

Name FRANK M. STEPHENS  
By Box 22 Reuben Rd.  
Address Glendale, Oregon 97442

Application No. 46409  
Permit No. 34676  
Certificate No. 40078

Stream Index, Page No. 16-12E

Date filed September 12, 1969  
Priority September 12, 1969  
Action suspended until OK out  
Returned to applicant  
Date of approval June 23, 1970

**CONSTRUCTION**

Date for beginning June 23, 1971  
Date for completion October 1, 1972  
Extended to  
Date for application of water October 1, 1973  
Extended to

**PROSECUTION OF WORK**

Form "A" filed started  
Form "B" filed completed  
Form "C" filed completed

**FINAL PROOF**

Blank mailed APR 08 1974  
Proof received  
Date certificate issued APR 25 1974

FEES PAID		
Date	Amount	Receipt No.
<u>9-12-69</u>	<u>30<sup>00</sup></u>	<u>16276</u>
<u>4-23-74</u>	<u>1.50</u>	<u>39669</u>
	\$1 Cert. Fee	

**FEES REFUNDED**

Date	Amount	Check No.
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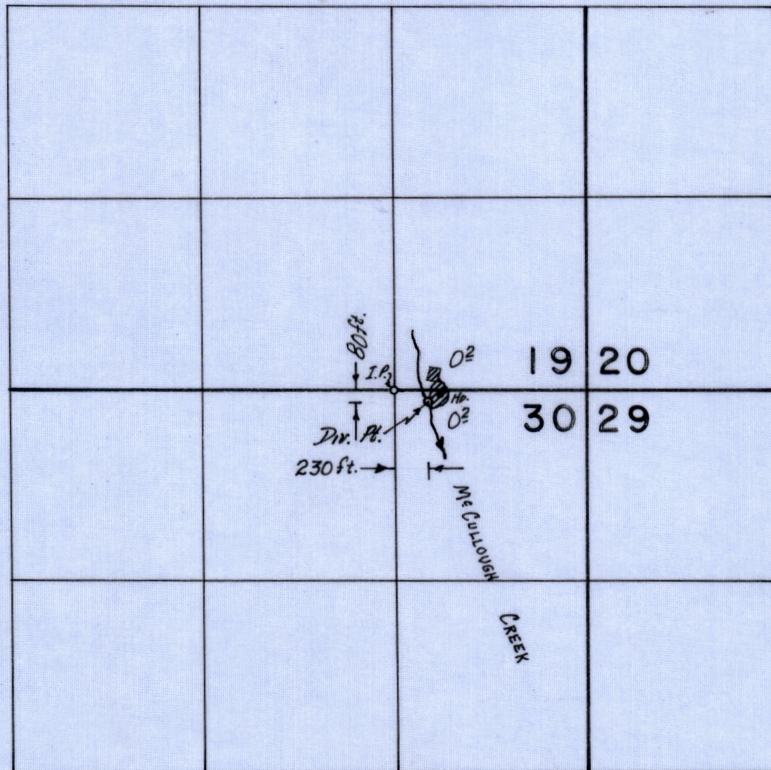
**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
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**REMARKS**

0.02 cfs from McCullough Creek for the supplemental domestic use of one family and irrigation of .5 acre

T.32S., R.6W., W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 46409 Permit No. 34676  
IN NAME OF

FRANK M. STEPHENS

Surveyed 23 Aug. 1972, by L.F. GOULD

RECEIVED  
SEP 12 1969

STATE ENGINEER  
SALEM, OREGON

67-10055  
WARRANTY DEED

BOOK 397 PAGE 343

KNOW ALL MEN BY THESE PRESENTS, That EVERETT A. PENRY and ELSIE PENRY, formerly Elsie Estes, husband and wife, hereinafter called the GRANTORS, in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION to GRANTORS paid by FRANK M. STEPHENS and ROBERTA S. STEPHENS, husband and wife, hereinafter called the GRANTEES, do hereby grant, bargain, sell and convey unto the GRANTEES, as tenants by the entirety, the heirs of the survivor and their assigns that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of DOUGLAS, State of OREGON, described as follows, to-wit:

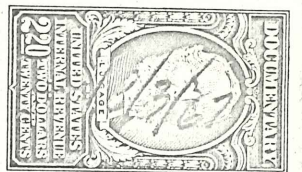
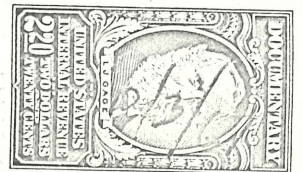
PARCEL NO. 1:

BEGINNING at the Southeast corner of Section 19, Township 32 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; running thence North 455 feet to a point; thence West to the center of McCullough Creek; thence following the meanderings of McCullough Creek in a Southerly direction to its intersection with the South line of said Section 19; thence East along said South line to the point of beginning.

PARCEL NO. 2:

All that part of the North half of North half of North half (N<sup>1</sup>/<sub>2</sub> N<sup>1</sup>/<sub>2</sub> N<sup>1</sup>/<sub>2</sub>) of Section 30, Township 32 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

BEGINNING at a 1/2" iron pipe on the section line. Said point being N. 88°51'09" W. 862.0 feet from the Northeast corner of Section 30, Township 32 South, Range 6 West, Willamette Meridian; thence S. 1°08'51" W. 100.0 feet to a 1/2" iron pipe; thence N. 88°51'09" W. 200.0 feet to a 1/2" iron pipe; thence N. 1°08'51" E. 100.0 feet to a 1/2" iron pipe on the section line; thence S. 88°51'09" E. 200.0 feet along the section line to the place of beginning.

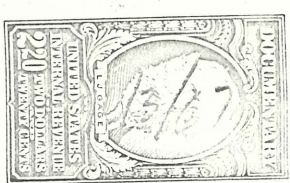


TO HAVE AND TO HOLD the above described and granted premises unto the said GRANTEES, as tenants by the entirety, their heirs and assigns forever.

And GRANTORS hereby covenant to and with GRANTEES and the heirs of the survivor and their assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except 1967-68 real property taxes and rights of way recorded as Recorder's Nos. 304146 and 304149, Deed Records, Douglas County, Oregon; and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS GRANTORS' hands and seals this 25<sup>th</sup> day of SEPTEMBER, 1967.

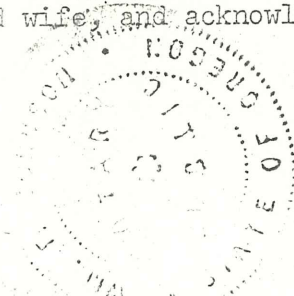


Everett A. Penry (SEAL)  
Everett A. Penry

Elsie Penry (SEAL)  
Elsie Penry

STATE OF OREGON, County of Josephine, ) ss. SEPTEMBER 25<sup>th</sup>, 1967

Personally appeared the above named EVERETT A. PENRY and ELSIE PENRY, formerly Elsie Este husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me:  
Johnson, Telfer & Sloan  
Notary Public for Oregon.  
My commission expires: 1/4/71

STATE OF OREGON  
COUNTY OF DOUGLAS  
**Proof of Appropriation of Water**

**RECEIVED**  
APR 23 1974  
STATE ENGINEER  
SALEM, OREGON

FRANK M. STEPHENS

of **Box 22, Reuben Road, Glendale**, State of **Oregon**,  
has applied beneficially the waters of **McCullough Creek**

a tributary of **Cow Creek** for the purpose of  
**domestic use of one family and irrigation of 0.4 acre**

under Permit No. **34676** of the State Engineer, and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from **September 12, 1969**

that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of  
**0.02 cubic foot per second, being 0.01 cubic foot per second for domestic use and 0.01 cubic foot per second for irrigation**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30, T. 32 S., R. 6 W., W. M., 80 feet South and 230 feet East from NW Corner, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 30.**

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 **3 $\frac{1}{2}$  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, and to which such right is appurtenant, is as follows:

**0.2 acre SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 19  
Domestic and 0.2 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 30  
T. 32 S., R. 6 W., W. M.**

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 20<sup>th</sup> day of April,

1974

Frank M. Stephens

April 8, 1974

Frank M. Stephens  
Box 22, Reuben Rd.  
Glendale, OR 97442

File No. 46409

Dear Mr. Stephens:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number <sup>34676.</sup>

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER  
State Engineer

Form 117

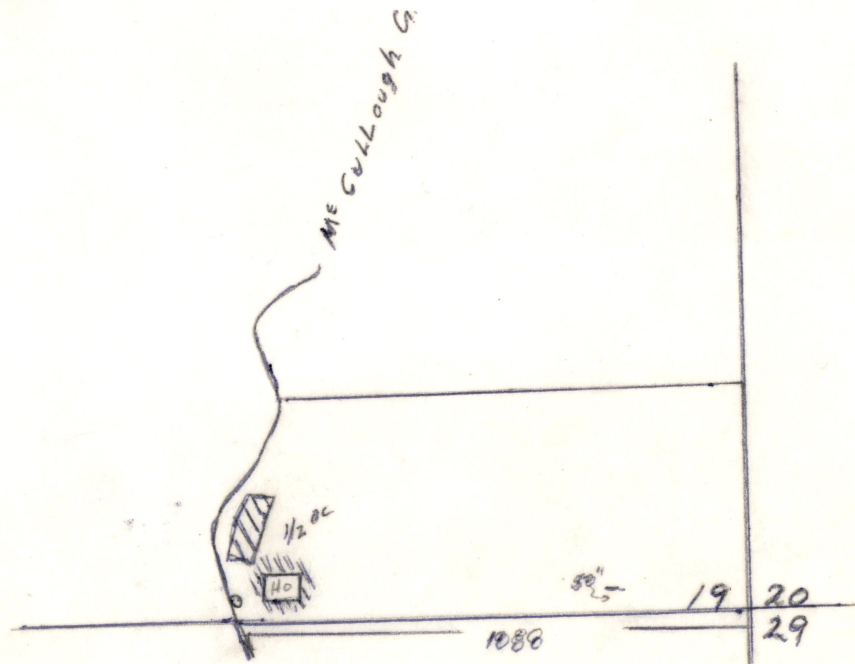
Enclosure

The enclosed map may be retained for your own records.

Application No. 46409  
Permit No. 34676

**RECEIVED**  
SEP 12 1969  
STATE ENGINEER  
SALEM, OREGON

T32S R6W  
1" = 400'



46409

July 17, 1970

Frank M. Stephens  
Box 22, Reuben Rd.  
Glendale, OR 97442

Dear Mr. Stephens:

46409, permit No. 34676, with a  
print of your application map.

RE: 46409

October 8, 1969

Frank M. Stephens  
Box 22, Reuben Road  
Glendale, Oregon 97442

Dear Mr. Stephens:

This will acknowledge your application for a permit to appropriate 0.02 cubic foot of water per second from McCullough Creek for domestic use and the irrigation 0.5 acre, a map, legal description and the fee of \$30.00 for which our receipt No. 16276 is enclosed.

Your application, which has been filed and numbered 46409, is in satisfactory form for approval by issuance of a permit.

Very truly yours,

Larry W. Jebousek  
Assistant

LWJ:cdc

Enclosure



Aug. 23, 1972  
L. E. G.

# Abstract of Permit No. 34676

Application No. 46409 Certificate No.

Name: Frank M. Stephens  
 Address: Box 22, Reuben Rd., Glendale, Oregon 97442  
 Source of water supply: McCullough Creek, Trib. Cow Creek  
 Use: Supplemental domestic use of one family and irrigation of 0.1 ac.  
 Point of diversion: 80' S. 230' E. NW COR NE 1/4 NE 1/4 SEC 30 NE 1/4 NE 1/4  
 50' N. & 1080' W. from SE cor. Sec. 19, being within SE 1/4 SE 1/4, Sec. 19, T. 32 S., R. 6 W., N. M., county of Douglas  
 Number of acres: 0.5

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
32S	6W	19	1/650	1/650	1/650													Dom. 0.5
			SE 1/4	SE 1/4														0.2
			SECTION 30															
			NE 1/4	NE 1/4														Dom 0.2

Priority date: September 12, 1969  
 Amount of water: 0.02 c.f.s., being 0.01 c.f.s. for domestic use and 0.01 c.f.s. for irrigation  
 Time limit to begin construction: June 23, 1971  
 Time limit to complete construction: ~~10-1-72~~ extended to extended to  
 Time limit to completely apply water: ~~10-1-73~~ extended to extended to

Remarks: This appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.



Application No. 46409  
Permit No. 34676

**RECEIVED**  
SEP 12 1969  
STATE ENGINEER  
SALEM, OREGON

T325 R6W  
1" = 400'

