



# WATER RIGHT OWNERSHIP UPDATE FORM

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STATE OF OREGON  
WATER RESOURCES DEPT  
158 12<sup>TH</sup> STREET N.E.  
SALEM OREGON 97301-4172

SEP 05 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

### NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the **Water Resources Department** is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for along 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 503-378-8455.**

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

### Property Seller Information:

Applicant: ESTHER MARLAIT  
Mailing address: 1850 Canyonville - Riddle Rd.  
City Riddle State OR Zip 97469  
Phone: (541) 839-6333  
Home Work Other

### Property Buyer Information:

Applicant: Nancy Neal  
Mailing address: 7738 N. Myrtle Rd.  
City Myrtle Creek State OR Zip 97457  
Phone: (541) 863-3469 (541) 464-8490  
Home Work Other

### Property Description (attach additional pages if necessary):

County: DOUGLAS Township: 293 Range: 4W Section: 5  
Tax lot number(s): 900

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

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

Application #: \_\_\_\_\_ Permit #: 879 Certificate #: 64739  
Will all the lands associated with this water right be owned by the buyer? Yes \_\_\_\_\_ No   
Name of individual completing this form: Nancy K. Neal Signature: Nancy K. Neal  
Phone: 863-3469 Date: Sept. 3, 2002

Wm  
#15

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WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLINTON DENNIS BROWN  
7564 NORTH MYRTLE  
MYRTLE CREEK, OREGON 97457

GEORGE R. AND JOYCE E. O'DAY  
7503 NORTH MYRTLE  
MYRTLE CREEK, OREGON 97457

confirms the right to use the waters of NORTH MYRTLE CREEK, a tributary of MYRTLE CREEK, for the purpose of IRRIGATING 6.15 ACRES.

The right has been perfected under Permit 879. The date of priority is SEPTEMBER 25, 1911. The right is limited to 0.082 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 5, T 29 S, R 4 W, W.M.; BROWN - 350 FEET NORTH AND 820 FEET EAST; O'DAY - 240 FEET SOUTH AND 540 FEET EAST; BOTH FROM THE CENTER 1/4 CORNER OF SECTION 5.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The right shall conform to any reasonable rotation system ordered by the proper state officer.

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

SW 1/4 NE 1/4 NW 1/4 SE 1/4 SECTION 5 TOWNSHIP 29 SOUTH, RANGE 4 WEST, W.M.	<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> <u>BROWN</u> ✓ 3.15 ACRES         </div>	<u>O'DAY</u> 3.00 ACRES
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This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 26, 1981, and together with certificates 64587 and 50331, and orders of the Water Resources Director approving Transfers Nos. 4804 and 4805, supersedes certificate 44821, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed AUGUST 15, 1990.

W WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 64739

T-4683.JW

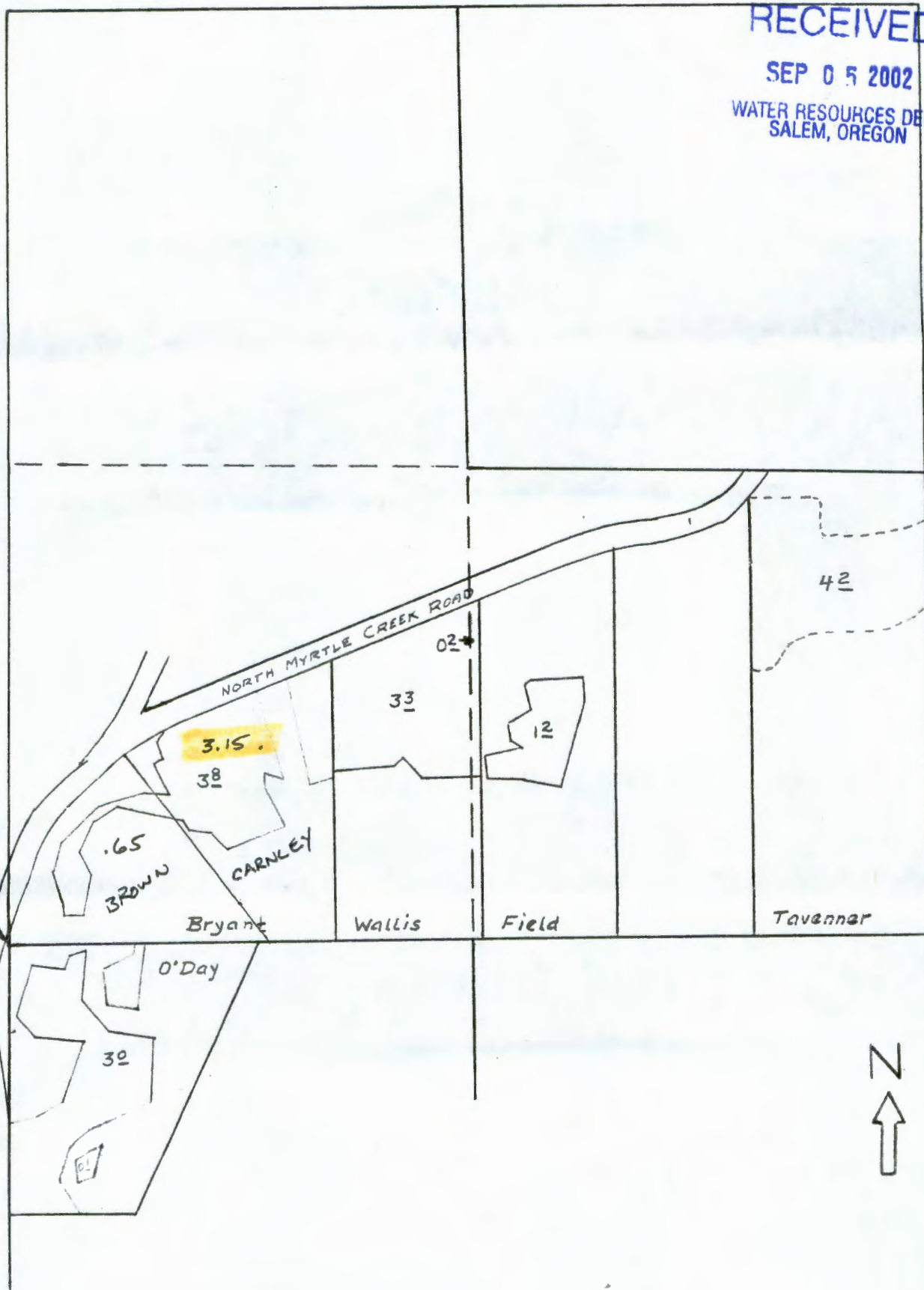
T29S, R4W

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WATER RESOURCES DEPT.  
SALEM, OREGON

CENTER OF SEC. 5



2002-21752

After recording return to:

AmeriTitle, Inc.  
P.O. Box 1609  
2365 NW Kline St., Suite 101  
Roseburg, OR 97470

Until a change is requested all tax statements shall be sent to the following address:

GRANTEE  
7733 N. MYRTLE ROAD  
MYRTLE CREEK, OR 97457

Escrow No.: 00055662 -002 -PS

This space reserved for recorder's use

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WATER RESOURCES DEPT.  
SALEM, OREGON

AmeriTitle 237662

STATUTORY WARRANTY DEED

ESTHER L. MARLATT, Grantor, conveys and warrants to NANCY K. NEAL, a married woman as her sole and separate property, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in Douglas County, Oregon, to wit:

See Exhibit A attached hereto and made a part hereof.

This property is free from encumbrances, EXCEPT: RIGHTS OF THE PUBLIC, EASEMENTS AND RIGHTS OF WAY OF RECORD, AND 2002/2003 REAL PROPERTY TAXES WHICH GRANTEE HERIN AGREE TO ASSUME AND PAY.

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

The true consideration for this conveyance is \$169,900.00. (Here comply with the requirements of ORS 93.030)

Dated August 12, 2002

Esther L. Marlatt  
ESTHER L. MARLATT

STATE OF OREGON  
COUNTY OF DOUGLAS

} ss:

This instrument was acknowledged before me on August 12, 2002  
by ESTHER L. MARLATT

Paula D. Stribling  
Notary Public for Oregon

My commission expires 4-8-06

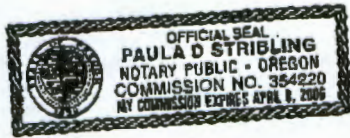


Exhibit A

BOOK 1896 PAGE 572

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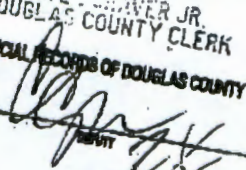

Lot 4, FROZEN CREEK TRACTS, Douglas County, Oregon.

LESS AND EXCEPTING the following described property:

BEGINNING at a 5/8 inch iron rod on the Southerly line of said Lot 4 which is South 89° 25' 05" East 727.71 feet from the Southwest corner of said Lot 4; thence from the point of beginning North 89° 25' 05" West 727.71 feet along the Southerly line of said Lot 4 to a 2 inch iron pipe at the Southwest corner of said Lot 4; thence North 0° 04' West 49.82 feet to a 5/8 inch iron rod on the Southerly right of way of County Road No. 15; thence along said right of way North 20° 38' 15" East 226.83 feet to a 3/4 inch iron rod, 171.03 feet along the arc of a curve right with a 379.26 foot radius and having a chord bearing North 33° 33' 23" East 169.58 feet, North 46° 28' 30" East 100.12 feet, and 83.57 feet on the arc of a curve right with a 818.69 foot radius and having a chord bearing North 49° 23' 55" East 83.53 feet to a 5/8 inch iron rod; thence leaving said right of way South 38° 02' 56" East 678.25 feet to the point of beginning.

T29S, R04W, S05 TL 900

Order No. 55662

STATE OF OREGON / SS  
COUNTY OF DOUGLAS / SS  
I, DOYLE SHAYER JR., COUNTY CLERK AND  
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY  
THAT THIS INSTRUMENT WAS RECORDED  
02 AUG 15 PM 3:38  
DOYLE SHAYER JR.  
DOUGLAS COUNTY CLERK  
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY  
BY   
FEE 

2002-21752

LOT 3 38.26

LOT 2

38.24

LOT 1

39

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WATER RESOURCES DEPT.  
SALEM, OREGON

700  
28.98 AC.

800  
11.16 AC.

300  
6.60 AC.

1200  
9.61 AC.

9-00

900  
6.71 AC.

1000  
8.20 AC.

1100  
8.53 AC.

19

2100  
36.22 AC.



COMPLIMENTS OF

**AmeriTitle**

This sketch is furnished  
to assist in property  
location and the company  
does not guarantee  
its accuracy

2000  
10.07 AC.

1500  
15.28 AC.

1400  
80.00 AC.

2300  
18.20 AC.

Handwritten signature and date: 7/6/02

19-04

FROZEN

CREEK

NORTH

19

