

May 18, 2009

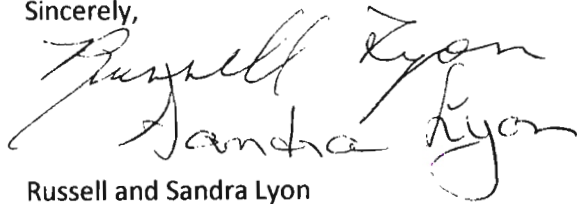
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Dear Ms. Hranac,

Please find enclosed the documentation to amend our Surface Water Registration #60. We are moving 2.88 acres of the 4.1 acres (shown as double cross-hatching on our September 1989 map) claimed in the NESE, Section 6, T30S, R3W, WM. We are changing the place of use in order to irrigate 2.88 acres of new riparian plantings as part of a watershed council restoration project on our property. The new place of use is shown on the enclosed aerial photo/map.

Thank you for your assistance in this matter.

Sincerely,

Handwritten signatures of Russell Lyon and Sandra Lyon in black ink.

Russell and Sandra Lyon
3880 Days Creek Road
Days Creek, OR 9742

541-825-3272



AMENDMENT TO SURFACE WATER REGISTRATION No. 60
AMENDING PLACE OF USE

1. Original Claimant and Current Landowner: Russell R. and Sandra G. Lyon
3880 Days Creek Road
Days Creek, OR 97429
(541) 825-3272

2. Original Place of Use: 2.88 Acres NESE, Section 6, T30S, R3W, WM

3. Proposed Place of Use:

All within Section 6:

0.1 acre	West side of Fate Creek	SE ¼ of NE ¼
0.06 acre	East side of Fate Creek	SE ¼ of NE ¼
0.93 acre	West side of Fate Creek	NE ¼ of SE ¼
0.60 acre	East side of Fate Creek	NE ¼ of SE ¼

All within Section 6:

0.14	North side of Days Creek	NE ¼ of SE ¼
0.18	South side of Days Creek	NE ¼ of SE ¼

All within Section 5:

0.87 acre	South side of Days Creek	NW¼ of SW ¼
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All above in Township 30 South, Range 3 West, W.M.; Douglas County

4. Purpose of the Amendment:

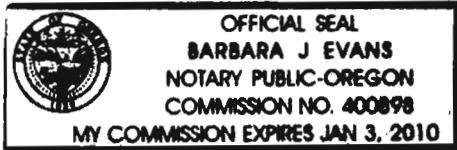
We wish to irrigate the areas on Fate and Days Creek where trees and shrubs were planted as part of a watershed council riparian restoration project.

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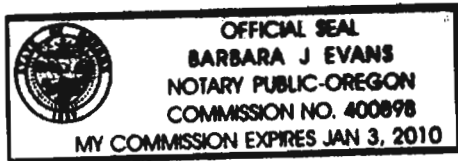
**WATER RESOURCES DEPT
SALEM, OREGON**

IN WITNESS WHEREOF, we hereunto set our hands this 21st day of May, 2009



Russell R. Lyon
Russell R. Lyon

Sandra G. Lyon
Sandra G. Lyon

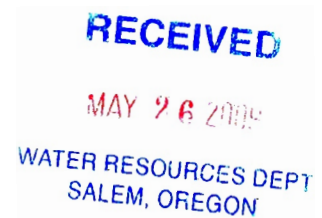


Subscribed and sworn to before me this 21st day of May, 2009

Barbara J. Evans
Notary Public for Oregon

My commission expires on 1-3-2010

- Attachments:
1. Amended Surface Water Registration
 2. Copy of Claim
 3. Affidavit attesting to use of water
 4. Copy of Deed
 5. Amendment Map
 6. Original Claim Map

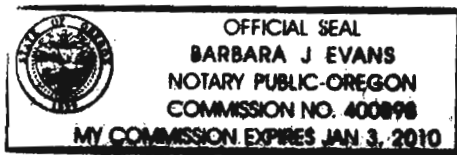


AFFIDAVIT

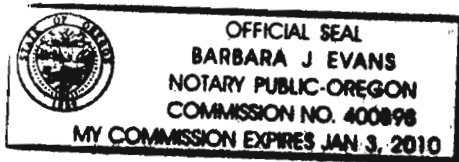
STATE OF OREGON)
) ss.
County of Douglas)

We, Russell R. and Sandra G. Lyon, being first duly sworn, depose and say that the lands within our ownership as described in Surface Water Registration No. 60, 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 claim.

IN WITNESS WHEREOF, we gave hereunto set our hand this 21st day of MAY, 2009.



Russell R. Lyon
Russell R. Lyon



Sandra G. Lyon
Sandra G. Lyon

Subscribed and sworn to before me this 26th day of MAY, 2009

Barbara J. Evans
Notary Public for Oregon

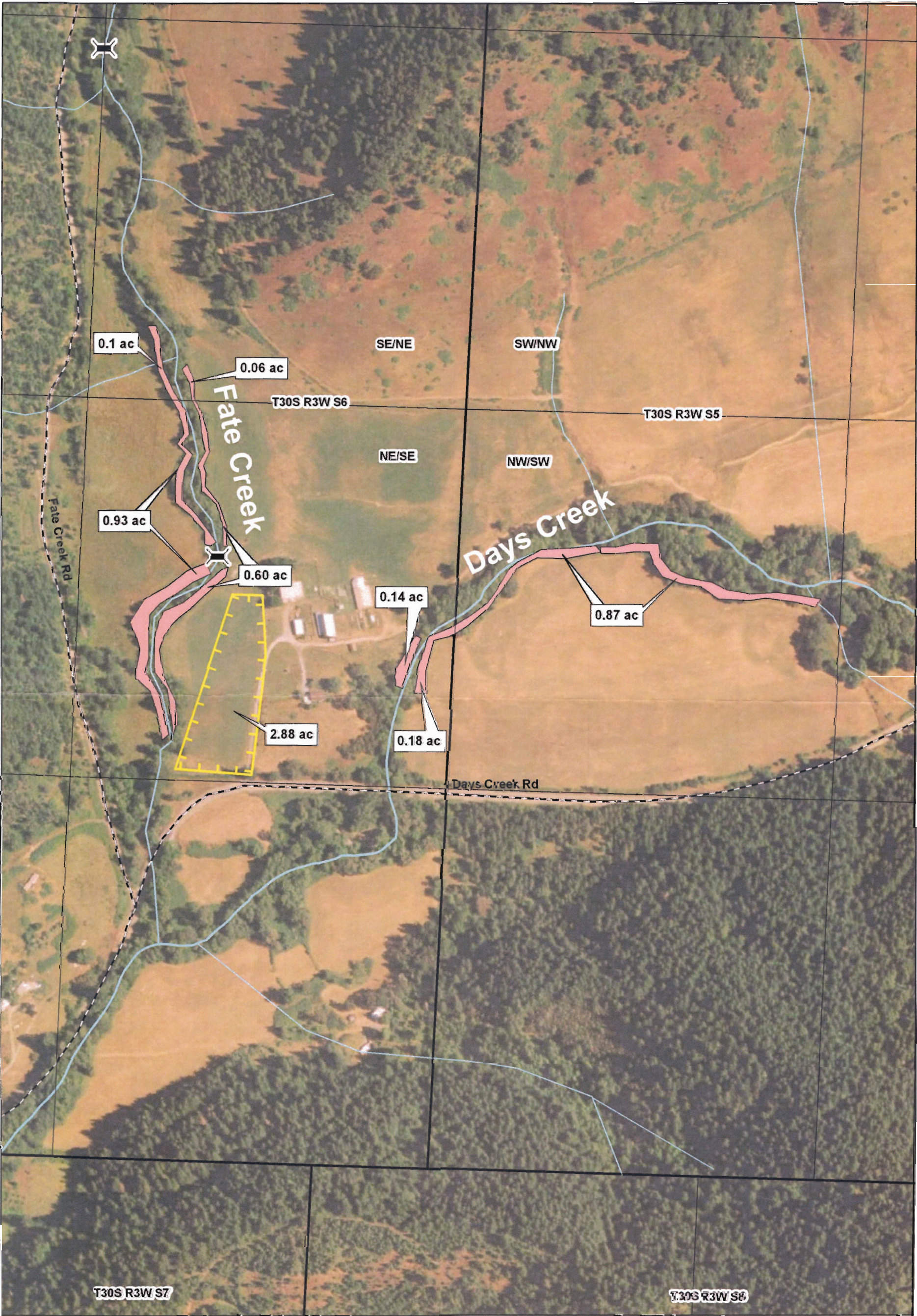
My commission expires on 1-3-2010

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Amendment to Surface Water Registration # 60



Map Symbols

Streams	PLS
Roads	2.88 acres
Livestock Crossing	2.88 acres

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State of Oregon
WATER RESOURCES DEPARTMENT

REGISTRATION STATEMENT CLAIMING A RIGHT TO APPROPRIATE SURFACE WATER

Registrant: Russell R. Lyon, Sandra G. Lyon 825-3272

Mailing address: P. O. Box 1216 Street
Ramona Calif. 92065 619-789-1811
 City or town State Zip Phone

1. Sources of water Fate Creek
 Tributary to Days Creek

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

3. Amount of water used for beneficial purpose 1.05 (0.27 vested)
 (cubic feet per second)

4. Date of the initiation of such water right 1859

If the right to be claimed is described by permit, give the permit no. 33602, certificate no. vol 35/page 43561, and name it is in Fate Creek Ranch Corp.
vol 48/page 52977

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 3' Bottom width 2' Depth 1'
 Grade or fall per 1000 feet feet 1' minimum Capacity _____
 (cubic feet per second)

B) PIPELINE:

Size at intake 4" Size and distance at changes 3" @ approx. 1000'
 Total fall between intake and place of use 5' Capacity _____
 (feet) (cubic feet per second).

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C) PUMP:

Make Jacuzzi Type centrifugal
 No. 15 GH 2-A Intake size 4" Discharge size 4"
 Suction head _____ Discharge head _____
 Rating: G.P.M. _____ R.P.M. 2950 Pressure _____

D) MOTOR:

Type 3 ph elec. Make A.O. Smith
 H.P. Rating 15 R.P.M. 2950

E) CONNECTION:

Direct connected unit yes
 If belt driven: Size of drive pulley _____ Driven pulley _____

F) DISTRIBUTION SYSTEM:

Main line: Size 4" Length 1320' Kind of pipe aluminum
 Lateral lines: Size 3" Length 1900' Kind of pipe aluminum
 Size _____ Length _____ Kind of pipe _____

G) SPRINKLER HEADS:

Make Rain Bird Size of nozzles 5/32" x 3/32"
 Number of heads used 47 Capacity of each _____ G.P.M.
 Operating pressure _____ lbs.

6. Area of land which your distribution system, as originally constructed, was intended to irrigate:

21.3 acres ^{*} This is the area of land most likely irrigated prior to 1900. Please see survey map by W. J. Ruppert.

7. Location of the area irrigated, or place of use if other than for irrigation:.

County of Douglas

Township	Range	Section	1/4, 1/4 Section	No. of acres Irrigated	
30 S	3 W	5	SW $\frac{1}{4}$ NW $\frac{1}{4}$	(0.1)	13.1
30 S	3 W	5	SE $\frac{1}{4}$ NW $\frac{1}{4}$		13.6
30 S	3 W	5	NE $\frac{1}{4}$ SW $\frac{1}{4}$		8.5
30 S	3 W	5	NW $\frac{1}{4}$ SW $\frac{1}{4}$	(3.8)	28.7
all above projected within O'Neil DLC 38					
30 S	3 W	6	SE $\frac{1}{4}$ NE $\frac{1}{4}$ TOTAL	(0.2)	0.1 lot 2
30 S	3 W	6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	(0.2)	5.9 lot 3

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FEB 24 1982

8. Location of the point of diversion:

No. 1 SE 1/4 SE 1/4, Section 31, T 29 S N/S, R 3 W E/W. WATER RESOURCES DEPT SALEM, OR
No. 2 SE NE 6 30 S 3 W

9. If the water use is for power, please state:

- A) Gross Head _____ feet
B) Developed THP _____
C) Describe the type of water wheel or turbine and generator used: _____

D) If there is a water power claim, please state the filing number: _____

E) Is water returned to original source? _____ If so, where: _____
_____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W.

10. When does the irrigation season begin and end, and if water is used for other purposes, during what months is it used? Mar. 1 to Oct. 31
also possibly Nov.

11. Remarks: This is to document existing use and to establish vested right to this use. The claim of vested right is for the water required to irrigate the 21.3 acres believed to date back to the original homesteading of this property, (1850 to 1860).

This registration statement must be accompanied by a map prepared by a ~~licensed land surveyor or~~ ^{CERTIFIED WATER RIGHTS ENGINEER} engineer.

30 S	3 W	6	SE $\frac{1}{4}$	NE $\frac{1}{4}$	1.3 acres (1.3 acres)
30 S	3 W	6	NE $\frac{1}{4}$	SE $\frac{1}{4}$	12.9 acres (15.7 acres)
30 S	3 W	6	NE $\frac{1}{4}$	SE $\frac{1}{4}$	0.1 acres

above as projected within O'Neil DLC 38

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total 84.2 acres (21.3 acres)

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This is the acreage under permit No. 33602

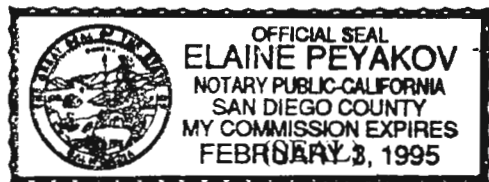
(21.3 acres) This is the acreage claimed for vested right.

CALIFORNIA
State of Oregon)
County of SAN DIEGO) ss.

I, Russell R. & Sandra G. Lyon, being first duly sworn, do hereby certify that I have read the Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Sandra G. Lyon
Russell R. Lyon
Signature of Registrant

Subscribed and sworn to before me this 12th day of FEBRUARY, 19 92



Elaine Peyakov
Notary Public

My commission expires: 2-3-95

CERTIFICATE OF REGISTRATION

State of Oregon)
County of _____) ss.

This is to certify that the foregoing Registration Statement was received in the office of the Water Resources Director on the _____ day of _____, 19 __, at _____ o'clock ____ M., and has been duly recorded in the office in Book No. _____ of Registration Statements on page no. _____.

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

Director

By: _____
Deputy

Fees paid: Irrigation: _____ acres, \$ _____
Power: _____ H.P., \$ _____
Other Uses: _____, \$ _____

Receipt Number: _____; TOTAL \$ _____

Received: _____, 19 ____.

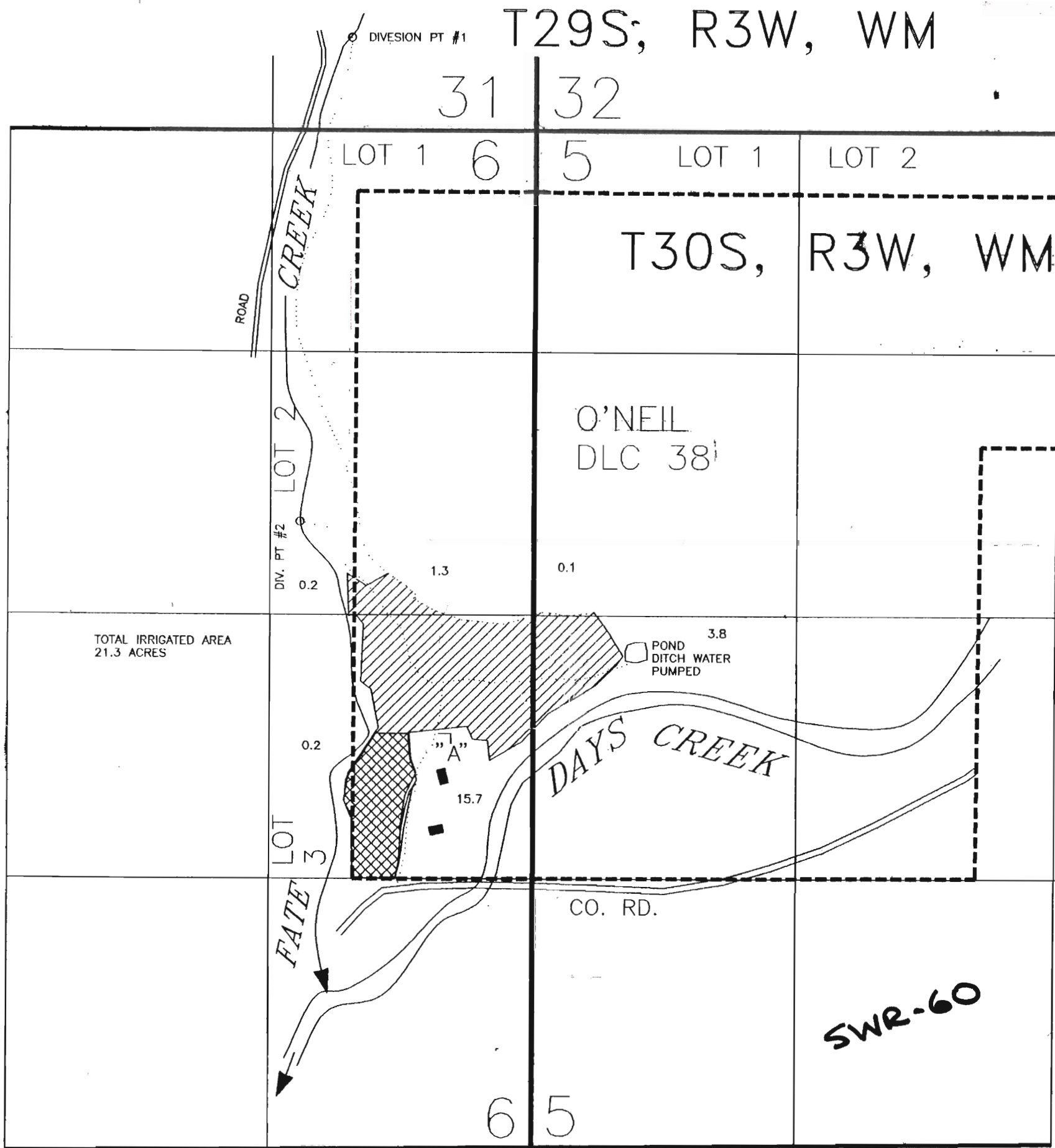
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Water Resources Department

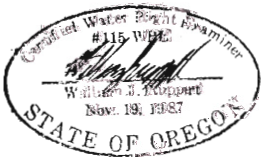
MAY 26 2009

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SALEM, OREGON

SWR-60



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



Diversion point #1 is located 470 feet north and 910 feet west from northeast corner of Section 6.

Diversion point #2 is located 1790 feet North and 270 feet west from the SW corner DLC 38

The ditch south of point "A" is no longer being used, however evidence of the ditch is still in place.

Area that is double hachured is currently being irrigated by sprinkler system. Water is pumped from pond at end of ditch system. Owner plans to rebuild ditch and restore flood irrigation to this area.

DITCH

MAP COMPILED FROM FINAL PROOF SURVEY PERMIT
No. 33802, AERIAL PHOTOGRAPH, AND SURVEY

SURVEY
VESTED WATER RIGHT
FOR
WES RALEY
SCALE 1"=400' SEPTEMBER 1989

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SALEM, OREGON

2002-13416

WARRANTY DEED

WES RALEY and DIANE RALEY, husband and wife, grantors, convey and warrant to RUSSELL R. LYON and SANDRA G. LYON, husband and wife, grantees, the real property described on Exhibit "A", attached hereto and by this reference made a part hereof, free of encumbrances except as specifically set forth herein.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or appertaining.

SUBJECT TO that certain mortgage, including the terms and provision thereof, wherein Earl K. Skibbie and Mary E. Skibbie, husband and wife, are mortgagors, and Fate Creek Ranch Corporation is the mortgagee, recorded March 17, 1978 in Book 669, page 475, instrument #78-04982, Douglas County, Oregon, which grantees assume and agree to pay and hold grantors harmless on account thereof.

SUBJECT TO easements of record or as the same are located thereon, rights of the public and rights of way, and the interest of others claiming or acquiring any rights of possession, along the Westerly boundary, lying West of that certain fence as set forth and shown on survey made by Umpqua Survey Company, dated March 10, 1978, and disclosed of record by deed recorded September 2, 1988, in Book 1033, Page 632, Instrument No. 88-13171.

The true consideration for this conveyance is \$345,000.

DATED: May 30, 1991.

Diane Raley Wes Raley

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.

STATE OF OREGON, County of Baker) ss May 30, 1991

The foregoing instrument was acknowledged before me by Wes Raley and Diane Raley.

Jacqueline L. Lanning
Notary Public for Oregon
my commission expires: 8/22/93

Grantors: Wes Raley and Diane Raley
 HCR 88, Box 148, Baker City, OR 97814

Grantees: Russell R. Lyon and Sandra G. Lyon
 POB 1216, Ramona, CA 92065

Tax Statements to: Russell R. Lyon and Sandra G. Lyon

After recording, return to: Russell R. Lyon and Sandra G. Lyon

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G. H. H.
Commercial Title Co.
Roseburg, OR 97470
55448

EXHIBIT A

BOOK 1870 PAGE 057

PARCEL 1

All that portion of Lots 2 and 3, Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, lying West of the following described line:

BEGINNING at the Southwest corner of James O'Neil Donation Land Claim No. 38, in said Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon; thence South 88° 47' 50" West 245.55 feet to a 3/4 inch iron rod being the true point of beginning of said line; thence along said line North 12° 02' 10" West 204.92 feet to a 3/4 inch iron rod; thence North 18° 45' 10" West 176.32 feet to a 3/4 inch iron rod; thence North 13° 31' 10" West 198.27 feet to a 3/4 inch iron rod; thence North 0° 50' 20" East 466.21 feet to a 3/4 inch iron rod; thence North 03° 24' 30" West 1356.26 feet to a 3/4 inch iron rod; thence North 07° 07' 30" East 232.22 feet to a 3/4 inch iron rod; thence North 60° 00' West 36.00 feet; thence North 04° 56' 30" East 371.01 feet; thence North 12° 38' 50" East 590.11 feet; thence North 23° 35' 30" East a distance of 215.95 feet, more or less, to the North line of Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon.

PARCEL 2

All that portion of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, lying East of the following described line:

BEGINNING at the Southwest corner of James O'Neil Donation Land Claim No. 38, in said Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon; thence South 88° 47' 50" West 245.55 feet to a 3/4 inch iron rod being the true point of beginning of said line; thence along said line North 12° 02' 10" West 204.92 feet to a 3/4 inch iron rod; thence North 18° 45' 10" West 176.32 feet to a 3/4 inch iron rod; thence North 13° 31' 10" West 198.77 feet to a 3/4 inch iron rod; thence North 0° 50' 20" East 466.21 feet to a 3/4 inch iron rod; thence North 03° 24' 30" West 1356.26 feet to a 3/4 inch iron rod; thence North 07° 07' 30" East 232.22 feet to a 3/4 inch iron rod; thence North 60° 00' West 36.00 feet; thence North 04° 56' 30" East 371.01 feet; thence North 12° 38' 50" East 590.11 feet; thence North 23° 35' 30" East a distance of 215.95 feet, more or less, to the North line of Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon.

Exhibit "A" Continued...
Order No. 23372

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Exhibit "A" Continued
Page 2

PARCEL 3

All that portion of the Southeast quarter of the Southeast quarter of Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, lying North of the following described line:

BEGINNING at the Southwest corner of James O'Neil Donation Land Claim No. 38, in said Section 6, Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon; thence South 88° 47' 50" West 245.55 feet to a 3/4 inch iron rod.

PARCEL 4

A parcel of land located in that part of James O'Neil Donation Land Claim No. 38 lying in the West half of Section 5 and in Section 6; also in Lot 7 (Southeast quarter Northwest quarter) and in Lot 8 (Northeast quarter Southwest quarter) of Section 5; and in Lot 1 (Northeast quarter Northeast quarter), Lot 2 (Southeast quarter Northeast quarter), Lot 3 (Northeast quarter Southeast quarter) and (Northwest quarter Northeast quarter) Section 6, all in Township 30 South, Range 3 West, Willamette Meridian, Douglas County, Oregon described as follows:

BEGINNING at a 1 inch pipe and brass cap at the Northwest Section corner of Section 5, Township 30 South, Range 3 West; thence South 0° 25' 46" West 318.07 feet to a 3/4 inch iron rod at the Southwest corner of Lot 1, said Section 5; thence along the South boundary of Lots 1 and 2 of said Section 5, North 89° 57' 42" East 2635.46 feet to a 3/4 inch iron rod at the Southeast corner of said Lot 2; thence South 0° 25' 28" West 2551.69 feet to a 3/4 inch iron rod on the Northerly right of way County Road No. 34; thence Southwesterly along said right of way 305.01 feet on the arc of a 5699.58 foot radius curve right; thence South 57° 10' 20" West 396.06 feet; thence 191.59 feet on the arc of a 924.93 foot radius curve right; thence South 69° 05' 40" West 74.96 feet; thence 207.48 feet on the arc of 1462.40 foot radius curve left; thence South 60° 55' 50" West 142.31 feet; thence 929.17 feet on the arc of 1879.86 foot radius curve right; thence South 89° 17' 40" West 537.46 feet; thence North 89° 23' 00" West 709.35 feet to a 3/4 inch iron rod in the Northerly right of way of said County Road; thence leaving said right of way South 89° 43' 50" West 283.16 feet to a 3/4 inch iron rod at the Southwest corner of James O'Neil Donation Land Claim No. 38; thence West along the South line of Government Lot 3, Section 6, Township 30 South, Range 3 West, Willamette Meridian, to the Southwest corner of said Lot 3; thence Northerly along the West line of said Lot 3 and the West line of Government Lot 2 said Section 6, to the Northwest corner of said Government Lot 2; thence West along the Westerly prolongation of the North line of said Government Lot 2, 40 feet more or less to a point in the center line of an existing roadway; thence North

Exhibit "A" Continued...

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Order No. 23372

BOOK 1870 PAGE 059

Exhibit "A", Parcel 4 Continued
Page 3

04° 56' 30" East to a point from which a 5/8 inch iron rod bears South 82° 23' East 29.75 feet; thence continuing along said roadway center line North 12° 38' 50" East 590.11 feet to a point from which a 5/8 inch iron rod bears South 64° 43' East 29.90 feet; thence continuing along said roadway North 23° 35' 30" East 215.95 feet more or less to the North line of Section 6, Township 30 South, Range 3 West, Willamette Meridian; thence along the North line of said Section 6, South 89° 41' East 1162.11 feet, more or less to the point of beginning.

ORDER NO. 23372

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

02 MAY 13 AM 10:39

DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY Glen Bennett

DEPUTY

Com FEB 3/00
36

2002-13416

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