

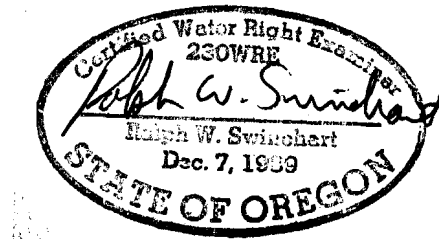
ADDENDUM TO SITE REPORT

for

ROBERT AND TERESA MORSE

November 22, 1994

The domestic water use at the existing house included in-house use, stock water for adjacent barns and corrals, and irrigation of 0.5 acres of lawn and garden immediately adjacent to the house, according to the present owners.



# WALLOWA MOUNTAIN ENGINEERING

P.O. BOX 266

ENTERPRISE, OREGON 97828

(503) 426-4085

November 22, 1994

Oregon Water Resources Dept  
3850 Portland Rd NE  
Salem, Oregon 97310

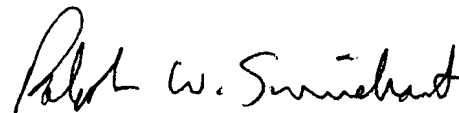
Attn: Don Knauer

Re: SWR-460

Dear Don,

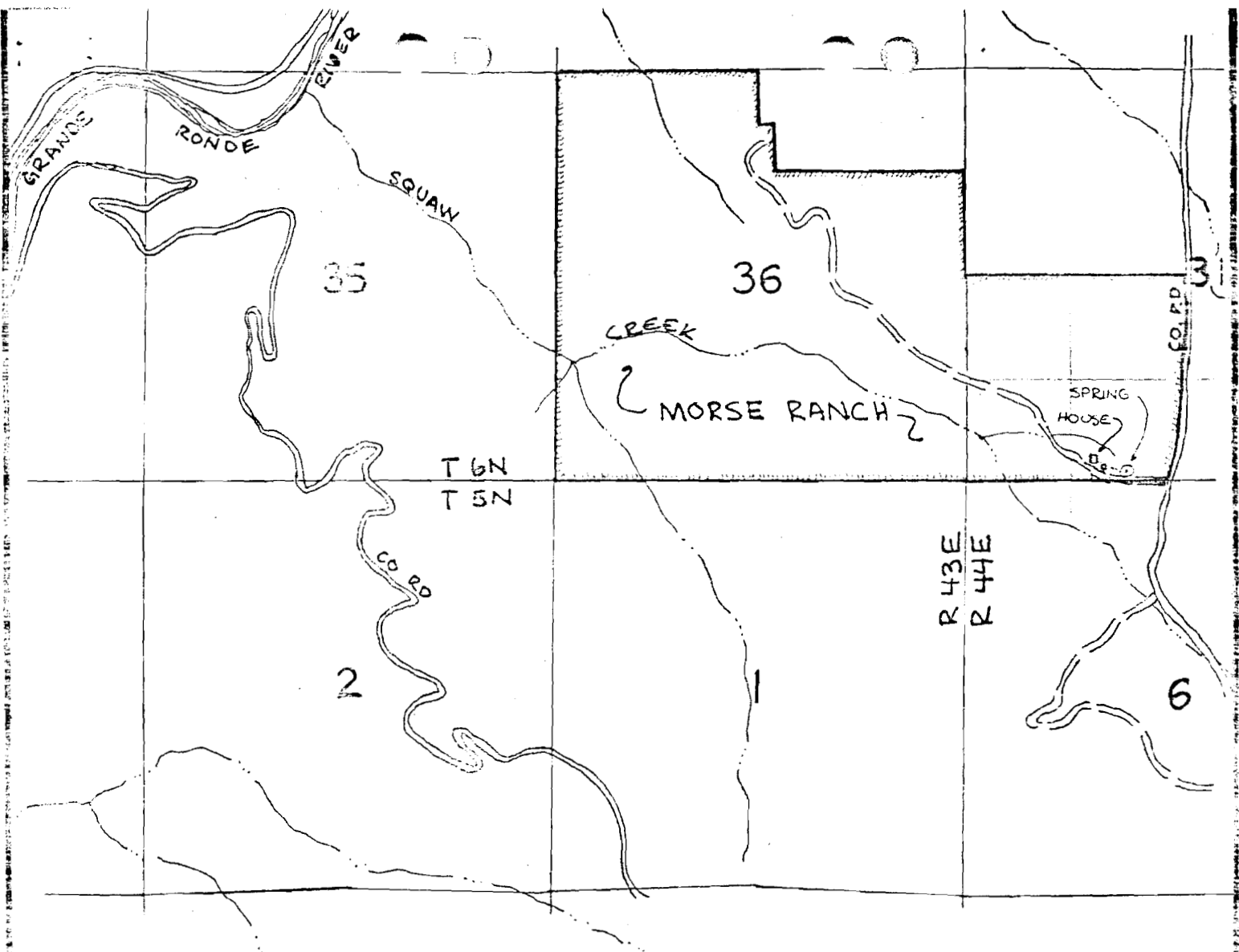
You have asked for additional information on the water right application map and site report I prepared for Robert and Teresa Morse. The map submitted is drawn to the county assessor map scale for the area. I am enclosing a mylar copy of the map and an addendum to the site report which includes the amount of area irrigated. Please let me know if you need any further information.

Sincerely,

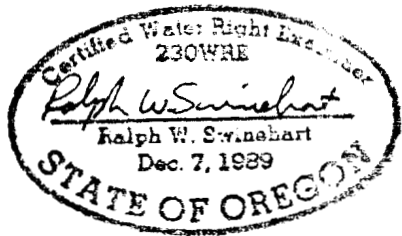


Ralph W. Swinehart, PE

cc: Robert Morse



MAP BASED ON  
WALLOWA COUNTY  
ASSESSOR MAPS  
AND ASCS AERIAL  
PHOTOS



SPRING AND POINT OF USE ARE IN  
THE SE 1/4, SW 1/4, SEC 31, T 6N, R 44E W.M.  
SPRING IS 2040' EAST AND 150' NORTH  
OF SW CORNER OF SECTION 31

THE SPRING IS A TRIBUTARY OF SQUAW  
CREEK, A TRIBUTARY OF THE GRANDE  
RONDE RIVER.

SEE ATTACHED SITE REPORT

THIS MAP IS PREPARED FOR  
WATER RIGHT PURPOSES ONLY  
AND SHOULD NOT BE USED  
FOR PROPERTY LINE LOCATION  
PURPOSES.

SECTION 31  
T 6N, R 44E, W.M.  
WALLOWA COUNTY

ROBERT MORSE RANCH  
PRE-1909 WATER RIGHT APPL.  
DECEMBER 1992

RECEIVED

DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

SITE REPORT FOR MORSE RANCH  
PRE 1909 WATER RIGHT APPLICATION

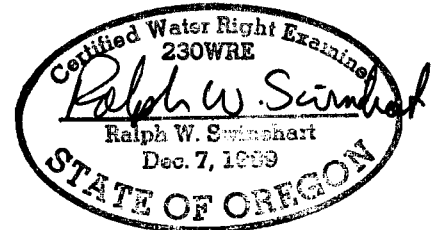
for

Robert and Teresa Morse  
85912 Lost Prairie Road  
Enterprise, Oregon 97828  
Phone 828-7775

A site inspection of water use was made by me, Ralph W. Swinehart on December 3, 1992. Ground was covered by 12 inches of snow at the time. The water use to be applied for is from a spring in the SE 1/4 of the SW 1/4 of Section 31, T6N, R44E. The water is a tributary of the Grande Ronde River via Squaw Creek.

The spring development consists of a 3 foot diameter concrete pipe cistern at the head of a small brushy draw. The water is piped to a small valve shed with a 1 inch PVC pipe. The shed is just east of an old two story house, about 450 feet west of the spring, which is supplied by the spring. A 1 inch pvc pipe into the house was disconnected at this time to drain the house, and a standpipe and hose valve is on the line in the valve shed for water use. I measured the flow from the line as 7 gpm, or 0.016 cfs. The water has been used both in the house and adjacent garden and lawn and for livestock watering in troughs.

This final proof survey and inspection of the use for a Pre 1909 water right application was completed by me on December 3, 1992 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



We, Robert and Teresa Morse agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use as provided under the terms and conditions of my Pre 1909 application.

---

*Teresa A Morse*

---

December 7, 1992

RECEIVED

DEC 31 1992

Lost Prairie: T 6 N, R 44 E, Section 31. SW  $\frac{1}{4}$

Dear Water Resources Department:

WATER RESOURCES DEPT  
SALEM, OREGON

I, Samuel Doke Cole, was born December 11, 1909 on Lost Prairie in the log home originally built by William Fordney. Full payment was made on the Fordney homestead September 8, 1891 on lots # 3 and # 4, East  $\frac{1}{2}$  of the SW quarter of section 31 in T 6 N Range 44 E of the Willamette Meridian.

William Fordney built a log house near the head of the spring on section 31. My dad, James Cole, bought the William Fordney homestead rights in about 1900.

My brother, Armel, was born in the homestead log house in 1907.

I, Samuel Doke Cole, was born in the homestead house in 1909.

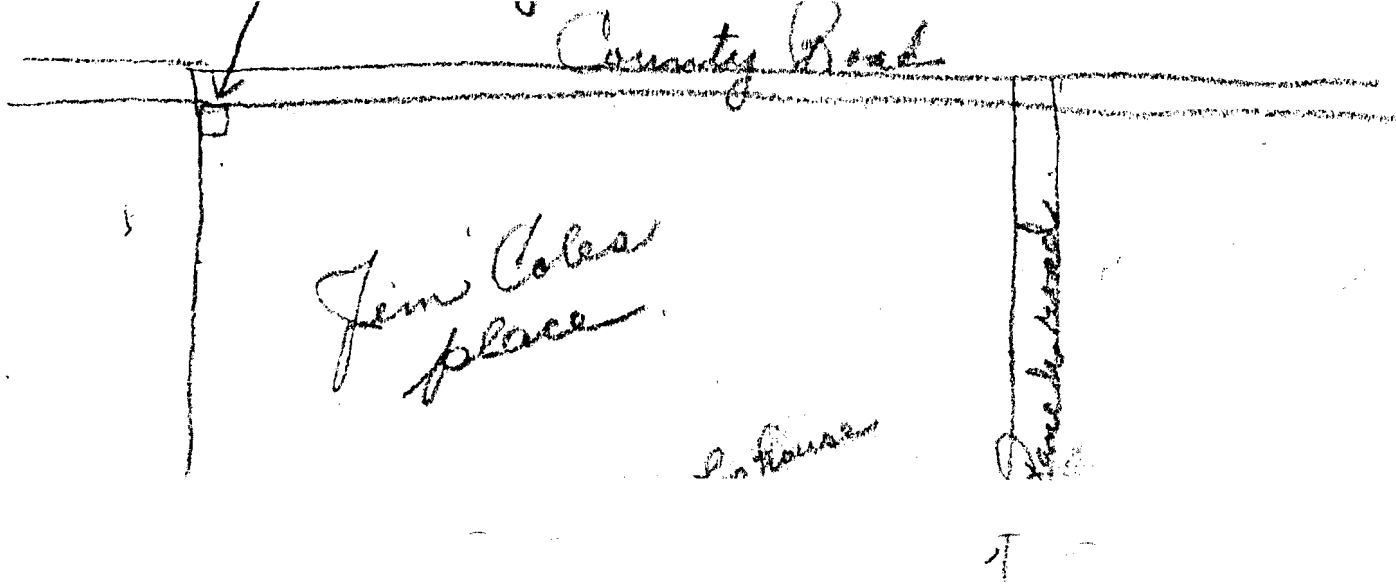
My brother Alton was born in the same house in 1912. I remember my dad carrying water from the spring to the house. The livestock drank from the same spring, lower down.

In 1910, two carpenters (Miller and Kelly) started work on the square frame house. My brother Alton was a year old when we moved into the square house. Sometime after moving into the new house, George Cannon came over and they installed a square cement spring box. A pipe was laid to the house.

I was about five or six, about 1915, when this installation took place. James, my father, tore down the original log house. Close to the ranch road, and across from the spring, near the log home, there was an orchard.

Across the road from the square house, by a big willow tree, we had water piped to a log trough. I was 16 to 18 when we put in the trough. The trough was still there when I sold the place to Everett Roberts.

I lived in the square house with my folks until I was 20. I was married in 1930. My folks lived in the square house until my dad passed away in 1936. My oldest brother, Armel, ran the place for two years after my dad died, and my mother stayed with him. My brother Alton moved onto the homeplace (square house) when Armel moved to the Al Cole place. My dad and my brothers always kept livestock, including cattle and hogs.



Samuel Doke Cole letter, page 2.

In 1954, Armel's wife died at about the age of 30 from kidney cancer. Armel asked me (Doke) to come back and buy the place. I gave my mother \$5000.00 for the place, over a period of years. My wife and myself lived in the square house seven years until we sold to Everett Roberts in 1961. Everett bought the home place and lived in the square house. He, also, kept livestock. When he moved to the Guy Murrill place, he hired help and they stayed in the square house.

Everett's son, Max Roberts, bought his father out in 1977. Max also kept livestock. Robert and Teresa Morse bought the ranch from Max Roberts in 1981. The Morse's also keep livestock and live there still.

Water has been used continuously for household and livestock since the homestead was established before 1890.

Sincerely,

*Samuel D. Cole*  
 Samuel Doke Cole  
 401 East Logan  
 Enterprise, Or 97828

**INDIVIDUAL ACKNOWLEDGMENT**

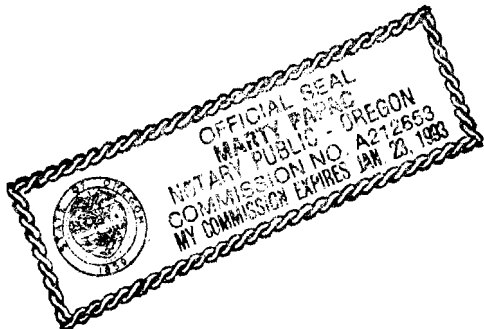
NO. 201

State of Oregon  
 County of Wallowa } SS.

On this the 7<sup>th</sup> day of November 1992, before me,

*Samuel Doke Cole*  
 the undersigned Notary Public, personally appeared

*Samuel Doke Cole*



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

*Samuel Doke Cole* 1-23-93  
 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:

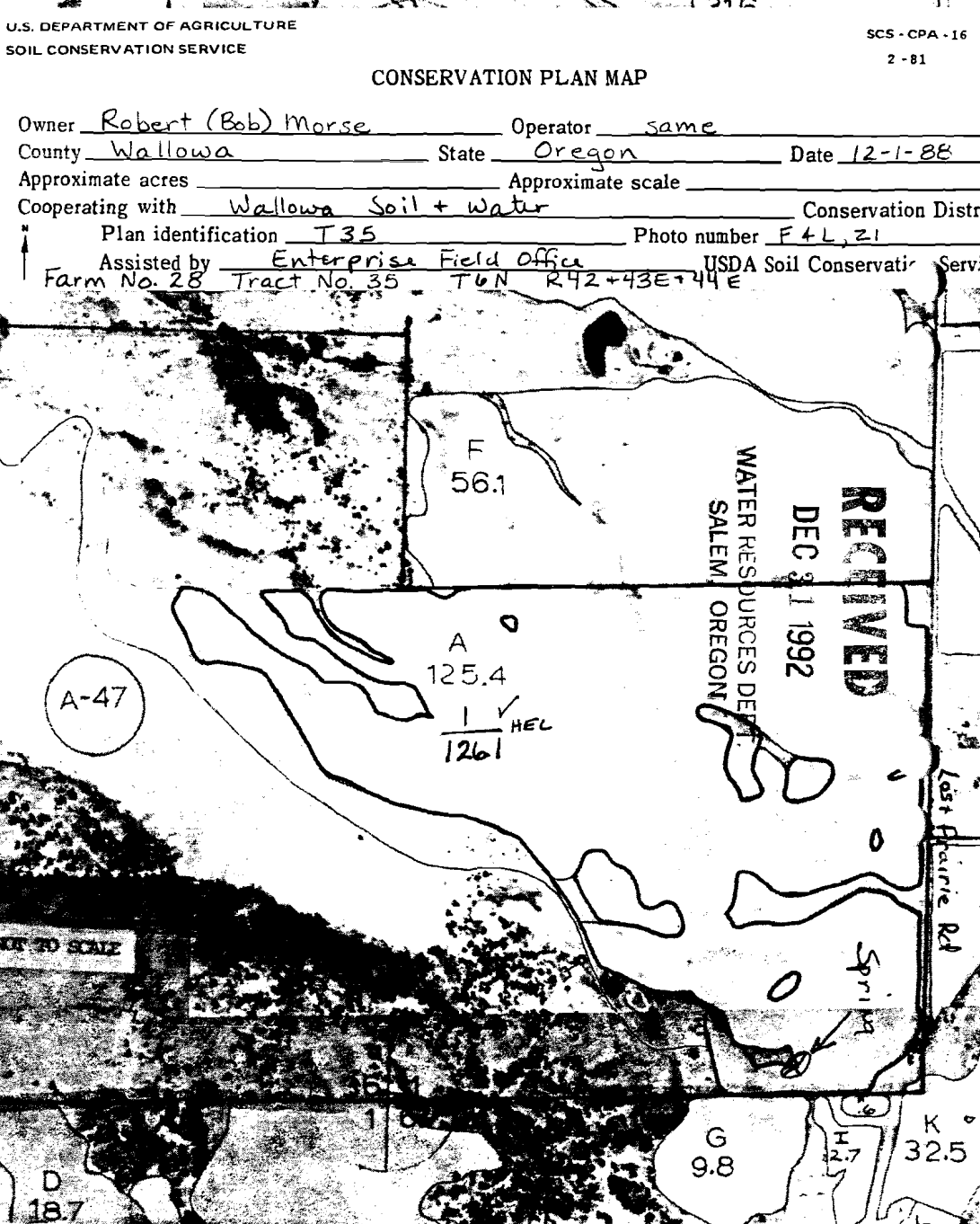
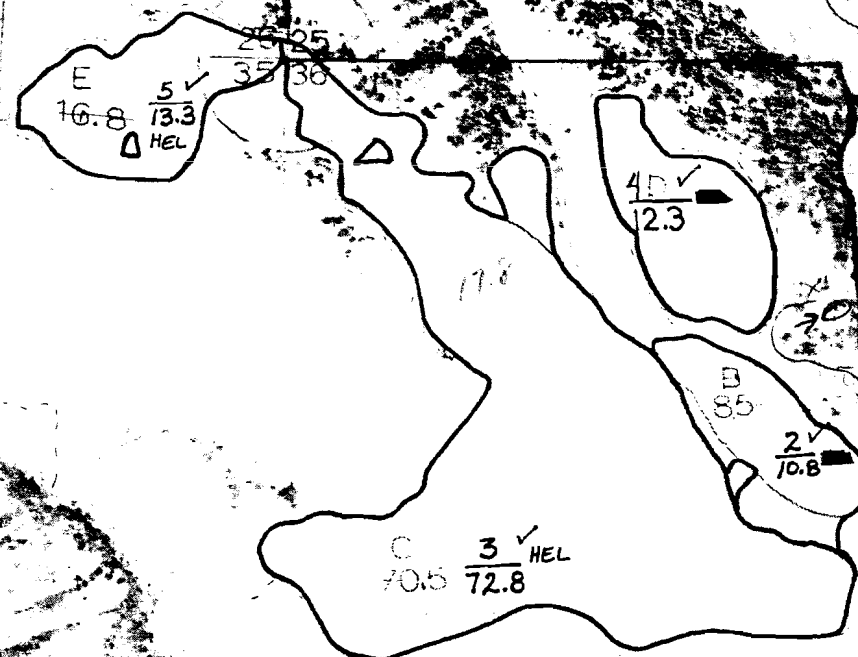
Title or Type of Document Letter  
 Number of Pages Two (2) Date of Document 12/19/92  
 Signer(s) Other Than Named Above None

U.S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

SCS - CPA - 16  
2 - 81

CONSERVATION PLAN MAP

Owner Robert (Bob) Morse Operator same  
County Wallowa State Oregon Date 12-1-88  
Approximate acres \_\_\_\_\_ Approximate scale \_\_\_\_\_  
Cooperating with Wallowa Soil + Water Conservation District  
Plan identification T35 Photo number F4L, 21  
Assisted by Enterprise Field Office USDA Soil Conservation Service  
Farm No. 28 Tract No. 35 T6N R42+43E+44E



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DEC 31 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

NOT TO SCALE

Last Prairie Rd

Spring

A-88

D 18.7

K 32.5

H 12.7

G 9.8

RECEIVED

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Wallowa

ss.

DEC 31 1992

WATER RESOURCES DEPT.

28th day of SALEM, OREGON December, 19 92,

BE IT REMEMBERED, That on this before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Robert D. Morse and Teresa A. Morse

known to me to be the identical individual S. described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

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

*Sharon Castilleja*

Notary Public for Oregon.

My Commission expires 10-25-93

letter to: Oregon Water Resource Dept, Adj Section (1 page)



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DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Robert D & Teresa A Morse  
85912 Lost Prairie Rd  
Enterprise OR 97828

OREGON Water Resource Dept, Ady. Section  
3850 Portland Rd NE  
Salem, OR 97316

Enclosed please find pre-1909 surface water registration form and supporting documents. The use, on a continuous basis, of the spring located in SE 1/4 of SW 1/2, Section 31, T6N, R44E, since before Sept 8, 1891, for domestic and livestock purposes is supported by the enclosed documents.

Historical Sources: ① Samuel Duke Cole, Bain: Lost Prairie, Dec 11, 1909 in the original homestead house built by William Fairney. Mr Cole now lives at 401E Lagon, Enterprise, OR 97828. Personal interview Dec 7, 1992 with notarized statement made.  
② Book: Carving the North End Wilderness Flora, by Larlene Bedden pub 1985 by Cook Arrow publishing company.

The square cement spring box installed by James Cole<sup>(1915)</sup> was replaced by the present round cement spring box in 1980 by Everett and Max Roberts.

We, Robert and Teresa Morse, purchased the ranch in Nov, 1981 and have, also, continuously used the spring for livestock and some domestic purposes.

12-28-92

Robert D. Morse  
Teresa A. Morse

This spring provides water for livestock during the winter feeding period. The number varies but at times there are 150-200 cows watered here. During the spring grazing season 50-60 pair water here. During the fall grazing season 60-80 cows water here. Summer grazing is noted but 40-50 yearling cattle water at this spring on the years that this section is summer grazed.

12-28-92

Robert D. Morse

STATE OF OREGON,

County of Wallowa } ss.

RECEIVED

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

DEC 31 1992

WATER RESOURCES DEPT.

SALEM, OREGON

BE IT REMEMBERED, That on this 28th day of December, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named \*\*\*Robert D. Morse\*\*\*

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 affixed my official seal the day and year last above written.

Sharon Castilliga  
Notary Public for Oregon.  
My Commission expires 10-25-93

(addendum to Surface Water Registration Statement)

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WATER RESOURCES DEPT.  
SALEM, OREGON



Spring - SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$   
of Section 31, T6N, R44 E  
tributary of the Grande  
Ronde via Squaw Creek

**RECEIVED**

DEC 31 1992

WATER RESOURCES DEPT.  
SALEM, OREGON



Square house -  
Construction began 1910

Homestead house was  
located in the approx  
vicinity from which this  
picture was taken. It  
was built previously to  
1890, and taken down  
by James Cole.



Original homestead  
log barn - Spring valve  
shed visible by telephone  
pole.

THE UNITED STATES OF AMERICA.

Certificate No. 3649

To all to Whom these Presents shall Come—GREETING:

WHEREAS,

William B. Fordney of Walla-wa County Oregon

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Le Grand Oregon whereby it appears that full payment has been made by the said William B. Fordney according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the sale of the Public Lands," and the acts supplemental thereto, for the

lots numbered three and four and the East half of the South West quarter of Section thirty one in Township six North of Range forty four East of Willamette Meridian in Oregon containing one hundred and sixty seven acres and twenty hundredths of an acre

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DEC 31 1992

WATER RESOURCES DEPT. SALEM, OREGON

according to the official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said

William B. Fordney

NOW, KNOW YE, That the United States of America, in consideration of the premises; and in conformity with the several Acts of Congress in such case made and provided, have GIVEN and GRANTED, and by these presents do GIVE and GRANT, unto the said William B. Fordney

and to his heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said

William B. Fordney

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, and there is reserved from

the lands hereby granted a right of way thereon for ditches, canals, and structures by the authority of the 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 Eighth day of September, in the year of our Lord one thousand eight hundred and Ninety One; and of the Independence of the United States the one hundred and Sixty sixth

BY THE PRESIDENT:

Benjamin Harrison Ellen Magarland Secretary

Recorded Vol. 9 Page 345

J. R. Donnell Recorder of the General Land Office

Filed for Record at 8 o'clock a.m., March 7, A.D. 1892, and recorded at the request of

By Deputy

L. J. Bouse County Clerk

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DEC 31 1992

WATER RESOURCES DEPT  
SALEM, OREGON

From Wm. H. & Peter Fordney to Jack Cole et al

62821 CLARK & PRUDHOMME COMPANY, PRINTERS AND BOUNDERS, PORTLAND.

Know all Men by these Presents, That W. William H. Fordney and Peter Fordney, each an unmarried man,

in consideration of the sum of Four Thousand, five hundred Dollars (4500.00)  
to us paid by Jack Cole, Albert B. Cole, and James Cole

and by these presents do hereby grant, bargain, sell and convey unto the said Jack Cole, Albert B. Cole and James Cole, their heirs and assigns  
all the following real estate, to-wit:

Lots numbered Three (3) and Four (4), and the East half of the South west quarter of Section Thirty-one (31), in Township Six (6) North, of Range Forty-Four (44) East, T. 11. N.; - and - The South half of Section Thirty-six (36), in Township Six (6) North, of Range Forty-Three (43), East T. 11. N., - All situated in Willamal county, Oregon - and containing 487 acres, more or less, -

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and also all our estate, right, title and interest at law and equity therein or thereto, including dower and right of dower.

TO HAVE AND TO HOLD THE SAME unto the said Jack Cole, Albert B. Cole, and James Cole, their heirs and assigns forever. And we the said William H. Fordney and Peter Fordney do hereby covenant to and with the said Jack Cole, Albert B. Cole, and James Cole, their heirs, assigns and legal representatives, that the said real estate is free from all incumbrances, except

and that we will, and our heirs, executors and administrators shall WARRANT AND DEFEND the same to the said Jack Cole, Albert B. Cole, and James Cole, their heirs and assigns forever against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 23 day of March A. D. 1907

EXECUTED IN PRESENCE OF

Lincoln Austin  
C. H. Allen

William H. Fordney (SEAL)  
Peter Fordney (SEAL)  
(SEAL)  
(SEAL)

STATE OF OREGON, }  
County of Willamal, } ss.

THIS IS TO CERTIFY, That on this 23 day of March A. D. 1907, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named William H. Fordney and Peter Fordney and each an unmarried man his wife, who are personally 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 for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 23 day of March A. D. 1907

"Seal"

Lincoln Austin  
Notary Public for Oregon

Received for Record and Recorded March 27 1907

at 11:20 A. M.  
By J. A. French County Clerk.  
W. C. Bostman Deputy.

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DEC 31 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

Jessie M. Cole ) 49418  
to )  
S. D. Cole, etux ) W.D.

KNOW ALL MEN BY THESE PRESENTS, That Jessie M. Cole, a widow, in consideration of Ten Dollars, and other good and valuable considerations to her paid by S. D. Cole and Oleta Cole, husband and wife, does hereby grant, bargain, sell and convey unto said S. D. Cole and Oleta Cole, husband and wife, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Wallowa and State of Oregon, bounded and described as follows, to-wit:

All of the right, title and interest of the said Jessie M. Cole in and to:

The South half of Section 36, Township 6 North, Range 43 East, of the Willamette Meridian, and the southwest quarter of Section 31, in Township 6 North Range 44, East of the Willamette Meridian, excepting from said Southwest quarter of said Section 31, a tract described as follows: Commencing at a point 29 feet west of the northeast corner of the Southwest quarter of Section 31, Township 6 North, Range 44, E. W. M., thence running west 215 feet, thence south 202 feet, thence east 215 feet; thence north 202 feet to the place of beginning containing approximately one acre; which tract was heretofore conveyed to Lost Prairie Cemetery Association as shown by deed recorded on October 3, 1924, in Book 39 at page 358 of the Deed Records of Wallowa County, Oregon.

I. R. S. \$4.40 cancelled

To Have and to Hold the above described and granted premises unto the said S. D. Cole and Oleta Cole, husband and wife, their heirs and assigns forever.

And Jessie M. Cole, the grantor above named does covenant to and with the above named grantees, their heirs and assigns that she is lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, and that she will and her 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 14th day of September, 1956.

Jessie M. Cole (SEAL)

STATE OF OREGON, )  
County of Wallowa. ) ss.

BE IT REMEMBERED, That on this 14th day of September, 1956, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jessie M. Cole, a widow, who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she 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.

Lorin M. Ricker  
Notary Public for Oregon  
My Commission expires 9/22/57

seal

Recorded September 14, 1956 at 1:00 p. m., Marjorie Martin, County Clerk

By Marjorie Martin Clerk

County of Wallowa  
I, CHARLOTTE MARVEL, County Clerk for the County of Wallowa, Oregon, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of Wallowa County, Oregon, and that the same has been by me compared with the original, and found to be a correct transcript therefrom, and of the whole of the original, the same appears of record and on file in my office and by my authority.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Official Seal this 14th day of December A.D. 1956  
[Signature]  
COUNTY CLERK

By \_\_\_\_\_ Deputy

Samuel D. Coe, et ux ) 59722  
to )  
Everett Roberts, et ux ) W. D.

RECEIVED  
DEC 31 1992

WATER RESOURCES DEPT  
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That SAMUEL D. COLE and OLETA COLE, husband and wife, grantors  
in consideration of Ten and No/100 Dollars, and other good and valuable considerations to them paid by EVERETT  
ROBERTS and MADELINE C. ROBERTS, husband and wife, grantees, do hereby grant, bargain, sell and convey unto  
the said grantees, their heirs and assigns, all the following real property, with the tenements, heredita-  
ments and appurtenances, situated in the County of Wallowa and State of Oregon, bounded and described as fol-  
lows, to-wit:

The South half of Section 36, Township 6 North, Range 43 East, of the Willamette Meridian;  
The Southwest quarter of Section 31, Township 6 North, Range 44 East, of the Willamette Meridian;

EXCEPTING therefrom a tract described as follows: Beginning at a point 29 feet West of the Northeast corner  
of the Southwest quarter of said Section 31; thence running West 215 feet; thence South 202 feet; thence  
East 215 feet; thence North 202 feet; to the point of beginning; which tract was heretofore conveyed to Lost  
Prairie Cemetary Association by deed recorded in Book 39 of Deeds, at page 358;

Wallowa County, Oregon.

I. R. S. \$27.50 cancelled

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

And we the grantors do covenant that we are lawfully seized in fee simple of the above granted  
premises free from all encumbrances,  
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 hands and seals this - day of November, 1961.

Samuel D. Cole (SEAL)  
O'Leta Cole (SEAL)

STATE OF OREGON, )  
County of Wallowa ) ss.

On this - day of November, 1961, before me, the undersigned, a Notary Public in and for said County and  
State, personally appeared the within named SAMUEL D. COLE and OLETA COLE, husband and wife, who are known  
to me to be the identical individuals described in and who executed the within instrument, and acknowledged  
to me that they executed the same freely and voluntarily.

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

Lorin M. Ricker  
Notary Public for Oregon  
My Commission expires 9/22/65

seal

Recorded November 6th, 1961 at 3:15 p. m., Marjorie Martin, County Clerk

By Marjorie Martin Clerk

STATE OF OREGON ) ss.  
County of Wallowa )

I, CHARLOTTE McIVER, County Clerk in and for the said County and  
State, do hereby certify that the foregoing copy of \_\_\_\_\_  
----- DEEDS -----

records of Wallowa County, State of Oregon, has been by me  
compared with the original, and that it is a correct transcript  
therefrom, and of the words of such original as the name appears  
of record and on file in my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed my Official Seal this - 7th - day of December A.D. 19 62

Charlotte Mciver  
COUNTY CLERK

By \_\_\_\_\_ Deputy

1-1-74

WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That EVERETT L. ROBERTS and MADELINE C. ROBERTS, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by MAX E. ROBERTS and SANDRA ROBERTS, 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 Wallowa and State of Oregon, described as follows, to-wit:

TRACT I

Township 6 North, Range 43 East, of the Willamette Meridian

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DEC 31 1992

Section 25: N1/4NW1/4
Section 26: SE1/4SE1/4
Section 35: E1/4NE1/4
Section 36: S1/4, NW1/4, S1/4NE1/4, and a tract in NW1/4NE1/4 described as follows: Beginning at the SW corner of NW1/4NE1/4; thence East 13 rods; thence North 37 rods; thence West 13 rods; thence South 37 rods to the point of beginning.

WATER RESOURCES DEPT SALEM, OREGON

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 EXCEPTING Mortgage recorded in Book 77 of Mortgages, page 196, and Supplemental Mortgage recorded in Book 77 of Mortgages, page 658, to John Hancock Mutual Life Insurance Company, which Grantee assumes and agrees to pay 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 \$ OF MORTGAGE

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 18th day of October, 1977; 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.

Everett L. Roberts
Madelaine C. Roberts

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Wallowa
October 18th, 1977

STATE OF OREGON, County of Wallowa ) ss.
October 18, 1977

Personally appeared the above named EVERETT L. ROBERTS and MADELINE C. ROBERTS

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

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

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:

Before me:

(OFFICIAL SEAL)

(OFFICIAL SEAL)

Notary Public for Oregon

Notary Public for Oregon

My commission expires: 9-22-81

My commission expires:

Everett L. Roberts, et ux

STATE OF OREGON,
County of Wallowa ) ss.

GRANTOR'S NAME AND ADDRESS

Max E. Roberts, et ux
Lost Prairie
Enterprise, OR 97828

GRANTEE'S NAME AND ADDRESS

After recording return to:

Wallowa Title Company

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
Grantee

NAME, ADDRESS, ZIP

INDEXED

SPACE RESERVED FOR RECORDER'S USE

I certify that the within instrument was received for record on the 18th day of October, 1977, at 1:30 o'clock P.M., and recorded in book 87 on page 382 or as file/reel number 94204, Record of Deeds of said county.

Witness my hand and seal of County affixed.

Recording Officer
Deputy



DESCRIPTION CONTINUED:

Township 6 North, Range 44 East, of the Willamette Meridian

Section 31: SW $\frac{1}{4}$ , EXCEPT the following tract: Beginning 29 feet West of the NE corner of the SW $\frac{1}{4}$ ; thence West 215 feet; thence South 202 feet; thence East 215 feet; thence North 202 feet to the point of beginning, as conveyed to Lost Prairie Cemetery Association by Deed recorded in Book 39 of Deeds, page 358.

TRACT II

Township 6 North, Range 43 East, of the Willamette Meridian

Section 25: E $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$

Township 6 North, Range 44 East, of the Willamette Meridian

Section 29: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , ALSO: Commencing 55 rods East of the NE corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 30; thence North 50 feet; thence East 250 feet; thence South 174 feet; thence West 250 feet; thence North 124 feet to the place of beginning.

Section 30: Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 31: N $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER WITH the right to use water from three springs located on tract in Section 29 described above, AND the right to put a pipeline through the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, and TOGETHER WITH the right to take up said pipe for repairs, but SUBJECT TO said pipe being buried 18 inches under the ground through agricultural land.

SUBJECT to easements, reservations, restrictions, rights of way and roadways existing or of record.

THE CONSIDERATION for the house located on said premises is \$40,000.00.

I, CHARLOTTE MARTIN, County Clerk in and for the said County and State, do hereby certify that the foregoing copy of

DEEDS

records of Washington County, State of Oregon, has been by me compared with the original and is a correct transcript therefrom, and of the words of each as filed on the name appears of record and on file in my office and in my custody.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Official Seal, this 7<sup>th</sup> day of December D. 1992

Charlotte Martin  
COUNTY CLERK

Deputy

Recorded October 18th, 1977 at 1:30 p. m., Marjorie Martin, County Clerk

By Marjorie Martin County Clerk

Max E. Roberts, et ux

) 3187

and

Robert D. Morse, et ux

) Mem. Contract

RECEIVED

DEC 31 1992

MEMORANDUM OF CONTRACT

WATER RESOURCES DEPT.  
SALEM, OREGON

NOTICE IS GIVEN OF CONTRACT AS FOLLOWS:

SELLER: MAX E. ROBERTS and SANDRA L. ROBERTS,  
Husband and Wife,

BUYER: ROBERT D. MORSE and TERESA A. MORSE,  
Husband and Wife,

DATE OF CONTRACT: November 17, 1981

DESCRIPTION:

Township 6 North, Range 43 East, of the Willamette Meridian  
Wallowa County, Oregon

Section 25: N $\frac{1}{2}$ NW $\frac{1}{4}$   
Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$   
Section 36: S $\frac{1}{2}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and a tract in NW $\frac{1}{4}$ NE $\frac{1}{4}$  described  
as follows: Beginning at the SW corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
thence East 13 rods; thence North 37 rods; thence  
West 13 rods; thence South 37 rods to the point of  
beginning.

Township 6 North, Range 44 East, of the Willamette Meridian  
Wallowa County, Oregon

Section 31: SW $\frac{1}{4}$ , EXCEPT the following tract: Beginning 29 feet  
West of the NE corner of the SW $\frac{1}{4}$ ; thence West 215  
feet; thence South 202 feet; thence East 215 feet;  
thence North 202 feet to the point of beginning, as  
conveyed to Lost Prairie Cemetery Association by  
Deed recorded in Book 39 of Deeds, page 358.

SUBJECT to right of the public to use L. Bacon Road as per  
Commissioners Journal A., page 66. Said Road being located  
across Sections 31 and 30, T6N, R44, EWM. (Includes additional  
land.)

SUBJECT to existing right of way for road over and across the  
SE $\frac{1}{4}$ , Section 36, T6N, R43, EWM, as per Deed recorded October 22,  
1958, in Book 68 of Deeds, page 185.

SUBJECT to easements, reservations, restrictions, rights of way  
and roadways as may exist.

TRUE CONSIDERATION: \$450,000.00

MAIL TAX STATEMENTS TO: Robert D. Morse  
Flora Route, Box 58  
Enterprise, Oregon 97828

SELLER:

Max E. Roberts  
Max E. Roberts

Sandra L. Roberts  
Sandra L. Roberts

BUYER:

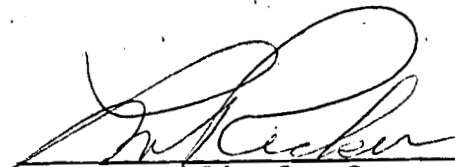
Robert D. Morse  
Robert D. Morse

Teresa A. Morse  
Teresa A. Morse

LAW OFFICE  
RICKER & RICKER  
TITLE BUILDING  
ENTERPRISE, OREGON

STATE OF OREGON )  
 : ss.  
County of Wallowa )

Personally appeared before me this 17<sup>th</sup> day of November, 1981, the above named MAX E. ROBERTS and SANDRA L. ROBERTS, husband and wife, and ROBERT D. MORSE and TERESA A. MORSE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act, and deed.

  
Notary Public for Oregon  
My Commission Expires: 9-22-85

County of Wallowa ) ss.

I, CHARLOTTE MARVEL, County Clerk in and for the said County and State, do hereby certify that the foregoing copy of \_\_\_\_\_

Contract  
records of Wallowa County, State of Oregon, has been by me compared with the original, and that it is a correct transcript therefrom, and of the words of such original as the same appears of record and on file in my office and in my custody.

IN TESTIMONY WHEREOF I have hereunto set my hand and added my Official Seal, this 17<sup>th</sup> day of December, D. 1981

  
COUNTY CLERK

Deputy

LAW OFFICE  
RICKER & RICKER  
TITLE BUILDING  
ENTERPRISE, OREGON

Page 2 - Memorandum of Contract

Recorded November 17th, 1981 at 4:30 p. m., Marjorie Martin, County Clerk

By Marjorie Martin County Clerk

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP DWF NAME GRANDER RONDE # 8 UNADJUDICATED AREA ? OK DWF  
 RECEIPT # 95787 S W R NUMBER 460  
 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 LOSW

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

1/10<sup>th</sup> near FOR GREEN & LANE IN REPORT

15 WATER RIGHT RECORD CHECK \_\_\_\_\_ FIELD INSPECTION \_\_\_\_\_

FINAL FILE REVIEW \_\_\_\_\_ FINAL DATA BASE ENTRY \_\_\_\_\_

ENTER ON PLAT CARDS \_\_\_\_\_

January 14, 1995

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WATER  
RESOURCES  
DEPARTMENT

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RALPH SWINEHART  
PO BOX 266  
ENTERPRISE OR 97828

re: SWR-460

Dear Mr Swinehart,

I completed the review of the map and site report received from you on Nov. 25, 1994 in support of the pre-1909 vested water right claim in the name of ROBERT & TERESA MORSE. The map and report meet the requirements for filing. I have added them to the file.

Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

cc: Robert & Teresa Morse

j:\w\stcl4\swr-0460.004



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

November 29, 1994

WATER  
RESOURCES  
DEPARTMENT

RALPH SWINEHART  
PO BOX 266  
ENTERPRISE OR 97828

re: SWR-460

Dear Mr Swinehart,

This will acknowledge the receipt of the map and report you submitted in support of the pre-1909 vested water right claim in the name of ROBERT AND TERESA MORSE. Due to personnel and duty changes the information will not be reviewed at this time. I will add it to the file for future review.

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

Sincerely,



Don Knauer  
Adjudication Specialist

cc: Robert & Teresa Morse

j\w\stc\4\swr-0460.003



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

SWINEHART - 230

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

Alright you guys, this is a test, DO YOU KNOW WHAT TIME IT IS? The answer is, it's time to get the maps, reports, answers, mylars and all that kind of stuff back to the Water Resources Department. There's talk around the office of putting together a "map-patrol" with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a detriment to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:\wp51\swr\claimant\cwrememo.94

SWR- 379 BALON  
- 460 MOESE  
- 360 BARKLOW  
- 368 THEN 375 WILSEY

December 13, 1993

RALPH SWINEHART  
PO BOX 266  
ENTERPRISE OR 97828

RE: File# SWR-460

DEAR RALPH SWINEHART,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Robert D. & Teresa A. Morse. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

scale	OAR 690-14-170-1 "The map scale shall be 1" = 1320', 1" = 400', or the scale of the county assessor map..."
paper	OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-inch mylar..."
$\frac{1}{10}$ acre	OAR 690-28-025-(4)-(d) "The number of acres irrigated in each quarter quarter shall be shown to the nearest tenth of an acre." You must show the area of lawn and garden irrigated.





You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

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

Enclosures

April 19, 1993

ROBERT D & TERESA A MORSE  
85912 LOST PRAIRIE ROAD  
ENTERPRISE OR 97828

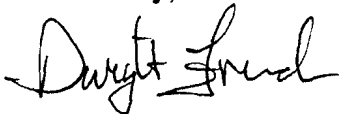
Dear ROBERT AND TERESA MORSE,

This will acknowledge that your Surface Water Registration Statement in the name of ROBERT D & TERESA A MORSE has been received by our office. The fees in the amount of \$200.00 were received on April 19, 1993, and our receipt #98943 is enclosed. Your registration statement has been numbered SWR-460. We have now received a total of \$400.00 for your claim.

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

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

Sincerely,



Dwight French  
Adjudication Section

Enclosure

J:\WP51\SWR\CLAIMANT\4\SWR-0460.002



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

RECEIPT # **98943**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIVED FROM: <u>Robert D. or Terri Hesse</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH:  CHECK: # 94-387 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

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

842.010	ADJUDICATIONS	\$ <u>200.00</u>
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**

<b>MISCELLANEOUS:</b>		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$
<b>WATER RIGHTS:</b>		
842.001	SURFACE WATER	EXAM FEE \$
842.003	GROUND WATER	842.002 \$
842.005	TRANSFER	842.004 \$
<b>WELL CONSTRUCTION</b>		842.006 \$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$
842.016	WELL DRILL OPERATOR	842.023 \$
	LANDOWNER'S PERMIT	842.019 \$
		842.024 \$
		RECORD FEE \$
		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)		\$
	HYDRO APPLICATION		\$

RECEIPT # **98943**

DATED: 4/19/02

BY: Copy

April 8, 1993

ROBERT D AND TERESA A MORSE  
85912 LOST PRAIRIE ROAD  
ENTERPRISE OR 97828

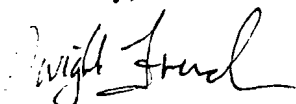
Dear ROBERT AND TERESA MORSE,

You failed to submit enough fees with your Surface Water Registration Statement as required under ORS 539.081.

You sent \$200 and your receipt #95787 is enclosed. You should have sent a total of \$400. The amount now due is \$200. Your claim will not be processed until these remaining fees are received. Your claim has been numbered SWR-460.

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

Sincerely,



Dwight French  
Adjudication Section

Enclosure

J:\WP51\SWR\CLAIMANT4\SWR-0460.001



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

RECEIPT # **95787**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455/378-8130 (FAX)

RECEIVED FROM: Robert D. Morse  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # 196327 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.-

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

842.010	ADJUDICATIONS	\$ <u>200.-</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT. \$ \_\_\_\_\_

COST CENTER AND OBJECT CLASS

VOUCHER #

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

**06-00-0 WELL CONST START FEE**

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

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
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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 # **95787**

DATED: 10-31-92 BY: R. D. Morse