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To Whom It May Concern

Aug 29, 2011

I am writing this letter as prescribed by D. W. R. D. "letter of proposed order" by Judge James Han dated 8-3-11.

History of Case;

Exceptions

1) Page 2, para. 2

It states that "Mr. Wellst received requested subpoenas on 6-9-11" this is true but in the same letter packet it stated "service may also be made by certified or registered mail, but must be mailed more than 10 days prior to the hearing" set out. The O.A.H. received my request for subpoenas on 5-25-11.

2) Pg 2 para. 3 "At the conclusion of the hearing, no one asked for an opportunity to present additional witnesses before the record closed". Mr. Ritchie and Mr. Busby were on my original witness list along with the request for subpoenas for both in letter received by O.A.H. on 5-25-11.

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## Findings of Fact

3) Pg. 3 para. 7 it is stated "testimony of Jones; Ex. F2 at 4 and 5", in F5 pages 4 thru 7 (transcript of trial) that the Judge sites. Ms Jones explains, under oath, that Mr. Ritchie did the irrigation on her property. Again under oath Ms. Jones states at the hearing 6-14-11 Pg 9 para. 3 that she and her husband did the irrigation work themselves.

Could this be perjury? Both statements, under oath, cannot be factual but the judge stated the testimony at the hearing was a basis for compliance of water rights.

4) Pg. 5 para. 12 states in part "her broker Denny Kruse obtained a written statement from the property's then owner Busby that the property "was last irrigated in the summer of 2002". Ex. F-2 pg. 4 actually says "To the best of my knowledge, this property known as the Doerner Ranch located at 2477 Hubbard Cr. Rd. Umpqua, Or. was last irrigated in the summer of 2002." Why was the full quote not referenced?

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- 5) Pg. 5 para. 14 It was not mentioned in the findings that Ms. Jones was to irrigate over 100 acres. Three days of irrigating "about 10 hrs. each day" adds up to 1800 minutes of irrigation at best in total. That works out to 18 minutes of irrigation of each acre over a three day period with a "rain bird irrigation system". This does not account for the time to fill the 3000 gal. water truck with a syphon pump as Ms. Jones claims she operated. That is not a beneficial use of water that is a waste of water. Actually Ms. Jones stated at the hearing "it was done in three days or maybe two" (from transcript).

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6) Finally, Ms. Pandion of W. R. B. never mentioned in the over eight months of communications by letter and by phone conversations the term "irrigation season" as a basis for her recommendation in favor of Mr. Jones to the judge at the hearing. We had no contact with the Douglas County Watermaster because we thought we were dealing exclusively with the state W. R. B. It was never mentioned to us, leading up to the hearing that we should consult the local watermaster.

In conclusion, in the judges opinion Mr. Jones's testimony was fact when it was demonstrated she perjured herself in material matters and he dismissed our testimony, Pg. 9 para. 7. I ask you to please read the opinion of Judge Han and listen to the transcript of the hearing and consider the exceptions

Thank You  
Douglas C. Wellst Respectfully

August 11, 2011