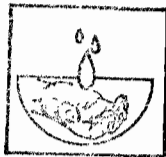


Oregon

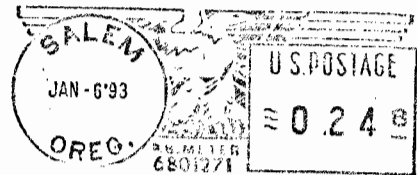
WATER RESOURCES
DEPARTMENT

3850 Portland Rd NE
Salem OR 97310

CONSERVE WATER
FOR
OREGON'S FUTURE



PRESORTED
FIRST CLASS



~~ANDY WEBER
DIXONVILLE RD
ROSEBURG OR 97470~~

**RETURNED TO SENDER
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD**

no mail Port to Andy Weber on Dixonville Rd 9747081 AR

**RETURNED TO SENDER
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD**

January 5, 1993

ANDY WEBER
DIXONVILLE RD
ROSEBURG OR 97470

Dear Mr. Weber,

I am in receipt of your letter of December 31, 1992. Future inquiries may be directed to the manager of the water rights/adjudication section, Mr. Reed Marbut.

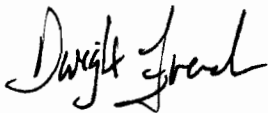
Your letter will be added to the Fummerton's file. Your comments will be reviewed along with all the other evidence in the file.

If you are a water right holder, you will have an opportunity to inspect the vested water right claims in your area (including the Fummerton file) and file a contest if you feel that all or part of the claim is invalid. Water right holders will receive a formal notice as to the exact time and place of the open inspection. This process is done in accordance with ORS 539.

We may contact you before the open inspection if necessary.

Thank you for your interest in this matter.

Sincerely,



Dwight French
Adjudication Section



January 5, 1993

ROBERT A HALL
15241 DIXONVILLE RD
ROSEBURG OR 97470

RE: SWR-13

Dear Mr. Hall,

I am in receipt of your letter of December 15, 1992. Future inquiries may be directed to the manager of the water rights/adjudication section, Mr. Reed Marbut.

Your letter will be added to the Fummerton's file. Your comments will be reviewed along with all the other evidence in the file.

If you are a water right holder, you will have an opportunity to inspect the vested water right claims in your area (including the Fummerton file) and file a contest if you feel that all or part of the claim is invalid. Water right holders will receive a formal notice as to the exact time and place of the open inspection. This process is done in accordance with ORS 539.

We may contact you before the open inspection if necessary.

Thank you for your interest in this matter.

Sincerely,



Dwight French
Adjudication Section



January 5, 1993

DEBRA M DOZHIER
2596 MELTON RD
ROSEBURG OR 97470

Dear Ms. Dozhier,

I am in receipt of your letter of December 31, 1992. Future inquiries may be directed to the manager of the water rights/adjudication section, Mr. Reed Marbut.

Your letter will be added to the Fummerton's file. Your comments will be reviewed along with all the other evidence in the file.

If you are a water right holder, you will have an opportunity to inspect the vested water right claims in your area (including the Fummerton file) and file a contest if you feel that all or part of the claim is invalid. Water right holders will receive a formal notice as to the exact time and place of the open inspection. This process is done in accordance with ORS 539.

We may contact you before the open inspection if necessary.

Thank you for your interest in this matter.

Sincerely,



Dwight French
Adjudication Section



RECEIVED

JAN 04 1993

WATER RESOURCES DEPT.
SALEM, OREGON

December 31, 1992

Oregon Water Resources Department
Adjudications Department
3850 Portland Road N.E.
Salem, OR 97310

Ms. Mary Geainey,

The filing for a vesters water right by William L. or Cora L. Fummerton on May 31, 1990, SWR #13, has recently been brought to my attention. As this would directly effect me through a water right used by Robert Hall, I would like to point out under the "Purposes For Which Water Is Used" on the "Registration Statement Claiming A Right To Appropriate Surface Water", that irrigation, other than yard and garden, has not been used on the property for at least the last 10 years. *Do the*

Best of my knowledge

Sincerely,

Andy Weber
Andy Weber

ANDY Weber
Dixonville ROAD
Roseburg OR 97470

Andy Weber
Dixonville Road
Roseburg, OR 97470



SEASON'S GREETINGS, EUGENE OR 12/31/92 21:37

Oregon Water Resources Department
Adjudications Department
3850 Portland Road N.E.
Salem, OR 97310



Oregon

WATER

RESOURCES

DEPARTMENT

January 5, 1993

ANDY WEBER
DIXONVILLE RD
ROSEBURG OR 97470

Dear Mr. Weber,

I am in receipt of your letter of December 31, 1992. Future inquiries may be directed to the manager of the water rights/adjudication section, Mr. Reed Marbut.

Your letter will be added to the Fummerton's file. Your comments will be reviewed along with all the other evidence in the file.

If you are a water right holder, you will have an opportunity to inspect the vested water right claims in your area (including the Fummerton file) and file a contest if you feel that all or part of the claim is invalid. Water right holders will receive a formal notice as to the exact time and place of the open inspection. This process is done in accordance with ORS 539.

We may contact you before the open inspection if necessary.

Thank you for your interest in this matter.

Sincerely,



Dwight French
Adjudication Section



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

RECEIVED
JAN 04 1993
WATER RESOURCES DEPT.
SALEM, OREGON

December 31, 1992

Oregon Water Resources Department
Adjudications Department
3850 Portland Road N.E.
Salem, OR 97310

Ms. Mary Geainey,

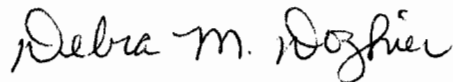
Concerning the vesters water right filed for by William L. or Cora L. Fummerton on May 31, 1990, SWR #13, I would like to point out some facts as I have observed them. Under the "Purposes For Which Water Is Used" on the "Registrations Statement Claiming A Right To Appropriate Surface Water", irrigation has not happened on this property, other than yard and garden, for any of the last ten years that I can remember.

Furthermore, in the last 36 years I've lived here, I've never seen irrigation in all the places designated on the proposed map. Only as a child did I see some sporadic watering of a small half-acre of pasture.

As I see it, this is just a continuation of a generations' old family water fight. This time a ply to try and take away irrigation rights of Robert Hall from further up the creek.

In all fairness, a hearing should be held and all facts from interested parties be presented.

Sincerely,



Debra M. Dozhier
2596 Melton Road
Roseburg, OR 97470

December 15, 1992
Roseburg OR 97470

State of Oregon
Water Resources Dept
Salem, OR

RECEIVED

DEC 22 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Att: Mary Hesiney,

I would like to call your attention to a Vesters water right that has been filed by William L. Fummerton or Cora L. Fummerton on the 30th day of May 1990. SWR # 13 filed in the water master's office in Roseburg, Oregon. (Douglas County).

This water being applied for a Vesters Right is from a small stream (Melton Creek). I have ~~three~~ (3) water rights above this (upstream) application being filed.

I have lived on this creek since 1931 and have never seen the irrigation ditch used as described on the map.

There was no electricity to this area until about 1935, so no way could there have been water pumped to the house or houses as described.

The proposed uses across the road for garden and houses is quite some elevation above creek.

The original irrigated garden area on the conal side of the creek I have never seen irrigated from their indicated point of diversion.

RECEIVED

DEC 22 1992

WATER RESOURCES DEPT.
SALEM, OREGON

I have a great deal more information regarding this claimed Vester's right that is not correct and would like to protest this claim.

Sincerely,
Robert Hall



ROBERT A. HALL
15241 DIXONVILLE RD.
ROSEBURG, OR. 97470



State of Oregon
Water Resources Dept.
Adjudications Dept.
Salem, Oregon 97310

att. Mary Geaney

September 16, 1992

William or Cora Fummerton
1622 Melton Road
Roseburg OR 97470

RE: Surface Water Registration Statement # 13

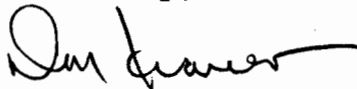
Dear Mr and Mrs Fummerton,

This will acknowledge that your "new" Surface Water Registration Statement, map dated 8-92 and enclosures have been received by our office.

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

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

Sincerely,



Don Knauer
Adjudication Specialist

enc

cc Maurice Farr

C:\W\SI\C\SWR-0013.002



SWR-13

Maurice E Farr
Certified Water Right Examiner
1960 SW Burdette Drive
Roseburg, OR 97470

RECEIVED

AUG 18 1992

WATER RESOURCES DEPARTMENT
SALEM, OREGON

August 13, 1992

Re: File #70388, William L or Cora L Fummerton

To Water Resources Department:

Enclosed is a ~~new~~ Surface Water Registration Statement Pre-1909 Vested Water Right Claim and a ~~revised~~ map, 8/92, with ~~enclosures~~ for William or Cora Fummerton's claim. These new documents are in the new format. You may destroy the previous map if you wish.

Yours truly,

Maurice E Farr, CWRE

RECEIVED

AUG 18 1992

**WATER RESOURCES DEPT.
SALEM, OREGON**

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM**

1. Name of Registrant: William L. or Cora L. Fummerton
Mailing Address: 1622 Melton Road, Roseburg, OR 97470
Telephone No: (503) 672-2706
2. Source of water: Melton Creek
Tributary to: Tucker Cr, Deer Cr, South Umpqua River
3. Purpose(s) for which water is used: 2 Domestic, irrigation, stock
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: 20 plus nte 1/2 ac each
4. Priority Date
a) Date of first use: 1896
b) Date water use development first initiated: 1896 or before
c) Name of party who initiated development: William Melton
5. Amount of water claimed: 0.023 CFS, in CFS or GPM
(Water put to beneficial use)
6. Location of place of use:
12 Sections, Township 28S N/S, Range 5W E/W.
Sections, Township _____ N/S, Range _____ E/W.
(Attach additional pages if necessary)
7. Usual period of use: 1 / 1 to 12 / 31
month day month day

8. Remarks: Permit No. 51466
Copy of ~~Homestead~~ Deed dated 1896
Letter from E J Melton attesting to water use

9. Total fees submitted with claim: (\$230) Fees for App 70388 to be applied

Notarized Statement Signed by Claimant.

STATE OF OREGON)
County of DOUGLAS) : ss

I William L. FUMMERTON, having been duly sworn, depose and say that I, and being the claimant of the existing surface water right described herein, have read the contents of this claim and to the best of my knowledge all of the matters stated herein are true and correct.

William L. Fumerton
Signature of Claimant

Signed and attested before me this 17th day of AUGUST, 19 92



Jack Shively
NOTARY PUBLIC for the State of Oregon
My commission expires: 4-23-95

THIS FORM MUST BE ACCOMPANIED BY A MAP PREPARED BY A CERTIFIED WATER RIGHT EXAMINER (CWRE).

Certified Water Right Examiner

Name: Maurice E Farr CWRE#: 046

Address: 1960 SW Burdette Drive, Roseburg, OR 97470

Telephone: (503) 679-6598

RECEIVED

AUG 18 1992

**WATER RESOURCES DEPT.
SALEM, OREGON.**

**AFFIDAVIT IN SUPPORT OF
WATER RIGHTS TO MELTON
CREEK**

1
2
3
4
5
6
7
8
9 STATE OF OREGON)
10 County of Douglas) ss.
11)

12 I, ELMER JACKSON MELTON, being first duly sworn, depose and
13 say:

14 That I make this Affidavit in support of the application for water rights,
15 made by WILLIAM L. FUMMERTON and CORA LEE FUMMERTON and for the
16 purposes of supplying the facts and history regarding the use of the water
17 on Melton Creek.

18 I have lived on the land in question for 87 years, since 1900. This property
19 is located on Melton Road and Melton Creek flows through the property. My
20 parents lived on the property in question since 1885 and owned the original 40
21 acres in question generally known as the West half of the Northeast quarter
22 of the Southwest quarter of Section 12, Township 28S, R5W, Willamette Meridian,
23 Douglas County, Oregon.

24 Generally nine people or more in our family lived on the property for as long
25 as I remember. My family and I made complete use of Melton Creek, continuously
26 since 1885. We had the total use of all of the water in the creek. The water
27 that now exists in the creek equals approximately one-half of the amount of
water that used to flow through the creek. For more than 100 years

1 we had exclusive use of the creek from its headwaters. No persons used or
2 attempted to use any water below us for 10 - 15 years. Then in 1907
3 only limited use of the water of the creek was made below us, with our
4 permission, when we did not need the water.

5 My family and I continually used water from the creek for all
6 domestic purposes, washing of clothes, drinking and all of those household
7 purposes. We also drew water from the creek to water our livestock on the
8 property. All livestock possessed, including milk cows, horses, cattle and
9 other farm animals, were watered from the creek.

10 Water from the creek was used to irrigate pasture land throughout
11 the acreage and was used to irrigate land which had been plowed for
12 garden purposes and the water was used to irrigate whatever crops were
13 continually grown in the garden. This type of use of the creek continued
14 and has continued until this date, until being challenged by the authorities
15 from the office of the watermaster.

16 At all times referred to herein dams were placed in the creek to
17 block and divert the water out of the creek for use on the property for
18 irrigation and for general uses of the family on the property and in the pur-
19 suit of farming of the property by me and by my family.

20 It was not until the early 1930's when anyone attempted to divert
21 water upstream from our property for any type of use. The upstream
22 property holders always let enough water through in the creek for our com-
23 plete uses as we had previously enjoyed and according to our needs on our
24 own property which were consistent with the history of our general use of
25 the property and the water to both irrigate our lands, water our livestock and
26 provide water for all of our domestic purposes. Only in the last few years
27 has the water been diverted, at times, to a point where there is insufficient

1 water to service our property and to water our livestock and provide for general
2 domestic purposes.

3 Water from the creek is necessary for proper enjoyment and use of the
4 40 acres of property in question and to use the property as it has historically
5 been used for more than 100 years.

6 The 40 acre property described herein was also served by springs
7 adjacent to Melton Creek and at various locations on the property those
8 springs were consistantly used by me, my parents and our family for domestic
9 purposes, watering the livestock, and irrigating. We used the entire water
10 from the springs and from any area of flow or percolation from the ground
11 adjacent to or on the property. This use existed since 1885 to present time.

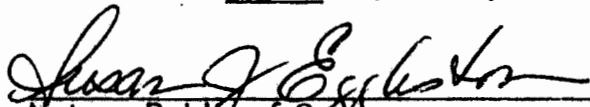
12 This Affidavit is made in good faith and made for the purpose of
13 supporting the application for water rights of WILLIAM L. FUMMERTON,
14 grandson of WILLIAM and ANN MELTON, and CORA LEE FUMMERTON. The
15 water right granted herein should predate any previous water right granted
16 on this creek from the property in question to its headwaters. I am competent
17 to testify to all of the facts set forth herein at any hearing or trial of the
18 issues referred to herein.

19
20 

Mark of ELMER JACKSON MELTON

21 I hereby acknowledge that the above named appeared before me and that
22 he was known by me to be ELMER JACKSON MELTON and that he did make
23 his mark to acknowledge his signature of the affidavit and did further acknow-
ledge that he had the affidavit read to him in full and also reviewed the
affidavit as to correctness of fact prior to placing his mark thereon.

24 SUBSCRIBED AND SWORN to before me this 28th day of May, 1987.

25 

Notary Public of Oregon
26 My Commission Expires: 4/17 90
27

Maurice Farr

STATE OF OREGON

RECEIVED

COUNTY OF DOUGLAS

AUG 18 1992

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WATER RESOURCES
SALEM, OREGON

WILLIAM L. OR CORA L. FUMMERTON
1622 MELTON ROAD
ROSEBURG, OREGON 97470

503-672-2706

to use the waters of MELTON CREEK, a tributary of TUCKER CREEK, for IRRIGATION OF 1.0 ACRE AND DOMESTIC USE FOR TWO FAMILIES INCLUDING IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN FOR EACH.

This Permit is issued approving Application 70388. The date of priority is MAY 31, 1990. The use is limited to not more than 0.023 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

It is further provided that the right allowed herein shall be limited during the period of March 31 through October 31 of each year to human consumption, livestock consumption for such animals as are essential to the proper sustenance of the family and irrigation of a noncommercial garden not to exceed 1/2 acre in area.

The points of diversion are located as follows:

NE 1/4 SW 1/4, SECTION 12, T 28 S, R 5 W, W.M.; 1530 FEET NORTH AND 2390 FEET EAST, 2020 FEET NORTH AND 1450 FEET EAST, BOTH FROM SW CORNER, SECTION 12.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the proposed place of use under this Permit is as follows:

NE 1/4 SW 1/4 1.0 ACRE & DOMESTIC
SECTION 12
TOWNSHIP 28 SOUTH, RANGE 5 WEST, W.M.

Actual construction work shall begin on or before June 1, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

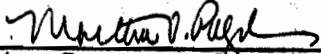
Application 70388

Water Resources Department

PERMIT 51466

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued this date, JUNE 1, 1992.



Water Resources Department
Martha O. Pagel
Director

RECEIVED

AUG 18 1902

WATER RESOURCES DEPT.
SALEM, OREGON

my hand and seal this seventh day of October 1896.

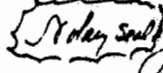
Signed, Subscribed and delivered in presence of us as witnesses

J. S. Fitzhugh -- Asher Marks

Thomas Melton - 

State of Oregon -- County of Douglas -- S.S.

This Certifies That on this seventh day of October A.D. 1896 before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named Thomas Melton known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily. Testimony whereof I have committed set my hand and Official seal this day and year last above written.

 J. S. Fitzhugh

Notary Public.

Filed July 23rd & Recorded Oct. 26th 1900

J. S. Gayley Clerk by M. E. Critham, Deputy.

Thomas Melton - W. D. G. W. B. Melton.

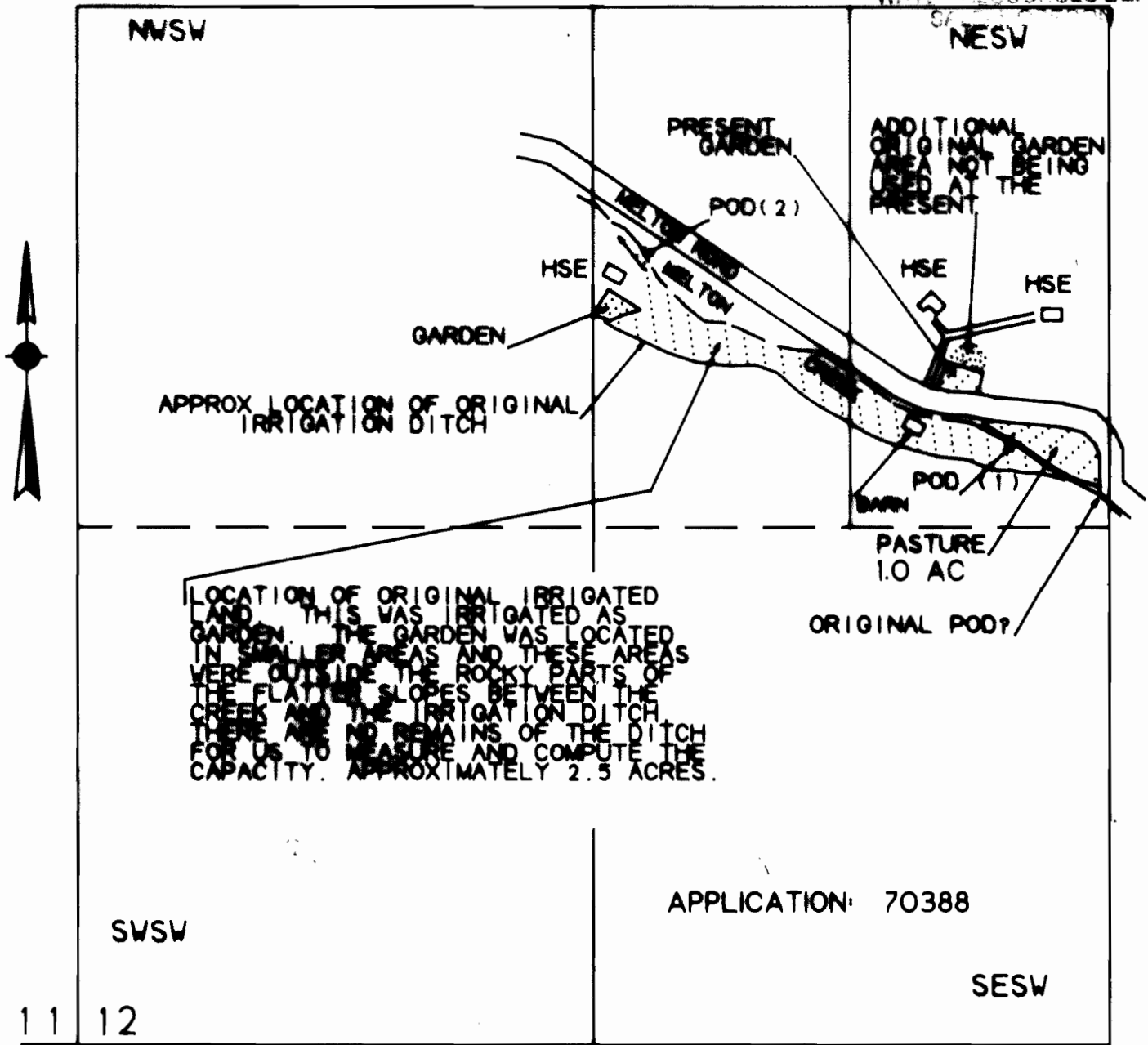
Know all men by these presents, that I, Thomas Melton (widower) of Douglas County, State of Oregon, in consideration of one hundred dollars to me in hand paid by W. B. Melton, of Douglas County, State of Oregon, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said W. B. Melton, his heirs and assigns, all the following bounded and described real property, situated in the County of Douglas and State of Oregon: eighty (80) Acres, the same being undivided and part of the following described premises - The East half of the Donation Land Claim of James Gilmore No 39 in Township 28 South of Range 5 West containing 159.82 Acres. [Also the N.E. 1/4 of the S.W. 1/4 of Section 12 Township 28 South of Range 5 West containing 40 Acres] and aggregating 199.82 acres, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also all my estate right, title and interest in and to the same - including dower and claim of dower.

To Have and to hold the above described and granted premises unto the said W. B. Melton, his heirs and assigns forever. And I, the said Thomas Melton, grantor above named do covenant, to and with the said W. B. Melton, the abovesaid grantee, his heirs and assigns that I am lawfully seized in fee simple of the above granted premises - that the above granted premises are free from all incumbrances and that I will defend, support, execute and maintain the title to the above granted premises, and every part thereof, against the lawful claims and demands of all persons whomsoever.

T28S, R5W, WMT
SCALE 1" = 400'

JUL - 8 1992

WATER RESOURCES DEPT



LOCATION OF ORIGINAL IRRIGATED LAND. THIS WAS IRRIGATED AS GARDEN. THE GARDEN WAS LOCATED IN SMALLER AREAS AND THESE AREAS WERE OUTSIDE THE ROCKY PARTS OF THE FLATTER SLOPES BETWEEN THE CREEK AND THE IRRIGATION DITCH. THERE ARE NO REMAINS OF THE DITCH FOR US TO MEASURE AND COMPUTE THE CAPACITY. APPROXIMATELY 2.5 ACRES.

APPLICATION: 70388

11 12
14 13

ORIGINAL POD IS 1400 FT N AND 2620 FT E FROM SW COR SEC 12
POD 1 IS 1530 FT N AND 2390 FT E FROM SW COR SEC 12
POD 2 IS 2020 FT N AND 1450 E FROM SW COR SEC 12

VESTED WATER RIGHT MAP
PRE-1909 CLAIM OF BENEFICIAL USE

THIS IS A LOCATION MAP FOR A VESTED WATER RIGHT BY WILLIAM L OR CORA L FUMMERTON. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE VESTED WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



Dwight

Oregon

WATER
RESOURCES
DEPARTMENT

May 13, 1992

William L. or Cora L. Fummerton
1622 Melton Road
Roseburg, OR 97470

REFERENCE: File 70388

Your application for a permit to use the public waters has been reviewed. Thank you for your time, effort and patience in completing this water right.

A "draft" permit is enclosed for your consideration. In the preparation of this draft permit, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

The draft permit enclosed contains all of the conditions and limitations that would appear on your permit, if issued. Also, enclosed, for reference, are comments from Oregon Department of Fish and Wildlife (ODFW), dated December 4, 1991. ODFW recommends limiting water use other than domestic to December 1 through March 31 only of each year.

I spoke on May 5, 1992, to Mr. Robart of ODFW (229-5400), who confirmed the limitation requirement. Mr. Robart is aware you also have a Surface Water Registration (SWR) for rights similar to those on the application (I don't believe the SWR process will be affected at this time by issuance of or changes to Application 70388). To pursue changes on the draft regarding the limited period of use, it will be necessary for you to contact Mr. Robart directly (229-5400), and advise us of any negotiations.

Please review the draft permit carefully. If you are satisfied that the draft adequately describes your proposed use of water, and the terms are acceptable to you, please sign the draft copy in the spaces(s) provided and return to our office within 30 days of the date of this letter. We will issue our permit as quickly as possible.



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

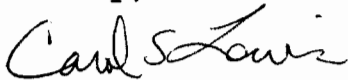
Fummerton, p.2
5/13/92

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed draft, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

Before you contact anyone else, I suggest you speak again with either Dwight French or Don Knaeur, Adjudication Section, in this office. They are most familiar with your Surface Water Registration and the influence it may have on the water right application.

If you have any questions, please contact me, 378-3739.

Sincerely,



Carol S. Lewis
Senior Water Rights Specialist

Encl2

cc: Robart
SWR File
File 70388

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE: February 27, 1992

SUBJECT: Indorsement of SWR-13

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: William L. or Cora L. Fummerton
ADDRESS: 1622 Melton Rd
Roseburg OR 97470

SOURCE: Melton Creek a tributary of Deer Creek.

USE: Irrigation, domestic and stockwater.

PRIORITY DATE: 1896

AMOUNT OF WATER FOR EACH CLAIMED USE:

Diversion point #1: Domestic use for 2 households to include stockwater & lawn & garden 0.005 CFS.
Irrigation 0.013 CFS.

Diversion point #2: Domestic use for 1 household to include stockwater & lawn & garden 0.005 CFS.

DIVERSION POINTS:

#1 NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 28 S., R 5 E., W.M.
#2 NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 28 S., R 5 E., W.M.

PLACE OF USE:

1.0 acre NE $\frac{1}{4}$ SW
Domestic to include stockwater & lawn & garden NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12,
Township 28 S., Range 5 W., W.M.

PERIOD OF USE:

The irrigation season is June 1 thru October 30. Other uses are allowed all year.

NOTE: There are now two diversion points used on this property which are in diferent locations from the original single diversion point.

FILE C:\WP51\SWR\CLAIMENTS\SWR-0013.0IM

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

TO: Reed Marbut
FROM: Don Knauer

DATE: February 27, 1992

SUBJECT: Indorsement of SWR-13

THERE IS ADDITIONAL INFORMATION RECEIVED AFTER THIS MEMO THAT SHOULD BE REVIEWED PRIOR TO RECOMMENDATION TO DIRECTOR.

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: William L. or Cora L. Fummerton
ADDRESS: 1622 Melton Rd
Roseburg OR 97470

SOURCE: Melton Creek a tributary of Deer Creek.

USE: Irrigation, domestic and stockwater.

PRIORITY DATE; 1896

AMOUNT OF WATER FOR EACH CLAIMED USE:

Diversion point #1: Domestic use for 2 households to include stockwater & lawn & garden 0.005 CFS.
Irrigation 0.013 CFS.

Diversion point #2: Domestic use for 1 household to include stockwater & lawn & garden 0.005 CFS.

DIVERSION POINTS:

#1 NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 28 S., R 5 E., W.M.
#2 NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T. 28 S., R 5 E., W.M.

PLACE OF USE:

1.0 acre NE $\frac{1}{4}$ SW
Domestic to include stockwater & lawn & garden NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12,
Township 28 S., Range 5 W., W.M.

PERIOD OF USE:

The irrigation season is June 1 thru October 30. Other uses are allowed all year.

NOTE: There are now two diversion points used on this property which are in diferent locations from the original single diversion point.

FILE C:\WP51\SWR\CLAIMENTS\SWR-0013.¹IM

TO: FILE SWR-13

AUGUST 15, 1991

FROM: DON KNAUER

CONTACT: WILLIAM & CORA FUMMERTON
BY: DON KNAUER & DWIGHT FRENCH

We met with Mr. and Mrs. Fummerton on their property. He said his great-grandfather bought the property sometime before 1896. He said quite a bit more area had been irrigated in the past but the old ditch south of the road hasn't been used for many years. He identified three areas on the map which are being irrigated at present. I have circled the areas on the map.

He showed us the diversion point and the site of the old house. There were some very old fruit trees nearby. He said both diversion points have 1/2 hp electric pump motors and pipe systems to the three houses. There are sprinkler systems for the irrigation.

Mr. Fummerton said P.O.D. #1 uses about 75% of the water he diverts and P.O.D. #2 uses about 25% of the water he diverts.

Domestic to include lawn and garden and ^{see} ~~to include~~ stock was 90% of P.O.D. #1.

Domestic to include lawn and garden at P.O.D. #2 only use.

Irrigation from P.O.D. #1 10%.

SWR-0013.001

POD 1 = 0.018 cfs

Dom TO INCLUDE LAWN GARDEN STOCK = 0.005 cfs

IRRIG = 0.013 cfs

POD 2 = 0.005 cfs

Dom TO INCLUDE LAWN & GARDEN

July 31, 1991

William L. & Cora L. Fummerton
1622 Melton Rd
Roseburg, OR 97470

RE: Surface Water Registration

Dear Mr. and Mrs. Fummerton:

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 Thursday, August 15, at approximately 4:00 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





STATE OF OREGON

INTEROFFICE MEMO

TO: SWR # 13 (W. & C. Fummerton) File

DATE: September 27, 1990

FROM: Don Knauer

SUBJECT: Registration Statement Review

Form: #3 How much for domestic?
How much for stock?
How much for irrigation?

#7 Where is the one acre on the map?
Where is domestic?
Where is stock?

#10 When for domestic?
When for stock?

Map: Must be on "Good Quality Paper".

Diversion point not located.

I'm sure it

See #7 above: 1.0 ac?
stock?
house?

This is not an application map.

Attachments: Melton affidavit shows 1885 and W 1/2 NE SW.

*NE HAS
copy of
1886 documents*

Done by Farr, Roseburg.

Check acreage with planimeter.

0662

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

UNADJUDICATED DRAINAGE? YES

SWR # 13

BASIN 16

RECEIPT # 63815 & 64816

CHECK TO SEE IF ENCLOSURES ARE THERE ✓

ACKNOWLEDGEMENT LETTER ✓

ENTER ON STREAM INDEX ✓

CHECK BASIN MAP 9/10/90 DEK

CHECK QUADRANGLE MAP 9/10/90 DEK

CHECK G.L.O. PLATS 9/10/90 DEK

REVIEW FORM:

- Blanks filled out
- Signed DEK *only by WILLIAM NEED COEA SIGNATURE*
- Date received stamped
- Date received filled out

MAP:

- Location of diversion point to govt corner *NEED TIES*
- pipelines, CANALS, DITCHES, ETC *NEED PIPELINES*
- Place of use *NEEDS TO BE SHOWN*
- Scale
- Section, Township, Range
- North arrow
- CWRE STAMP

WATER RIGHT RECORD CHECK 9/10/90 DEK

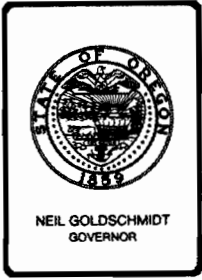
ENTER ON PLAT CARDS ✓

61868

NUMBER _____

Check 200⁰⁰ NO _____ Cash _____

- Surface Application
- Reservoir Application
- Ground Water Application
- Transfer Application
- Power Claim
- Hydroelectric Examination
- Hydroelectric License
- Copying
- Assignment
- Extension of Time
- Other
- P-6
- Quadrangle
- Basin
- Protest
- Constructors Examination
- Constructors License
- Adjudication



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

July 3, 1990

William L. Fummerton
1622 Melton Road
Roseburg, OR 97470

RE: SWR-13

Dear Mr. Fummerton:

Thank you for your check for \$200 to include stock use as part of your surface water registration. Our receipt number 64816 is enclosed.

We expect to have our rules in place and will begin processing the application this month. If we need anything more to complete our work we will contact you again.

Sincerely,

Mary S. Graine, Manager
Adjudication\Hydroelectric Section

MSG:tle

0595

RECEIVED

JUL - 2 1990

WATER RESOURCES DEPT.
SALEM, OREGON

June 27, 1990

Mary S. Grainey, Manager
Adjudication Section
Water Resources Dept.
3850 Portland Rd. N.E.
SAlem, Or 97310

RE: SWR-13 & Stock Water Use

Dear MS. Grainey:

Please find enclosed fee of \$200.00 for stock and
water use for:

cows- 3 head
calves- 2 head
yearling steers- 2 head

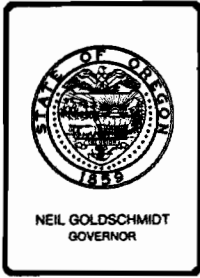
sheep- ewes 10 head
lambs 10 head

Sincerely,

William L. Fummerton
Wm Fummerton

WF:ls

enclosure



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 11, 1990

William L. and Cora L. Fummerton
1622 Malton Road
Roseburg, OR 97470

RE: SURFACE WATER REGISTRATION SWR-13

Dear Mr. and Mrs. Fummerton:

We have received your surface water registration statement and have numbered it SWR-13. I am enclosing our receipt numbered 63815 for fees paid in the amount of \$230.

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 should have final rules by July 1990.

Before we can endorse the registration we must clarify the stock watering use. Please identify how many head of stock are using water. If the stock is for family use only, no additional fees are required. If stock are raised for commercial use -to be sold- then an additional \$200 fee is required.

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:tle

enclosure

0583

Furmanston

SURFACE WATER REGISTRATION STATEMENT CHECK LIST

1. Date Stamped In 5-31-90
2. Receipt 63815, 64816
3. Payment Entered and Signed ✓ \$230 + \$200
4. Acknowledgement Letter ✓
5. Enter on Water Right Records
 - A. Stream Index *Umpqua 14B* ✓
 - B. Plat Cards 285 SW 12 NESW ✓
6. Review
 - A. Form
 - B. Map
 - C. Exhibits
7. Records Check
 - A. Conflicting Rights *see app ~~1~~?*
None
 - B. Confirming or Conflicting Evidence
8. Letter of Correction, Completion or Acceptance
9. Enter on PARADOX
10. Accepted as OK by WRD

0308j

Application No. 70388

RECEIVED

MAY 31 1990

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALMON, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) WILLIAM L FUMMERTON OR CORA L FUMMERTON
(Please print or type - use dark ink)

Mailing Address: 1622 MELTON ROAD
ROSEBURG OR 97470 (503) 672-2706
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: MELTON CREEK
a tributary of DEER CREEK, SOUTH UMPQUA RIVER, UMPQUA RIVER

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.023 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: POD (1) 0.005 DOMESTIC, 0.013 IRRIGATION
POD (2) 0.005 DOMESTIC

3. INTENDED USE(S) OF WATER: DOMESTIC AND LAWN AND GARDEN NOT TO EXCEED 0.5 ACRE AND IRRIGATION OF 1.0 ACRE OF PASTURE
If for more than one use, give the quantity of water from each source for each use; SEE ABOVE

If for DOMESTIC use, state the number of households to be supplied; 2

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation 1.0
Other (describe) _____

PC ✓
6/1 Qci

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

POD (1) ENCLOSED SPRING BOX NEXT TO A CONCRETE FOUNDATION WALL USED TO CREATE A SMALL POOL DURING SUMMER LOW FLOW. DOMESTIC WATER IS PUMPED FROM THE 43"X45"X48" DEEP SPRING BOX. THE PUMP IS POWERED BY A JACUZZI MOTOR, 1 HP, SINGLE PHASE 220VOLT, 3450 RPM. THE SUPPLY PIPE CONSISTS OF 90 FEET OF 1/2" DIAMETER PIPE AND 360 FEET OF 3/4" INCH PIPE. IRRIGATION IS SUPPLIED FROM A SEARS AND ROEBUCK PUMP POWERED BY A SINGLE PHASE 220 VOLT 1 HP 3450 RPM MOTOR MODEL 390-80, THROUGH SIX (6) RAINBIRD SPRINKLERS WITH 3/16" ORFICES.

POD (2) THE PUMP SUPPLYING DOMESTIC WATER TO A GARDEN HAS NO VISIBLE NAME PLATE. IT IS BELT DRIVEN BY ~~FEAR-FREE~~ A SINGLE PHASE 120 VOLT 1 HP 1750 RPM MOTOR. THE PUMP HAS A 3 1/2" IMPELLER. THE GARDEN IS WATERED THROUGH 2 RAINBIRD SPRINKLERS WITH 3/16" ORFICES.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin COMPLETED
Proposed date construction work will be completed COMPLETED
Proposed date water use will be completed COMPLETED

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS:

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

William L. Summerton
Signature of Applicant

5/26/90
Date

Con L. Summerton
Signature of Co-Applicant, if any

5/26/90
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem
Oregon, on the 31st day of May, 1990, at 8:00 o'clock, A M.

APPLICATION NO: 70388

PERMIT NO: _____

RECEIVED

MAY 31 1990
WATER RESOURCES DEPT.
SALEM, OREGON

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**AFFIDAVIT IN SUPPORT OF
WATER RIGHTS TO MELTON
CREEK**

STATE OF OREGON)
) ss.
County of Douglas)

I, ELMER JACKSON MELTON, being first duly sworn, depose and say:

That I make this Affidavit in support of the application for water rights, made by WILLIAM L. FUMMERTON and CORA LEE FUMMERTON and for the purposes of supplying the facts and history regarding the use of the water on Melton Creek.

I have lived on the land in question for 87 years, since 1900. This property is located on Melton Road and Melton Creek flows through the property. My parents lived on the property in question since 1885 and owned the original 40 acres in question generally known as the West half of the Northeast quarter of the Southwest quarter of Section 12, Township 28S, R5W, Willamette Meridian, Douglas County, Oregon.

Generally nine people or more in our family lived on the property for as long as I remember. My family and I made complete use of Melton Creek, continuously since 1885. We had the total use of all of the water in the creek. The water that now exists in the creek equals approximately one-half of the amount of water that used to flow through the creek. For more than 100 years

1 we had exclusive use of the creek from its headwaters. No persons used or
2 attempted to use any water below us for 10 - 15 years. Then in 1907
3 only limited use of the water of the creek was made below us, with our
4 permission, when we did not need the water.

5 My family and I continually used water from the creek for all
6 domestic purposes, washing of clothes, drinking and all of those household
7 purposes. We also drew water from the creek to water our livestock on the
8 property. All livestock possessed, including milk cows, horses, cattle and
9 other farm animals, were watered from the creek.

10 Water from the creek was used to irrigate pasture land throughout
11 the acreage and was used to irrigate land which had been plowed for
12 garden purposes and the water was used to irrigate whatever crops were
13 continually grown in the garden. This type of use of the creek continued
14 and has continued until this date, until being challenged by the authorities
15 from the office of the watermaster.

16 At all times referred to herein dams were placed in the creek to
17 block and divert the water out of the creek for use on the property for
18 irrigation and for general uses of the family on the property and in the pur-
19 suit of farming of the property by me and by my family.

20 It was not until the early 1930's when anyone attempted to divert
21 water upstream from our property for any type of use. The upstream
22 property holders always let enough water through in the creek for our com-
23 plete uses as we had previously enjoyed and according to our needs on our
24 own property which were consistent with the history of our general use of
25 the property and the water to both irrigate our lands, water our livestock and
26 provide water for all of our domestic purposes. Only in the last few years
27 has the water been diverted, at times, to a point where there is insufficient

1 water to service our property and to water our livestock and provide for general
2 domestic purposes.

3 Water from the creek is necessary for proper enjoyment and use of the
4 40 acres of property in question and to use the property as it has historically
5 been used for more than 100 years.

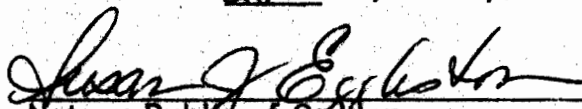
6 The 40 acre property described herein was also served by springs
7 adjacent to Melton Creek and at various locations on the property those
8 springs were consistently used by me, my parents and our family for domestic
9 purposes, watering the livestock, and irrigating. We used the entire water
10 from the springs and from any area of flow or percolation from the ground
11 adjacent to or on the property. This use existed since 1885 to present time.

12 This Affidavit is made in good faith and made for the purpose of
13 supporting the application for water rights of WILLIAM L. FUMMERTON,
14 grandson of WILLIAM and ANN MELTON, and CORA LEE FUMMERTON. The
15 water right granted herein should predate any previous water right granted
16 on this creek from the property in question to its headwaters. I am competent
17 to testify to all of the facts set forth herein at any hearing or trial of the
18 issues referred to herein.

19
20 
Mark of ELMER JACKSON MELTON

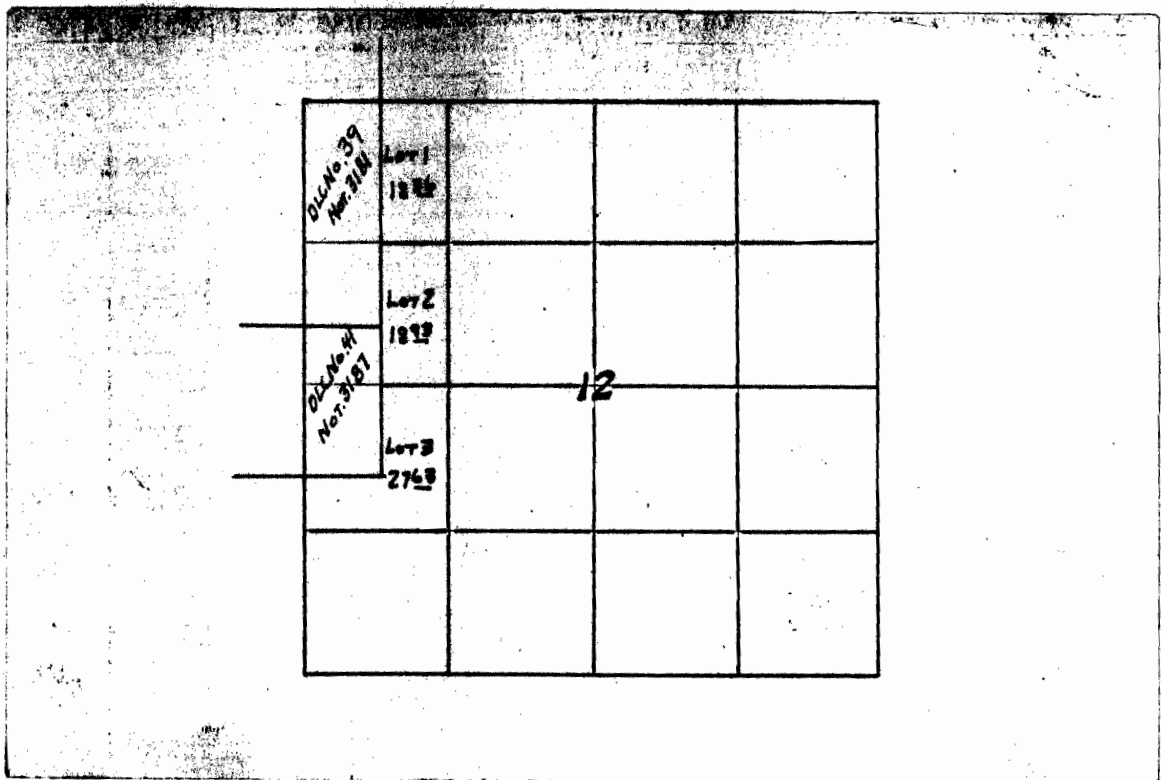
21 I hereby acknowledge that the above named appeared before me and that
22 he was known by me to be ELMER JACKSON MELTON and that he did make
23 his mark to acknowledge his signature of the affidavit and did further acknow-
24 ledge that he had the affidavit read to him in full and also reviewed the
25 affidavit as to correctness of fact prior to placing his mark thereon.

26 SUBSCRIBED AND SWORN to before me this 28th day of May, 1987.

27
28 
Notary Public of Oregon
My Commission Expires: 4/17 90

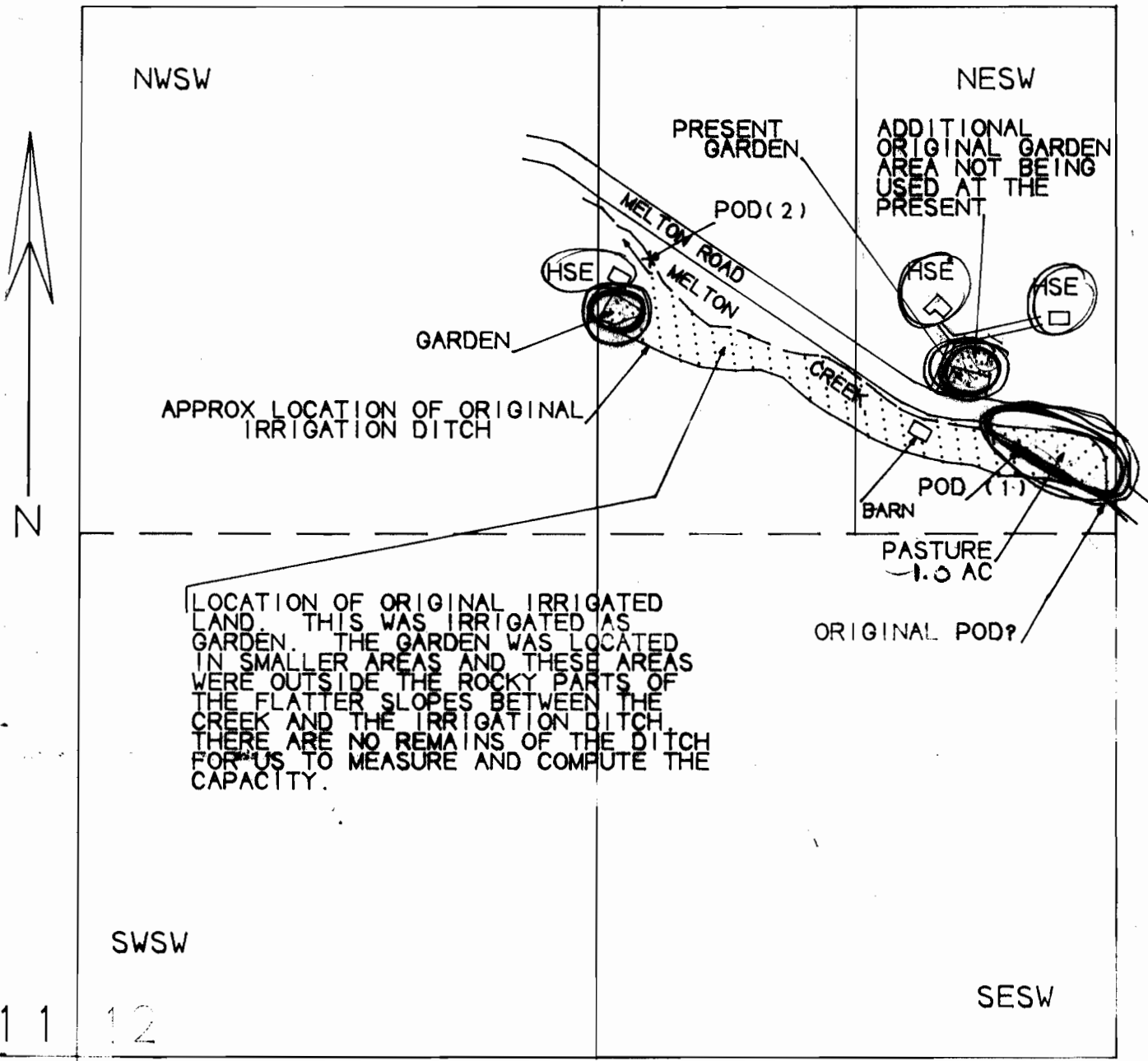
TOWNSHIP **285** RANGE **3 N** W. M. SECTION **12**

NE				NW				SW				SE				APPLI- CATION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				DLC Lot 1	DLC Lot 2			DLC Lot 3										
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
																9050	5944	7327
																19276	36930	57100
																52766	39840	56887
																53830	40454	57489
																60629	45391	
																66725	48123	
																68306	49273	
																68537	49475	
																68545	49585	
																70141	50965	
																52813		
(SEE BACK OF CARD FOR PLAT OF SECTION)																		



1 285, R5W, WM

SCALE 1" = 400'



LOCATION OF ORIGINAL IRRIGATED LAND. THIS WAS IRRIGATED AS GARDEN. THE GARDEN WAS LOCATED IN SMALLER AREAS AND THESE AREAS WERE OUTSIDE THE ROCKY PARTS OF THE FLATTER SLOPES BETWEEN THE CREEK AND THE IRRIGATION DITCH. THERE ARE NO REMAINS OF THE DITCH FOR US TO MEASURE AND COMPUTE THE CAPACITY.

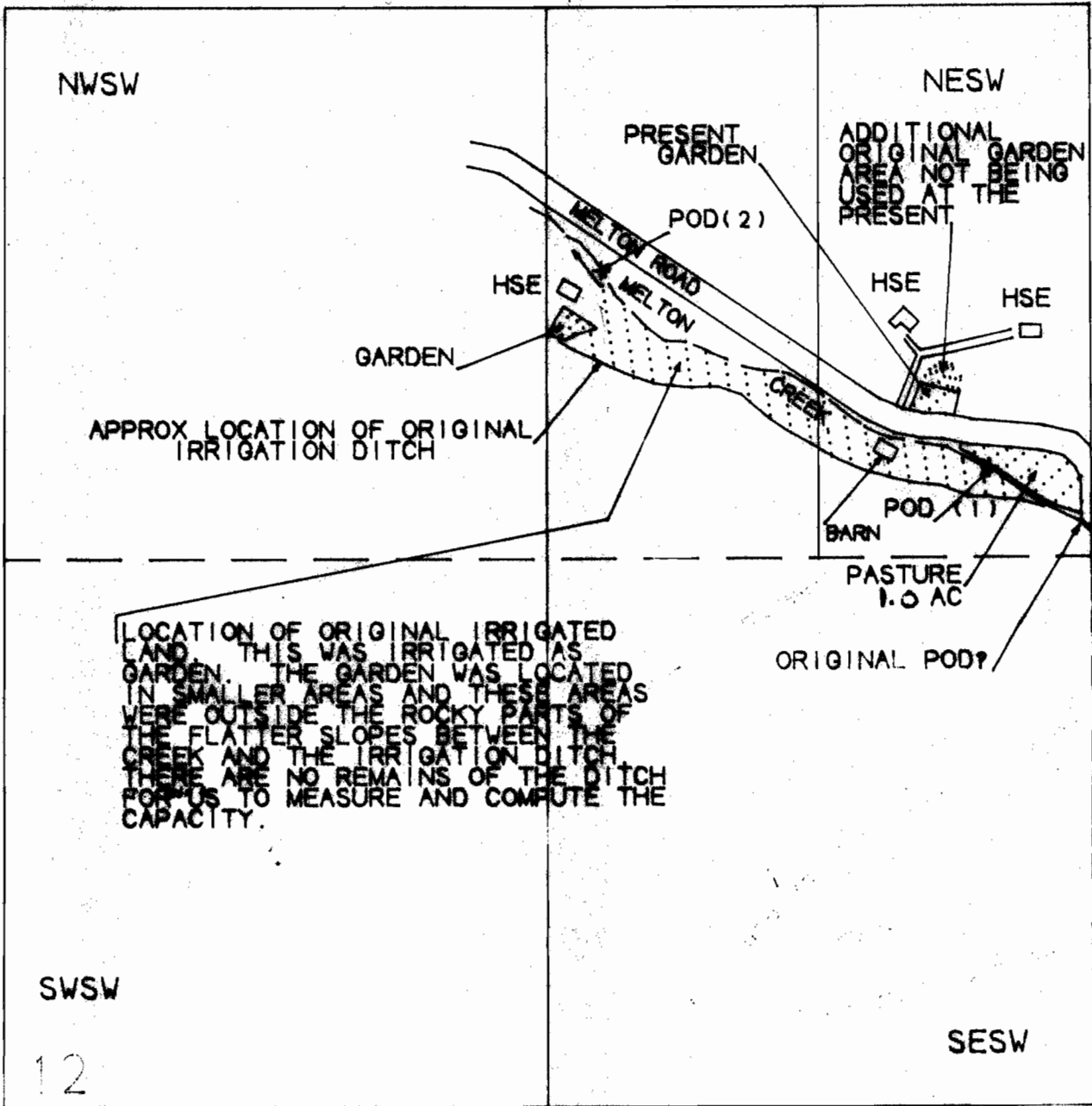
1 1 1 2
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THIS IS A LOCATION MAP FOR A WATER RIGHT APPLICATION BY WILLIAM L FUMMERTON OR CORA L FUMMERTON. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



285, R5W, WM

SCALE 1" = 400'



LOCATION OF ORIGINAL IRRIGATED LAND. THIS WAS IRRIGATED AS GARDEN. THE GARDEN WAS LOCATED IN SMALLER AREAS AND THESE AREAS WERE OUTSIDE THE ROCKY PARTS OF THE FLATTER SLOPES BETWEEN THE CREEK AND THE IRRIGATION DITCH. THERE ARE NO REMAINS OF THE DITCH FOR US TO MEASURE AND COMPUTE THE CAPACITY.

1 1
1 2
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1 3

THIS IS A LOCATION MAP FOR A WATER RIGHT APPLICATION BY WILLIAM L FUMMERTON OR CORA L FUMMERTON. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



MAY 21 1988

KNOW ALL MEN BY THESE PRESENTS that E. J. MELTON and WINNIE MELTON have entered into a CONTRACT OF SALE to transfer their interest in the property set forth below to WILLIAM L. FUMMERTON, CORA LEE FUMMERTON and PENNY BELL SHARP. Said property is described as follows:

The West half of the Northeast quarter of the Southwest quarter of Section 12, Township 28 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

Reserving to E. J. MELTON and WINNIE MELTON, the Grantors herein, and each of them a life estate in said property.

The full consideration for this sale is Sixty-five Thousand Dollars (\$65,000.00).

IN WITNESS WHEREOF, SELLERS have hereunto set their hand and seal this 28th day of December, 1979.

E. J. Melton
E. J. MELTON, SELLER

Winnie Melton
WINNIE MELTON, SELLER

STATE OF OREGON)
County of Douglas) ss.

Personally appeared the above-named E. J. MELTON and WINNIE MELTON, and acknowledged the foregoing instrument to be their voluntary act and deed.

DATED this 28th day of December, 1979.

Theresa J. Greene
Notary Public for Oregon
My Commission Expires: 11-6-82

GRANTOR:
E. J. & WINNIE MELTON
1497 Melton Rd.
Roseburg, Oregon 97470

GRANTEE:
WILLIAM L. & CORA LEE FUMMERTON - PENNY BELL SHARP
1622 Melton Rd. 55 W. Agee #15
Roseburg, Oregon 97470 Roseburg, Oregon 97470

Until a change is requested all tax statements should be sent to the Grantee.

After recording return to:
DOYLE L. SCHIFFMAN, Attorney
1012 S.E. Oak, Suite 303
Roseburg, Oregon 97470

DOUGLAS COUNTY TITLE COMPANY

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

I, DORIS L. WADSWORTH, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY.

1979 DEC 31 PM 2 37

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK
BY Mary Deed
DEPUTY
NO. _____ FEB 3 5 1979

79-20635

DOUGLAS COUNTY OFFICIAL RECORDS

1979

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

We, Estella Oden of Clark's Branch Road, and Elbert Monroe and Jesse A. Monroe of Upper Olalla Road, Douglas County, Oregon, being each duly sworn on oath for self and not one for the other depose and say:

That I am a resident of Douglas County, Oregon.

That I am familiar with the creek which heads on Bushy Butte in Douglas County, Oregon, and flows in a northwest direction through the following described real property, to-wit:

The Northeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 5 West of the Willamette Meridian, Douglas County, Oregon.

That I know of my own personal knowledge that prior to 1906 W. B. Melton owned the above-described real property and took and used water from said creek for domestic and irrigation purposes.

Jesse A. Monroe

Elbert Monroe

Estella V Oden

Subscribed and sworn to before me this 7th day of July, 1964.



R. O. Young
Notary Public for Oregon.

My Commission Expires:

Jan 31, 1967

STATE OF CALIFORNIA,)
County of Sacramento .)

I, Ada Brown, being first duly sworn on oath depose and say:

That I presently reside at Sacramento, California.

That I formerly resided in Douglas County, Oregon.

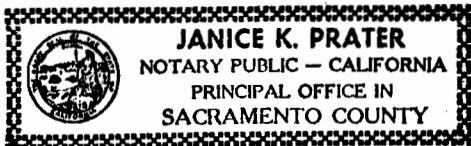
That I am familiar with the creek which heads on Bushy Butte in Douglas County, Oregon, and flows in a northwest direction through the following described real property, to-wit:

The Northeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 5 West of the Willamette Meridian, Douglas County, Oregon.

That I know of my own personal knowledge that prior to 1906 W.B. Melton owned the above-described real property and took and used water from said creek for domestic and irrigation purposes.

Ada Brown

Subscribed and sworn to before me this 21st day of May, 1964,



Janice K. Prater
Notary Public for California.

My Commission Expires:

Janice K. Prater
My Commission expires May 16, 1967

KA

VOL 322 PAGE 380



KNOW ALL MEN BY THESE PRESENTS, That Boley J. Rudzik and Frances M. Rudzik, husband and wife,
 _____, grantor s.
 in consideration of Ten _____ Dollars,
 to them _____ paid by William L. Fummerton and Cora L. Fummerton, husband and wife,
 _____, grantee s.,
 do hereby grant, bargain, sell and convey unto the said grantee s., their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas and State of Oregon, bounded and described as follows, to-wit:

The East Half of the Northeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 5 West of the Willamette Meridian, Douglas County, Oregon, containing 20 acres of land, more or less.

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

And we the grantor s. 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 hand s and seal this 26th day of March, 19 63.

Frances M. Rudzik (SEAL)
Boley J. Rudzik (SEAL)
 _____ (SEAL)
 _____ (SEAL)



STATE OF OREGON,

County of Douglas } ss.

On this 26th day of March, 19 63, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Boley J. Rudzik and Frances M. Rudzik, husband and wife, who are

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.

J. G. Hardiel
 Notary Public for Oregon.
 My commission expires April 22, 1965.

WARRANTY DEED

BOLEY J. RUDZIK and FRANCES M. RUDZIK, Husband and wife,

TO

WILLIAM L. FUMMERTON and CORA L. FUMMERTON, Husband and wife.

AFTER RECORDING RETURN TO

William L. Fummerton
Rt. 1- Box 620
Roseburg, Ore.

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

321056

STATE OF OREGON,

County of Douglas } ss.

I certify that the within instrument was received for record on the 1st day of April, 1963, at 10 o'clock P.M., and recorded in book 322 on page 380 Record of Deeds of said County.

Witness my hand and seal of County affixed.

G. D. Myllanbeck

County Clerk—Recorder.
 By Marjorie Weseman Deputy.
indexed mh

DOCKET No.

1963

my hand and seal this seventh day of October 1896.

Signed, sealed and delivered in presence of us as witnesses

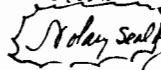
Thomas Melton - 

J. S. Fitzhugh -- Asher Marks

State of Oregon -- County of Douglas -- S.S.

This Certified That on this seventh day of October A.D. 1896 before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named Thomas Melton known to me to be the identical person 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 Official seal the day and year last above written.

 J. S. Fitzhugh

Notary Public.

Filed Feb 23rd 1900 & Recorded Feb. 26th 1900.

J. P. Gayley Clerk by M. E. Crookham, Deputy.

...unacknowledged... that he executed the same freely
and voluntarily.
Testimony whereof I have committed set on hand and Official
seal the day and year last above written.

Notary Seal of J. S. Fitzhugh
Notary Public.
J. S. Gayley Clerk by M. E. Crookham, Deputy.

Filed July 23rd & Recorded Oct. 20th 1900.

Thomas Melton - W. D. S. W. B. Melton.
Know all men by these presents, that I, Thomas Melton (Widower of
Douglas County, State of Oregon, in consideration of one hundred dollars to
me in hand paid by W. B. Melton, of Douglas County, State of Oregon, have
bargained and sold, and by these presents do grant, bargain, sell and con-
firm unto said W. B. Melton, his heirs and assigns, all the following bounded
and described real property, situated in the County of Douglas and State
of Oregon: Eighty (80) Acres, the same being undivided and part of the following
described premises - The East-half of the Donation Land Claim of James
Lawson No 39 in Township 28 South of Range 5 West Containing 159.82
Acres. Also the N.E. 1/4 of the S.W. 1/4 of Section 12 Township 28 South of Range 5 West
containing 40 Acres and aggregating 199.82 acres, together with all and
singular the tenements, hereditaments and appurtenances thereto be-
longing or in any wise appertaining, and also all my estate-right- title and in-
terest in and to the same - including dower and claim of dower.
I have and to hold the above described and granted premises unto
said W. B. Melton, his heirs and assigns forever. And I, the said Thomas
Melton, grantor above named do covenant to and with the said W. B.
Melton, the abovesaid grantee, his heirs and assigns that I am law-
fully seized in fee simple of the above granted premises - that the
above granted premises are free from all incumbrances and that
I, my heirs, executors and administrators shall warrant and
defend the above granted premises, and every part and parcel
thereof against the lawful claims and demands of all persons whomsoever.
Witness my hand, I the grantor above named, herunto set my hand

and Catherine ^W Clark, his wife and Jonathan R. Baker, to me known to be the identical persons described in and who executed the foregoing conveyance and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and official seal, this 26th day and year in the certificate above written.



Will P. Hayden
Notary Public.

Filed July 23 Recorded July 26 1900.

F. Langley, Clerk by M.E. Ervicham, Deputy.

RECEIVED
MAY 31 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Thomas Melton - N. D. Do - R. R. Melton.

Know all men by these Presents, That I, Thomas Melton of Douglas County, State of Oregon in consideration of Two Thousand Dollars to me in hand paid by R. R. Melton, of Douglas County, State of Oregon have bargained and sold and by these presents do grant, bargain, sell and convey unto said R. R. Melton, his heirs and assigns, all the following bounded and described real property, situated in the County of Douglas and State of Oregon, The undivided one half of the East half of Donation Land Claim No. 39, of James Gilmore, in Township 28 South of Range 5 West, containing 159.82 acres also the NE 1/4 of the SW 1/4 of Sec. 12 Tp 28 S R 5 W containing 40 acres and aggregating 199.82 acres, together with the tenements all and singular, the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and also all my estate, right, title and interest in and to the same including debts and claim of debts to have and to hold the above described and granted premises unto the said R. R. Melton, his heirs and assigns forever. And I the said Thomas Melton the grantor above named do covenant to and with the said R. R. Melton the abovesaid grantee, his heirs and assigns that I am lawfully seized in fee simple of the above granted premises - that the above granted premises are free from all incumbrances and that I will and my heirs executors and administrators shall covenant and forever defend the above granted premises, and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In witness whereof I, the grantor above named, hereunto set-

and seal this seventh day of October, 1896

Signed, Sealed and delivered in the presence of us as witnesses

Thomas Melton *seal*

J. S. Fitzhugh -- As her Marks.

State of Oregon -- County of Douglas } ss.

This certifies that on this seventh day of October, A.D. 1896 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Thomas Melton known to me to be the identical person 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 official seal the day and year last above written.

Filed Feb. 23rd & Recorded Feb. 26th 1900 }

Notarial } J. S. Fitzhugh
seal. } Notary Public.

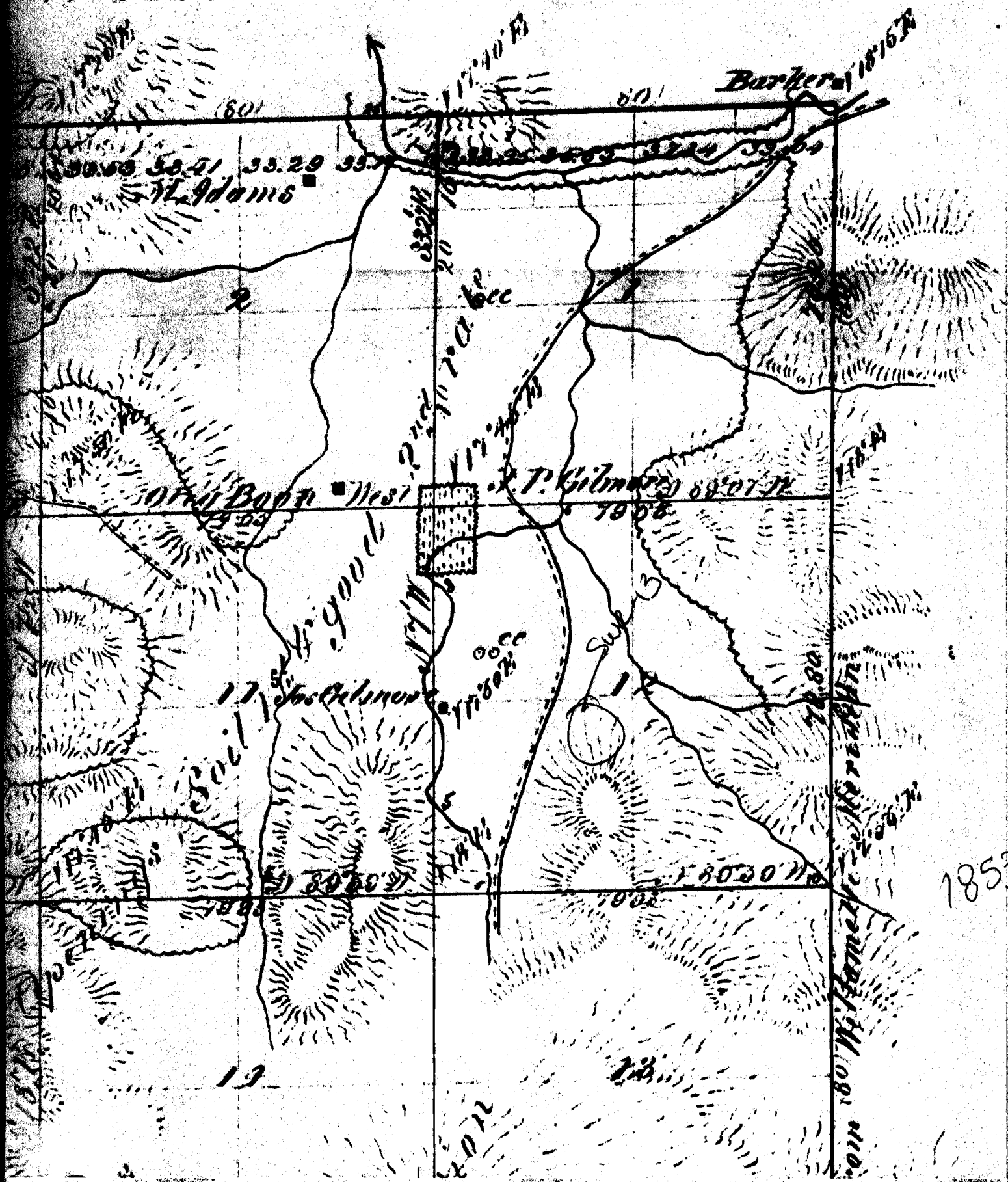
J. S. Engley, Clerk of M. E. Crossman Deputy }

John Hall -- 212. L. St. - C. S. N. E. St.

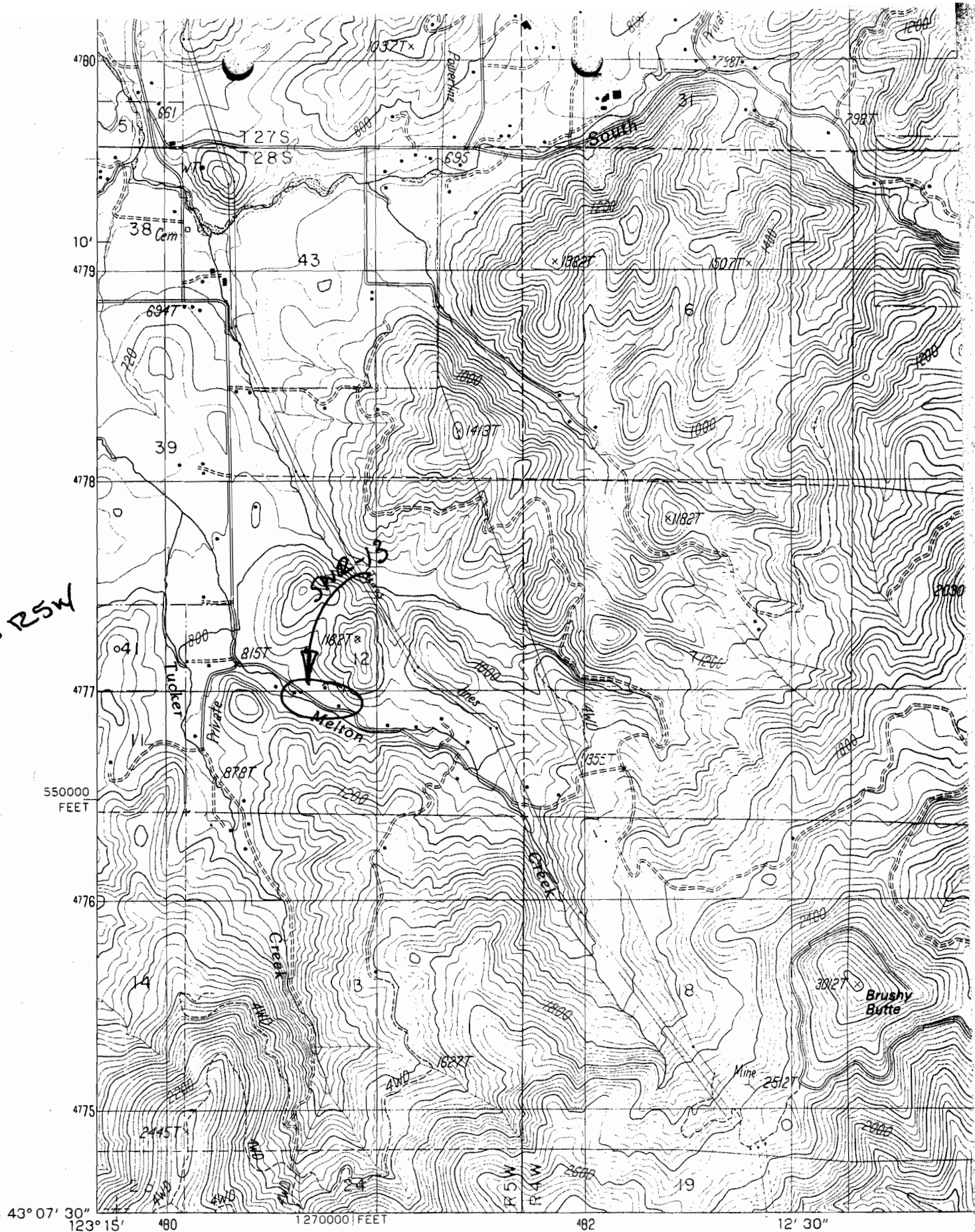
This Indenture Witnesseth That I, John Hall and Florence Hall his wife, for and in consideration of eighty Dollars to me paid here bargained and sold and by these presents do bargain, sell and convey unto C. G. Nest following described premises, to-wit: Lot five (5) in block ten (10) in the town of Myrtle Creek, Douglas County, Oregon.

To Have and to Hold the said premises with their appurtenances unto the said C. G. Nest his heirs and assigns forever. And the said John Hall and Florence Hall doth hereby covenant to and with the said C. G. Nest, his heirs and assigns that they the owners in fee simple of said premises, that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever
In witness whereof we have set our hands this 10th day of Oct.

Willamette Meridian.



T285 R25W

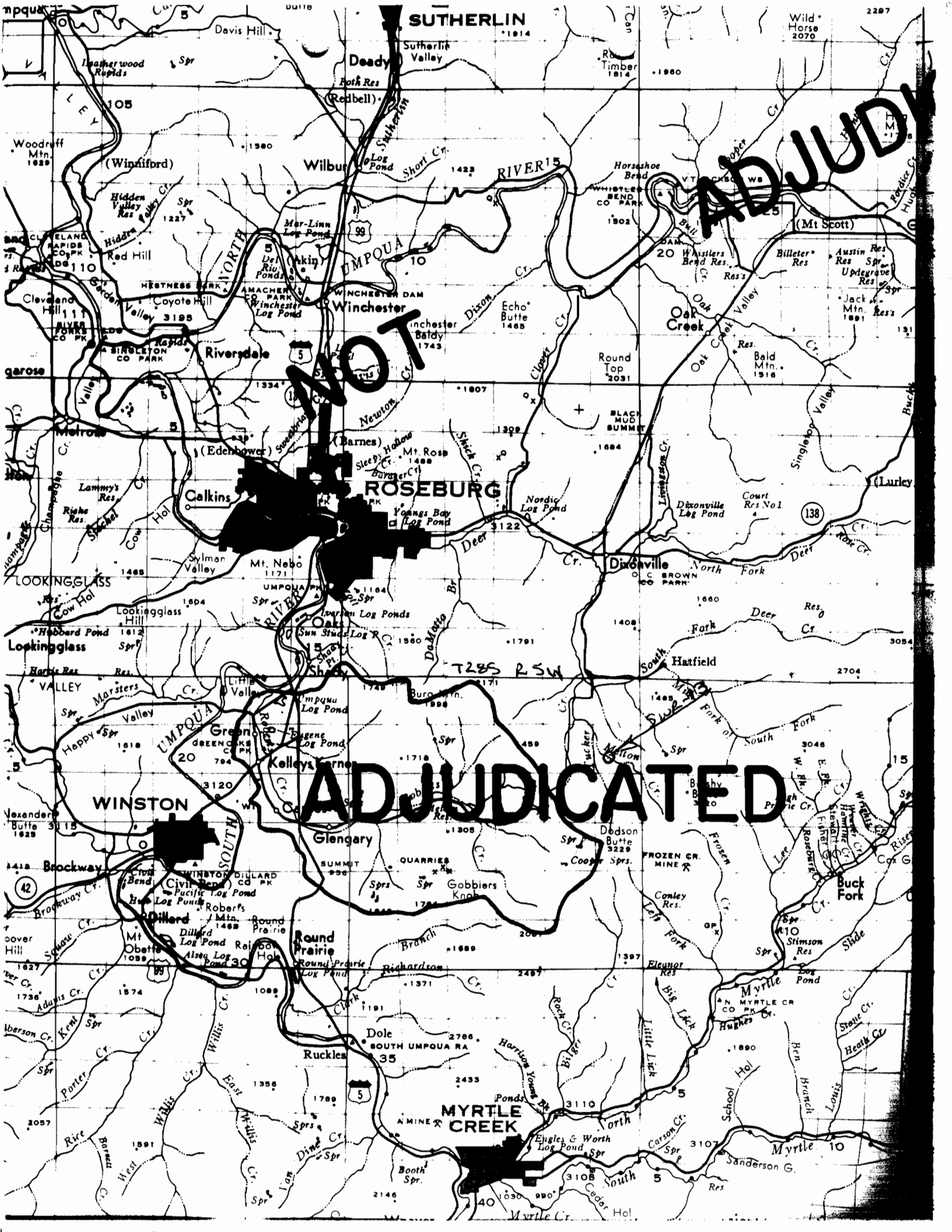


PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1982
 FIELD CHECKED 1984. MAP EDITED 1987
 PROJECTION LAMBERT CONFORMAL CONIC
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 10
 10,000-FOOT STATE GRID TICKS OREGON, SOUTH ZONE
 UTM GRID DECLINATION 0°08' WEST
 1980 MAGNETIC NORTH DECLINATION 19° EAST
 VERTICAL DATUM ... NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM

NORTH



PROVISIONAL MAP



SUTHERLIN 1914

Wild Horse 2070

ADJUDICATED

NOT

ADJUDICATED

MYRTLE CREEK

