

Township Twenty Nine Range Three.

(Among other lands) The Southeast quarter of the Northwest quarter, the west half of the Northwest quarter and the east half of section thirty three, containing four hundred and forty acres.

The said tracts of land as described in the foregoing make the aggregate area of (83,889.76) Eighty three thousand eight hundred and eighty nine acres and seventy six hundredths of an acre.

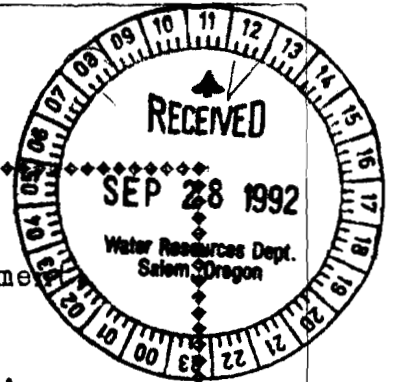
Now Know Ye, that the United States of America in consid-



eration of the premises and pursuant to the said Act of Congress, Have Given and Granted and by these presents do give and grant unto the said Oregon and California Railroad Company of Oregon, and to its assigns all the tracts of land listed as aforesaid and described in the foregoing, yet excluding and excepting from the granter by these presents "all mineral lands should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception according to the terms of the statute" shall not be construed to include coal and iron lands". To have and to hold the said tracts with the appurtenances unto the said Oregon and California Railroad Company and to its assigns forever with the exclusion and exception as aforesaid.

Railroad papers showing transfers while land was owned by Oregon and California Railroad Company omitted.





The Oregon and California Railroad Company, By ^H Koehler, 2nd Vice Pres. By Geo H Andrews, Secretary, The Union Trust Company of New York Grantor By A W Kelley, Pres, By E R Merritt, Asst Secy.

Recorder's No. Character of Instrument Railroad Deed. Dated April 4, 1904. Recorded July 19, 1904. In Book 49 of Deeds, Page 222. Consideration \$.... 1st party \$122.70 2nd part. Signatures are sealed. Witnessed by four.

to S.J. Moore,

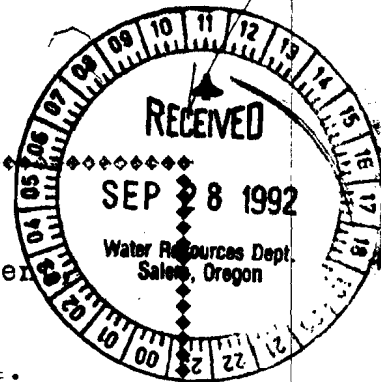
Grantee

Acknowledged on April 4, 1904, before David Loring, N P Ore. Acknowledged May 17, 1904, before Peter Palmer, Com for Ore in N. Y. Granting Words, (Seal) Remise, release and quit claim. Covenant, Release and confirm.

Description and Remarks:

Deed No 3630

The Northwest quarter of the Northeast quarter of Section thirty three (33) Township twenty nine (29) South, Range three (3) West, Willamette Meridian, containing according to the United States survey thereof, forty 90/100 (40.90) acres, be the same more or less, being understood to be part of the land granted by the United States to the said Oregon and California Railroad Company, and embraced within the terms of, and conveyed by a certain deed of trust executed by the party of the first part to the party of the second part, as trustee and bearing date July 1st, A D 1887, To hold the said premises, with the appurtenances thereto, unto the said purchaser its successors and assigns forever freed and discharged from the lien powers and trusts of said deed of trust or Mortgage of July 1st, 1887.



S J Moore and Susie Moore,
his wife,

TO

George Washington Chamberlain,

Recorder's No.

Character of Instrument

Warranty Deed.

Dated July 12th 1904.

Recorded July 19, 1904.

In Book 48 of Deeds, Page 534.

Consideration \$180.00

Signatures are sealed.

Witnessed by two.

Grantor

Grantee

Acknowledged on July 12, 1904 , before John M Payne, N P
Oregon (Seal)

Granting Words, Bargain, sell and convey.

Covenant, General Warranty.

Description and Remarks:

The following described premises, to wit: The North West
quarter of the North East quarter of Section thirty three (33)
Township twenty nine (29) South Range three (3) West of Willamette
Meridian, in Douglas County in the State of Oregon.



Security Savings and Trust Company,)
a corporation under the laws of)
Oregon, By Blaine B Coles, Vice-)
President, By R G Jubitz, Secretary,)

Grantor,

To

Daniel Perdue,

Grantee,

) Recorder's No. 84549.
) Character of Instrument:
) Deed.
) Dated October 29th, 1931,
) Recorded Dec. 4, 1931,
) In Book 93 of Deeds, page 590.
) Consideration \$10.00.
) Corporate seal affixed.
) Witnessed by two.
)

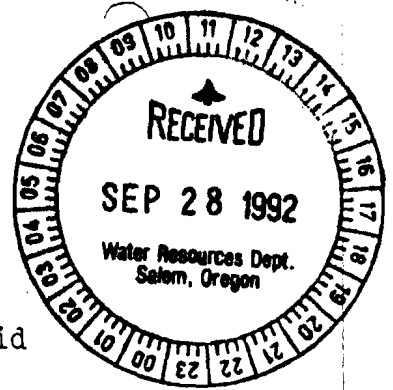
Acknowledged on October 29th, 1931, before Bercha M Stone, Notary Public for the State of Oregon, My commission expires Aug. 16, 1932 (Seal). Appeared Blaine B Coles and R G Jubitz, both to me personally known, who being duly sworn, did say that he, the said Blaine B Coles is the President, and he the said R G Jubitz is the Secretary of the SECURITY SAVINGS AND TRUST COMPANY, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors.

Granting words: Grant, bargain, sell and convey.

DESCRIPTION AND REMARKS:

All and singular the following bounded and described real property, situate, lying and being in the County of Douglas and State of Oregon, to-wit:

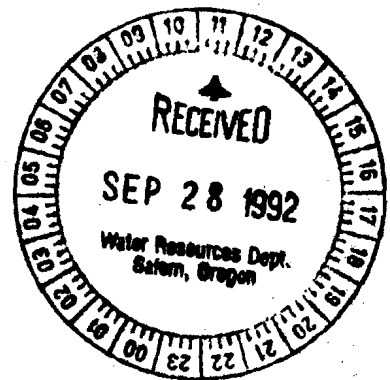
The North one-half of Lot Two (2) in Section Thirty-three (33); the South one-half of the Southwest quarter of the Southeast quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-eight (28) and the West one-half of the Southeast quarter of the Southeast quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-eight (28), all in Township Twenty-nine (29) South, Range Three (3) West of the Willamette Meridian.



Reserving, however, a right-of-way across said premises for the construction, maintenance and operation of a railroad and/or railroad spurs, wagon roads, truck and/or other roads, flume and/or telephone line as shall be necessary or advisable in the carrying on of any logging and/or lumber operations which the Security Savings and Trust Company may at any time hereafter engage in the vicinity of said land; and if in any of its operations the Security Savings and Trust Company shall find it necessary or convenient to use powder or other explosives in blasting, it reserves the right to do so after having given to Daniel Perdue fifteen days notice of intention to do any such blasting, such notice to be given verbally or by telephone or by letter addressed to the last known mailing address of Daniel Perdue. It is understood that the operations of Security Savings and Trust Company in constructing railroads and/or railroad spurs, wagon roads, truck and/or other roads, flume and/or telephone line upon the property herein conveyed or in doing blasting upon the property herein conveyed or in conducting, logging and/or lumber operations and/or in using the facilities so constructed in connection with its logging and/or lumber operations shall be carried on with as little injury or damage to the property herein conveyed or any property of the said Daniel Perdue located therein as is consistent with such operations.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

The said Daniel Perdue to pay all taxes and assessments assessed or levied for the year 1931 payable in 1932 or subsequent years.





C E R T I F I C A T E

Uniform Certificate Compiled and Adopted by Oregon Title Association

The Commercial Abstract Company hereby certifies:

That the foregoing abstract of title comprises a correct abstract of all matters of record in the official records in and for the County of Douglas, State of Oregon, affecting the title to the property described in the caption of this abstract;

That no judgments appear in the dockets of any court of record in said County against any person as named in the within chain of title which are liens against the premises as described in said caption, other than as shown in the abstract.

This abstract does not include an examination of or report on:

1. Any contracts for conditional sale of personal property or leases thereof containing a conditional right to purchase where the notice indorsed thereon or attached thereto at the time of this certificate does not describe any real property or describes real property otherwise than by metes and bounds or by lot and block number of a recorded plat.
2. Existing County Roads, State Highways, Roads of Public Easement, and proceedings for laying out or changing such roads, highways, and roads of public easement; mineral rights or matters relating thereto; water rights and matters relating thereto.
3. Special assessments other than as shown in this abstract; the effect and operation of municipal laws, ordinances and regulations; proceedings for street, sewer, and sidewalk improvements, or for opening, widening and/or other changes in streets or alleys.

This abstract consists of 108 pages, numbered from 1 to 108 both inclusive, and covers the period of time from - - - - to July 25, 1936, at 5:00 o'clock P M, both inclusive, and is made for and at the request of DANIEL PERDUE, and liability hereunder is limited to such party.

Dated at Roseburg, Oregon, this 25th day of July, 1936.

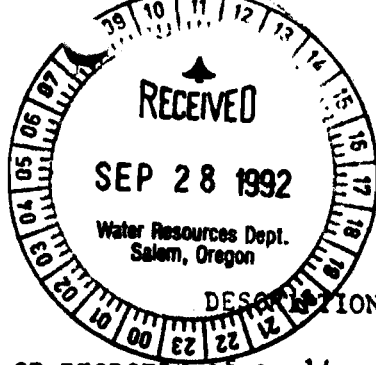
COMMERCIAL ABSTRACT COMPANY

By

[Signature]
President.

No. 5141.





Application No. _____

DESCRIPTION OF SPRING, P.O.D. #1, Gutchey Creek

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. N/A
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? N/A
4. If you do not have such consent, do you expect to secure right of way through condemnation? N/A
5. What is the maximum flow from spring? 20 GPM
(Gallons per minute or
cubic feet per second)

What is the minimum flow? 4 GPM

Is flow measured or estimated? Measured

6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? Yes
8. Give the name of the stream or other body of water into which water from the spring flows. to Gutchey Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
200 Feet, Aug. 192 (8 Years of Drought)
10. Remarks _____

Bruce A. Shaver for Perkins
Signature of Applicant

RECEIVED

SEP 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

FIRST CLASS MAIL

SHANER ENGINEERING, INC.
P.O. Box 1430
ROSEBURG, OREGON 97470

PRE 1909 W.R. Pictures

(Dock A. & Lavina Perkins)

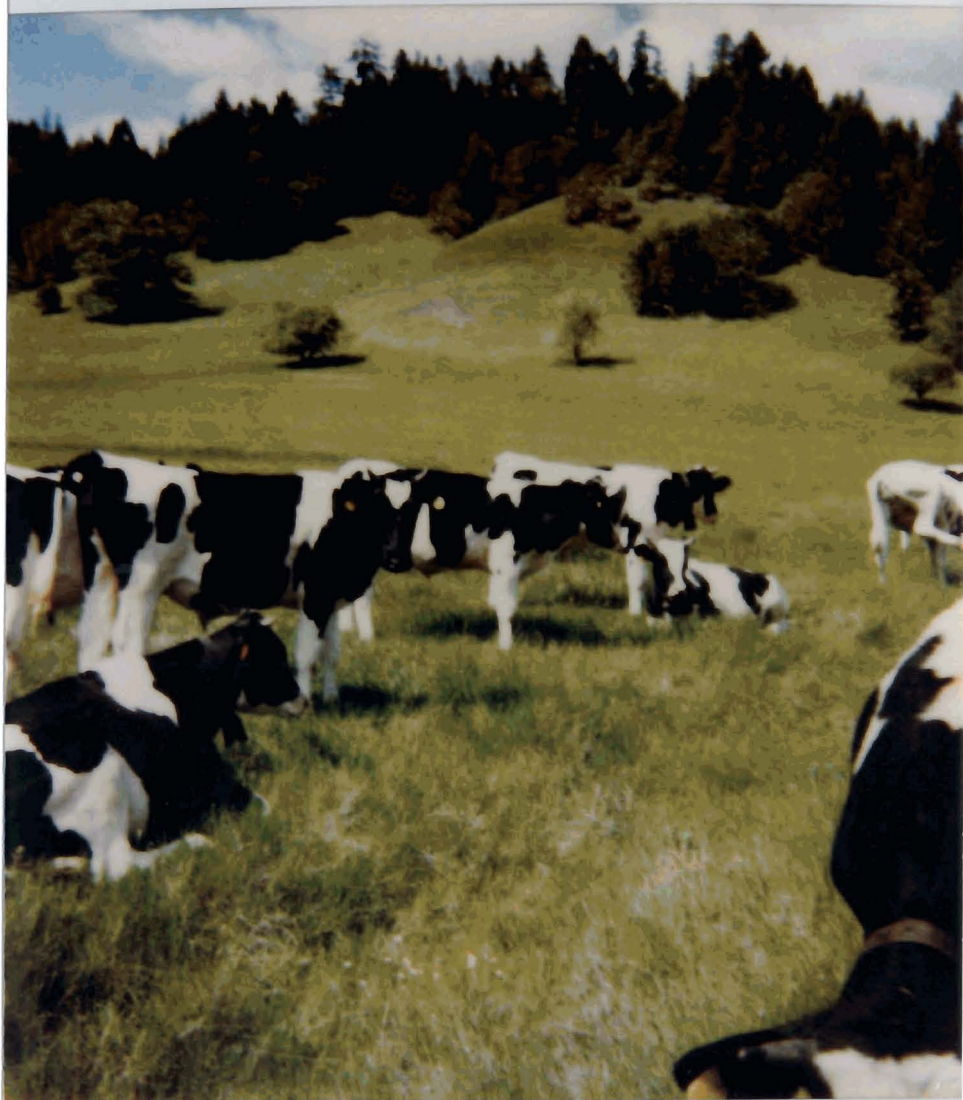
FIRST CLASS MAIL

"North Pasture & Hayfield"

1980[±]

Spring on Gutchey
Creek

Sept. '92



"Pasture NE of Residence"

Sept. '92

"Old Tank,
Gutchey Creek"

Sept. '92



"Old Ranch Barns"
w/ Dock & Lavina Perkins

Sept. '92

Daniel & Hazel Perdue

1935 ±

