

CLAIM OF BENEFICIAL USE AND SITE REPORT

IN THE NAME OF LINDLEY AND LOIS STANTON

TRANSFER T - 8645

PERMIT 34988

SECTION 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

GENERAL INFORMATION

The methods used to determine the information contained in this document are as follows:

1. Examination of Assessor's map - Section 24, Township 28 South, Range 4 West, W.M.;
2. Examination of D. L. C. index for Township 28 South, Range 4 West, W.M.;
3. Examination of Transfer T - 8645 in the name of Lindley and Lois Stanton;
4. Examination of Permit 34988;
5. Examination of Delorme topographic maps;
6. On site survey, February 24, 2003; and
7. Interview with Lindley Stanton on February 24, and April 24, 2003.

SOURCE

The source of water for irrigation is North Myrtle Creek, tributary of Myrtle Creek.

POINT OF DIVERSION

The point of diversion is located 1,240 feet north and 840 feet east from the West Quarter Corner of Section 24; being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 28 South, Range 4 West, W.M.; Douglas County.

The point of diversion from North Myrtle Creek noted in the "Registration Statement Claiming a Right to Appropriate Surface Water" filed by Floyd F. Giese, number SWR-11 - priority date of 1908, should be changed to the new point of diversion. The above described point of diversion is applicable only to the acreage listed below.

USE

The use of water is irrigation of 19.6 acres.

PLACE OF USE

NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.6 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.3 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 acre

Section 24
Township 28 South, Range 4 West, W.M.

RECEIVED

MAY 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

DIVERSION WORKS AND DELIVERY SYSTEM

Diversion is accomplished by a 10 horsepower electric motor/centrifugal pump which pumps water through a 4 inch aluminum main line in a northerly direction which supplies a second 4 inch mainline which runs along the road (both directions) for 500 feet then reduces to a 3 inch aluminum line to the end of the fields. All mainlines are buried. There is a header approximately every 60 feet to which 2½ inch aluminum laterals are connected. Water is applied to the fields by rainbird impulse sprinklers located on the 2½ inch lateral lines. With exception of the lateral lines, the system is buried. The system includes 29 rainbird 30's with a nozzle size of 3/16" spaced 20 feet apart and two rainbird 30's with a nozzle size of 3/16" spaced 15 feet apart.

Motor:	Baldor electric pump	10 HP	240 Volt	
	Index No.:	37E284Y4T	40 amp.	3420 rpm
Pump:	Gould	6.75" impeller	1½" x 2"	
	Model: Flick	Serial No.: C0153701		

There is a 4" aluminum line for the intake that is 20 feet long with an 8 foot lift and a 4" discharge line that has an inline McCrometer meter placed near the pump. Lift from pump to fields is a maximum of 25 feet.

Meter:	McCrometer	Serial No.: 01-05714-3
	Sweep hand: gallons/minute	Totalizer: gallons x 10

System Calculations are attached as Exhibit A.

Fish Screen: A self cleaning fish screen is located at the intake. The fish screen was approved by the Watershed Council and the self certification is attached as Exhibit B.

PERMIT CONDITIONS

The permit holder has met all permit (transfer) conditions. The self certification for the fish screening is attached as Exhibit B.

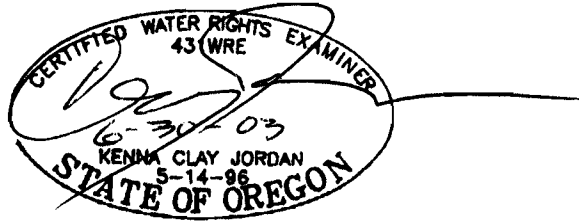
RECEIVED

MAY 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Transfer 8645 were completed under the direction of and by Kenna Clay Jordan, Certified Water Right Examiner No. 431, on February 24, 2003, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



We, Lindley and Lois Stanton, agree to the findings of Kenna Clay Jordan, Certified Water Right Examiner No. 431, and do submit this site report and map as Claim of Beneficial Use of the water as provided under the terms and conditions of the Transfer.

Lindley W Stanton
Signature

05-09-03
Date

Lois Stanton
Signature

05-09-03
Date

RECEIVED
MAY 21 2003
WATER RESOURCES DEPT.
SALEM, OREGON

JORDAN ENGINEERING

460 Jordan Lane
Roseburg, Oregon 97470
Phone (541) 673-1931

Job LINDLEY AND LOIS STANTON
S24, T28, R4
TRANSFER-8645 PERMITS 34988
Calc. by Clay Date 5-16-03 No. 1 of 1

DESIGN INFO:

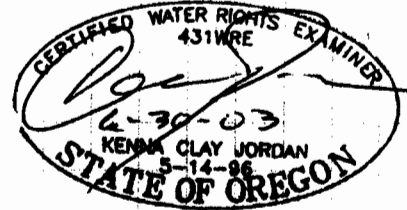
PUMP:

Pump = 10 HP

ELEV HEAD = 25'

ASSUMED P.S.I. = 45 psi (2.31) = 103.95'

EFFICIENCY = 6.61



$Q = \frac{10(6.61)}{25 + 103.95} = \underline{\underline{0.51}} \text{ CFS}$

SPRINKLERS:

31 RAINBIRD 30's w/ 3/16" NOZZLES @ 45 psi

$Q = \frac{31(6.8)}{449 \text{ gpm}} = \underline{\underline{0.47}} \text{ CFS}$

NOTE: 0.51 CFS \approx 0.47 CFS \therefore ASSUME PSI @ 45 psi

PIPE CAPACITY:
4" ϕ

0.51 CFS (7.48 G/FT³) (60 s/m) = 229 GPM \approx 5.8 FT/sec. OK

CONCLUSIONS:

System Capacity \approx 0.47 CFS $>$ 0.245 OK

RECEIVED

MAY 21 2003

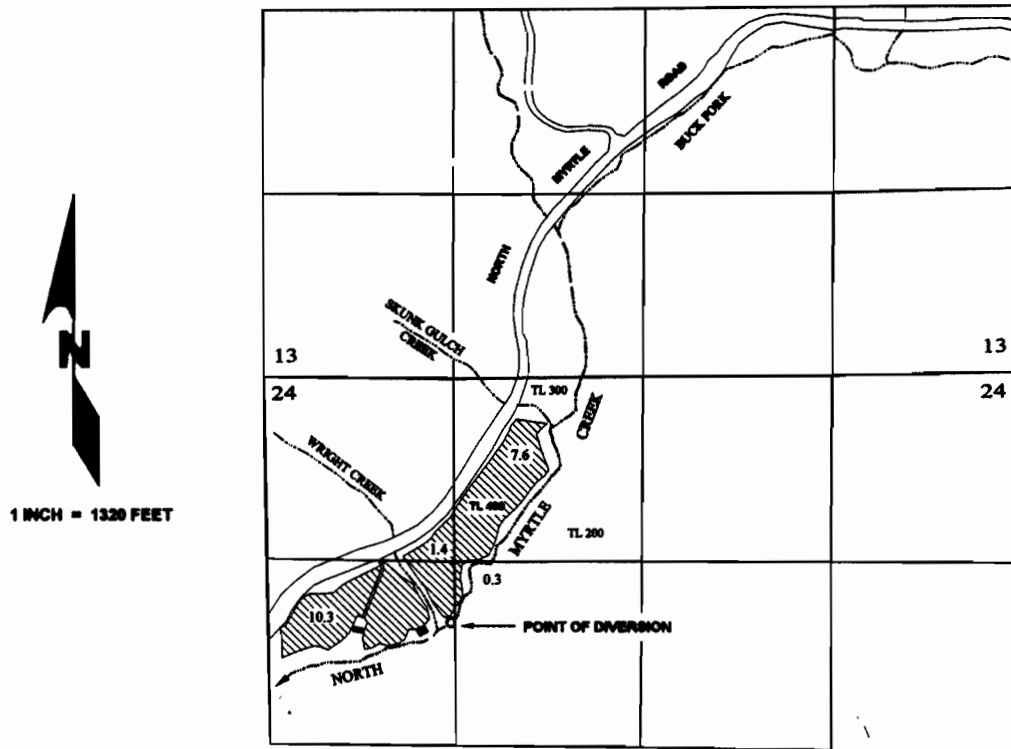
WATER RESOURCES DEPT.
SALEM, OREGON

**FINAL PROOF SURVEY MAP
IN THE NAME OF LINDLEY AND LOIS STANTON**

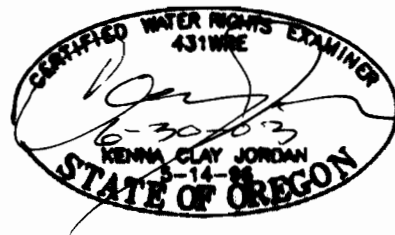
PERMIT 34988

T - 8645

SECTION 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



**THE POINT OF DIVERSION IS LOCATED 1240 FEET NORTH AND 840 FEET EAST
FROM THE WEST QUARTER CORNER OF SECTION 24; BEING WITHIN THE SW¼ NW¼
OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.**



RECEIVED

MAY 21 2003

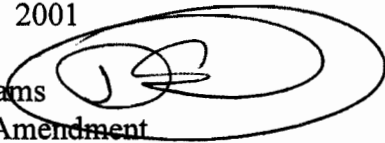
**WATER RESOURCES DEPT.
SALEM, OREGON**

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.

District 15
Watermaster's Office
OREGON WATER RESOURCES DEPARTMENT
Douglas County Courthouse
1036 SE Douglas, Room 306
Roseburg, Oregon 97470
541-440-4255
Fax: 541-440-6264

INTEROFFICE MEMO

Date: February 5, 2001
To: Cory Engel
From: Dave Williams
Re: SWR - 11 Amendment



Enclosed is an amendment for SWR - 11 covering the Lund's portion of this claim. Give me a call if you need any additional information. Thanks, DsW.

RECEIVED
FEB 07 2001
WATER RESOURCES DEPT.
SALEM, OREGON

**AMENDED VESTED WATER RIGHT CLAIM
AMENDMENT TO SURFACE WATER REGISTRATION No. 11
AMENDING OWNERSHIP AND POINT OF DIVERSION**

1. Original Claimant: Floyd F. Giese

Current Landowner: Art and Linda Lund
P. O. Box 296
Orangevale, CA 95662
Phone: (916) ~~988~~ - 5178
712

Oregon Address: 13860 North Myrtle Road, P.O. Box 2174
Myrtle Creek, OR 97457
Phone: (541) 863 - 3674

2. Applicable Lands:

Original Claim: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres
All within Section 13

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.2 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres
All within Section 24

Township 28 South, Range 4 West, W.M.

Lund Portion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres
All within Section 13

Township 28 South, Range 4 West, W.M.

3. Proposed Point of Diversion Amendment:

The original point of diversion was located 2,200 feet north and 1,650 feet east from the southwest corner of Section 13, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 28 South, Range 4 West, W.M.; Douglas County.

The proposed points of diversion are to be located as follows:

No. 1: 1,820 feet north and 1,750 feet east, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$;

No. 2: 950 feet north and 2,050 feet east, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$;

No. 3: 640 feet north and 2,110 feet east, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$; all from the southwest corner of Section 13 and within Section 13, Township 28 South, Range 4 West, W.M.; Douglas County.

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

OREGON
STATE OF CALIFORNIA)
) SS.
County of DOUGLAS)

I ARTHUR D. & ALICE LUND ^{LINDA}, being first duly sworn, depose and say that the lands within my ownership as described on Certificate No. 45484 and Surface Water Registration No. 11, as recorded with the Oregon Water Resources Department, have been beneficially irrigated within the past five years in accordance with the terms and conditions of the right and claim.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of JANUARY, ²⁰⁰¹~~2000~~.

Art Lund
Art Lund
Linda Alice Lund

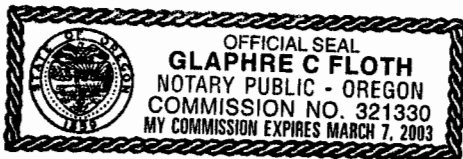
RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Subscribed and sworn to before me this 10 day of JANUARY, ²⁰⁰¹~~2000~~.

Glaphre C Floth
Notary Public

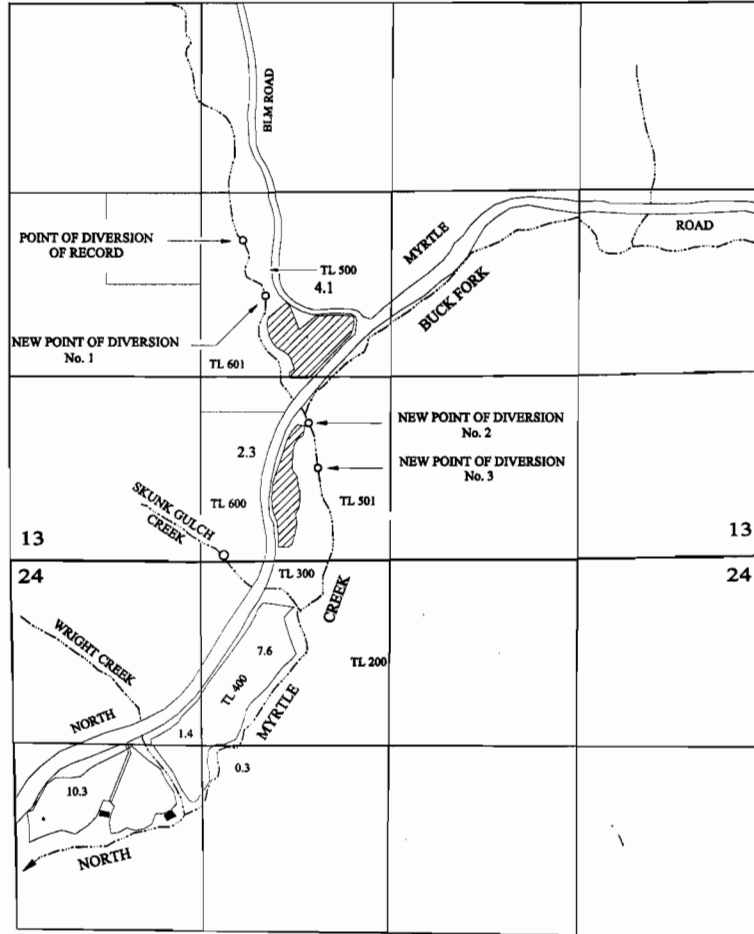


My commission expires: 03-07-03

AMENDED VESTED WATER RIGHT CLAIM IN THE NAME OF ART AND LINDA LUND

CLAIM No. SWR - 11

SECTIONS 13 & 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



RECEIVED

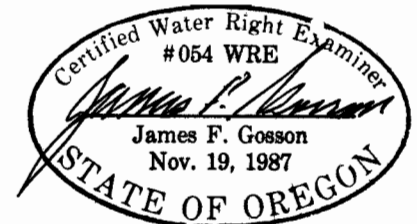
FEB 07 2001

**WATER RESOURCES DEPT.
SALEM, OREGON**

THE POINT OF DIVERSION OF RECORD IS LOCATED 2200 FEET NORTH AND 1650 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 13.

THE NEW POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

POINT OF DIVERSION No. 1 IS TO BE LOCATED 1820 FEET NORTH AND 1750 FEET EAST, BEING WITHIN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$; AND
 POINT OF DIVERSION No. 2 IS TO BE LOCATED 950 FEET NORTH AND 2050 FEET EAST, BEING WITHIN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$; AND
 POINT OF DIVERSION No. 3 IS TO BE LOCATED 640 FEET NORTH AND 2110 FEET EAST, BEING WITHIN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 ALL FROM THE SOUTHWEST CORNER OF SECTION 13 AND WITHIN SECTION 13, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

RECEIVED

FEB 09 1991

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT
SALEM, OREGON

REGISTRATION STATEMENT CLAIMING A RIGHT
TO APPROPRIATE SURFACE WATER

Registrant: Floyd F. Giese

Mailing address: 13600 N. Myrtle Road

	Street		
<u>Myrtle Creek</u>	OR	97457	863 4985
City or town	State	Zip	Phone

1. Sources of water Skunk Gulch and North Myrtle Creek
Tributary to North Myrtle Creek and Myrtle Creek

2. Purpose(s) for which water is used Irrigation
(irrigation, power, mining, domestic, stock, etc.)

3. Amount of water used for beneficial purpose 0.33 cfs North Myrtle Creek
0.05 cfs Skunk Gulch
(cubic feet per second)

4. Date of the initiation of such water right 1908
If the right to be claimed is described by permit, give the permit no. 34988, certificate no. 45484, and name it is in Floyd F. Giese

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

A) DITCH:

Material dirt
(dirt, concrete, etc.)
Top width 2'8" Bottom width 2' Depth 20"
Grade or fall per 1000 feet 2.3 to 4.5 Capacity 2.0+ cfs
(cubic feet per second)

B) PIPELINE:

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

WATER RESOURCES DEPT.
SALEM, OREGON

FEB 07 2001

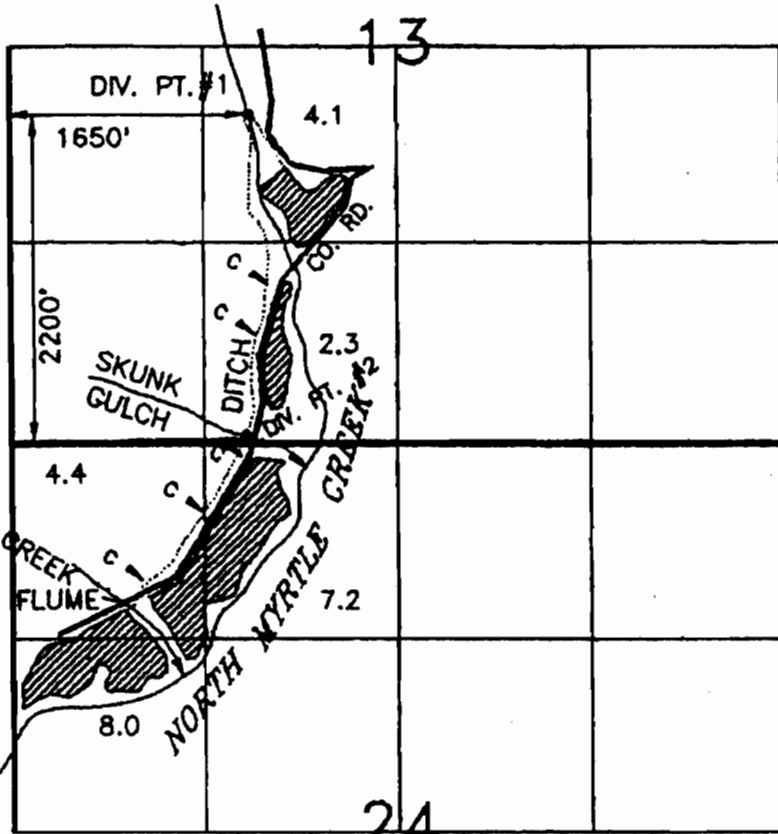
RECEIVED

511

RECEIVED

T28S R4W WM

WATER RESOURCES DEPT
SALEM, OREGON



DIVERSION POINT #2 IS
1600 FEET EAST AND
30 FEET NORTH FROM THE
SOUTHWEST CORNER OF
SECTION 13



SCALE 1"=1320'

NOTE: ALL LAND IN SECTION 24 IS ALSO IRRIGATED FROM SKUNK GULCH

SURVEY IS REDRAWN FROM FINAL PROOF SURVEY FOR PERMIT 34988
SURVEYED MARCH 26 1975

c CULVERTS UNDER ROAD USED FOR IRRIGATION

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT
SALEM, OREGON

SURVEY OF CLAIM FOR VESTED WATER RIGHT IN NAME OF

Floyd F. Giese

DATE JULY 16, 1989

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

- - Property Data Selection Menu - -

-1

Owner: LUND, ARTHUR D & LINDA A

Prop ID : R30137 (9938.03)

(13008) PO BOX 296

Map Tax Lot: 28-04-13-00500

ORANGEVALE, CA 95662

Legal : ACRES 00025.12, (1) PT M&B INST

96-15506 (4) * 98 POTENTIAL TAX*

AA

Situs : 13860 NORTH MYRTLE RD
MYRTLE CREEK, OR 97457

Year Built :

Living Area:

Name(s) : 2000 Roll Values

Code Area : 01900 Improvements \$ 15,987 (+)

Sale Info : 01/04/96 \$133,500 Land \$ 41,100 (+)

Deed Type : DEED Land Spec Mkt \$ 17,788

Instrument: 1997-23485 Land Spec Use \$ 2,240 (+)

2000 Tax Status * No Taxes Due * Appraised \$ 59,327 (=)

Current Levied Taxes : 316.95 Exemptions \$ 0 (-)

Special Assessments : 22.16 Taxable RMV \$ 59,327 (=)

2001-02 SB125 Taxes : M50 Assessed \$ 46,790

AA

(A)lt Disp 3 (Y) primary 3 (S)econdary 3 (L)and/Impr

(G)en Appr 3 (O)wnership 3 (H)istory 3 (.) More

AA

Enter Option from Above or <RET> to Exit: _

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

- - Property Data Selection Menu - -

*
-1
Prop ID : R30145 (9938.04) Owner: LUND, ARTHUR D & LINDA A
Map Tax Lot: 28-04-13-00501 (13008) PO BOX 296
Legal : ACRES 00025.00, (1) PT M&B INST ORANGEVALE, CA 95662
79-20159 (4) * 98 POTENTIAL TAX*

AA
Situs : 0 NORTH MYRTLE RD Year Built :
MYRTLE CREEK, OR 97457 Living Area:

Name(s) :	2000 Roll Values		
Code Area : 01900	Improvements	\$	0 (+)
Sale Info : 01/04/96 \$133,500	Land	\$	4,853 (+)
Deed Type : DEED	Land Spec Mkt	\$	11,410
Instrument: 1997-23485	Land Spec Use	\$	1,853 (+)
2000 Tax Status * No Taxes Due *	Appraised	\$	6,706 (=)
Current Levied Taxes : 40.09	Exemptions	\$	0 (-)
Special Assessments :	Taxable RMV	\$	6,706 (=)
2001-02 SB125 Taxes :	M50 Assessed	\$	6,073

AA
(A)lt Disp 3 (Y) primary 3 (S)econdary 3 (L)and/Impr
(G)en Appr 3 (O)wnership 3 (H)istory 3 (.) More

AA
Enter Option from Above or <RET> to Exit: ___

RECEIVED
FEB 07 2001
WATER RESOURCES DEPT.
SALEM, OREGON

- - Property Data Selection Menu - -

-1
Prop ID : R30129 (9938.01) Owner: LUND, ARTHUR D & LINDA A
Map Tax Lot: 28-04-13-00601 (13008) PO BOX 296
Legal : ACRES 00023.78, (1) PT M&B INST ORANGEVALE, CA 95662
96-15504 (5) 95-6566

AA

Situs : 0 NORTH MYRTLE RD Year Built :
MYRTLE CREEK, OR 97457 Living Area:

Name(s) : 2000 Roll Values
Code Area : 01900 Improvements \$ 0 (+)
Sale Info : 06/30/97 \$117,500 Land \$ 0 (+)
Deed Type : DEED Land Spec Mkt \$ 12,175
Instrument: 1997-13991 Land Spec Use \$ 1,974 (+)
2000 Tax Status * No Taxes Due * Appraised \$ 1,974 (=)
Current Levied Taxes : 12.00 Exemptions \$ 0 (-)
Special Assessments : Taxable RMV \$ 1,974 (=)
2001-02 SB125 Taxes : M50 Assessed \$ 1,974

AA

(A)lt Disp 3 (Y) primary 3 (S)econdary 3 (L)and/Impr
(G)en Appr 3 (O)wnership 3 (H)istory 3 (.) More

AA

Enter Option from Above or <RET> to Exit: _____

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

WARRANTY DEED

Floyd F. Giese, Grantor, by and through his duly appointed conservator, Anna L. Giese, conveys and warrants to James D. Bunker, Grantee, that certain real property more particularly described in the attached Exhibit A, free of encumbrances.

The true consideration for this conveyance is \$133,500.00.

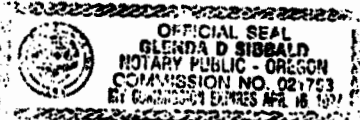
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm or forest zones, may not authorize construction or siting of a residence. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses, the existence of fire protection for structures, and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

DATED: Jan. 4, 1996.

Floyd F. Giese
by Anna L. Giese, Conservator
Floyd F. Giese, by Anna L. Giese, His Duly Appointed and Acting Conservator

STATE OF OREGON)
)ss.
County of Douglas)

This instrument was acknowledged before me this 4 day of January, 1996, by Anna L. Giese, Conservator for Floyd F. Giese.



Glenda D. Sibbald
Notary Public for Oregon
SEAL:

Until Further Notice, Send All Tax Statements To: James D. Bunker 142 W Broccoli Roseburg OR 97470

After Recording, Return To: ~~James D. Bunker 142 W Broccoli Roseburg Or 97470~~

UMPOUA TITLE & ESCROW SERVICES
Post Office Box 1400
Roseburg, Oregon 97470

Collection Escrow #3619

WARRANTY DEED

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

UMPOUA TITLE & ESCROW SERVICES # 3619

EXHIBIT A

That portion of the East 1/4 of the Southwest quarter of Section 13, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, lying Southerly and Easterly of County Road No. 15. ALSO that portion of the East 1/4 of the Southwest quarter of said Section 13 lying Northerly of County Road No. 15 and Easterly of the center line of North Myrtle Creek. T28S, R04W, S13 TL 500.

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

97 NOV 19 AM 9:31

DOYLE SHAVER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY Doyle Shaver Jr.

DEPUTY

FEE

97-23485

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

RETURN RECORDED DOCUMENT TO:
Umpqua Title & Escrow Services
PO Box 1809
Roseburg, OR 97470
Escrow No. 33583

SEND TAX STATEMENTS TO:
GRANTEE:
PO Box 296
Orangevale, CA 95662-0296



WARRANTY DEED - STATUTORY FORM

GRANTOR:
JAMES D. BUNKER and PEGGY A. BUNKER, husband and wife

GRANTEE:
ARTHUR D. LUND and LINDA A. LUND, husband and wife

Grantor conveys and warrants to Grantee the following described real property free of encumbrances except as specifically set forth herein situated Douglas County, Oregon, to wit:

SEE EXHIBIT 'A' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

The said property is free from encumbrances except RIGHTS OF THE PUBLIC and EASEMENTS of record and FARM AND FOREST LAND TAX ASSESSMENTS WHICH GRANTEES HEREIN AGREE TO ASSUME AND PAY AND CONTRACT, a memorandum of which was recorded in Book 1386 at Page 762 WHICH GRANTEES herein agree to assume and pay

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

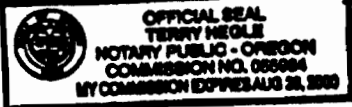
The true consideration for this conveyance is \$117,500.00. (Here comply with the requirements of ORS 93.030)

Dated this 30th day of June, 1997

James D. Bunker Peggy A. Bunker
JAMES D. BUNKER PEGGY A. BUNKER

State of Oregon, County of Polk) ss.

This instrument was acknowledged before me on June 30, 1997, by JAMES D. BUNKER, PEGGY A. BUNKER.

 OFFICIAL SEAL
TERRY MEALE
NOTARY PUBLIC - OREGON
COMMISSION NO. 066994
MY COMMISSION EXPIRES AUG 28, 2000
Terry Meale
Notary Public for Oregon
My commission expires 8-26-00

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

UMPUQA TITLE & ESCROW SERVICES 33583

EXHIBIT 'A'

PARCEL 1:

That portion of the East half of the Southwest quarter of Section 13, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, lying Southerly and Easterly of County Road No. 15. ALSO that portion of the East half of the Southwest quarter of said Section 13 lying Northerly of County Road No. 15 and Easterly of the center line of North Myrtle Creek.

T28S. R04W. S13 TL500, 501

PARCEL 2:

The East half of the Southwest quarter and the Northeast quarter of the Northwest quarter of the Southwest quarter of Section 13; all in Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon. EXCEPT those portions conveyed to Douglas County in Volume 107, Page 569 and Volume 251, Page 574 of the Deed records of Douglas County, Oregon.

ALSO EXCEPTING THEREFROM that part lying within North Myrtle County Road No. 15.

ALSO EXCEPTING THEREFROM that portion of the East half of the Southwest quarter of Section 13, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, lying Southerly and Easterly of County Road Number 15. ALSO EXCEPTING THEREFROM that portion of the East half of the Southwest quarter of said Section 13 lying Northerly of County Road Number 15 and Easterly of the Center line of North Myrtle Creek.

ALSO EXCEPTING THEREFROM that portion described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of the Southwest quarter of Section 13, Township 28 South, Range 4 West, Willamette Meridian, in Douglas County, Oregon; thence North 0° 09' West, along the West line of said quarter-quarter, 1051.1 feet; thence East to a point on the Westerly right of way line of County Road No. 15; thence Southerly along said right of way line to a point on the South line of said Section 13; thence West to the point of beginning.

T28S. R04W. S13 TL601

Order No. 35585

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, CLARENCE, COUNTY CLERK AND RECORDER OF
CONVEYANCES, DO HEREBY CERTIFY THAT THIS
INSTRUMENT WAS RECORDED

97 JUL -8 AM 9:30

DOYLE SWANER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *V. M. R. Adairport*

UTC

30
35

97-13991

**District 15
Watermaster's Office
OREGON WATER RESOURCES DEPARTMENT
Douglas County Courthouse
1036 SE Douglas, Room 306
Roseburg, Oregon 97470
541-440-4255
Fax: 541-440-6264**

INTEROFFICE MEMO

Date: December 6, 2000
To: Cory Engel
From: Dave Williams
Re: SWR - 11 Amendment

Enclosed is the amendment we discussed for SWR - 11. Hopefully we have included everything you need. Give me a call if I can be of any further help. Thanks, DsW.

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

**AMENDED VESTED WATER RIGHT CLAIM
AMENDMENT TO SURFACE WATER REGISTRATION No. 11
AMENDING OWNERSHIP, PLACE OF USE AND POINT OF DIVERSION**

1. Original Claimant: Floyd F. Giese

Current Landowner: Lindley and Lois Stanton
13339 North Myrtle Creek Road
Myrtle Creek, OR 97457

Phone: (541) 863 - 5035

2. Applicable Lands:

Original Claim: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres
All within Section 13

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.2 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres
All within Section 24

Township 28 South, Range 4 West, W.M.

Stanton Portion: NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.2 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres
All within Section 24

Township 28 South, Range 4 West, W.M.

3. Proposed Point of Diversion Amendment:

The original point of diversion on North Myrtle Creek is located 2,200 feet north and 1,650 feet east from the southwest corner of Section 13, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13; and the original point of diversion on Skunk Gulch Creek is located 1600 feet east and 30 feet north from the southwest corner of Section 13, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, both within Section 13, Township 28 South, Range 4 West, W.M.; Douglas County.

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

The proposed points of diversion are to be located as follows:
No. 1: 420 feet south and 1980 feet east, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$;
No. 2: 1740 feet south and 1270 feet east, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$;
No. 3: 1810 feet south and 1160 feet east, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$;
all from the northwest corner of Section 24 and within Section 24,
Township 28 South, Range 4 West, W.M.; Douglas County.

4. Purpose of the Amendment:

Ownership: We purchased the southern portion of Mr. Giese's property and desire to maintain the claim in our names.

Point of Diversion: Working with the Umpqua Basin Watershed Council, we desire to eliminate the ditch and discontinue flood irrigation and install a pump/pipeline system to more efficiently irrigate the lands. The diversion dam will no longer be used to better protect the fishery resources on North Myrtle Creek.

Place of Use: The physical location of the lands have not changed. The original map was based on a final proof survey that had the road incorrectly located in the section. The map submitted with this amendment correctly identifies the road and lands as shown on the Douglas County Assessor's Maps.

The lands are to be described as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.6
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.3
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.3

5. Remarks: A similar amendment is being submitted by Art and Linda Lund for the remaining portion of Mr. Giese's claim. It is the goal of the project to eliminate the ditch system and go to a more efficient system of applying the water on the fields for irrigation. The new diversions will be designed and metered to accomplish the goal.

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

**AMENDED VESTED WATER RIGHT CLAIM
AMENDMENT TO SURFACE WATER REGISTRATION No. 11
AMENDING OWNERSHIP AND POINT OF DIVERSION**

1. Original Claimant: Floyd F. Giese

Current Landowner: Art and Linda Lund
P. O. Box 296
Orangevale, CA 95662
Phone: (916) ~~988~~ - 5178
712

Oregon Address: 13860 North Myrtle Road, P.O. Box 2174
Myrtle Creek, OR 97457
Phone: (541) 863 - 3674

2. Applicable Lands:

Original Claim: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres
All within Section 13

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.2 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 acres
All within Section 24

RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Township 28 South, Range 4 West, W.M.

Lund Portion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 acres
All within Section 13

Township 28 South, Range 4 West, W.M.

3. Proposed Point of Diversion Amendment:

The original point of diversion was located 2,200 feet north and 1,650 feet east from the southwest corner of Section 13, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 28 South, Range 4 West, W.M.; Douglas County.

The proposed points of diversion are to be located as follows:

- No. 1: 1,820 feet north and 1,750 feet east, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
- No. 2: 950 feet north and 2,050 feet east, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- No. 3: 640 feet north and 2,110 feet east, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$; all from the southwest corner of Section 13 and within Section 13, Township 28 South, Range 4 West, W.M.; Douglas County.

4. Purpose of the Amendment:

Ownership: We purchased the northern portion of Mr. Giese's property and desire to maintain and pursue the claim in our name.

Point of Diversion: Working with the Umpqua Basin Watershed Council, we desire to eliminate the ditch and discontinue flood irrigation and install a pump/pipeline system to more efficiently irrigate the lands. The diversion dam will no longer be used to better protect the fishery resources on North Myrtle Creek.

5. Remarks: A similar amendment is being submitted by Lindley and Lois Stanton for the remaining portion of Mr. Giese's claim. It is the goal of the project to eliminate the ditch system and go to a more efficient system of applying the water on the fields for irrigation. The new diversions will be designed and metered to accomplish the goal.

IN WITNESS WHEREOF, we have hereunto set our hands this 10th day of JANUARY, ²⁰⁰¹~~2000~~.

[Signature]
Art Lund

[Signature]
Linda Lund

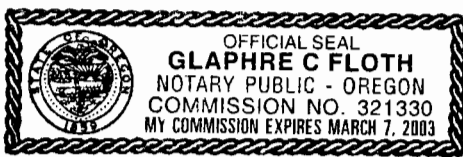
RECEIVED

FEB 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF DOUGLAS
Subscribed and sworn to before me this 10 day of JANUARY, ²⁰⁰¹~~2000~~.
By: ARTHUR D & LINDA ALICE LUND

[Signature]
Notary Public for Oregon



My commission expires: 02-07-03

Attachments:

1. Amended Vested Water Right Claim map.
2. Copy of the legal description.
3. Affidavit attesting to use of water.

IN WITNESS WHEREOF, we have hereunto set our hands this 29 day of November, 2000.

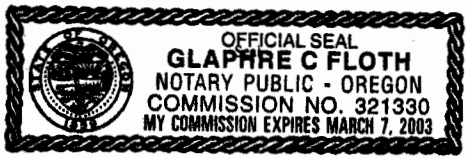
Lindley Stanton
Lindley Stanton

Lois Stanton
Lois Stanton

Subscribed and sworn to before me this 29 day of NOVEMBER 2000.

By: LINDLEY W & LOIS STANTON

Glaphre C Floth
Notary Public for Oregon



My commission expires: 03-07-03

Attachments:

1. Amended Vested Water Right Claim map.
2. Copy of the legal description.
3. Affidavit attesting to use of water.

RECEIVED

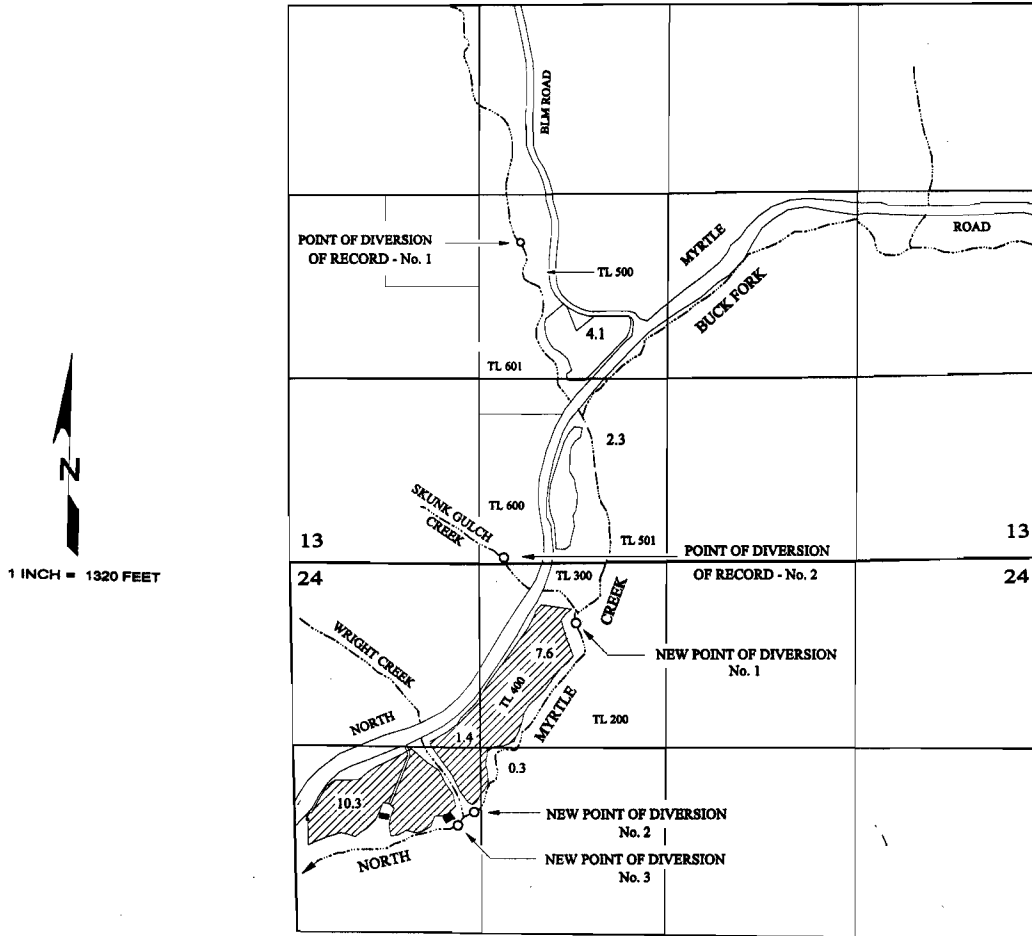
DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

AMENDED VESTED WATER RIGHT CLAIM IN THE NAME OF LINDLEY AND LOIS STANTON

CLAIM No. SWR - 11

SECTIONS 13 & 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



POINT OF DIVERSION No. 1 (NORTH MYRTLE CREEK) IS LOCATED 2200 FEET NORTH AND 1650 FEET EAST AND POINT OF DIVERSION No. 2 (SKUNK GULCH CREEK) IS LOCATED 30 FEET NORTH AND 1600 FEET EAST; BOTH FROM THE SOUTHWEST CORNER OF SECTION 13, AND WITHIN SECTION 13, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

THE NEW POINTS OF DIVERSION ARE TO BE LOCATED AS FOLLOWS:

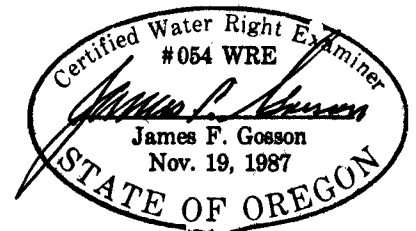
POINT OF DIVERSION No. 1 IS TO BE LOCATED 420 FEET SOUTH AND 1980 FEET EAST, BEING WITHIN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$; AND
 POINT OF DIVERSION No. 2 IS TO BE LOCATED 1740 FEET SOUTH AND 1270 FEET EAST, BEING WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$; AND
 POINT OF DIVERSION No. 3 IS TO BE LOCATED 1810 FEET SOUTH AND 1160 FEET EAST, BEING WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 ALL FROM THE NORTHWEST CORNER OF SECTION 24 AND WITHIN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

RECEIVED

DEC 07 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.



- - Property Data Selection Menu - -

*
-1
Prop ID : R30625 (9973.02) Owner: STANTON, LOIS & LINDLEY W
Map Tax Lot: 28-04-24-00400 (13356) 13339 NORTH MYRTLE RD
Legal : ACRES 00028.16, (1) M&B INST MYRTLE CREEK, OR 97457
79-20160 (3) TITLE EXEMPT*

AA

Situs : 13339 NORTH MYRTLE RD Year Built :
MYRTLE CREEK, OR 97457 Living Area:

Name(s) : 2000 Roll Values

Code Area : 01900 Improvements \$ 88,542 (+)

Sale Info : 12/29/94 \$50,000 Land \$ 0 (+)

Deed Type : DEED Land Spec Mkt \$ 105,810

Instrument: 1999-29612 Land Spec Use \$ 14,093 (+)

2000 Tax Status * Unpaid Taxes * Appraised \$ 102,635 (=)

Current Levied Taxes : 580.07 Exemptions \$ 0 (-)

Special Assessments : 26.83 Taxable RMV \$ 102,635 (=)

2001-02 SB125 Taxes : M50 Assessed \$ 85,633

AA

(A)lt Disp 3 (Y) primary 3 (S)econdary 3 (L)and/Impr

(G)en Appr 3 (O)wnership 3 (H)istory 3 (.) More

AA

Enter Option from Above or <RET> to Exit: _

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

That portion of the Northwest $\frac{1}{4}$ of Section 24, Township 28 South, Range 4 West of Willamette Meridian, Douglas County, Oregon, lying Northerly and Westerly of North Myrtle Creek, Southerly and Easterly of County Road Number 15, and Southerly of what is known as Skunk Gulch.

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

99 DEC 15 AM 9:36

DOYLE SHAVER JR.
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *Doyle Shaver Jr.*
DEPUTY
FEE 30
35

WARRANTY DEED

99-29612

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FEB 09 1991

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT
SALEM, OREGON

REGISTRATION STATEMENT CLAIMING A RIGHT
TO APPROPRIATE SURFACE WATER

Registrant: Floyd F. Giese

Mailing address: 13600 N. Myrtle Road

	Street		
<u>Myrtle Creek</u>	OR	97457	863 4985
City or town	State	Zip	Phone

1. Sources of water Skunk Gulch and North Myrtle Creek

Tributary to North Myrtle Creek and Myrtle Creek

2. Purpose(s) for which water is used Irrigation

(irrigation, power, mining, domestic, stock, etc.)

3. Amount of water used for beneficial purpose	0.33 cfs	North Myrtle Creek
	0.05 cfs	Skunk Gulch
	(cubic feet per second)	

4. Date of the initiation of such water right 1908

If the right to be claimed is described by permit, give the permit no. 34988, certificate no. 45484, and name it is in Floyd F. Giese

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

A) DITCH:

Material dirt

(dirt, concrete, etc.)

Top width 2'8" Bottom width 2' Depth 20"

Grade or fall per 1000 feet feet 2.3 to 4.5 Capacity 2.0+ cfs
(cubic feet per second)

B) PIPELINE:

Size at intake NA Size and distance at changes _____

Total fall between intake and place of use _____ Capacity _____

(feet)

(cubic feet per second).

RECEIVED

DEC 07 2000

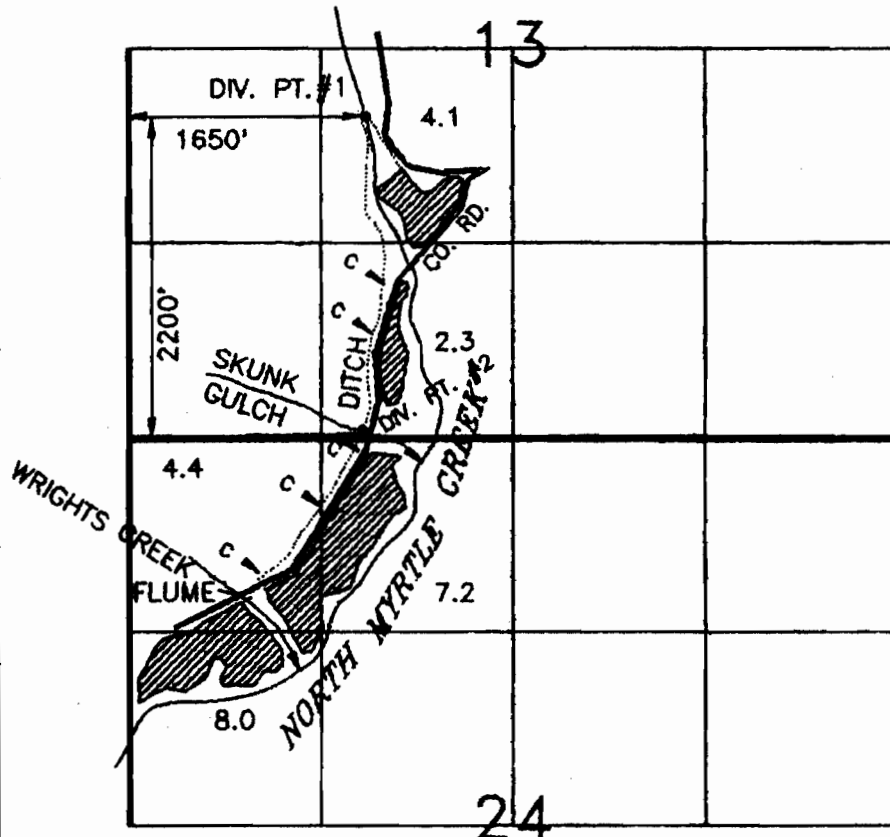
WATER RESOURCES DEPT.
SALEM, OREGON

SWR-11

RECEIVED

T28S R4W WM

UNITED RESOURCES DEPT
SALEM, OREGON



DIVERSION POINT #2 IS
1800 FEET EAST AND
30 FEET NORTH FROM THE
SOUTHWEST CORNER OF
SECTION 13



SCALE 1" = 1320'

NOTE: ALL LAND IN SECTION 24 IS ALSO IRRIGATED FROM SKUNK GULCH

SURVEY IS REDRAWN FROM FINAL PROOF SURVEY FOR PERMIT 34988
SURVEYED MARCH 26 1975

 CULVERTS UNDER ROAD USED FOR IRRIGATION

SURVEY OF CLAIM FOR
VESTED WATER RIGHT
IN NAME OF

Floyd F. Giese

DATE JULY 16, 1989

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

RECEIVED

DEC 07 2000

WATER RESOURCES DEPT.
SALEM, OREGON

SW2-11

February 24, 1992

WATER
RESOURCES
DEPARTMENT

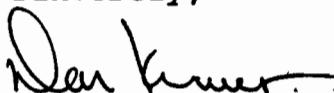
Floyd F. Giese
13600 N. Myrtle Road
Myrtle Creek OR 97457

re: Surface Water Registration 11

Dear Mr. Giese,

I am sending a check in the amount of \$ 20. This is a credit based on fees you paid in the past for a water right application # 46796. ORS 539.081 requires a credit for "money paid as examination and recording fees" when a surface water registration statement is filed for the same place and use.

Sincerely,



Don Knauer
Adjudication Specialist



ORIGINAL

ACTION CODE

STATE WARRANT NO. INDICATES CLAIM ALLOWED BY EXECUTIVE DEPARTMENT

001719

B

01-00-0

20.0

AGENCY VOUCHER NO.

DATE 02-19-92

VENDOR NUMBER A69000

PAYEE AND ADDRESS

GIESE, FLOYD F.

AUDITED BY

WATER RESOURCES
3850 PORTLAND RD NE
SALEM OR 97310

TOTAL

\$20.0

PAYMENT OF: INVOICE 000000000
NET PAID

REFERENCE 001719

20.0
\$20.0

MESSAGE: REV REFUND 61174

ACCOUNT CODING:	AGY 69000	BCH F78	INV 000000000	TC 40	TD 920219	REF 001719	
DESCRIPTION	PCD	PROJECT	FUND	BI	COST CENTER	ACCOUNT	AMOUNT
GIESE, FLOYD F.	032200	413	3	03	22 00 15	899900	20.0



STATE OF OREGON

EXECUTIVE DEPARTMENT

TO THE STATE TREASURER, SALEM, OREGON 97310

7119495 69000

98-10
1232

ORIGINATING AGENCY
WATER RESOURCES DEPARTMENT

VOUCHER FUND WARRANT No.
001719 401 A23037

ISSUE DATE
02/20/92

PAY EXACTLY *****20** DOLLARS AND *00* CENTS

AMOUNT THIS WARRANT
\$20.00

VOID AFTER 2 YEARS FROM DATE OF ISSUE

PAY TO THE ORDER OF

GIESE, FLOYD F.

John J. Radford
AUTHORIZED SIGNATURE

been furnish
nd appropriati
s as provided

7119495 032200101 10501

**STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION**

TO: Reed Marbut
FROM: Don Knauer

DATE: February 13, 1992

SUBJECT: Indorsement of SWR-11

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made a inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Floyd F Giese
ADDRESS: 13600 N Myrtle Rd
Myrtle Creek OR 97457

SOURCE: Skunk Gulch and North Myrtle Creek, both tributaries of Myrtle Creek.

USE: Irrigation.

PRIORITY DATE: 1908

AMOUNT OF WATER FOR EACH CLAIMED USE:

0.38 CFS for irrigation of 26.0 acres being 0.05 CFS from Skunk Gulch and 0.33 CFS from North Myrtle Creek.

DIVERSION POINTS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 28 S., R 4 E., W.M.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T. 28 S., R 4 E., W.M.

PLACE OF USE:

North Myrtle Creek	4.1 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
	2.3 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 13,
N. Myrtle Cr and Skunk Gulch	7.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
	4.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
	8.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 24,
	Township 28 S., Range 4 W., W.M.

PERIOD OF USE:

The irrigation season is May 1 thru October 31.

FILE C:\WP51\SWR\CLAIMENTS\SWR-0011.0IM



STATE OF OREGON

INTEROFFICE MEMO

TO: DAVE NELSON, FISCAL

DATE: Feb 13, 1992

FROM: DON KNAMER
Authorized Examiner

SUBJECT: Request for Refund Check

Please refund \$ 20⁰⁰ to FLOYD F. GIESE
file no. _____, receipt no. 6174. These funds are
refunded due to:

- _____ Application rejected
- _____ Application withdrawn
- _____ Excess fees collected for application
- _____ File closed
- X _____ Other: SUCCESS WATER REGISTRATION STATEMENT
- _____ Protest Filing Fees CREDIT

0102C

INTEROFFICE MEMORANDUM

*Oregon Water Resources Department
Adjudication Section*

TO: *SWR-11*

FROM: *Don Knauer*

DATE: *February 13, 1992*

SUBJECT: *Surface water registration statement credit of fees*

Floyd F. Giese submitted surface water registration statement # SWR-11 for irrigation on February 9, 1990. He had applied for a water right permit in 1970 for the same irrigation. ORS 539.081 (3) requires a credit for application fees towards a registration statement fees. Mr. Giese should be refunded \$ 20.00.

TO: FILE SWR-11

AUGUST 14, 1991

FROM: DON KNAUER

CONTACT: MR. AND MRS. FLOYD GIESE
BY: DON KNAUER & DWIGHT FRENCH

We met with Mr. and Mrs. Giese at their home on the property. They explained the water use. The fields in section 13 are irrigated from diversion point #1 from North Myrtle Creek. The fields in section 24 are irrigated from both diversion point #1 from N. Myrtle Creek and diversion point #2 from Skunk Gulch. They cut hay on the meadows and then in the late summer or fall irrigate and use the fields for pasture.

He added in the #11 [remarks section] on the form, they may irrigate into November on a very dry year.

SWR-0011.001

July 31, 1991

Floyd F. Giese
13600 N Myrtle Rd
Myrtle Creek, OR 97457

RE: Surface Water Registration

Dear Mr. Giese:

We are meeting with all of the Surface Water Registration claimants in the Roseburg-Coquille area the week of August 12 - 16. This is to confirm that we have agreed to meet at your residence on Wednesday, August 14 at approximately 2:30 p.m.

As I discussed with you on the phone, there are a couple things on your form that may need some clarification.

If you are unable to keep the appointment please contact me to see if we can arrange another meeting time. I can be reached in Salem 378-3739. If I am unavailable, please ask for Don Knauer.

Sincerely,

Dwight French
Adjudications Section



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

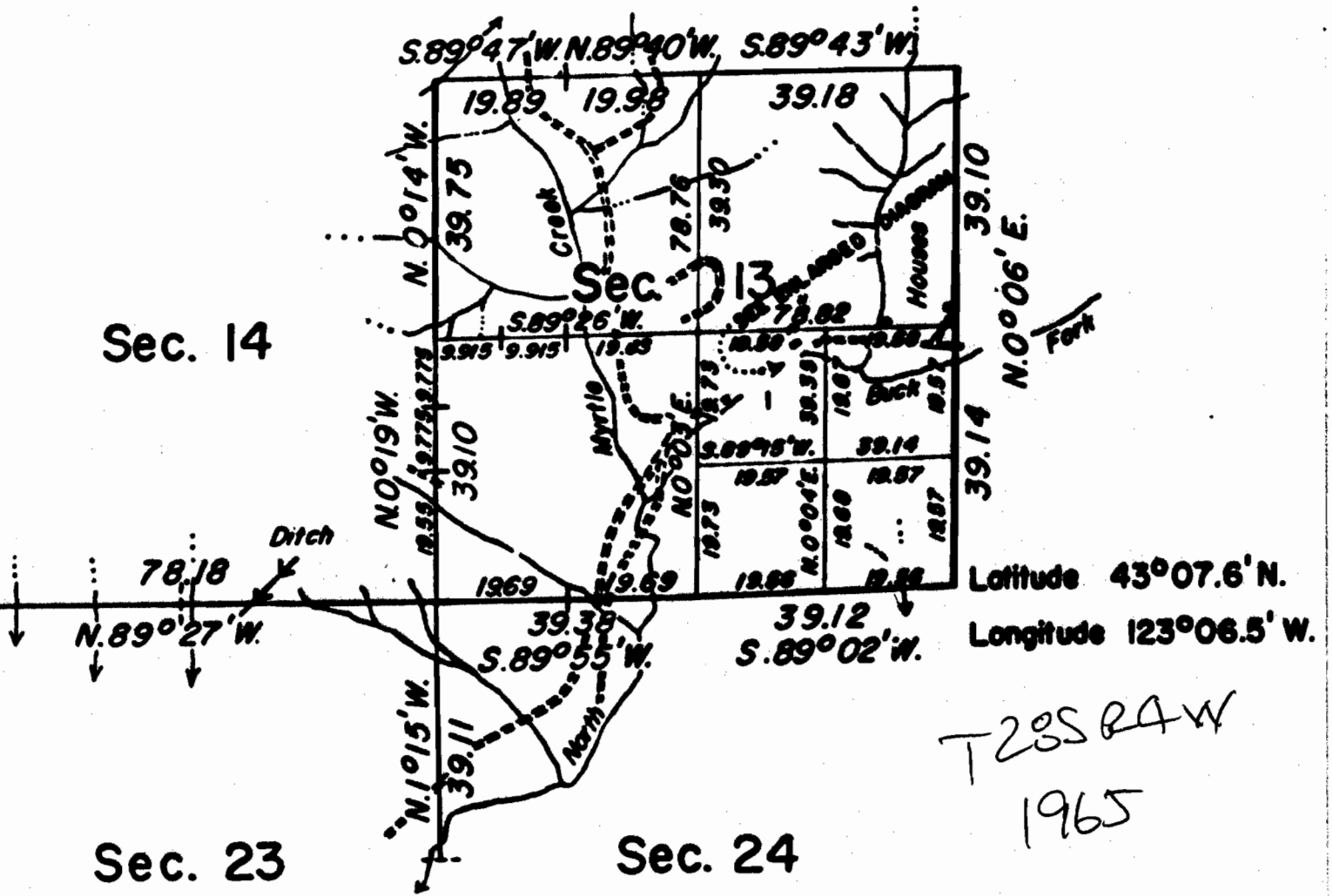
Sec. 11

Sec. 12

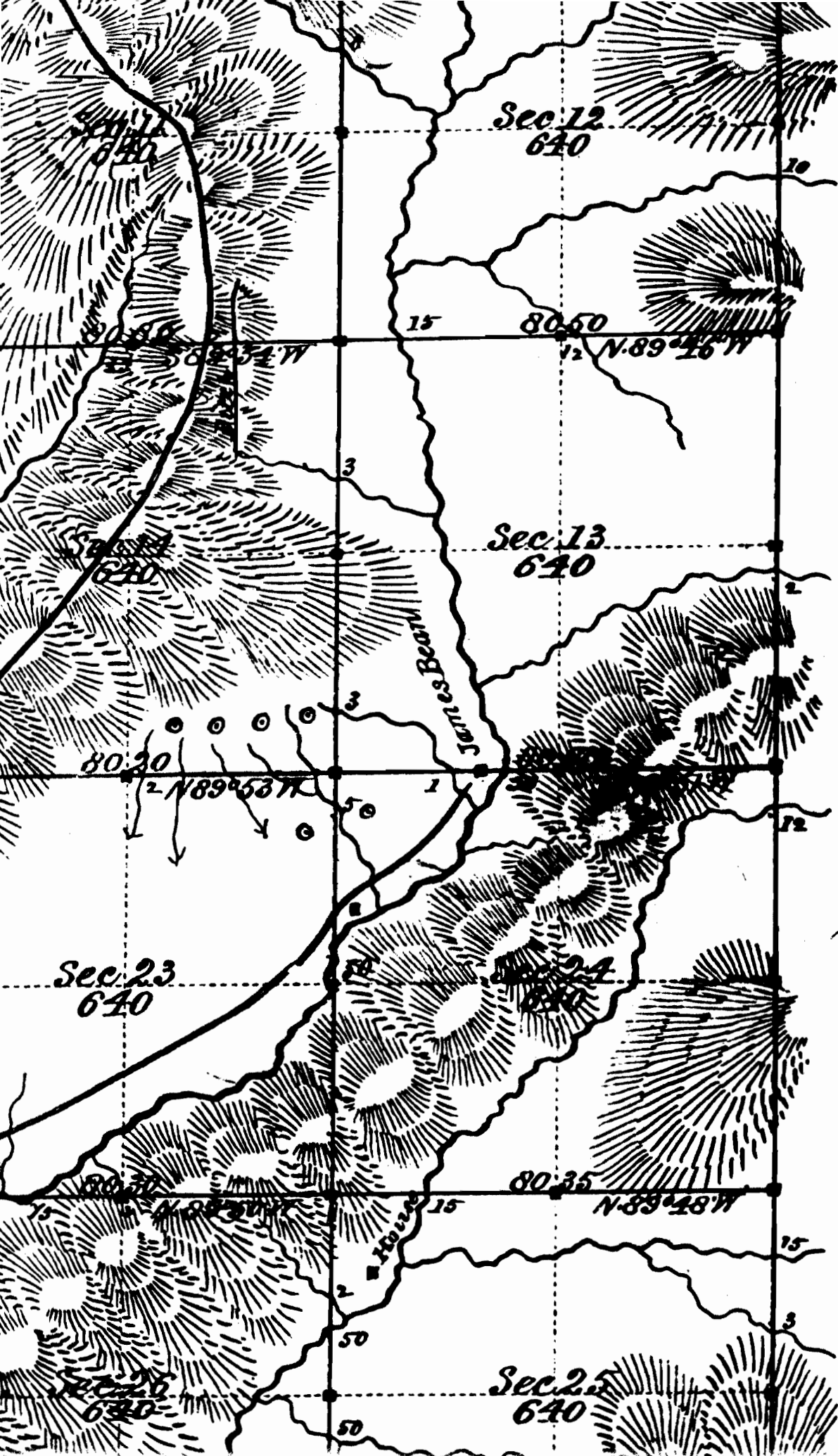
Sec. 14

Sec. 23

Sec. 24

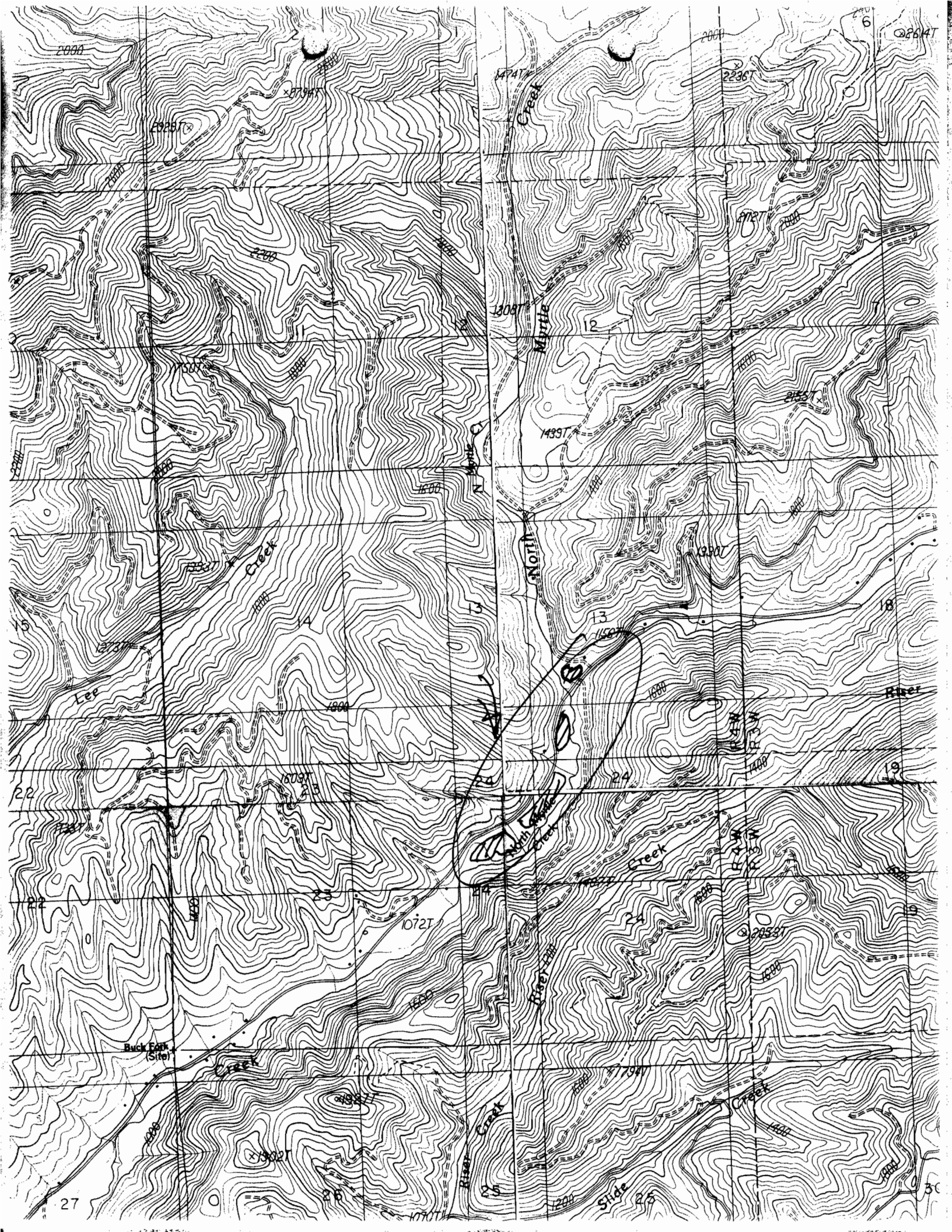


T20S R4W
1965

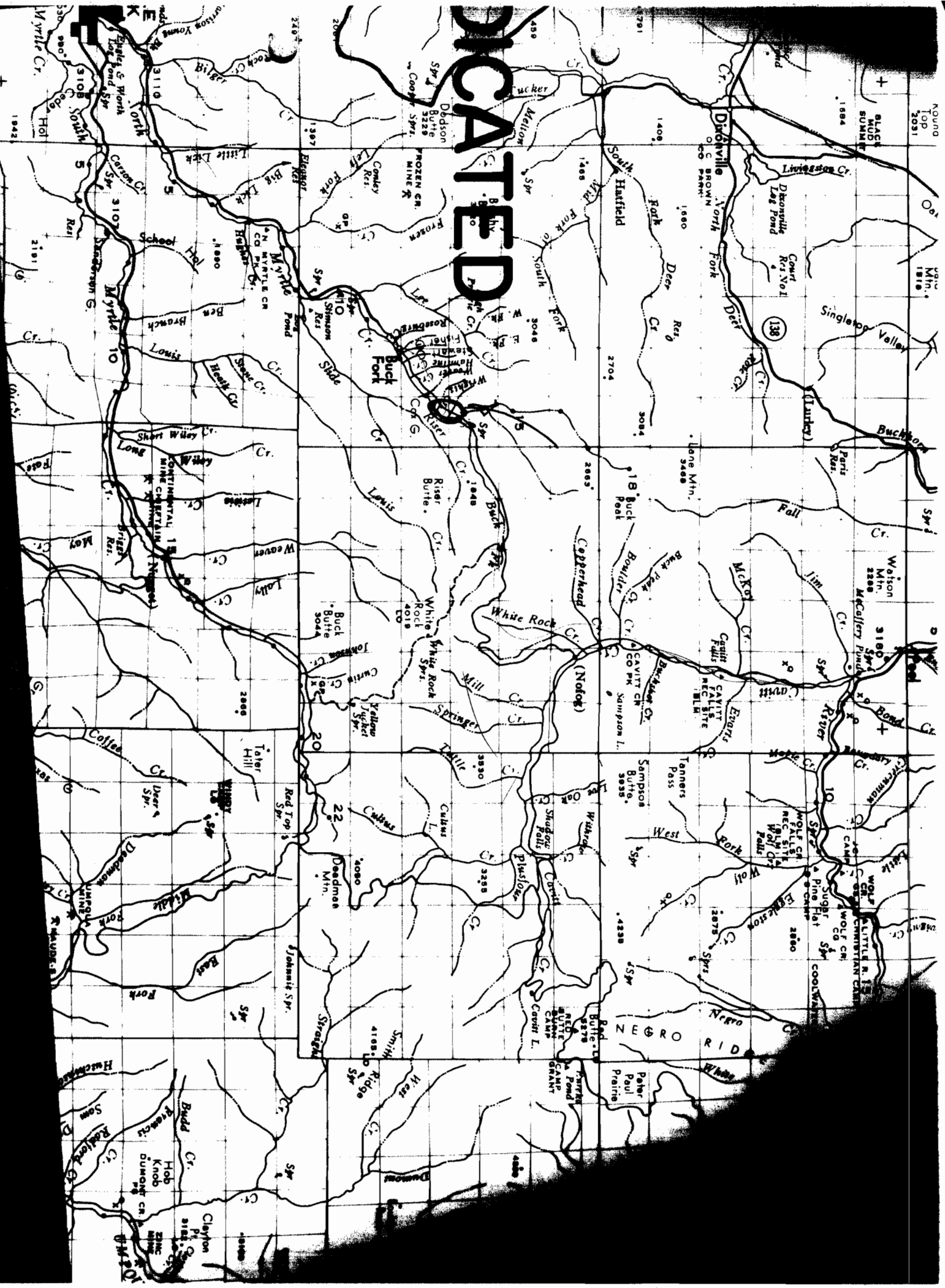


The qu
 greatly
 creeks
 slopes
 steep i
 well t
 Laure
 G
 all ore
 are be
 localit

T. 28S R4W
 1881



DEDICATED





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

February 22, 1990

Floyd F. Giese
13600 N. Myrtle Road
Myrtle Creek, OR 97457

RE: SURFACE WATER REGISTRATION SWR-11

Dear Mr. Giese:

We have received your surface water registration statement and have numbered it SWR-11. I am enclosing our receipt numbered 61174 for fees paid in the amount of \$52.00.

The application, map and documentation appear to be complete. We are in the process of adopting rules to officially endorse and confirm these claims. We can send you the draft rules in April with a notice of our hearing. We should have final rules by August 1990.

We will inform you if we need anything more to complete our work. Thank you for your patience.

Sincerely,

MARY S. GRAINEY, Manager
Adjudication Section

MSG:jt

Enclosure
0536j



STATE OF OREGON

INTEROFFICE MEMO

TO: SWR #11 (Floyd F. Giese) File

DATE: September 27, 1990

FROM: Don Knauer

SUBJECT: Registration Statement Review

Form: #5 Which ditch? North Myrtle Cr. or Skunk Gulch?

Done by W. J. Ruppert, Myrtle Creek.

Check acreage on map with planimeter.

0660

SURFACE WATER REGISTRATION CHECKLIST
(Received Prior to July 18, 1990)

UNADJUDICATED DRAINAGE? YES

SWR # 11

RECEIPT # 61174

CHECK TO SEE IF ENCLOSURES ARE THERE ✓

ACKNOWLEDGEMENT LETTER ✓

ENTER ON STREAM INDEX ✓

CHECK BASIN MAP 9-6-90 PER

CHECK QUADRANGLE MAP 9-6-90 PER

GLO PLATS 9-6-90 PER

REVIEW FORM:

- Blanks filled out
- Signed
- Date received stamped
- Date received filled out

MAP:

- Location of diversion point to govt corner
- pipelines, CANALS, DITCHES, ETC
- Place of use
- Scale
- Section, Township, Range
- North arrow
- CURVE STAMPS

WATER RIGHT RECORD CHECK 9-6-90 PER A-46796 P-34988 C-45484

ENTER ON PLAT CARDS ✓

BASIN 16

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

RECEIVED

FEB 09 1990

WATER RESOURCES DEPT.
SALEM, OREGON

1989 MAY -2 AM 10:59

GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY Helen Pyle
DEPUTY

FEE 5.00

~~November 2, 1964~~

To whom it may concern:

I do solemnly swear that water from North Myrtle
Creek has been used since prior to February 24, 1909
annually as irrigation on the following described property.

East half of the Southwest quarter and the Northeast
quarter of the Northwest quarter of Southwest quarter,
Section 13, and that portion of the Northwest quarter
of Section 24, lying North and West of North Myrtle Creek
and South of what is known as Skunk Gulch, all in Township
28 South, Range 4 West, Willamette Meridian, Douglas
County, Oregon. Except that portion in the County Road.

The point of diversion is located 335 feet South
of the North boundary line on said property and parallels
North Myrtle Creek on the West side to the Douglas
County road, at this point the ditch turns to a
South West course and parallels the county road on the
North side 2650 feet.

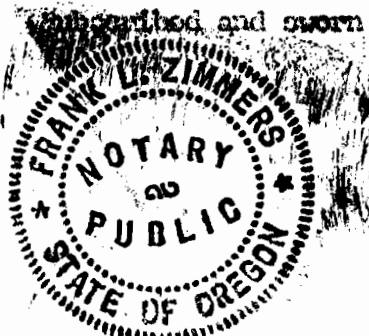
R. G. Dickman

Chet Ray

Garry A. Allen

SEAL OF OREGON
COUNTY OF DOUGLAS

Subscribed and sworn before me this 16th day of Dec 1962



Frank L. Zimmers

Notary Public for Oregon

My Commission expires May 15, 1965

REPORT FOR CLAIM OF VESTED WATER RIGHT

NAME: FLOYD GIESE
13600 N. Myrtle Road
Myrtle Creek, OR 97457

INFORMATION: Mr. Giese.

LOCATION: Sections 13 and 24, T28S, R4W, WM

SOURCE OF WATER: North Myrtle Creek, a tributary of Myrtle Creek.

N. Myrtle Cr.
DIVERSION POINT #1: The diversion dam is now a 12" thick concrete structure about 5 feet high by 13 feet long. Wood planks are used to raise the water to the 5 foot level so that water can enter the ditches on both sides. Mr. Giese reports that the dam was much lower but had to be reconstructed after the 1964 flood deepened the channel.

Skunk Gulch
DIVERSION POINT #2. At Skunk Gulch all the available water can be collected into the ditch or released through the gulch by a small diversion headgate 2 feet high by 2 feet wide made of dirt and plastic sheet. Normally Skunk Gulch furnishes a minimum of 20 gpm later in the season; then North Myrtle Creek must supply the remainder of the water.

DITCHES: The ditch on the west side is in very good shape and has been thoroughly cleaned this year. The grade and size of the ditch vary considerably. Slope ranges from 2.3 feet per 1000 to 4.5 feet per 1000. The ditch is generally about 2 foot flat bottom with vertical or sloping sides and at least 1 foot deep. This ditch will carry 2 cfs using a n value of 0.045.

The ditch on the east side of the dam is similar to the above described ditch. This ditch is also in good repair though there is some blackberry growth in the ditch.

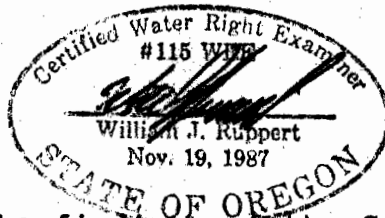
Evidence of large trees growing near the west ditch points to its age.

Water passes under the county road through an 8" pipe with a drop of 25' in 100 feet; then across a 10" steel pipe at Wrights Creek (Rich Creek). Other culvert at locations are shown on the accompanying map.

USES: Irrigation of hay and pasture.

SURVEY TIE: I inspected the dam, ditch, and irrigated area and concluded that the final proof survey conducted March 26, 1975 accurately shows the area where water is irrigated by gravity from the ditch system. Land irrigated under the ditch system is claimed as a vested right. I accepted this final proof survey as the basis for my map.

CERTIFICATION: By William J. Ruppert, Certified Water Right Examiner No. 115. The survey and inspection of the use as found to be claimed under this vested water right was completed by me on July 1, 1989, and the facts contained in this report and the accompanying map are correct to the best of my knowledge.



I, FLOYD GIESE, agree to the findings of the Certified Water Right Examiner and do submit this site report and map as my Claim of Beneficial Use of a Vested Water Right.

Floyd Giese

1/24/90 Date

78-11338

STATE OF OREGON

BOOK 679 PAGE 787

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FLOYD F. GIESE & ANNA L.

of North Myrtle Route, Box 300, Myrtle Creek, State of Oregon, 97457, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Myrtle Creek

a tributary of Myrtle Creek for the purpose of irrigation of 31.5 acres

under Permit No. 34988 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 9, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.39 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SW 1/4, Section 13, T. 28 S., R. 4 W., W. M., 2200 feet North and 1650 feet East from the SW corner of Section 13.

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 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 hereby confirmed, and to which such right is appurtenant, is as follows:

- 5.4 acres NE 1/4 SW 1/4
- 6.5 acres SE 1/4 SW 1/4
- Section 13
- 7.2 acres NE 1/4 NW 1/4
- 4.4 acres NW 1/4 NW 1/4
- 8.0 acres SW 1/4 NW 1/4
- Section 24
- T. 28 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. May 1, 1978

James E. Sisson Water Resources Director

April 26, 1980

To whom it may concern:

I do solemnly swear that as an owner from 1960 through 1964 of the following described property, water was used annually as irrigation from North Myrtle Creek:

East half of the Southwest quarter and the Northeast quarter of the Northwest quarter of the Southwest quarter, Section 13, and that portion of the Northwest quarter of Section 24, lying North and West of North Myrtle Creek and South of what is known as Skunk Gulch, all in Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon. Except that portion in the County Road.

The point of diversion is located 335 feet South of the North boundary line on said property and parallels North Myrtle Creek on the West side to the Douglas County road. At this point the ditch turns to a South West course and parallels the county road on the North side 2650 feet.

A secondary diversion from Skunk Gulch is at the intersection of Skunk Gulch and the irrigation ditch.

Robert F. Duke

STATE OF OREGON
COUNTY OF DOUGLAS

Subscribed and sworn before me this 30th day of April 1980



Robert F. Duke

Notary Public for Oregon

My commission expires 2/24/87

HISTORY OF OWNERSHIP

E 1/2 SW 1/4 ^S 13 - ^T 28 - R4W

1892 MYRTLE CREEK HYDRAULIC CONSOLIDATED GOLD MINING - (Went Bankrupt
& PROPERTY SOLD AT SHERIFF SALE 1895)

1895-97 MOSES THOMAS

A. CREASON

1924 L. CREASON KOSS

~~1944~~ FRED MCCORMICK.

1960 DELBERT DUKE

1965 FLOYD GIESE

NORTH & WEST 1/4 N. MYRTLE CREEK - NW 1/4 ^S 24 - ^T 28 - R4W

1892 MYRTLE CREEK HYDRAULIC CONSOLIDATED GOLD MINING
(BANKRUPT, 1895 - SOLD AT SHERIFF'S AUCTION)

1895 JON N. NEWSON

1898 W. D. McHNEY

1910 WILLIAM M. PORTER

1910 GEORGE CARLILE

1926 A. CREASON

1929 J. H. PEERY

FRED MCCORMICK

1960 DELBERT DUKE

1965 FLOYD GIESE

SURFACE WATER REGISTRATION STATEMENT CHECK LIST

1. Date Stamped In *Feb 9, 1990*
2. Receipt *61174*
3. Payment Entered and Signed ✓
4. Acknowledgement Letter ✓
5. Enter on Water Right Records
 - A. Stream Index ✓
SFR Unapp or Misc
 - B. Plat Cards
6. Review
 - A. Form
 - B. Map
 - C. Exhibits
7. Records Check
 - A. Conflicting Rights
Cent 45484 = has app-46796
60290
60291 ✓ *All*
41352 ✓ *Green Do spt*
 - B. Confirming or Conflicting Evidence
8. Letter of Correction, Completion or Acceptance
9. Enter on PARADOX
10. Accepted as OK by WRD