

Name EDMUND & JUANITA M. CLARK
 By _____
 Address Smith River Route Box 2
Drain, OR 97435

Date filed August 29, 1973
 Priority _____
 Action suspended until Op Cert
 Return to applicant _____
 Date of approval NOV 18 1975

CONSTRUCTION

Date for beginning OCT 1 1976 Nov 18 1976
 Date for completion OCT 1 1977
 Extended to _____
 Date for application of water OCT 1 1978
 Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed APR 19 1978
 Proof received MAY 5 1978
 Date certificate issued MAY 19 1978

Application No. 51164
 Permit No. 38667
 Certificate No. 45643

Stream Index, Page No. 16-20E

FEES PAID

Date	Amount	Receipt No.
<u>8-29-73</u>	<u>30.00</u>	<u>36373</u>
<u>2-19-74</u>	<u>10.00</u>	<u>38719</u>
<u>5-5-78</u>	<u>\$1² Cert. Fee</u>	<u>2704</u>

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

7/17/03 David B. Clark and Marilyn R. Clark
753 Upper Smith River Rd
Drain OR 97435

STATE OF OREGON

COUNTY OF

DOUGLAS

Proof of Appropriation of Water

EDMUND & JUANITA M. CLARK

RECEIVED

of Smith River Route, Box 2, Drain
has applied beneficially the waters of
Miller Creek

, State of Oregon, 97435

MAY 5 1978

WATER RESOURCES DEPT.
SALEM, OREGON

a tributary of Pass Creek
domestic use for one family and irrigation of 0.5 acre

for the purpose of

under Permit No. 38667 and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from February 19, 1974 for 0.01 c.f.s. for irrigation and August 29, 1973 for 0.005 * that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 0.015 cubic foot per second, being 0.005 c.f.s. for domestic and 0.01 c.f.s for irrigation

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T. 21 S., R. 5 W., W. M., 670 feet North and 2100 feet West; 600 feet North and 2220 feet West; both from the S $\frac{1}{2}$ corner of Section 33.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

Domestic & 0.5 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
T. 21 S., R. 5 W., W. M.

* c.f.s. for domestic

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 1978.

Edmund E. Clark
Juanita M. Clark

RECEIVED

MAR 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON**Oregon Water Resources Department
Water Right Ownership Update Form****NOTICE TO SELLERS & BUYERS:**

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water [ORS 537.130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 378-8455.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Name: Juanita M. Clark
Street Address: 733 Upper Smith River Road
City: Drain State: Oregon Zip: 97435
Phone: 1-541-836-2548

Property Buyer Information:

Name: David B. Clark and Marilyn R. Clark
Street Address: 733 Upper Smith River Road
City: Drain State: Oregon Zip: 97435
Phone: 1-541-836-2548

Property Description (attach additional pages if necessary):

County: Douglas Township: 21 Range: 5 Section: 33

Tax lot number(s): _____

Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

See Exhibit "A" attached hereto and by this reference incorporated herein.

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: 51164 Permit #: 38667 Certificate #: 45643

Will all the lands associated with this water right be owned by the buyer? Yes ☒ No ☐

Name of individual completing this form: Russell G. Trump Signature: Russell G. Trump
Attorney for Juanita Clark
Phone: 1-541-836-2261 Date: March 10, 1997

EXHIBIT "A"

RECEIVED

MAR 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

BEGINNING at a point North 225.70 feet and West 575.65 feet of the Southeast corner of the Southwest quarter of the Southwest quarter of Section 33, Township 21 South, Range 5 West, W.M.; which has previously been established by an iron pipe 1/2" x 24" and witnessed by 2 bearing trees; thence running North 60° 10' West a distance of 515.5 feet along the Northeast right of way boundary of what is known as Smith River Road; thence running North 28° 56' East a distance of 256.6 feet; thence running South 60° 10' East a distance of 515.5 feet; thence running South 28° 25' West a distance of 256.6 feet to the point of beginning in Douglas County, State of Oregon.

Subject to the usual printed exceptions and also the following exceptions, to-wit:

1. ROADS AND HIGHWAYS and the rights of the public therein.
2. EASEMENT, including the terms and provisions therein contained,
Grantee: The California Oregon Power Company
Book: 101
Page: 463, records of Douglas County, Oregon.
3. All other easements, restrictions, reservations, provisions, rights of way and encumbrances of record.

RECEIVED

MAR 13 1997

Russell G. Trump

ATTORNEY AT LAW

O.S.B. 84366

WATER RESOURCES DEPT.

SALEM, OREGON (541) 836-2261

FAX (541) 836-7226

135 Second Street
P.O. Box 517
Drain, Oregon 97435

March 10, 1997

Oregon Water Resources Department
Data Center
3850 Portland Road NE
Salem, Oregon 97310

Re: Clark - Clark Land Transaction

Dear Sirs or Ladies:

Please find enclosed a Water Right Ownership Update Form.

Sincerely,



RUSSELL G. TRUMP
RGT/js

c. Juanita Clark

August 17, 1999

David B. & Marilyn R. Clark
733 Upper Smith Rive Road
Drain, OR. 97435

With regard to the Water Right Ownership Update and the associated water rights:

Application #'s

S - 51164

Permit #'s

S - 38667

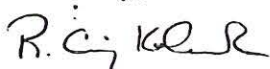
Certificate #'s

45643

The Water Resources Department has reviewed and accepted the Water Right Ownership letter/form you submitted. A copy of this confirmation letter has been placed in the corresponding application, permit, certificate file in the Water Rights section of our department, along with a copy of the Water Right Ownership letter/form you submitted.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek
Technical Services Division

c: Water Rights Section



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

**Oregon Water Resources Department
Water Right Ownership Update Form**

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water [ORS 537.130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

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If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 378-8455.

RECEIVED
AUG 10 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Name: Juanita M. Clark
Street Address: 733 Upper Smith River Road
City: DRAIN State: OR Zip: 97435
Phone: (541) 836-2548

Property Buyer Information:

Name: DAVID B & MARILYN R. CLARK
Street Address: 733 Upper Smith River Road
City: DRAIN State: OR Zip: 97435
Phone: (541) 836-2548

Property Description (attach additional pages if necessary):

County: Douglas Township: ²¹ DRAIN Range: 5 West Section: 33

Tax lot number(s): 900

Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

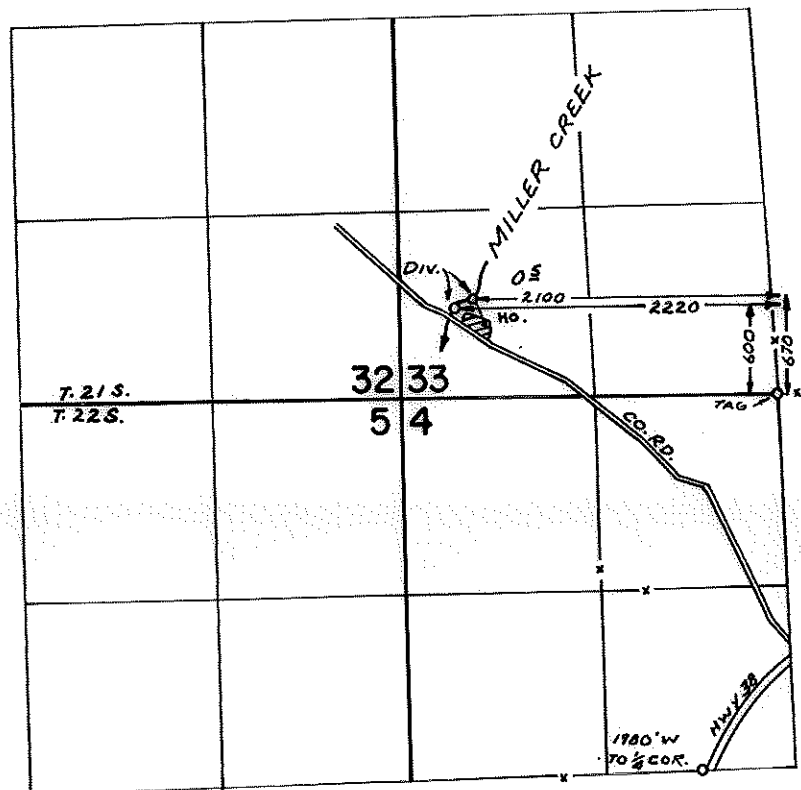
Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: _____ Permit #: _____ Certificate #: 545043

Will all the lands associated with this water right be owned by the buyer? Yes ☒ No ☐

Name of individual completing this form: DAVID B. CLARK Signature: David B. Clark
Phone: (541) 836-2548 Date: 7-27-99

T.21&22S.R.5W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 51164 Permit No. 38667
IN NAME OF

EDMUND & JAUNITA M. CLARK

Surveyed MAY 25 1976, by R. MUCKEN

RECEIVED

AUG 10 1999

WATER RESOURCES DEPT.
SALEM, OREGON

(WEST 575.65')

SET PIN IN DEPRESSION
FROM OLD CORNER
POST LYING ALONGSIDE

PIN BEARS NORTH 318.77'
AND WEST 528.25' FROM
"T-IRON" 1/16 CORNER.

S.28°25'00"W. 240.93'
(S.28°25'W. 256.6')

(S.60°10'E.
S.57°21'4"E.
515.5'
516.52')

DOC. NO. 190169
3.09 ACRES

DEED RECORD
BOUNDARIES
SEE NARRATIVE

(N.28°56'E. 256.60'
N.28°56'00"E. 256.60')

STATE OF OREGON]
COUNTY OF DOUGLAS] SS
I, DOYLE SHAVER JR., COUNTY CLERK AND
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY
THAT THIS INSTRUMENT WAS RECORDED

99 JUL 23 AM 11:03

DOYLE SHAVER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY John J. Bennett
DEPUTY

FEE CK

PHYSICAL & OF
SMITH RIVER ROAD

99-18942

50⁰⁰/₅₅

99-18943

5⁰⁰/₅₅

EXHIBIT 3

HANDED JAN/SENECA



Box

Abstract of Permit No. 38667

Application No. 51164

Certificate No.

Name Edmund & Juanita M. Clark
Address Smith River Route, Box 2
Drain, Oregon 97435

Source of water supply Miller Creek, trib., Pass Creek

Use Domestic use for one family and irrigation of 0.5 AC.

Point of diversion 480' N & 420' E from SW c., s. 33; 520' N & 440' E from SW c., s. 33 being within BOTH W/IN SW 1/4 SW 1/4 s. 33, T. 21 S., R. 5 W., W.M.; Douglas County

Number of acres 0.5
670' N. E. 2100' W; 600' N. E. 2220' W, BOTH FROM S 1/4 COR. SEC. 33

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
21	S	5 W	33		SW 1/4	SW 1/4							0.5 DOM					

Priority date February 19, 1974 for 0.01 c.f.s. for irrigation
August 29, 1973 for 0.005 c.f.s. for domestic

Amount of water 0.015 c.f.s., being 0.005 c.f.s. for domestic and 0.01 c.f.s. for irrigation

Time limit to begin construction 11-18-76

Time limit to complete construction 10-01-77 extended to

extended to

Time limit to completely apply water 10-01-78 extended to

extended to

Remarks: Limitations: 1/80th c.f.s., 2 1/2 a.f.

344-30
5-25-76
R.C.M.

cgm

Pass Creek Muse

Basin 16, Volume 2

Remarks: $\frac{1}{80}, 2\frac{1}{2}$

RECEIVED

AUG 29 1973

STATE ENGINEER
SALEM, OREGON

T. 21 S. R. 5 W. Sec. 33

RECEIVED

FEB 19 1974

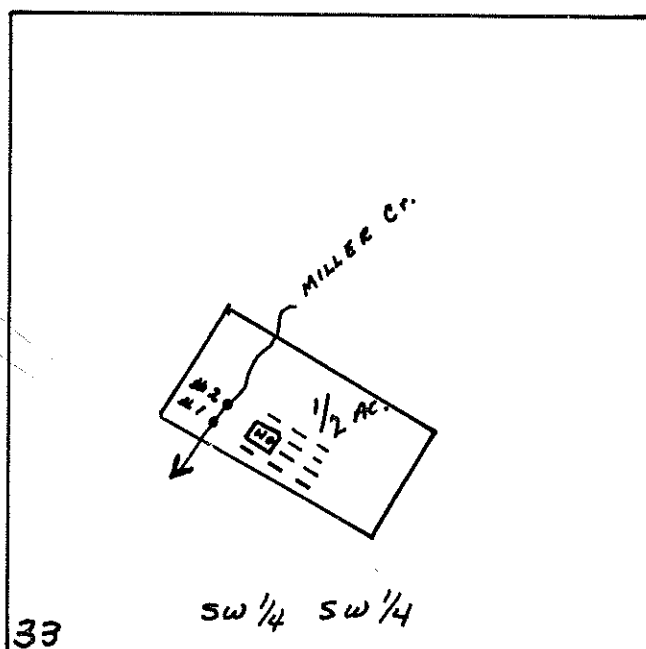
STATE ENGINEER
SALEM, OREGON

RECEIVED

AUG 29 1973

STATE ENGINEER
SALEM, OREGON

Application No. 51164
Permit No. 38667



P.O.D # 2 Domestic
System - 440' E., 520' N.,
from SW Cor. Sec. 33

P.O.D # 1 - Irrigation
System - 420' E., 480' N.,
from SW. Cor. Sec. 33

1" = 400'

RECEIVED

AUG 29 1973

STATE ENGINEER
SALEM, OREGON

T. 21 S. R. 5 W. Sec. 33

RECEIVED

FEB 19 1974

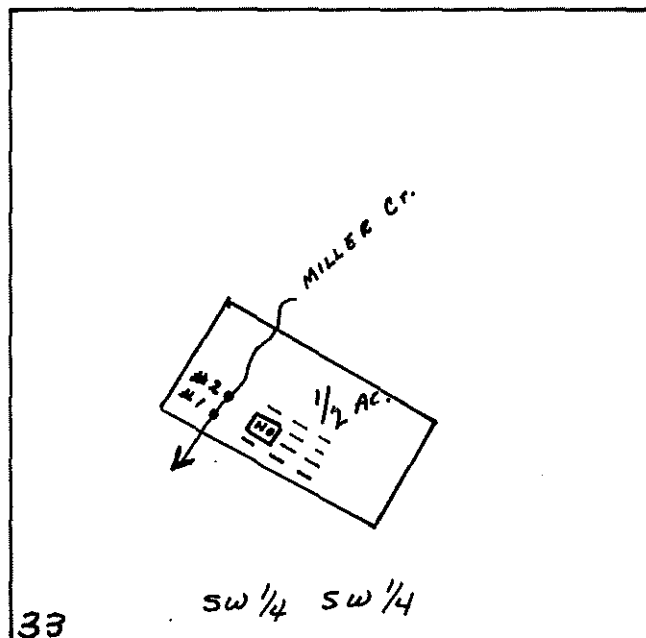
STATE ENGINEER
SALEM, OREGON

RECEIVED

AUG 29 1973

STATE ENGINEER
SALEM, OREGON

Application No. 51164
Permit No. 38667



P.O.D # 2 Domestic
System - 440' E., 520' N.,
from SW Cor. Sec. 33

P.O.D # 1 - Irrigation
System - 420' E., 480' N.,
from SW. Cor. Sec. 33

1" = 400'

51164

May 22, 1974

Edmund and Juanita M. Clark
Smith River Rt. Box 2
Drain, OR 97435

Dear Mr. and Mrs. Clark:

This will acknowledge return of your application No. 51164 and map, the application now describing the proposed use of 0.01 cubic foot of water per second for domestic use and 0.01 cubic foot of water per second for irrigation of one-half acre. The additional amount of 0.01 cubic foot of water per second added to your application has received a priority date of February 19, 1974, when the application was received.

The additional \$10.00 was also received for which our receipt No. 38719 is enclosed.

The application is now in satisfactory form for approval by the issuance of a permit.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mm
encl
Receipt No. 38719

January 8, 1974

51164

Edmund & Juanita M. Clark
Smith River Route, Box 2
Drain, OR 97435

Dear Mr. and Mrs. Clark:

This will acknowledge your application for a permit to appropriate 0.01 cubic foot of water per second from Miller Creek for domestic supplies for one family including up to ½ acre lawn and garden. The map prepared on tracing paper, legal description, and fees of \$30.00 were also received. Our receipt No. 36373 is enclosed. Your application has been filed and numbered 51164.

Since you intend to use a separate system to supply household water and a separate system to supply water for the irrigation of the ½ acre, it will be necessary for you to amend item No. 2 and 3 on your application and submit an additional \$10.00 recording fee for the irrigation use. Item No. 3 must be amended by listing the two uses "domestic and irrigation" and further listing the amount of water to be appropriated for each use, the total of which should be entered in item No. 2.

I am returning your application and map for correction and completion. Your application is endorsed so that in order to retain its priority date, it must be received in this office on or before March 8, 1974.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:mjf
Enclosures

cc: John Youngquist