

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **95761**

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

RECEIVED FROM: Ernest G Fisher  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # 24-7038 OTHER: (IDENTIFY)

TOTAL REC'D \$ 30.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>30.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

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

**WELL CONSTRUCTION**

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

**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)	LIC NUMBER	\$
_____	HYDRO APPLICATION	LIC NUMBER	\$

RECEIPT # **95761**

DATED: 12/31/92 BY: C. Engel

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME V'IMPQJA # 16 UNADJUDICATED AREA ? OK DWF  
RECEIPT # 95761 S W R NUMBER 434  
CHECK ENCLOSURES DWF PRELIMINARY DATA BASE ENTRY DWF  
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX \_\_\_\_\_  
CHECK QUADRANGLE MAP \_\_\_\_\_ CHECK GLO PLATS \_\_\_\_\_  
WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION SAV

**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  
 7.10th ACER

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

June 25, 1993

WATER  
RESOURCES  
DEPARTMENT

ERNEST G & ARLENE F FISHER  
855 RIVER BEND ROAD  
ROSEBURG OR 97470

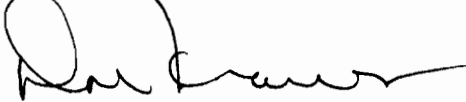
RE: SWR-434

Dear Mr & Mrs Fisher,

This will acknowledge the receipt of the map and report prepared by William Ruppert in support of your claim to a pre-1909 vested water right. I will add this to your file for review in the future.

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

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WAS\IC\4\SWR-0434.003



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

April 14, 1993

WILLIAM J RUPPERT  
PO BOX 1564  
MYRTLE CREEK OR 97457

RE: Surface Water Registration Map

Dear MR RUPPERT,

ERNEST & ARLENE FISHER has indicated to the Oregon Water Resources Department (WRD) that you have been hired to prepare the claim of beneficial use map for their Surface Water Registration Statement. Would you please inform me of your anticipated schedule of map preparation and submission to the WRD.

Please mark all correspondence related to this claim with the file number SWR-434.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\4\SWR-0434.002



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

April 2, 1993

WATER  
RESOURCES  
DEPARTMENT

ERNEST G & ARLENE F FISHER  
855 RIVER BEND RD  
ROSEBURG OR 97470

Dear MR & MRS FISHER,

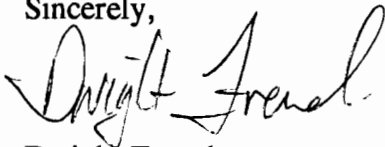
This will acknowledge that your Surface Water Registration Statement in the name of ERNEST G & ARLENE F FISHER has been received by our office. The fees in the amount of \$30.00 have been received and our receipt #95761 is enclosed. Your registration statement has been numbered SWR-434.

The map you submitted with your claim is not acceptable. ORS 539.240 (2) (d) requires the map be prepared by a Certified Water Right Examiner (CWRE). Within 60 days of this letter you must send a letter to this address indicating you have contracted with a CWRE to prepare your map. You should send your letter to my attention. In your letter you must identify the name of the CWRE who will prepare your registration statement map. We will contact the CWRE to arrange a map submittal deadline.

We will not be able to process your claim until we have received your map. If you have any questions regarding this process, please do not hesitate to give me a call.

Please feel free to contact this office if you have any questions. You may call toll free 1 (800) 624-3199.

Sincerely,



Dwight French  
Adjudication Section

Enclosure

J:\WP51\SWR\CLAIMANT\4\SWR-0434.001



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

**RECEIVED**

APR - 9 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Walter and Connie Pawley  
676 River Bend Road  
Roseburg, Oregon 97470

By Certified Mail, P 289 753 966

April 7, 1997

Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem OR 97310

Re: Surface Water Registration Statement  
No.: SWR-434  
Filed: December 31, 1992  
By: Ernest G. & Arlene F. Fisher ("Claimants")

We, the undersigned, are the owners of Lot 28 and a portion of Lot 29, River Bend Acres, Plat A, Douglas County, Oregon, the riverfront property upon which the Claimants' alleged point of diversion (POD) is said to be located and across whose property any water diverted by the Claimants would be pumped and transmitted. We object to the referenced Surface Water Registration Statement of the Claimants for the reasons set forth in this letter.

- We know of no relationship between the Claimants and Adam Fisher, the alleged initial developer in the referenced Surface Water Registration Statement. We personally know of no such relationship and in our search of the Douglas County water records, we have been unable to find any reference to an Adam Fisher other than that of Claimants in the referenced Surface Water Registration Statement.
- Neither the water rights to the Claimants' property, if any, nor Claimant's lot existed in 1889. Both these items were created many decades later.
  - In 1960, our predecessors in title, Frank and Doris Kees, conveyed and recorded an easement for a water pump, storage tank and line, which burdened our property (the servient estate) and benefitted property then owned by Daryl and Donna Blanck, husband and wife. The easement was recorded in the Official Records of Douglas County Oregon at Book 291, Page 113 and as Instrument No. 273476.
  - A copy of said easement is attached hereto as Exhibit 1.
  - In 1960 Daryl and Donna Blanck, husband and wife, owned Lot 35, River Bend Acres, Plat A, Douglas County, Oregon, and no other property in the vicinity of our property.
  - A map is marked as Exhibit 2 and attached hereto. On Exhibit 2:
    - No. 5 is Daryl and Donna Blank's 1960 property, Lot No. 35 of River Bend Acres subdivision.
    - No. 6 is our property, Lot 28 and part of Lot 29, River Bend Acres subdivision.
    - No. 3 is the Lot created by George and Donna Blanck, husband and wife and Daryl's parents, by minor land partition in February, 1976, which was then conveyed to Daryl Blanck in March 1976, which property, together with the easement attached as Exhibit 1, Daryl Blanck then contracted to sell in 1988 to Sharon Renyer; and which property and easement Sharon Renyer then conveyed to the Claimants in 1991. No. 3 is the Claimants' property.

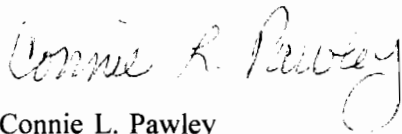
**RECEIVED**

APR - 9 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

- Under Oregon law, an appurtenant easement cannot be conveyed separately from the land to which it is appurtenant, that is to say, the grantee of the easement may not change the dominant estate from one property to another. Hall v. Meyer, 270 Or 335. 527 P2d 722 (1974). That appears to be just what Daryl Blanck did in 1988 in his conveyance to Sharon Renyer; the Claimants, therefore, have no right to enter upon or use our property as a point of diversion for pumping, storing or transmitting water to their property, Lot No. 35, River Bend Acres, Plat A, Douglas County, Oregon.
- The claimed use of water for irrigation purposes is, according to statements Claimants have made to us, only to irrigate Claimants' lawn.
- The system intended to be used by claimants to pump the water has not been used in a number of years, at least since 1991 by our recollection. The pump is noisy so we and our neighbors know that it has been several summers since the pump last ran. Clarification of this date was sought from the power company, but they had no record of the last time power was applied to the water system without going into their archives. They estimated at least five years since the last time it was energized.

Respectfully submitted this 7th day of April, 1997.



Connie L. Pawley

EASEMENT

APR - 9 1997

THIS AGREEMENT, made and entered into this \_\_\_ day of February, 1960, by <sup>WATER RESOURCES DEPT. SALEM, OREGON</sup>  
and between FRANK M. KEES and DORIS E. KEES, Husband and Wife, hereinafter called the  
first parties, and DARYL L. BLANCK and DONNA . BLANCK, Husband and Wife, hereinafter  
called the second parties;

W I T N E S S E T H :

WHEREAS, the first parties are the owners in fee simple of the following  
described real property, to-wit:

Lot 28 and the West one half of Lot 29,  
Plat A River Bend Acres according to the  
official plat on record in the office of  
the County Clerk of Douglas County, Oregon

AND WHEREAS, Second parties have installed a pump, water tank and water line on  
the above-described real property, and it is the desire of first parties to grant, and  
second parties to purchase an Easement for said pump, water tank and water line over and  
across said real property.

NOW, THEREFORE, IN CONSIDERATION of One and no/100 (\$1.00) Dollar and other  
good and valuable consideration, receipt of which is hereby acknowledged, first parties  
have sold and do hereby grant, bargain, sell and convey unto second parties their heirs  
and assigns a right-of-way and easement over and across the above-described real property  
for the purpose of maintaining the said pump, water tank and water line in their present  
location on said real property, together with the right of ingress and egress over and  
across said property for the purpose of maintaining and using said water system.

TO HAVE AND TO HOLD the same unto the second parties, their heirs and assigns  
forever.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals  
in duplicate on this the day and year first above written.

Frank M. Kees (SEAL)  
Doris E. Kees (SEAL)  
First Parties

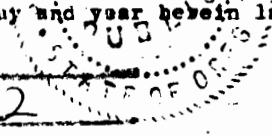
STATE OF OREGON )  
 )ss.  
County of Douglas)

BE IT REMEMBERED that on this 9 day of February, 1960, before me, the under-  
signed a Notary Public in and for said County and State, personally appeared the within  
named Frank M. Kees and Doris E. Kees personally known to me to be the identical indivi-  
duals named and described in and who executed the foregoing instrument and acknowledged  
to me that they executed the same for the uses and purposes therein mentioned.

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

Estelita J. [Signature]  
Notary Public for Oregon  
My Commission Expires: 11-17-64

Exhibit No. 1  
of 2





733-175

150 pt

VCL 291-114

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WATER RESOURCES DEPT.  
SALEM, OREGON

Fee \_\_\_\_\_ No. \_\_\_\_\_  
STATE OF OREGON, )  
COUNTY OF DOUGLAS)

I, Chas. Doerner County Clerk and ex-officio  
Recorder of Conveyances, in and for said County,  
do hereby certify that the within instrument was

filed FEB 8 - 1960 at 10:15 A.M.

and Recorded in Volume 291

at Page 113 of DEED

Records of Douglas County, Oregon

Chas. Doerner

By Margie Weseman County Clerk  
Deputy

Indexed Yes

*George Blanch*  
*P.O. Box 786*  
*Oakland, Ore.*

Exhibit No. 1  
2 of 2

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APR 9 1997

WATER RESOURCES DEPT.  
SALEM, OREGON 97301

LOT 6  
29.89 ACRES

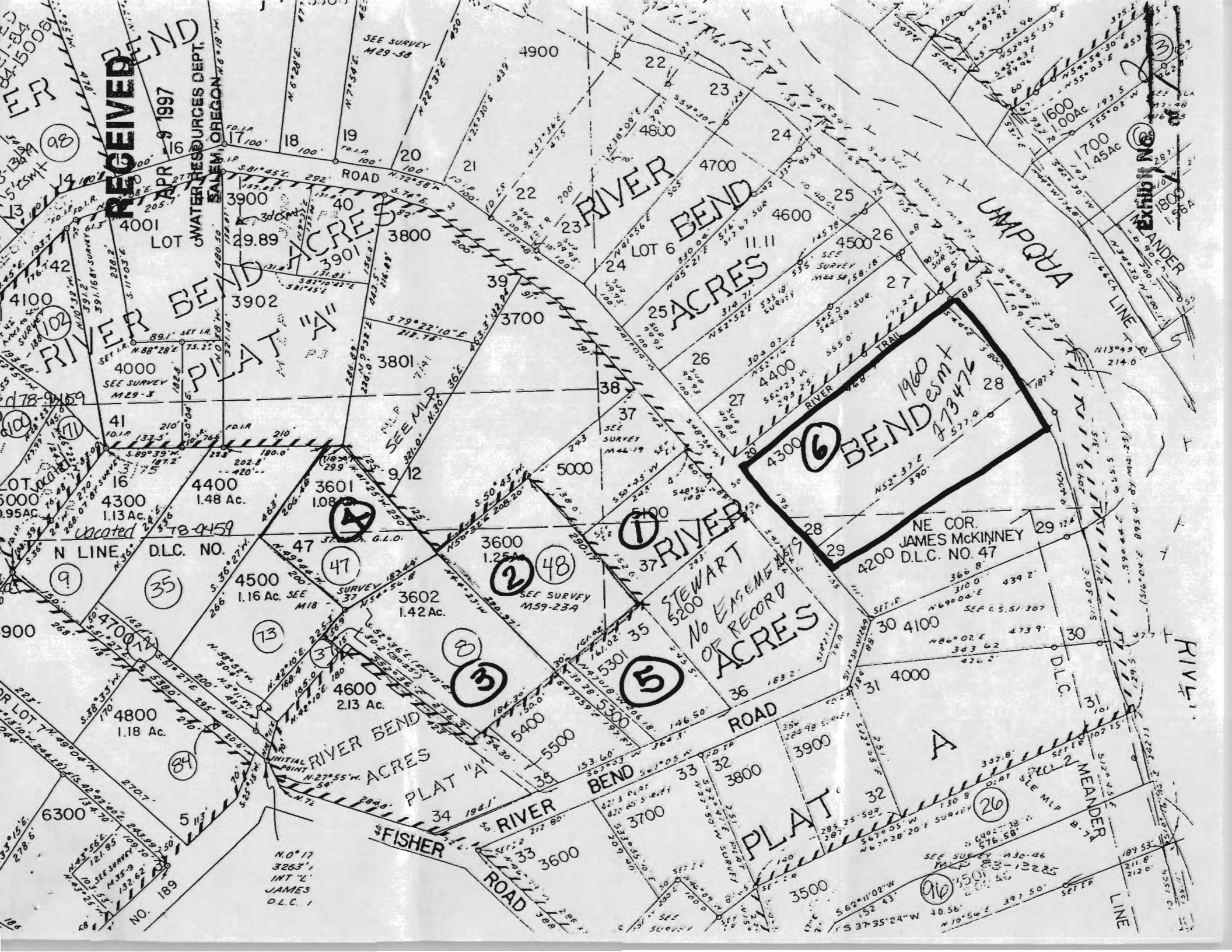
DEAD RIVER  
PLAT "A"

RIVER BEND  
25 ACRES

6 BENDER  
1960  
713476

STEWART  
5200  
NO EASEMENT  
OF RECORD  
ACRES

N.O. 17  
3263'  
INT. L.  
JAMES  
D.L.C. 1



Walter & Connie Pawley  
676 River Bend Rd.  
Roseburg, OR 97470

Fold at line over top of envelope to  
the right of the return address

**CERTIFIED**

P 289 753 966

**MAIL**



Water Resources Dept.  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, OR 97310

REPORT FOR VESTED WATER RIGHT

RECEIVED

JUN 23 1993

WATER RESOURCES DIVISION  
SALEM, OREGON

NAME:

Ernest G. & Arlene F. Fisher  
855 River Bend Rd.  
Roseburg, OR 97470

INFORMATION: Mr. Fisher

SOURCE OF WATER: North Umpqua River, a Tributary of the Umpqua River

DIVERSION POINT: Pump site at River.

PUMP AND MOTOR: Two hp single phase electric motor, 3425 rpm, direct connection to Berkeley jet pump, 2" x 1" x 1".

PIPE: Reported 1.5" buried iron pipe from the river. There are risers across the property from buried pipe of unknown size.

SPRINKLERS: Miscellaneous lawn and garden sprinklers and garden hose sufficient to irrigate the claimed area.

USE: Irrigation of lawn and garden.

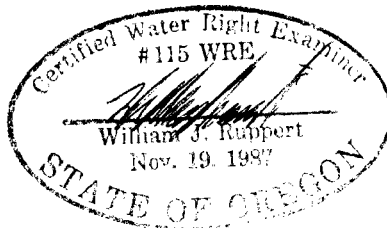
LIFT: Average lift for irrigation is 25 feet.

CALCULATION OF MAXIMUM WATER RATE:

Assume 6.2 gpm which will satisfy the rate for 1.1 acres of irrigation. Total Dynamic Head= 127 ft. (25 ft. lift, 20 ft. friction loss, and 92 ft residual at sprinkler). 6560 ft. lb./ min= 0.2 theoretical horse power needed. The present system satisfies the equipment requirements for 6.2 gallons per minute.

SURVEY TIE: The map is based property corners per survey M59-23 of Douglas County Surveyor's Office and River Bend Estates Plat "A".

CERTIFICATION: By William J. Ruppert, Certified Water Right Examiner No. 115. The survey and inspection of the above use was completed by me on May 22, 1993, the facts contained in this report and the accompanying map are correct to the best of my knowledge.



We, Ernest G. & Arlene F. Fisher, agree to the findings of the Certified Water Right Examiner, and do submit this site report and map as part of our Claim of Beneficial Use of the water for a vested water right.

Ernest G. Fisher  
Arlene F. Fisher

6-23-93 Date

6-23-93 Date

RECEIVED

JUN 25 1993

WATER RESOURCES DEPT  
SALEM, OREGON

WILLIAM J. RUPPERT  
P.O. BOX 1564  
MYRTLE CREEK, OR 97457  
PHONE 863-4855

*Copy*

REGISTERED PROFESSIONAL LAND SURVEYOR

June 18, 1993

*Recd. June 23, 93*

INVOICE No.930618a

TO:

Ernest G. & Arlene F. Fisher  
855 River Bend Rd.  
Roseburg, OR 97470

REQUESTED BY: Mrs. Fisher SWR 434

SERVICES:

Survey, Map and report for claim to vested right in Section  
23, T26S, R6W, WM.

Per Quote

\$250.00

Thank you for the opportunity to serve you.

If you have any questions about the invoice or the service,  
please call me.

TERMS: Net 30 days unless other arrangements are made in  
advance.

Will continue to do research  
on this matter + send to you.  
Also will send map prepared  
by CWRE, as soon as I can  
obtain it.

Thank You  
Arlene Fisher

**RECEIVED**

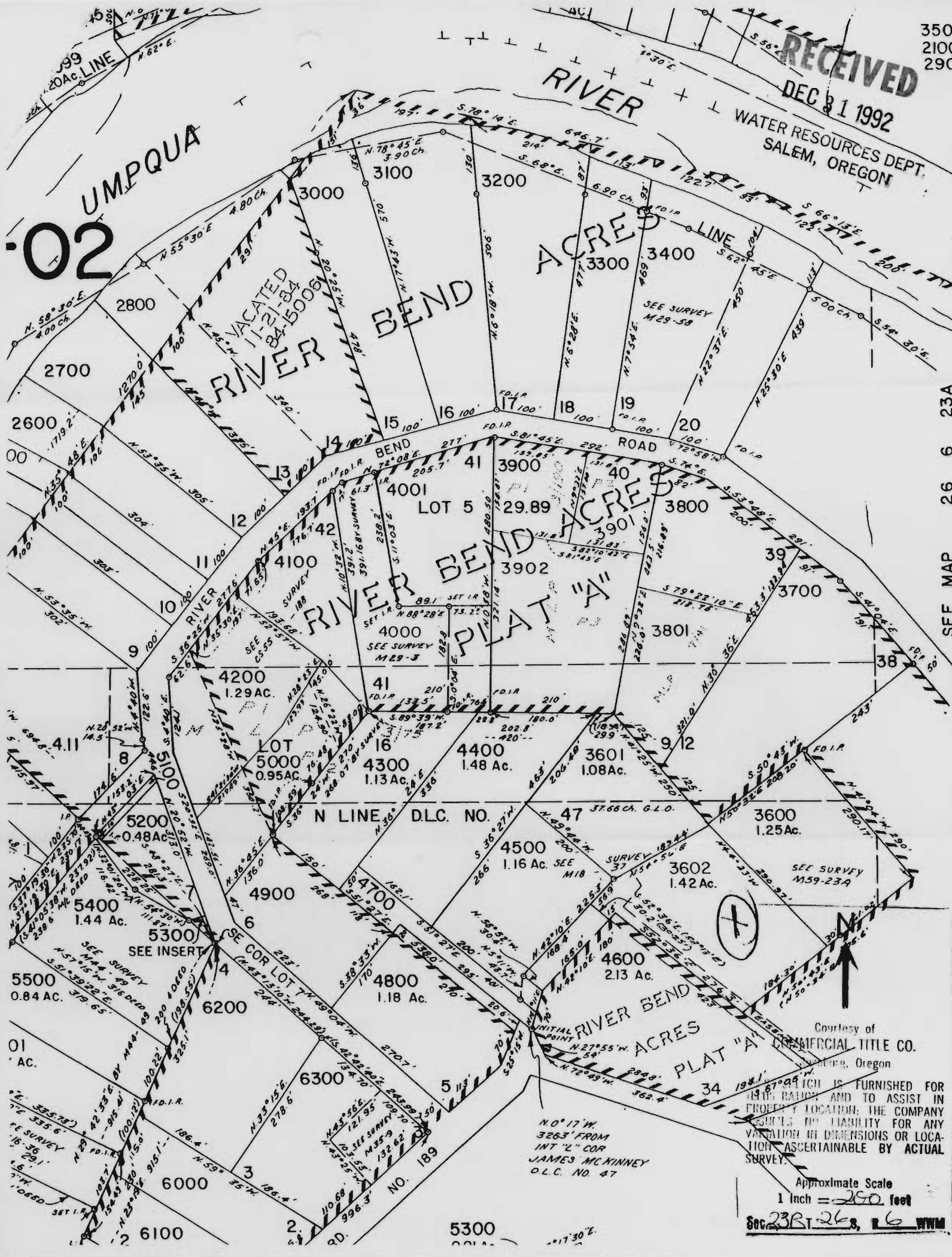
DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
DEC 8 1 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

02



SEE MAP 26 6 23A

Courtesy of  
COMMERCIAL TITLE CO.  
Salem, Oregon

THIS SURVEY IS FURNISHED FOR  
YOUR REFERENCE AND TO ASSIST IN  
PROPERLY LOCATING THE COMPANY  
HAS NO LIABILITY FOR ANY  
VARIATION IN DIMENSIONS OR LOCATION  
ASCERTAINABLE BY ACTUAL  
SURVEY.

Approximate Scale  
1 inch = 250 feet

Sec. 23 BT 26 S. 16 W. 111

N 0° 17' W  
326.3' FROM  
INT "L" COR  
JAMES MCKINNEY  
O.L.C. NO. 47

RECEIVED

APR 14 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

April 13, 1993

Oregon Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310

Dear Mr French,

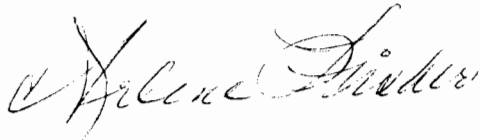
This is to acknowledge receipt of your letter, dated  
April 2, 1993, re: Surface Water Registration.

We have contracted with William J. Ruppert, P.O. Box 1564,  
Myrtle Creek, OR 97457. Mr. Ruppert is a Certified Water  
Right Examiner. Phone # 863-4855 or 863-3171.

Mr. Ruppert has agreed to examine and map the property on  
May 22, 1993.

I am sending Mr. Ruppert a copy of your letter, so he may  
contact you, if he has any questions.

Sincerely, *Ernest & Arlene Fisher*



Ernest & Arlene Fisher SWR-434  
855 River Bend Rd.  
Roseburg, OR 97470  
Phone: 503-673-1677



RECEIVED  
DEC 31 1992  
WATER RESOURCES DEPT  
SALEM, OREGON

To whom it may concern,

The property, located at 855 River Bend Rd., has been irrigated from the North Umpqua river since \_\_\_\_\_ . Said property was owned by myself from 1960 to 1986 , and prior to that it was owned by my father George Blanck, from 1948 . There has never been a lapse of more than 1 (one) year that it has not been irrigated from the North Umpqua river.

Dayl L Blanck

12-24-92

Date

This property has also used water from the North Umpqua river for domestic use.

Dayl L Blanck