

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95662**

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

RECEIVED FROM: Emma Murr
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 76-7652 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 30.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>30.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	\$

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	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
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 # **95662**

DATED: 12-30-92 BY: [Signature]

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP see NAME Upper Williams # 2A UNADJUDICATED AREA ? yes
 RECEIPT # 95662 S W R NUMBER 351
 CHECK ENCLOSURES see PRELIMINARY DATA BASE ENTRY out
 ACKNOWLEDGEMENT LETTER see ENTER ON STREAM INDEX _____
 CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
 WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION see

FORM REVIEW

_____ blanks filled in
 _____ signed
 _____ date received stamped

How was water first used?
 when was water developed? 1982+

MAP REVIEW

#3 ✓ 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
 #10 ✓ "permanent-quality" paper
 ✓ 410th Ac

IRRIGATION ONLY
 SEE LETTER
 MAR 22, 1993

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

January 14, 1995

WATER
RESOURCES
DEPARTMENT

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-351

Dear Mr Guile,

I completed the review of the map and site report received from you on Dec. 6, 1994 in support of the pre-1909 vested water right claim in the name of EUGENE & EMMA MURR. The map and report meet the requirements for filing. I have added them to the file.

Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

cc: Eugene & Emma Murr

j:\w\slc\3\swr-0351.006



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

December 7, 1994

WATER
RESOURCES
DEPARTMENT

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-351

Dear Mr Guile,

This will acknowledge the receipt of the map and report you submitted in support of the pre-1909 vested water right claim in the name of EUGENE AND EMMA MURR. Due to personnel and duty changes the information will not be reviewed at this time. I will add it to the file for future review.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

cc: Eugene and Emma Murr

j\w\slc\3\swr-0351.005



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

October 17, 1994

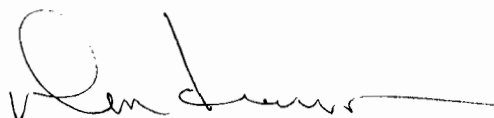
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-148,SWR-163,SWR-180,SWR-241,SWR-268,SWR-341,SWR-342,SWR-347,SWR-351,SWR-354,SWR-355

Dear Mr Guile,

This will acknowledge the receipt of the copies of letters for the above referenced files. I have added the copies to the files.

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\s\c\1\swr-³⁵¹0355.004



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

September 7, 1994

WATER
RESOURCES
DEPARTMENT

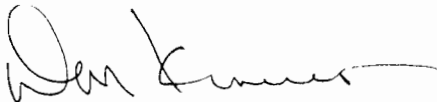
CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

re: SWR-139, SWR-148, SWR-163, SWR-180, SWR-241, SWR-168, SWR-341, SWR-342, SWR-347, SWR-351, SWR-354, SWR-355

Dear Mr Guile,

Thank you for your letter of August 30, 1994. I look forward receiving the maps for the above listed files when your schedule allows. If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\stcl1\swr-0139.003



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

SWR-166

STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

Alright you guys, this is a test, DO YOU KNOW WHAT TIME IT IS? The answer is, it's time to get the maps, reports, answers, mylars and all that kind of stuff back to the Water Resources Department. There's talk around the office of putting together a "map-patrol" with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a deterrent to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:\wp51\swr\claimant\cwrememo.94

- SWR- 139 : BRYAN
- 148 : WRIGHT
- 163 : THURMAN
- 241 : LUDINGTON
- 268 : ASH
- 341 : KNOWLSON

- SWR- 342 : WILSON
- 347 : WINGEE
- ~~353~~ : BUTLER
- 354 : AUCHE WAREZ & BEE
- 355 : AUCHE WAREZ & BEE

December 21, 1993

WATER
RESOURCES
DEPARTMENT

CHARLES W GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

Dear Mr Guile,

This will acknowledge your letter of December 14, 1993. I have thought about how I can best address your distress over the problems with the maps you prepared to support pre-1909 vested water right claims. There has been some misunderstanding with regards to the pre-1909 map requirements in the past by both claimants and Certified Water Right Examiners (CWRE). When I took this project over, I made many efforts to provide the necessary information to the folks involved. I arranged and held public meetings, mailed notices and memos, had public notices published in local newspapers, among other things.

I took a look in my files and copied two of the memos I hope will help to show my attempt to inform you of the pre-1909 vested water right mapping requirements. I have always made myself available to the CWRE,s. I do not have a record, nor do I recall, you contacting me about the pre-1909 mapping requirements.

My notes show I sent copies of my checklist, the mapping requirements and the claim of beneficial use sheet while returning the maps for SWR-139, SWR-163 and SWR-268. I am sending you another copy.

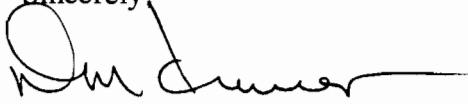


3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

On to the problem at hand. You must prepare a "final proof map and a beneficial use report" to satisfy the statutory and administrative requirements for the map to support a pre-1909 vested water right claim.

I am sending one of my cards and if there is anything you want to discuss please give me a call. The toll free number is 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer
Adjudication Specialist

October 28, 1993

CHARLES GUILLE
52 CENTENNIAL LOOP
EUGENE OR 97401

RE: File# SWR-351

DEAR CHARLES GUILLE,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Mr. & Mrs. Eugene W. and Emma Murr. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.


conveyance ORS 539.120 "...the location of and each ditch, canal, pipeline
or other means of conveying the water..."

paper OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-
inch mylar..."

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\3\SWR-0351.00M



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

March 12, 1993

EUGENE W & EMMA MURR
3901 HARMON LANE
SPRINGFIELD OR 97478

Dear MR & MRS MURR,

You failed to submit enough fees with your Surface Water Registration Statement as required under ORS 539.081.

You sent \$30.00 and your receipt #95662 is enclosed. You should have sent a total of \$430.00. The amount now due is \$400.00. As I explained on the phone, each use requires a fee, irrigation is \$30.00, domestic is \$200.00 and stock is \$200.00.

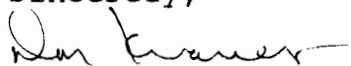
Because the source of water is shown on your supporting map as a well, you must answer the following questions so we can insure you are using surface water.

- 1) Who drilled the well and is there a log of the construction?
- 2) What is the distance between the well and the nearest surface water source?
- 3) What is the difference in elevation between the ground surface at the well and the nearest surface water source?
- 4) What is the depth of the well and length of the casing?

Your claim will not be processed until these remaining fees and information is received. Your claim has been numbered SWR-351.

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

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure



CLAIM OF BENEFICIAL USE REPORT

DEC 1994

SWR - 351

WATER DEPT
SALEM, OREGON

On November 8, 1994, I and my transitman met with Mr. Eugene Murr on his property and made the field survey of the existing place of use. Mr. Murr's address and the address of the property is 3901 Harmon Lane, Springfield, OR. 97478. His phone number is 1-~~800~~ 746-4733. I do not hot know if the present system compares to the pre-1909 system used. 503

The source of water is a shallow well having a 4" diameter casing 17 feet deep with the intake being at 15 feet in depth.

The Diversion point is the well itself

Mr. Murr uses a Sta-rite Electric 2 Horsepower motor @ 3450 rpm Model No. C56M2511AZ, Serial No. BRB2927. The pump is connected directly to a Sta-rite centrifical pump Model DBG-52-3, Code 2B78 having a 2" diameter intake and discharge openings. The well, pump and motor are within a 5' x 11' well house attached to the Southeast corner of a shop building. Mr. Murr stated that the motor kicks on at 25 psi and kicks off at 40 psi. The system runs at 35 psi.

At this time of the year, the irrigation system was not in operation. The pump and motor is attached permanently to the well in the well house. Mr. Murr has buried main line pipes, being 3" plastic pipe to the pasture and 1 1/2" galvanized pipe to the lawn. For the pasture, Mr. Murr uses 2 1/2" diameter aluminum pipe for the laterals with 5 Rainbird No. 30 H sprinklers having a 3/16" diameter nozzle opening. For the lawn, Mr. Murr stated that there are 8 difference operating systems using Toro Super 600, Toro 579 and smaller Toro (I could not read a number on them) pop-up sprinklers. He also said, that each system was designed to use 18 gpm when in operation.

The use of water is for pasture irrigation, lawn and shrub irrigation around the house. Mr. Murr's ground is basically flat.

Assuming that the pump was running at 75% efficiency with the 15 foot lift at 35 psi, I calculate the cfs to be 0.14 cfs. $\frac{6.60}{15} \times \frac{2 \text{ hp}}{(35 \times 2.31)} = 0.14 \text{ cfs.}$

Using the sprinklers for the pasture at 35 psi, I calculate the cfs to be 0.067 cfs.

$$\frac{5 \times 6/0}{448.8} = \frac{30.0}{448.8} = 0.067 \text{ cfs.}$$

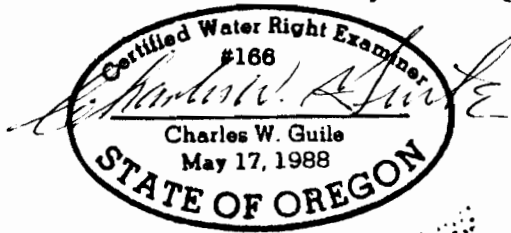
Using 18 gpm for the lawn, I calculate the cfs to be 0.037 cfs.

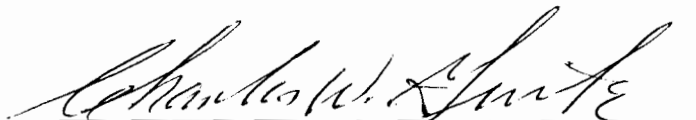
$$\frac{18 \text{ gpm}}{448.8} = 0.037 \text{ cfs.}$$

The average being 0.067 + 0.037 = 0.104 or 0.10 cfs for the sprinklers or the average for the system being 0.14 + 0.10 = 0.24 divided by 2 = 0.12 cfs.

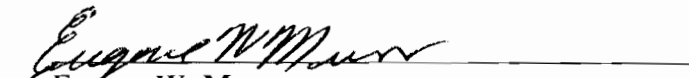
The diversion point is the well itself as described above was tied by survey using a Total Station instrument to the Lane County Brass Cap monument marking the Southeast corner of the R. R. Harper Donation Land Claim No. 66, in Section 6, Township 18 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon. Bearings were based on a local private survey and are local True Bearings. By calculations, the Point of Diversion computes to be 296 feet South and 119 feet West of the said SE Corner of the Harper DLC No. 66.

The final proof survey and inspection of the use as found to be for SWR - 351 was done by me on November 8, 1994 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.




Charles W. Guile CWRE 166

I, Eugene W. Murr, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided for my application being SWR - 351.


Eugene W. Murr

November 20, 1994
92-88
92088D01.wpd

CHARLES W. GUILLE & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

Mr. Don Knauer
Adjudication Specialist
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

December 4, 1994
92-85 & 92-88

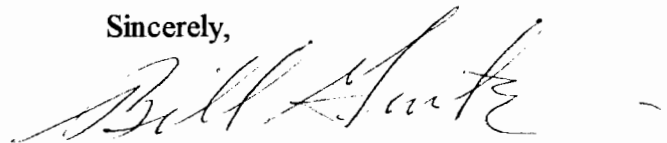
RECEIVED
DEC 4 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Knauer:

Enclosed are the Final Proof Map and Beneficial Use Report for Ira Winger (SWR - 347)
and for Eugene W. and Emma Murr (SWR - 351).

If you have any questions, please give me a call. Thank you.

Sincerely,



Bill Guile

CHARLES W. GUILLE & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON

TELEPHONE 935-2025

Mr. Eugene Murr
3901 Harmon Lane
Springfield, OR 97478

October 7, 1994
92-88

RE: SWR-351

Dear Mr. Murr:

In regards to your Pre-1909 Vested Water Right Claim, Mr. Don Knauer of the State of Oregon Water Resources Department says that the Map I prepared for you is not right, that I should have prepared a **FINAL PROOF MAP AND A BENEFICIAL USE REPORT** for you to submit along with your claim. On May 29, 1991, Mr. Knauer did send out a memo stating this, of which I placed it in my water right's file along with numerous other mailings from the Department and forgot about receiving his memo when you contacted me to prepare the map.

I was not asked to do a map for a Pre-1909 claim until late in 1992 and early in 1993. The instructions to you that we discussed was only that a map prepared by a CWRE must be submitted along with your claim of use. The instructions to you did not specify that a final proof map and beneficial use report was require. If it had, I would have known what was needed and would have advised you differently and would have prepared the final proof map and the beneficial use report, if you still thought that you had a claim.

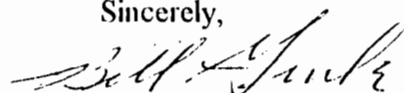
To prepare a Final Proof Map, I will need to survey the area of actual use and make a tie to a government corner. To prepare the Beneficial Use Report, I will need to get data from the motor, pump, sprinklers, etc., so to prepare the report. In case of springs, we will have to survey the spring and the lines to the place of use for the map.

For the maps that I prepared from records, I will have to charge for the field survey and the data collected for the beneficial use report, but will prepare the new final proof map at no charge. For the maps that I did do a field survey for, I will only charge for the time spent in gathering the data for and preparing the Beneficial Use Report.

The above four sentences are a form type letter for you and others. On December 30, 1992 the Water Resources Department received your application map and on October 28, 1993, Mr. Knauer wrote me a letter that additional information was needed.

If you wish to proceed with your claim, I will need to come to your property and survey your irrigated area as I indicated above and get the data for the beneficial use report. If, you do proceed, I would like to coordinate the trip to complete Mr. Winger's at the same time. Please write or phone me. Thank you.

Sincerely,



Bill Guile

cc: Mr. Knauer

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401
TELEPHONE 343-9855

RESIDENCE
ELMIRA, OREGON
TELEPHONE 935-2025

RECEIVED

AUG 31 1994

WATER RESOURCES DEPT.
SALEM, OREGON

August 30, 1994

Mr. Don Knauer
Adjudicated Specialist, Water Resources Dept.
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Beneficial Use Permits and Final Proof Maps
For Adjudication

Dear Mr. Knauer:

I have misplaced your last letter but I remember by the tone of your letter it appears that I am not only the CWRE that has not responded to your request of submitting a Beneficial Use Report and a Final Proof Map for the various owners that I prepared a map for their adjudicated request's.

Again, I feel that the property owners were misled when the application only stated that a map by a CWRE was needed and did not explain to them that the above was needed.

I will begin contacting the clients that I was involved with. Some, I did not know they were applying for adjudication as they also applied for a Water Permit with the maps that I prepared. One I only revised the map as her first CWRE was sick not knowing the background. The City of Eugene had specialist Attorney's in Water Rights from Portland involved and they did not mention that the above was needed. Some I would have advised against if I knew the above was needed.

Anyway, I am now in the process of notifying my clients that additional data is needed. I cannot give you a precise time table, only that it will probably run into next year. I will concentrate first on the ones that are irrigating land. Some of them might not qualify.

I am enclosing a copy of my letter to you dated December 14, 1993 which shows the ones that I have to contact. I have already completed the field survey for the Bryan's.

Thank you.

Sincerely,



Charles W. "Bill" Guile
CWRE 166

RECEIVED

DEC 20 1993

CHARLES W. GUILÉ & ASSOCIATES, Co.
LAND SURVEYING

52 CENTENNIAL LOOP
EUGENE, OREGON 97401

TELEPHONE 343-9855

WATER RESOURCES DEPT
RESIDENCE
SALEM, OREGON

TELEPHONE 935-2025

Mr. Don Knauer
Adjudicated Specialist
Water Resources Department
Salem, OR 97310

December 14, 1993

RE: Your Letters as follows for:

File # SWR-139	dated June 22, 1993 - Bryan	(92-79)
File # SWR-148	dated June 24, 1993 - Wright	
File # SWR-163	dated June 29, 1993 - Tradeau	(92-81)
File # SWR-180	dated July 30, 1993 - Owens	(92-91A)
File # SWR-241	dated September 3, 1993 - Luddington	(93-27)
File # SWR-268	dated September 21, 1993 - Ach	(92-87)
File # SWR-341	dated October 26, 1993 - Knowlson	(92-26)
File # SWR-342	dated October 26, 1993 - Wilbur	(92-26)
File # SWR-347	dated October 27, 1993 - Winger	(92-85)
File # SWR-351	dated October 28, 1993 - Murr	(92-88)
File # SWR-354	dated October 29, 1993 - City of Eugene	(92-89A)
File # SWR-355	dated October 29, 1993 - City of Eugene	(92-89B)

Dear Mr. Knauer:

I apologize for being so late in answering the above referred letters from you for the above referred File numbers.

When I began to receive your letters, I got so disgusted that I just threw them into a file as I could see that all would be returned. I think that all of the maps that I prepared for my clients who applied for Adjudicated Rights have now been returned. Also, I had many projects that had to be done by the end of 1993 which have now been completed. Therefore, I must take care of the above referred Files.

I guess what disturbs me the most is that I do not remember seeing anything that said the CWRE had to make a final proof map and a beneficial use report to be submitted along with my clients application for their Adjudicated Rights claims.

I have a copy of your pamphlet titled "Should I File a Pre-1909 Water Right Claim" dated April, 1990 which says that the claimant needs a map prepared by a CWRE and that the claimant needs to document their claims. I do not see where a beneficial use report from the CWRE is required.

Also, as I remember, the forms that my clients filled out with their application for their claim only said that a map by a CWRE was required. I told some of my clients who asked before they made application if they felt that they could document their proof of use, I would make the map.

RECEIVED

DEC 20 1993

WATER RESOURCES DEPT
SALEM, OREGON

Page 2

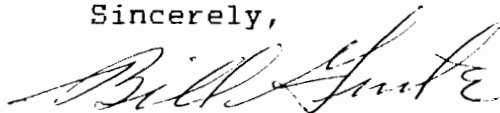
Therefore, I called my maps application maps and except for 5 of the maps, they were prepared from records and not from a field survey.

It appears that in all of the above referred File Numbers, you are asking me to prepare a Final Proof Map and a Beneficial Use Report for each. Please let me know by letter if this is what you expect for each and I will contact each client as to how I should proceed to meet your requirements as stated in your letters.

I have another client, Mr. Dale Carlson, who wants me to prepare the map for his claim. I want to do it correct the first time and I would appreciate hearing from you first. I told him I could do it in January, 1994.

Thank you for your understanding and promptness in replying.

Sincerely,



Charles W. "Bill" Guile

cc: clients

TWP 18 S. R. 2 W. W.M.
SECTION 6
WATER RIGHT APPLICATION
MAP FOR

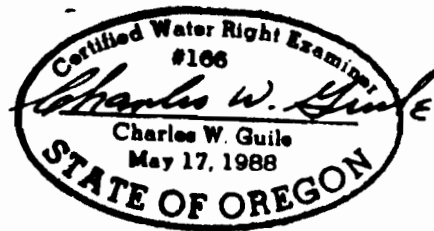
EUGENE W. & EMMA MURR
TAX LOT 1604 MAP 18-02-06
LANE COUNTY, OREGON
DECEMBER 28, 1992

Accepted

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

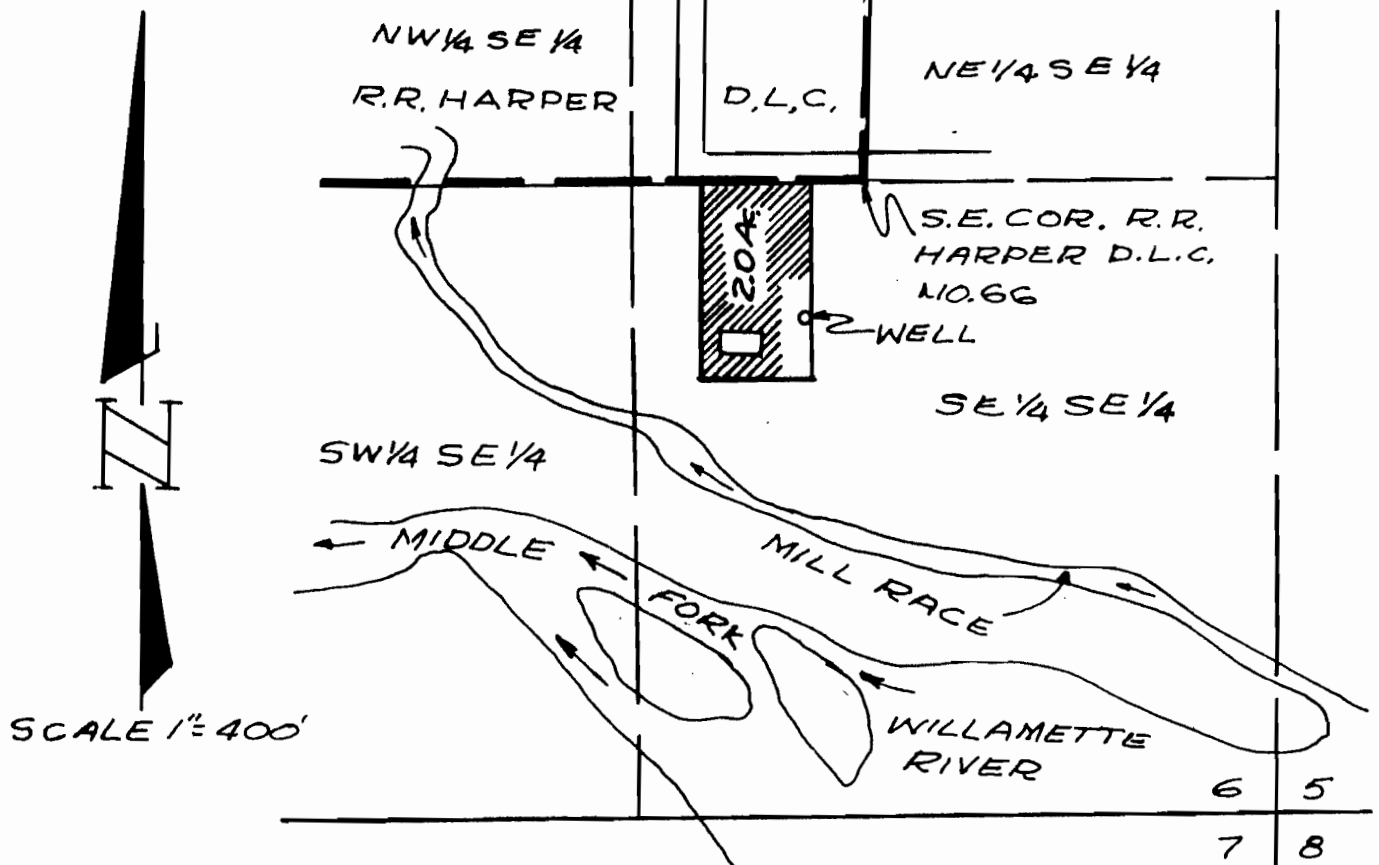
CHARLES W. GUILLE
& ASSOCIATES, CO.
Land Surveying
68 Centennial Loop
Eugene, OR 97401



DIVERSION POINT

WELL: 295.0 FEET SOUTH
AND 120.0 FEET WEST OF THE
SE COR. D.L.C. NO. 66

THIS MAP IS FOR WATER
RIGHT PURPOSES ONLY AND
DOES NOT PROVIDE DATA TO
LOCATE PROPERTY
BOUNDARIES



PREPARED FROM RECORDS

92-88

RECFIVED

MAR 24 1993

**WATER RESOURCES DEPT
SALEM, OREGON**

MARCH 22, 1993

DON KNAUER
Adjudication Specialist
Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, Oregon 97310

Dear Mr. Knauer,

I drove the well in 1982, the only log is what I remember that is the well has a 4" inch inside diameter 3/8 inch wall pipe that has been perforated 7 feet up from the bottom. The well has 6 inch of concrete 1½ feet of sandy loam an 15 feet of river rock raning from 1 inch to 12 inch in diameter with sand mixed in.

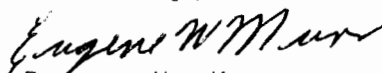
There is 9 feet 5 inch (at normel flow) distance from ground level at the well and the water in the mill race.

The casing length is 17th deep and the suction pipe is 15feet 6 inch.

Dew to the large amount of iron in the well water and the cost of making it drinkable we would like to amend our request for domestic and stock use to irrigation only. We have Willamette Water system water in our home and will use it for our stock and shop.

The rearest surface water is the millrace 440 feet to 450 feet from the well depending on the water level the flow is east to west with the well to the north.

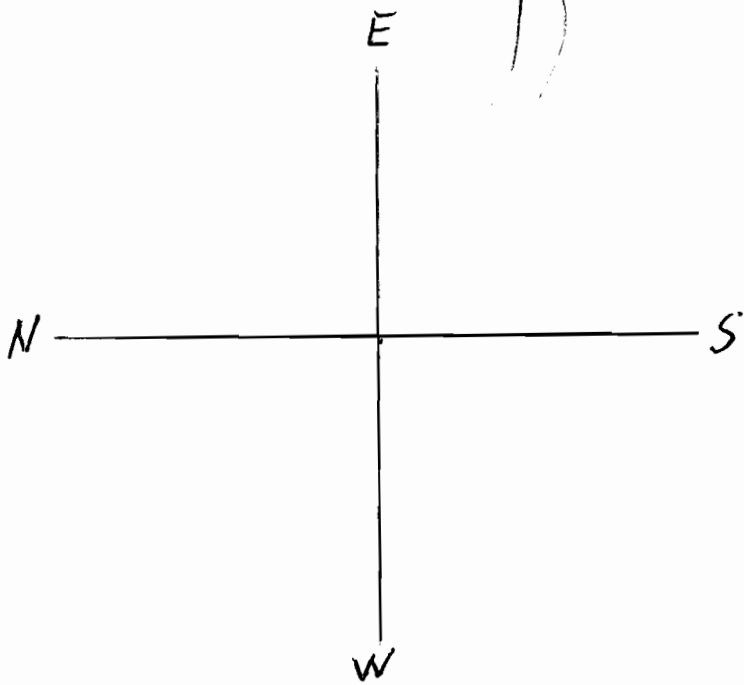
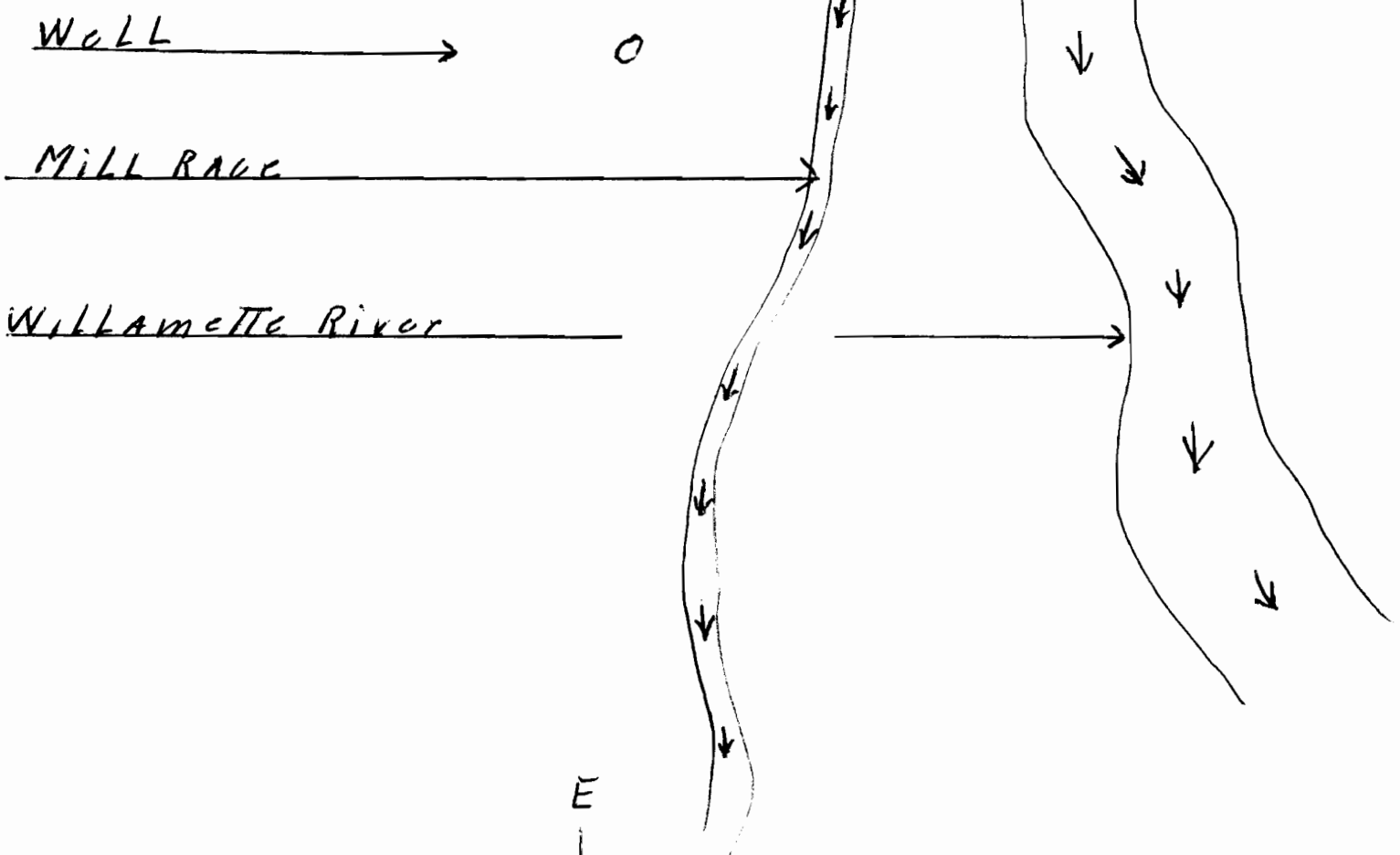
Sincerely,


Eugene W. Murr

RECEIVED

MAR 24 1993

WATER RESOURCES DEPT
SALEM, OREGON

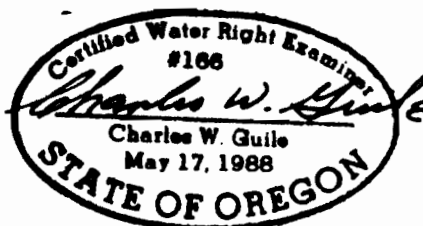


TWP. 18 S. R. 2 W. W.M.
SECTION 6
WATER RIGHT APPLICATION
MAP FOR

EUGENE W. & EMMA MURR
TAX LOT 1604 MAP 18-02-06
LANE COUNTY, OREGON
DECEMBER 28, 1992

RECEIVED
DEC 30 1992
WATER RESOURCES DEPT.
SALEM, OREGON

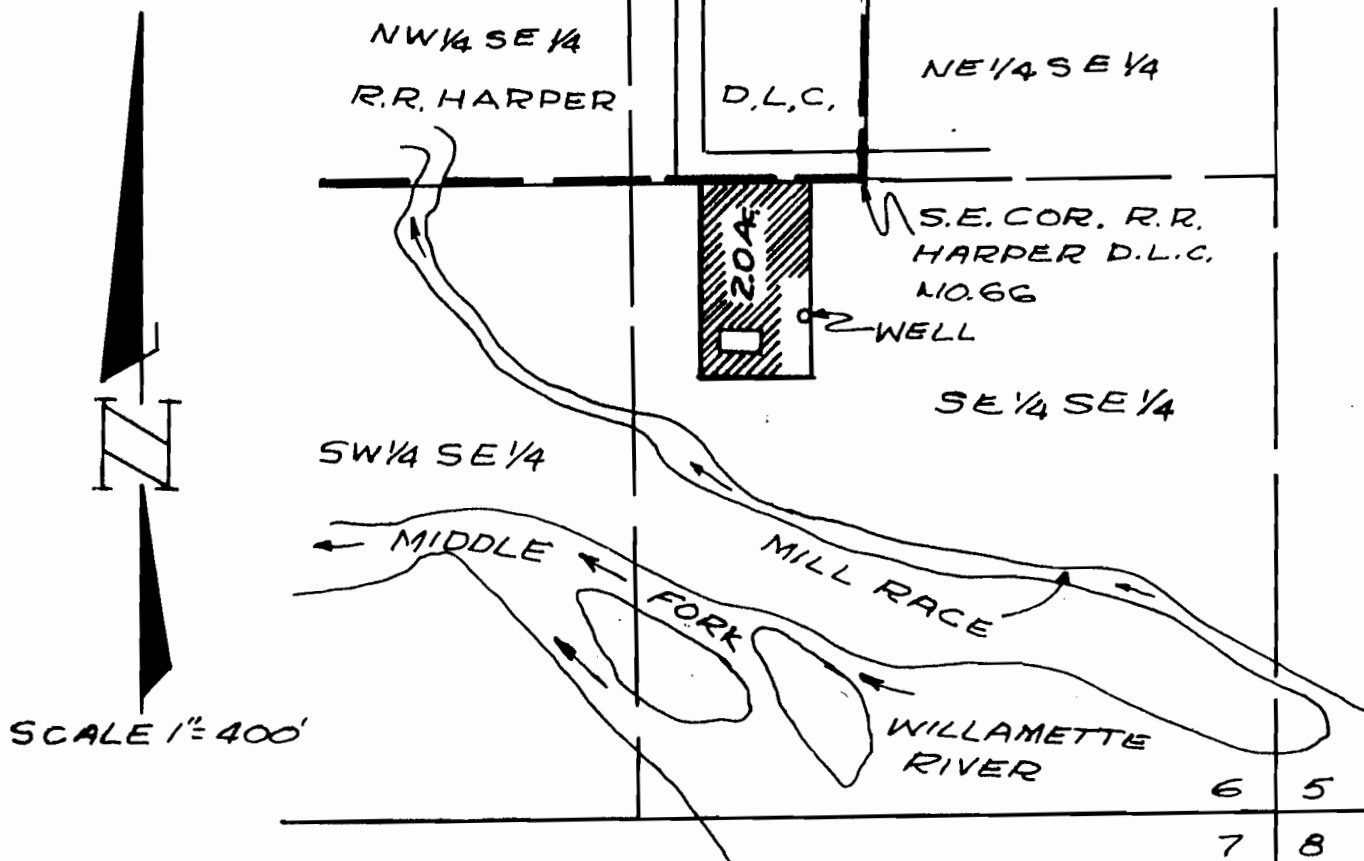
CHARLES W. GUILLE
& ASSOCIATES, CO.
Land Surveying
88 Centennial Loop
Eugene, OR 97401



DIVERSION POINT

WELL: 295.0 FEET SOUTH
AND 120.0 FEET WEST OF THE
SE COR. D.L.C. NO. 66

THIS MAP IS FOR WATER
RIGHT PURPOSES ONLY AND
DOES NOT PROVIDE DATA TO
LOCATE PROPERTY
BOUNDARIES



PREPARED FROM RECORDS

92-88

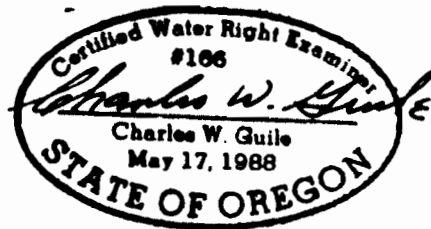
TWP. 18 S. R. 2 W. W.M.
SECTION 6
WATER RIGHT APPLICATION
MAP FOR

EUGENE W. & EMMA MURR
TAX LOT 1604 MAP 18-02-06
LANE COUNTY, OREGON
DECEMBER 28, 1992

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

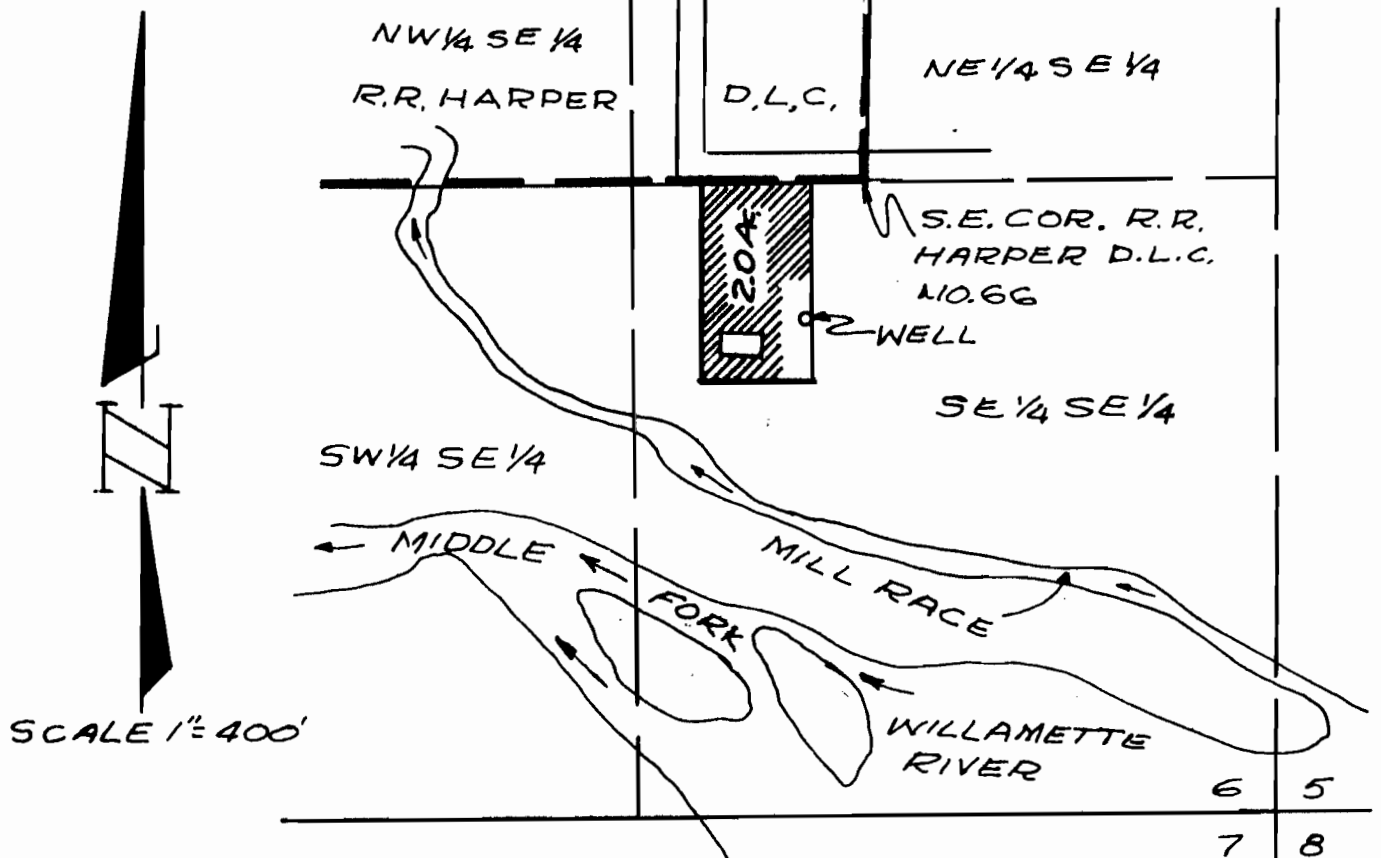
CHARLES W. GUILLE
& ASSOCIATES, CO.
Land Surveying
68 Centennial Loop
Eugene, OR 97401



DIVERSION POINT

WELL: 295.0 FEET SOUTH
AND 120.0 FEET WEST OF THE
SE COR. D.L.C. NO. 66

THIS MAP IS FOR WATER
RIGHT PURPOSES ONLY AND
DOES NOT PROVIDE DATA TO
LOCATE PROPERTY
BOUNDARIES



PREPARED FROM RECORDS

92-88

Land Use Information Form: Permits, Licenses, Water Uses In Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: EUGENE W. & EMMA MURR
 Address: 3901 HARMON LANE
 City: SPRINGFIELD State: OR Zip: 97478
 Phone: 746-4733 WRD Application No.: _____

DEC 30 1992

WATER RESOURCES DEPT
 SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>18-02-06</u>	<u>E-25 PLOT 1011</u>			<u>X</u>
<u>TL 1604</u>	<u>AGRICULTURE/R2S</u>			

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.212(2)(a). Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

WRD Applicant Name: _____

Receipt for Request for Land Use Information

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: THOM LANFEAR
Title: ASSOCIATE PLANNER

Date: ~~6-7~~ 12-23-92
Phone: 687-4054

Signature: Thom Lanfean

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Continuations or Additional Comments:

Lined area for providing continuations or additional comments.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: EUGENE W. & EMMA MURR
 Address: 3901 HARMON LANE
SPRINGFIELD, OR 97478
 Phone: 746-4733

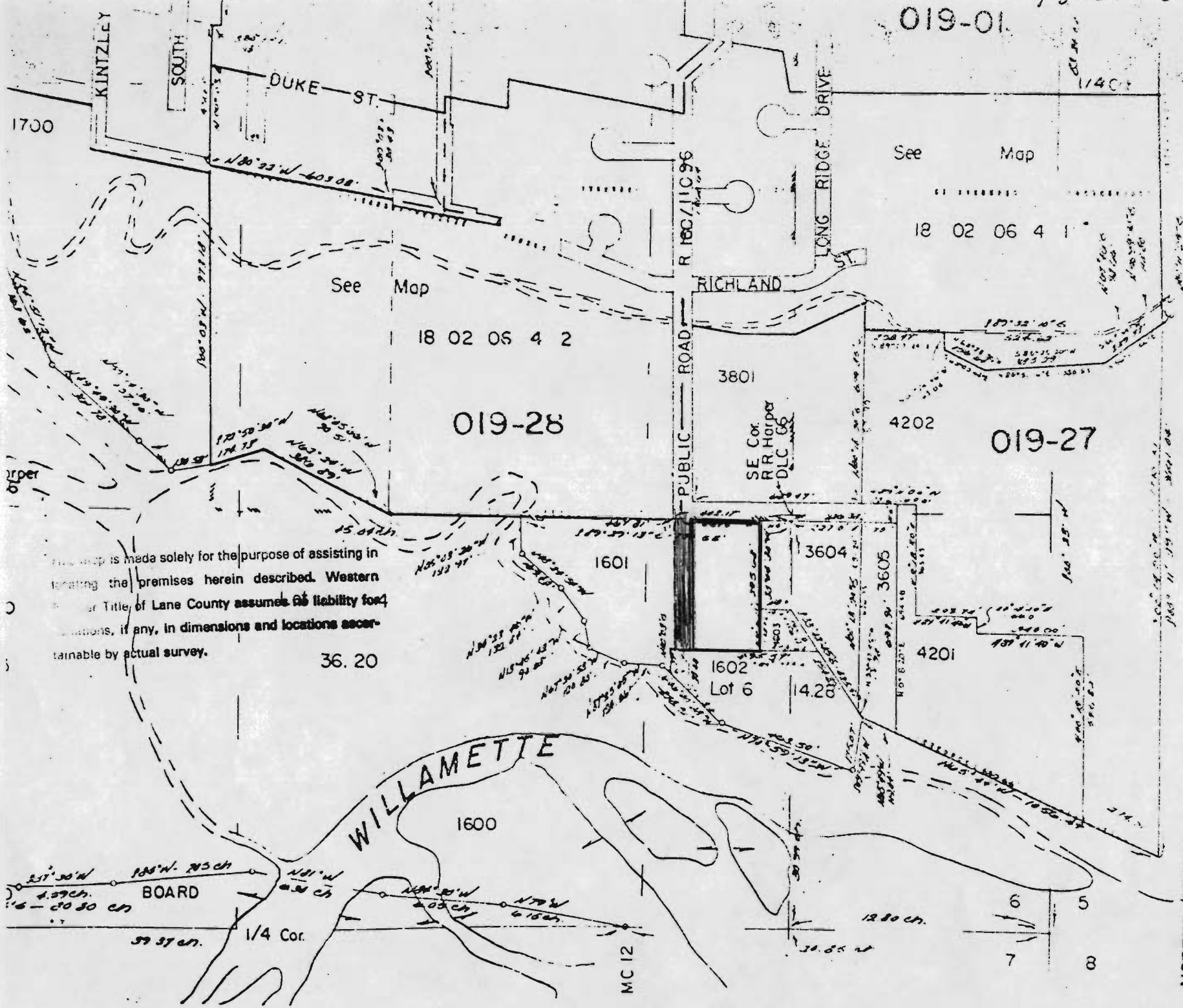
DEC 30 1992

WATER RESOURCES DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): PASTURE
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>11.20</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water <u>WELL</u>	



019-01

019-28

019-27

This map is made solely for the purpose of assisting in locating the premises herein described. Western Title of Lane County assumes no liability for errors, omissions, if any, in dimensions and locations ascertainable by actual survey.

36.20

WATER RESOURCES DEPT.
SALEM, OREGON

DEC 30 1992

RECEIVED

See Map 18 02 05

See Map

18 02 06 4 1

18 02 05 4 2

3801

4202

1601

3604

3605

4201

1602
Lot 6

1428

1600

BOARD

1/4 Cor.

MC 12

1 2 3 4 5 6 7 8
N 8 9 1 1 2 3 4 5 6 7 8

RECEIVED

DEC 30 1902

M. Levinger et al
to
Booth-Kelly Lumber Company

WARRANTY DEED

Filed for record January 9, 1904 at 2 o'clock P. M.
E. W. Lee, County Clerk.

J. D. Hamlin, Deputy:

WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

THIS INSTRUMENT WITNESSETH, That we S: M: Douglas and Florence Douglas his wife K. M. Weber and
Lola D. Weber his wife and M: Levinger and Harriet Levinger his wife for and in consideration of
the sum of One Thousand (\$1000.00) Dollars to us paid he hereby Bargain. Sell and Convey unto the
Booth-Kelly Lumber Company, a corporation the following described premises to-wit;

Commencing at a point on West line of the J: R: Magness Donation Land Claim being claim No. 50
in T 14 S.R. 2 W., 4.38 chains south of the S.E. corner of the R.R. Harper Donation Land Claim No.,
66 thence south 26.24 chains to S.W. corner of said Magness Donation Land Claim, thence East, on South
line thereof 2.97 chains thence N. 39-3/4 degrees W. 10.11 chains thence N. 41-2 degrees W. 15.16
chains thence N. 34 degrees W. 6.31 chains to the place of beginning as marked out in County Survey
No. 1376 containing 37.51 Acres more or less of surface, of which about 6.50 acres is land on the
north side of Willamette River, the residue being river or bar, or land on south side of river, all
in LANE COUNTY, Oregon.

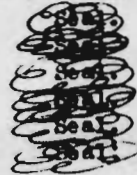
TO HAVE AND TO HOLD the said premises with their appurtenances unto the said The Booth-Kelly
Lumber Company its successors and assigns forever: And the said S. M. Douglas M. N. Weber and M.
Levinger do hereby covenant to and with the said The Booth-Kelly Lumber Company its successors
and assigns that they are the owners in fee simple of said premises; and they are free from all
encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever:

IN WITNESS WHEREOF We have hereunto set our hands and seals this 11th day of December A.D. 1903.

Done in presence of

- A. E. Gallagher
- F. M. Hill
- B. P. McNeill
- Geo. Patmore
- L. Bilyeu
- E.H. Collier

- M. Levinger
- Harriet Levinger
- M. N. Weber
- Lola D. Weber
- Florence Douglas
- S. M. Douglas



State of Washington)

County of Spokane ss On this, the 11th day of December A. D. 1903 personally came before me a
Notary Public in and for said County the within named M. Levinger and Harriet Levinger his wife
to me personally known to be the identical personas described in and who executed the within instru-
ment, and acknowledged to me that they executed the same freely and voluntarily for the purposes
therein named.

WITNESS my hand and seal this 11th day of December 1903.

A. E. Gallagher

(Seal)

Notary Public for Washington, residing at Spokane, Wash.

State of California)

County of Humboldt ss On this 17th day of December A. D. One Thousand nine Hundred and Three before
me. Joseph Hull a Notary Public in and for said County, appeared M. N. Weber and Lola D. Weber his
wife known to me to be the persons described in and whose names subscribed to the annexed in-
strument, and acknowledged to me that they executed the same

WITNESS my hand and official seal.

Jos Hull

(Seal)

Notary public in and for the County of Humboldt, State of California:

State of Oregon)

County of Lane) ss On this the 9th day of January A. D. 1904. personally came before me, a Notary
Public in and for said county, the within named S. M. Douglas and Florence Douglas his wife to me
personally known to be the identical persons described in and who executed the within instrument.
and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes
therein named.

WITNESS my hand and seal this 9th day of January 1904.

(Seal)

L. Bilyeu Notary Public for Oregon.

HLO ***** JLG ***** HLG ***** HLO *****

DEED

Rufus Mallory)

Filed for record January 9th 1904. at 2.30 o'clock P. M.

to

E. W. Lee, County Clerk.

James Laxton)

KNOW ALL MEN BY THESE PRESENTS, That Rufus Mallory Trustee of Portland County of Multnomah, State
of Oregon, in consideration of Two Hundred Dollars to him paid by James Laxton of Springfield County
of Lane State of Oregon, the receipt whereof is hereby acknowledged have bargained and sold and by

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT SERVICES
PUBLIC WORKS
METROPOLITAN WASTEWATER MANAGEMENT

SPRINGFIELD



225 FIFTH STREET
SPRINGFIELD, OR 97477
(503) 726-3753

RECEIVED

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

December 17, 1992

SUBJECT: REGISTRATION OF PRE-1909 VESTED WATER CLAIM

Over the past year there have been articles in local newspapers concerning adjudication of water rights for the Willamette Drainage Basin. This basin is among the last areas in the State scheduled for adjudication - the legal process used by the Oregon Water Resources Department certify water rights claims based on continuous historical since a date prior to 1909. The deadline for filing a surface water registration statement for a pre-1909 vested water right claim is December 31, 1992.

The City of Springfield will be filing a registration statement for water from the Middle Fork of the Willamette River. The Willamette has been the source of water for the Springfield Millrace since 1852 when the channel was hand dug by Elijah Briggs. The Millrace has provided water for both municipal and industrial uses for more than 85 years.

Please remember that the City of Springfield's registration statement will be for the City's use of the water for municipal purposes on behalf of its residents. The City's registration statement will not serve to certify or decertify water rights claims of other individuals or corporations. Other individuals or corporations seeking to certify water rights claims must file their own claims.

As a matter of information to you, registration of water rights is a State process. It is a process that the City is required to undertake; the City has no control over the process or findings by the State. Thus, if you have any inquiries or concerns about the water rights process they should be directed to the Oregon Water Resources Department.

This letter is being sent to you in order to keep you informed about actions being taken by the City to manage Millrace water levels. If the entire amount of water rights claimed by the City's application is granted, we believe that the City will have the right to maintain the Millrace at normal flow levels the year round. Of course there are no guarantees.

If you believe that you have a valid pre-1909 vested right claim to water from the Millrace, Middle Fork of the Willamette, Gory Creek or an associated water course you may wish to file a registration statement. For additional

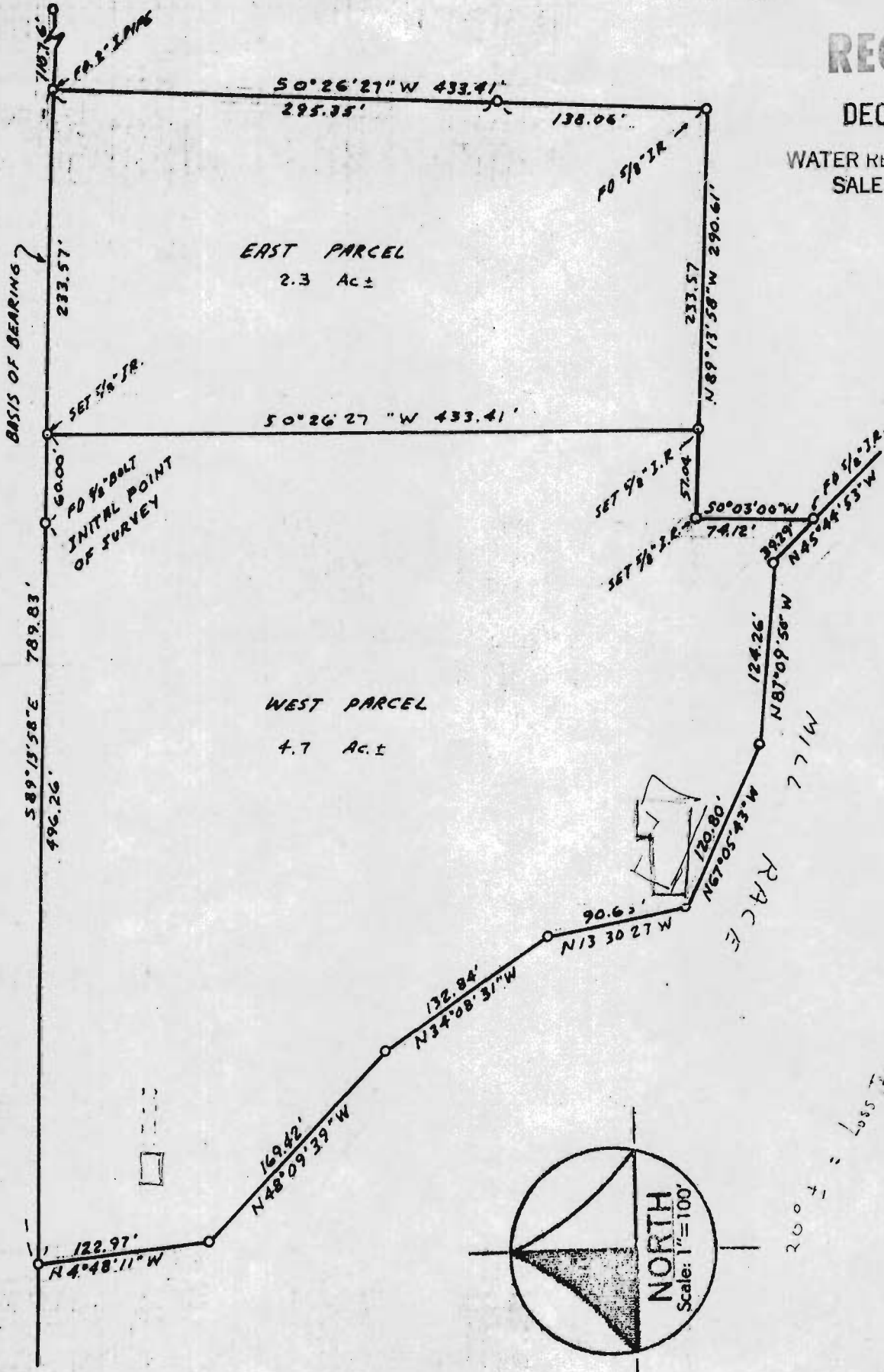
SOUTHEAST CORN.
R.R. HARPER D.L.C. No. 66

RECEIVED

DEC 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

JOB NO. 73-358A



REFERENCES:

C.S. FILE # 18373
O.S. FILE # 19045

TL 1601

LEE C. PLANTS, PROFESSIONAL ENGINEER
54 CENTENNIAL LOOP; EUGENE, OREGON (503) 686-9211
510 KINGWOOD STREET; FLORENCE, OREGON (503) 997-8411



PROJECT

PROPERTY SURVEY

CLIENT

IRA WINGER

LOCATION

SE 1/4, SEC. 6, T78S, R2W, W.M.
LANE COUNTY, OREGON

DRAWN BY: OK

MAY 4, 1976

JOB NO. 73-358A

TRUST DEED

THIS TRUST DEED, made this 4th day of August, 1980, between

EUGENE W. MURR AND EITMA MURR, husband and wife
as Grantor, WESTERN PIONEER TITLE COMPANY OF LANE COUNTY, as Trustee, and
IRA J. WINGER AND VIRGINIA L. WINGER, husband and wife
as Beneficiary,

RECEIVED
DEC 30 1992
WATER RESOURCES DEPT
SALEM, OREGON

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in LANE County, Oregon, described as:

Beginning at a point being North 89° 13' 58" West 110.76 feet from the Southeast corner of the R. R. Harper Donation Land Claim No. 66, in Township 18 South, Range 2 West of the Willamette Meridian, thence South 0° 26' 27" West 433.41 feet; thence North 89° 13' 58" West 233.57 feet; thence North 0° 26' 27" East 433.41 feet; thence South 89° 13' 58" East 233.57 feet to the point of beginning, in Lane County, Oregon.

TOGETHER WITH: A 20.00 foot easement being 10.00 feet on each side of the following described centerline; Beginning at a point being North 89° 13' 58" West 344.33 feet from the Southeast corner of the R. R. Harper Donation Land Claim No. 66, in Township 18 South, Range 2 West of the Willamette Meridian; thence South 0° 32' 00" West 433.43 feet to the point of terminus, in Lane County, Oregon.

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of THIRTY EIGHT THOUSAND AND 00/100 (\$38,000.00) Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable September 15, 1980.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of said note becomes due and payable. In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable.

The above described real property is not currently used for agricultural, timber or grazing purposes.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.

2. To complete or restore promptly and in good and workmanlike manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.

3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting said property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.

4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the said premises against loss or damage by fire and such other hazards as the beneficiary may require, in an amount not less than \$38,000.00, written in companies acceptable to the beneficiary, with loss payable to the latter; all policies of insurance shall be delivered to the beneficiary as soon as insured; if the grantor shall fail for any reason to procure any such insurance and to deliver said policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. To keep said premises free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against said property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefor to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof and for such payments, with interest as aforesaid, the property hereinbefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described, and all such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including any suit for the foreclosure of this deed, to pay all costs and expenses, including evidence of title and the beneficiary's or trustee's attorney's fees; the amount of attorney's fees mentioned in this paragraph 7 in all cases shall be fixed by the trial court and in the event of an appeal from any judgment or decree of the trial court, grantor further agrees to pay such sum as the appellate court shall adjudge reasonable as the beneficiary's or trustee's attorney's fees on such appeal.

It is mutually agreed that:

8. In the event that any portion or all of said property shall be taken under the right of eminent domain or condemnation, beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking, which are in excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid or incurred by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby; and grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon beneficiary's request.

9. At any time and from time to time upon written request of beneficiary, payment of its fees and presentation of this deed and the note for endorsement (in case of full reconveyances for cancellation), without affecting the liability of any person for the payment of the indebtedness, trustee may

(a) consent to the making of any map or plat of said property; (b) join in granting any easement or creating any restriction thereon; (c) join in any subordination or other agreement affecting this deed or the lien or charge thereof; (d) reconvey, without warranty, all or any part of the property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee's fees for any of the services mentioned in this paragraph shall be not less than \$5.

10. Upon any default by grantor hereunder, beneficiary may at any time without notice, either in person, by agent or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in its own name sue or otherwise collect the rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees upon any indebtedness secured hereby, and in such order as beneficiary may determine.

11. The entering upon and taking possession of said property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured hereby or in his performance of any agreement hereunder, the beneficiary may declare all sums secured hereby immediately due and payable. In such an event the beneficiary at his election may proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale. In the latter event the beneficiary or the trustee shall execute and cause to be recorded his written notice of default and his election to sell the said described real property to satisfy the obligations secured hereby, whereupon the trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.740 to 86.795.

13. Should the beneficiary elect to foreclose by advertisement and sale then after default at any time prior to five days before the date set by the trustee for the trustee's sale, the grantor or other person so privileged by ORS 86.760, may pay to the beneficiary or his successors in interest, respectively, the entire amount then due under the terms of the trust deed and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of the obligation and trustee's and attorney's fees not exceeding the amounts provided by law) other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default, in which event all foreclosure proceedings shall be dismissed by the trustee.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which said sale may be postponed as provided by law. The trustee may sell said property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, including the compensation of the trustee and a reasonable charge by trustee's attorney, (2) to the obligation secured by the trust deed, (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority and (4) the surplus, if any, to the grantor or to his successor in interest entitled to such surplus.

16. For any reason permitted by law beneficiary may from time to time appoint a successor or successors to any trustee named herein or to any successor trustee appointed hereunder. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers and duties conferred upon any trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by beneficiary, containing reference to this trust deed and its place of record, which, when recorded in the office of the County Clerk or Recorder of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

NOTE: The Trust Deed Act provides that the trustee hereunder must be either an attorney, who is an active member of the Oregon State Bar, a bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subdivisions, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 696.505 to 696.565.