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WATER RESOURCES DEPT.  
SALEM, OREGON

DATA SUBMITTED

- ✓A. Mrs. Smart's Affidavit
- ✓B. Affidavit W. Frank Crawford, typed  
Recorded BOR 42, Page 386---3/30/73
- ✓C. Original Hand-written Affidavit of  
W. Frank Crawford---4/9/72--5/records
- ✓D. Copy of Certified Property Deeds--132, Pages 118, 119
- ✓E. Copy of Certified Property Deeds--132, Pages 120, 121
- ✓F. Copy of Certified Property Deeds--132, Pages 122, 123
- ✓G. Copy of Certified Property Deeds--171, Page 391
- ✓H. Application for a Permit showing W. Frank Crawford's  
intent as Agent
- ✓I. Map for Registration Statement by Chris Wheeler, C.W.R.E.

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SALEM, OREGON

THOSE WHO ASSISTED ME

I engaged Ray Rhoten, Attorney at Law, who suggested I employ Chris Wheeler, Engineer for the State, now retired.

Mr. Wheeler came out to the farm and advised us about our spring. He took copies of the original documents in October 1, 1990, when Ray Rhoten signed for the originals at his office.

On November 12th, 1992, Mr. Wheeler came out to the farm and measured the gallons per minute. The faucet near the house was 17 g.p.m.

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SALEM, OREGON

AFFIDAVIT

Margaret H. Smart

In January of 1946, my husband, James S. Smart, together with his father, James Patterson Smart, and his step-mother, Rae W. Smart purchased Maple Mound Farm from the five heirs of the William J. Crawford Estate; W. Frank Crawford, Stella Crawford Henry, Marie Crawford Randle, Philo L. Crawford, and Winifred Joyce Crawford.

Most of the acreage is west of what is now the Brush College Road, however 40 acres lie east of the Brush College Road, adjacent to the Lincoln Lane, now called the Zena Road, and abutting the church and cemetery at Zena. The farm was composed of cherry and prune orchards, grain fields, pastures and sheep.

We planned for the two families, my husband and I, and his father and step-mother, to farm together. It was decided to build another house for our occupancy, down-hill to the North from Jim's parent's home. A five room ranch-style house was built about the time Jim and I were married-- January 17, 1946. We moved in about June of 1946.

Both houses were served with water from an un-named spring on the P.F. Clark property. There was a house near the spring where Captain Peter F. Clark lived. This spring originated about a mile up-hill from our residences. We had water piped into the system for our new house, which supplied our needs the eight years we lived there.

While living there our two children were born; Karen and Brian. Brian is presently farming with me.

Jim's father passed away September 3, 1951. His widow, Rae and the two of us continued to farm. Rae took care of the Farm Accounts and continued her role on the farm until / She found it necessary to move into town in

1954. At that time we assumed full responsibility for the farm, buying out her interest by assuming a mortgage, and moved out of the little house into the main farm house.

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WATER RESOURCES DEPT.  
SALEM, OREGON

There has always been an irrigated vegetable garden either at the big house or the little house. Both families canned tomatoes, jam, and pickles, and we froze corn and beans. We enjoyed using the many fresh vegetables.

Prior to Jim's parents' occupancy of the main house, Stella Crawford Henry and her husband, Wayne Henry, leased the house and farm from the Crawford Estate. They raised a flock of sheep as well as caring for orchards and fields. They moved from the farm when Jim's parents moved in--late spring of 1946.

My husband, James, in about 1956 spent time putting the cistern in its present location. He put gravel above the cistern with a pipe buried underneath to collect the flow coming from the soap-stone banks going into the cistern. The over-flow plus the other water creates the creek.

I have been told that the original red-brick cistern was down-stream from its present location. The pipe coming down to the farm-stead was 1" iron. Later my husband replaced all the iron pipe with 2" plastic pipe. This pipe is the present conveyance for all the water to the farm, camp and shower facilities, stock water, and the two residences.

Ernie Preast, a hired handy-man, built two cabins and equipped them with water in our camp. He lived in one of the cabins. He worked for us a number of years. The other fifteen cabins, seasonally occupied, rely on two outside water taps. The camp is served with four shower-stalls, and a wash-room with four basins.

In 1954 we rented the little house to Sam and Velma Barker for about 4 years. In 1958, my parents John W & Mary Hood lived in the little house. He had just retired from his last pastorate. He maintained the yard and enjoyed raising some vegetables.. it was an ideal arrangement for them. My

Mother passed away in July of 1959.. my father passed away in August of 1961.

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Doug and Karen Stair rented the little house from 1963 to 1967. The next renter was Floyd and Paula Birkes, and their daughter, Charlene. They rented from May of 1967 to 1972. Gregg and Mary Prince rented the house and were there about 5 years, after which Brian, our son, moved to the little house. He is living there presently.

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The Peter F. Clark property was purchased by Christian Baal. There was no interference in receiving water from the spring because of the agreement, which is documented, with Frank C. Crawford.

In July 27th 1959, the 82 acres owned by Christian and Dot Baal were purchased by James S. and Margaret H. Smart. It was important for us to own the property on which our water supply originated. Our farm then totaled 280 plus acres.

We bought the sheep with the farm. There were about 60 head of ewes. We have a large barn equipped with a water system. We also raised two hogs and a half dozen dairy cows, whose milk we sold to Nestles. More recently, until about 1988, we raised about 3 or 4 steers each year. This farm had sheep from 1946 to 1990. A year after my husband died we sold the flock.

The children learned how to look after sheep and lambs, and helped with cherry picking during harvest. Jim taught Brian how to handle farm machinery, prepare soils, and disc orchards. After going out on his own for a period of years, he returned to the farm in the fall of 1977 and worked very intensively with his father for a period of about 12 years.

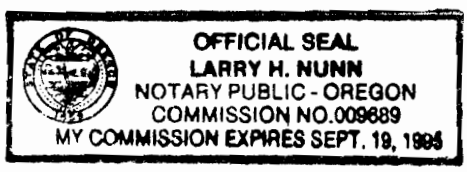
Jim died March 27th, 1989. Since then Brian and I have managed to collaborate on running the farm.

In the winter of 1990, Brian and I buried 4" perforated plastic pipe at the spring. We put gravel on the side we wished the water to go, placed black plastic on the down-hill side, packed it with mud to secure it, and put gravel over all. This was according to Mr. Chris Wheeler's suggestion. A plastic cover was placed over it for sanitation.

*Margaret H. Smart*

Signed and attested before me this 1st day of Dec. 1992.

*Larry H. Nunn*  
NOTARY PUBLIC for the State of Oregon  
My Commission Expires 9/19/95



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SALEM, OREGON

ADDENDA

Helen Randle, 1929 Spear St., Salem, a daughter of one of the heirs, Florence Marie Randle, told me of the origins before the big house was built in 1911.

The original house stood on the same location, was a two-story structure with an outside stair-way leading to the hired help's quarters.

Winifred Joyce Crawford was born in the original house around 1895. She is one of the Crawford heirs and a sister to Florence Marie Randle.

William J. Crawford bought this property from the Elias Robbin's Donation Land Claim.

Helen Randle says, as does her sister, that the water to this original house came from the P.F.Clark un-named spring. They remember that there was a prune dryer part way up the hill from the house.. They said that the original house was torn down in order to build the present house in 1911.

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SALEM, OREGON

AFFIDAVIT

STATE OF OREGON        )  
                              ) ss.  
County of Marion        )

I, W. FRANK CRAWFORD, being first duly sworn, on oath depose and say:

I am the son of W. J. Crawford, who in 1890 secured a right-of-way for a pipeline to run from the spring known as the Clark Spring on Tract 1 below now owned by James S. Smart and Margaret H. Smart and running to the property described as Tract 2 below, also now owned by James S. Smart and Margaret H. Smart.

The right-of-way was secured from P. F. Clark by a trade and the pipeline was installed in that year to serve water to the farm home and buildings located on Tract 2.

This affidavit is given to correct and clarify that certificate recorded in Vol. 28, page 661, Book of Records for Polk County, Oregon, and I make this affidavit to establish the date the pipeline was created and built.

**TRACT 1:** Beginning at the Southwest corner of the Donation Land Claim of Elias Robbins, Notification No. 248, Claim No. 49, Township 6 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence North 23.85 chains to a post; thence South 89°35' East 53.65 chains to a post; thence South 7.02 chains to the Northeast corner of school lot; thence West 5.00 chains; thence South 4.00 chains; thence East 5.00 chains; thence South 5.40 chains to the North line of the J. D. Walling Donation Land Claim; thence South 74°30' West 27.85 chains; and thence West 26.32 chains to the place of beginning.

Save and Except the East 33 acres of the above described tract, said 33 acres to be set off by a line drawn North and South across said tract.

Further said and except that portion of the above described tract of land lying within the boundaries of public roads and highways.

**TRACT 2:** Beginning at the Northwest corner of the Elias Robbins, D. L. C. No. 49, Not. No. 248, in Township 6 South, Range 4 West of the Willamette Meridian, thence

**AFFIDAVIT**

I hereby certify this copy consisting of 3 pages to be true full and correct copy of the document now on record in my office.

LINDA DAWSON, County Clerk  
By Wanda Bartel deputy

Dated 11-30-92



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SALEM, OREGON

South 30 chains; thence South 89°35' East 10 chains;  
thence North 30 chains; thence North 89°35' West 10  
chains to the place of beginning, containing 30 acres,  
in Polk County, Oregon.

Also, beginning at a post 10 chains South 89°35' East  
of the Northwest corner of Elias Robbins Donation Land  
Claim in Township 6 South, Range 4 West of the Willamette  
Meridian; running thence South 30.00 chains to a post;  
thence South 89°35' East 43.66 chains to a post; thence  
North 30 chains to a post; thence North 89°35' West 43.66  
chains to the place of beginning, containing 131 acres,  
more or less, in Polk County, Oregon.

Also, beginning at a point 53.66 chains South 89°35'  
East of the Northwest corner of Elias Robbins D. L. C.,  
Not. No. 148, Claim No. 49, in Township 6 South, Range  
4 West of Willamette Meridian in Polk County, Oregon,  
thence South 28 rods; thence East 28 rods; thence North  
28 rods; thence West 28 rods to the place of beginning,  
and containing 5 acres, more or less.

Also, beginning at a point in the Southwest quarter of  
Section 25 in Township 6 South, Range 4 West of the  
Willamette Meridian in Polk County, Oregon, which point  
is on the North boundary line of the D. L. C. of Elias  
Robbins, Not. No. 148, Claim No. 49, and which is 60.66  
chains East from the Northwest corner of said claim,  
running thence South 14 chains; thence South 89°31' East  
28.57 1/2 chains; the same being parallel with the North  
line of the said claim; thence North 14 chains to the  
North line of said claim; thence West 28.57 1/2 chains  
along the same North line of said claim, to the place of  
beginning, containing 40 acres, more or less.

Save and except from the second parcel described above  
one acre conveyed to School District No. 1, by deed  
recorded in Vol. 55, page 441 of Deed Records.

*W. Frank Crawford*  
W. Frank Crawford

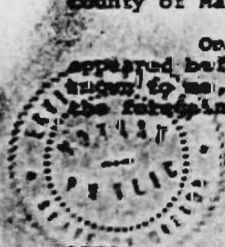
Subscribed and sworn to before me this 30 day of March,  
1973.

*E. S. Soller*  
Notary Public for Oregon  
My commission expires: Sept 9, 1975

STATE OF OREGON )  
                          ) ss.  
County of Marion )

On this 30 day of March 1973, personally  
appeared before me the above named W. Frank Crawford, an individual  
known to me, and subscribed and swore to the same and acknowledged  
the foregoing instrument to be his voluntary act and deed.

*E. S. Soller*  
Notary Public for Oregon  
My commission expires: Sept 9, 1975



AFFIDAVIT

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WATER RESOURCES DEPT.  
SALEM, OREGON

Fee 196629 No. \_\_\_\_\_  
 STATE OF OREGON, }  
 County of Polk, } ss.  
 I hereby certify that the within instrument was received and duly recorded by me in Polk County Records Book of \_\_\_\_\_  
 Vol. 22 Page 386 on the 16 day of April 1992. IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, Clerk and Recorder.  
 By [Signature] Deputy.

*Robert, Clinton & Associates  
 David Faust Kelly  
 Salem, OR  
 attn: David Kelly*

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BOOK 28 PAGE 661  
500 88

WATER RESOURCES DEPT.  
SALEM, OREGON

Salem, Ore, Feb. 13-1967

To whom this may concern:

I W. Frank Crawford does herewith certify to the following statement in regard to a pipeline tapping a certain spring known as the Clark spring and now owned by Jas. S. Smart of the area.

In 1890 my father W. J. Crawford secured a right from P. F. Clark by a trade and the pipe was installed in that year 1890 to serve water to farm home and buildings.

W. Frank Crawford  
W. Frank Crawford

State Of Oregon }  
County of Polk } ss

061001

On this 9th day of April 1972, personally appeared the above named W. Frank Crawford, individual, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me this 9th day of April 1972.

Viola Younger  
Notary Public for Oregon  
My Commission expires 2-19-76

I hereby certify this copy consisting of 2 pages to be true full and correct copy of the document now on record in my office.

LINDA DAWSON, County Clerk  
By Wanda Bartels Deputy  
Dated 11-30-92



B.O.R. 100 88  
28 PAGE 662

M. Smart  
Rt 1 Box 742  
Salem Oregon

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WATER RESOURCES DEPT.  
SALEM, OREGON

190469

STATE OF OREGON, }  
County of Polk }

I certify that the within instrument  
was received for record on the 10  
day of April, A.D., 1992  
at Salem, Oregon, and recorded  
in Book 100 on page 662. Record of  
Map of said County.

Witness my hand  
LYN HARDY, County Clerk  
Mary [Signature] Deputy



132 PAGE 118

KNOW ALL MEN BY THESE PRESENTS, That Philip L. Crawford and Violet P. Crawford, his wife,

in consideration of One and No/100 Dollars,

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to them paid by James S. Smart, James P. Smart and Rae W. Smart, his wife

DECEMBER 1, 1992

do hereby grant, bargain, sell and convey unto said James S. Smart and Rae W. Smart, his wife, their

heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Polk and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northwest corner of the Elias Robbins Donation Land Claim No. 49 Not. #248 in Township 6 South Range 4 West of the Willamette Meridian, Polk County, Oregon; thence South 30 chains; thence South 89° 35' East 53.66 chains to a post; thence North 30 chains to a post; thence North 80° 35' West 53.66 chains to the place of beginning containing 161 acres, more or less.

Also, beginning at a point 53.66 chains South 89° 35' East of the Northwest corner of Elias Robbins, Donation Land Claim Not. No. 148, Claim No. 49 in Township 6 South, Range 4 West of Willamette Meridian in Polk County, Oregon, thence South 28 rods; thence East 28 rods; thence North 28 rods; thence West 28 rods to the place of beginning and containing 5 acres, more or less.

Also, beginning at a point in the Southwest 1/4 of Section 25 in Township 6 South, of Range 4 West of the Willamette Meridian in Polk County, Oregon, which point is on the North boundary line of the Donation Land Claim of Elias Robbins, Not. No. 148, Claim No. 49, and which is 60.66 chains East from the Northwest corner of said claim, running thence South 14 chains; thence South 89° 31' East 28.57 1/2 chains; the same being parallel with the North line of the said claim; thence North 14 chains to the North line of said claim; thence West 28.57 1/2 chains along the same North line of said claim, to the place of beginning, containing 40 acres, more or less.

Save and except from the second parcel described above 1 acre conveyed to School District No. 1, by deed recorded in Vol. 55, Page 441 of Deed Records. All of the above is situated in the Elias Robbins Donation Land Claim No. 49 Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon.

This deed is given to correct the error in descriptions contained in that certain deed recorded in Vol. 125 Page 533, Deed Records, Polk County, Oregon. No stamps required.

To Have and to Hold, the above described and granted premises unto the said James S. Smart, James P. Smart and Rae W. Smart, his wife, their

heirs and assigns forever.

WITNESSETH

That the above named do hereby warrant and hold with the above named premises, that the above granted premises are free from all encumbrances.

And the said grantors do hereby covenant to and with the said grantees their heirs and assigns that the grantors Philip L. Crawford and Violet P. Crawford, his wife are each the owners in fee simple of an undivided one-fifth interest in said premises, that the above granted premises are free from all encumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness OUR hand and seal this 1st day of October, 1992

Executed in the presence of

Phil L. Crawford (SEAL)
Violet P. Crawford (SEAL)
Wanda Bertsch (SEAL) DEPUTY

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL LINDA DAWSON, POLK CO CLERK

STATE OF ~~MISSOURI~~ ILLINOIS, }  
County of Cook } ss.

BOOK 132 PAGE 119

BE IT REMEMBERED, That on this 29<sup>th</sup> day of October A. D. 1947  
before me, the undersigned, a Notary Public  
in and for said County and State, personally appeared the within named Philo L. Crawford  
and Violet F. Crawford, his wife,  
who are known  
to me to be the identical individual s described in and who executed the within instrument and acknowl-  
edged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
official seal the day and year last above written.

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WATER RESOURCES DEPT.  
SALEM, OREGON

Agnes M. Whitlock Notary Public for Illinois  
My Commission expires June 28, 1951



54369

WARRANTY DEED

FORM NO. 3

Philo L. Crawford, et al.

TO

James S. Smart, et al.

STATE OF OREGON,

County of Clatsop ss.  
I certify that the within instrument  
was received for record on the 29  
day of October  
A. D. 1947 at 4:05 o'clock  
P.M., and recorded in book 132  
on page 118. Record of  
Deeds of said County.  
WITNESS my hand and seal of  
County official.

Edna B. St...  
County Clerk  
Recorder of Counties

Clara...  
Deputy

Return to:  
Mr. J. P. Smart  
Rte 1  
Princeton, Oregon

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
LINDA DAWSON, POLK CO. CLERK

Linda Bartley DEPUTY



BOOK 132 PAGE 120

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KNOW ALL MEN BY THESE PRESENTS, That Winifred Joyce Crawford, formerly Winifred Joyce Munster

DEC 01 1992

in consideration of One and No/100 - - - - - Dollars,

to her paid by James S. Smart, James P. Smart, and Rae W. Smart, his wife.

WATER RESOURCES DEPT. SALEM, OREGON

do hereby grant, bargain, sell and convey unto said James S. Smart, James P. Smart, and Rae W. Smart, his wife, their

heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Polk and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northwest corner of the Elias Robbins Donation Land Claim No. 49 Not. #248 in Township 6 South Range 4 West of the Willamette Meridian, Polk County, Oregon; thence South 30 chains; thence South 89° 35' East 53.66 chains to a post; thence North 30 chains to a post; thence North 89° 35' West 53.66 chains to the place of beginning containing 161 acres, more or less.

Also beginning at a point 53.66 chains South 89° 35' East of the Northwest corner of Elias Robbins, Donation Land Claim No. 148, Claim No. 49 in Township 6 South, Range 4 West of Willamette Meridian in Polk County, Oregon, thence South 28 rods; thence East 28 rods; thence North 28 rods; thence West 28 rods to the place of beginning and containing 5 acres, more or less.

Also, beginning at a point in the Southwest 1/4 of Section 25 in Township 6 South of Range 4 West of the Willamette Meridian in Polk County, Oregon, which point is on the North boundary line of the Donation Land Claim of Elias Robbins, Not. No. 148, Claim No. 49, and which is 60.66 chains East from the Northwest corner of said claim, running thence South 14 chains; thence South 89° 31' East 28.57 1/2 chains; the same being parallel with the North line of the said claim; thence North 14 chains to the North line of said claim; thence West 28.57 1/2 chains along the same North line of said claim, to the place of beginning, containing 40 acres, more or less. Save and except from the second parcel described above 1 acre conveyed to School District No. 1 by deed recorded in Vol. 55, Page 441 of Deed Records. All of the above is situated in the Elias Robbins Donation Land Claim No. 49 Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

This deed is given to correct the error in descriptions contained in that certain deed recorded in Vol. 125 Page 532, Deed Records, Polk County, Oregon. No stamps required.

To Have and to Hold, the above described and granted premises unto the said James S. Smart, James P. Smart, and Rae W. Smart, his wife, their

heirs and assigns forever.

And the said grantor does hereby covenant to and with the said grantees their heirs and assigns that the above granted premises are free from all encumbrances.

And the said grantor does hereby covenant to and with the said grantees their heirs and assigns that the grantor Winifred Joyce Crawford is the owner in fee simple of an undivided one-fifth interest in said premises, that the above granted premises are free from all encumbrances.

and that she will and her heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness my hand and seal this 20th day of November, 1912

Executed in the presence of

Winifred Joyce Crawford (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF OREGON ILLINOIS } ss.  
County of Cook

BOOK 132 PAGE 121

BE IT REMEMBERED, That on this 20th day of November A. D. 1947 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Winifred Joyce Crawford, unmarried, formerly Winifred Joyce Munger, who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Agnes M. Whitlock  
Notary Public for Oregon  
My Commission expires June 28, 1949

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WATER RESOURCES DEPT.  
SALEM, OREGON

54370

WARRANTY DEED

Winifred Joyce Crawford,  
unmarried  
TO  
James S. Smart, et al

STATE OF OREGON,

County of Polk  
I certify that the within instrument was received for record on the 29 day of November A. D. 1947 at 4:12 o'clock P.M., and recorded in book 132 on page 121. Record of Deeds of said County. WITNESS my hand and seal of County affixed.

By Linda Dawson  
County Clerk  
Recorder of Counties

Return to:  
Mr. J. P. Smart  
Rece.  
Decem. Oregon



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL LINDA DAWSON, POLK CO CLERK

BY Wanda Bortch DEPUTY

BOOK PAGE 132 122

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KNOW ALL MEN BY THESE PRESENTS, That Stella Henry and Thane C. Henry, her husband, William Frank Crawford and Jennie L. Crawford, his wife, Florence Marie Randle and Lewis H. Randle, her husband, in consideration of One and no/100 - - - - - DEC 01 1992 - - - Dollars,

to them paid by James S. Smart, James P. Smart and Pae F. Smart, his wife, WATER RESOURCES DEPT. GREEN, OREGON Smart and Pae F. Smart, his wife.

do hereby grant, bargain, sell and convey unto said James S. Smart and Pae F. Smart, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Polk and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northwest corner of the Elias Robbins Donation and Claim No. 49 Not. #248 in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence South 30 chains; thence South 89° 25' East 53.66 chains to a post; thence North 30 chains to a post; thence North 90° 35' West 53.66 chains to the place of beginning containing 161 acres, more or less.

Also, beginning at a point 53.66 chains South 89° 35' East of the Northwest corner of Elias Robbins, Donation Land Claim Not. No. 148, Claim No. 49 in Township 6 South, Range 4 West of Willamette Meridian in Polk County, Oregon, thence South 28 rods; thence East 28 rods; thence North 28 rods; thence West 28 rods to the place of beginning and containing 5 acres, more or less.

Also, beginning at a point in the Southwest 1/4 of Section 25 in Township 6 South of Range 4 West of the Willamette Meridian in Polk County, Oregon, which point is on the North boundary line of the Donation Land Claim of Elias Robbins, Not. No. 148, Claim No. 49, and which is 60.66 chains East from the Northwest corner of said claim, running thence South 14 chains; thence South 89° 31' East 28.57 1/2 chains; the same being parallel with the North line of the said claim; thence North 14 chains to the North line of said claim; thence West 28.57 1/2 chains along the same North line of said claim, to the place of beginning, containing 40 acres, more or less. Save and except from the second parcel described above 1 acre conveyed to School District No. 1, by deed recorded in Vol. 55, Page 441 of Deed Records. All of the above is situated in the Elias Robbins Donation Land Claim No. 49 Township 6 South, Range 4 West, Willamette Meridian, Polk County, Oregon.

This deed is given to correct the error in descriptions and names in that certain deed recorded in Vol 125 Page 531, Deed Records, Polk County, Oregon. No stamps required.

To Have and to Hold, the above described and granted premises unto the said James S. Smart, James P. Smart and Pae F. Smart, his wife, their

heirs and assigns forever.

And

And the said grantors do hereby covenant to and with the said grantees their heirs and assigns that the grantors Stella Henry, William Frank Crawford, and Florence Marie Randle are each the owner in fee simple of an undivided one-fifth interest in said premises, that the above granted premises are free from all encumbrances.

And the said grantors do hereby covenant to and with the said grantees their heirs and assigns that the grantors Stella Henry, William Frank Crawford, and Florence Marie Randle are each the owner in fee simple of an undivided one-fifth interest in said premises, that the above granted premises are free from all encumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 8th day of Oct, 1917

Louis H. Randle

William Frank Crawford (SEAL)
Jennie L. Crawford (SEAL)
Thane C. Henry (SEAL)
Florence Marie Randle (SEAL)



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STATE OF OREGON,

County of Marion } ss.

BOOK 132 PAGE 123

DEC 01 1992

BE IT REMEMBERED, That on this 11th day of October A. D. 1992 before me, the undersigned, a Notary Public WATER RESOURCES DEPT. in and for said County and State, personally appeared the within named Stella Henry and Wayne D. Henry, her husband; William Frank Crawford and Jennie L. Crawford, M. M. Florence Marie Fardie and Lewis H. Fardie, her husband who are known to me to be the identical individual<sup>s</sup> described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

[Signature]
Notary Public for Oregon
My Commission expires June 1995



WARRANTY DEED

Stella Henry, et al
James S. Smart, et al

STATE OF OREGON,

County of Marion
I certify that the within instrument was received for record on the 11th day of October A.D. 1992 at 11:15 o'clock P.M., and recorded in book 132 on page 123. Record of Deeds of said County.
WITNESS my hand and seal of County a/foresaid.

[Signature]
County Clerk
Recorder of County

Return to:
Mrs. P. Plummer
P.O.
Pacorn



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL
LINDA DAWSON, POLK CO CLERK
By Wanda Bartsch DEPUTY

54374

131

DEC 01 1992

KNOW ALL MEN BY THESE PRESENTS, That CHRISTIAN BAAL and DOT BAAL, his wife, WATER RESOURCES DEPT., SALEM, OREGON

In consideration of Ten and No/100 Dollars, paid by the Grantees herein, do hereby grant, bargain, sell and convey unto JAMES S. SMART and MARGARET H. SMART and wife, Grantees, as tenants by the entirety, the following described real property, situate in the County of Polk and State of Oregon, to-wit:

Beginning at the Southwest corner of the Donation Land Claim of Elias Robbins, Notification No. 248, Claim No. 49, Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North 23.85 chains to a post; thence South 89° 35' East 53.05 chains to a post thence South 7.02 chains to the Northeast corner of school lot; thence West 5.00 chains; thence South 4.00 chains; thence East 5.00 chains; thence South 5.40 chains to the North line of the J. D. Walling Donation Land Claim; thence South 74° 30' West 27.85 chains; and thence West 26.32 chains to the place of beginning.

Save and Except the East 33 acres of the above described tract, said 33 acres to be set off by a line drawn North and South across said tract.

Further save and except that portion of the above described tract of land lying within the boundaries of public roads and highways.



To Have and to Hold the granted premises unto the said Grantees, as tenants by the entirety, their Heirs and Assigns forever.

The Grantor B do covenants that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, except Easement granted to W. J. Crawford by instrument recorded February 7, 1910 in Volume 50, Page 519, Deed Records for Polk County, Oregon.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness their hands and seal this 21st day of July 1959

Christian Baal (SEAL)
Dot Baal (SEAL)
(SEAL)
(SEAL)

STATE OF OREGON

County of Marion

On this 27th day of July 1959, personally appeared the above named CHRISTIAN BAAL and DOT BAAL, his wife,

and acknowledged the foregoing instruments to be their voluntary act and deed.

Joseph C. Emms, Notary Public for Oregon

My Commission Expires November 8, 1961

STATE OF OREGON

County of Polk 12-3331

I certify that the within instrument was received for record on July 28, 1959 at 9:45 o'clock AM, and was recorded in Book 171 Page 391 Record of Deeds of said county.

Betty Adams, Recorder of Conveyances

W. L. Lamb, Deputy

Returns to:

SALEM TITLE COMPANY 306 STATE STREET SALEM OREGON

WARRANTY DEED Tenancy By the Entirety

oy

128

COPIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL LINDA DAWSON, POLK CO. CLERK EX Wanda B. Bailey DEPUTY

App 11368

# To appropriate the Public Waters of the State of Oregon

DEC 01 1992

I, W. Frank Crawford, Agent (Name of applicant)  
of Route #1, Salem, Oregon (Postoffice), County of Polk,  
State of Oregon, do hereby make application for a permit to appropriate the

WATER RESOURCES DEPT  
SALEM, OREGON

following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation \_\_\_\_\_

1. The source of the proposed appropriation is a spring (Name of stream)  
tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is 0.25  
cubic feet per second.

3. The use to which the water is to be applied is Domestic, Stock, Irrigation of  
lawn and garden (Irrigation, power, mining, manufacturing, domestic supply, etc.)

4. The point of division is located Seventeen hundred and ninety-seven (1797)  
feet South and eighteen hundred and fifty-two (1852) feet West of the  
Corner common to Sections 25, 26, 35, and 36, all of T. 6 S. R. 4 N. E. 1/4

being within the SW 1/4 of the NE 1/4 (Give smallest legal subdivision) of Sec. 36, Tp. 6 S.  
(No. N. or S.)

R. 4 N. (No. E. or W.), W. M., in the county of Polk

5. The Pipe line is to be 0.60  
miles in length, terminating in the NE 1/4 of the NW 1/4 (Smallest legal subdivision) of Sec. 36, Tp. 6 S.  
(No. N. or S.)

R. 4 N. (No. E. or W.), W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is \_\_\_\_\_

## DESCRIPTION OF WORKS

**DIVERSION WORKS—**  
7. (a) Height of dam \_\_\_\_\_ feet, length on top \_\_\_\_\_ feet, length at bottom \_\_\_\_\_  
feet; material to be used and character of construction \_\_\_\_\_  
(Lime rock, concrete, masonry, earth and brush, timber crib, etc., westerly over or around dam)

(b) Description of headgate \_\_\_\_\_ (Timber, concrete, etc., number and size of openings)

\* A different form of application is provided where storage works are contemplated. These forms can be secured without charge together with instructions, by addressing the State Engineer, Salem, Oregon.

Examined by V.P.H.H.

8. (a) Give dimensions at each point of canal where measured from headgate. At headgate: Width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(b) At \_\_\_\_\_ miles from headgate: Width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

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DEC 6 1992

WATER RESOURCES DIVISION  
SALEM, OREGON

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR

IRRIGATION—

9. The land to be irrigated has a total area of 2 acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate.)  
NW 1/4, Sec. 36, T. 6 S., R. 4 W., W. M.

(If more space required, attach separate sheet.)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed \_\_\_\_\_ theoretical horsepower.

(b) Total fall to be utilized \_\_\_\_\_ feet.  
(Head)

(c) The nature of the works by means of which the power is to be developed \_\_\_\_\_

(d) Such works to be located in \_\_\_\_\_ of \_\_\_\_\_  
(Legal subdivision)

Tp. \_\_\_\_\_, R. \_\_\_\_\_, W. M. \_\_\_\_\_  
(No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream? \_\_\_\_\_  
(Yes or No)

(f) If so, name stream and locate point of return \_\_\_\_\_  
\_\_\_\_\_, Sec. \_\_\_\_\_, Tp. \_\_\_\_\_, R. \_\_\_\_\_, W. M. \_\_\_\_\_  
(No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is \_\_\_\_\_

(h) The nature of the mines to be served \_\_\_\_\_

MUNICIPAL SUPPLY—

11. To supply the city of \_\_\_\_\_

(Name of)

County, having a present population of \_\_\_\_\_

and an estimated population of \_\_\_\_\_ in 192\_\_\_\_\_

(Answer questions 12, 13, 14, and 15 in all cases)

12. Estimated cost of proposed works, \$ \_\_\_\_\_

13. Construction work will begin on or before already completed

14. Construction work will be completed on or before \_\_\_\_\_

15. The water will be completely applied to the proposed use on or before \_\_\_\_\_

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DEC 01 1992

WATER RESOURCES DEPT  
SALEM, OREGON

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Engineer, accompany this application.

W. Frank Crawford, Agent

(Name of applicant)

R. # 1, Box 104

Salem, Oregon

Signed in the presence of us as witnesses:

(1) Jennie L. Crawford

(Name)

R. # 1, Salem, Oregon

(Address of witness)

(2) P. A. Noble

(Name)

Salem, Oregon

(Address of witness)

Remarks:

This application is made as a matter of record and should

be construed as in no wise jeopardizing previous right to the water referred to.

Present pipe line is 1" in diameter and it is proposed to replace this by 1 1/2" pipe.

STATE OF OREGON, }  
                          } ss.  
County of Marion, }

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows: \_\_\_\_\_

For signature \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before May 4, 1927.

WITNESS my hand this 4th day of April, 1927.

HEBA LUPER

STATE ENGINEER

**PERMIT**  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

District No. \_\_\_\_\_

This instrument was first received in the  
office of the State Engineer at Salem, Oregon,

on the 12th day of March

1927, at 3:30 o'clock P. M.

Returned to applicant for correction:

March 12, 1927

Corrected application received:

March 19, 1927

Approved:

April 20, 1927

Recorded in Book No. 28 of  
Permits, on page 7838

**R H E A L U P E R**

STATE ENGINEER

1 map ACFF

\$8.50

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The right herein granted is limited to the appropriation of water from  
A Spring for irrigation and domestic purposes, including stock water.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.25 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is March 12, 1927

Actual construction work shall begin on or before April 20, 1928 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1929

Complete application of the water to the proposed use shall be made on or before October 1, 1930

WITNESS my hand this 20th day of April, 1927

**R H E A L U P E R**

STATE ENGINEER

Permits for power development are subject to the limitation of franchise as provided in Section 572A, Oregon Laws, and the payment of annual fees as provided in Section 1164, Oregon Laws.

This form approved by the State Water Board, March 11, 1906.

RECEIVED

MAR 21 1927

WATER CONTROL DISTRICT  
SALEM, OREGON

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 94639 CHECK ENCLOSURES See  
CHECK BASIN MAP Mid-Willamette/2-B UNADJUDICATED AREA ? YES  
SURFACE WATER REGISTRATION NUMBER 102  
PRELIMINARY DATA BASE ENTRY DWF  
ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX \_\_\_\_\_  
PUBLIC NOTICE PUBLICATION BP WATERMASTER CHECKLIST \_\_\_\_\_  
CHECK QUADRANGLE MAP TLB CHECK GLO PLATS \_\_\_\_\_  
Amity 5 Mid-Willamette 159

FORM REVIEW

\_\_\_\_\_ blanks filled in  
\_\_\_\_\_ signed  
\_\_\_\_\_ date received stamped

MAP REVIEW

\_\_\_\_\_ ✓ source and trib  
\_\_\_\_\_ ✓ diversion point location  
\_\_\_\_\_ ✓ conveyances (pipes, ditch, etc.)  
\_\_\_\_\_ ✓ place of use  
\_\_\_\_\_ ✓ scale  
\_\_\_\_\_ ✓ township, range, section  
\_\_\_\_\_ ✓ north arrow  
\_\_\_\_\_ ✓ CWRE stamp  
\_\_\_\_\_ disclaimer  
\_\_\_\_\_ date survey was performed  
\_\_\_\_\_ ✓ P.O.B. of survey  
\_\_\_\_\_ dimensions and capacity of diversion system  
\_\_\_\_\_ ✓ "beneficial use" type title  
\_\_\_\_\_ "permanent-quality" paper

WATER RIGHT RECORD CHECK \_\_\_\_\_ ENTER ON PLAT CARDS \_\_\_\_\_  
FIELD INSPECTION \_\_\_\_\_ FINAL FILE REVIEW \_\_\_\_\_  
FINAL DATA BASE ENTRY \_\_\_\_\_

A: SWRCHECK

12-24-91

December 8, 1992

MARGARET H. SMART  
4880 BRUSH COLLEGE ROAD NW  
SALEM OR 97304

RE: Surface Water Registration Statement

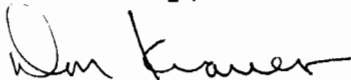
Dear Ms. Smart,

This will acknowledge that your Surface Water Registration Statement in the name of Margaret H. Smart has been received by our office. The fees in the amount of \$ 630.00 have been received and our receipt # 94639 was given to you while you were at our office. Your registration statement has been numbered SWR-102.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer  
Adjudication Specialist

enc

C:\WSIC\SWR-0102.001





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **94639**

3850 PORTLAND ROAD NE  
SALEM, OR 97310  
378-8455/378-8130 (FAX)

RECEIVED FROM: Maple Mound Farm  
BY: Margaret H. Smart

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: #  24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 650.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>630.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

**02-00-0 FEDERAL FUNDS**

OTHER: (IDENTIFY)	\$
-------------------	----

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

**WATER RIGHTS:**

842.001	SURFACE WATER	842.002	\$
842.003	GROUND WATER	842.004	\$
842.005	TRANSFER	842.006	\$

**WELL CONSTRUCTION**

842.022	WELL DRILL CONSTRUCTOR	842.023	\$
842.016	WELL DRILL OPERATOR	842.019	\$
	LANDOWNER'S PERMIT	842.024	\$

**06-00-0 WELL CONST START FEE**

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **94639**

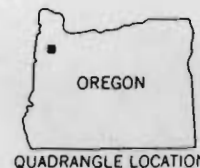
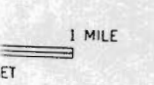
DATED: 12/1/92

BY: C. Engel



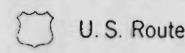
LINCOLN (OREG. 221) 2.1 MI.

DIGITIZED 4-8-87 KS  
 STATION SELANAR  
 R.M. 0.003  
 0.002



ROAD CLASSIFICATION

- Heavy-duty —————
- Medium-duty ————
- Light-duty ————
- Unimproved dirt = = = = =



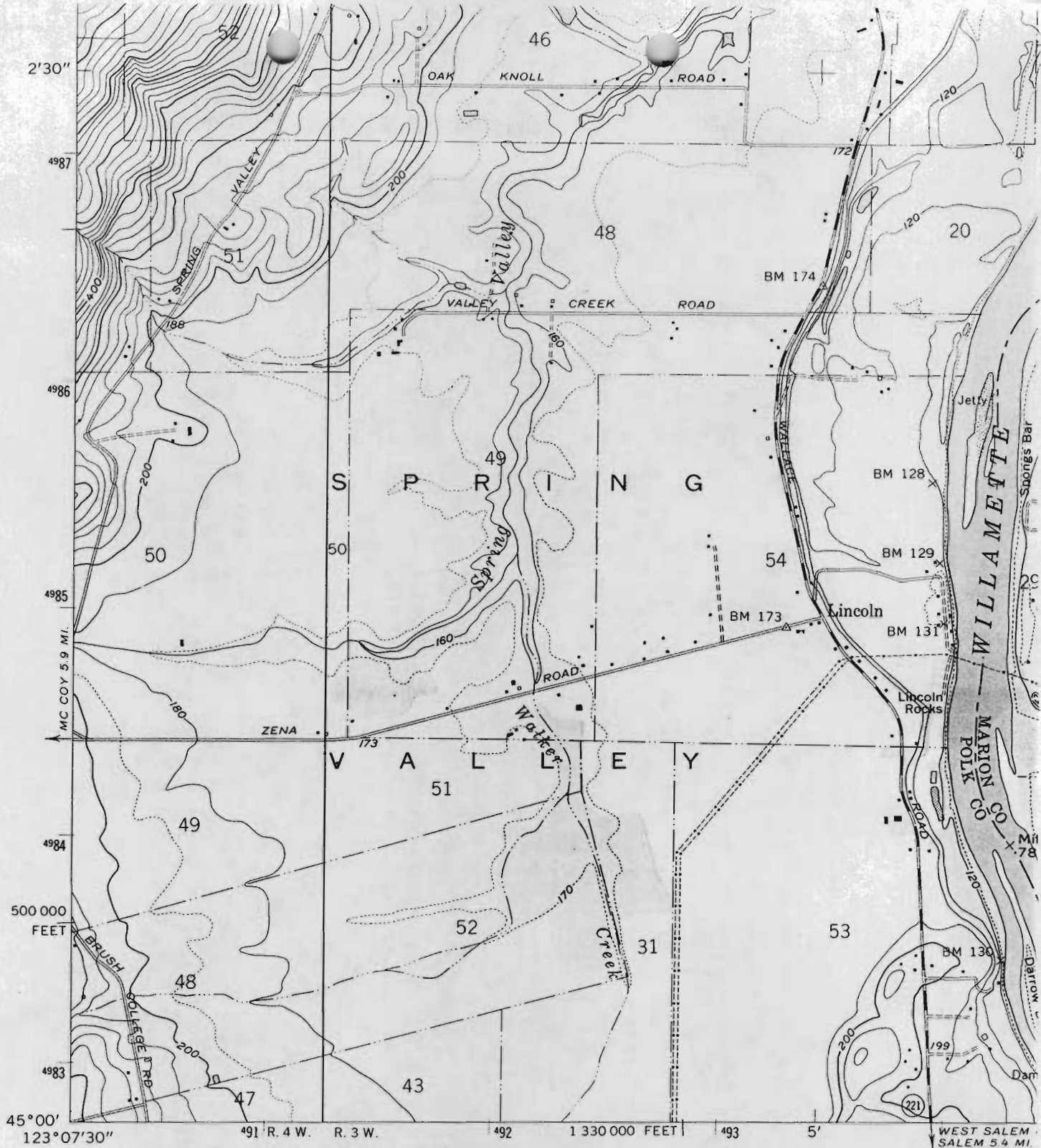
AMITY, OREG.

SW 1/4 MC MINNVILLE 15' QUADRANGLE  
 N4500—W12307.5/7.5

1957  
 PHOTOREVISED 1970  
 AMS 1374 II SW—SERIES V892

49700 (SALEM WEST)  
 1373 I NE

5



Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and USCE

Topography from aerial photographs by Kelsh plotter and by planetable surveys 1957. Aerial photographs taken 1954

Polyconic projection. 1927 North American datum  
10,000-foot grid based on Oregon coordinate system, north zone

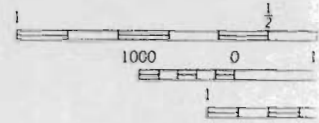
1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

Revisions shown in purple compiled from aerial photographs taken 1970. This information not field checked

Purple tint indicates extension of urban areas



UTM GRID AND 1970 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



DOT

THIS MAP CO  
FOR SALE BY U. S. GEOLOGIC/  
A FOLDER DESCRIBING

**COPY**  
**Take**  
**erry S.**

Elias Robbins DLC

County Market Road 2

Southwest Corner John Phillips JLG No. 50

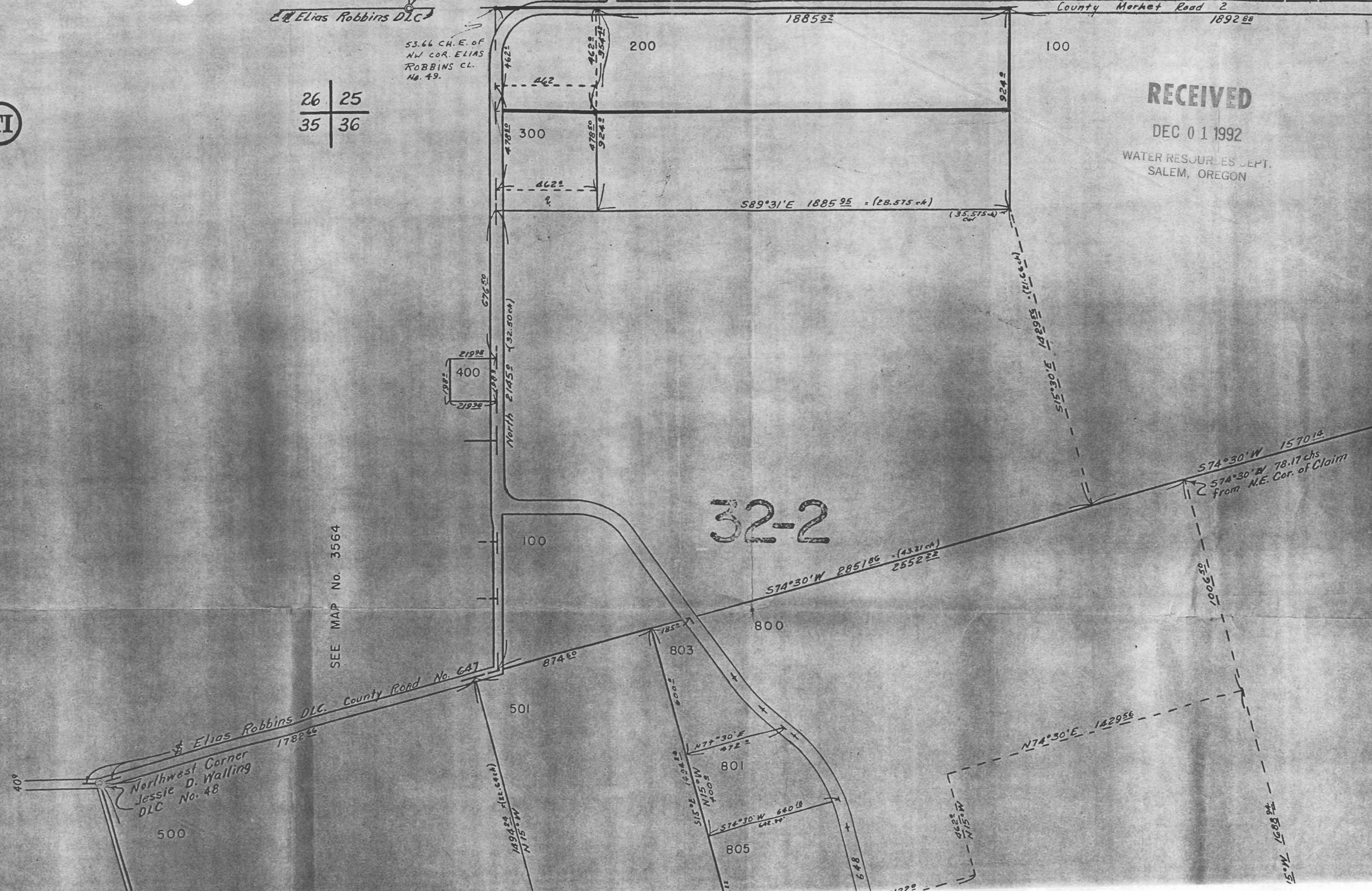
53.66 CH. E. OF NW COR. ELIAS ROBBINS CL. No. 49.

26 | 25  
35 | 36

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WATER RESOURCES DEPT. SALEM, OREGON



SEE MAP No. 3564

Elias Robbins DLC. County Road No. 647

Northwest Corner Jessie D. Walling DLC No. 48

574°30'W 1570.14  
574°30'W 78.17 chs from N.E. Cor. of Claim

32-2

574°30'W 2851.86 = (43.21 ch)  
2552.22

874.60

185.00

803

800

N77°30'E 472.00

S15°E 1404.12

N15°W 1400.00

574°30'W 640.18

805

N74°30'E 1429.56

S15°W 965.00

N15°W 1688.00

N15°W 1494.24

501

100

400

North 2145° (32.50 ch)

676.50

478.50

162.00

200

100

1885.95

1892.88

924.00

462.00

462.00

589°31'E 1885.95 = (28.575 ch)

(35.575 ch)

S15°30'E 1429.56

1006.50

N15°W 1688.00

SEC. 35 T6SR4WWM

POLK COUNTY

SCALE 1" = 400'

SEE MAP No. 2664

S.W. Corner  
John Phillips  
D.L.C. 50

RECEIVED

26 | 25 DEC 01 1992

35 | 98  
WATER RESOURCES DEPT.  
SALEM, OREGON

27 26

34 35

200

Northwest Corner  
Elias Robbins  
DLC No. 49

100

N89°33'W 2881.56

Lot 1-36.04

1980.0

1980.0

660.0

S89°35'E 2881.56

500

600

Lot 2-36.04

1547.10

32-2

2529.12

588.08

Southwest Corner  
Elias Robbins  
DLC No. 49

621.72

1737.12

N89°33'E 843.32

400

Northwest Corner  
Jessie D. Walling  
DLC No. 48

S74°30'W

S74°50'W

1838.12

MAP No. 3664

See Map  
No.  
3664

County Road 648

46.92

330

330

364

956.40

60

SEE MAP No. 3464