

RECEIVED

SEP 16 1992

WATER RESOURCES DIV.
CALIF. DEPT. OF WATER

6. LOCATION OF PLACE OF USE CONT. :

30 SECTIONS, TOWNSHIP T29S , RANGE R4W

30 SECTIONS, TOWNSHIP T29S, RANGE R4W

30 SECTIONS, TOWNSHIP T29S, RANGE R4W

State of Oregon
WATER RESOURCES DEPARTMENT

SEP 16 1997

WATER RESOURCES DEPARTMENT

REGISTRATION STATEMENT CLAIMING A RIGHT
TO APPROPRIATE SURFACE WATER

Registrant: ROY & MARY ANDERSON

Mailing address: 4041 SOUTH MYRTLE ROAD.
Street

MYRTLE CREEK OR 97457
City or town State Zip Phone

1. Sources of water SOUTH MYRTLE CREEK - CARSON CREEK
Tributary to SOUTH UMPQUA RIVER

2. Purpose(s) for which water is used IRRIGATION - STOCK WATER
DOMESTIC
(irrigation, power, mining, domestic, stock, etc.)

3. Amount of water used for beneficial purpose 0.23 IRRIGATION - 0.01 STOCK
(cubic feet per second) 0.01 DOMESTIC

4. Date of the initiation of such water right AUGUST 25, 1903
If the right to be claimed is described by permit, give the permit no. 26061, certificate no. 30943, and name it is in IRVING J. MAC DONALD

5. Describe the appropriate water diversion and distribution system for both the original distribution system and any enlargements:

A) DITCH: ORIGINAL: DIRT DITCH AND WOODEN FLUME
Material TO DAY: PUMP WITH ELECTRICAL SERVICE
(dirt, concrete, etc.)

Top width _____ Bottom width _____ Depth _____
Grade or fall per 1000 feet feet _____ Capacity _____
(cubic feet per second)

B) PIPELINE:
Size at intake _____ Size and distance at changes _____
Total fall between intake and place of use _____ Capacity _____
(feet) (cubic feet per second).

C) PUMP:

Make UNIVERSAL Type CENTRIFUGAL
 No. GXH-10 Intake size 4" Discharge size 3"
 Suction head 5' Discharge head 15'
 Rating: G.P.M. _____ R.P.M. _____ Pressure _____

D) MOTOR:

Type 3φ 220/440 V. Make CENTURY
 H.P. Rating 10 R.P.M. 3470

E) CONNECTION:

Direct connected unit
 If belt driven: Size of drive pulley _____ Driven pulley _____

F) DISTRIBUTION SYSTEM:

Main line: Size 4" Length 1800 FT Kind of pipe ALUMINUM
 Lateral lines: Size 3" Length 2000 FT Kind of pipe ALUMINUM
 Size _____ Length _____ Kind of pipe _____

G) SPRINKLER HEADS:

Make RAINBIRD Size of nozzles 1/64 x 3/32
 Number of heads used 28 Capacity of each 6.5 G.P.M.
 Operating pressure 35 lbs.

6. Area of land which your distribution system, as originally constructed, was intended to irrigate:
18.6 acres

7. Location of the area irrigated, or place of use if other than for irrigation:

County of DOUGLAS

Township	Range	Section	1/4, 1/4 Section	No. of acres Irrigated
<u>T29S</u>	<u>R4W</u>	<u>19</u>	<u>SW, SW</u>	<u>1.7</u>
		<u>19</u>	<u>SE, SW</u>	<u>1.7</u>
		<u>30</u>	<u>NW, NE</u>	<u>0.7</u>
		<u>30</u>	<u>NE, NW</u>	<u>13.8</u>
		<u>30</u>	<u>NW, NW</u>	<u>0.7</u>
TOTAL				<u>18.6</u>

SEP 16 1987

8. Location of the point of diversion:

NE 1/4 NW 1/4, Section 30, T 295 N/S, R 4W E/W.

9. If the water use is for power, please state:

A) Gross Head _____ feet

B) Developed THP _____

C) Describe the type of water wheel or turbine and generator used: _____

D) If there is a water power claim, please state the filing number: _____

E) Is water returned to original source? _____ If so, where: _____

_____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W.

10. When does the irrigation season begin and end, and if water is used for other purposes, during what months is it used? APRIL 1ST TO SEPT. 30TH

JANUARY 1 THRU DEC. 31 FOR STOCK AND DOMESTIC

11. Remarks: _____

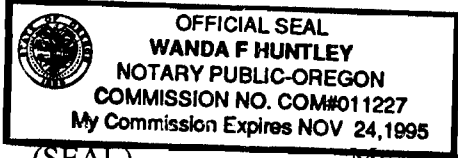
This registration statement must be accompanied by a map prepared by a licensed land surveyor or engineer.

State of Oregon)
) ss.
County of DOUGLAS)

I, ROY L. ANDERSON, being first duly sworn, do hereby certify that I have read the Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Roy L. Anderson
Signature of Registrant

Subscribed and sworn to before me this 8th day of Sept, 19 92



Wanda F. Huntley
Notary Public
My commission expires: 11-24-95

CERTIFICATE OF REGISTRATION

State of Oregon)
) ss.
County of _____)

This is to certify that the foregoing Registration Statement was received in the office of the Water Resources Director on the _____ day of _____, 19 ____, at _____ o'clock ____ M., and has been duly recorded in the office in Book No. _____ of Registration Statements on page no. _____.

Witness my hand this _____ day of _____, 19 ____.

Director By: _____
Deputy

Fees paid: Irrigation: _____ acres, \$ _____
Power: _____ H.P., \$ _____
Other Uses: _____, \$ _____

Receipt Number: _____; TOTAL \$ _____

Received: _____, 19 ____.

7-1-1947
SEP 16 1947

REPORT FOR CLAIM OF VESTED WATER RIGHT - EGRESS/ACQUISITION
Page 1 of 3

IRRIGATION CLAIM

NAME: Roy and Mary Anderson
4041 South Myrtle Road
Myrtle Creek, OR 97457

INFORMATION: Mr. Anderson

LOCATION: Sections 19 and 30, T29S, R4W, WM

SOURCE OF WATER FOR IRRIGATION: South Myrtle Creek, a tributary of Myrtle Creek.

DIVERSION POINT FOR IRRIGATION: The original diversion point is unknown at this time. The diversion point is now a pump site with electrical service.

FLUME: This claim is based on the existence of an elevated flume that crossed the property before 1909. The location of the flume is based on a copy of a right of way description per book 47 page 379 of Douglas County Deed Records, executed August 25, 1903. The Andersons have a picture of the flume showing that it was elevated and would be able to follow the straight lines as described in the easement rather than being limited to natural contours of the land.

I show all the land lying south of the flume and also irrigated under Certificate of Water Right No. 30943 as being the land that could have been irrigated by water from the flume before 1909 and continuously irrigated to this time.

PUMP AND MOTOR: Universal model GxH-10, centrifugal pump 4"x 3" directly connected to Century 10 hp, 3 phase, 220/440 volt motor rated at 3470 rpm.

PIPE: Scaled 1800 feet of 4" aluminum, and 2000 feet of 3" aluminum pipe.

SPRINKLERS: Fifty sprinklers with 3/32" x 11/64" nozzles. Mr. Anderson reported that 28 sprinklers are used at one setting.

LIFT: 10 To 40 Feet. Average lift 20 feet.

CALCULATION OF MAXIMUM USAGE RATE (Present pump system.):
Assume 35 psi at sprinklers for 6.5 gpm x 28 = 182 gpm. Total Dynamic Head = 81 ft residual, 20 lift, 30 feet friction loss (varies with main and lateral configuration) = 131 feet. Theoretical hp requirement for 182 gpm at 131 feet = 6.0 hp. System would need to be 60% efficient to deliver claimed gpm. The claimed rate of 182 gpm is reasonable.

USES: Irrigation of hay and pasture.

REPORT FOR CLAIM OF VESTED WATER RIGHT
Page 2 of 3

SEP 16 1971

DOMESTIC CLAIM

INFORMATION: Mr. Anderson

LOCATION: Section 19, T29S, R4W, WM

SOURCE OF WATER FOR DOMESTIC USE: An unnamed spring, a tributary of Carson Creek.

DIVERSION POINT FOR DOMESTIC USE: The spring is encapsulated in a covered concrete cistern 10'11"x6'9"x6'9" deep.

PUMP AND MOTOR: Centrifugal pump (unknown make and model) 1.5"x 1" directly connected to Wagner 1 hp, 1 phase, 115 volt motor. A bladder type pressure tank provides a constant pressure system.

PIPE: Three quarter inch copper pipe from diversion point to house.

SPRINKLERS: Miscellaneous garden hose and sprinklers capable of irrigation of 1/2 acre.

LIFT: Fifteen feet to first floor.

CALCULATION OF MAXIMUM USAGE RATE (Present pump system.): Assuming 10 head loss and 15 ft. lift at .01 cfs only .03 theoretical hp is needed.

USES: Domestic including irrigation of 1/2 acre non-commercial lawn and garden.

SEP 16 1992

REPORT FOR CLAIM OF VESTED WATER RIGHT - BENEFICIAL USE
page 3 of 3

STOCK WATER CLAIM

INFORMATION: Mr. Anderson

LOCATION: Section 19, T29S, R4W, WM

SOURCE OF WATER FOR STOCK WATER USE: Carson Creek, a tributary of South Myrtle Creek.

DIVERSION POINT FOR STOCK WATER USE: Water is siphoned out of the reservoir or pumped to stock water troughs.

PUMP AND MOTOR: Centrifugal Sta-Rite Model JHHG3-53, 2"X1.5", directly connected to a 2.5 hp, 1 phase, 230 volt, A. O. Smith Motor. The motor is also used for irrigation.

PIPE: Three quarter inch plastic pipe used to siphon from reservoir to water trough (old bath tub). One and one half inch plastic pipe used with the pump to deliver water to the stock trough above the reservoir.

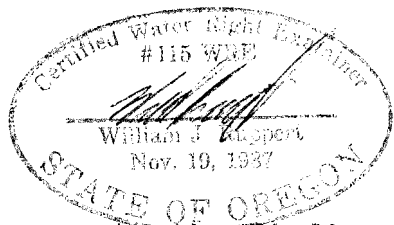
LIFT: Minus 15 lift for the siphon. Fifteen feet lift from the pump.

CALCULATION OF MAXIMUM USAGE RATE (Present pump system.): Assuming 5 head loss and 15 ft. lift at .01 cfs only .02 theoretical hp is needed.

USES: Stock water.

SURVEY TIE: The accompanying map is based on the above mentioned right of way description, Final Proof Survey for Permit No. 26061, aerial photographs, County Surveyor's Office map files M 60-35 and M 96-65 and survey observations.

CERTIFICATION: By William J. Ruppert, Certified Water Right Examiner No. 115. The survey and inspection of the use as found to be claimed under this vested water right was completed by me on October 27, 1990 (and September 12, 1992) and the facts contained in this report and the accompanying map are correct to the best of my knowledge.



WE, ROY & MARY ANDERSON, agree to the findings of the Certified Water Right Examiner and do submit this site report and map as part of my Claim of Beneficial Use of a Vested Water Right.

Roy L. Anderson
Mary Anderson

Sept. 15, 1992 Date
Sept 15, 92 Date

EXHIBIT "D".



SEP 10 1992
WATER RESOURCES DEPARTMENT

September 7, 1992

State Of Oregon
Water Resources Department,

Water from South Myrtle Creek and Carson Creek in Douglas County, Oregon have been beneficially and continuously used by ourselves and previous owners of the Hugh Carson Donation Land Claim Number 42 since 1903. And we hereby apply for a 1903 water right according to the attached papers.

The property is located in section 19 and 30, Township T29S Range R4W. Legal description is as follows:

Beginning at the northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29South, Range 4 West, Willamette Meridian; thence West, along the north line of said claim, 25.25 chains; thence South 4.70 chains to the center of the County Road as located in 1934; thence along road, North 84°30' West 8.8 chains; thence South 4°48' East 35.20 chains to the south line of said claim; thence East, along the said south line, 30.60 chains to the southeast corner of said claim; thence North 39.00 chains to the place of beginning, all lying and being in Douglas County, Oregon.

South Myrtle Creek and Carson Creek, both tributaries of the South Umpqua River, flow through the property. Water for irrigation, stock and domestic uses, has been diverted from

SEP 10 1903

South Myrtle Creek and Carson Creek beginning August 25, 1903 and has been used continuously to the present time.

In support of this application the following information is offered.

August 25, 1903 Cornealus Sellers traded William P. Johnson Lumber Company of Myrtle Creek, land he owned 16 miles out South Myrtle Road (currently the Paul L. Mann property 16406 South Myrtle Road) for land known as the Hugh Carson Donation Land Claim Number 42 and sufficient lumber to build a house. William P. Johnson Lumber Company retained the right of way across the property for a flume and the right to divert a sufficient amount of water from its natural channel ^(South) in Myrtle Creek and convey it thru the flume for the purpose of floating and transporting logs, lumber and timber. This is documented by the deed, William P. Johnson Lumber Company to Cornealus Sellers as recorded on pages 378 and 379 book 47 and recorded in the Douglas County court house. This deed is attached as exhibit "A" and "B".

Cornealus Sellers built a house on the property and began diverting water from South Myrtle Creek for irrigation and stock shortly after August 25, 1903 as stated by Mrs. Ethel Ruth Sellers Wynter, grand daughter of Cornealus Sellers. Her statement is attached as exhibit "C". The water was diverted by a ditch and the elevated flume built by the William P. Johnson Lumber Company. The flume can be seen in the photograph of the house as it appeared in 1910. This is the house currently located at 4041 South Myrtle Road, Myrtle Creek. This is our present residence. The photograph is exhibit "D". The date of this photograph is about 1910. This date is confirmed by the people in the photograph as stated in Mrs. Wynter's statement. Further confirmation of the houses age is its listing in Douglas County Cultural and Historical Resource Inventory in which the recorder states the house was constructed C. 1880. See attached exhibits "E" and "F".

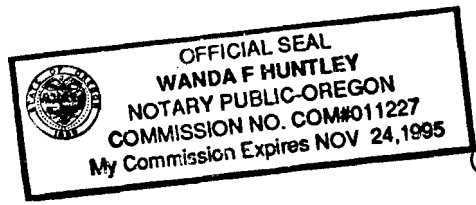
INDIVIDUAL ACKNOWLEDGMENT

State of Oregon
County of Douglas } ss.

On this the 8th day of Sept 19 92, before me,
Wanda F Huntley

the undersigned Notary Public, personally appeared
Roy L. Anderson

personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) she subscribed to the
within instrument, and acknowledged that she executed it.
WITNESS my hand and official seal.



Wanda F Huntley
Notary's Signature

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document Letter
Number of Pages 3 Date of Document Sept 7, 1992
Signer(s) Other Than Named Above none

SEP 16 1981

VETERANS SERVICES
SEP 16 1981


Cornealus Sellers sold the property to Eugene Maulding April 15, 1919. Reference deed exhibit "G". Eugene Maulding inturn sold the property to F. A. Warner August 14, 1919. Reference deed exhibit "H". F. A. Warner owned the property until 1944.

From 1928 until 1936 Mr. Russell B. Sabin lived with Warners on the property. During that period, according to Mr. Sabin, water from South Myrtle Creek and "the creek from the uphill land" (Carson Creek) were used for irrigation, stock water and a domestic water source. See attached letter, exhibits "I" and "J".

July 5, 1944 F. A. Warner sold the property to Edward W. Ravekes. See deed exhibit "K". Mr. Ravekes sold the property to Irvine and Alma Macdonald June 1, 1946. See deed exhibit "L" ^{and "M"} Mr. Macdonald sold the property to Robert and Bonnie Johnson September 14, 1977. See deed exhibit "N". And on September 21, 1982 Mr. Johnson sold the property to Donald and Irma Mode. See deed exhibit "O". April 19, 1983 Mr. Mode sold the property to my wife and me, Roy L. and Mary E. Anderson. See exhibit "P".

From 1958 until 1983 Mr. Walter R. Davidson, who resides at 7647 South Myrtle Road, Myrtle Creek, leased the property from first Mr. Macdonald, then Mr. Johnson and finally Mr. Mode. During that period Mr. Davidson farmed the fields growing wheat, oats and pasture for cattle. He irrigated first with a gasoline engine driven pump and later with an electric motor driven pump when electric power was available. His statement is attached as exhibit Q.

From April 19, 1983 untile the present my wife and I have owned the property and have irrigated all the fields each and every year.


Roy L. Anderson

Signed, sealed and delivered in the presence of two witnesses:

James Dick

R W Schmeer (Seal)

C H Chambreau

Evelyn Fisher Schmeer (Seal)

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS: This certifies, that on this 3 day of Sept A D 1903, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named R W Schmeer and Evelyn Fisher Schmeer husband and wife, known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same. In testimony whereof, I have hereunto set my hand and notarial seal the day and year last above written.

(Seal)

C H Chambreau,
Notary Public for Oregon.

Filed and recorded September 4, 1903. D R Shambrook, County Clerk.

By *Flossie P. Shambrook*, Deputy.

WILLIAM P JOHNSON LUMBER COMPANY

TO

CORNEALIUS SELLERS.

EXHIBIT "A"
BOOK 47 P. 378

This Indenture witnesseth, That William P Johnson, Lumber Company, a private corporation of Myrtle Creek, Oregon, for the consideration of the sum of one dollar to it paid, has bargained and sold and by these presents does bargain, sell and convey unto Cornealius Sellers the following described premises, to wit: Beginning at the north east corner of the Hugh Carson Donation Land Claim No 42 in township 29 south, range 4 west of Willamette meridian thence west along the north line of said claim 25.75 chains, thence south 4.70 chains to center of county road, thence along road north 84.½ deg west 8.00 chains, thence south 4 deg 48" east 35.20 chains to south line of claim, thence east along south line 30.60 chains to S E corner of claim, thence north 39.00 chains to the place of beginning, containing 120 acres more or less, all lying and being in Douglas county, Oregon, excepting therefrom a strip of land for a right of way for a flume surveyed as follows, Beginning at a point on the east line of the Hugh Carson Donation Land Claim No 42 in Tp 29 S 1 4 W 22.40 chains from north east corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows: North 76 ½ deg west 27.90 chains and north 81 ½ deg west 5.75 chains to a point on west line of above described land 11.50 chains south 4 deg 48" east from N W corner in a county road, also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said flume for the purpose of floating and transporting logs, lumber and timber; there is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs, lumber and timber thereon, and also reserving the right of way for a railroad or any railroad constructed by the grantor its successors or assigns. To have and to hold said premises with their appurtenances unto the said Cornealius Sellers his heirs and assigns forever. And the said William P Johnson Lumber Company does hereby covenant to and with the said Cornealius Sellers his heirs and assigns that it is the owner in fee simple of said premises, that they are free from all incumbrances and that it will warrant and defend

the same from all lawful claims whatsoever. In witness whereof, the William P Johnson Lumber Company has herunto caused its corporate seal to be affixed and these presents to be signed in its corporate name by its president and its secretary this twenty fifth day of August, 1903.

In presence of
Fred Fisher
Ed T Naghel

William P Johnson Lbr Co,
By William P Johnson, President.
William P Johnson Lumber Company,
By Evelyn Johnson, Secretary.

SEP 16 1903
ENTERED
RECORDS
CLERK

(Seal)

STATE OF OREGON)
COUNTY OF DOUGLAS) SS: Be it remembered, that on this twenty fifth day of August A D 1903, before me, the undersigned, a Notary Public in and for the county of Douglas, state of Oregon, personally came Wm P Johnson president, and Evelyn Johnson, secretary of the William P Johnson Lumber Co., whose names are subscribed to the foregoing instrument as parties thereto and as president and secretary of said Company, both personally known to me to be the individuals who executed the said instrument, and they severally acknowledged that he, the said Wm P Johnson as president and she the said Evelyn Johnson as secretary, of William P Johnson Lumber Co, executed the foregoing instrument as and for the act and deed of said company freely and voluntarily and for the uses and purposes therein mentioned. And she the said Evelyn Johnson being by me duly sworn did depose and say that she is the secretary of William P Johnson Lumber Co, and resides at Myrtle Creek, Oregon, that she is the legal custodian of and is acquainted with and has in her possession the corporate seal of said company, and that the seal affixed to the foregoing instrument, is such corporate seal and was so affixed by her as secretary of said company on the twenty fifth day of August 1903, by order of the board of directors of said company; and that she signed the same by the like order of said directors. In witness whereof, I have hereunto set my hand and official seal this twenty fifth day of August 1903.

C O White,
Notary Public for Oregon.

Filed and recorded September 5, 1903. D R Shambrook, County Clerk.
By *Flavie P. Shambrook* Deputy.

UNITED STATES

PAUL M GROVER

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 five hundred and fifty seven, of the Register and Receiver at Roseburg, Oregon, whereby it appears that under the provisions of the Act of Congress approved the 27th day of September 1890, 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 Caleb M Grover, of Douglas county, Oregon, Notification No 3369, 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 three, being parts of sections twenty eight, twenty nine, thirty two and thirty three, in township twenty five, north, of range six 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: Beginning at a point three chains north, and twenty chains and twenty five links west from the corner to sections twenty seven, twenty eight, thirty three and thirty four in township twenty five south of range six west and running thence north, thirty nine chains and eighty links, thence west seventy nine chains and ninety links, thence south forty chains, and thence east eighty chains, to the place of beginning, in the district of lands subject to sale at the time the said claim was established, and in conformity with the provisions of the Act...

SEP 16 1992

SEP 16 1992

WATER RESOURCES DEPT.
SACRAMENTO, CALIF.

EXHIBIT "C"

August 29, 1992

To whom it may concern:

I am Ethel Ruth Sellers Wynter, the grand daughter of Cornealus Sellers. I reside with my husband, Bruce Wynter, in Myrtle Creek, Oregon.

On August 25, 1903, my grandfather Cornealus Sellers, did trade property located about 16 miles out South Myrtle Road, Myrtle Creek, Oregon, (currently the Paul L. Mann property, 16406 South Myrtle Road) to the William P. Johnson Lumber Company of Myrtle Creek. In return he received the eastern half of the Hugh Carson Donation Land Claim number 42 as described on pages 378 and 379, Book 47 of the Douglas County, Oregon records. This property is currently owned by Roy L. and Mary E. Anderson and is known as Anderson's Twin Oaks. In addition as part of the trade my grandfather received enough lumber to build a house.

The house was built on the property, shortly thereafter, as my grandfather and family had no other place to live. A photograph of the house was taken about 1910 (photograph enclosed). This date was arrived at from the ages of two small children in the picture.

One is my brother, Roy Sellers, he appears to be about 2 years old and was born December 1907. My sister, Helen Duncan, born in May 1910 is the infant in the picture. In the photograph the house appears to be a number of years old as the vegetation is established, the porch and other parts of the house appear well worn, and grass is growing through the cracks in the concrete walkway.

My grandfather farmed the property from 1903 until August 1919, when the property was sold. While all the crops produced on the farm are not known, I do know my grandfather had a large garden (they produced all their own food). He had horses and cows, and grew oats. I believe these crops were irrigated with

INDIVIDUAL ACKNOWLEDGMENT

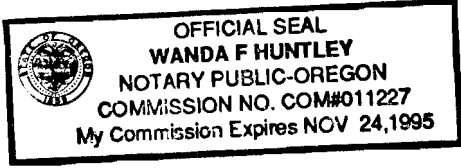
State of Oregon
County of Douglas } ss.

On this the 9th day of Sept 1992, before me,
Wanda F Huntley

the undersigned Notary Public, personally appeared
Ethel Ruth Sellers Wynter

personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) she subscribed to the
within instrument, and acknowledged that she executed it.
WITNESS my hand and official seal.

SEP 10 1992



Wanda F Huntley
Notary's Signature

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document Letter
Number of Pages 2 Date of Document 9-9-92
Signer(s) Other Than Named Above none

SEP 16 1992

SEP 16 1992

WATER RESOURCES DEPT .
SAS 1000

water diverted from South Myrtle Creek by means of ditches and the overhead
flume that was built by the previous owner, William P. Johnson Lumber Company
This flume is shown in the attached photograph.

Mrs Ethel Ruth Sellers Wynter
Mrs. Ethel Ruth Sellers Wynter

enc (2)
ERSW/vas

SEP 20 1981

DOUGLAS COUNTY CULTURAL AND HISTORICAL RESOURCE INVENTORY

IDENTIFICATION:

T29 S R 4 W Sec. 19 1/4 SW 1/4 SW
Tax Account No.: 11415.00
Address: South Myrtle Creek Road
Name: Sellars, Cornelius/House

PEOPLE:

Current owner: Johnson, R. & B.
Architect: _____
Builder: _____
Original owner: Sellars, Cornelius

THEME:

Residence

USE:

Present: Residence
Original: Residence

STRUCTURE:

Type: House
Date Constructed: c. 1880
Style: Classical Revival, venacular; two story; rear ell
Roof: Gable; boxed eaves; frieze board; composite shingle
Wall: Frame construction; 1 x 6 inch shiplap; corner boards
Windows: 2 over 2 and 6 over 6 dbl. hung sash
Doors: _____
Foundation: Stone piers; 1 x 6 inch vertical skirting
Additions: One story leanto on E. El.; gabled front porch cover

MINOR STRUCTURES AND OBJECTS:

Type: _____

Recorded by: Terry Harbour

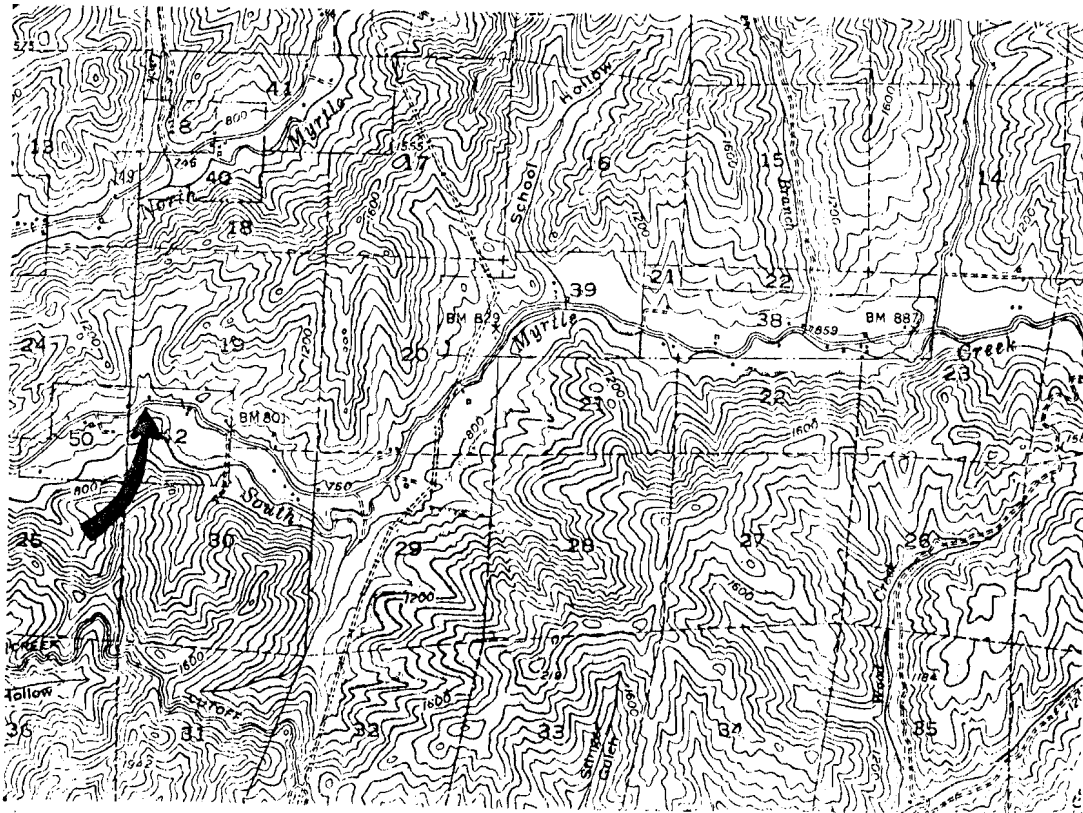
Date: November 19, 1981

DOUGLAS COUNTY HISTORICAL RESOURCES

SELLARS, CORNELIUS/HOUSE



NORTH ELEVATION



are free from all incumbrances 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. IN WITNESS WHEREOF the grantors above named hereunto set their hand and seal this 9 day of August, 1918.

Signed, sealed and delivered in presence
of us as witnesses: E Bond (Seal)
Experience Bond (Seal)
G R Bates \$1.00 I R stamp attached
Chester Morgan and cancelled.

STATE OF OREGON, County of Douglas)ss. Be It Remembered that on this 9 day of August, A D 1918, before me the undersigned a Notary Public in and for said county and state, personally appeared the within named E Bond and Experience Bond known to me to be the identical persons 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 notarial seal the day and year last above written.

G R Bates, Notary Public for Oregon.
My commission expires May 22nd, 1919.
E H Lenox, County Clerk.
By Florence Leabreter Deputy.

(Seal)
Filed for record August 15, 1919 at 8:45 A. M.

----- EXHIBIT "G" -----
CORNEALIUS SELLERS ET UX Book 80 P.10 TO EUGENE MAULDING ET UX #39489

KNOW ALL MEN BY THESE PRESENTS That Cornealius Sellers and Melvina Sellers his wife, of Myrtle Creek, State of Oregon, in consideration of seven thousand five hundred and no/100 dollars, to them paid by Eugene Maulding and Kate Maulding, of Myrtle Creek, State of Oregon, have bargained and sold and by these presents do grant, bargain, sell and convey unto said Eugene Maulding and Kate Maulding their heirs and assigns all the following bounded and described real property situated in the county of Douglas and State of Oregon: (The following described property as per slip hereto attached). Beginning at the northeast corner of the Hugh Carson Donation Land Claim No 42 in Township 29 south range 4 West of Willamette Meridian thence west along the north line of said claim 25.25 chains; thence south 4.70 chains to center of county road; thence along said road north 84 1/2 degrees west 8.80 chains; thence south 4 degrees 48 min. east 36.20 chains to the south line of claim; thence east along the south line 30.60 chains to the southeast corner of claim; thence north 39 chains to the place of beginning containing 122 acres more or less, all being in Douglas County State of Oregon. Excepting therefrom a strip of land for a right of way for a flume surveyed as follows: Beginning at a point on the east line of the Hugh Carson Donation Land Claim No 42 in Township 29 south range 4 west 22.40 chains from the north east corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows: North 78 1/2 degrees west 27.90 chains and north 81 1/2 degrees west 5.25 chains to a point on the west line of the above described land 11.50 chains south 4 degrees 48 min. east from the northwest corner in county road; Also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said flume for the purpose of floating and transporting logs, lumber and timber; There is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs lumber and timber thereon and also reserving the right of way for a railroad or any railroad construction. Also excepting from the above described parcel of land a tract containing 7.45 acres of land as deeded by the grantors to G A Dillon on December 8th, 1909 and recorded in Book 64 of Deeds at page 78-9, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all their estate, right, title and interest in and to the same, including dower and claim of dower. TO HAVE AND TO HOLD the above described and granted premises unto the said Eugene Maulding and Kate Maulding their heirs and assigns forever. And Cornealius Sellers and Melvina Sellers grantors above named do covenant to and with Eugene Maulding and Kate Maulding the above named grantee their heirs and assigns that they lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances 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. IN WITNESS WHEREOF, the grantors above named hereunto set their hand and seal this 15th day of April, 1919.

Signed sealed and delivered in presence of Cornealius Sellers (Seal)
us as witnesses: Witness to signature Melvina X Sellers (Seal)
Cornealius Sellers and mark of Melvina Sellers her mark
M B Smith \$7.50 I R stamps attached and cancelled.
G R Bates STATE OF OREGON, County of Douglas)ss. Be It Remembered that on this 15 day
of April, A D 1919, before me the undersigned a Notary Public in and for said county and
state, personally appeared the within named Cornealius Sellers and Melvina Sellers known to
me to be the identical persons described in and who executed the within instrument and acknow
ledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I
have hereunto set my hand and notarial seal the day and year last above written.

(Seal) G R Bates, Notary Public for Oregon.
My commission expires May 22nd, 1919.
E H Lenox, County Clerk.
By Florence Leadbetter Deputy.

----- Book 80 - P. 11 -----
EUGENE MAULDING ET UX EXHIBIT "H" TO F A WARNER #39490 Y
KNOW ALL MEN BY THESE PRESENTS, That Eugene Maulding and Kate Maulding his wife, of Myrtle
Creek, State of Oregon, in consideration of ten and no/100 Dollars to them paid by F A
Warner of Myrtle Creek, State of Oregon, have bargained and sold and by these presents do
grant, bargain, sell and convey unto said F A Warner his heirs and assigns all the following
bounded and described real property, situated in the county of Douglas and State of Oregon:
Beginning at the northeast corner of the Hugh Carson Donation Land Claim No 42 in Township 29
south range 4 west of the WM; thence west along the north line of said claim 25.25 chains;
thence south 4.70 chains to the center of county road; thence along said road north 84 1/2
degrees west 8.80 chains; thence south 4 degrees 48 min east 35.20 chains to the south line
of claim, thence east along the south line 30.60 chains to the southeast corner of claim;
thence north 39 chains to the place of beginning containing 122 acres more or less all being
in Douglas County, State of Oregon. Excepting therefrom a strip of land for a right of way
for a flume surveyed as follows: Beginning at a point on the east line of the Hugh Carson
Donation Land Claim No 42 in Township 29 south range 4 west of the W. M., 22.40 chains from
the northeast corner thereof; said strip being ten feet wide on each side of a line extended
from said point a follows: North 78 1/2 degrees west 27.90 chains and north 81 1/2 degrees west
5.25 chains to a point on the west of the above described land 11.50 chains south 4 degrees
and 48 min. east from the northwest corner in county road; also excepting the right to divert
a sufficient amount of water from its natural channel in Myrtle Creek and convey it through
said flume for the purpose of floating and transporting logs, lumber and timber; There is
also reserved from the above granted land all the rights of a riparian owner in and to
Myrtle Creek where it flows across or adjacent to the above premises for the purpose of
floating, transporting and booming logs lumber and timber thereon and also reserving the
right of way for a railroad or any railroad construction. Also excepting from the above de-
scribed parcel of land a tract containing 7.45 acres of land as deeded to G A Dillon on
December 8th, 1909 and recorded in book 64 of deeds at page 78-79. together with all and
singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining and also all their estate, right, title and interest in and to the same, includ-
ing dower and claim of dower. TO HAVE AND TO HOLD the above described and granted premises
unto the said F A Warner his heirs and assigns forever. And Eugene Maulding and Kate Maulding
grantors above named do covenant to and with F A Warner the above named grantee his heirs
and assigns that they lawfully seized in fee simple of the above granted premises, that the
above granted premises are free from all incumbrances 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
IN WITNESS WHEREOF, the grantors above named hereunto set their hand and seal this 14th day
of August, 1919.

Signed, sealed and delivered in Eugene Maulding (Seal)
presence of us as witnesses: Kate Maulding (Seal)
R O Young \$8.00 I R stamps attached and cancelled.
G R Bates

STATE OF OREGON, County of Douglas)ss. Be It Remembered that on this 14th day of August,
A D 1919, before me the undersigned a Notary Public in and for said county and state, per-
sonally appeared the within named Eugene Maulding and Kate Maulding known to me to be the
identical persons 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 notarial seal the day and year last above written.

(Seal) G R Bates, Notary Public for Oregon.
Commission expires May 15, 1923
E H Lenox, County Clerk By Florence Leadbetter Deputy.

R T BLAKELY ET AL TO MATILDA BLAKELY #39493 Y
THIS INDENTURE WITNESSETH, That R T Blakely and Laura E Blakely his wife, H A Blakely and

EXHIBIT "I"

August 29, 1992

This is a copy (original attached) of a letter received from Mr. Russell B. Sabin-- 650 Ala Moana Blvd. Suite 217--Honolulu Hawaii 96813--- (808) 524-6400.

COPY COPY COPY COPY COPY COPY

SEP 16 1992

WATER RESOURCES

WE WERE IN MYRTLE CREEK 1928--36

MR. WARNER USED SOUTH MYRTLE CREEK A LITTLE FOR IRRIGATION, MOSTLY TO WATER STOCK AND SWIMING. THERE WERE SOME SPRINGS ON THE MYRTLE CREEK SIDE OF THE HOUSE WHICH WERE USED FOR SOME IRRIGATION* THE CREEK FROM THE UPHILL LAND WAS USED FOR GARDEN IRRIGATION ON THE FIELDS BELOW, ALSO WAS USED TO WATER THE CHICKENS AND LIVESTOCK. THE HOUSE WATER WAS HAULED UP FROM A SPRING DOWNHILL IN BACK OF THE HOUSE. THE SPRINGS, SMALL CREEK, AND SOUTH MYRTLE WERE ALWAYS USED BY THE WARNER FARM (AS FOR AS I KNOW) FOR IRRIGATION AND AS A DOMESTIC WATER SOURCE AND AS SUCH WERE ESSENTIAL FOR THE SUSTENANCE OF THE FARM. I FEEL THERE WERE NO LAPSE AT ALL IN THE USE OF THE WATER__ THE FARM COULDN'T SERVE WITHOUT THESE VARIOUS SOURCES OF WATER.

REGARDS, RUSS SABIN

* DOWN BETWEEN THE GRAINFIELDS IN THE TREES

RECEIVED

SEP 16 1992

WATER RESOURCES DEPT.
1225 N. W. 3rd St.
PORTLAND, OREGON 97227

January 14, 1991

Dear Mr. Sabin,

My husband and I own the house in Myrtle Creek, Or. that you and your brother lived in while it was owned by the Warners. We are attempting to prove old water rights. We would appreciate any information you or your brother could give us on water usage on the property going back as far as possible. We need to know when the water was used and what it was used for (irrigation etc.)

We know the house was built in 1903 and that the Warners owned it from 1919-1944. We need to prove that water was used before 1909 and continuously since then, with no more than a five year lapse.

Hope you received the photograph of our old house that I mailed to you several years ago. *Yes, thanks.*

We were in Myrtle Creek 1928-36

Mr. Warner used South Myrtle creek a little for irrigation, mostly to water stock and swimming, there were some springs on the Myrtle creek side of the house which were used for some irrigation*. The creek from the uphill land was used for garden irrigation ~~from~~ on the flats below, also was used to water the chickens and livestock. The house water was hauled up from a spring downhill in back of the house. The springs, small creek, and South Myrtle were always used by the Warner farm (as far as I know) for irrigation and as a domestic water source and as such were essential for the sustenance of the farm. I feel

Thank you for your help,

Mary E. Anderson

Mary E. Anderson

4041 South Myrtle Rd.

Myrtle Creek, Oregon 97457

* Down between the grainfields in the trees

the farm couldn't survive without these various sources of water -
Regards. Russ Sabin

and clear of power.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Michael Murphy, his heirs and assigns forever. And H O Pargeter and Mary L Pargeter, grantors above named do covenant to and with Michael Murphy the above named grantee, his heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances 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.

IN WITNESS WHEREOF, the grantors above named, have hereunto set their hands and seals this 9th day of May, 1944.

STATE OF OREGON)
County of Douglas) ss.

H O Pargeter (Seal)
Mary L Pargeter (Seal)

SEP 10 1907

BE IT REMEMBERED, That on this 9th day of May A D 1944 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named H O Pargeter and Mary L Pargeter, who are known to me to be the identical person 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 Notarial seal, the day and year last above written.
(Notarial seal) W F Harris Notary Public for Oregon

Filed for record July 5, 1944 at 2:20 P M
Roy Agee, County Clerk

My commission expires Dec. 18, 1944

VOL 107

By Kathryn A Petrequin Deputy EXHIBIT "K" \$1.65 I R Stamps affixed and cancelled. PG-568

F ARCHER WARNER TO EDWARD W RAVEKES # 36106

KNOW ALL MEN BY THESE PRESENTS, that I, F ARCHER WARNER, unmarried, in consideration of Ten Dollars, to me paid by EDWARD W RAVEKES do hereby grant, bargain, sell and convey unto said Edward W Ravekes his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29 South Range 4 West of the Willamette Meridian, thence West along the North Line of said Claim 25.25 chains; thence South 4.70 chains to center of County Road; thence along road North 84 1/2 degrees West 8.20 chains; thence South 4 degrees 18" East 35.20 chains to South Line of said Claim; thence East along South line 30.60 chains to Southeast corner of claim; thence North 39.00 chains to the place of beginning, containing 122 acres, more or less, all lying and being in Douglas County, Oregon, excepting therefrom a strip of land for a right of way for a flume, surveyed as follows: Beginning at a point on the East line of the Hugh Carson Donation Land Claim No 42 Township 29 South, Range 4 West of the Willamette Meridian, 22.60 chains from Northeast Corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows; North 78 1/2 degrees West 27.90 chains, and North 81 1/2 degrees West 5.25 chains to a point on West line of above described land 11.50 chains South 1/2 degrees 48 minutes East from Northwest corner in a County Road, also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said flume for the purpose of floating and transporting logs, lumber and timber; there is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs, lumber and timber, and also reserving the right of way for a railroad or any railroad constructed by the grantor, its successors or assigns;

Also excepting the following parcel of land; beginning 5.80 chains West of the Northeast corner of the Hugh Carson Donation Land Claim No. 50; thence continuing West on North line of said Claim 19.65 chains; thence South 4.70 chains to Center of County Road; thence East along County Road South 87 degrees East 9.91 chains to West End of the bridge over Carson Creek; thence North 61 1/2 degrees East 11 chains to place of beginning, and containing 7.15 acres.

Also excepting therefrom the following tract of land, being a part of the Hugh Carson Donation Land Claim No. 42 Section 19 Township 29 South Range 4 West of the Willamette Meridian; beginning at the Northeast corner of said Donation Land Claim running thence South along the East line of said Donation Land Claim to the County Road, thence Northwesterly along said County Road to the West end of the bridge over Carson Creek, thence North 61 1/2 degrees East 11 chains to a point in the North line of said Donation Land Claim, thence East along the North line of said Donation Land Claim 5.8 chains to the place of beginning, containing 16 acres, more or less in Douglas County, Oregon.

To Have and To Hold, the above described and granted premises unto the said Edward W Revekes his heirs and assigns forever.

And I, the said F Archer Warner the grantor above named do covenant to and with the above named grantee his heirs and assigns that I am lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances except a certain mortgage given to the Federal Land Bank of Spokane, Washington, in the sum of \$5000.00 by F Archer Warner, the Grantor, which grantee herein hereby assumes and agrees to pay and that I will and my 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 My hand and seal this 5th day of July, 1944.

F Archer Warner (Seal)

STATE OF OREGON)
County of Douglas)

BE IT REMEMBERED, That on this 5th day of July, A D 1944, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named F Archer Warner a single man who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

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

KNOW ALL MEN BY THESE PRESENTS, That Edward V. Bayaker and Eliza M. Bayaker, his wife

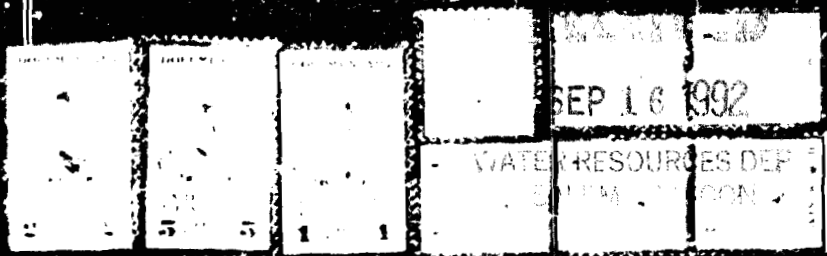
In consideration of Ten dollars and other valuable consideration to them sold by Irvine Macdonald and Alma Macdonald, husband and wife do hereby grant, bargain, sell and convey unto said Irvine Macdonald and Alma Macdonald, husband and wife

their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29 South Range 4 West of the Willamette Meridian thence West along the North Line of said Claim 25.25 chains; thence South 4.70 chains to center of County road; thence along road North 84 degrees West 8.80 chains; thence South 4 degrees 48' East 36.20 chains to South Line of said Claim; thence East along South line 30.60 chains to Southwest corner of claim; thence North 39.00 chains to the place of beginning, containing 128 acres, more or less, all lying and being in Douglas County, Oregon, excepting therefrom a strip of land for a right of way for a flume, surveyed as follows; Beginning at a point on the East line of the Hugh Carson Donation Land Claim No 42 Township 29 South, Range 4 West of the Willamette Meridian, 22.40 chains from Northeast Corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows: North 78 degrees West 27.90 chains, and North 81 degrees West 5.25 chains to a point on West line of above described land 11.50 chains, South 4 degrees 43 minutes East from Northwest corner in a County Road, also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said flume for the purpose of floating and transporting logs, lumber and timber; there is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs, lumber and timber, and also reserving the right of way for a railroad or any railroad constructed by the grantor, its successors or assigns;

Also excepting the following parcel of land; beginning 5.80 chains West of the Northeast corner of the Hugh Carson Donation Land Claim No. 50; thence continuing West on North line of said Claim 19.66 chains; thence South 4.70 chains to Center of County Road; thence East along County Road South 87 degrees East 9.91 chains to West End of the bridge over Carohn Creek; thence North 61 degrees East 11 chains to place of beginning, and containing 7.45 acres.

Also excepting therefrom the following tract of land, being a part of the Hugh Carson Donation Land Claim No. 42 Section 19 Township 29 South Range 4 West of the Willamette Meridian; beginning at the Northeast corner of said Donation Land Claim running thence South along the East line of said Donation Land Claim to the County Road, thence Northwesterly along said County Road to the West end of the bridge over Carson Creek, thence North 61 degrees East 11 chains to a point in the North line of said Donation Land Claim, thence East along the North line of said Donation Land Claim 5.8 chains to the place of beginning, containing 16 acres, more or less in Douglas County, Oregon.



SEP 10 1992

CATTLE RESOURCES DEPT.

Vol 124 PAGE 242

To Have and to Hold, the above described and granted premises into the said Irvine MacDonald and Alma MacDonald, husband and wife

their heirs and assigns forever

And if

the grantor above named doth covenant to and with the above named grantees their heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, Excepting a certain mortgage given to the Federal Land Bank of Spokane, Washington, in the original sum of \$ 5000.00 by F. Archer Warner, which the Grantees hereby assume and agree to pay.

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

Witness our hand and seal this 1st day of June 1948 Executed in the Presence of

Edward W. Ravakas (SEAL)
Elsa M. Ravakas (SEAL)

STATE OF OREGON

County of DOUGLAS

BE IT REMEMBERED, That on this 1st day of June A.D. 1948

before me, the undersigned, a Notary Public

in and for said County and State, personally appeared the within named Edward W. Ravakas and Elsa M. Ravakas

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 official seal the day and year last above written.

Ray Rieckel
Notary Public for Oregon
My Commission expires March 11, 1949



72520 148 pd

WARRANTY DEED

STATE OF OREGON

County of Douglas
I certify that the within instrument was received for record on the 3 day of January A.D. 1948 at 2 o'clock P.M., and recorded in book 247 on page 241. Record of Deeds of said County.
WITNESS my hand and seal of County officed.

ROY AGEE

County Clerk
Recorder of Conveyances
By Kathryn C. Stegeman Deputy

Mail to
Pooking Realty Co
Pooking

WARRANTY DEED

SEP 16 1992

WATER RESOURCES DEPT

KNOW ALL MEN BY THESE PRESENTS, That Irvine J. MacDonald and Alma MacDonald, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Robert B. Johnson and Bonnie Johnson, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

BEGINNING at the Northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29 South, Range 4 West of the Willamette Meridian, thence West along the North line of said Claim 25.25 chains; thence South 4.70 chains to center of County Road; thence along road North $84\text{-}1/2^\circ$ West 8.80 chains; thence South $4^\circ 48'$ East 35.20 chains to South line of said Claim; thence East along South line 30.60 chains to Southeast corner of claim; thence North 39.00 chains to the place of beginning, all lying and being in Douglas County, Oregon.

EXCEPTING the following parcel of land: Beginning 5.80 chains West of the Northeast corner of the Hugh Carson Donation Land Claim No. 50; thence continuing West on North line of said Claim 19.65 chains; thence South 4.70 chains to center of County Road; thence East along County Road South 87° East 9.91 chains to West end of the bridge over Carson Creek; thence North $61\text{-}1/2^\circ$ East 11 chains to place of beginning.

ALSO EXCEPTING THEREFROM the following tract of land, being a part of the Hugh Carson Donation Land Claim No. 42, Section 19, Township 29 South, Range 4 West of the Willamette Meridian: Beginning at the Northeast corner of said Donation Land Claim running thence South along the East line of said Donation Land Claim to the County Road, thence Northwesterly along said County Road to the West end of the bridge over Carson Creek, thence North $61\text{-}1/2^\circ$ East 11 chains to a point in the North line of said Donation Land claim; thence East along the North line of said Donation Land Claim 5.8 chains to the place of beginning, in Douglas County, Oregon.

ALSO EXCEPTING THEREFROM that part sold by Irvine J. MacDonald, et ux, to Douglas County, recorded in Volume 249 of the Deed Records of Douglas County, Oregon, Recorder's No. 206640.

Subject to roads and highways and the rights of the public therein, and right of way granted to The California Oregon Power Company.

Subject to the following reservations and exceptions contained in deed from William P. Johnson Lumber Company to Cornealius Sellers, recorded in Volume 47, page 378 of the Deed Records of Douglas County, Oregon:

"Excepting therefrom a strip of land for a right of way for a flume, surveyed as follows: Beginning at a point on the East line of the Hugh Carson Donation Land Claim No. 42, Township 29 South, Range 4 West of the Willamette Meridian, 22.40 chains from Northeast corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows: North 78-1/2° West 27.90 chains and North 81-1/2° West 5.25 chains to a point on West line of above described land 11.50 chains South 4° 48' East from Northwest corner in a County Road, also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said flume for the purpose of floating and transporting logs, lumber and timber; there is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs, lumber and timber, and also reserving the right of way for a railroad or any railroad constructed by the grantor, its successors or assigns."

SEP 16 1992

WATER RESOURCES DIVISION SALEM, OREGON

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$45,000.00.

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

Witness grantor's hand this 15 day of April, 1969.

Irvine J. MacDonald
Alma Mac Donald



STATE OF OREGON)
County of Douglas) ss.

On this 15 day of April, 1969, personally appeared the above named Irvine J. MacDonald and Alma MacDonald, and acknowledged the foregoing instrument to be their voluntary act and deed.

Harold P. Winder
Notary Public for Oregon
My Commission Expires: 12/26/1971

RECEIVED

SEP 16 1992

BOOK 649 PAGE 281
WATER RESOURCES DEPT.

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

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

SEP 14 PM 2 19

DOUGLAS COUNTY CLERK

BY *Marion Reed*
DEPUTY

NO. 77-1763a FEE 6.00

DOUGLAS COUNTY OFFICIAL RECORDS

82-10253

WARRANTY DEED

BOOK 829 PAGE 280

KNOW ALL MEN BY THESE PRESENTS, That Robert B. Johnson and Bonnie B. Johnson, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Donald L. Mode and Irma J. Mode, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

See exhibit A attached hereto and made a part hereof.

SEP 16 1982

WATER RESOURCES DEPT
DIVISION OF WATER

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances subject to exhibit "B" attached hereto and made a part hereof.

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ other property

However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 16 day of September, 19 82; 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.

Robert B. Johnson
ROBERT B. JOHNSON

Bonnie B. Johnson
BONNIE B. JOHNSON

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Douglas } ss.
September 16, 19 82

STATE OF OREGON, County of _____) ss.
_____, 19 _____

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

Personally appeared the above named Robert B. Johnson and Bonnie B. Johnson, husband and wife

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

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

Before me: Michael A. Welt
(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: 12-8-84

Before me: _____
Notary Public for Oregon
My commission expires: _____
(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS
GRANTEE'S NAME AND ADDRESS
NAME, ADDRESS, ZIP
Mail a change is requested all tax statements shall be sent to the following address:
M. L. Mode
P.O. Box 466
E. CR 47430
NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.
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 document/fee/file/instrument/microfilm No. _____ Record of Deeds of said county.
Witness my hand and seal of County affixed.
NAME TITLE
By _____ Deputy

BOOK 829 PAGE 281

RECEIVED

SEP 16 1992

WATER RESOURCES DIV.
DAV. M. - 1177M

EXHIBIT "A"

Beginning at the northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29 South, Range 4 West, Willamette Meridian; thence West, along the north line of said claim, 25.25 chains; thence South 4.70 chains to the center of the County Road as located in 1934; thence along road, North $84^{\circ} 30'$ West 8.80 chains; thence South $4^{\circ} 48'$ East 35.20 chains to the south line of said claim; thence East, along the said south line, 30.60 chains to the southeast corner of said claim; thence North 39.00 chains to the place of beginning, all lying and being in Douglas County, Oregon.

Excepting the following parcel of land:

Beginning 5.80 chains West of the northeast corner of the Hugh Carson Donation Land Claim No. 50; thence continuing West on the north line of said claim, 19.65 chains; thence South 4.70 chains to the center of the County Road; thence East, along the County Road, South 87° East 9.91 chains to the west end of the bridge over Carson Creek; thence North $61^{\circ} 30'$ East 11 chains to the place of beginning.

Also excepting therefrom the following tract of land, being a part of the Hugh Carson Donation Land Claim No. 42, Section 19, Township 29 South, Range 4 West, Willamette Meridian, Douglas County, Oregon: Beginning at the northeast corner of said Donation Land Claim; running thence South, along the east line of said donation land claim, to the County Road; thence Northwesterly, along said County Road, to the west end of the bridge over Carson Creek; thence North $61^{\circ} 30'$ East 11 chains to a point in the north line of said donation land claim; thence East, along the north line of said donation land claim, 5.8 chains to the place of beginning, in Douglas County, Oregon.

Also excepting therefrom that part sold by Irvine J. MacDonald, et ux, to Douglas County, recorded in Volume 249, Recorder's No. 206640, Deed Records of Douglas County, Oregon.

BOOK 829 PAGE 282

SEP 16 1982

EXHIBIT "B"

WATER RESOURCES DEPT.
CALIFORNIA

1. Roads and highways and the rights of the public therein.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. Rights of way, including the terms and provisions thereof, to The California Oregon Power Company, recorded in Book 93, Page 599, and in Book 108, Page 269, Deed Records of Douglas County, Oregon.
4. Subject to the following reservations and exceptions contained in deed from William P. Johnson Lumber Company to Cornealius Sellers, recorded in Volume 47, Page 378, of the Deed Records of Douglas County, Oregon:
Excepting therefrom a strip of land for a right of way for a flume, surveyed as follows: Beginning at a point on the east line of the Hugh Carson Donation Land Claim No. 42, Township 29 South, Range 4 West, Willamette Meridian, 22.40 chains from Northeast corner thereof, said strip being ten feet wide on each side of a line extended from said point as follows: North 78-1/2° West 27.90 chains and North 81-1/2° West 5.25 chains to a point on west line of above described land 11.50 chains South 4° 48' East from Northwest corner in a County Road, also excepting the right to divert a sufficient amount of water from its natural channel in Myrtle Creek and convey it through said Flume for the purpose of floating and transporting logs, lumber and timber; there is also reserved from the above granted land all the rights of a riparian owner in and to Myrtle Creek where it flows across or adjacent to the above premises for the purpose of floating, transporting and booming logs, lumber and timber, and also reserving the right of way for a railroad or any railroad constructed by the grantor, its successors or assigns.
5. Easement 16 feet in width along the easterly line of Donation Land Claim No. 42, to the north line of the South half of the Southeast quarter of Section 30, Township 29 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, including the terms and provisions thereof, as granted by Irvine McDonald to Robert Lawrence by Recorder's No. 324257, Deed Records of Douglas County, Oregon.
6. Mortgage, including the terms and provisions thereof, executed by Robert B. Johnson and Bonnie B. Johnson, to South Umpqua State Bank, dated July 11, 1978, and recorded July 12, 1978, in Book 683, Page 732, Recorder's No. 78-13585, Records of Douglas County, Oregon, given to secure the payment of a note for \$35,000.00, which the grantees assume and agree to pay.

82-10153

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

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

SEP 21 PM 3 11

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK

BY: *[Signature]*
DEPUTY COUNTY CLERK
NO. _____ FEE \$ _____

DOUGLAS COUNTY OFFICIAL RECORDS

KNOW ALL MEN BY THESE PRESENTS, That Donald L. Mode and Irma J. Mode, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Roy L. Anderson and Mary E. Anderson, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit:

EXHIBIT "P"
Page 1

See exhibit "A" attached hereto and made a part hereof.

SEP 16 1992

WATER RESOURCES DIVISION
CALIFORNIA DEPARTMENT OF WATER RESOURCES

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except those as set out in exhibit "A" attached.

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 130,000.00 .

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 15 day of April, 1983; 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.

Donald L. Mode
DONALD L. MODE

Irma J. Mode
IRMA J. MODE

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,)
County of Douglas) ss.
April 15, 1983.

STATE OF OREGON, County of _____) ss.
_____, 19 _____

Personally appeared the above named Donald L. Mode and Irma J. Mode, husband and wife

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

Before me: *Armed J. Cooper*
(OFFICIAL SEAL) Notary Public for Oregon
My commission expires: 1-15-85

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

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

Before me: _____ (OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: _____

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:
DOUGLAS COUNTY TITLE COMPANY
P. O. Box 1700
ROSEBURG, OREGON 97470

Until a change is requested all tax statements shall be sent to the following address:
Armed J. Cooper
772 Solana Drive
Safayate, Calif 94549
NAME ADDRESS ZIP

STATE OF OREGON,) ss.
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/teel/volume No. _____ on page _____ or as document/tee/file/instrument/microfilm No. _____, Record of Deeds of said county.

Witness my hand and seal of County afix-d.

NAME TITLE
By _____ Deputy

BOOK 845 PAGE 979

SEP 16 1992

EXHIBIT "A"

WATER RESOURCES DEPT.
SALMON, OREGON

Beginning at the northeast corner of the Hugh Carson Donation Land Claim No. 42 in Township 29 South, Range 4 West, Willamette Meridian; thence West, along the north line of said claim, 25.25 chains; thence South 4.70 chains to the center of the County Road as located in 1934; thence along road, North 84° 30' West 8.80 chains; thence South 4° 48' East 35.20 chains to the south line of said claim; thence East, along the said south line, 30.60 chains to the southeast corner of said claim; thence North 39.00 chains to the place of beginning, all lying and being in Douglas County, Oregon.

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Also excepting therefrom the following tract of land, being a part of the Hugh Carson Donation Land Claim No. 42, Section 19, Township 29 South, Range 4 West, Willamette Meridian, Douglas County, Oregon: Beginning at the northeast corner of said Donation Land Claim; running thence South, along the east line of said donation land claim, to the County Road; thence North-westerly, along said County Road, to the west end of the bridge over Carson Creek; thence North 61° 30' East 11 chains to a point in the north line of said donation land claim; thence East, along the north line of said donation land claim, 5.8 chains to the place of beginning, in Douglas County, Oregon.

Also excepting therefrom that part sold by Irvine J. MacDonald, et ux, to Douglas County, recorded in Volume 249, Recorder's No. 206640, Deed Records of Douglas County, Oregon.

Subject to:

1. Rights of way to the California Oregon Power Company, recorded in Book 93, Page 599 and in Book 108, Page 269. Deed Records of Douglas County, Oregon.
2. Easement, as granted by Irvine McDonald to Robert Lawrence, by Recorder's No. 324257, Deed Records of Douglas County, Oregon.

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

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

1992 APR 19 PM 4:00

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK

83- 4565

BY Mary Lee
DEPUTY
NO 8211

DOUGLAS COUNTY OFFICIAL RECORDS

EXHIBIT "Q"

RECEIVED

SEP 16 1992

WALTER R. DAVIDSON
NOTARY PUBLIC

September 7, 1992

To whome it may concern:

I am Walter R. Davidson of 7647 South Myrtle Road, Myrtle Creek, Oregon.

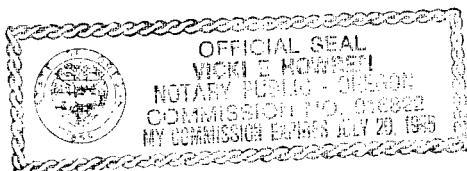
I leased the property, now owned by Roy L. and Mary E. Anderson known as Twin Oaks located at 4041 South Myrtle Road, Myrtle Creek, Oregon, from 1958 until 1983. During that time the property was owned by Messrs Macdonald, Johnson and Mode. I farmed the property from 1958 to 1983 growing wheat, oats alfalfa & pasture which were irrigated from South Myrtle Creek.

In the early years I used a 4 cylinder Wisconsin gas engine driven pump to irrigate. Later when Pacific Power and Light purchased the electrical system in this part of the country, I petitioned them to build a 3 phase power line to my diversion point. At that time I installed a 10 HP electric motor driven pump to provide water for irrigation.

At no time during this period was there a lapse of irrigation of more than one year.

Walter R. Davidson

Walter R. Davidson



State of Oregon }
County of Douglas }

Subscribed and sworn to before me
this September 8, 1992

Vicki E. Howers
Notary Public

Comm. ex: 7-20-96

Knauer

September 16, 1994

Howard and Michael Brownson
Brownson Logging Co.
PO Box 1578
Myrtle Creek OR 97457

Dear Messrs. Brownson:

On behalf of Governor Barbara Roberts, thank you for your letter of July 22 regarding water rights in the Myrtle Creek area. Senator Mark Hatfield also forwarded your concerns to us. I am aware that Don Knauer, our department's Adjudications Specialist, responded to your letter to us in late July. However, I would like to offer a further explanation about the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in your area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

For that reason, the Oregon Attorney General's office has advised our department that we may not regulate for or against pre-1909 claims. This means that we do not respond to calls for water from a claimant by shutting off junior water rights upstream (as you allege in your letter). Conversely, we do not shut off a claimant when calls for water are made downstream. I believe this position toward a pre-1909 claim of continuous water use appears fair while waiting until the local court determines the validity of the claim through the adjudication process.

In your situation, the watermaster is responding to a senior water right holder downstream of both your diversion and that of the claimant. The claimant is continuing to take the amount in his adjudication filing because the water is in the creek going through his property.

This situation may continue to occur in drought years until such time as the Umpqua Basin or South Myrtle Creek is adjudicated. At that time, the claimant's pre-1909 water right may be awarded. If the claim is finalized by the court at that time, a water right certificate will be issued and the holder then has the right to make a call on the water. I cannot give you an accurate forecast of when the adjudication for this basin will occur, but the current workload suggests that it will not be for several years.



Howard and Michael Brownson
September 16, 1994
Page 2

I hope this information responds to your questions. Please do not hesitate to contact me if you have further questions or if I can be of assistance in this or other related water resource issues. You can also reach the area watermaster, Gary Ball, by calling (503) 440-4255.

Sincerely,



Martha O. Pagel
Director

cc: Sen. Mark Hatfield
Gary Ball, District 15 Watermaster
Al Cook, Southwest Region Manager

129162

BROWNSON LOGGING CO. RECEIVED
P.O. BOX 1578
MYRTLE CREEK, OR 97457 JUL 28 1994

JULY 22, 1994

VERNON'S OFF

The Honorable Barbara Roberts
Governor, State of Oregon
State Capitol
Salem, OR 97310

WRD
Neighbors Water Rights
Leave no drinking water

RE: Pre-1909 Water Right Claim
Section 19 Township T29S Range R4W

Dear Mrs. Roberts,

I am writing concerning the rights of many people that live at South Myrtle Road in Myrtle Creek, Oregon. The rights I am referring to are water rights. It seems that Roy Anderson filed an application claiming water rights dated prior to 1909. However, as to this date we have seen no proof of this. He apparently is waiting for a legal process known as "adjudication proceeding". However in the interim of this court date, he has been granted full water rights and left the remainder of us with no water. Keeping in mind that this adjudication proceeding could be postponed for several years is a great concern to all of us.

Am I right to understand that this is the legal process? At this time there is no indication that he will be granted these rights by a court of law. It hardly seems fair that an awaiting "application" could have this much power.

Please give this matter your valuable attention as we feel that this situation is grossly unjust.

Thank you in advance for your help and consideration in this matter.

Sincerely,

Howard J. Brownson

Midell Brownson

Howard Brownson, Jr.
Michael Brownson

September 16, 1994

Steve and Barbara Sutch
5303 South Myrtle
Myrtle Creek OR 97457

Dear Mr. and Mrs. Sutch:

Governor Roberts has asked me to respond to your recent letter to her. I hope that I can clear up the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in the Myrtle Creek Area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

For that reason, the Oregon Attorney General's office has advised our department that we may not regulate for or against pre-1909 claims. This means that we do not respond to calls for water from a claimant by shutting off junior water rights upstream (as you allege in your letter). Conversely, we do not shut off a claimant when calls for water are made downstream. I believe this position toward a pre-1909 claim of continuous water use appears fair while waiting until the local court determines the validity of the claim through the adjudication process.

In your situation, the watermaster is responding to a senior water right holder downstream of both your diversion and that of the claimant. The claimant is continuing to take the amount in his adjudication filing because the water is in the creek going through his property.

This situation may continue to occur in drought years until such time as the Umpqua Basin or South Myrtle Creek is adjudicated. At that time, the claimant's pre-1909 water right may be awarded. If the claim is finalized by the court at that time, a water right certificate will be issued and the holder then has the right to make a call on the water. I cannot give you an accurate forecast of when the adjudication for this basin will occur, but, as you correctly state in your letter, the current workload suggests that it will not be for several years.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

WRD
Water Rights
Questions
Governor Roberts:

RECEIVED
8/4/94
AUG 11 1994

GVERNOR'S OFFICE

There is something that my husband and I don't understand and wonder if you could help us. We would like to know why legal water right holders are being shut off and denied water use to supply water to a vested water claim Application?

What we can't understand is why they can go ahead and use the water right above us that have water rights. Especially when it hasn't even gone to court yet to prove it is even a legal claim.

We would appreciate and hope for any information we can get on this.

Please Respond

Steve & Barbara Sutch
5305 South Myrtle
Myrtle Creek, Ore
97457

September 20, 1994

Sandra L. Graf
10062 South Myrtle Rd.
Myrtle Creek OR 97457

Dear Ms. Graf:

Thank you for your letters to Governor Barbara Roberts, Senator Bill Bradbury, Anne Squier and myself regarding water rights in the Myrtle Creek area. I hope that I can clear up the nature of pre-1909 water right claims which are awaiting adjudication and describe what is happening in your area.

Before 1909, Oregon law did not require a state-issued water right before individuals could make use of water. When a new water rights procedure was set up in 1909, it included provisions to recognize and honor water uses that had been established before 1909. As a result, these pre-1909 claims are viewed as existing rights, rather than mere applications. Only a state court, through the adjudication process, can decide whether these claims remain valid today.

For that reason, the Oregon Attorney General's office has advised our department that we may not regulate for or against pre-1909 claims. This means that we do not respond to calls for water from a claimant by shutting off junior water rights upstream (although this may appear to be the case, as you suggest in your letter). Conversely, we do not shut off a claimant when calls for water are made downstream. I believe this position toward a pre-1909 claim of continuous water use appears fair while waiting until the local court determines the validity of the claim through the adjudication process.

In your situation, the watermaster is responding to a senior water right holder downstream of both your diversion and that of the claimant. The claimant is continuing to take the amount in his adjudication filing because the water is in the creek going through his property.

This situation may continue to occur in drought years until such time as the Umpqua Basin or South Myrtle Creek is adjudicated. At that time, the claimant's pre-1909 water right may be awarded. If the claim is finalized by the court at that time, a water right certificate will be issued and the holder then has the right to make a call on the water. I cannot give you an accurate forecast of when the adjudication for this basin will occur, but the current workload suggests that it will not be for several years.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

8/28/94

Walter Fogel

Western Alaska Resources

August 26, 1992 we attended a meeting by

Walter Resources people about the 1909 Appropriation of water

rights in the company basin. We were given an application claim package, told what the fees would be and that we had to file

before Dec. 31, 1992.

I spent many hours researching on place back to

the custom form about 1889. But they said with warrant papers

up over a small hill in three days. In we didn't apply.

They 8/28/94 met of the legal with night session

on final night the book have been shut off - denied with me.

Except these who make claim application. The Alaska Energy

with much says has been restricted by Doherty supply these

applications over the they have no priority a Right. Bureau of Land

it could be 6 to 8 years before they get to court. And with waiting

no Alaska because there more to this law on Bill than we were told.

Of what appear there was a great deal of information with hills!

Do if we had put up some \$, pulled out some papers,

needed them before Dec. 1992. We'd have some other enforce.

with limited work was in what could be several years and

to roll with the legal with Right titles to it 20, 30, 40 years

priority.

What on earth is happening? Why several documented

legal with Right titles be denied, penalized, restricted in the

benefit of a man's interests, growth, work, claim?

Please Respond

James J. Fogel
10622 Bent Mistletoe Rd.
Mystic Creek, Or
97157

August 22, 1994

WATER
RESOURCES
DEPARTMENT

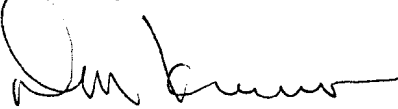
STEVE SUTCH
5305 S MYRTLE
MYRTLE CREEK OR 97457

re: SWR-89, SWR-122, SWR-298

Dear Mr Sutch,

Enclosed you will find the copies you requested and our receipt # 115625 for the copy fees of \$ 70.50. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

j:\stcl0\swr-0089.004



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

89-122-290

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 115025

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: State of Oregon
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 17255 OTHER: (IDENTIFY) TOTAL REC'D \$ 7.00**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
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	\$	<u>7.00</u>
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
WATER RIGHTS:			
842.001	SURFACE WATER	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$	\$
842.005	TRANSFER	\$	\$
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	\$
	OTHER (IDENTIFY)		\$

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

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

07-00-0 HYDRO ACTIVITY

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

RECEIPT # 115625

DATED: 11-17-11 BY: _____

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIVED

AUG 17 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Krauer:

Here is the check to
pay for three copies on the
1909 Water Claims for
89 - Roy Anderson Claim
122 - Perry Murray Claim
298 - Mark Wade Rice Claim
for the sum of \$70.50.

Thank-you.

Steve Sutch
5305 S. Myrtle Rd.
Myrtle Creek, Or.

97757

503-863-4057

AUG 1 1994

8/9/94

WATER
SALVAGE GROUP

Mr. Don Knauer:

I would like to have
you send me the information
on the Vested Water Right
Claims for 121, 89, & 298.
Especially on how they qualify
for the Pre 1909 Vested Rights.

Thank You
Steve Sutch
5305 S. Myrtle
Myrtle Creek, Ore
97457

503-863-4057

8-12-94

TALKED TO STEVE SUTCH ABOUT CONTENTS
OF FILES, COPIES WILL COST \$70⁵⁰
HE'LL SEND CHECK NOW

cc: Don K

P.O. Box 887
Myrtle Creek
Or 97457

RECEIVED

AUG - 8 1994

P.O. Box 887
Myrtle Creek
Or. 97457
Aug. 3, 1994

Mr. Reed Marbret
Water Rights Section
158 12th N.E.
Salem, Or. 97310-0210

Dear Sir,

As a group of water right holders on South Myrtle Creek, a tributary of South Umpqua River, who reside in Township 29 S, we are concerned with the vested water right claims submitted by Roy and Mary Anderson, (NW quarter section 19, Township 29S, R 4W), and Mark and Theodora Rice (SE quarter section 22, Township 29S, R 4W). These rights are to be used for irrigation, stock water, and domestic use.

Our concerns arise from the fact that water from South Myrtle Creek was not used for irrigation, etc., continuously from inception. It is our understanding that these rights to water become void if not used; especially is the case of many years of non use in these two applications for vested rights.

We understand that the Douglas County Watermaster has no jurisdiction over these individuals' water usage until these vested water rights claims are ruled on in court.

We, the undersigned, want you to rule on these vested water rights claims immediately.

We are anxiously awaiting your reply.

Respectfully yours,

Ed Hall
Kenneth M. Farland
Mary L. Meyer
Archie Richardson

Melinda D. Roos
Melinda D. Roos

Don Krauer

United States Senate

WASHINGTON, DC 20510-3701

August 5, 1994

RECEIVED

AUG - 8 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Steve Brown
Water Rights Division
Water Resources Department
158 12th St., NE
Salem, Oregon 97310

Dear Mr. Brown:

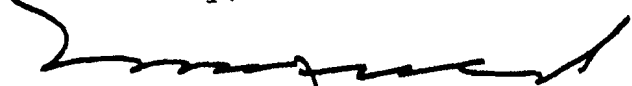
Please find enclosed a copy of a letter I recently received from Mr. Howard Brownson, Jr. and Mr. Michael Brownson regarding their concern over water rights on South Myrtle Road in Myrtle Creek. In an effort to provide my constituent with the information requested, I would be grateful for your thorough review of this situation. Your assistance in expeditiously handling this case will be deeply appreciated.

In addition, I have notified the Brownsons that I have referred this matter to your office for comment and would appreciate it if you would respond directly to them.

Thank you in advance for your prompt attention to this matter.

With kind regards.

Sincerely,



Mark O. Hatfield
United States Senator

MOH/ab
Enclosure
95113

BROWNSON LOGGING CO.
P.O. BOX 1578
MYRTLE CREEK, OR 97457

RECEIVED

AUG - 8 1994

WATER DIVISION
SALEM, OREGON

JULY 22, 1994

The Honorable Mark Hatfield
711 Hart Senate Office Building
Washington, D.C. 20510

RE: Pre-1909 Water Right Claim
Section 19 Township T29S Range R4W

Dear Mr. Hatfield,

I am writing concerning the rights of many people that live at South Myrtle Road in Myrtle Creek, Oregon. The rights I am referring to are water rights. It seems that Roy Anderson filed an application claiming water rights dated prior to 1909. However, as to this date we have seen no proof of this. He apparently is waiting for a legal process known as "adjudication proceeding". However in the interim of this court date, he has been granted full water rights and left the remainder of us with no water. Keeping in mind that this adjudication proceeding could be postponed for several years is a great concern to all of us.

Am I right to understand that this is the legal process? At this time there is no indication that he will be granted these rights by a court of law. It hardly seems fair that an awaiting "application" could have this much power.

Please give this matter your valuable attention as we feel that this situation is grossly unjust.

Thank you in advance for your help and consideration in this matter.

Sincerely,

Howard J. Brownson Jr. Michael Brownson

Howard Brownson, Jr.
Michael Brownson

July 28, 1994

WATER
RESOURCES
DEPARTMENT

HOWARD BROWNSON JR
MICHAEL BROWNSON
PO BOX 1578
MYRTLE CREEK OR 97457

Dear Mr's Brownson,

This will acknowledge your letter of July 22, 1994 in regards to the water right situation on South Myrtle Creek. I have received a number of phone calls and letters from your neighbors on this subject. My understanding is that the use of water under a pre-1909 vested water right claim, coupled with the dry season, has caused a problem with water availability. As most of the folks know, any distribution problems will be handled by the local Watermaster, Gary Ball. His phone number is 440-4255 in Roseburg.

The question in your letter dealt with the "legal process" in claiming a pre-1909 vested water right. I have enclosed a copy of Oregon Revised Statutes 539.240, which is the law covering such a claim.

Roy L. Anderson has filed a pre-1909 vested water right claim for the use of water from South Myrtle Creek for irrigation, stockwater and domestic purposes. The priority date claimed is August 25, 1903. Mr. Anderson has meet the statutory requirements for making the claim.

I have received a number of affidavits from residents along South Myrtle Creek covering their knowledge of water use on the Anderson property. I have added these to the file and when the water right adjudication of the basin begins, this information will be used to make a final determination of Mr. Anderson's water rights.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

If you have any question, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer
Adjudication Specialist

pc: Gary Ball

j:\wp51\swr\claimant\0\swr-0089.003

BROWNSON LOGGING CO.
P.O. BOX 1578
MYRTLE CREEK, OR 97457

RECEIVED

JUL 26 1994

WATER RESOURCES DEPT.
SALEM, OREGON

JULY 22, 1994

Oregon Water Resources Department
Adjudication Section
3850 Portland Road NE
Salem, OR 97310

RE: Pre-1909 Water Right Claim
Section 19 Township T29S Range R4W

Dear Sirs,

I am writing concerning the rights of many people that live at South Myrtle Road in Myrtle Creek, Oregon. The rights I am referring to are water rights. It seems that Roy Anderson filed an application claiming water rights dated prior to 1909. However, as to this date we have seen no proof of this. He apparently is waiting for a legal process known as "adjudication proceeding". However in the interim of this court date, he has been granted full water rights and left the remainder of us with no water. Keeping in mind that this adjudication proceeding could be postponed for several years is a great concern to all of us.

— Am I right to understand that this is the legal process? At this time there is no indication that he will be granted these rights by a court of law. It hardly seems fair that an awaiting "application" could have this much power.

Please give this matter your valuable attention as we feel that this situation is grossly unjust.

Thank you in advance for your help and consideration in this matter.

Sincerely,



Howard Brownson, Jr.
Michael Brownson



Route Slip



Date

6/11/93

TO:	Name	Division/Section	Initial	Date
1.	<i>Don Krauer</i>			
2.				
3.				
4.				
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

As promised, still more coming.

FROM: <i>Grady Ball</i>	Phone No.
-------------------------	-----------

RECEIVED

JUN 14 1993

WATER RESOURCES DEPT.
SALEM, OREGON

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Douglas)

I, Steven E. Hall, of P.O. Box 887, Myrtle Creek, Oregon, 97417, (503) 863-3818, being first duly sworn, depose and say that I live on the property described in the attached legal description (being TL 400 of Section 35, Township 29 South, Range 5 West, Willamette Meridian), said property being near the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1953 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that the property on which I live is near theirs, I am a concerned user of water from South Myrtle Creek, and during the irrigation season I regularly travel upstream on the creek to find out who is using water, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from ~~either the ditch or pump~~ from 1953 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

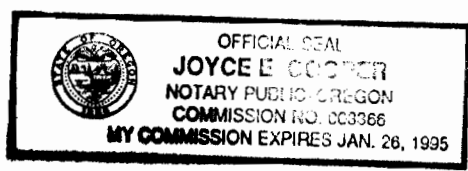
IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of June, 1993

Steven E. Hall

Subscribed and sworn to this 9 day of June, 1993.

Joyce E. Cooper
Notary Public for Oregon

My commission expires 1-26-95



A F F I D A V I T

STATE OF OREGON)
) ss.
County of Douglas)

I, B. E. Hall, of P.O. Box 887, Myrtle Creek, Oregon, 97417, (503) 863-3080, being first duly sworn, depose and say that I live on the property described in the attached legal description (being TL 1000 of Section 28 AA, Township 29 South, Range 5 West, Willamette Meridian), said property being near the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1953 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that the property on which I live is near theirs, I am a concerned user of water from South Myrtle Creek, and during the irrigation season I regularly travel upstream on the creek to find out who is using water, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from ~~either~~ the ditch ~~or~~ ~~from~~ from 1953 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

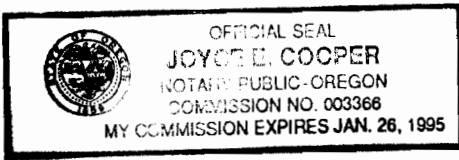
IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of June, 1993

B. E. Hall

Subscribed and sworn to this 9 day of June, 1993.

Joyce E. Cooper
Notary Public for Oregon

My commission expires 1-26-95





STATE OF OREGON

INTEROFFICE MEMO

TO: Reed Marbut

DATE:

05/25/93

FROM: Gary Ball, Watermaster

SUBJECT: Surface Water Registrations / HB 2110-A /
Affidavits Attached Re: SWR-89

RECEIVED
MAY 27 1993
WATER RESOURCES DEPT.
SALEM, OREGON

GB

I have enclosed affidavits from persons concerned with SWR-89, and more are on the way. I would add that I am concerned about this registration as well. Neither this nor any prior owner of this property has alleged a vested right in the past. The last two years, the existing owner has been regulated for senior permits downstream, again with no claim of vested right made. Now, suddenly, it would appear that it will be necessary to honor the claim and allow diversion of water for these lands. People downstream who have customarily demanded and received water during dry periods may no longer be able to do so.

While I can understand the modifications of HB 2110 which would eliminate contested case proceedings which could then be appealed in court, the case of the bogus claim bothers me. I feel there is a place for the Director to make a judgement and reject a claim, if warranted. A hearing on the issues could be held in a more timely manner than a general stream adjudication. If HB 2110-A is enacted, it would appear to me that situations of this nature would be required to fester until the stream is adjudicated.

I would comment further that I do agree with the modification of HB 2110 eliminating indorsed SWR's from the list of water rights enforced by the watermaster. Without the modification, it would appear that we could somehow be held liable for delivering water to an indorsed SWR which is later determined by a court to be invalid. In the situation at hand, if the Director were to reject the SWR after the contested case proceeding and no appeal was made, it seems we would be on solid ground to regulate the rejected SWR.

Again, I do feel it is necessary to retain the existing statutes allowing for rejection of claims for statutory cause (e.g. non-use) and contested case hearings.

cc: Al Cook
Don Knauer

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Douglas)

I, Harolene R. Phelps, of 4571 South Myrtle Road, Myrtle Creek, Oregon, 97417, (503) 863-3097, being first duly sworn, depose and say that I am the owner of the property described in the attached legal description (being TL 900 of Section 30, Township 29 South, Range 4 West, Willamette Meridian), said property adjoining the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1949 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that my property adjoins theirs, the ditch through which water was allegedly conducted to the Anderson property went through my property, and I travelled by the Anderson property on a regular basis, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from either the ditch or pump from 1949 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

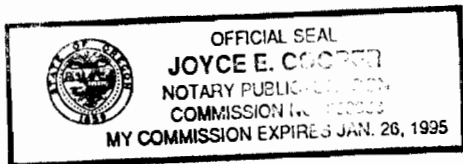
IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of May, 1993

Harolene R Phelps

Subscribed and sworn to this 20 day of May, 1993.

Joyce E Cooper
Notary Public for Oregon

My commission expires 1-26-95



TRANSAMERICA TITLE INS. CO. 53-9493

FORM NO. 123 - WARRANT DEED
BOOK-676 PAGE 725
8-09498

KNOW ALL MEN BY THESE PRESENTS, That HARMAN LEE PHELPS, single

hereinafter called the grantor, for the consideration hereinafter stated,

to grantor paid by HAROLD K. PHELPS and HAROLDNE PHELPS, husband

and wife,

hereinafter called the grantee, sell and convey unto the said grantee and assigns forever,

that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appearing, sit-

uated in the County of Douglas

beginning at an iron pin in the center of the County Road from which the

and State of Oregon, described as follows, to-wit:

Northeast corner of Section 30, T29S, R4W, M. H. Bears N. 245.9 ft. and

E. 1186.5 ft. and running thence S. 14° 34' W. 141.6 ft. Thence S. 34° 37'

Thence N. 48° 39' W. 285.2 ft. Thence N. 28° 24' W. 200.8 ft.

Thence N. 74° 24' W. 159.2 ft. Thence North 69° 59' W. 351.0 ft., more

or less, to an intersection with the East line of the Hugh Carson D. L. C.

No. 42. Thence along the East line of said D. L. C. No. 42, 0° 55' W. 692.5

ft. to the center of the County Road. Thence following the center of the

County Road S. 55° 17' E. 319.0 ft. Thence South 81° 45' E. 617.0 ft.,

thence S. 47° 04' E. 213.0 ft., thence S. 53° 51' E. 222.3 ft. to the

place of beginning, containing 18.05 acres. All of the above tract being

a part of lot 4 in section 19, lot 1 and the NE-1/4 of the NE-1/4 of

Section 30, Township 29 South, Range 4 West, W. M., and being situated in

Douglas County, Oregon.

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that

grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that

grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the law-

ful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10,000.00

and of the consideration therefor.

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

WITNESS grantor's hand this 29th day of November, 1972

HARMAN LEE PHELPS

STATE OF OREGON, County of Douglas,)
() ss. Douglas

Personally appeared the party named Harlan Lee Phelps, single

Before me: Barbara J. Atherton, Notary Public for Oregon

My commission expires July 15, 1975

voluntary act and deed.

STATE OF OREGON, County of Douglas,)
() ss. Douglas

I certify that the within instru-

ment was received for record on the

day of 1972, at

o'clock M., and recorded

in book _____ on page _____

of said County. Witness my hand and seal of

County affixed.

By _____ Deputy

Title _____

No. 78-09498

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BEARINGS BASED ON M 96-66

SECTION SUBDIVISION
PER M 60-35

NORTH LINE CARSON DLC 42

T29S R4W WM



SW 1/4
SW 1/4

OLD HOUSE
NEW HOUSE
BARN *

SPRING DIV. PT.
FOR DOMESTIC
1010 FT. N. &
770 FT W. FROM
S. 1/4 CORNER
SECTION 19

COUNTY RD # 18
RESERVOIR
CARSON CREEK

STOCKWATER DIV. PT.
670 FT N. & 950 FT. W.
FROM S. 1/4 CORNER S. 19

SE 1/4
SW 1/4

LOCATION OF FLUME EASEMENT

BC 1/4 COR
S19/S30

SECTION 19

SECTION 30

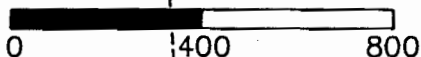
NW 1/4
NW 1/4

PROPERTY LINE

SOUTH MYRTLE CREEK

13.8
NE 1/4
NW 1/4

NW 1/4 NE 1/4



SCALE

PRESENT DIVERSION POINT
PER PERMIT 26061
510 FT N. & 1070 FT W. FROM
THE SE CORNER DLC 42
(IRRIGATION DIV. PT.)

SOUTH LINE CARSON DLC 42

* DENOTES STOCKWATER USE

THIS MAP TO BE USED FOR WATER RIGHT PURPOSES ONLY

SURVEY FOR VESTED RIGHT IN NAME OF Roy & Mary Anderson

DATE OCTOBER 27, 1990
SEPTEMBER 12, 1992

BY: WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457

A F F I D A V I T

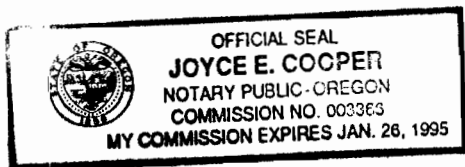
STATE OF OREGON)
) ss.
County of Douglas)

I, Ila J. Farley / Dane, of 4339 South Myrtle Road, Myrtle Creek, Oregon, 97417, (503) 863-3097, being first duly sworn, depose and say that I live on the property described in the attached legal description (being TL 900 of Section 30, Township 29 South, Range 4 West, Willamette Meridian), said property adjoining the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1949 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that the property on which I live adjoins theirs, the ditch through which water was allegedly conducted to the Anderson property went through my property, and I travelled by the Anderson property on a regular basis, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from either the ditch or pump from 1949 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of May, 1993

Ila J. Farley Dane

Subscribed and sworn to this 20 day of May, 1993.



Joyce E. Cooper
Notary Public for Oregon

My commission expires 1-26-95

78-09498

KNOW ALL MEN BY THESE PRESENTS, That HARLAN LEE PHELPS, single

Hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by HARLAN E. PHELPS and HAROLENE PHELPS, husband and wife,

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit: Beginning at an iron pin in the center of the County Road from which the Northeast corner of Section 30, T29S, R4W, W.M. bears N. 245.9 ft. and E. 1186.5 ft. and running thence S. 14° 34' W. 141.6 ft. Thence S. 34° 37' W. 651.4 ft. Thence N. 48° 39' W. 285.2 ft. Thence N. 28° 24' W. 200.8 ft. Thence N. 74° 24' W. 159.2 ft. Thence North 69° 59' W. 351.0 ft., more or less, to an intersection with the East line of the Hugh Carson D. L. C. No. 42. Thence along the East line of said D.L.C. No. 42, 0° 55' W. 692.5 ft. to the center of the County Road. Thence following the center of the County Road S. 55° 17' E. 319.0 ft. Thence South 81° 45' E. 617.0 ft., thence S. 47° 04' E. 213.0 ft., thence S. 53° 51' E. 222.3 ft. to the place of beginning, containing 18.05 acres. All of the above tract being a part of Lot 4 in Section 19, Lot 1 and the NE-1/4 of the NE-1/4 of Section 30, Township 29 South, Range 4 West, W.M., and being situated in Douglas County, Oregon.

IN SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10,000.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 29th day of November 1972

X Harlan Lee Phelps (Signature) Harlan Lee Phelps

STATE OF OREGON, County of Douglas) ss. November 29, 1972

Personally appeared the above named Harlan Lee Phelps, single

and acknowledged that he is the going instrument to be his voluntary act and deed.

Before me: Barbara J. Atherton Notary Public for Oregon

My commission expires July 15, 1975

Barbara J. Atherton (Signature) BARBARA J. ATHERTON NOTARY PUBLIC - OREGON My Commission Expires 7-15-75

WARRANTY DEED

STATE OF OREGON) ss. COUNTY OF DOUGLAS)

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

STATE OF OREGON) ss. 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 on page or as filing fee number Record of Deeds of said County.

AFTER RECORDING RETURN TO 1978 MAY 16 PM 2 36

Witness my hand and seal of County affixed.

BY: [Signature] DEPUTY No. 78-09498 III 302

By Deputy

TRANSAMERICA TITLE INS. CO. 33-9493

BEARINGS BASED ON M 96-66

SECTION SUBDIVISION
PER M 60-35

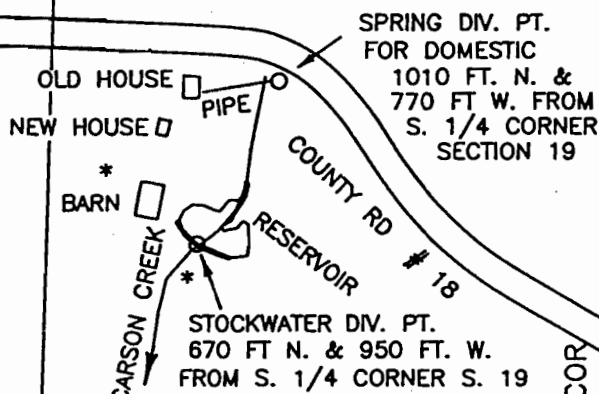
NORTH LINE CARSON DLC 42

T29S R4W WM



CARSON DLC 42 E. LINE

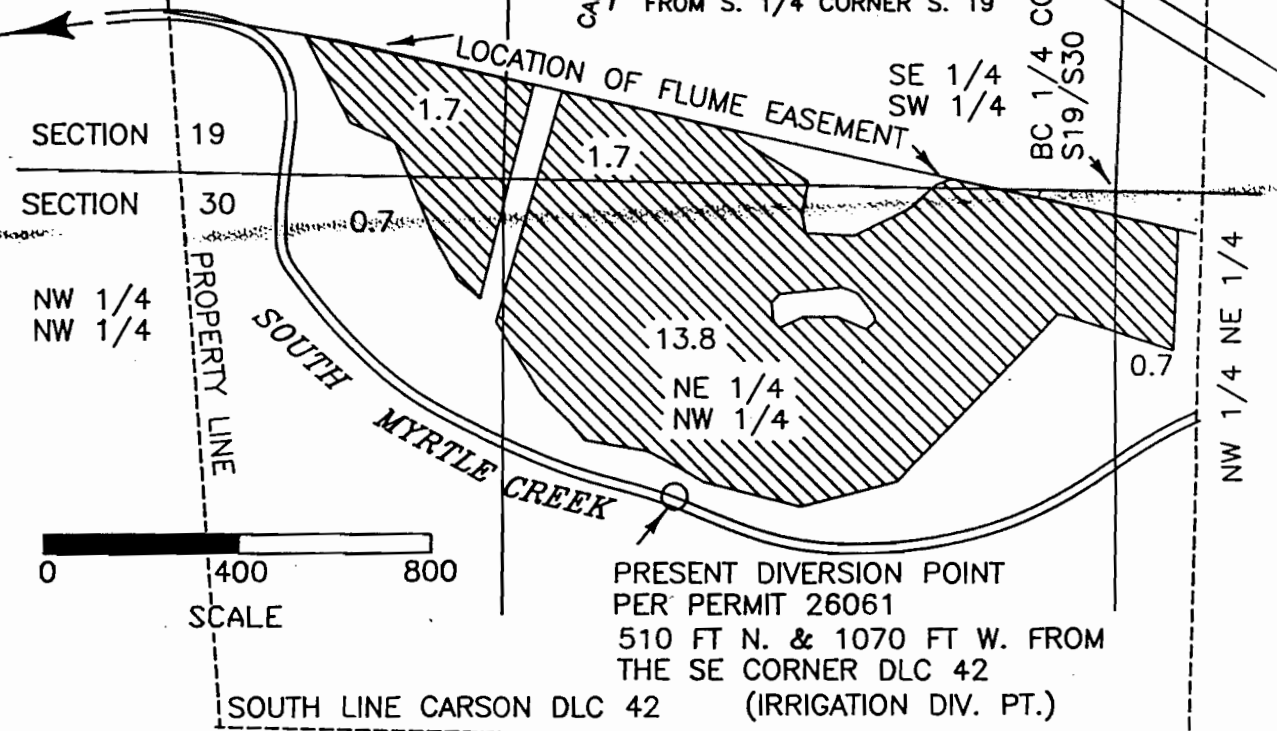
SW 1/4 SE 1/4



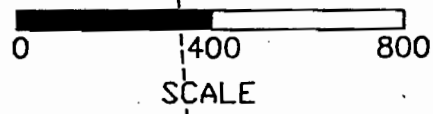
SW 1/4
SW 1/4

SE 1/4
SW 1/4

BC 1/4 COR
S19/S30



NW 1/4 NE 1/4



* DENOTES STOCKWATER USE
THIS MAP TO BE USED FOR WATER RIGHT PURPOSES ONLY

SURVEY FOR VESTED RIGHT IN NAME OF Roy & Mary Anderson

DATE OCTOBER 27, 1990
SEPTEMBER 12, 1992
BY: WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DEK NAME Umpqua # 16 UNADJUDICATED AREA ? yes
 RECEIPT # 91967 S W R NUMBER 89
 CHECK ENCLOSURES DEK PRELIMINARY DATA BASE ENTRY DEK
 ACKNOWLEDGEMENT LETTER DEK ENTER ON STREAM INDEX DEK
 CHECK QUADRANGLE MAP DEK CHECK GLO PLATS DEK
 WATERMASTER CHECKLIST DEK 10-6-92 PUBLIC NOTICE PUBLICATION DEK 10-5-92

FORM REVIEW BOTH FORMS (OLD/NEW) PROVIDED

- blanks filled in
- signed
- date received stamped

MAP REVIEW

- source and trib
- diversion point location
- 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 See Report by CWRE
- "beneficial use" type title
- "permanent-quality" paper

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

May 28, 1993

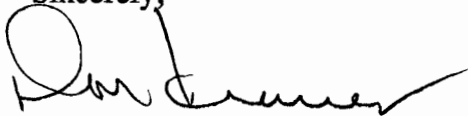
GARY BALL, WATERMASTER
RM 306 COURTHOUSE
ROSEBURG OR 97470-1719

RE:SWR-89

Dear Gary,

I received the copies of the information concerning the claim to a pre-1909 vested water right by Roy L. Anderson. I will add it to the file for review in the future.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\0\SWR-0089.002



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



STATE OF OREGON

INTEROFFICE MEMO

TO: Reed Marbut

DATE:

05/25/93

FROM: Gary Ball, Watermaster *gcb*

SUBJECT: Surface Water Registrations / HB 2110-A /
Affidavits Attached Re: SWR-89

I have enclosed affidavits from persons concerned with SWR-89, and more are on the way. I would add that I am concerned about this registration as well. Neither this nor any prior owner of this property has alleged a vested right in the past. The last two years, the existing owner has been regulated for senior permits downstream, again with no claim of vested right made. Now, suddenly, it would appear that it will be necessary to honor the claim and allow diversion of water for these lands. People downstream who have customarily demanded and received water during dry periods may no longer be able to do so.

While I can understand the modifications of HB 2110 which would eliminate contested case proceedings which could then be appealed in court, the case of the bogus claim bothers me. I feel there is a place for the Director to make a judgement and reject a claim, if warranted. A hearing on the issues could be held in a more timely manner than a general stream adjudication. If HB 2110-A is enacted, it would appear to me that situations of this nature would be required to fester until the stream is adjudicated.

I would comment further that I do agree with the modification of HB 2110 eliminating indorsed SWR's from the list of water rights enforced by the watermaster. Without the modification, it would appear that we could somehow be held liable for delivering water to an indorsed SWR which is later determined by a court to be invalid. In the situation at hand, if the Director were to reject the SWR after the contested case proceeding and no appeal was made, it seems we would be on solid ground to regulate the rejected SWR.

Again, I do feel it is necessary to retain the existing statutes allowing for rejection of claims for statutory cause (e.g. non-use) and contested case hearings.

cc: Al Cook
Don Khauer

A F F I D A V I T

STATE OF OREGON)
) ss.
County of Douglas)

I, Harolene R. Phelps, of 4571 South Myrtle Road, Myrtle Creek, Oregon, 97417, (503) 863-3097, being first duly sworn, depose and say that I am the owner of the property described in the attached legal description (being TL 900 of Section 30, Township 29 South, Range 4 West, Willamette Meridian), said property adjoining the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1949 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that my property adjoins theirs, the ditch through which water was allegedly conducted to the Anderson property went through my property, and I travelled by the Anderson property on a regular basis, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from either the ditch or pump from 1949 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

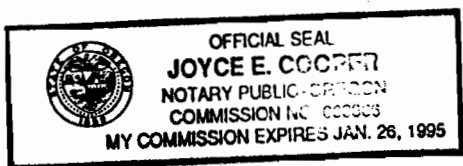
IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of May, 1993

Harolene R Phelps

Subscribed and sworn to this 20 day of May, 1993.

Joyce E Cooper
Notary Public for Oregon

My commission expires 1-26-95



KNOW ALL MEN BY THESE PRESENTS, That HARLAN LEE PHELPS, single

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by HARLAN E. PHELPS and HAROLENE PHELPS, husband and wife,

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

Beginning at an iron pin in the center of the County Road from which the Northeast corner of Section 30, T29S, R4W, W.M. bears N. 245.9 ft. and E. 1186.5 ft. and running thence S. 14° 34' W. 141.6 ft. Thence S. 34° 37' W. 651.4 ft. Thence N. 48° 39' W. 285.2 ft. Thence N. 28° 24' W. 200.8 ft. Thence N. 74° 24' W. 159.2 ft. Thence North 69° 59' W. 351.0 ft., more or less, to an intersection with the East line of the Hugh Carson D. L. C. No. 42. Thence along the East line of said D.L.C. No. 42, 0° 55' W. 692.5 ft. to the center of the County Road. Thence following the center of the County Road S. 55° 17' E. 319.0 ft. Thence South 81° 45' E. 617.0 ft., thence S. 47° 04' E. 213.0 ft., thence S. 53° 51' E. 222.3 ft. to the place of beginning, containing 18.05 acres. All of the above tract being a part of Lot 4 in Section 19, Lot 1 and the NE-1/4 of the NE-1/4 of Section 30, Township 29 South, Range 4 West, W.M., and being situated in Douglas County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10,000.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 29th day of November 1972

X Harlan Lee Phelps
Harlan Lee Phelps

STATE OF OREGON, County of Douglas) ss. November 29, 1972.
Personally appeared the above named Harlan Lee Phelps, single

Barbara J. Atherton
OFFICIAL SEAL NOTARY PUBLIC - OREGON
My commission expires 2-15-75

and acknowledged before me the going instrument to be his voluntary act and deed.
Before me: Barbara J. Atherton
Notary Public for Oregon
My commission expires July 15, 1975.

WARRANTY DEED

STATE OF OREGON) ss.
COUNTY OF DOUGLAS

STATE OF OREGON) ss.
County of ...

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

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book on page or as filing fee number Rec- ord of Deeds of said County. Witness my hand and seal of County afixted.

AFTER RECORDING RETURN TO 1972 MAY 16 PM 2 56

BY: [Signature] DEPUTY
No. 78-09498

By: [Signature] Deputy

BEARINGS BASED ON M 96-66

SECTION SUBDIVISION
PER M 60-35

NORTH LINE CARSON DLC 42

T29S R4W WM



SW 1/4
SW 1/4

OLD HOUSE
NEW HOUSE

BARN

SPRING DIV. PT.
FOR DOMESTIC
1010 FT. N. &
770 FT W. FROM
S. 1/4 CORNER
SECTION 19

STOCKWATER DIV. PT.
670 FT N. & 950 FT. W.
FROM S. 1/4 CORNER S. 19

COUNTY RD # 18

CARSON CREEK

RESERVOIR

SECTION 19

SECTION 30

NW 1/4
NW 1/4

PROPERTY LINE

SOUTH MYRTLE CREEK

LOCATION OF FLUME EASEMENT

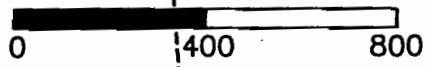
SE 1/4
SW 1/4

BC 1/4 COR
S19/S30

CARSON DLC 42 E. LINE

SW 1/4 SE 1/4

NW 1/4 NE 1/4



SCALE

PRESENT DIVERSION POINT
PER PERMIT 26061
510 FT N. & 1070 FT W. FROM
THE SE CORNER DLC 42
(IRRIGATION DIV. PT.)

* DENOTES STOCKWATER USE

THIS MAP TO BE USED FOR WATER RIGHT PURPOSES ONLY

SURVEY FOR VESTED RIGHT IN NAME OF Roy & Mary Anderson

DATE OCTOBER 27, 1990
SEPTEMBER 12, 1992
BY: WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457



A F F I D A V I T

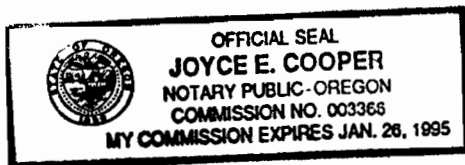
STATE OF OREGON)
) ss.
County of Douglas)

I, Ila J. Farley / Dane, of 4339 South Myrtle Road, Myrtle Creek, Oregon, 97417, (503) 863-3097, being first duly sworn, depose and say that I live on the property described in the attached legal description (being TL 900 of Section 30, Township 29 South, Range 4 West, Willamette Meridian), said property adjoining the property of Roy and Mary Anderson which is shown on the attached copy of the map of the survey of vested right which accompanied Surface Water Registration Statement Number 89; that I have resided in this vicinity since 1949 and am well acquainted with the Anderson property and the use of water on the Anderson property; by virtue of the facts that the property on which I live adjoins theirs, the ditch through which water was allegedly conducted to the Anderson property went through my property, and I travelled by the Anderson property on a regular basis, I can state with certainty that water was not used on the Anderson property from South Myrtle Creek from either the ditch or pump from 1949 through 1959; that I am willing to testify to all allegations in this affidavit in a contested case hearing before the Water Resources Director if necessary; and hereby request the Water Resources Director to reject Surface Water Registration Statement Number 89.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of May, 1993

Ila J. Farley / Dane

Subscribed and sworn to this 20 day of May, 1993.



Joyce E. Cooper
Notary Public for Oregon

My commission expires 1-26-95

KNOW ALL MEN BY THESE PRESENTS, That HARLAN LEE PHELPS, single

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by HARLAN E. PHELPS and HAROLENE PHELPS, husband and wife,

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Douglas and State of Oregon, described as follows, to-wit: Beginning at an iron pin in the center of the County Road from which the Northeast corner of Section 30, T29S, RAW, W.M. bears N. 245.9 ft. and E. 1186.5 ft. and running thence S. 14° 34' W. 141.6 ft. Thence S. 34° 37' W. 651.4 ft. Thence N. 48° 39' W. 285.2 ft. Thence N. 28° 24' W. 200.8 ft. Thence N. 74° 24' W. 159.2 ft. Thence North 69° 59' W. 351.0 ft., more or less, to an intersection with the East line of the Hugh Carson D. L. C. No. 42. Thence along the East line of said D.L.C. No. 42, 0° 55' W. 692.5 ft. to the center of the County Road. Thence following the center of the County Road S. 55° 17' E. 319.0 ft. Thence South 81° 45' E. 617.0 ft., thence S. 47° 04' E. 213.0 ft., thence S. 53° 51' E. 222.3 ft. to the place of beginning, containing 18.05 acres. All of the above tract being a part of Lot 4 in Section 19, Lot 1 and the NE-1/4 of the NE-1/4 of Section 30, Township 29 South, Range 4 West, W.M., and being situated in Douglas County, Oregon.

IN SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$10,000.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 29th day of November 1972

X Harlan Lee Phelps
Harlan Lee Phelps

STATE OF OREGON, County of Douglas) ss. November 29, 1972. Personally appeared the party named Harlan Lee Phelps, single

Barbara J. Atherton
OFFICIAL SEAL
NOTARY PUBLIC - OREGON
My Commission Expires 2-15-75

Before me: Barbara J. Atherton
Notary Public for Oregon
My commission expires July 15, 1975.

WARRANTY DEED
COUNTY OF DOUGLAS) ss.

STATE OF OREGON) ss.

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

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book on page or as filing fee number Record of Deeds of said County. Witness my hand and seal of County affixed.

AFTER RECORDING RETURN TO 1978 MAY 16 PM 2 36

BY: MARY CURRAN DEPUTY
No. 78-09498 FILE 304

Title Deputy

TRANSAMERICA TITLE INS. CO. 53-9493

BEARINGS BASED ON M 96-66

SECTION SUBDIVISION
PER M 60-35

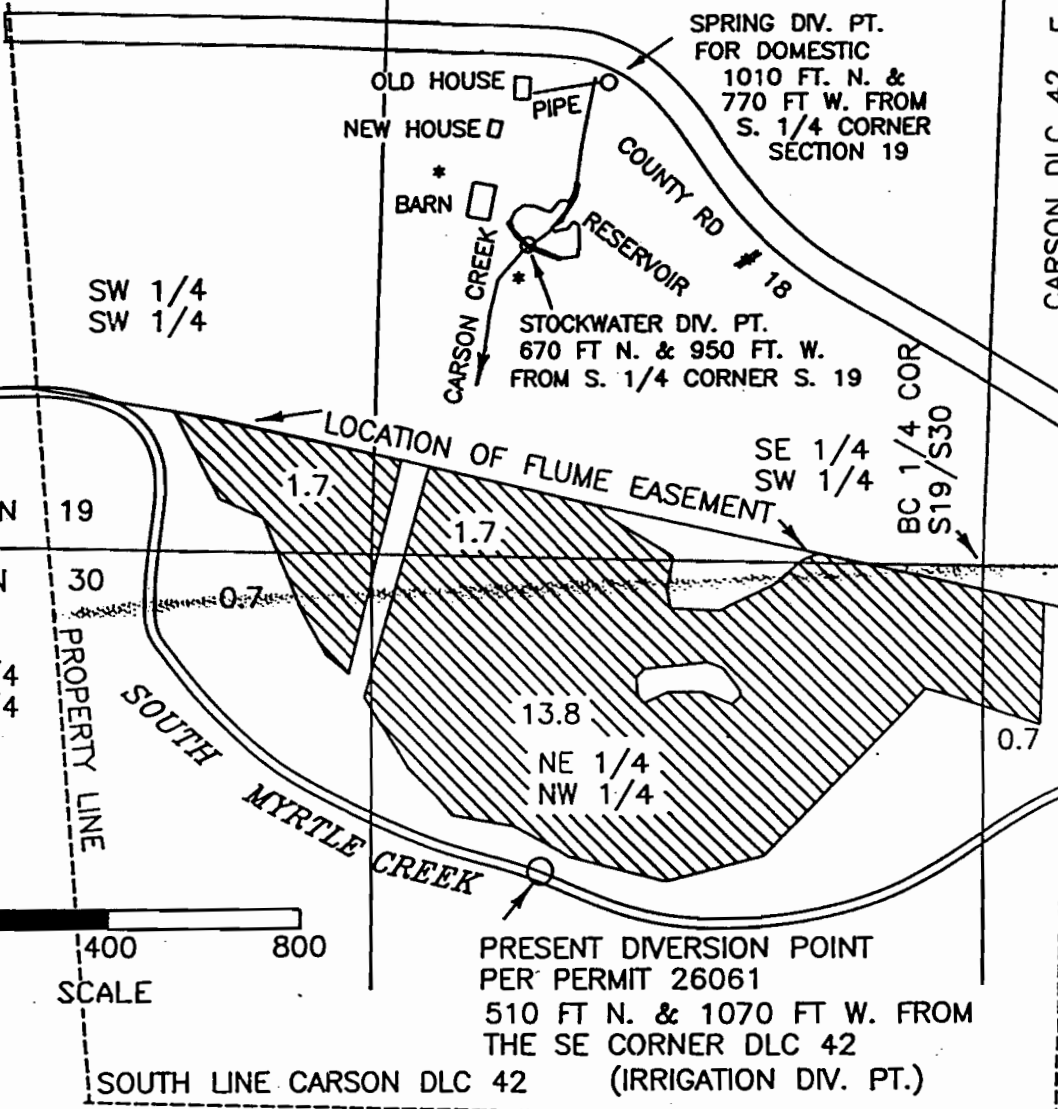
NORTH LINE CARSON DLC 42

T29S R4W WM



CARSON DLC 42 E. LINE

SW 1/4 SE 1/4



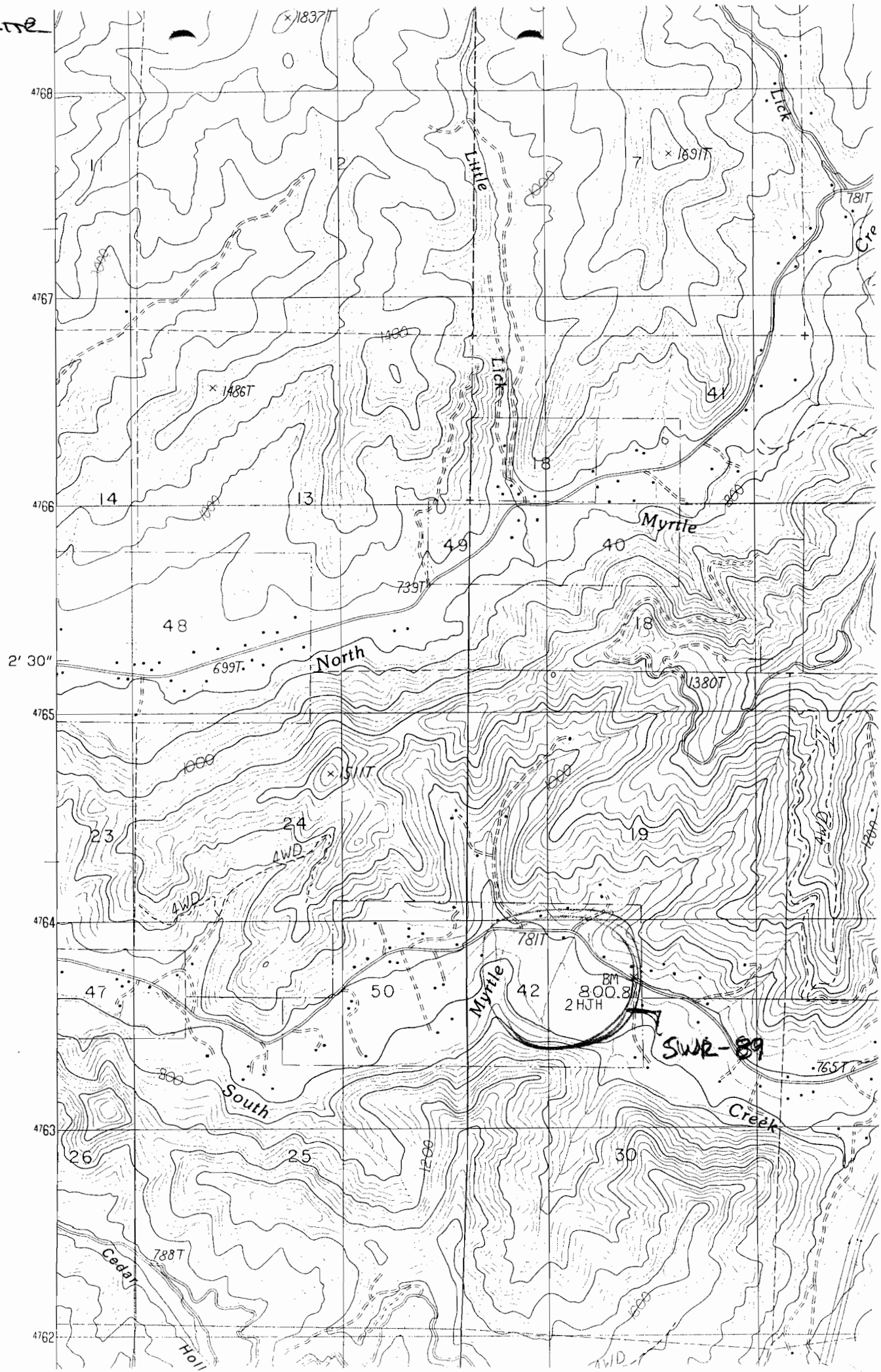
* DENOTES STOCKWATER USE

THIS MAP TO BE USED FOR WATER RIGHT PURPOSES ONLY

SURVEY FOR VESTED RIGHT IN NAME OF *Roy & Mary Anderson*

DATE OCTOBER 27, 1990
SEPTEMBER 12, 1992
BY: WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457

Dodson Butte



Gary

INTERDEPARTMENT MEMO

EX-100-988

OCT 19 1992

WATER RESOURCES DIVISION
SPECIAL OPERATIONS

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 #89.

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? ?
- 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? Yes
- 6. Do you know if there has been a period of more than a five years of non-use? ?
- 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,

Adjudication Section

Enclosures



STATE OF OREGON

INTEROFFICE MEMO

TO: Adjudication Section

FROM: Gary Ball, Watermaster *gpb*

SUBJECT: SWR #89

DATE: 10/08/92

The lands claimed in this registration are covered under A# 32914, P# 26061, with a priority date of 2/16/59. Neither the current owner nor any prior owner has made a claim of a vested right for these lands to our office in the past. The distribution records indicate that P# 26061 was regulated for prior rights in 1973, 1986, 1988, 1990, and 1992. Furthermore, there may have been a period of 5 or more years of non-use in the late '70's and early '80's. The distribution records show no use in 1977, 1978, and 1981. I will be contacting some users who may be able to shed more light on this issue.

39.62

39.87

40.00

40.00

Harry Carson

140.5

39.24

39.10

32.65

38.60

38.60

Harry Carson

145.26

146.25

Acres 145.26

Acres 146.25

43.85

46.00

37.65

37.35

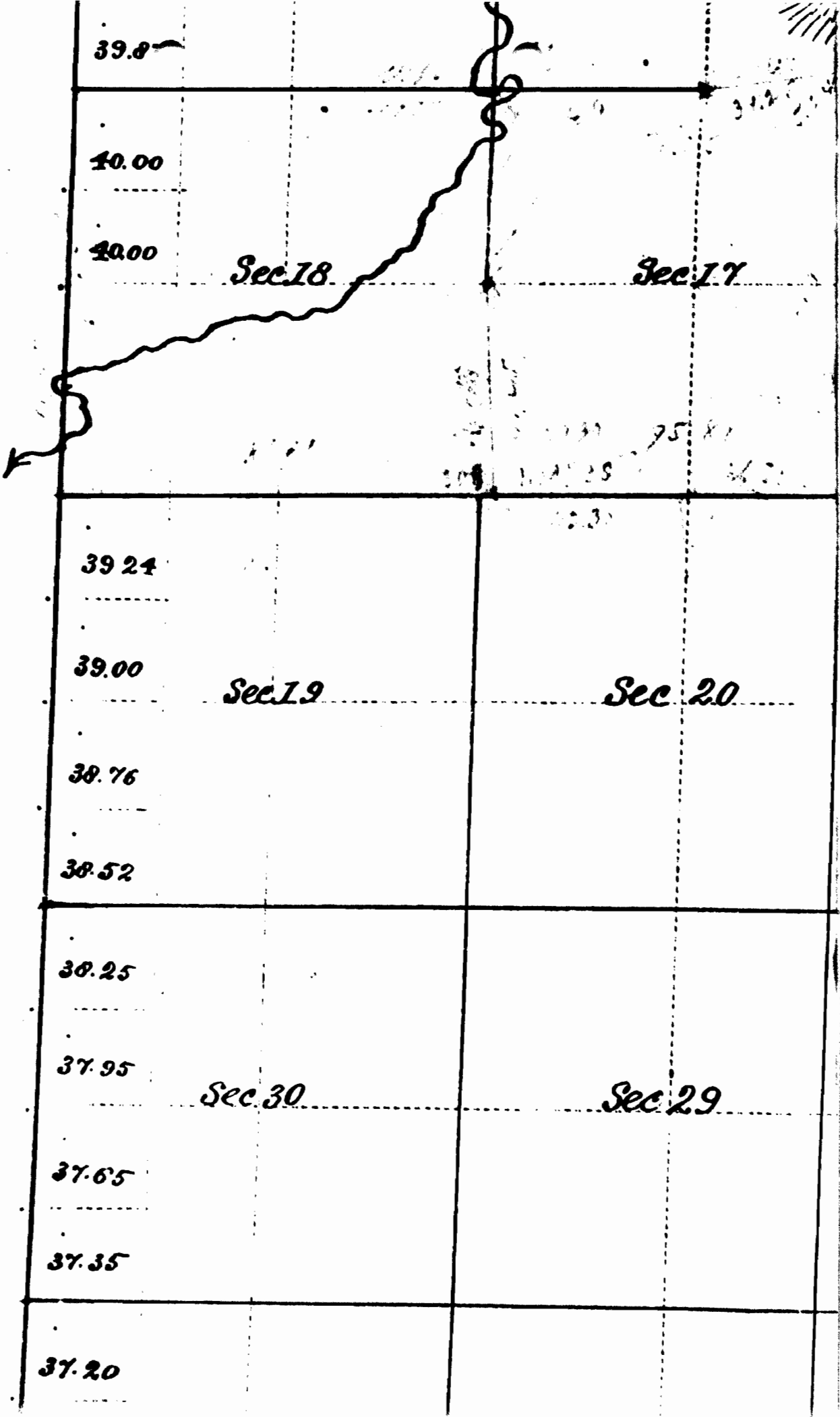
37.00

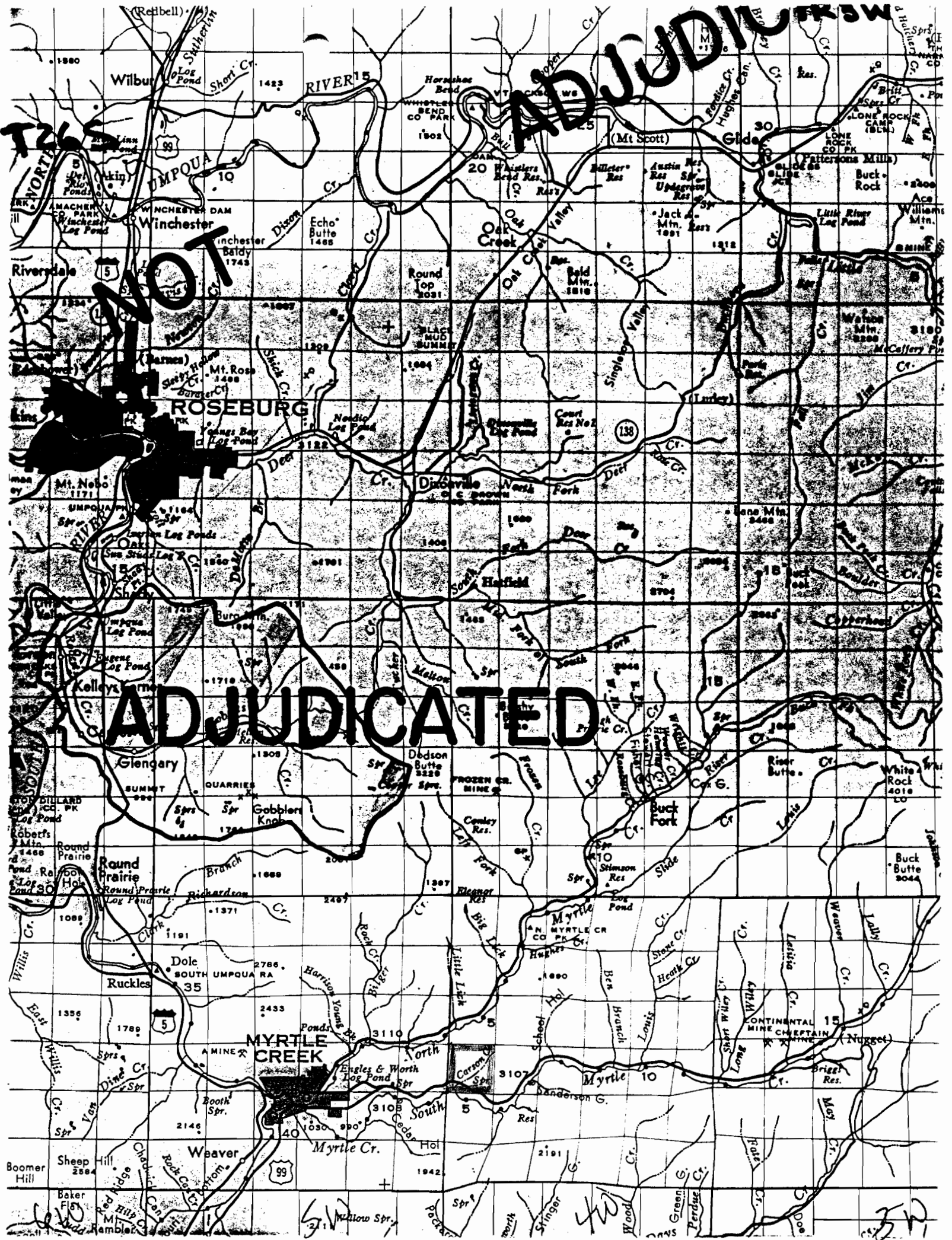
19.02

04.59

APPROVED 6.30.1930

Surveyed Apr 1881

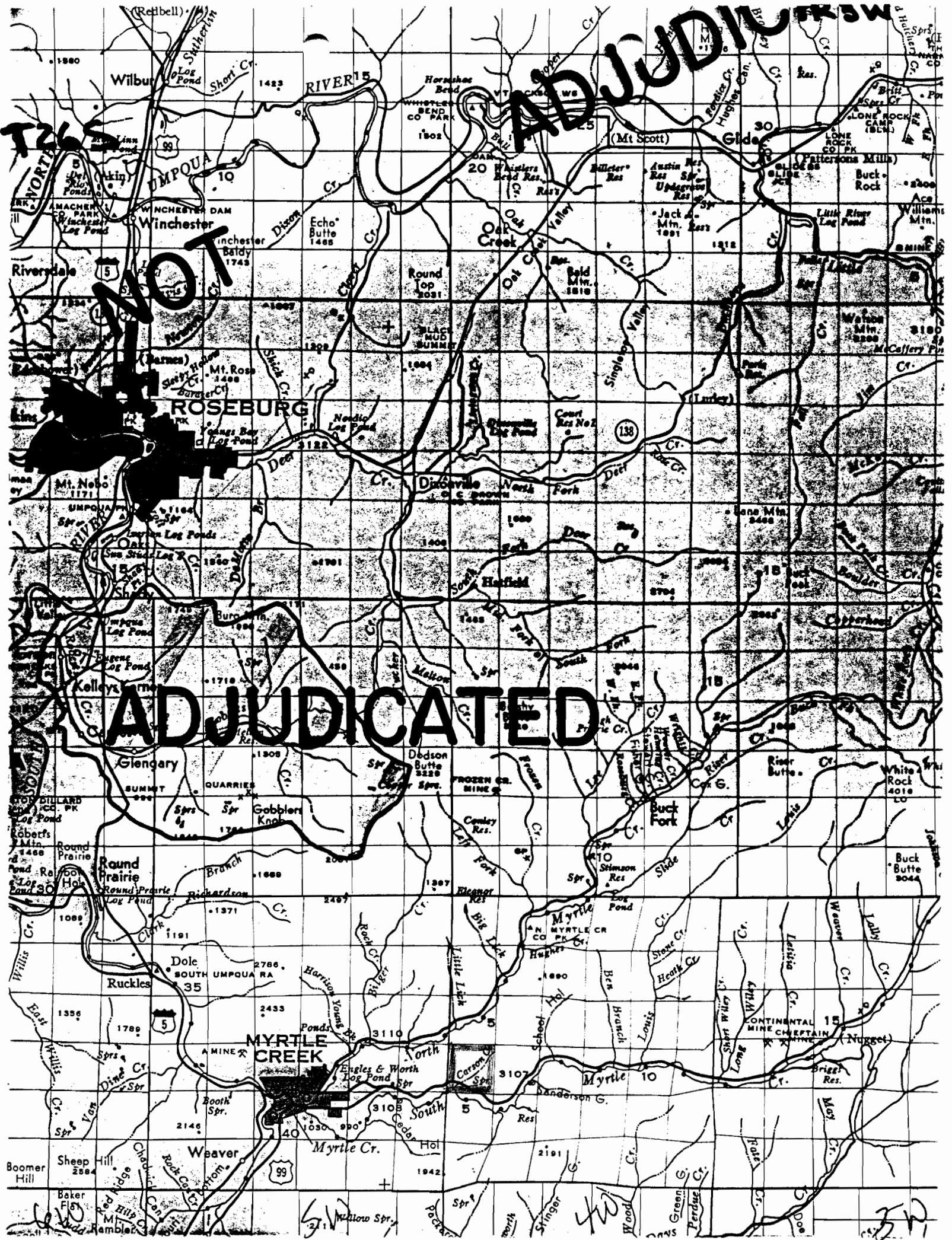




NOT

ADJUDICATED

ADJUDICATED



Handwritten annotations at the bottom of the map, including '321', '40', 'Wood', 'Green', 'Paradise', and '570'.

September 18, 1992

Roy and Mary Anderson
4041 South Myrtle Road
Myrtle Creek OR 97457

RE: Surface Water Registration Statement

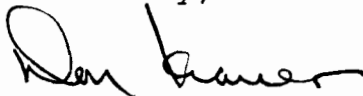
Dear Mr and Mrs Anderson,

This will acknowledge that your Surface Water Registration Statement in the name of Roy and Mary Anderson has been received by our office. The fees in the amount of \$ 400.00 have been received and our receipt # 91967 is enclosed. Your registration statement has been numbered SWR-89.

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\SIC\SWR-0089.001



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

RECEIPT # 91967

RECEIVED FROM: Roy Anderson
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-505 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>400.00</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	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	\$
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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 # 91967

DATED: 9-17-92

BY: [Signature]