



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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NOV 24 2014

Certificate of Water Right Ownership Update

SALEM, OR

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. **If for multiple rights, a separate form for each right will be required.**

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

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

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

PROPERTY SELLER INFORMATION

Applicant(s): ROBERT TJOMSLAND
First Last
 Mailing Address: 2084 BURDETTE DR
ROSEBURG OR 97471
City State Zip
 Phone: 541-679-6574 541-637-6970
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): FLOYD HEAP
First Last
 Mailing Address: P O Box 1445
ROSEBURG OR 97470
City State Zip
 Phone: 541-672-8553 541-430-4066
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: DOUGLAS Township: 27 Range: 06W Section: 09

Tax Lot Number(s): 1300

Street address of water right property: 1263 MELROSE RD ROSEBURG OR 97471

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

Application #: 43634 Permit #: 32622 Certificate or Page #: 37280

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

Name of individual completing this form: FLOYD T HEAP Phone: 541-430-4066

Signature: Floyd T Heap Date: 11-21-2014

Please be sure to attach a copy of your property deed or legal description of the property.

NOV 24 2014

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STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT TJOMSLAND

of Route 3, Box 330, Roseburg, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 7.6 acres

under Permit No. 32622 of the State Engineer, 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 August 29, 1967

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 0.10 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within McKinney DLC 50, Section 9, T. 27 S., R. 6 W., W. M. Diversion point located: 440 feet North and 1390 feet East from SE Corner, Lot 9 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 9.

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 $\frac{1}{4}$ 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:

2.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
as projected within McKinney DLC 50
Section 4

5.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within McKinney DLC 50
Section 9
T. 27 S., R. 6 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place use herein described.

WITNESS the signature of the State Engineer, affixed

this date. February 10, 1971

CHRIS L. WHEELER

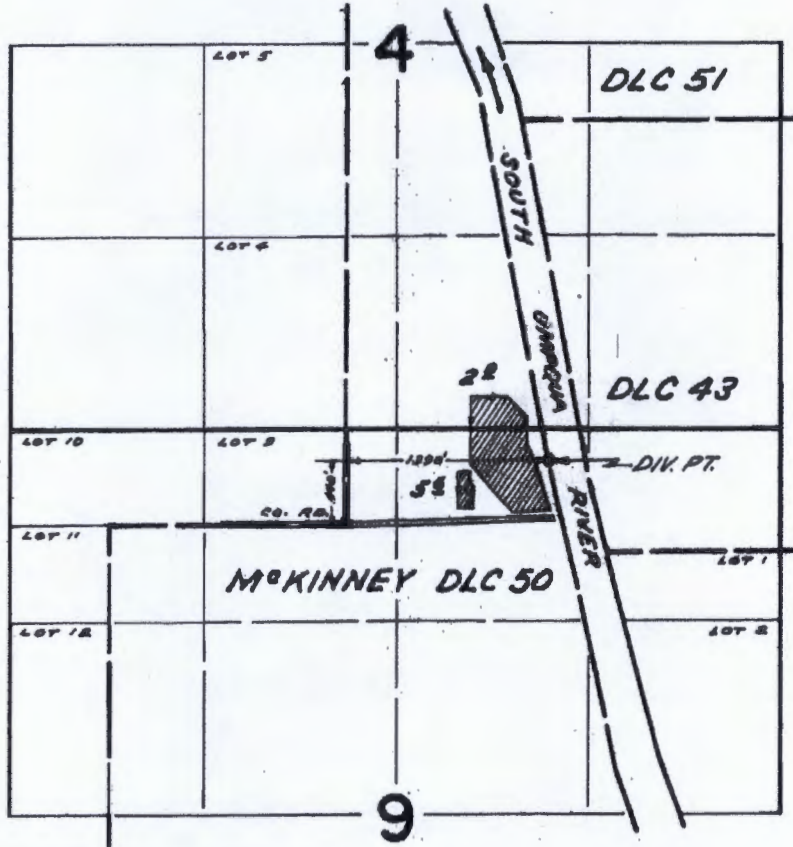
State Engineer

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T.27S.R.6W.W.M.



**FINAL PROOF SURVEY
UNDER**

Application No. 43634 Permit No. 32622
IN NAME OF

ROBERT TJOMSLAND

Surveyed APR. 18 1969, by D. BUELL

UNTIL A CHANGE IS REQUESTED
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS
Floyd Heap
P.O. Box 1445
Roseburg, OR 97470

Douglas County Official Records
Patricia K. Hitt, County Clerk

2013-007587



\$51.00

DEED-LIEU Cnt=1 Stn=12 HEDI
\$15.00 \$11.00 \$15.00 \$10.00

04/22/2013 03:35:17 PM

AFTER RECORDING RETURN TO:
Randy C. Rubin
Attorney at Law, PC
836 W. Military, Suite #206
Roseburg, OR 97471

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GRANTOR:
Robert A. Tjomsland
1263 Melrose Road
Roseburg, OR 97471

GRANTEE:
Floyd Heap
P.O. Box 1445
Roseburg, OR, 97470

DEED IN LIEU OF FORECLOSURE

Robert A. Tjomsland, "Grantor," conveys and warrants to **Floyd Heap**, "Grantee," the following real property ("Property"):

See Attached Exhibit "A".

Grantor executed and delivered to Grantee a trust deed recorded, December 14, 2009, Instrument No. 2009-02174, Records of Douglas County, Oregon to secure payment of a promissory note in the sum of \$150,000.00. Said installment note and trust deed are in default and the trust deed is subject to foreclosure. In consideration of Grantee's acceptance of this deed-in-lieu of foreclosure and waiver of the right to collect against Grantor on the installment note, Grantee may retain all payments previously made on the installment note, with no duty to account therefore.

This deed is intended as a conveyance absolute in legal effect, as well as in form, of the title to said Property to Grantee and this deed is not intended as security of any kind. Grantor waives, surrenders, and relinquishes any equity of redemption and statutory rights of redemption which Grantor may have in connection with the Property and the trust deed.

This deed does not effect a merger of the fee ownership and the lien of the trust deed described above. The fee and the lien shall hereafter remain separate and distinct. Grantee reserves its right to foreclose its trust deed at any time as to any party with any claim, interest, or lien on the Property.

EXHIBIT "A"

BEGINNING at a point in the center of the County Road from which a 1 ½ inch by 14 inch iron bar bears North 28.5 feet and from which the corner in the angle on the North and West boundary of the Wm. McKinney Donation Land Claim No. 50 Township 27 South, Range 6 West of the Willamette Meridian, bears South 85° 58' West 722.4 feet; thence North 309.3 feet to a 1 inch by 24 inch iron pipe; thence East 137.9 feet to a 1 ¼ inch by 12 inch iron bar; thence North 509.16 feet; thence East 399.6 feet to the West bank of the South Umpqua River; thence following West bank of said river upstream, South 8° 43' East 3.04 feet, and South 14° 22' East 790.5 feet to an Ash tree 20 inches in diameter, in the center line of the County Road marked CSBT; thence South 85° 58' West 735.2 feet along the center line of the County Road to the place of beginning, in Section 4, Township 27 South, Range 6 West, Willamette Meridian, and Douglas County, Oregon; EXCEPTING THE FOLLOWING: Beginning at a point in the center of the County Road from which the angle corner in the West boundary of the Wm. McKinney Donation Land Claim No. 50 Township 27 South, Range 6 West, of the Willamette Meridian, bears South 85° 58' West 722.4 feet; thence North 309.3 feet; thence East 70 feet; thence South to the center of County Road; thence South 85° 58' West to the place of beginning, Douglas County, Oregon.

ALSO EXCEPTING a 10 foot roadway the center line of which is described as follows:

BEGINNING 5 feet South of a point which is North 85° 58' East 722.4 feet, North 309.3 feet, and East 70 feet, from the angle corner of the Wm. McKinney Donation Land Claim No. 50, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence East 72.9 feet; thence North 514.16 feet.

FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED:

T27S, R06W, S09 TL 1300

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Grantor has read and fully understands the above terms and is not acting under misapprehensions as to the effect of this Deed, nor under any duress, undue influence or misrepresentations of Grantee, its agents, attorneys or any other person.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

IN WITNESS WHEREOF, Grantor has executed this instrument this 11th day of December, 2009.

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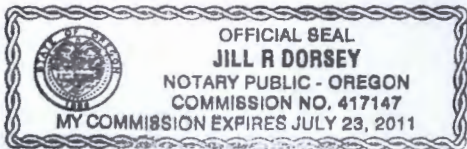
NOV 24 2014

SALEM, OR

Robert A. Tjomsland
Robert A. Tjomsland

STATE OF OREGON)
) ss.
County of Douglas)

This instrument was acknowledged before me this 11th day of December, 2009, by **Robert A. Tjomsland**.



Jill R Dorsey
Notary Public for Oregon