

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP WEX NAME Mud Coast # 12 UNADJUDICATED AREA ? YES
RECEIPT # 95683 S W R NUMBER 350
CHECK ENCLOSURES WEX PRELIMINARY DATA BASE ENTRY DW
ACKNOWLEDGEMENT LETTER WEX ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION _____

FORM REVIEW

_____ 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
 "beneficial use" type title
 "permanent-quality" paper
 1/10th sent

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

March 12, 1993

TIMOTHY V & PATRICIA C SMITH
09144 HWY 126
FLORENCE OR 97439

Dear MR & MRS SMITH,

This will acknowledge that your Surface Water Registration Statement in the name of TIMOTHY V & PATRICIA C SMITH has been received by our office. The fees in the amount of \$230.00 have been received and our receipt #95683 is enclosed. Your registration statement has been numbered SWR-350.

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

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0350.001



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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95683**

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

RECEIVED FROM: Timothy Smith
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96229 OTHER: (IDENTIFY)

TOTAL REC'D \$ 230.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>230.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

COST CENTER AND OBJECT CLASS

CASH ACCT.

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

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

WATER RIGHTS:

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

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
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

LIC NUMBER

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

HYDRO APPLICATION

RECEIPT # **95683**

DATED: 12-30-92 BY: D. Bushnell

DEC 30 1992
WATER RESOURCES DEPT.
SALEM, OREGON

Surface Water Registration
Pre-1909 Vested Water Right Claim

Name of Registrant:

Timothy V. and Patricia C. Smith
09144 Highway 126
Florence, OR 97439

Location:

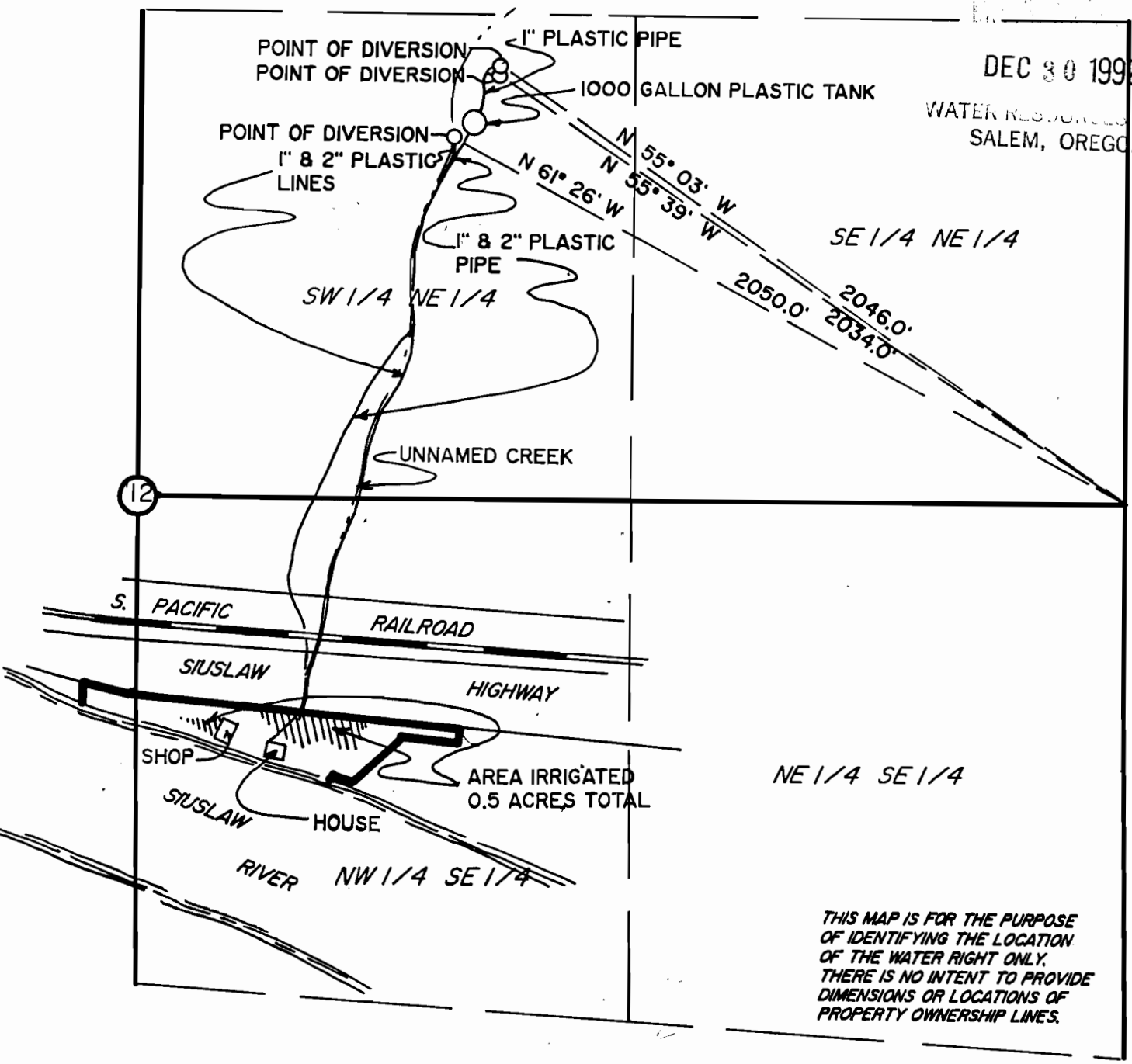
Lane County
Section 12, Township 18, Range 11

This package consists of twelve pages including his one, plus
one check in the amount of \$230.00

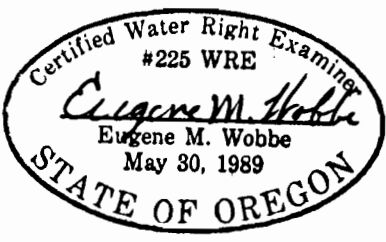
11330

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON



THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF THE WATER RIGHT ONLY.
THERE IS NO INTENT TO PROVIDE
DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES.

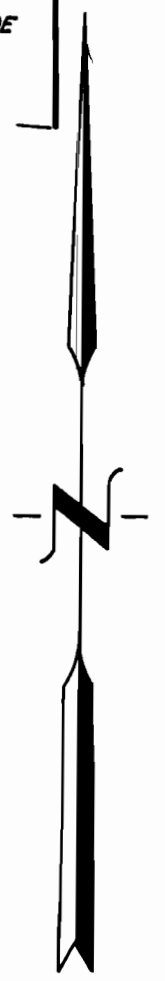


WATER REGISTRATION MAP

SW 1/4 NE 1/4, NW 1/4 SE 1/4, SEC. 12, T18S, R11W, W.M.
LANE COUNTY, OREGON.

FOR: TIMOTHY V. AND PATRICIA C. SMITH
09144 HWY 126
FLORENCE, OR 97439

PREPARED BY: WOBBE & ASSOCIATES, INC.
510 KINGWOOD ST./ P.O. BOX 1136
FLORENCE, OR 97439



SCALE
1" = 400'

CONTENTS

DEC 30 1992
WATER RESOURCES DEPT.
SALEM, OREGON

- Exhibit A - Copy of Homestead Deed dated May 16, 1888
- Exhibit B - Copy of picture of home in canyon where water originates. Home built in late 1800's. Moved to existing home location in early 1900's.
- Exhibit C - Copy of picture of home built on property across from canyon where house still sits today. Continuous water use to home. Two views of home. Home built in 1906.
- Exhibit D - Copy of aerial view of property taken by Corp. of Engineers in 1939.
- Exhibit E - Copy of Warrenty Deed showing recorded water rights in Lane County to said property. Two pages of deed.

Timothy V. and Patricia C. Smith

Section 12, Township 18, Range 11

T.V. & P.C. SMITH



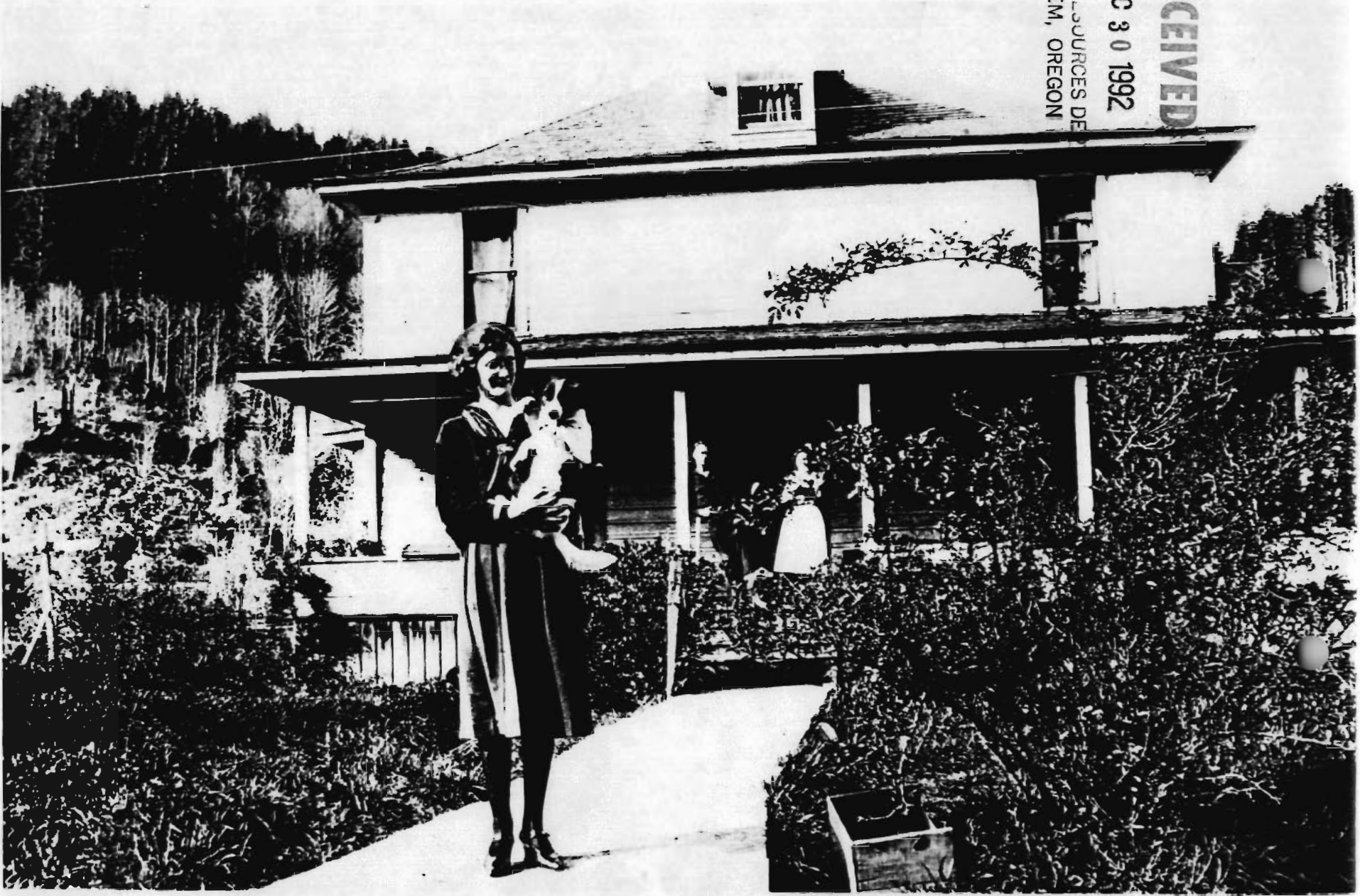
EXHIBIT B

WATER RESOURCES DEPT.
TACSON

DEC 30 1992

RECEIVED

RECEIVED
DEC 30 1992
WATER RESOURCES DE
SALEM, OREGON



IV. E. M. SMITH

Exhibit C Page 1 of 2

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WALTON RESOURCES DEPT.
SALEM, OREGON

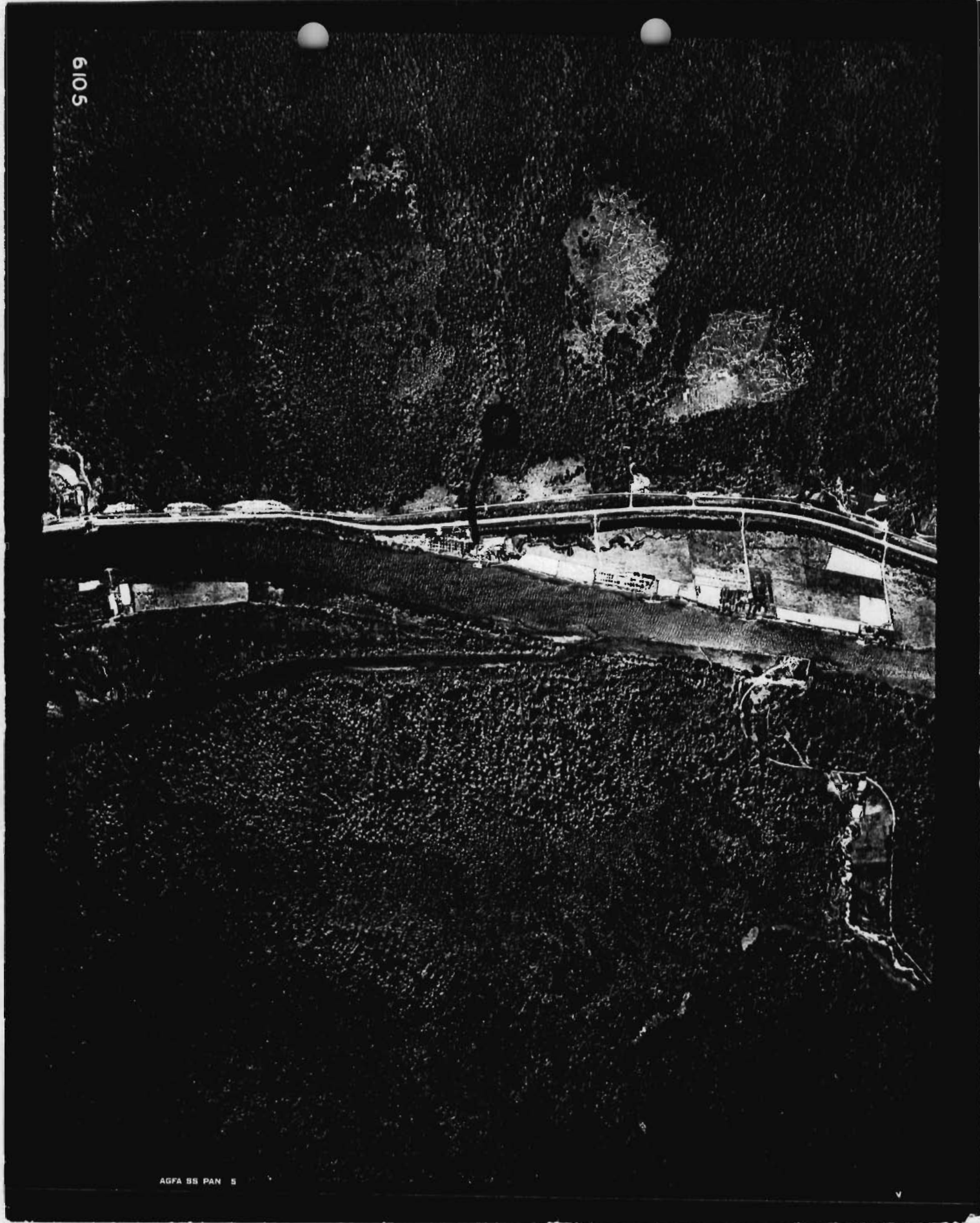


Home Sweet Home

T.V. & P.O. SMITH

Exhibit C Page 2 of 2

6105



AGFA 88 PAN 8

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit D

T.Y. & P.C. Smith

T.V. & P.D. SMITH

Lx

(4-405.)



THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 2030

APPLICATION 4433

Whereas Roseburg, Oregon

There has been deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER of the LAND OFFICE at _____, whereby it appears that, pursuant to the Act of Congress

approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John Nelson has been established and duly consummated in conformity to law, for the

lots numbered two, three, four and five, and the south-west quarter of the north-east quarter and the south-east quarter of the north-west quarter of section twelve, in Township eighteen south, of range eleven west, of Willamette Meridian in Oregon, containing one hundred and fifty acres and eighty-two hundredths of an acre

according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye, That there is, therefore, granted by the United States unto the said John Nelson

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said John Nelson and to his

heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Grover Cleveland, President of the United States of America,

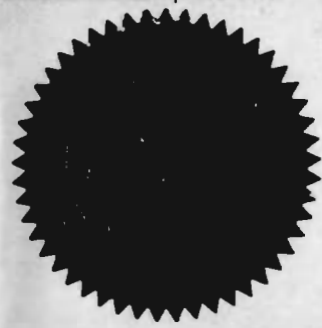
have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON, the sixteenth day of May, in the year of our Lord one thousand eight hundred and eighty-eight, and of the Independence of the United States the one hundred and twelfth

By the President: Grover Cleveland

By Wm. M. McKean, Secretary.

Styer, Recorder of the General Land Office.



RECORDED, Vol. 5, Page 262

EXHIBIT A

NATIONAL RESOURCES DEPT. SALEM, OREGON

DEC 30 1992

RECEIVED

ad interim

1-1-74

18-11-12 #600

WARRANTY DEED

DEC 30 1992

KNOW ALL MEN BY THESE PRESENTS, That RALPH D. BENNETT

WATER RESOURCES DEPT. SALEM, OREGON

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by TIMOTHY V. SMITH and PATRICIA C. SMITH, 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 Lane and State of Oregon, described as follows, to-wit:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

FREE FROM ENCUMBRANCES EXCEPT: 1) Rights of the public in and to that portion of the above described property lying within the limits of public streets and roads. 2) Rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of the Siuslaw River and the ownership of the State of Oregon in that portion lying below the high water mark thereof. 3) Any rights, interests or easements in favor of the State of Oregon, the United States of America or the public which exist or are claimed to exist in and over the past and present beds, banks and waters of the Siuslaw River. 4) Agreement dated May 18, 1937 and recorded July 24, 1937 in Book 89 page 525 in Official Records of Lane County, Oregon. And 5) Covenants, easements and restrictions imposed by instrument recorded March 19, 1970, Reception No. 99939, Official Records of Lane County, Oregon.

D 6 * 72 E 1870 00008.00

(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 as set out above,

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 \$ 115,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration and date which (The sentence between the symbols X) is not applicable, should be struck out.

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 2nd day of April, 1982; 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.

Ralph D. Bennett (Signature)

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, CALIFORNIA) County of LOS ANGELES) ss. March APRIL 2, 1982

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 Ralph D. Bennett

and acknowledged the foregoing instrument to be his 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: HERONICE CHAMPELL, Notary Public-California, My Commission Expires: 27/1983

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

BENNETT GRANTOR'S NAME AND ADDRESS

SMITH GRANTEE'S NAME AND ADDRESS

After recording return to: INDEPENDENT ESCROW, INC. P. O. Box 448, Florence, OR. 97439

Until a change is requested all tax statements shall be sent to the following address. Mr. and Mrs. Timothy V. Smith 2076 Lynwood Terrace, San Jose, Ca. 95128

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book/reel/volume No. on page or as document/tee/file/instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

Beginning at a point marking the most Westerly corner of that certain tract of land excepted to in deed from C. C. Mitchell, et ux, to Irl F. Ziemer, et ux, by deed recorded June 13, 1957, Reception No. 14956, Deed Records of Lane County, Oregon; said point being 723.86 feet South 00° 03' East and 1444.87 feet West and 126.9 feet South 17° 55' West and 350.0 feet North 68° West and 303.0 feet North 65° 06' West from the East quarter corner of Section 12, Township 18 South, Range 11 West of the Willamette Meridian, Lane County, Oregon; running thence East 58.1 feet to a point in the center of a slough; thence following the center of said slough North 49° 19' East 150.2 feet; thence following the center of said slough South 86° 26' East to a point marking the Southwest corner of that certain tract of land conveyed to Oliver E. Curtis, et ux, by deed recorded October 22, 1965, Reception No. 23493, Deed Records of Lane County, Oregon; thence North following the West line of said Curtis tract to a point on the South line of the State Highway, running thence Westerly along the South line of the State Highway to a point where the South line of the State Highway intersects the high water mark of the Siuslaw River; thence Easterly along said high water mark to the point of beginning.

TOGETHER WITH one half of the water rights to that certain stream in the Easterly one half of the Southwest one-quarter of the Northeast one-quarter of the Northeast one-quarter, and Easterly one-half of Government lot 2, lying North of the Southern Pacific Railroad, Section 12, Township 18 South, Range 11 West of the Willamette Meridian, Lane County, Oregon, and the right to install and maintain a pipeline easement from said stream to the above described tract of land.

SAVE AND EXCEPT THEREFROM the following tract of land: Beginning at a point that is 2789.89 feet West and 481.94 feet South of the East 1/4 corner of Section 12, Township 18 South, Range 11 West of the Willamette Meridian, Lane County, Oregon; running thence along a curve to the right having a radius of 1677.02 feet, the long chord of which bears North 79° 32' West 128.02 feet; thence South 08° 44' 33" West 45.15 feet to the bank of the Siuslaw River; thence upstream along said bank South 70° 29' 33" East 120.0 feet; thence continuing upstream along said bank South 63° 09' East 52.49 feet; thence North 00° 24' East 81.34 feet; thence along a curve to the right having a radius of 1677.02 feet, the long chord of which bears North 82° 13' West 28.0 feet to the place of beginning.

12370

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

8210258

State of Oregon,
County of Lane—ss.
I, D.M. Penfold, Director of Records and Elections Division, in and for the said County, do hereby certify that the within instrument was received for record at

7 APR 82 15: 23

1187R

Reel
Lane County OFFICIAL Records.

D.M. Penfold, Director of Records and Elections Division.

By *[Signature]*
Deputy

CM-53

T.V. & P.C. SMITH

Exhibit E Page 2 of 2